

MINUTES
SENATE EDUCATION COMMITTEE

DATE: Tuesday, March 06, 2018

TIME: 3:00 P.M.

PLACE: Room WW55

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

ABSENT/ EXCUSED: None

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 3:03 p.m.

H 580 **Relating to Education; Repeal Sunset Clauses. Representative Julie Van Orden**, District 31, presented **H 580**. She said statute was changed in 2014 to allow the spouses of school board members to be employed by their school district offices under certain conditions; the legislation included a sunset clause. She said the proposed legislation is intended to remove those sunsets.

Karen Echevarria, Executive Director, Idaho School Boards Association (ISBA), reminded the Committee of the 2014 legislative changes to Idaho Code § 33-507 to allow school districts to hire the spouse of a board member only if specific criteria were met. She provided the Committee copies of the original bill, H 568, from 2014. She explained rural school districts struggle to attract and retain qualified, experienced staff. **Ms. Echevarria** said those school districts and charter schools have used this law for the past three years and found the legislation has worked well. She said the purpose of the proposed legislation is to remove the sunset clause and make the law permanent.

DISCUSSION: **Senator Winder** asked if she could reference the locations of the sunset clauses in H 568 (2014). **Ms. Echevarria** replied in the affirmative. She detailed the location of sunset provisions in the 2014 legislation.

Elizabeth Bowen, Senior Legislative Research Analyst, Legislative Services Office, said there are three sections to Idaho Code §§ 33-507, 33-514a, and 33-5204 to be repealed in July 2018 and three new versions of the statute would take effect. She detailed at length how **H 580** retains the statute of effective law.

MOTION: **Senator Winder** moved to send **H 580** to the floor with a **do pass** recommendation. **Senator Den Hartog** seconded the motion. The motion passed by **voice vote**.

H 368 **Relating to Higher Education; Amend and Revise Optional Retirement Program (ORP). Tracie Bent**, Chief Planning and Policy Officer, State Board of Education (SBE) presented **H 368**. She explained the legislation proposes to amend the provisions for the ORP for the faculty and staff for the institutions of higher education. The proposed changes would remove the outdated language regarding the payment of funds to Public Employees Retirement System of Idaho (PERSI). Additional changes would update the language regarding the types of funds the ORP benefits may choose from in Idaho Code §§ 33-107A and 33-107B. She detailed at length the changes proposed by the legislation.

MOTION: **Senator Ward-Engelking** moved to send **H 368** to the floor with a **do pass** recommendation. **Senator Buckner-Webb** seconded the motion. The motion passed by **voice vote**.

H 503 **Relating to Education; Amend and Revise the Career Ladder.** **Duncan Robb**, Chief Policy Advisor, State Department of Education (SDE) presented **H 503**. He said the proposed legislation would allow the SDE to place Occupational Therapists (OT) and Physical Therapist (PT) on the career ladder, in accordance with their years of service in a school district as an OT or PT, while holding a license from the Bureau of Occupation Licenses. The current language only allows for an OT and PT to be placed on the first rung of the career ladder. The placement on the career ladder is determined by the number of years served with a license in a school, rather than years of certification. He stated the fiscal impact is negligible.

DISCUSSION: **Senator Guthrie** asked if the OT and PT career ladder placement is based on total years worked or only those years they have worked for the school district. **Mr. Robb** replied career ladder placement is based on the years OT and PT worked for a school district and/or an accredited private or parochial school.

MOTION: **Senator Ward-Engelking** moved to send **H 503** to the floor with a **do pass** recommendation. **Vice Chairman Thayne** seconded the motion. The motion passed by **voice vote**.

H 589 **Relating to Education; Amend and Revise Provisions for Mastery-Based Education (Mastery).** **Mr. Robb** presented **H 589**. He explained the proposed legislation changes Idaho Code § 33-1632 to reflect Idaho's ongoing transition to Mastery. He detailed the proposed legislation at length. Changes include: appointing a commission with policy-level leadership to assist the SBE in policymaking; new language to reflect what is currently in practice regarding Idaho Mastery Education Network (Network); specificity as to how public school districts can use Mastery funds during transition; formation of the Advisory Commission (Commission); development of a sustainability plan; notification of implementation of Mastery; and removal of the term "incubator stage."

DISCUSSION: **Senator Den Hartog** asked if he could elaborate on the term "association of stakeholders" (Association). **Mr. Robb** replied the term is used often in the SDE and would be understood by those involved in the proposed legislation. He stated the number of seats on the Commission is fewer than twelve.

Senator Den Hartog asked if schools must notify the SDE if they are pursuing Mastery. **Mr. Robb** replied SDE would require notification from the schools establishing Mastery.

Senator Ward-Engelking said she hoped the SDE would have included a pilot K-12 program with the proposed legislation. She asked if student transition from Mastery to traditional schooling has been addressed. **Mr. Robb** replied the proposed legislation state districts plans must include a student transition process.

Senator Ward-Engelking asked if removing the limitation on the maximum number of schools in the program would bring additional legislation. **Mr. Robb** replied when the cap is removed there is an opportunity to support more schools; those opportunities are dependent on appropriations.

Senator Ward-Engelking asked if the Commission would include teachers. **Mr. Robb** replied in the affirmative. He said the SBE would work to ensure balanced representation.

Senator Nonini said the initial pilot schools had a Network. He asked why the Commission is now necessary. **Mr. Robb** replied moving from the conception of Mastery to its expansion can be a difficult process. A Commission will help guide transitions and policy development. The SDE envisions the Commission to be a resource of ideas and best practice for school districts transitioning to Mastery.

Senator Nonini asked if the pilot Mastery schools were interviewed, what concerns would they have regarding Mastery not working properly. **Mr. Robb** replied the incubator schools have experienced positive results with Mastery. He reiterated the desire of the SDE is to have the Commission help school districts transition to Mastery.

Senator Buckner-Webb asked if data is available to indicate how students in Mastery are performing. **Mr. Robb** replied the initial student assessments are positive. He stated the two areas of student improvements are reduced disciplinary issues and improved interim assessment results.

Vice Chairman Thayn asked if the Commission would standardize Mastery for all schools, and in so doing remove school districts organic approach to Mastery. **Mr. Robb** replied the intent is for each school to implement Mastery organically. The Commission will work to ensure Idaho's education subject standards are met.

Vice Chairman Thayn asked if there is a funding formula for Mastery. **Mr. Robb** replied each Mastery school develops a plan which includes funding for implementation. He explained how the pilot programs were funded.

Senator Den Hartog said she did not see the necessity for the Commission when the Network system is in place. She asked if the fiscal impact was correct. **Mr. Robb** replied the fiscal impact of the Commission is minimal and would be absorbed in the SDE budget. He explained the work of the Network for the Mastery pilot program. He said the proposed Commission would allow for more structured discussions across school districts. He said the intent of the proposed legislation is not to add bureaucracy; the goal is to improve understanding for those districts seeking to implement Mastery..

Senator Ward-Engelking expressed her concern regarding the composition of the Commission. She said teacher and parent participation seems to be overlooked. **Mr. Robb** replied the objective of the structure was to keep the Commission size to a minimum while having diversity of opinion.

Senator Guthrie articulated his concern with the proposed legislation to full implementation of Mastery programs in public school districts. He said it seems to lack continuity. He asked how Mastery will come to fruition. **Mr. Robb** replied the legislation repeats what is currently in rule. The purposed legislation is to ensure funding and student achievement.

Senator Ward-Engelking expressed her concern for student stress if Mastery programs are not implemented in grades K-12. She asked if a comprehensive program is being considered. **Mr. Robb** replied the SDE shares the same concerns. He said at the present time, rule allows school districts to advance students based on demonstrated competency; this process is similar to how Mastery advances students. If districts choose to advance students without support from the SDE, there is a greater risk of stress on students and fragmentation in learning. He said the feedback the SDE has received from the pilot school districts states the Network opened dialogue between the Mastery schools. The SDE believes the Commission will increase communication between districts to advance Mastery more effectively.

Vice Chairman Thayn said he has been very supportive of Mastery. He said adults may struggle with Mastery, but it empowers students to approach education at their level. With the rapid advancement of technology, it is an ideal time to make the transition to Mastery.

MOTION: **Vice Chairman Thayn** moved to send **H 589** to the floor with a **do pass** recommendation. The Motion died due to a lack of a second.

SUBSTITUTE MOTION: **Senator Den Hartog** moved to hold **H 589** in Committee. **Senator Guthrie** seconded the motion.

DISCUSSION: **Senator Den Hartog** expressed concern with the proposed legislation and is not in favor of the Commission. She said she agrees the students will do well with Mastery. She believes the proposed legislation begins the second phase of the Mastery program. She stated it seems too soon, because not all the evidence from the first phase has been presented.

Senator Guthrie said the efforts to improve education are appreciated. He questioned the makeup and necessity of the Commission.

Vice Chairman Thayn asked if the opposition to **H 589** is due to the Commission, the fiscal impact, or Mastery.

Senator Ward-Engelking expressed support of Mastery. She said her concern is the composition of the Commission.

The motion passed by **voice vote**. **Chairman Mortimer** and **Vice Chairman Thayn** voted **nay**.

ADJOURNED: There being no further business at this time, **Chairman Mortimer** adjourned the meeting at 4:06 p.m.

Senator Dean M. Mortimer
Chair

LeAnn Mohr
Secretary