

MINUTES
HOUSE EDUCATION COMMITTEE

DATE: Wednesday, February 28, 2018

TIME: 8:00 A.M.

PLACE: Room WW02, Lincoln Auditorium

MEMBERS: Chairman VanOrden, Vice Chairman McDonald, Representatives Shepherd, Boyle, Clow, Mendive, Kerby, Cheatham, Amador, DeMordaunt, Moon, Syme, Ehardt, McCrostie, Toone, Gannon(5)

**ABSENT/
EXCUSED:** None

GUESTS: The sign-in sheet will be retained in the committee secretary's office until the end of the session. Following the end of the session, the sign-in sheet will be filed with the minutes in the Legislative Library.

Chairman VanOrden called the meeting to order at 8:07 a.m.

MOTION: **Rep. Moon** made a motion to send **H 566** to the floor with a **DO PASS** recommendation. Roll call vote was requested. **Motion carried by a vote of 10 AYE, 6 NAY. Voting in favor** of the motion: **Reps. VanOrden, McDonald, Shepherd, Boyle, Clow, Mendive, Cheatham, DeMordaunt, Moon, Ehardt. Voting in opposition** to the motion: **Reps. Kerby, Amador, Syme, Gannon (5), McCrostie, Toone. Rep. Boyle** will sponsor the bill on the floor.

H 632: **Duncan Robb**, State Department of Education, spoke to **H 632**. He said the bill changes the minimum that school districts can receive per enrolled student from \$140 to \$180 per student, or \$7,000 to \$9,000, whichever is greater.

MOTION: **Rep. Kerby** made a motion to send **H 632** to the floor with a **DO PASS** recommendation.

In response to questions from the committee, **Mr. Robb** said there are two parts to **H 632**. One part is enacted prior to the date, and one is enacted after the date, in case JFAC does not increase the appropriation.

VOTE ON MOTION: **Motion carried by voice vote. Rep. VanOrden** will sponsor the bill on the floor.

H 590: **Will Overgaard**, Weiser School District Superintendent, spoke **in opposition** to **H 590**, citing concerns over private schools' abilities to serve the populations of students addressed.

LeAnn Villegas, St. Paul's School, spoke **in support** of **H 590**, citing her experience as the mother of a child with special needs in private school.

Teresa Fabricius, Fruitland School District, spoke **in opposition** to **H 590**, saying the bill opens the door to allowing public funds to be used for tax credits in the future.

Tom Green, Excellence in Education in Action, spoke **in support** of **H 590**, saying public schools cannot serve all students well.

James Gilbert, Mountain Home School District Superintendent, spoke **in opposition to H 590**, concerned the bill would lead to a voucher system, and saying research shows voucher systems are ineffective. In response to questions from the committee, Mr. Gilbert said strengthening the current educational system would address the needs of students who are not being served well by public schools. Mr. Gilbert said the state would not be able to implement the recommendation of the school funding formula task force to change to a student-centered model, if this bill passes.

Sarah Quilici, Superintendent of Idaho Catholic Schools, spoke **in support of H 590**, saying she wants all families to have the option to choose what works best for their children. In response to questions from the committee, Ms. Quilici said the Catholic Schools offer scholarships for students. Each school does this differently, she said. Some have set up foundations, like the Bishop Kelly Foundation, but some have not. Ms. Quilici said some schools struggle financially, and there are many demands on funds raised from fundraising. Some schools, approximately fifty percent, provide transportation for students, such as Bishop Kelly, she said. The bill establishes a scholarship organization, which would be the mechanism for funding, she added.

Rob Winslow, Idaho Association of School Administrators, spoke **in opposition to H 590**, citing a possible future impact to general funds and concern that private schools are not required to provide services for students in special education. He said public schools must send special education funds set aside for the student to the private school, if the student transfers to the private school. In response to questions from the committee, he said he had not seen many private schools able to address major disabilities.

Connie Risser, director of the Idaho Learning Center and Academy, spoke **in support of H 590**, saying it is impossible for one institution to meet the needs of all students, and citing the differences in graduation rates between public and private schools.

Karen Echeverria, director of the Idaho School Boards Association, spoke **in opposition to H 590**, saying non-profits which offer scholarships for private schools can already be created, and citing concerns about a tax credit being added later. The tuition at many private schools is very high, and the scholarship won't be enough to help low-income students, she added.

Matt Freeman, executive director of the Idaho State Board of Education, spoke **in opposition to H 590**, saying the duties assigned to the State Board of Education in the bill are outside the traditional scope of the OSBE's duties, and citing concerns that the duty of the OSBE to review the annual reports of the SGOs is ambiguous and undefined as written in the bill. He said a decision of the State Board of Education would be difficult to defend, because there is no criteria stated for the reviews. In response to questions from the committee, Mr. Freeman said the State Board of Education is tasked with registering the private degree-granting institutions. However, the Board is not tasked with oversight of the institutions, only registering them. The Board was made aware of the concept of **H 590** prior to Christmas, said Mr. Freeman, and it is similar to an RS which was not introduced last year. If **H 590** gave the Board the authority to create administrative rules to clarify its role in overseeing the SGOs, it could create administrative rules, said Mr. Freeman, but it does not.

Don Coberly, Superintendent of the Boise School District, spoke **in opposition to H 590**, saying research shows voucher programs are ineffective or harmful to student outcomes. He said the recent achievements in education, such as the career ladder, leadership stipends, and advanced opportunities, were achieved through a collaboration of stakeholders, and **H 590** has the potential to divide those groups.

Mike Vuittonet, West Ada School District Board of Trustees, spoke **in opposition** to **H 590**. He said the sponsor said he would add a tax credit later, and the state constitution specifies a clear divide for use of public funds for private education.

Rod Gramer, Idaho Business for Education, spoke **in opposition** to **H 590**. He said that, with limited public funding, there are better ways to invest in proven programs.

Paul Stark, counsel for the Idaho Education Association, spoke **in opposition** to **H 590**. He said the Idaho Constitution more firmly establishes the separation of church and state than even the United States Constitution, and adding a tax credit will likely lead to constitutional legal challenges. Idaho Code already allows for tax credits to non-profit organizations, he added.

Julie Custer, co-president of the American Association of University Women of Idaho, spoke **in opposition** to **H 590** (See attached testimony).

Duncan Robb, Chief Policy Advisor for the Superintendent of Public Instruction, spoke **in opposition** to **H 590**. He said **Superintendent Ybarra** had several concerns. The bill excludes public school students, who could also use assistance with technology and transportation, he said. Also, non-profits with a K-12 education focus already exist and already qualify for a tax credit, said Mr. Robb. He also cited concern a tax credit could reduce funds available for public schools.

Maria Lorcher, Idaho Parent Teacher Association, spoke **in opposition** to **H 590**. She said Idaho is largely rural, and rural students do not have the same choices of private schools as urban students. She also cited concern about the future effects on public school funding.

Cathy Griesmeyer, American Civil Liberties Union- Idaho, spoke **in opposition** to **H 590**. She said the bill sets the stage for school voucher tax credits, and students who attend private schools on voucher programs perform worse than students in public schools. Requiring the State Board of Education to provide oversight to the program could create constitutional problems, she added. She also cited concerns of private schools' ability to provide disability services.

Blake Youde, Education for All Policy Network, spoke **in support** of **H 590**. He said the bill is designed to assist the four groups of disadvantaged youth. One-third of economically-disadvantaged youth perform below proficiency standards, and two-thirds of special needs students score below proficiency standards, he added. The funds for the scholarships will come from private sources, he said, and studies show students achieve when they have school choice. The State Board of Education has oversight of private schools already, he added.

MOTION: **Rep. Moon** made a motion to send **H 590** to the floor with a **DO PASS** recommendation.

In response to questions from the committee, **Mr. Youde** said the Scholarship Granting Organizations (SGOs) already qualify for a tax credit on Idaho Taxes.

Rep. McCrostie said he did not think a case had been made that **H 590** is the correct way to address the needs of the four student populations.

SUBSTITUTE MOTION: **Rep. McCrostie** made a substitute motion to **HOLD H 590** in committee.

Rep. Vander Woude said there is a strong need for school choice and opportunities for at-risk and disadvantaged youth. **H 590** gives parents options, and the bill does not create a tax credit, he added.

Rep. Amador said the SGOs can already exist in the private market, and he expressed concern about the management of them by the OSBE being an appropriate role for the State Board of Education.

Rep. Vander Woude said the ability to raise money is expensive and difficult, and **H 590** creates accountability for the SGOs. In response to questions from the committee, Rep. Vander Woude said the legislation creates a vehicle for the creation of the SGOs.

Rep. Toone expressed concern that there are no private schools in many areas of Idaho, and Idaho is responsible for the education of all students.

In response to questions from the committee, **Rep. Vander Woude** said it would be the responsibility of the private schools to follow the ADA requirements.

**VOTE ON
SUBSTITUTE
MOTION:**

Roll call vote was requested. Substitute motion to **HOLD H 590** in committee **failed by a vote of 7 AYE, 9 NAY. Voting in favor** of the motion: **Reps. McDonald, Kerby, Amador, Syme, Gannon (5), McCrostie, Toone** **Voting in opposition** to the motion: **Reps. VanOrden, Shepherd, Boyle, Clow, Mendive, Cheatham, DeMordaunt, Moon, Ehardt.**

**VOTE ON
ORIGINAL
MOTION:**

Roll call vote was requested. Original motion to send **H 590** to the floor with a **DO PASS** recommendation **carried by a vote of 9 AYE, 7 NAY. Voting in favor** of the motion: **Reps. VanOrden, Shepherd, Boyle, Clow, Mendive, Cheatham, DeMordaunt, Moon, Ehardt. Voting in opposition** to the motion: **Reps McDonald, Kerby, Amador, Syme, Gannon (5), McCrostie, Toone.** Rep. Vander Woude will sponsor the bill on the floor.

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 9:45 a.m.

Representative VanOrden
Chair

Jenifer Cavaness-Williams
Secretary