

MINUTES  
**HOUSE EDUCATION COMMITTEE**

**DATE:** Monday, January 29, 2018

**TIME:** 9:00 A.M.

**PLACE:** Room EW41

**MEMBERS:** Chairman VanOrden, Vice Chairman McDonald, Representatives Shepherd, Boyle, Clow, Mendive, Kerby, Cheatham, Amador, DeMordaunt, Moon, Syme, Ehardt, Kloc (Chilcote), McCrostie, Toone

**ABSENT/  
EXCUSED:** None

**GUESTS:** Harold Ott, Idaho Association of School Administrators and Idaho Rural School Administrators; Kari Overall, Matt Compton, Sue Wigdorski, Idaho Education Association; Clark Corbin, Idaho Educational News; Marilyn Whitney, Governor's Office; Quinn Perry, Idaho School Boards Association

**Chairman VanOrden** called the meeting to order at 9:02 a.m.

**Chairman VanOrden** reminded the committee of the afternoon joint meeting with the Senate Education Committee. She welcomed **Rep. Chilcote** to the committee, substituting for **Rep. Kloc**. She said there would be no testimony at print hearings and encouraged members to ask questions at the full bill hearing. Technical questions and questions on the fiscal note are appropriate at print hearings.

**RS 25793:** **Rep. Nate** spoke to **RS 25793**. Currently, twelve states allow gun safety to be taught in school, he said. This legislation encourages schools to teach gun safety, he said, but does not mandate it. Rep. Nate explained that the Eddie Eagle Program, which teaches kids to stop, don't touch, and tell an adult, reduces firearm deaths by 80%. The legislation adds Title 33, Section 16 to Idaho Code which authorizes school boards to include gun safety instruction, he said.

**MOTION:** **Rep. DeMordaunt** made a motion to introduce **RS 25793**.

In response to questions from the committee, **Rep. Nate** said the reason for the legislation is that it removes any doubt as to the legality of including gun safety classes in school.

**VOTE ON  
MOTION:** **Motion carried by voice vote.**

**H 366:** **Tracie Bent**, Chief Planning and Policy Officer, Office of the State Board of Education, spoke to **H 366**. She said it amends Section 72-205. In cases where the employer of a work study student is including the student in the employer's workman's compensation plan, the post-secondary educational institution does not also have to provide workman's compensation. In response to questions from the committee, Ms. Bent said Subsection 9 defines the work experience student, and the student does not have to receive wages to be covered by the employer's workman's compensation.

**MOTION:** **Rep. McCrostie** made a motion to send **H 366** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. McCrostie** will sponsor the bill on the floor.

**H 367:** **Tracie Bent** spoke to **H 367**. She said it extends the time period after secondary school graduation to post-secondary school attendance from six to seven years, for purposes of in-state residency status. She explained some students with strong ties to Idaho, who wanted to return to Idaho for graduate school, were falling outside of the current six-year time frame granted for in-state tuition purposes.

In response to questions from the committee, **Ms. Bent** said the Board could have chosen a date for determining when the six years begins, but it felt this would give students more room to qualify for in-state tuition, and it is simpler. The Board heard from eight students last year who did not qualify for in-state tuition, and it heard from approximately five students the previous Fall, said Ms. Bent. Only approximately seventeen percent of college students graduate in four years, she said, so this rule change also helps those students who take longer to graduate. In response to questions from the committee, Ms. Bent said if a student leaves Idaho, the student must show an Idaho domicile of twelve months before being eligible for in-state tuition again. Surrounding states' requirements vary widely, she said. Some have more restrictive requirements, but the Board has found there is a movement to be much less restrictive. Previously, Idaho had reciprocity with Washington, Oregon and Utah, but there is no longer a need for reciprocity. Another benefit of extending the time for students to be eligible for in-state tuition is that resident students can participate in professional programs, such as WWAMI, and those programs have a limited number of seats, said Ms. Bent. If the change had been in place for the last two years, it would have covered all the students who approached the Board. The Board considers students who have family or employment in Idaho to have strong ties, but it has no bearing on determining a student's residency status, said Ms. Bent. The Board considered took strong ties into consideration when deciding the time should be extended to seven years, because those students are more likely to remain in Idaho. Ms. Bent said the time of graduation from high school is the determining start time, whether the student graduates in the Summer or the Winter.

**MOTION:** **Rep. DeMordaunt** made a motion to **HOLD H 367** in committee. **Motion carried by voice vote.**

**H 368:** **Tracie Bent**, State Board of Education, spoke to H 368. She said it removes outdated language related to the public employees Optional Retirement Program. The legislation updates Section 33-107A and 33-107B, Idaho Code; removing outdated language regarding PERSI unfunded liability requirements, and updates language regarding the types of "contracts or certificates" benefits can be provided from. On July 1, 1997, Idaho community colleges and Eastern Idaho Technical College began requiring newly-hired non-classified (professional and faculty) employees to enroll in an Optional Retirement Plan (ORP) to take the place of PERSI for retirement benefits. Existing employees at the time were allowed to make a one-time election to move to the ORP or remain with PERSI. Additionally, any new non-classified employees that are already vested in PERSI at the time of hire may elect to remain in PERSI. Due to this change in 1997, PERSI required that the community colleges and Eastern Idaho Technical College pay 3.83% of all ORP employees' wages to PERSI to cover the "unfunded liability" for future retirements of employees already in the PERSI system, caused by the removal of such a large pool of employees from PERSI. The unfunded liability provision expired on July 1, 2011.

In response to questions from the committee, **Ms. Bent** said the reason the state has to contribute to the optional retirement fund at the same rate as it does for PERSI is to show the benefit from the state is the same. Regardless of how the plan performs, she said, the individual will get the same benefits from the state, even though the accounts are different. The amount the individual gets at retirement is based on the performance of the fund, unlike PERSI, said Ms. Bent. **Rep. Clow** commented this difference is important for educators who move around the country. In response to questions from the committee, Ms. Bent said not including the College of Western Idaho in Section 33-107B was an oversight, because CWI is not already on that list. This Section applies to employees hired after July 1, 1997, and the College of Western Idaho was created in the year 2007. In response to questions from the committee, Ms. Bent says if an employee at a community college is already vested in PERSI, that individual may chose to remain in PERSI. Classified staff can still participate in PERSI, but faculty and administrators must participate in the optional plan.

**MOTION:** **Rep. Syme** made a motion to **HOLD H 368** in committee.

In response to questions from the committee, **Ms. Bent** said that holding the legislation in committee would restrict which type of accounts the fund could be invested in. There are more tools now than there were in the 1990's, and holding the legislation would limit the performance of the accounts. Holding the legislation would not change that the optional retirement plan is mandatory for some employees, she added.

**SUBSTITUTE MOTION:** **Rep. McCrostie** made a substitute motion to send **H 368** to the floor with a **DO PASS** recommendation.

In response to questions from the committee, **Ms. Bent** said the reason CWI is not listed is this Section of Idaho Code applies to all community colleges. When CWI was created, a new Section of Idaho Code was created to define how they were created. The change from Eastern Idaho Technical College to Eastern Idaho College is to make sure the employees are all treated the same, said Ms. Bent. When community colleges hire employees now, said Ms. Bent, faculty and administration still must choose the optional retirement plan, but classified staff may choose either plan. The legislation only changes the types of funds the optional retirement account may invest in, she added.

**Rep. Boyle** said she supported the original motion and would like to hear the opinion of the College of Western Idaho (CWI) about this legislation. **Rep. Clow** said he supported the substitute motion. The reason CWI is not listed, he said, is because it did not exist before 1997, and the employees are already covered. **Rep. McCrostie** commented he feels comfortable with the current status of CWI faculty being able to participate in the optional retirement plan.

**AMENDED SUBSTITUTE MOTION:** **Rep. Boyle** made an amended substitute motion to send **H 368** to General Orders, for the purpose of including the College of Western Idaho on page three.

**MOTION WITHDRAWN:** **Rep. McCrostie** withdrew his substitute motion. He said he supported the amended substitute motion.

In response to questions from the committee, **Ms. Bent** said the language in question on page three, line thirteen, lists community colleges. It is not inclusive as written, but the College of Western Idaho already falls within that definition. She said the Board would need to look at whether or not it would affect employees transferring from Boise State University to the College of Western Idaho.

**Rep. Kerby** said he supports the original motion, because it gives the Board time to research the answer to this question. **Rep. McCrostie** said he thought language on page four, lines forty through forty-six, needs to be added which would affect CWI, because the language stricken affects all community colleges, and the new language will affect all community colleges, as well. He said Section 33-107B includes all teaching staff and officers of all community colleges, so new colleges would not need to be added. The language only affects employees hired before 1991, he added. **Rep. McCrostie** said he thought the bill was fine as it stands, but he was willing to send it to General Orders to add CWI. **Rep. Syme** asked if it would be better to hold the bill in committee and bring it back as an amendment, or to send it to General Orders. **Ms. Bent** said the Board cannot introduce a new bill without working with a legislator. **Rep. Amador** expressed concern that the bill could languish on General Orders or be very changed. He said he supports the original motion. **Rep. Clow** said if no amendments are offered, it could be sent back to the committee. **Rep. Boyle** commented that it is faster to send the bill to General Orders than to go through the bill drafting process.

**VOTE ON  
AMENDED  
SUBSTITUTE  
MOTION:**

**Chairman VanOrden** called for a vote on the amended substitute motion. **Motion carried by voice vote.** **Rep. Shepherd** requested he be recorded as voting **NAY**. **Rep. Boyle** will sponsor the bill on the floor.

**ADJOURN:**

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

---

Representative VanOrden  
Chair

---

Jenifer Cavaness-Williams  
Secretary