

MINUTES
SENATE EDUCATION COMMITTEE

DATE: Wednesday, March 16, 2016

TIME: 2:00 P.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Mortimer, Vice Chairman Thayn, Senators Nonini, Patrick, Souza, Den Hartog, Anthon 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 Mortimer** called the Education Committee (Committee) to order at 2:01 p.m.

MINUTES APPROVAL: **Senator Den Hartog** moved to approve the Minutes of February 22, 2016. **Senator Souza** seconded the motion. The motion passed by **voice vote**.

Senator Nonini moved to approve the Minutes of February 23, 2016. **Senator Ward-Engelking** seconded the motion. The motion passed by **voice vote**.

Senator Ward-Engelking moved to approve the Minutes of February 24, 2016. **Vice Chairman Thayn** seconded the motion. The motion passed by **voice vote**.

PASSED THE GAVEL: Chairman Mortimer passed the gavel to Vice Chairman Thayn.

H 571 **Chairman Mortimer** presented **H 571:Relating to Education, Revise Provisions Regarding the Career-Ladder**. With this legislation, he said, the pupil service staff will be added to the career-ladder at the same level as it is for professional staff. He stated the changes in this legislation were made by the Chairmen of the House and Senate Education Committees. He reviewed for the Committee the changes that specifically address the evaluation process. He reminded the Committee that the evaluation process designed in the prior year had a portion of the evaluations being a responsibility of the State Department of Education (SDE). With further review and consideration, it was determined that section of the legislation would fit better with the governing role of the State Board of Education (SBE).

Chairman Mortimer asked Blake Youde, Chief Communications and Legislative Affairs Officer, State Board of Education (SBE), to present the remaining revisions to **H 571**.

RETURNED THE GAVEL: Vice Chairman Thayn returned the gavel to Chairman Mortimer.

Mr. Youde said that in the formulation of the career ladder there was the provision to include pupil service staff on July 1, 2016. During the past interim the SBE convened a group of in-the-field staff to identify the best fit along the career ladder and how they would progress from cell-to-cell and rung-to-rung. He reported how the members were selected and the process they undertook to design this legislation. **Mr. Youde** walked the Committee through the significant changes.

Senator Den Hartog asked if there is a specific date when school districts are required to submit the performance criteria of teachers and pupil staff. **Mr. Youde** replied the reports are due after the personnel hasve completed their responsibilities. He outlined the evaluation process and timeline. **Senator Den Hartog** asked if there are consequences if an audit shows that school districts are not in compliance for performing evaluations. **Mr. Youde** replied the SBE is required to promulgate rules for the evaluations. If evaluations are not done in full fidelity it must be determined why; perhaps more training is needed.

TESTIMONY:

Laura Mundy, School Counselor, Boise High School, said that she was the chairperson on the workgroup that helped to produce the legislation. She reported the membership makeup of workgroup represented all service staff that would be placed on the career ladder. They appreciate the momentum for competitive wages the career-ladder has created for teachers and they would like the same consideration. She outlined the steps the group developed to meet the different professional criteria to move up the career-ladder. She urged the passage of **H 571**.

Colene Letterle, Health Services Department Administrator, West Ada School District, said her role is to coordinate the school nurses and school based health clinics. She stated that she was also a member of the pupil services workgroup to develop recommendations to the SBE for this legislation. She said the workgroup did determine there is a way for this segment to consider student outcomes in addition to their professional evaluations as a way to move upward on the career ladder. She shared the indicators they developed that were unique to their professions.

Mr. Youde said the pupil support staff will begin the career ladder in 2016 and funding for this is in the proposed budget. The SBE expresses their appreciation to all those who participated in the workgroup.

Senator Ward-Engelking expressed her thanks for including all stakeholders in the career-ladder development process.

MOTION:

Senator Ward-Engelking moved to send **H 571** to the floor with a **do pass** recommendation. **Senator Den Hartog** seconded the motion. The motion passed by voice vote. Chairman Mortimer will carry **H 571** to the floor.

H 570

Representative Harris presented **H 570**, Relating to Education: Establish the Local Innovation School Act. He explained this bill built on the Governor's Task Force for Improving Education's (Task Force) recommendation number six. The goal of this bill is to empower local autonomy by removing constraints. This allows schools to respond in innovative ways to local needs through the creation of up to ten innovation schools around the State each year for five years. He stated this bill gives legislative encouragement to local leaders, teachers, principals, superintendents and school boards that think innovatively. The schools will receive waivers from SBE regulations and rules for clearly demonstrating student outcomes and meeting well-defined goals. **Representative Harris** explained the school will not be granted waivers from anything that would jeopardize accreditation status or safety laws. The bill states the school would be terminated if it didn't comply with the terms. There is a five-year sunset clause.

Representative Harris explained the process a school would undertake with their local school board to establish themselves as an innovative school. They would also set academic goals, the accountability system as well as how the school would address the graduation requirements and minimum curriculum content. This is to allow the professionals closest to the students to determine educational success then create the environment for students to achieve that. He stated this bill is supported by the Superintendent of Public Instruction for the State of Idaho.

Representative Boyle shared with the Committee her experience in a visit she had at an innovation middle school in Colorado. She detailed the history of the school and how the innovation process changed the climate from one of destruction to one of progress. She highlighted the work of teachers and administrators and reported the excitement level of the students.

Senator Souza asked what in the school changed to make the innovation possible. **Representative Boyle** replied the teachers said they had freedom to teach. There was now staff that took care of all the paperwork necessary for the regulations.

Senator Ward-Engelking asked if there is anything in the bill that ensures that the ten yearly innovation schools are not in one district. **Representative Boyle** said that restriction was left open, the bill allows for ten public schools across the State. **Senator Ward-Engelking** said many of the school regulations come from the federal government. She asked if all the ten innovations schools were in one district would the special education students all be in another school not incorporated with other students, which by federal mandates is no longer allowed. **Representative Boyle** replied there were special needs students enrolled in the Colorado school. She explained there are superintendents looking to try this program.

Senator Ward-Engelking asked if there are current rules or regulations that prevent the formation of innovation schools. **Representative Boyle** replied the rural schools are limited to how they can change the way they teach. This legislation may give them more confidence to try innovation.

TESTIMONY:

David Peterson, Superintendent, Nampa School District, reported that he too traveled to see the effective examples of the Colorado's innovation law as witnessed in visiting a Denver school. He explained why innovation cannot be accomplished with the current rules and regulations. He outlined the requirements that schools and school districts have that inhibited them to be innovative. He explained why they want this model over the current charter school model and how charter schools have caused financial burdens for districts. He emphasized this is a time when things are consumer driven and when customization and personalization are expected. He urged the passage of **H 570** (see attachment 1).

Vice Chairman Thayne asked if seat time is causing funding issues. **Mr. Peterson** explained the problem is at the high school level. **Vice Chairman Thayne** asked if seat time is changed, how do schools receive funds? **Mr. Peterson** explained the different ways schools could be compensated. The funding component would be a waiver for the SBE to authorize. **Vice Chairman Thayne** asked how the innovation school will bill the State for the students they educate. **Mr. Peterson** said it is driven by the average daily attendance.

Matt Compton, Public Policy Director, Idaho Education Association, said they are not against opposed to innovation and explained the Task Force's recommendation number six; Improving Education is to Empower Autonomy by Removing Constraint. He said this legislation does not align with the agreed-upon recommendations. He outlined a number of consequences that may result with the passage of **H 570**. He urged that **H 570** be held in Committee (see attachment 2).

Senator Ward-Engelking asked what Mr. Compton meant by the term "process." **Mr. Compton** explained that "process" is the ability to get all the stakeholders together. He believes that this legislation would be better if all voices had the opportunity to be heard.

Senator Den Hartog said it seems as though there are continuous meetings that do not come to a solution. She said she appreciates the work of the Task Force and the subcommittees. The time has come for this legislation. She asked if it would it be possible to view a bill like this as an active evaluation of the rules and regulations that have caused road blocks for the school districts, schools and teachers preventing them from implementing their innovative ideas and unleashing their potential in the classroom with students. **Mr. Compton** stated there are many road blocks to innovation in schools. He believes the **H 570** creates a free-for-all; instead stakeholders should go through Idaho Code to find where roadblocks exist. He outlined the section of the bill that allows innovation schools to be exempt from some rules and statutes. He said this is the first attempt at this recommendation and believes it would be of benefit to take more time and work with stakeholders to get more support

Senator Souza said the "process" he outlined is what has gotten the traditional schools into the current situation; continuing the same "process" will most likely result in the same outcome. She said that in **H 570** there still is a "process" and it will be at the district's local innovation school. She asked why he believes this legislation would create a free-for-all. **Mr. Compton** explained not every innovation school in Colorado has succeeded. He illustrated some examples and said there are current lawsuits. He emphasized the bill has great intentions but believes there should be more conversation to analyze the pros and cons.

Karen Echeverria, Executive Director, Idaho School Boards Association (ISBA), said that ISBA has long supported local governance. This legislation allows districts to decide whether an innovation school would work in their district. The ISBA is in support of **H 570**; however, the finding was not unanimous. She shared with the Committee the membership's questions about **H 570** (see attachment 3).

Emily McClure, Lobbyist, Charter School Network, said they are in support of **H 570**. She asked Terry Ryan, CEO, Idaho Charter School Network, to speak on **H 570**.

Mr. Ryan said that as a charter school advocate, he believes that when space is given to educators to do what they believe is best for the student there are positive results. He explained that new federal education law, Every Student Succeeds Act (ESSA), encourages innovation and the reduction of barriers for innovation. Due to nature of innovation there will be some schools that will be great at this and others that will fail. He supports **H 570** because districts and students will benefit. He urged the passage of **H 570** (see attachment 4).

Senator Den Hartog said Mr. Peterson's testimony states that families and staff want to try new and better ways to educate. Charter schools shouldn't get all the fun. She stated that these comments address the fact that educators and administrators are capable of being innovative. She said Idaho schools and districts need the chance to innovate. **Senator Den Hartog** said we have been told that some innovation schools in Colorado have not worked, but not all of the traditional schools are working either.

MOTION:

Senator Den Hartog moved to send **H 570** to the floor with a **do pass** recommendation. **Senator Souza** seconded the motion.

Senator Ward-Engelking said she is very much in favor of innovation. She is concerned that stakeholders did not have an opportunity to weigh in on this legislation, that districts and schools would be exempt from rules, and that educational inequality would occur because only 10 innovation schools will be implemented annually. She emphasized the idea is fabulous.

Vice Chairman Thayn said this is not being imposed on all schools. The schools that will be trying this are already pioneers in innovation; we will learn lessons from them. He stated it is his understanding there are still rules and laws that those schools will have to follow, just not as many.

The motion passed by **voice vote**. Senator Den Hartog will carry **H 570** to the floor.

ADJOURNED: There being no more business, **Chairman Mortimer** adjourned the meeting at 3:14 p.m.

Senator Dean M. Mortimer
Chair

LeAnn Mohr
Secretary