

MINUTES
HOUSE EDUCATION COMMITTEE

DATE: Tuesday, February 16, 2016

TIME: 9:00 A.M.

PLACE: Room WW02- Lincoln Auditorium

MEMBERS: Chairman DeMordaunt, Vice Chairman VanOrden, Representatives Shepherd, Boyle, Clow, Gestrin, Harris, Mendive, McDonald, Dixon, Kerby, Pence, Kloc, Rubel

**ABSENT/
EXCUSED:** Wills

GUESTS: Shawn Dygert, Idaho Vocational Agriculture Teachers Association; Lindsay Park, Steve McDawel, Kendrick School District; Wil Overgaard, Weiser School District; Carol Warden, Rebecca Warden, Mountain View School District; Wendy Moore, Genesee Schools; Robin Nettinga, Paul Stark, Idaho Education Association; Helen Price, Phil Homer, Idaho Association of School Administrators; Harold Ott, Idaho Rural School Administrators; Ken Aplin, MSD 281; Clark Corbin, Educational News; Marilyn Whitney, Governor's Office

Chairman DeMordaunt called the meeting to order at 9:00 a.m.

RS 24272C1: **Rep. Troy** spoke to **RS 24272C1**. She said school districts are required to complete evaluations by May 1st. ISAT test scores do not arrive in time to include them in the evaluations, so the deadline is being moved to June 1st and clarifies that evaluations must be completed before contracts are offered. If the test scores do not arrive in time, districts are allowed to use other criteria.

MOTION: **Rep. Dixon** made a motion to introduce **RS 24272C1** . Motion carried by voice vote.

RS 24532: **Rep. Kerby** spoke to **RS 24532**, a concurrent resolution honoring **Matt Paradis**, starting center for the Denver Broncos from Council, Idaho. Matt Paradis grew up on a ranch in Council, and it is a source of great pride throughout the state that a boy from a small town in Idaho, who started on an 8-man football team at a small school, was on the winning team of Super Bowl 50, said Rep. Kerby.

MOTION: **Rep. Boyle** made a motion to introduce **RS 24532** and recommend it be sent to the 2nd Reading Calendar. . **Motion carried by voice vote.** **Rep. Kerby** will sponsor the bill on the floor.

RS 24518: **Rep. Horman**, District 30, spoke to **RS 24518**. A study was commissioned after the school shooting at Sandy Hook to study school security, she said, and Idaho took a pro-active approach to school safety. Funding was appropriated last year from the Safe and Drug Free Fund to address school safety. Division of Building Safety Staff are being cross trained to identify security risks, she said, and this legislation creates an Office of School Safety and Security within the Division of Building Safety to address security.

MOTION: **Rep. VanOrden** made a motion to introduce **RS 24518**.

In response to questions from the committee, **Rep. Horman** said funds from the Safe and Drug Free Fund were given to the Department of Education, which distributed them to school districts' Department of Building Safety to be used within the Department.

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

H 476: **Rep. Nye** spoke to **H 476**. He said this bill helps compare average class sizes between similarly-sized school districts, rather than using a state average. He added this bill is approved by the Idaho School Boards Association and the Idaho Education Association.

Jessica Harrison, ISBA, spoke to **H 476**. She said the class size calculation is used to determine funding. If a school's class size is above the state average, then it loses funding by 1% per year. Calculating class size state-wide includes districts with thousands of students, as well as small districts with very few students. Starting this year, the bill would calculate class size averages using similarly-sized districts for the calculations. This produces six bands of comparison, based on school size, rather than one for the whole state.

MOTION: **Rep. Kerby** made a motion to send **H 476** to the floor with a **DO PASS** recommendation.

In response to questions from the committee, **Ms. Harrison** said the like-sized district grouping numbers are for the school district, and the district size is based on the average daily attendance calculation for the district. She said the bill should prevent the loss of staffing funds to the larger school districts.

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

H 442: **Karen Echeverria**, ISBA, spoke to **H 442**. She said the ISBA supports the bill. Currently, standard school contracts are for a specified number of days. Supplemental contracts are issued for duties outside of regular duties. However, some staff are sometimes required to work additional days doing their normal duties, and there is no mechanism to address payment for extra days. She recommended sending **H 442** to the floor with a do pass recommendation.

In response to questions from the committee, **Ms. Echeverria** said supplemental contracts are for duties outside of normal duties, and there is no provision for extra day contracts. Currently, the only way to add extra time is to add the extra days in the standard contract. Whether or not the employee is paid the same for extra hours is decided by the employee and the school district.

MOTION: **Rep. Harris** made a motion to send **H 442** to the floor with a **DO PASS** recommendation.

Shawn Dygert, Idaho Vocational Agriculture Teachers Association, spoke **in opposition** to **H 442**. The language which says the duties "may relate to regular teaching duties" could be used to place the work agriculture teachers do with and for students during the summer on supplemental contracts, rather than in the standard contracts. He said he understood the need for supplemental contracts, but they need to be associated with duties outside of normal duties. If agriculture teachers are placed on extended days contracts, they will lose property rights and due process rights. If agriculture programs are reduced, that decision should be based on the performance of the teacher, not budgetary concerns, he added, and the summer agriculture activities are as important as the school year activities.

In response to questions from the committee, **Mr. Dygert** said go-on rates to post-secondary education for agriculture students are very high. The last couple of years, he added, he has been offered a supplemental contract, not a standard one, and he is worried he will lose due process rights. Idaho is losing its agriculture teachers to nearby states, because they are offered standard contracts, said Mr. Dygert.

Rep. Kerby said school districts can still leave people on standard contracts. He spoke with superintendents who told him they planned to leave their agriculture teachers on standard contracts. Districts are more likely to give extra days to new agriculture teachers, if it is done with a contract which doesn't give them property rights, he added.

In response to questions from the committee, **Mr. Dygert** said lines 21-22 of **H 442** read "such additional days may or may not be in service of the same activities of the employee's regular teaching duties." Line 10 refers to extra duty assignments, and line 11 refers to assignments which are not part of a certificated employee's regular teaching duties. The summer agriculture programs are ongoing events which occur every year and are part of the teacher's regular teaching duties, he said, and the consistency in a program helps students.

In response to questions from the committee, **Ms. Echeverria** said any teachers who currently have those extra days in their contracts still have them. This would only apply to new teachers and contracts. Teachers negotiate their contracts every year, she added.

Will Overgaard, Weiser School District, spoke **in support** of **H 442**. He said his school district would not do anything to change the agriculture program or contracts. In his school district, 15% of certified teachers have extra days built into their standard contracts, not just the agriculture teachers. Counselors, for example, have to do data collection and transcript completion, he said. **H 442** creates a definition of extra days versus extra duties, gives the Board flexibility in assigning days and compensation, and provides a hearing notice, which is built into the process. A standard contract only defines the calendar year, holidays, parent-teacher conferences and salary, he added. The Weiser School District has no intention of taking the agriculture teachers off their standard contracts. Weiser still has six fewer days, and fewer certified staff than several years ago. When a pay rate is attached to the additional days, it creates a financial burden for the school district. The language provides flexibility, he added.

Chairman DeMordaunt turned the gavel over to **Vice Chair VanOrden**.

Mr. Overgaard said his school district just received notice that its professional-technical education was reduced by 10%, after the district had budgeted extra days at the beginning of the year. When this happens, the costs for that shortage of funds is shifted to the general funds. Also, the career ladder will raise the salaries tied to extra days, he added. Supplemental contracts will provide flexibility for school districts. He would prefer to put a new teacher's extra days on a supplemental contract, because the Board needs the flexibility. Any teacher on a standard teaching contract will stay on the contract, he added.

Paul Stark, Idaho Education Association, spoke **in opposition** to **H 442**. He said some teachers have job duties which require additional days to complete. Also, the language is confusing, as line 12 says the contract can't be used for regular teaching duties, and paragraph two says the contract can be used for extra hours of regular teaching duties. The Statement of Purpose creates property rights and removes the flexibility for the school board, he added. He said Idaho code already gives school boards flexibility to reduce the number of days or salary from year to year, and districts are not required to offer renewable contracts. Section 33-522 is a financial emergency clause. The bill sends the message to teachers they are not valued and don't have job security, he added, and will cause more teachers to leave Idaho. Also, there is nothing in the bill which says the teacher will receive the same daily pay as the salary, and he has received reports of teachers receiving lower pay for extra days. He asked the committee to hold **H 442**.

In response to questions from the committee, **Mr. Stark** said the statute which allows a reduction in workforce can also be applied to individual cases, where extra days no longer have funding. Lines 21 and 22 in the bill say such additional days may or may not be in service of the same activities of the employee's regular teaching duties. It does not create a clear distinction between additional duties and additional days.

In response to questions from the committee, **Ms. Echeverria** said adding a line to a standard contract to account for extra days creates a property right from one year to the next, and doesn't allow for uncertain funding.

Vice Chair VanOrden returned the gavel to **Chairman DeMordaunt**.

SUBSTITUTE MOTION:

Rep. Clow made a substitute motion to **HOLD H 442** for time certain of Tuesday, February 23, 2016.

VOTE ON SUBSTITUTE MOTION:

Motion carried by voice vote.

John Menter, ISBA, gave a presentation on the Idaho School Board Association. He said Idaho is the first state to include charter schools on the SBA. The ISBA is pleased by the Governor's budget proposal. The ISBA believes decisions about students made at the local level are best, and it hopes the legislature will remove rules which limit local autonomy, and looks forward to working with the legislature to increase local control. The ISBA will work with its member schools to ensure responsibility, and would like to analyze existing laws to aid in improving autonomy, flexibility, and local control.

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 10:40 a.m.

Representative DeMordaunt
Chair

Jenifer Cavaness-Williams
Secretary