

MINUTES  
**SENATE EDUCATION COMMITTEE**

- DATE:** Tuesday, February 02, 2016
- TIME:** 3:00 P.M.
- PLACE:** Room WW55
- MEMBERS PRESENT:** Chairman Mortimer, Vice Chairman Thayn, Senators Nonini, Patrick, Souza, Den Hartog, Anthon, 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 3:00 p.m.
- PRESENTATION:** **Chairman Mortimer** welcomed Lee Posey, Federal Affairs Counsel for the National Conference of State Legislatures (NCSL). **Lee Posey** presented "The Every Student Succeeds Act: A Briefing for Idaho" (see attachment 1). She explained the problems of the No Child Left Behind Act (NCLB) and discussed how states were trying to get out of NCLB. She commented on the implications of the Every Student Succeeds Act (ESSA) for states, some of which include provisions for state legislative involvement, prohibitions on secretarial/federal authority and a new approach for accountability. The United States Department of Education (USDE) will regulate and provide guidance on these rules. The intent of the reauthorization of the ESSA was state flexibility.
- Ms. Posey** talked about the timeline of ESSA; full implementation is planned for the 2017-2018 school year. Any questions about ESSA will be handled by the USDE. **Ms. Posey** elaborated on the State Accountability Systems and explained the required indicators. She emphasized that the academic measures and inclusion of test participation will be more important than other indicators. She did note that the federal statewide assessments will not be as "high stakes" in the accountability system. **Ms. Posey** addressed the factors that will determine if struggling schools will require intervention.
- Ms. Posey** talked more specifically about subgroups of students that states must disaggregate from their data. Those subgroups are: economically disadvantaged students, students from major racial and ethnic groups. children with disabilities and English-language learners. **Ms. Posey** described that the new Student Support and Academic Enrichment (SSAE) grants will come from Title I funding. The purposes of the grants are as follows:
- Provide all students with access to a well-rounded education.
  - Improve school conditions for student learning.
  - Increase the use of technology in order to improve the academic achievement and digital literacy of all students.

**Ms. Posey** continued that Idaho is estimated to receive \$8,003,000 in fiscal year 2017. She explained that although it's not in the bill, schools do have some room to experiment with portability of student funding. She also noted that the accountability provisions for English-language learners had been moved from Title III to Title I. **Ms. Posey** commented on Title II changes and amendments to the federal funding known as Supporting Effective Instruction, the result of which will gradually eliminate "hold harmless" allotment by fiscal year 2023.

**Ms. Posey** noted other programs that are under ESSA. She last mentioned Early Education Provisions, which include preschool development grants, literacy grants and other funding in Title I through IV for early education (see attachment 1). **Ms. Posey** concluded her presentation by thanking the Committee and stating she was open for questions.

**Senator Souza** asked about how alternative schools are deemed in need of intervention. **Ms. Posey** explained that it would be decided based on the yearly graduation rate calculations for those alternative schools. **Vice Chairman Thayne** requested a reiteration of the relationship between assessments and accountability. **Ms. Posey** said that states still have to submit their assessments for peer review by the federal government, but some creativity and flexibility in the testing will be allowed. Each state can determine its own achievement bar and decide which schools require intervention based on that standard. **Vice Chairman Thayne** wanted to know if Idaho should design its own metrics or if it would be better to design with a specific assessment in mind. **Ms. Posey** said that the USDE would provide examples of what other states are doing. She recommended looking at New Hampshire as a good example for school assessments in small states.

**Senator Patrick** asked if there are rules to interpret this law. **Ms. Posey** explained that, as with any federal law, there will be rules written to interpret the USDE. The rules will be written through negotiated rulemaking. **Senator Patrick** wondered what the procedure would be for a policy that's created before the rules are finished and that comes in conflict with them. **Ms. Posey** suggested that as long as one follows the law, there should be flexibility regarding policies created from it.

**Chairman Mortimer** asked if the grants mentioned in Title I and II were coming to states or directly to districts. **Ms. Posey** answered the SSAE grants come through the states to the districts. **Chairman Mortimer** inquired as to how reports of graduation rates will factor into the law. **Ms. Posey** explained that it uses the adjusted cohort graduation rate, or extended-year graduation rate.

**Senator Souza** asked if NCSL will be one of the stakeholders for the negotiated rulemaking. **Ms. Posey** replied that as a department they would not be, but the USDE looked favorably on the involvement of former educators. She also said that through the inspector general's office, the NCSL will be very involved and consult Legislators. **Chairman Mortimer** affirmed that Idaho Legislators would like to be involved in that rulemaking process. He asked if the bill changes anything for charter and magnet schools. **Ms. Posey** explained that the same grants will continue to come from the federal government, and she noted that one can use that funding to replicate successful charter schools. She mentioned that one other change elevates the requirements for a charter school authorizer. **Chairman Mortimer** thanked Ms. Posey for her time and dedication to her work.

**GUBERNATORIAL  
APPOINTMENT  
HEARING:**

Dr. Linda Clark was invited to come before the Committee to talk about her appointment to the State Board of Education (Board). **Dr. Clark** said she was honored to be before the Committee and told them about her background. She detailed her schooling, which includes an undergraduate degree from Boise State University, a master's degree in education from the University of Idaho and a doctorate in organization and leadership in education through the University of San Francisco. She spent 37 years serving in the Meridian Joint School District as a principal, district administrator and school superintendent. Her doctorate research was done in the People's Republic of China, where she studied social change in the 1980s. **Dr. Clark** testified that she was enthusiastic about doing her work everyday during the 43 years spent in Idaho schools (see attachment 2).

**Vice Chairman Thayne** thanked Dr. Clark for presenting her impressive resume. He asked what could be done to change the "go-on" rate, which is now at 60 percent, and how can they make progress. **Dr. Clark** explained that there has been significant progress in creating standards that are easier for classroom teachers to reference. She added that there has been some progress in the standardization of assessments. **Dr. Clark** emphasized the need for the establishment of one system that all students go through. She also said that it is important to embrace the change in vision for Career Technical Education.

**Senator Ward-Engelking** applauded Dr. Clark for her service to Idaho. **Senator Nonini** also thanked Dr. Clark for her work. He asked Dr. Clark if she supports flexibility for charter schools. **Dr. Clark** said she was a strong supporter of school choice. She continued that she thinks they should be replicating things that work well in all schools. **Chairman Mortimer** asked how Legislators can encourage existing districts to focus on innovation and creativity. **Dr. Clark** thinks the public needs to recognize where innovation and programs are coming from. She also said that more focus should be put on Idaho's outstanding teachers, while also supporting them with more funds.

**Vice Chairman Thayne** inquired about the flexibility of ESSA and assessments. **Dr. Clark** explained that it is the intent to release a draft plan to schools in the fall and give them a year to test it. It will be important to establish clear goals for testing within different age groups.

**Chairman Mortimer** wondered how Idaho could increase parent involvement in schools. **Dr. Clark** answered that schools need to be invitational to parents. She elaborated that parent involvement has many facets: parents at home, parents in the classroom and parents in programs. **Chairman Mortimer** thanked Dr. Clark for her service and time with the Committee.

**RS 24251**

**Senator Patrick** presented **RS 24251** relating to education, to provide an exemption to a testing requirement. He explained that the RS deals with a civics test and adds to the code wording that allows students to take alternative paths to graduation. It would be known as an Individual Education Plan (IEP).

**MOTION:**

**Senator Nonini** moved that **RS 24251** be sent to print. **Senator Den Hartog** seconded the motion. The motion was passed by **voice vote**.

**RS 24286** **Senator Nonini** presented **RS 24286** relating to charter schools, to revise requirements regarding certain written contracts. He explained that the RS is to make changes in Idaho Code § 33-506. **Senator Nonini** said that charter schools have been represented on the Governor's task force and there has been some talk of uniformity. If this change is made, charter schools can make their own decisions regarding uniformity. **Senator Ward-Engelking** wanted to voice some concerns with the RS. She explained she's concerned about the limitations on contract lengths for new teachers that would be affected by this change in code. **Senator Nonini** replied in the affirmative that he would try to answer those questions.

**MOTION:** **Vice Chairman Thayne** moved to send **RS 24286** to print. **Senator Souza** seconded the motion. The motion was passed by **voice vote**.

**S 1208** **Chairman Mortimer** invited Blake Youde, Chief Communications and Legislative Affairs Officer for the SBE, to present **S 1208** to the Committee. He provided a recap of the bill and the questions from the previous hearing. **Mr. Youde** added that the legislation addresses the investment management for scholarships. The Endowment Fund Investment Board (EFIB) is an option for SBE investments. **Senator Den Hartog** commented that Mr. Youde helped answer questions about the section on page five, sub paragraph F, concerning the surplus monies. She now understands that the original dollars placed in the scholarship fund and the potential \$19 million are endowment funds. **Mr. Youde** agreed that was correct.

**MOTION:** **Senator Patrick** moved to send **S 1208** to the Senate with a **do pass** recommendation. **Senator Buckner-Webb** seconded the motion. The motion was passed by **voice vote**.

**RS 24069** **Chairman Mortimer** invited Marilyn Whitney, Senior Special Assistant for Education and Government Services, Governor's office, to present **RS 24069**, relating to the STEM Action Center. She indicated this RS is for expense reimbursement and to compensate members of part-time boards and councils. Idaho Code § 59-509 provides means for compensation of boards, counsels, etc. The legislation would allow members of STEM to request travel reimbursement. **Ms. Whitney** noted that additionally the legislation denotes the minimum number of annual meetings and that there will be a chair and vice chair each year.

**MOTION:** **Senator Thayne** moved to send **RS 24069** to print. **Senator Nonini** seconded the motion. The motion was passed by **voice vote**.

**Chairman Mortimer** asked that the Committee recognize Julie Bell of NCSL, in the Denver office. He invited her to share any comments. **Ms. Bell** thanked Chairman Mortimer for the introduction. She oversees a team a people at NCSL that help with the issues currently before the Committee. She asked that the Legislators stay in touch and ask for help from her team. **Chairman Mortimer** affirmed that Ms. Bell is extremely helpful with all research and legislation.

**ADJOURNED:** There being no more business, **Chairman Mortimer** adjourned the meeting at 4:11 p.m.

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Senator Dean M. Mortimer  
Chair

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LeAnn Mohr  
Secretary

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Anna Roser  
Assistant