

MINUTES  
**SENATE EDUCATION COMMITTEE**

- DATE:** Tuesday, March 13, 2018
- TIME:** 2:00 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 2:07 p.m. He reordered the agenda.
- H 501** **Relating to Education; Amend and Revise a Definition. Representative Julie Van Orden**, District 31, presented **H 501**. She said the legislation proposes to remove the Idaho Reading Indicator (IRI) from the list of assessment tools used for measuring student achievement and growth. She stated the original legislative intent behind the IRI was to provide teachers with information relevant to student reading skills and to use the results to assist in the identification of students who need early reading intervention in the classroom.
- In studies done regarding the IRI as a tool to evaluate teacher performance, there is a direct conflict with that intent. Using the IRI for the teacher performance objective, discourages the teacher in identifying children with reading problems. **Representative Van Orden** said by removing the IRI as an assessment, teachers can work to help students learn to read and not be concerned about how they are evaluated.
- DISCUSSION:** **Senator Ward-Engelking** asked if removing the IRI would make the Idaho Standards Achievement Test (ISAT) a high-stakes test. **Representative Van Orden** replied the third grade ISAT is already a high-stakes test. She stated she was comfortable with removing the IRI because the current statute references other performance-based assessments.
- Vice Chairman Thayn** said teacher accountability is necessary, but it needs to be logical. He detailed the problems using the IRI for teacher accountability. He qualified the IRI is a screening tool and is appropriate to remove it from legislation as a means to measure student achievement and growth.
- Senator Winder** asked if the removal of the IRI will have any impact on other ongoing literacy discussions. **Representative Van Orden** replied in the negative. She said the current literacy pilot includes a diagnostic tool with the screener.
- Senator Ward-Engelking** said reading is developmental and children develop at different rates; using the IRI as an evaluation for teachers is problematic.
- MOTION:** **Vice Chairman Thayn** moved to send **H 501** to the floor with a **do pass** recommendation. **Senator Buckner-Webb** seconded the motion.
- DISCUSSION:** **Vice Chairman Thayn** said the current IRI is totally inappropriate to measure student achievement and growth.

**Senator Winder** said in no way is he being derogatory towards Representative Van Orden. He asked if Chairman Mortimer believed the legislation being worked on would have an impact on the ongoing literacy discussions. **Chairman Mortimer** replied it is dependent upon how the terminology for an IRI is defined.

The motion passed by **voice vote**.

**H 566**

**Relating to Charter Schools; Amend and Establish Provisions Regarding Certificates for Charter School Administration and Make Technical Corrections.** **Emily McClure**, Lawyer and Lobbyist, representing Idaho Charter School Network (ICSN), presented **H 566**. She said the legislation proposes to create a public charter school (PCS) administrator certificate. She explained Idaho state law which requires all school administrators to hold a certificate issued by the State Board of Education (SBE). The certificates are as follows: 1.) standard administrator certificate, or 2.) career technical administrator certificate. **Ms. McClure** asserted PCSs have different needs and PCS boards are requesting greater flexibility in the requirements for administrator certification. She gave examples of various strengths necessary for unique public charter school situations (Attachment 1).

**Ms. McClure** detailed the proposed minimum requirements for the PCS administrator certificate: 1.) a bachelor's degree; 2.) passage of a criminal background check; 3.) Completion of three credit hours in Statewide framework for teacher evaluations; and 4.) a letter from the public charter school board of directors stating their confidence in the hire and the board's commitment to overseeing the administrator's performance. **Ms. McClure** stated PCSs are uniquely designed for greater flexibility and are held by the State to be accountable for student and financial performance.

**DISCUSSION:**

**Senator Ward-Engelking** asked if there are alternative paths already available for administrator certification. **Lisa Colón Durham**, Chief Certification Officer and Director of Certification and Professional Standards, State Department of Education (SDE), appeared before the Committee to only answer specific questions for certification requirements and alternative routes. **Ms. Colón Durham** replied there are alternative authorizations available for teachers, which are: 1.) alternative authorization content specialist, and 2.) alternative authorization teacher to new. The SDE also works with area universities to assist with educator preparation programs for administrators that are on alternative authorizations.

**Senator Ward-Engelking** asked if the SDE knows the number of administrators who take an alternative route. **Ms. Colón Durham** replied in the affirmative. She detailed the number and the specific certifications being sought.

**Vice Chairman Thayn** asked if it is common to have a nontraditional administrator lead an Idaho PCS. **Ms. McClure** replied that is a difficult question to address. Each of the PCSs have specific needs serving specific populations. She stated having a qualified administrator is helpful.

**Vice Chairman Thayn** asked if PCS administrators in other states are required to have specific qualifications. **Ms. McClure** replied only eight states require PCS administrators to be certified.

**Senator Winder** said the requirement for baccalaureate degree from a four-year institution seems too low of standard. He asked why the PCS administrator requirements are not higher. **Ms. McClure** replied the goal for PCSs is student achievement. She stated administrator completing additional credit-hours or supplemental training does not necessarily achieve that goal.

**Senator Ward-Engelking** said the proposed legislation does not require the PCS administrator to have knowledge in important areas, such as instructional leadership and classroom best practices. She stated the legislation would allow an administrator to oversee school faculty without any experience. She asked if student performance and achievement would be impacted. **Ms. McClure** replied the PCS's board of directors are responsible for student performance and achievement. She said **H 566** helps to formulate a team whose goal is to run a school.

**TESTIMONY:** **Rob Winslow**, Idaho Association of School Administrators (IASA) spoke in opposition to **H 566**. He explained there are alternative routes for administrator certification which are built on a teaching certificate. He outlined the necessary requirements an administrator needs to run a school. (Attachment 2).

**DISCUSSION:** **Senator Den Hartog** asked what the current procedures are when hiring a PCS administrator; she wondered if the person must have prior classroom experience. **Mr. Winslow** explained the process some PCSs conduct when hiring directors. He said IASA is very supportive of alternate routes for certification.

**Senator Den Hartog** asked if someone with a prior baccalaureate degree, which is not in education, would need to return to school and if so, for how long. **Mr. Winslow** replied in the affirmative. He said the SDE is flexible as to the time it takes to become certified, as long as the candidate exhibits progress.

**TESTIMONY:** **Brad Peterson**, Future Public School, Garden City, Idaho, spoke in support of **H 566**. He said the new PCS he will lead is scheduled to open in the fall of 2018. He explained it is a STEM school and detailed the demographics of the students they hope to serve. He said he supports the proposed legislation because it promotes innovation, growth, and flexibility for PCSs (Attachment 3).

**DISCUSSION:** **Senator Buckner-Webb** said over time, advanced degrees have been necessary as a qualifier for specific jobs. She asked if it is possible for a PCS to hire an administrator working toward an advanced degree. **Mr. Peterson** replied from his previous experience, good school administrators and leaders did not have master's degrees.

**Senator Buckner-Webb** asked if qualifications for a position be that a candidate seeks to earn a master's degree once they are in the position of administrator. **Mr. Peterson** replied the charter schools board of directors should have the flexibility to determine whether a candidate should possess or work toward attaining a master's degree.

**Senator Ward-Engelking** asked if Mr. Peterson is hired and paid as an administrator of the PCS and not able to receive the State's appropriation level of a superintendent because he does not have the qualifications. **Mr. Peterson** replied in the affirmative. He said he does the work of the superintendent without the certification. The PCS does not receive the superintendent appropriation. He said the lack of proper funding often places burdens on the PCS's board of directors to raise additional funds.

**Senator Ward-Engelking** asked if the alternative certificate would send funding to the PCS at the actual superintendent rate, which is higher than that of administrators, principals, or teachers. **Mr. Peterson** replied his understanding of the proposed legislation is for the qualification of an administrator's certificate not a superintendent's certificate.

**TESTIMONY:** **Mike Keckler**, Chief Communication and Legislative Affairs Officer, SBE, spoke in opposition of **H 566**. He stated the proposed legislation would circumvents the current administrator certification requirements, which are based on competencies identified from the Idaho Foundation Standards for School Administrators and align them with national best practices (Attachment 4).

**DISCUSSION:** **Senator Den Hartog** stated PCSs are to be different than traditional public schools. She asked what areas the SBE asserts PCSs and traditional schools should be different. **Mr. Keckler** replied the SBE is concerned about setting different levels of certification for all public school administrators. PCSs are public schools, and the SBE maintains there needs to be certain benchmarks attained by all schools.

**Senator Den Hartog** asked if the SBE believes schools can have transformational leaders with a minimum level of uniformity. **Mr. Keckler** replied in the affirmative. He said with additional training and alternative paths, the SBE is comfortable PCSs can recruit and retain transformational leaders. Certain qualifications must be established to ensure the leaders have the proper background and training for leading schools.

**TESTIMONY:** **Rhonda Baines**, Board Leader, Treasure Valley Classical Academy (Academy), Payette, Idaho, spoke in support of **H 566**. She briefed the Committee about the Academy and the specific qualities desired for a school administrator (Attachment 5).

**Paul Stark**, General Counsel, Idaho Education Association (IEA) spoke in opposition of **H 566**. He expressed concern that under-qualified individuals could obtain an administrator certificate which would be detrimental to students (Attachment 6).

**Terry Ryan**, CEO, ICSN, spoke in support of **H 566**. He stated here is a greater need for flexibility in hiring a school administrator who best fits the mission of the specific PCS. He explained the intent of PCSs is to be a "learning lab" whose successes could then be applied throughout the larger public school system (Attachment 7).

**DISCUSSION:** **Senator Den Hartog** said earlier in the week Ms. McClure and she discussed writing additional sideboards to the legislation which addresses the concerns about the minimum qualifications for an administrator. She said some possible amendments to **H 566** have been drafted. She asked Chairman Mortimer if was possible for the Committee to discuss those possible sideboards.

**Ms. McClure** stated ICSN believes in the language of **H 566**; however, it is understood there are some concerns that additional requirements need to be added for PCS administrator certification standards. She detailed at length the possible sideboards to be added to the proposed legislation.

**Senator Ward-Engelking** asked for clarification regarding national leadership fellowships for charter schools. **Ms. McClure** replied there is no actual definition in statute. The requirement would be subject to rulemaking by the SBE.

**Senator Ward-Engelking** stated her concern regarding an administrator's teaching experience. She asked if the desired administrator is hired by the PCS, would they qualify for the State reimbursement as a full superintendent. **Ms. McClure** replied the State appropriation for an administrator without a traditional certificate is not the same as the amount if the person held a traditional administrator certificate. She explained making the changes can help recruit and retain highly-qualified, sought-after administrators.

**Senator Ward-Engelking** noted the traditional public schools experience many of the same administrator recruitment and retention issues.

**Senator Nonini** asked if Ms. McClure believes the highest-performing PCSs in his legislative district would still be top performing charter schools if the administrators' standards were lowered,. **Ms. McClure** replied that question is difficult to answer. She said in reviewing the states whose requirements are lower, student achievement levels have not declined.

**Senator Ward-Engelking** said this proposed legislation needs additional work and noted the legislative session is ending.

**MOTION:** **Senator Ward-Engelking** moved to hold **H 566** in Committee. **Senator Buckner-Webb** seconded the motion.

**SUBSTITUTE MOTION:** **Senator Nonini** moved to send **H 566** to the **14th Order**. **Senator Den Hartog** seconded the motion.

**DISCUSSION:** **Vice Chairman Thayn** said his goal is to transfer more power and choices to lower-level government and parents. Public charter schools are one of those innovative places where that can happen. He said **H 566** engenders innovation.

**Senator Guthrie** stated he will support the substitute motion. He said if this is a business model that PCSs would like to use, then it is important to have the sideboards in place and open the option up for all public schools. He said it is difficult for all schools to recruit and retain qualified administrative personnel. He indicated he will vote to support sending the bill to the amending order before he decides how to vote on the floor.

**Senator Den Hartog** said accountability and flexibility for PCSs has strayed from the original intentions. She said innovation for PCS has been limited by regulation. She said the intent behind the original PCSs legislation was to duplicate the PCS experience and migrate it into traditional public schools. She supports **H 566** as originally written. She stated the additional sideboards could address concerns.

**Senator Ward-Engelking** said the problem with the legislation is it pays a business manager the same as a school superintendent. She does not believe a business manager has the skills to be an instructional leader, a classroom leader, and curriculum leader for schools.

**Senator Buckner-Webb** said PCSs may be diverse, but it is still important to keep the standards. She stated there is a school system in place and it is important to make education work successfully. There can be differences in a system where systemic advantages are revealed. She said it is important to be separate and equal, but not preferential with advantage and choice.

**AMENDED SUBSTITUTE MOTION:** **Senator Crabtree** moved to send **H 566**, as presented, to the floor with a **do pass** recommendation. The motion died due to the lack of a second.

The substitute motion passed by **voice vote**. **Senators Buckner-Webb** and **Ward-Engelking** voted **nay**.

**ADJOURNED:** There being no further business at this time, **Chairman Mortimer** adjourned the meeting at 3:34 p.m.

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Senator Dean M. Mortimer  
Chair

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LeAnn Mohr  
Secretary