

# Senate Education Committee

Minutes  
2008



## MINUTES

### SENATE EDUCATION COMMITTEE

**DATE:** January 8, 2008

**TIME:** 3:30 p.m.

**PLACE:** Room 204

**MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Fulcher, Senators Schroeder, Pearce, Jorgenson, Bastian, Burkett

**MEMBERS ABSENT/ EXCUSED:** Senators Gannon, Sagness

**MINUTES:** **Chairman Goedde** called the meeting to order at 3:40pm.

**Chairman Goedde** asked the secretary to take a silent roll and welcomed the committee members. He stated **Vice Chairman Fulcher** will assign the rules for review.

**Vice Chairman Fulcher** addressed the upcoming rules review. He explained the notations he made on the Senate Committee Legislative Rules Review sheet which indicate the assignment of the rules. He explained he had picked two person senator teams to do approximately 40 pages of rules each and asked they be responsible for those rules. A copy of the Rules Review sheet with those notations was given to each Senator in attendance. (Copy attached - Handout No. 1)

He reminded the committee of the significance of each of the colors associated with the rules (yellow, salmon and green) and the process each must go through for approval, changing or rejection.

**Vice Chairman Fulcher** returned the chair to **Chairman Goedde** to explain when the dockets would appear on the Agenda. Chairman Goedde stated his intention to go through the list and spread the dockets on Thursday so everyone would have a few. He explained the person from the Department of Education that needs to attend to assist **Luci (Luci Willits)** is out this week so the ones **Luci** can do without that person in attendance will be scheduled for Thursday and the others will be scheduled for Monday and Tuesday. The upcoming Agenda will set forth those dockets.

**Senator Schroeder** stated it was his understanding that someone from the State Department will be here to review the rules and go through them for the committee. **Chairman Goedde** answered that was correct.

**Vice Chairman Fulcher** explained two inconsistencies in the temporary (salmon colored) rules.

These inconsistencies are as follows: The first one listed 08-0111-0702 (FEE RULE CHAPTER REWRITE) is not in the packet as it expired the end of last year. Also, the third docket listed, which is the last one listed on the sheet 08-0203-0801, is not in the packet which is an error. A separate printout of this rule was copied and distributed to the committee members following the meeting. (Copy attached - Handout No. 2). **Vice Chairman Fulcher** returned the chair to **Chairman Goedde** who recognized **Senator Burkett**.

**Senator Burkett** stated there was a difference between the rules as given today and rules as they appear on the website. He inquired if they were supposed to review the rules as they appear on the website which include other documents that are incorporated in the rules. Vice Chairman Fulcher stated it would be a matter of thoroughness, how deep one wanted to go into a particular rule, but what the committee was asked to review was the rules as written. **Chairman Goedde** asked **Karen Echeverria** for her expertise regarding the difference. **Ms. Echeverria** explained when documents are incorporated by reference the committee can either accept or reject just like the rule itself. Further, she stated the agency would provide the documents to the committee as they appear on the website if they so desired, although some are quite voluminous.

**Chairman Goedde** thanked **Ms. Echeverria** and recognized **Senator Bastian**. **Senator Bastian** asked **Ms. Echeverria** if the documents incorporated by reference are changed, would they also see a change in the rule that refers to a date on a document?

**Ms. Echeverria** answered yes, any time a document is incorporated by reference it must be date and addition specific. If someone makes a change to the incorporated document, the rule would need to be amended to change that date.

**Chairman Goedde** recognized **Senator Bastain** who asked for clarification regarding modification of the rules. **Vice Chairman Fulcher** explained that the committee could reject a section or a docket but could not modify, and if the committee rejected a section or a docket it would also have to be dealt with in the House. **Ms. Echeverria** concurred.

**Chairman Goedde** recognized **Senator Burkett** who asked **Ms. Echeverria** if the underlined part of a rule is the new part of the rule and the part they are supposed to review. **Ms. Echeverria** answered yes, that the underlined part of the 2006 document **Senator Burkett** was inquiring about had never been incorporated into the rules previously and had not been reviewed by the committee.

**Chairman Goedde** recognized **Senator Jorgenson** who inquired about the "pairing up" of the senators for review of the rules. **Vice Chairman Fulcher** explained it was just to have two pairs of eyes review the same docket. He then returned the chair to **Chairman Goedde**.

**Chairman Goedde** stated **Dennis Stevenson**, Administrative Rules

Coordinator, informed him there was a technical problem with the date on one of the rules which he will explain later and it will be our option as to whether we address it or not.

**Vice Chairman Fulcher** informed the committee that **Dennis Stevenson** is hosting a “drop in” rules review session to answer questions on the process, explain how things work, what happens with a rejection, etc. on Friday morning in Room 117 between the hours of 9 and 11am. **Paige Parker** will be assisting at the meeting. **Vice Chairman Fulcher** stated **Mr. Stevenson’s** direct line to answer any questions is 332-1822, and is an excellent resource.

**Chairman Goedde** stated introductions would be continued to Thursday when **Senator Sagness** is present.

**Chairman Goedde** adjourned the meeting at 3:55pm.

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Senator John Goedde  
Chairman

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Carol Vaughn  
Secretary

## MINUTES

### SENATE EDUCATION COMMITTEE

- DATE:** January 10, 2008
- TIME:** 3:00 p.m.
- PLACE:** Room 204
- MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Fulcher, Senators Schroeder, Pearce, Bastian, Burkett, and Sagness
- MEMBERS ABSENT/  
EXCUSED:** Senators Gannon and Jorgenson
- GUESTS:** *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 Legislative Services Library.*
- MINUTES:** **Senator Goedde** called the meeting to order at 3:05 p.m. He gave the gavel over to **Vice Chairman Fulcher** to open the rules review.
- RULE:  
08-0202-0702** **Pending Rule:** Provides for a short-term waiver for out-of-state teachers. **Ms. Luci Willits**, Chief of Staff, Department of Education, took the podium to answer questions after committee members had reviewed the technical documents provided earlier.
- Pending Rule, does not need a motion for approval unless the committee has objections, will automatically go into effect.
- RULE:  
08-0202-0703** **Temporary Rule:** Allows more local control and flexibility in meeting teacher certification requirements. **Ms. Willits** explained the advantages and answered questions of the committee regarding the information provided earlier.
- MOTION:** **Senator Bastian** moved to approve **Rule 08-0202-0703**. **Senator Pearce** seconded, and the motion carried by **voice vote**.
- RULE:  
08-0202-0704** **Temporary Rule:** Provides certification to meet the special needs of virtual schools, distance education and public school/post secondary partnerships. **Ms. Willits** discussed the rationale for **Rule 08-0202-0704** and answered questions of the committee.
- MOTION:** **Senator Bastian** moved to approve **Rule 08-0202-0704**. **Senator Pearce** seconded, and the motion carried by **voice vote**.
- RULE:  
08-0202-0705** **Pending Rule:** Allowing technology competency to be assessed on a case by case basis and mandated only according to individual district requirement. **Ms. Willits** explained the original technology competency assessment was written ten years ago, and that all teachers certificated prior to 2006 have passed the exam. Furthermore, new teachers entering the classroom are more proficient in technology than required by the original Idaho Technology Competency Assessment. Further discussion

and answers to questions from the committee explained in more detail the requirements teachers must meet to be proficient in technology. Pending rule was amended.

**RULE:  
08-0202-0707**

**Pending Rule:** Rescinding the requirement for district accreditation for elementary schools K-8 while the required state accreditation for secondary schools would be managed through Northwest Association of Accredited Schools. **Ms. Willits** explained how the Department of Education would track accreditation under the new process and that substantial paper work is relieved in the department and all school districts.

Committee members were concerned about the Department of Education losing control and knowledge of districts not meeting accreditation standards. **Ms. Willits** introduced her co-workers **Nick Smith** and **Shannon Page** to answer questions and to discuss the concerns of Committee members. **Ms. Page** explained that Federal requirements of "No Child Left Behind" binds the school districts to proper accreditation standards. School districts take accreditation standards very seriously, but **Ms. Page** said she doesn't know of policy that actually states that districts are committed to those high standards.

**RULE:  
08-0202-0708**

**Pending Rule:** Allowing a three (3) year interim certificate for any Idaho-trained educator whose certificate has expired, and a three (3) year interim certificate for educators holding current certificates from recognized, accredited foreign institutions of education. **Ms. Willits** pointed out that this rule will assist school district administrators to meet the Federal requirements to retain and hire highly qualified teaching staff. Questions and discussion with the committee followed.

**RULE:  
08-0202-0801**

**Temporary Rule:** Clarifying the original intent of endorsements and providing consistency with wording of other endorsements. **Ms. Willits** stated that the descriptions for certification of Library Media Specialists, Gifted and Talented teachers, and School Nurses have been improved. A discussion of the changes and questions from the Committee followed.

**MOTION:**

**Senator Burkett** moved to approve **Rule 08-0202-0801**. **Senator Bastian** seconded, and the motion carried by **voice vote**.

**RULE:  
08-0203-0801**

**Temporary Rule.** Giving clarification as to when the science graduation test applies under the current rule. **Ms. Willits** led the discussion and answered questions from the Committee regarding **Rule 08-0203-0801**.

**MOTION:**

**Senator Bastian** moved to approve **Rule 08-0203-0801**. **Chairman Goedde** seconded, and the motion carried by **voice vote**.

**RULE:  
30-0101-0701**

**Pending Rule.** To repeal and rewrite existing chapter of rules. **Mr. Richard Wilson**, staff member from the Department of Education, discussed the rationale behind the recommended repeal of **Rule 30-0101-0701**. He answered questions and discussion with Committee members.

**RULE:  
30-0101-0702**

To repeal and rewrite existing chapter of rules. **Mr. Wilson** answered questions and discussion on the rationale for the recommended repeal of

**Rule 30-0101-0702.**

**RULE:  
30-0102-0701**

**Pending Rule.** To repeal and amend as part of rewriting the existing chapter of rules. In reply to questions from the Committee, **Mr. Wilson** explained that some materials are no longer relevant, that population changes and improvements in technology effect library materials and research staff. More people are using electronic resources and the library serves as a place to work.

**Vice Chairman Fulcher** thanked **Mr. Wilson** for his presentation.

**RULE:  
08-0202-0701**

**Pending Rule.** Adds further definition to the Requirements for Professional Growth. **Ms. Willits** explained the rationale for further description of “educationally related” credits as being tied to content area, pedagogical best practices, school leadership and/or district need as designated by an administrator. She answered questions of the committee and discussion continued.

**TESTIMONY:**

**Ms. Sherri Woods**, President of the Idaho Education Association (IEA), reported that membership is concerned with the changes to definitions in **Rule 08-0202-0701**, as well as the impact on the certification office. In a discussion with **Senator Bastian**, it was noted that should a teacher fail to recertify, the employing district would be penalized financially as the State Department would not fund that teacher’s position, and, therefore, it is critical that districts have teachers who are certified in their area of teaching. **Chairman Goedde** asked for **Ms. Woods’** written comments for further review.

**Ms. Willits** explained the certification process after September 2008, and conducted further discussion and answered questions from the Committee.

**Mr. Dennis Stephenson**, staff member from Legislative Services, clarified the process for the Committee to reschedule review of **Rule 08-0202-0701** at a later date. **Senator Schroeder** requested the Committee give a unanimous consent to reschedule. **Ms. Woods** and **Ms. Willits** agreed to rescheduling **Rule 08-0202-0701** for the Committee’s meeting on Monday.

**ADJOURNMENT:**

**Vice Chairman Fulcher** handed the gavel back to **Chairman Goedde**, who adjourned the meeting at 4:45 p.m.

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John Goedde  
Chairman

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Carol Vaughn  
Secretary

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Sandra Boyington  
Assistant Secretary

## MINUTES

### SENATE EDUCATION COMMITTEE

- DATE:** January 14, 2008
- TIME:** 3:00 p.m.
- PLACE:** Room 204
- MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Fulcher, Senators Schroeder, Pearce, Jorgenson, Burkett, and Sagness
- MEMBERS ABSENT/  
EXCUSED:** Senators Gannon and Bastian
- GUESTS:** *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 Legislative Services Library.*
- MINUTES:** **Chairman Goedde** called the meeting to order at 3:05 p.m.
- Approval of January 8<sup>th</sup> Minutes of Committee Meeting. **Vice Chairman Fulcher** stated he had reviewed the minutes and moved for their approval. Seconded by **Senator Pearce**. Carried by voice vote.
- Chairman Goedde** then turned the gavel over to **Vice Chairman Fulcher** for a continuation of the rules review.
- RULE:**  
**08-0105-0701** **Pending Rule: Sandra DeKlotz**, State Board of Education. This docket will repeal this chapter of rules. The rules are being rewritten under Docket No. 08-0105-0702.
- RULE:**  
**08-0105-0702** **Pending Rule: Ms. DeKlotz**. This docket is a complete rewrite of this chapter of rules. The rules are being repealed under Docket No. 08-0105-0701. Changes made during the 2007 Idaho legislative session now allow students who have been home-schooled, to apply for this scholarship. The rules need to be rewritten to modify the selection criteria to allow for the inclusion of home schooled students. At the same time, the State Board of Education would like to clean up language, reformat the rules, and make them more user friendly.
- RULE:**  
**08-0113-0701** **Pending Rule: Ms. DeKlotz**. New legislation passed in the 2007 legislative session created a new need-based scholarship program. The State Board of Education is charged with promulgation of rules to determine the academic and financial eligibility for the purpose of awarding the Idaho Opportunity Scholarship. The rules for the application process will establish the actual process and an application form, and related eligibility criteria. The rules related to selection will establish the selection process, selection criteria, and timing of the scholarship application, notification and awards.

**Senator Goedde** asked if a recipient of a scholarship would have to repay the scholarship he was awarded if, for some reason, he had to quit school and go home. **Ms. DeKlotz** reported the scholarship goes to the institution and only when it has been spent, but could not find anything in the rule about paying it back. She stated she would research the question and get back with the committee.

**RULE:  
08-0202-0706**

**Pending Rule: Luci Willits** The new version changes the incorrectly cited AAS degree to an AS degree as originally intended. It also allows for para-educators with a minimum of 32 credits of formal education to be considered for the program instead of being limited to an Associated Degree.

**RULE:  
08-0203-0607**

**Pending Rule: Ms. DeKlotz** stated that over the past few years more emphasis has been placed on standards and the alignment of standards to the state assessment in order to meet the intent of the Individuals with Disabilities Act (IDEA) and No Child Left Behind Act (NCLB). One of the requirements of NCLB is to ensure students with significant cognitive disabilities meet proficiency on rigorous state content standards. This was accomplished through aligning the Alternative Assessment Extended Content Standards with the Idaho Content Standards, setting of appropriate cut scores, and implementing the alternative assessment Extended Achievement Standards. The alignment process was coordinated by the State Department of Education Bureau of Special Populations and included input from teachers, administrators, and higher education representatives.

**RULE:  
08-0203-0701**

**Pending Rule: Ms. DeKlotz** stated clerical corrections have been made to the rule and are being published with this Notice of Rulemaking as part of the pending rule. The changes specifically are the correction of earlier published website where the documents incorporated by reference may be found.

**RULE:  
08-0203-0702**

**Pending Rule: Ms. DeKlotz** explained that the State Board of Education, in conjunction with the Superintendent of Public Instruction will be consolidating all statewide assessments into the office of the State Board. Subsection 113.03 is being amended to reflect the Board's role in identifying and recognizing schools for rewards.

The State Board of Education will determine adequate yearly progress in compliance with No Child Left Behind. Subsection 112.03 is being amended to reflect the Board's role in determining adequate yearly progress (AYP) for schools and districts in the state. Language is being clarified that AYP must be determined early enough to assure at least thirty days for appeal and final determinations available to schools and districts in time to notify parents before school starts in the fall.

**Senator Sagness** asked **Ms. DeKlotz** why the consolidation? **Ms. DeKlotz** deferred to **Luci Willits** who explained the Department had asked for the change and felt it was a better fit for them. That the determination having to do with progress belonged to the Board.

**RULE:  
08-0203-0703**

**Pending Rule. Ms. DeKlotz** stated the purpose of the rule was to adopt by reference standards that special education can use in developing programs for special education students including the deaf and hard of hearing and/or those who are blind or visually impaired.

**Chairman Fulcher** asked **Ms. DeKlotz** "what does this rule do"? **Ms. DeKlotz** introduced **Ms. Amy Shaffer** who provided a brief overview of the rule. **Chairman Fulcher** thanked Ms. Shaffer for that clarification.

**RULE:  
08-0203-0704**

**Pending Rule. Ms. DeKlotz:** This rule will add updated definitions that reflect current terminology and usage, eliminate redundant and outdated language, update the rules to include all assessments in Idaho's state system. **Senator Goedde** asked how the process was currently being done and for clarification regarding the role of the State Board and the Department as it now stands. **Ms. DeKlotz** explained the individual responsibilities of the departments. **Senator Goedde** inquired of **Ms. DeKlotz** whether this was the section the sub-committee on the House side had difficulty with. She answered yes and recognized **Luci Willits** who offered further clarification. **Senator Goedde** explained the House Education Committee appoints sub-committees to look at rules and a three-person sub-committee had a split vote on this rule; whether to accept or reject it and it is going to the full committee tomorrow. In answer to a question from **Senator Burkett**, **Ms. Willits** explained the State Board oversees the assessments and acts as program manager over ISAT.

**Senator Schroeder** asked **Ms. Willits** about the \$1.4 million the Board spent that the Legislature had not appropriated and to what extent was the committee modifying the rules to cover that mistake of the Board. **Ms. Willits** stated she did not believe so and deferred to **Mark Browning**, Chief Communications Officer for the State Board of Education. **Mr. Browning** stated that the rules for the committee's consideration today in no way reflected the result of any of the Board's past financial "challenges".

**Senator Schroeder** requested that at some time he would like to receive a road map of how all this happened.

**RULE:  
08-0204-0701**

**Pending Rule. Ms. DeKlotz:** This docket deals with our Charter Schools and the purpose is to make sure that when the State Department of Education reviews Charter School applications for sufficiency, that whatever they comment on is taken care of by the Chartering Agency. **Chairman Fulcher** asked what prompted the rule? **Ms. DeKlotz** introduced **Tamara Baysinger**, Charter Schools Program Manager for the State Board of Education and asked she answer that question. **Ms. Baysinger** stated it was drafted in response to the OPE's Virtual Schools Operations Report which was presented in 2007, and requires Public charter school petitioners to address or respond to the findings of the State Department of Education's sufficiency review and to include said responses, in writing, with the petition upon submission to an authorized chartering entity.

**Senator Fulcher** thanked both **Ms. Baysinger** and **Ms. DeKlotz** for their help today.

**RULE:**  
**08-0202-0701**

**Pending Rule.** This is a continuation of the rule from last week. **Chairman Fulcher** recognized **Luci Willits**. **Ms. Willits** called on the certification director Christina Linder from the State Department to explain why the rule was proposed and the different reasons behind the rule.

**TESTIMONY:**

**Sherri Wood**, President of the Idaho Education Association. **Ms. Wood** included in her testimony a handout entitled Application Procedures/Professional Development (Handout 1 attached). **Chairman Fulcher** reminded the committee the rule was something the committee could review but did not have the ability to adopt it, only accept or reject. **Ms. Wood** continued with her testimony in support of this rule. **Senator Goedde** asked **Ms. Willits** to clarify the appeals process. **Ms. Willits** called on **Ms. Linder** who is a member of the appeals committee to explain the process. **Senator Goedde** asked how this language is different from that already in the statute. **Ms. Linder** explained the appeal process stating if the committee erred it would error on the side of the teacher. **Senator Schroeder** stated that the rule in front of the committee provides language that talks about the appeals process and asked if there was similar language that guarantees teachers that strike somewhere. **Ms. Linder** stated it is addressed specifically in the professional standards commission handbook. **Ms. Willits** stated she would consult their attorneys and provide that information for the committee.

**MOTION:**

**Senator Schroeder** moved to reject the rule and possibly revisit it next year. The motion was seconded by **Senator Burkett**. Following further discussion, **Senator Goedde** offered a substitute motion which was seconded by **Senator Jorgenson** to accept 08-0202-0701. Roll was taken on the substitute motion which passed with two dissenting votes made by **Senators Schroeder** and **Burkett**. **Senator Goedde** strongly urged the Department and the IEA to sit down and work out wording for a temporary rule to address ongoing issues.

**SUBSTITUTE  
MOTION:**

**Senator Fulcher** turned the gavel back to **Chairman Goedde** who explained the disc committee members will find in their mail boxes tonight and how it relates to the upcoming agendas.

**ADJOURNMENT:**

**Chairman Goedde** adjourned the meeting at 4:30pm.

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John Goedde  
Chairman

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Carol Vaughn  
Secretary

## MINUTES

### SENATE EDUCATION COMMITTEE

- DATE:** January 15, 2008
- TIME:** 3:00 p.m.
- PLACE:** Room 204
- MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Fulcher, Senators Schroeder, Gannon, Jorgenson, Bastian, Burkett, and Sagness
- MEMBERS ABSENT/ EXCUSED:** Senator Pearce
- GUESTS:** *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 Legislative Services Library.*
- MINUTES:** **Chairman Goedde** called the meeting to order at 3:10 p.m.
- PRESENTATION:** **Mr. Bill Robertson**, President of Eastern Idaho Technical College (EITC), discussed the goals of the college, outlined in a handout for each member. EITC developed a five-year strategic plan, which is updated annually, and contains four major goals, Quality, Access, Relevancy and Efficiency. These goals are aligned with those established by State Board of Education and the Division of Professional-Technical Education.
- Funding authorized by the Legislature in recent sessions has enabled the college to open a new health care education building, which supports quality education for nursing, dental assisting, surgical technician and medical assisting students. The largest amount of support comes from the State and is supplemented with student fees, grants and contracts. EITC would not be able to carry out their mission without the solid base of State funding that gives the college leverage to gain funding from other sources. Major instructional and service divisions include pre-employment post-secondary education; workforce and apprentice training; adult basic education; high school tech prep services; and community education. The college assists place bound students through several outreach programs located in Driggs, St. Anthony, Salmon, Arco, Rexburg and Ashton. In addition, EITC currently contracts with Idaho Nuclear Lab (INL) for \$1.3 million to provide safety training to over 3,000 employees annually.
- Mr. Robertson** asked for legislative support for library acquisitions, computer software replacement, and support of the Governor's recommendation that salaries be increased 5 percent for state employees.
- A discussion and questions from the Committee followed. **Chairman Goedde** thanked **Mr. Robertson** for his presentation and introduced **Mr. Rakesh Mohan**, Office of Performance Evaluation.
- PRESENTATION:** **Mr. Mohan** reported to the Committee regarding several evaluations

including a study on consolidating school districts. In the first phase the recommendation is to identify areas that consolidation could be useful, using extensive surveys and group meetings to focus on each issue. The second phase would include analyzing cost benefits and any impact on local areas.

**Mr. Mohan** answered questions from the Committee about the financial advantages of reducing administrative expense. **Senator Gannon** asked whether reduced administrative salaries and benefits would be a significant savings. **Mr. Mohan** believes the savings would be significant and those funds could be used for other educational needs. **Chairman Goedde** pointed out that any savings would not benefit local tax payers very much under the present system.

**Senator Jorgenson** suggested the Committee have more time to review the proposal and invite **Mr. Mohan** back when the Committee has had time to formulate their questions and comments. **Chairman Goedde** agreed and asked that **Mr. Mohan**, upon his return, provide any suggestions or information to the Committee that may need legislative correction

**Mr. Mohan** informed the committee that, in a recent review of attendance calculations and funding in 33 districts, the Office of Performance Evaluation did not find school districts out of compliance in computing Average Daily Attendance (ADA). In response to a question from **Vice Chairman Fulcher**, **Mr. Mohan** will submit to the committee the number of school districts that under-reported ADA and the number of school districts that over-reported ADA.

**Senators Gannon and Schroeder** brought up questions about dual enrollment, and **Chairman Goedde** suggested to **Mr. Mohan** that the State Board of Education and the Department of Education will appear before the Committee to address some of the issues contained in the report.

**Mr. Mohan** said the report on virtual schools was satisfactory and revealed ways to make improvement in two areas, one for the legislature and one for the State Board. **Senator Schroeder** questioned the organization of the Charter Schools Commission, which is funded through the State Board, staffed through the State Board, are also required to file its appeals with the State Board.

**Mr. Mohan** introduced **Ms. Amy Lorenzo**, Senior Performance Evaluator, who explained how they conducted their reviews. In a discussion about virtual schools and charter schools, **Chairman Goedde** asked if virtual or charter schools are required to have an outside audit similar to requirements for other school districts. If the auditor found exceptions in their financial reporting, does the Charter Commission have any responsibility or authority to require the charter school to conform to the recommendations of the outside auditor? **Ms. Lorenzo** replied that they did not review separate reports of charter schools and did not know the requirements for auditing. In the discussion about school district audits, **Chairman Goedde** asked if districts are required to change audit firms

every few years. **Mr. Mohan** was not aware of any such requirement and will report back to the Committee.

**Senator Bastian** commented on the wide variety of methods for preparing grades and progress reports. The Office of Performance Evaluation is recommending that the State Board of Education determine if the variety of reporting methods does impact the value of the information.

**Mr. Mark Browning**, State Board of Education, commented on how performance is measured for virtual schools and their requirements for AYP. **Senator Sagness** asked if virtual schools report directly to the State Board or another entity. **Ms. Karen Echeverria**, Idaho School Boards Association and formerly employed by the State Board of Education, responded that virtual schools have the same reporting lines that all other school districts have.

**Mr. Mohan** said the study at the Idaho School for the Deaf and Blind revealed that the cost per student is increasing and enrollment is declining. Therefore, the Office of Performance Evaluation recommends that an analysis of enrollment and finances be conducted, as well as discussions with all the stakeholders. **Mr. Jeff Shinn**, Office of Performance Evaluation, said the cost for each residential student is over \$80,000. There has been no bill introduced this session relating to education of students at ISDB. The State Board of Education, and several committees have discussed the issue of educational models for deaf/hard of hearing and blind/visually impaired students, but to my knowledge there has been no legislative action in this regard.

A study on health care costs in Idaho was conducted for the Health Care Task Force. There has been no further work on this project. **Senator Goedde** mentioned there currently is a task force studying health care costs for the Department of Health.

The project also included a study on technology, fiscal management, and the ratio of students to computers. **Chairman Goedde** asked if the Performance Evaluation report looked at a statewide student information system. **Mr. Mohan** said they did review that system and concluded there was no need for follow-up. **Chairman Goedde** said the cost for the system is included again this year in the budget from **Mr. Tom Luna**, State Superintendent of Public Education. He invited **Mr. Mohan** to return with information for the Committee with recommendations for a statewide student information system compared to what **Superintendent Luna** is proposing. The Committee would be able to formulate better questions for the State Department based on the information **Mr. Mohan** provides. **Chairman Goedde** also requested that he compile a list of legislative recommendations for the Committee.

**PRESENTATION:**

**Chairman Goedde** thanked **Mr. Mohan** for his presentation and introduced **Mr. Nick Smith**, Deputy Superintendent, State Department of Education to speak about the Rural Initiative.

**Mr. Smith** stated that last year **Mr. Tom Luna**, State Superintendent of Public Instruction, proposed \$100,000 to fund a Rural Education Initiative. A task force was formed, and its members included school administrators, teachers, senators, business owners and parents from across the state. Possible solutions to many issues that rural schools face were closely examined, and a report to the legislature was prepared.

An important goal that surfaced from the beginning was to increase the number of highly qualified teachers in rural districts. Other goals included closing the technology gap between urban and rural schools, establishing a way for districts to improve disabilities, providing rural districts with help they need for disabled children, and providing assistance in the search for health insurance for rural families. Possibly, the greatest issue faced by rural schools is the retention of highly qualified teachers.

Other states are facing the same issues, and Idaho can borrow solutions from them. The State Department can look at their own internal policies to determine which ones affect rural schools in a positive or negative way and analyze solutions that can be achieved without additional funding.

**Senator Gannon** asked for a definition of "rural schools," and **Mr. Smith** replied that an exact definition also was a challenge for the Commission because every district represents a different definition, and has their own individual program and description. They hope to develop a clear definition, along with a list of policies and procedures to deal with these schools, prepare a time line and a report for the legislature, which would include proposed legislation, new or revised policies and procedures, and any financial assistance needed to improve the state of education for rural schools.

The Rural Schools Commission met several times to prioritize which issues have the greatest impact in the shortest amount of time. Four of the most important issues are the retention of highly qualified teachers, funding shortfalls, and the technology gap, as well as developing a statewide definition of rural schools in order to take advantage of grant opportunities for the schools.

**Mr. Smith** said there is a need for a stronger partnership between K-12 and higher education. After meetings with representatives in higher education they found that there is a lack of communication and understanding between higher education and K-12. To help with the teacher shortage, we need to do a better job of selling the teaching profession to high school students, and colleges need to do a better job of recruiting people to that profession. Higher education claims they are graduating teachers in sufficient numbers, only to see them accept jobs in other states for higher salaries. Another important solution is needed to stop the loss of quality classified staff because of low salaries.

**Senator Schroeder** talked about schools changing to a four-day week to cut expenses and asked for comments. **Mr. Smith** agreed that some employees would be glad to have an extra day off, but a better reason for a district to consider a four-day week is to cut expenses. Another reason is that perhaps the district's Average Daily Attendance (ADA) is going down,

and parents can be encouraged to make children's appointments on that day off, keeping the students in school for the majority of the four-day week. **Senator Schroeder** asked about changing the ADA percentage if the number of hours are shifted to a four-day week. **Mr. Smith** agreed and said they would have to research the formula if more and more schools change their school week.

Technology systems are aging and rural districts do not have the funds to hire the staff to maintain and update those systems. Rural districts have a favorable student-computer ratio compared to urban districts, but are unable to maintain a quality system.

High quality professional development is very limited because of the distance to higher education facilities or maybe it just isn't offered by some districts. A statewide network to bring teachers, colleges, and libraries together is needed to provide that solution. Regarding school districts that are very remote, the department is working with different service providers to upgrade the level of connectivity they can bring to those remote areas.

The task force is prepared to make some recommendations at this time, while some recommendations will take more time and others will be included in the Department of Education's budget request. The Rural Education Commission agrees that higher salaries are needed to keep highly qualified teachers in Idaho. Teachers in rural districts need to teach a variety of subject areas and are very valuable. Funding is needed to pay teachers for the extra duties. **Senator Sagness and Vice Chairman Fulcher** discussed with **Mr. Smith** the fact that there is more to this issue than increasing salaries. In addition, there is a measure coming before the 2008 Legislature to increase salaries for teachers in all districts.

The task force has also asked **Governor Otter** and **State Superintendent Luna** to include an increase in the base pay for classified staff in their budget planning.

Rising insurance costs continue to take discretionary dollars away from other student programs in rural schools. The Commission discussed several solutions to reverse rising health care costs. Many of the possibilities were reviewed and members believe it would be an advantage to have a separate line item in the budget for insurance cost.

Another recommendation from the Commission is to fund a position for technology support needed in rural districts to maintain the technology they already have. The funding should be based on student enrollment to decide whether it should be a full-time position, or arrange for one technician to serve more than one district.

The task force has accomplished a lot of work in a short time and will be asking for an appropriation to continue working during the coming year.

In regard to some of the other issues discussed by the task force, **Mr. Smith** said the certification process will be smoothed out by the

Department of Education to eliminate some barriers that prevent graduates in other subject areas from becoming certified as a teacher.

**Mr. Smith** summarized several of the other solutions, some of which had been discussed earlier, and suggested a letter be drafted to institutions of higher education asking for better communication and interaction with the K-12 system.

**ADJOURNMENT:**

Chairman Goedde thanked **Mr. Smith** for his presentation and adjourned the meeting at 5:15 p.m.

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John Goedde  
Chairman

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Carol Vaughn  
Secretary

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Sandra Boyington  
Assistant Secretary

## MINUTES

### SENATE EDUCATION COMMITTEE

- DATE:** January 16, 2008
- TIME:** 3:00 p.m.
- PLACE:** Room 204
- MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Fulcher, Senators Schroeder, Pearce, Jorgenson, Bastian, Burkett, and Sagness
- MEMBERS ABSENT/ EXCUSED:** Senator Gannon
- MINUTES:** **Chairman Goedde** called the meeting to order at 3:10 p.m. He requested the secretary take a silent roll call. He welcomed committee members and guests.
- Chairman Goedde** presented RS 17629 which was before the committee for hearing.
- MOTION:** **Senator Fulcher** moved to print RS 17629. **Senator Jorgenson** seconded the motion. The motion passed by voice vote.
- Senator Goedde** introduced **Dr. Priscilla Bell** from North Idaho College. **Dr. Bell** presented the college's strategic plan, their enrollment, their program initiatives and legislative requirements.
- Dr. Bell** stated North Idaho College is completing the strategic plan under which it has been operating for the last several years. That strategic plan was designed to run from 2004 to 2008 and they are currently in the process of developing a new plan. She first addressed the plan under which they have been operating which includes NIC's mission with its emphasis on student success, achieving excellence and life-long learning and making sure there is a comprehensive community college in North Idaho which will provide everyone in North Idaho with an opportunity to enroll and achieve a college education.
- She stated the mission of the college has five goals: student success, educational programming, leadership and responsiveness to the community, planned growth and continued assessment and improvement.
- Dr. Bell** stated the new strategic planning committee is comprised of ten people from the community at large and ten people internal to the campus and that they are undertaking a data driven planning process with both internal and external counsel assisting in the development of the plan. She expects the plan will be completed in May with final approval in June.
- Dr. Bell** discussed the growth of the north Idaho area and the change of

population resulting in more non-traditional students, and how its is affecting both their credit and non-credit enrollment. Their desire to meet the needs of a changing demographic have resulted in a very comprehensive and broad impact on their community.

**Dr. Bell** addressed the distance education program stating the enrollment in that program had grown by almost 1000% in the last ten years and the importance of continuing to build distance education opportunities. She listed the progress the school is making in the enrollment of students in the new programs and classes that are being offered.

**Dr. Bell** then spoke briefly of the school's legislative priorities, stating she felt the state needed to provide more need-based aid which would eliminate one of the key barriers to enrollment retention. She said that NIC is in support of Superintendent Luna's request for funding for dual concurrent enrollment which gives students a more positive experience which makes them more likely to enroll in college.

**Dr. Bell** spoke of the school's financial needs for construction and renovation projects, for new faculty positions, their financial needs to increase the school's professional technical program, to increase their employment compensation as well as to increase community college tuition cap.

**Dr. Bell** stated the two specific initiatives requested by NIC this year are 1) \$115,000.00 to enable the school to develop joint programs with Spokane Community colleges, and 2) \$307,000.00 to upgrade and standardize technology in the classroom.

**Chairman Goedde** asked for questions and recognized **Senator Jorgenson** who had a question regarding off-campus expansion. In answer to **Senator Jorgenson's** question, **Dr. Bell** commented they presently had an option on property located near the school which is presently a mill site and were also looking at the possibility of expansion in the Rathdrum Prairie area.

**Senator Jorgenson** then asked **Dr. Bell** to describe the relationship between the Coeur d'Alene Tribe and the college. **Dr. Bell** stated they were building that relationship, not only with the Coeur d'Alene Tribe but with the other tribes in the area as well by adding tribal names to their buildings, having native American student advisors and native American studies. They are also looking into the possibility of having a Long House. She stated the tribe had endorsed a large part of the school's legislative agenda and is represented on the school's Partners in Education Council.

**Senator Jorgenson** inquired about a recent Federal grant the college had received. **Dr. Bell** explained the purpose of the grant was to provide funding for the school to do certificate training for the tribe in areas that would help enhance their productivity at their employment sites.

**Chairman Goedde** recognized **Senator Schroeder** who inquired if there

were any advantages or disadvantages of having a tuition free zone in respect to the community type college in the greater Spokane and Coeur d'Alene area.

**Dr. Bell** explained there was very little difference between the tuition charged in Washington and the tuition charged in Idaho but they did, however, reduce their out-of-state tuition charges for Washington State students which did increase their Washington State student enrollment.

**Senator Schroeder** asked **Dr. Bell** to provide some research that would help assess the degree to which people of low income, who don't have money to go to college, affects northern Idaho's low number of students attending college.

**Chairman Goedde** recognized **Senator Pearce** who asked **Dr. Bell** to talk about the success the college has had with reaching out to private businesses in doing training for them. **Dr. Bell** answered they have an extensive on-going partnership effort with private employers in the area which is very strong.

**Chairman Goedde** asked **Dr. Bell** about the availability of practical opportunities, and expansion into normal day shifts for their medical students who need to be out in the community doing their practical work. **Dr. Bell** stated she would have to get back with **Chairman Goedde** on that issue when she had a more definitive answer for him.

**Chairman Goedde** thanked **Dr. Bell** for her presentation.

**MOTION:**

**Senator Schroeder** moved to approve the minutes of January 10.

**Senator Jorgenson** seconded the motion. The motion passed by voice vote.

**Chairman Goedde** introduced **Dr. Jerry Beck** from the College of Southern Idaho, who presented the strategic plan for the college. He compared the four goals of the State Board of Education with the four goals of the College of Southern Idaho which are service, innovation partnership, full developed resources, and how the College of Southern Idaho articulated their strategic plan into the State Board of Education Plan.

**Dr. Beck** stated that one of the methods used to create their plan was to run articles in various news publications asking for input regarding the direction the College of Southern Idaho should take. The response to those articles listed concerns as follows: quality of education, cost of tuition and fees, financial aid, and the need for more bachelor and master degree programs. Following receipt of those responses, the school held visionary sessions, and plan to have the final draft finished in February. He then described new construction planned for the campus.

**Chairman Goedde** recognized **Senator Pearce** who asked for an update

on the requirement of their professors to increase their classroom hours. **Dr. Beck** stated their efficiency had increased considerably.

**Chairman Goedde** recognized **Senator Bastian** who asked **Dr. Beck** how the college measured their goals? **Dr. Beck** stated the goals are measured very subjectively through what the people in the community were telling them.

**Senator Bastian** stated it would be nice to see a goal written in such a way that it could be measured simply. **Dr. Beck** referred the senator to the performance measures (benchmarks) set out on pages 147 and 148 of **Dr. Beck's** handout.

**Senator Sagness** asked what he felt the effect would be if the state started losing a significant number of teachers. **Dr. Beck** answered there was an upturn in education majors. The increase in salaries has helped to attract people to the teaching profession.

**Chairman Goedde** thanked **Dr. Beck** for his presentation. He recognized **Dr. Arthur Vailas** of Idaho State University.

**Dr. Vailas** outlined his presentation stating he would like to speak on the complexity of ISU, how they are moving forward, how they are serving the State of Idaho and the accountability of the University. He stated their plan addresses the issue of accessibility and opportunity. He said they are the largest producer of health professional degrees in the state, and offer accreditation in medical residency, family practice and primary care and are expanding into other areas.

**Dr. Vailas** stated that part of the school's mission, part of their plan is to serve and meet the demands of the various areas of Idaho. The school has received over \$46 million dollars for professional technical education leveraging PTE in the energy industry. The national science foundation has faculty going out and getting none-Idaho dollars to support their educational and training programs in partnership with companies such as Idaho Power, Atomic Energy and Battelle.

In addition to the emphasis on the energy programs, ISU also offers a wide array of opportunities in the health profession and programs that support the health profession.

**Dr. Vailas** spoke to the flexibility of the school which enables them to offer education through on-line classes to many of the remote areas in Idaho.

Idaho State University, in its effort to meet the enormous need for flexibility (the ability to take a class on line in your time), has now created the framework to accomplish that goal and is working with partners like Quest, etc. to provide the kind of IT networking necessary to enable its delivery of classes. They are also in the process of creating a network with southeastern Idaho and Treasure Valley so they can provide an opportunity for students throughout the state.

**Dr. Vailas** next spoke on the topic of concurrent enrollment which is also part of the strategic plan for the university. He called their program not concurrent enrollment but The Early College Program. This is a program that has evolved over time and has exceeded some of the requirements of concurrent enrollment. Some of their requests are to help offset the curriculum development and faculty workshops at the university which enable them to truly deliver college level curriculum. One of the positive aspects of the program is that it gives high school students the confidence that they can do college work.

**Dr. Vailas** stated they are asking for some compensation that deals with support of their very extensive workshops and also any curriculum development. The plan also covers what the University has done to support the complexities of student life. This is done through the Rendezvous Project, the largest complex of its kind in the State of Idaho. The Rendezvous Project combines academic space, residential life and student services all in one complex. Part of their strategic plan is to better serve the Treasure Valley through the Meridian campus in one of the specialties of the University which is health care. **Dr. Vailas** spoke about the reimbursable services the University has through the clinics ISU runs. The clinics are providing services as well as teaching opportunities for their students.

**Dr. Vailas** thanked the committee for its support.

**Chairman Goedde** opened the floor for questions and recognized **Senator Sagness** who asked what it would take to expand the residency program and how long would it take to get that going? **Dr. Vailas** answered by referring to the feasibility study stating even if the school had an accredited residency program, it would take from 3 to 5 years to complete the residency requirements.

**Chairman Goedde** recognized **Senator Schroeder** who had a question about dual enrollment and whether or not the high school teachers were qualified to teach college courses; and if the university had someone from outside the university certify that their process was valid or is it just in-house evaluations. **Dr. Vailas** stated it is both.

**Chairman Goedde** thanked **Dr. Vailas** for his presentation and introduced **President Dene Thomas** from Lewis-Clark State College. Ms. Thomas stated they have a three part role in mission, the academic, the professional and technical, and the community programs. With that they nearly doubled their K-12 concurrent enrollment from last year to this

year. They send out their own professors to be with the unqualified teachers in the classroom. Their program in accelerated certification in education received a national award for its flexibility and speed in getting the teachers into the classroom.

President Thomas said LCSC is an engine for Region 2 work force development. They collaborate the MSW with Boise State which has worked well.

**President Thomas** stated their strategic planning is a process that involves both the budget and everyone on campus. They start with a unit action plan which is a yearly plan that moves ahead into the next year and keeps going. The units come up with their needs and priorities and their report is done by Halloween. Functional area groups are next and their report is due by Thanksgiving. It then goes to the Vice President and is finally reviewed by **President Thomas** and the Vice President who set the budget following the legislative award of the monies they are going to get. Last year they were able to fund 17%. **President Thomas** directed the committee's attention to a number of statistics in the plan which point out their continuous improvement.

**President Thomas** stated their Montra is growth and they have grown 34% since the fall of 2000 and can handle 4500 on campus. She stated their aim is to be an institution of 5000 which would allow them to better fit the programs of the region. Within that growth they have pushed for growth in diversity which they are very proud of as well. **President Thomas** thanked the committee for their vote on the nursing/health sciences building, calling it a tremendous gift of which they will be worthy. She stated they will be in that building by fall of 2009. In connection with that, she asked the committee to agree with the Governor's budget request for the nursing faculty and the equipment to go along with that facility.

**Senator Schroeder** asked how the school interacted with the Nez Perce Tribe. **President Thomas** stated they had a wonderful relationship with the tribe and they are the only place in the world that offers a course in the Nez Perce language and feels, as such, they are doing a service to the world since they are the only ones who do it. She continued stating they do well with the tribe and the tribe does well for them.

**Senator Sagness** asked **President Thomas** what she saw happening in the teacher education program in terms of numbers? **President Thomas** stated the numbers are increasing. The traditional one is doing well and increasing.

**Chairman Goedde** thanked **President Thomas** and adjourned the meeting at 5:00 p.m.

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Senator John Goedde  
Chairman

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Carol Vaughn  
Secretary

## MINUTES

### SENATE EDUCATION COMMITTEE

- DATE:** January 17, 2008
- TIME:** 3:00 p.m.
- PLACE:** Room 204
- MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Fulcher, Senators Schroeder, Gannon, Pearce, Jorgenson, Bastian, Burkett, and Sagness
- MEMBERS ABSENT/ EXCUSED:** None
- GUESTS:** *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 Legislative Services Library.*
- MINUTES:** **Chairman Goedde** called the meeting to order at 3:00 p.m.
- RS 17648** ISTARS. **Senator Jorgenson** moved to send **RS 17648** to print. **Senator Schroeder** seconded, and the motion carried with all in favor by **voice vote**.
- PRESENTATION:** **Chairman Goedde** introduced **Mr. Christian Zimmerman**, Professor at South China Normal University, for a presentation on Chinese language education. **Mr. Zimmerman** described his position as an English writing and language teacher at the University. He gave a brief overview of the structure of the Chinese government and attitudes of the citizens about America and the English language. Citizens would like to have a closer relationship with America, and he believes that one way to do that is through the educational system.
- Some students graduating with Masters Degrees will be coming to America as interns to teach in our schools. **Mr. Zimmerman** said he knows of no government school in America that teaches Chinese the proper way, as it is a very difficult language to learn. His program is designed to allow an intern to work as a teacher while learning about public education in Idaho and the American primary education system. The teaching assignment will be to assist in a classroom teaching Chinese.
- Mr. Zimmerman** introduced **Mr. Vic Koshuta**, Superintendent of Cascade School District, and stated that they are very close to getting this program implemented for the Fall of 2008 in Cascade. Meridian School District is also working on the same idea.
- Long range advantages could be significant for students who are exposed to ten or twelve years learning the Chinese language. They would be able to conduct business easily in Agriculture and Technology, which are significant markets in China.

**Mr. Koshuta** presented an outline of the K-12 foreign language program planned for Cascade School District for the 2008-09 school year. The district is prepared to offer to the intern a \$500 per month living allowance, housing arrangements, transportation to and from work, and round trip air fare. The intern will be responsible for items such as, but not limited to, insurance coverage, transportation, meals on days off, and clothing. The intern must adhere to the rules of the school district, State Department of Education Code of Ethics, and all local, state and federal rules and laws. The District will assure that the host family will not attempt to steer the student intern's loyalties away from China's leaders.

South China Normal University will be responsible for providing interns with qualifications, such as: being well-versed in American foreign language pedagogy; knowledgeable and skilled in managing students in a U.S. classroom, willing to work with the school and community at large, proficient in English, and have a solid background in Mandarin. All of these requirements are described in detail in the district's plan.

The curriculum will begin in year one with grades K-5 and will add an additional grade level each year until the district has a K-12 language program. **Mr. Koshuta** said the successful students will gain a marketable skill in our global society that can be used immediately upon graduation to secure gainful employment.

In response to a question from **Senator Schroeder, Mr. Zimmerman** described the dedication of the Chinese people to education. Because English is designated the international language, all children are learning English, and parents push their children for education, so that they can pass the rigorous university entrance exams.

**Senator Fulcher** asked **Mr. Zimmerman** if engaging in an active two-business relationship will help the human rights situation in China, specifically for females. **Mr. Zimmerman** spoke from his own observations. They are not militaristic. Many of his students were females, and the government is recognizing their potential. The agricultural areas will take longer for change, but certainly this arrangement will keep China progressing in the direction of the rest of the world.

**Senator Gannon** asked **Mr. Koshuta** about offering other foreign languages. **Mr. Koshuta** said that Spanish is offered in the high school and classes in Chinese would be offered K-12.

**Chairman Goedde** asked **Mr. Koshuta** if there is concern that by adding this course to the present curriculum alignment, possibly too much would be offered K-12. **Mr. Koshuta** said that several meetings were held with the staff to determine if they had 30-40 minutes each day to devote to this. They decided that the benefit of this program in K-12 is great and urged him to move the plan forward. At some point in the future it will be necessary to work with the State Department to align the course for high school graduation credit.

**Chairman Goedde** thanked **Mr. Koshuta** and **Mr. Zimmerman** for their presentation and sharing their innovative educational ideas.

**Chairman Goedde** drew attention of Committee members to two reports in their packets for review. The presenters will appear before the Committee in the near future. He also gave Committee members information on the complicated schedule next week for the joint meetings and the large volume of testimony to be held during those meetings.

**ADJOURNMENT:**

**Chairman Goedde** adjourned the meeting at 3:40 p.m.

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John Goedde  
Chairman

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Carol Vaughn  
Secretary

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Sandra Boyington  
Assistant Secretary

## MINUTES

### JOINT HOUSE AND SENATE EDUCATION COMMITTEE

**DATE:** January 21, 2008

**TIME:** 3 P.M.

**PLACE:** East Conference room, JR Williams Building

**MEMBERS:** Co-Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Bradford, Block, Nielsen, Wills, Chadderdon, Shepherd (8), Marriott, Mortimer, Patrick, Thayn, Boe, Pence, Chavez, Durst, Shively

Co-Chairman Goedde, Senators Fulcher, Schroeder, Gannon, Pearce, Jorgenson, Bastian, Burkett, Sagness

**ABSENT/  
EXCUSED:** Rep. Wills and Senator Jorgenson

**GUESTS:** See attached list

Senator Goedde called the meeting to order at 3:05 P.M. He explained the ground rules for those wishing to testify at the joint meeting. These rules include; no clapping or booing, no personal attacks, keep to the issue at hand, don't repeat what prior testimony. Those who testify need to state their name and address for the record. Senator Goedde explained that the joint committee will try to honor out of town speakers. He further explained that the joint committee will dissolve after public testimony is taken. He explained that the IEA will present **SB 1290** followed by a response from the School Board Association and the School Administrators Association. Presenters will be allowed 30 minutes for their presentation and 20 minutes will be allowed for the response.

**SB 1290:** **Sherri Wood**, president of the Idaho Education Association, deferred to Senator Burkett who explained the bill for the joint committee. He explained that there is a need for local plan, a need to retain good teachers and encourage good teachers. He explained that this legislation was developed by teachers, compensation for teachers would be through a foundation. He further explained that compensation needs to be through foundation level.

**Sherri Wood** introduced bill. (See attachment #1) She explained that the average teacher's salary ranks 38<sup>th</sup> in the nation. She further explained that how we pay teachers is as important as how much we pay them. She explained that the work on SB 1290 began shortly after the adjournment of the 2007 legislative session. Those involved included the IEA Task Force, including teachers from throughout the state. The first question for the task force was what principles and goals should drive the development of any pay plan? The goals of the we Teach legislation include; improve student learning, promote professional competence, create collaborative teaching and learning environments, attract and retain high quality teachers, increase public support for education increase the financial opportunities for teachers throughout their careers, be supported by IEA members throughout the state, and be credible with legislators.

She explained that a comprehensive system attracts and retains highly qualified educators. The plan is fully funded, open to all employees and doesn't limit employees. The IEA is opposed to a system that encourages favoritism, is clear and is subject to objective measurements. Professional development in schools is inconsistent. She further explained that the goal of weTEACH is to recognize educators for improved performance. She explained that there are three tiers of compensation in SB 1290. Tier 1 is the foundation pay, this includes the current salary system subject to annual increases provided by the Legislature. Tier 2 is knowledge and skills based, this tier recognizes and rewards teachers who build content knowledge and pedagogy throughout their careers. There are three levels under this tier. These levels are novice, professional and master. The last tier of compensation is the group-based performance awards. This includes awards given to groups of education employees, and is based on achieving pre-determined goals established by the local school district and goals must be focused on student success.

**PRO SB 1290:**

**Jim Shackelford**, executive director of IEA, explained the content of the bill for the joint committee. He discussed specific language included in the bill. Language in the bill includes that the state will make available a framework and funding for local school districts to use in developing their plans, funding will be provided for the three tiers of compensation, the State Department of Education will develop and distribute guidelines, and the Department will approve or deny local plans. He explained the funding formula, the knowledge and skills-based pay framework, the requirement for supervision and evaluation of teachers, the voluntary participation of teachers and the three levels through which teachers may advance during their careers.

**Mr. Shackelford** responded to questions from the joint committee. In response to a question regarding what if individual teacher wants to grow professionally, but school doesn't want to. He explained that the district would come up with plan to work with the teacher. In response to a question regarding the novice plan using the term "few" years. He explained that the term provides for teachers who move from out of state who has years of experience but would not start at novice level. He explained what would be included in a teacher's portfolio. It would include all of the years of research, student work, classes they've taken or taught. When questioned about the fiscal impact and mechanism to fund the program, **Mr. Shackelford** responded that it would be factored on the certain amount per district based on number of students. It would be ongoing funding. It would be a Legislative decision, an amount of money would be identified for salaries, base salary then amount of money to this compensation. He explained that test scores could be a part of factoring professional growth, but it would be done by school districts. He further explained that on page 7, lines 35 of the bill, it addresses the IEA definition of a group based performance. He further explained that the bill was locally developed, with a set of criteria and goals that they want to reach. The comprehensive plan should be approved by SDE. He stated that there could be some disagreements between SDE and local school districts. In response to a question from the committee, **Mr. Shackelford** explained that elementary schools don't have to have a Continuing Improvement Plan, but most do. The hope is that every school would have CIP in place.

When asked about guidelines for a CIP, he explained that under accreditation rules, middle school and high schools have to have a CIP, elementary schools don't. He explained that the high level of competence is achieved through the determination of local professional development groups, flexible based on local school districts. Sen. Gannon mentioned that he sees a lot of red tape with the development of CIPs. In response to a question regarding the estimated amount of infrastructure that will be required for each teacher, **Mr. Shackelford** responded that each school district would create its own infrastructure. He further explained that to pay teachers differently does require time, study and creativity to implement plan. A simple plan would not be as successful. He explained that plans could be written on consensus process and needs input from local educators. There is also a need for sophisticated evaluation steps. In response to a question regarding who will evaluate, he responded that each local district would put together what they would categorize driving student success and local professional development . It would be voluntary for teachers or districts to move to the next level of professional development. Teachers could move back to regular compensation plan if they want. He explained that Group based performance awards would be a one year bonus. The plan only would affect employees other than teachers when it is a group based performance. IEA believes every employee in the school contributes to the learning of a child. When asked about the role of principals, **Mr. Shackelford** responded that they invited administrators to be part of the plan. He explained that the amount of performance awards would differ depending on school district. A school district would receive a lump sum, but would decide whether or not to put money in knowledge and skills area or in group based performances. Under the plan, knowledge and skills-based award is all about individual teachers.

Struggling teachers would get help to get better, if they continue to struggle, then they would be asked to leave. Local school districts would determine what would be put in plan, could use test scores or other measuring tools. He also explained that the state framework could include an array of items, school districts would determine the framework. When questioned about the fiscal impact, he responded that it would be decided by JFAC not by the Education committees.

**CON SB 1290:**

**Dr. Clifford Green**, representing the Idaho School Boards Association, spoke in opposition to **SB 1290**. He commended the IEA for putting together a good plan. He further explained the professional development component is admirable. He stated that the ISBA was not asked to the table to develop this plan. He explained that there is a need to bring stakeholders to table. He further explained that the ISBA developed a resolution to support alternative compensation plan for teachers. He discussed the three components of the plan. He explained that the data emphasizes performance of students, but there is no accountability and no specific academic requirement. It is optional for teachers, has a student identifier system, and there are provisions for professional development and mentoring in bill. In **SB1290** the professional development board is not defined. He explained the role of school boards is diminished in bill. He further explained that salary increases should be part of the board's role. In response to a question regarding how the total amount of state funding determined, he responded that it is a process problem in regard to JFAC funding. **SB 1290** funding is not predictable or uniform.

Both plans have components to award all levels. It was mentioned that early in the session, legislators were given a handout endorsing iSTARS, attributed to the president of ISBA, but when contacted by a legislator, she responded that she did not write it. **Dr. Green** responded that he did write it the handout and sent to president to correct which she did and sent it back to **Dr. Green**. The letter was supposed to be sent out with president's name not **Dr. Green's** name. He further explained that there has been some misunderstanding regarding the handout. It was pointed out that the pertinence of this issue has to do with credibility.

**CON SB 1290:** **Jim Lewis**, president of Schools Administrator's Association and Superintendent of Blaine County school district spoke in opposition to **SB 1290**. He first complimented the IEA for **SB 1290**. He mentioned that he has been a member of IEA for 20 years. He further mentioned that the public has been asking for performance based plan. He explained that input from all sides should have been obtained. He further explained that if the state doesn't do something about teacher compensation, teachers will leave. The Association was asked to work on iSTARS. He asked if weTEACH was an honorable proposal or just to muddy the water between it and iSTARS. He responded that there is a need for annual pay increases. He explained that the biggest concern is that local implementation means negotiations. He further explained that continued options for local teachers also means negotiations. He discussed the compensation steps in the bill; he mentioned that the novice level is solid and in place, master's level has some concerns with the professional portfolio and the master's in content area is already in place. He mentioned that there are no specific plans, or how it is going to be budgeted. He stated that he believes that plan has pieces that could be blended or used. He further mentioned that now is the time for courageous leadership. We are slowly getting behind as a state, we currently award time and service, need new ways to reward, reward ability leadership and performance not time and service. There is a need to extend contracts and to recruit the top one third. In response to questions, **Mr. Lewis** explained performance could be beefed up in iSTARS but enough funding is needed.

**SB 1310:** Superintendent **Tom Luna** presented this bill to the Committee. (See attachment #2) He explained that while campaigning for his current position, he pledged to make teacher pay one of his priorities. There is a need to retain the best and brightest teachers. He explained that currently teachers can't receive bonuses. He stated that teachers deserve bonuses like other state employees. He also stated that the steps of iSTARS is not subject to negotiation. The plan gives every teacher five opportunities to get bonuses. The foundation is the current pay system we have today. The first step focuses on student achievement. He explained that 75% of money represents growth and 25% focuses on grade level proficiency. The State provides the funding, but local school districts decide what are hard to fill positions. It is not a new concept. He explained that every teacher that takes category 4 contract is not an at will teacher. He further explained that teachers have steps of due process. The teacher has 6 steps in the due process; these steps include fair and valid evaluations, teachers receive an official letter and a teacher performance evaluation. He explained that there is a considerable amount of protection.

He further explained that too many good teachers leave classroom to make more money. Under the iSTARS plan, it would give teachers choice to make more money. He explained that teachers can be grandfathered into system to attain additional endorsements. Teachers can take a proficiency exam and if they pass, they don't need to take additional courses. He explained that changes have been made to iSTARS since it was presented across the state. There has been a change in the amount of money. It has been estimated that about 25% of teachers will participate this plan. The other change is that the award for steps have been reduced from \$2400 to \$2200. The plan would include all certified staff not just teachers. The cost of the plan is now \$46 million. There has been a change in career opportunity, teacher that has taught 3 or more years can have 3 year contract. Certified staff are eligible to receive bonus if 85% of the students score proficient or higher. The plan provides benefits to rural schools and would help with funding and flexibility to fill hard to fill positions and encourages teacher to gain multiple endorsements. He explained that when iSTARS was developed, he met with all stakeholders including IEA. Support for the plan is necessary to become law.

In response to questions, **Mr. Luna** explained first year teachers can make up to \$37,000 per year. When asked how critical the category 4 plan is to the proposal, **Mr. Luna** responded that there is a need to have support to address student achievement. There is a need for the whole package. When asked if teacher chooses iSTARS and a recession happens, is a teacher protected, **Mr. Luna** responded that the teacher would be protected. He explained that if iSTARS goes away, the teachers can go back to original contract. When asked what happens to representation in local union if teacher decides to participate in iSTARS, **Mr. Luna** explained they would not give it up. He further explained that membership in an association is never asked, and is not a part of qualifying.

When asked about what other assessment tools were considered, **Mr. Luna** explained that no teacher's pay is dependent on one test, only the student achievement piece. He further explained that the ISAT is the one uniform test statewide, it can be improved. It is the measuring stick we use. All other bonuses aren't predicated on ISAT.

He explained that once a teacher chooses category 4 pay, he or she will stay with that while teaching in the state. In response to questions, **Mr. Luna** explained that if districts want to use iSTARS funds has to meet the terms of law in iSTARS bill. When asked about the difference between teacher knowledge and teacher effectiveness **Mr. Luna** responded the iSTARS is a way to provide for teacher incentives. The school district would determine leadership. When asked about the Category 4 contract, he explained that iSTARS would provide funding for keeping teachers we have and attracting new teachers to the state. He further explained that the way to keep teachers in Idaho is to provide a way to pay more for teachers. Each year a teacher teaches, they become more valuable. He stated that iSTARS focuses on areas the current system does not address. When asked if category 4 is essential to this process, **Mr. Luna** responded that it is important because it is needed to gain support necessary to fund this and move policy forward. It is a realistic approach. Under this legislation, teachers would be given a considerable amount of protection that they don't already have.

He explained that vision, resources, skills and incentives are all needed for a successful compensation plan. He further explained that those who are not comfortable with the plan will not choose the plan, but let those that want to choose it. **Mr. Luna** explained that there are a lot of misconceptions out there among teachers.

He explained that if at any point, a third year isn't added back on to a teacher's contract the teacher would have two years to resolve the problem. He further explained that if we stay with what ifs, nothing will change. When asked how much across the state would it cost to get rid of a poor teacher, **Mr. Luna** responded that he did not have the figures and would provide them at a later time. He further explained that iSTARS isn't about getting rid of poor teachers, it is about retaining and attracting good teachers. When asked what would happen if 50% of teachers choose iSTARS, **Mr. Luna**, estimated number of teachers that will participate is 25%. He explained that about 10 items in the budget are estimates, and this is an estimate also. He explained if more teachers choose to participate in the plan, the State has the opportunity to tap into the stabilization fund to make it go. If fewer teachers participate, then the money would go into stabilization fund. He further explained that there are more protections for teachers in category 4 if caught in a reduction in force because the school district has to buy out teacher's contracts. **Mr. Luna** explained that iSTARS is not a plan to bust the union. In response to questions regarding including the deans and faculty of higher education, **Mr. Luna** responded that he did have some discussions with them and have discussed elements of this plan, but they were not involved in development of this plan. He further explained that he went to Boise State University and Lewis-Clark college and presented plan and got input at that time.

**ADJOURN:** Senator Goedde adjourned the meeting at 6:15 P.M.

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Co-Chairman Nonini  
Chairman House Education

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Claudia Howell  
Secretary, House Education

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Co-Chairman Goedde  
Chairman Senate Education

## MINUTES

### JOINT MEETING

#### SENATE EDUCATION COMMITTEE HOUSE EDUCATION COMMITTEE

**DATE:** January 22, 2008

**TIME:** 3:00 p.m.

**PLACE:** East Conference Room, J. R. Williams Building  
700 West State Street, Boise, Idaho

**MEMBERS PRESENT:** (SENATE) Chairman Goedde, Vice Chairman Fulcher, Senators Schroeder, Gannon, Pearce, Jorgenson, Bastian, Burkett, and Sagness (HOUSE OF REPRESENTATIVES) Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Bradford, Block, Nielsen, Wills, Chadderdon, Shepherd (8), Marriott, Mortimer, Patrick, Thayn, Boe, Pence, Chavez, Durst, and Shively

**MEMBERS ABSENT/ EXCUSED:**

**MINUTES:** **Chairman Nonini** called the meeting to order at 3:10pm. He requested the secretaries take a silent roll call. He welcomed committee members and guests.

**Chairman Nonini** recognized Idaho State Department of Education **Superintendent Tom Luna** and opened the floor for questions.

**Representative Marriott** asked **Superintendent Luna** if teachers accept Category 4, how do they get paid? Does that money go to the district, into the general fund, or do they get paid directly by the State? **Mr. Luna** stated there are two steps with ISTARs. Both the career opportunity and expertise become a permanent part of a teachers pay and they will see it as part of their monthly check they receive from the school district. The other three; student achievement, local control and leadership are annual bonuses, so teachers will see that in a one-time check on an annual basis. The money goes to the district and it is very specific in the law that the money goes to the teachers as outlined in the law.

**Representative Marriott** asked when the annual check would be cut? **Mr. Luna** said the bonuses will be distributed to the teacher no later than December.

**Senator Goedde** asked what percentage a third-year teacher would receive, what amount of raise? **Mr. Luna** stated that currently a third-year teacher makes \$31,000. If a third-year teacher qualifies for every step of ISTARs, it would be an \$11,000.00 increase in their pay for that year which equates to approximately a 35% increase.

**Representative Durst** asked where in the bill does it state that if the program lost funding, the teacher could return back to their Category 3 contract?

**Mr. Luna** stated he would have to refer to **Jason Hancock** and would get that answer for **Representative Durst**. **Mr. Luna** stated if the funding goes away, the bill is no longer in force and the teachers would fall back (into Category 3), it would be as though ISTARs had never been law. He said the reason the money for ISTARs is put into statutory spending is because that is the most secure form of education funding in the State of Idaho. It has never gone down.

**Representative Chavez** stated her concern about the release process. She asked if a teacher that is participating in the program could be released for no constitutional reason? **Mr. Luna** stated the rolling contract provides the teacher with time and the ability to respond to those kind of situations. Any teacher that has three or more years can have a three-year contract. **Mr. Luna** explained the protection the teachers would have is no teacher will ever get to the end of their contract to find out their services were no longer wanted in the district.

**Representative Chavez** asked when the process would take place? **Mr. Luna** stated they would have a two year warning because when the district chose not to add the third year that's when they would know there was an issue that needed to be resolved and they would have two years to resolve it.

**Representative Chavez** asked if every year everyone who chooses this path would have to negotiate their own contract with the superintendent and the board? **Mr. Luna** explained the negotiation between the teacher and the administration happens before the teacher chooses to take the Category 4 contract and if they are satisfied with the negotiation, they would sign the Category 4 contract which would be for the time the teacher is willing to work under.

**Representative Trail** asked if we cannot fund either program, what would **Mr. Luna's** steps be between sessions in preparing for the next session assuming good economic times were ahead. **Mr. Luna** stated Idaho has never had a year where the amount of pay allocated for teachers was reduced. They are making ISTARs funding part of statutory spending. It is secure.

**Representative Patrick** asked when we provide bonuses on the basis of student achievement, does that create the scenario where teachers would not want students who struggle in their classroom? **Mr. Luna** answered no. ISTARs focuses on those students who have the greatest need, and those are the students who are currently scoring at the lowest levels on the ISAT. Under ISTARs we focus on what we think is the greatest value

and that is how much academic growth the student had when he was in the school.

**Chairman Nonini** stated **Jason Hancock** from the State Department of Education had arrived and asked **Representative Durst** to repeat his earlier question. **Representative Durst** asked where in the bill did it state that if this program was passed now and funded, then later not funded that any teacher who had chosen to go to a Category 4 contract would be automatically changed back to a Category 3 contract?

**Jason Hancock** stated the signing of the Category 4 contract is contingent on the teacher receiving this money. If they do not receive this money, it's not a valid contract. **Representative Durst** asked if **Mr. Hancock** would, when he has the opportunity, let the committee know the specific line that indicates that. **Mr. Hancock** answered he would.

**Chairman Nonini** recognized **Superintendent Luna** for further questions.

**Senator Burkett:** Is it intended that the Category 4 contract will allow individual teachers to negotiate for pay levels based on their teaching performance or their relationship with the administrator? **Mr. Luna** stated the ISTARS money is specific as to where the money can go and how much can go to a teacher. He stated the teacher does assume responsibility to negotiate the length of the contract.

**Senator Sagness:** stated he had a statement from **Dr. Paul Rowland** he would like to read. That was continued to a time when **Dr. Rowland** could be present to answer questions.

**Representative Shively** asked if a teacher teaching in a low achieving school would receive the same salary as one teaching in a high achieving school? **Mr. Luna** stated they would receive the same salary, \$31,000.00 per year, because that is related to the foundation pay. However, it is possible one would be paid more than the other depending on whether they were hired to teach in a hard to fill position, the number of endorsements the teacher has, and the willingness of the teacher to mentor new teachers.

**Representative Shirley** asked if under ISTARS, would teachers qualify for an additional endorsement or subject matter area of expertise because of the National Board Certification or would it end at the time the current program discontinues payment.

**Mr. Luna** stated they have an incentive for National Board Certification. He stated ISTARS focuses on areas where they presently do not have incentives.

**Representative Boe** asked if it would be a morale problem among the teachers if a district had to transfer teachers from a high performing school to a low performing school. **Mr. Luna** stated he did not believe it was an issue for a teacher who, rather than being Riffed, was reassigned to another school as the bonuses are based on the whole school working together to improve the school for the betterment of their students.

In answer to a question from **Representative Durst** regarding scores on ISATs and how they relate to the mobility of the population, **Mr. Luna** stated they deal with that situation today. When they give students the ISAT, they take into account that same mobility.

**Senator Burkett** asked for clarification regarding the bill stating a school district would have to include the term (one, two or three years) in the Category 4 contract, but there was nothing in the bill that would limit the school districts to only that provision. **Mr. Luna** deferred to **Jason Hancock** who stated the language in Category 4 in that regard is not any different from the language found in other contracts.

**Chairman Nononi** recognized **Sherri Wood**, president of the Idaho Education Association, who stated changing the way teachers are paid is complex work. The goal for any change should be to increase student success by enhancing the ability of Idaho school districts to recruit and retain the best teachers. She stated the members of IEA do not believe ISTARS will accomplish that goal.

**Ms. Wood** stated the teachers object to relinquishing due process, using ISAT scores to decide bonuses, and limiting the number of individuals who can receive bonuses. **Ms. Wood** asked the committee to carefully consider the implications of any change in the compensation system for Idaho teachers and to only make changes that improve the knowledge and skills teachers possess so they can increase student success.

**Senator Jorgenson** asked what percentage of IEA teachers responded to the survey? **Ms. Wood** stated that several thousand IEA members responded with a plus or minus error factor of 2%. **Senator Jorgenson** asked what percentage of the teachers in Idaho? **Ms. Wood** stated over 2,000 responded. **Senator Jorgenson** pointed out that 2,000 was less than 20% and wanted to establish that it is not the entire IEA enrollment or all Idaho teachers. **Ms. Wood** stated it was statistically reliable.

**Senator Jorgenson** asked if anyone could respond to the survey.

**Ms. Wood** stated respondents had to go into a "members only" website.

**Senator Goedde** asked **Ms. Wood** for a copy of the questions asked on the survey.

**Representative Marriott** asked for clarification - that none of the non-IEA members were eligible to participate in the survey. **Ms. Wood** stated that was correct.

**Representative Mortimer** asked if ISTARS passed, how the union would incorporate and treat a member that elected to participate in the ISTARS program? **Ms. Wood** stated they would be treated fairly.

**Representative Mortimer** asked **Ms. Wood** if the IEA would support the ISTARS program if the Superintendent took the Category 4 contract out of the program? **Ms. Wood** answered no. **Ms. Wood** stated she could ask

them again but there were three very distinct issues their members have: continuing contracts, the quotas that are placed on how many teachers can take part in this and using a single test to provide bonuses.

**Chairman Nonini** introduced **Superintendent Chuck Shackett** from Bonneville School District in Idaho Falls and current President of the ISSA. **Mr. Shackett** spoke in support of ISTARS stating it was his belief ISTARS incorporated the best components from all efforts focused in the area of alternate teacher pay systems.

**Mr. Shackett** stated there were five ways a teacher could financially benefit from its implementation, two of which are leadership bonuses and performance bonuses tied to testing, and it is his belief ISTARS will bring a school together in an effort to increase student achievement.

In conclusion, **Mr. Shackett** read the Idaho School Superintendents' Association Resolution in Support of ISTARS as ratified on January 8, 2008.

**Representative Boe** asked how the Resolution was voted on, how it passed, and what percentage of the superintendents endorsed it?

**Mr. Shackett** stated they sent out the Resolution and information on ISTARS to each of the six regions in their superintendents' group and asked the presidents of each of the six regions to interact with their superintendents and get a feel for the position their superintendents took on ISTARS. It resulted in a 6 to 0 vote in favor of ISTARS.

**Representative Chavez** asked **Mr. Shackett** when he was talking about his three year rolling contract, if he had worked harder and performed better, because he was scared, and not because he loved what he was doing. **Mr. Shackett** answered no. However, having a contract that is not on-going causes one to reflect on the decisions one makes.

**Representative Durst** asked how many students were actually being impacted. **Mr. Shackett** stated he couldn't tell how many students the superintendents have in their school districts. They just polled the Superintendents irregardless of the number of students they have.

**Senator Schroder** asked if the number of his membership is 115?

**Mr. Shackett** stated there are 115 in the state, only a few of which are not members.

**Senator Gannon** asked if any of the superintendents were influenced by the possibility this would allow them to houseclean a little easier?

**Mr. Shackett** answered absolutely not.

**Representative Trail** asked how the superintendents and the administration would handle the challenge of unhappy teachers if ISTARS were passed. **Mr. Shackett** stated he does not believe the majority is against it. The teachers he talked to supported it.

**Representative Mortimer** asked for a comparison of each of the programs as far as ease of implementation of the programs is concerned. **Mr. Shackett** stated he couldn't compare the two because he had not studied "We Teach".

**Representative Mortimer** asked how important is an incentive or merit system to get the education results we need for our students? **Mr. Shackett** answered it is critical. There is needed some component of merit and achievement.

**Senator Bastain** asked how signing a Category 4 contract makes that teacher a better teacher? **Mr. Shackett** having a one, two, or three year contract, you always weigh every decision you make trying to determine if it is in the best interest of the children and the best interest of the public.

**Senator Bastain** asked if it would be better to deal with the issue separately and simply restructure Idaho Law so we don't have continuing contracts in Idaho. **Mr. Shackett** said the beauty of ISTARS is that it gives teachers a choice.

**Senator Bastain** asked if Idaho could afford the \$123 million on-going funding necessary each year to fund the program? **Mr. Shackett** stated there is an education stabilization fund, a reserve account that would be the fund to cover if there was an overage. **Senator Bastain** inquired if teachers would be better by having a limited contract? **Mr. Shackett** stated he did believe having a limited term contract causes one to be more productive.

**Senator Sagness** asked **Mr. Shackett** why superintendents would want to support something that would cause uneasiness and upset their teachers. **Mr. Shackett** stated that teachers are worried, but after they were told what is truly in ISTARS, the teachers agree it has some merit. He asked if the teachers feel they are a part of the process. **Mr. Shackett** answered everyone had a part in it.

**Chairman Nonini** introduced **Dr. Cliff Green** of the Idaho School Board Association who spoke in support of ISTARS. He stated the board had met and passed a resolution which was what the Board would like to see in an alternative compensation system. The points of that plan are as follows:

- 1) A vehicle to measure achievement gains,
- 2) Data that emphasizes student's performance,
- 3) Academic achievement and accountability through growth measure,
- 4) Performance measure,
- 5) Optional for teachers,
- 6) Student identifier system,
- 7) Collaboration of teachers,
- 8) Evaluations that are fair, equitable, and valid,
- 9) Recognizes the role and authority of the school board and the school board trustees.

In answer to a question by **Senator Burkett**, **Dr. Green** stated there has been no resolution by the ISBA calling for the elimination of category contracts.

**Dr. Green** when asked by **Senator Sagness** who he was speaking for here today stated he was speaking for the Idaho School Board Association, and they had not taken a vote on either ISTARS or "We Teach".

**Chairman Nonini** open the hearing for Public Testimony:

**Wendy Horman**, Bonneville Trustee for the Idaho School Board Association spoke in favor of ISTARS. **Ms. Horman** stated that all the principles were approved by their membership, before they were aware of the existence of ISTARS, align with the ISTARS program.

**Senator Goedde** asked **Ms. Horman** what she personally thought of the ISTARS program? **Ms. Horman** stated it is a step in the right direction, a step that we must take.

**Senator Burkett** asked **Ms. Horman** what elements of ISTARS she would change? **Ms. Horman** said she would support a stronger growth measure and a task force to look at the evaluation of teachers.

**Sherilyn Paris**, teacher at Franklin Elementary School, spoke in opposition of ISTARS. **Ms. Paris** stated teacher's compensation and due process rights should not be linked together but deserved to be treated separately. Also, that ISAT is not sufficient as the only measure for student performance.

**Senator Bastain** asked **Ms. Paris** if she believed in rewarding excellence with merit pay? **Ms. Paris** stated she had some concerns about merit pay and how workable it is.

**Terry Donicht** Superintendent of Schools in the McCall-Donnelly School District as well as Superintendent of Schools in the Meadows Valley School District. **Mr. Donicht** stated he was here to speak on behalf of the ISTARS legislation. That although he had some concern about certain aspects of the bill, overall he was in favor of the bill in its entirety. The weakest of the five components is that which deals with student achievement. However, the limitations of the ISAT could be overcome in the future by developing a test of higher integrity and implementing it in more grade levels.

**Senator Sagness** asked what the relationship was between a continuing contract and improved student performance in the school. **Mr. Donicht** stated he was not sure there was a relationship.

**Senator Sagness** asked Mr. Donicht if he thought the kind of security that exists in a continuing contract is important to them. **Mr. Donicht** stated the importance of security is directly related to ones' confidence in one's

ability.

**Chairman Nonini** recognized **Marianne Donnelly**, Chair person of Pocatello Chubbuck School District Number 25. **Ms. Donnelly** stated any merit pay proposals for teachers must be carefully constructed so it addresses specific educational goals. It must be designed so it really improves the child's learning in the classroom. **Ms. Donnelly** stated, in her view, Superintendent **Luna's** plan falls short of doing this.

**Senator Goedde** stated that it appeared from her testimony she would not support the "We Teach" plan either. **Ms. Donnelly** stated she had not looked at it.

**Vern Newby**, Trustee from District 271, spoke in favor of ISTARs stating ISTARs had given them a milepost to better determine their progress. He spoke of the necessity to retain good teachers.

**Representative Shively** asked **Mr. Newby** if \$8,000.00 more for his math and chemistry teachers would keep them in Idaho? **Mr. Newby** stated he could only speculate.

**Carol Harms** from Lewiston, teaching in Orofino, Idaho stated she wished to speak against the ISTARs proposal. She stated her main objections to the plan after which **Chairman Nonini** asked if she agreed that the "We Teach" plan was the plan. **Ms. Harms** stated she liked it better.

**Wayne Freedman**, School Board Representative from Council, Idaho stated that one of the components of any system that really helps his district is multiple endorsements. He stated his district would benefit from being able to identify those teachers who are much needed to fill out his staff and if he could offer a \$2,100 compensation package that would be helpful.

**Representative Durst** asked **Mr. Freedman** if he thought it was a rational decision for a teacher to make to take a Category 4 contract where he could be making less and lose his due process rights or move to a state nearby and get more money with his contract rights still in place. **Mr. Freedman** stated that teachers choose to teach for reasons other than pay.

**Lori Maxwell**, first grade teacher in Moscow, Idaho stated the ISTARs plan would be a sad development for teachers in the state. She said she was concerned about how the implementation of ISTARs would negatively impact teacher collaboration and collegiality. **Ms. Maxwell** stated Idaho students would certainly lose if teachers felt forced to compete with one another rather than work collaboratively to earn a fair wage. Responding to a question from **Representative Trail** as to whether the ISTARs program would be an incentive or a disincentive for education graduates coming out of our Universities, **Ms. Maxwell** stated it would be a disincentive.

**Brian Duncan** from Heyburn, Idaho, President elect of the Idaho School Board Association as well as the Chairman of the Minidoka District stated that his trustees voted to strongly endorse the ISTAR program. The question his trustees often ask, does adequate funding translate to adequate education and if that is the translation, what would excellent funding for education in Idaho translate to? Would that also translate to excellent education? It is their belief that the ISTAR program is a step in the direction of excellent funding for education in Idaho.

**LaVon Dresen** from Emmett stated poor teachers can be gotten rid of through administrative work. She also spoke against using ISAT tests as a measurement for bonuses.

**Tim Rosandick**, Superintendent of the Homedale School District, spoke in favor of ISTAR in terms of many of its components. He stated it is the boldest innovation ever proposed to enhance teacher's salaries in a very significant way. He also stated the IEA has demonstrated an interest as much as his interest has been to have quality faculty working in school. That when he has had to take action that could be viewed as adverse on an employee, the IEA has been there to make sure that person's due process rights were protected. They have also assisted in making sure he had quality teachers in the classroom.

**Mike Warwick** from Caldwell who teaches in Middleton stated he opposed ISTAR. He stated he opposes ISTAR at a more fundamental level. That in the name of student progress we want to reward the best teachers, but how does stripping teachers of their rights accomplish that? **Senator Goedde** stated it is the choice of the teacher, nothing is required.

**Vickie Simmons** from Boise, a recently retired school administrator, stated she does not endorse either of the plans. **Ms. Simmons** said the major problems are with the ISTAR program. She said she had many concerns but would focus only on the financial ones. First, there is no money for the foundation program which remains the way all teachers in Idaho receive the major portion of their salary. All the money requested is in bonuses. She asked how would districts meet contractual obligations with no increase to the base for the foundation program.

**Ms. Simmons** stated she did not believe Idaho could afford to fund both ISTAR and the foundation long term. Even if only the ISTAR program is funded this year, it was questionable whether Idaho could afford to

keep this program going year after year while the foundation program stagnates.

**Joanne Davis**, a high school teacher from Emmett High, stated she objects to the ISTAR plan. She stated she thinks the plan is disingenuous and that it is trying to accomplish other things. She stated she didn't have a problem with merit pay or incentives that will help out rural districts, but asked for honesty in dealing with them.

**Chuck Alexander**, a high school teacher from Emmett, objects to the ISTARS plan stating he does not believe short contracts make better teachers. He stated he would not be willing to sign away his continuing contract rights as a matter of principle.

**Mr. Alexander** stated he felt “WE Teach” is a better plan but does not think either should be put into play.

**Janie Ward-Engelking**, a teacher from Boise, stated she agreed teachers need to be paid more in order to attract and retain the best and the brightest. However, education is a complex problem and a complex job and when we look at the elements that are important for any kind of pay for performance we have to look at several things. One being that there has to be a strong professional component. That component is in the “We Teach” plan but is lacking in the ISTARS plan. Another element is the mentoring program. **Ms. Ward-Engelking** said neither a teacher’s nor a student’s value can be reduced to a single ISAT score. It is unfair to have that the most important thing they do. She asked the legislators to take another look at the “We Teach” plan.

**Veronica Zaleha**, a teacher/librarian from Boise, spoke in opposition to the ISTARS plan. She stated that creating a pay plan that rewards only a small percentage of select teachers would create a competitive divisive climate no longer conducive to the nurturing that is the hallmark of a strong learning community.

**Laurie McCurdy**, a teacher from Boise and President of the Boise Education Association which represents approximately 1700 teachers in Boise, stated that nothing is more offensive to her than the allegation that unions protect bad teachers. They do not protect bad teachers, they protect due process rights. She opposes STARS stating she feels the plan would cause a mass exodus of teachers transferring to higher performance schools where teachers will have a chance to be more successful.

**Representative Boe** asked **Ms. McCurdy** how her association helped the district redirect a teacher that is not doing well. **Ms. McCurdy** stated they make sure the teacher is working with a peer assistant, they work with the teacher in telling them the areas in which they need to improve, they work with the district to make sure the teacher has a professional development plan set up to improve, and they work with the district to try

to allow that teacher to have enough time to make the improvement they need to make.

**Representative Boe** asked if they can help the teacher who is ready to retire and is just tired. **Ms. McCurdy** answered they have a plan that helps teachers recharge and reconnect with their profession and each other.

**Betty Reimann**, second grade teacher from Pierce Park Elementary School, spoke in support of the IEA and stated is a strong supporting

organization. She described IEA's children's fund, a fund supported by teachers and community contributions for children in need. **Ms. Reimann** thanked **Sherri Wood** and **Jim** for the work they've done for the IEA.

**Amy Adams**, a teacher from Mountain View Elementary, opposes ISTARS. **Ms. Adams'** concern is about the focus ISTARS puts on the ISAT scores. She feels those scores should be used only as a tool. Ms. Adams stated it would be great to have a plan that all teachers can participate in, but she will not give up her continuing contract as a matter of principle.

**Mark Cembalisty**, a Boise teacher, stated he opposed ISTARS. Speaking to the effects ISTARS would have on the children of Idaho, **Mr. Cembalisty** stated ISAT measures the lower levels of understanding very well, but cannot assess higher order thinking skills. Skills our children will need for the future. Therefore, a basic ISAT education, i.e., where ISAT becomes the curricula, will not do for our future.

**Kris Williams-King**, Counselor in the Boise School District, opposes ISTARS stating the plan is not something that is attainable or assessable by all teachers. **Ms. Williams-King** said she felt the ISTARS plan was more political than it is caring about education.

**Bob Olson** retired from Boise School District, stated he was attending this hearing in defense of education. He stated he felt the legislators should pay more attention to the teachers who are opposed to ISTARS than to the organizational managers.

The meeting adjourned at 7:05pm.

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**Co-Chairman Senator Goedde**  
**Chairman Senate Education**

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**Co-Chairman Representative Nonini**  
**Chairman House Education**

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**Carol Vaughn, Secretary Senate Education**

## MINUTES

### JOINT HOUSE AND SENATE EDUCATION COMMITTEES

- DATE:** January 23, 2008
- TIME:** 3 P.M.
- PLACE:** East Conference Room of the JR Williams Building
- MEMBERS:** Co-Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Bradford, Block, Nielsen, Wills, Chadderdon, Marriott, Mortimer, Patrick, Thayn, Boe, Pence, Chavez, Durst, Shively
- Co-Chairman Senator Goedde, Senators Goedde, Fulcher, Schroeder, Gannon, Jorgenson, Bastian, Burkett, Sagness
- ABSENT/  
EXCUSED:** Senator Pearce, Rep. Shepherd
- GUESTS:** See attached sheets.
- Senator Goedde called the meeting to order at 3:15 P.M. He welcomed those present. He reviewed rules of the joint committee. He reminded presenters that they would each have 3 minutes, they need to be respectful to legislators and others, there would be no booing, clapping, no personal attacks, and speak only to the bills at hand. He asked that they do not repeat what prior person has said. He also asked that for the record, they state their name and community in which they live. He explained that the committee would alternate testimonies between pro and con. He further explained that he would adjourn the meeting at 5:15 P.M.
- PRO iSTARS:** **Ryan Kerby**, superintendent in the New Plymouth School District spoke in support of iSTARS. (See attachment #1) He explained that there is a need for more teachers to take higher degrees of ownership in the performance of schools, trying to figure out how to improve schools, and he believes iSTARS does that. He further explained that the multiple endorsement piece helps smaller districts fill all teaching positions. If an elementary school has several teachers with these endorsements, and additional teachers earn masters degrees in content areas such as math or science, the school would not only have a more qualified staff, but additional expertise from which the other teachers can draw. He explained that the achievement piece of iSTARS is a first step in merit pay and is in a good direction. Teachers, dependent on each other for performance pay, will increase collaboration. He further explained that the category 4 aspect of the program provides improvement on some issues relative to personnel, which will improve student learning.
- PRO weTEACH:** **Molly Cochell**, a teacher in the Meridian school district in her 20<sup>th</sup> year of teaching, spoke in opposition to iSTARS. She explained that she teaches at a magnet school. She further explained that **SB1290** (weTEACH) moves teachers through skills, determines needs and goals necessary for themselves, and is individualized and not prescribed.

It also allows for collaborative work and professionalism. Groups are encouraged to work together. It is straightforward and improves teaching with clearly outlined steps. It is an understandable way to improve teacher's success. In response to questions from the committee regarding how the classroom is improved by the weTEACH legislation, **Ms. Cochell** explained that in order to be successful teacher, if a teacher is improving, the student is learning.

**PRO iSTARS:** **Mikki Nuckols**, a teacher from Idaho falls who has taught 7<sup>th</sup> grade for 10 years, spoke in support of iSTARS. She explained that iSTARS makes sure teachers work together. All teachers can get raises. She is currently a mentor and literacy team leader. She further explained that more teachers are willing to take on leadership roles. She explained that most of leadership components in iSTARS are already being done in the schools. She further explained that more endorsements are appealing to her and other teachers in her building. She believes that teams of teachers would be pulled together by iSTARS. In response to Committee questions, **Ms. Nuckols** explained that she did not participate in the IEA survey. She further explained that she recently received the Milken award for outstanding teacher (a national award). She commented on category 4 part of iSTARS. She explained that she feels strongly about students, if it is better for the students, she would make the change. In response to a question regarding how does the category 4 contract make students better students, she explained that it would give teachers time to do after school programs to gain more knowledge. Better teachers who are unwilling to do something because of the pay, would benefit from category 4 contract. When asked what is the relationship between giving up continuing contract and better learning, she responded that a contract doesn't make her a better teacher. Regardless of a pay check, she should be doing it because she wants to help kids. She further explained that good teachers shouldn't have to worry about giving up continuing contract. She reported that she works with 36 teachers, and 2 were opposed to iSTARS, the rest support it. When asked if the ISAT test plays a part in grade she gives to students, she explained that it does not.

**CON iSTARS:** **Peggy Hoy**, a teacher in Twin Falls who has taught for 17 years, spoke in opposition to iSTARS. (See attachment #2) She spoke to the committee as a parent. She explained that she has three children in the public school system. Her middle child is on a 504 plan and her oldest has some learning difficulties. She further explained that her children are doing well in school because they have teams of teachers working together. She feels that the iSTARS plan would inhibit best practices and get rid of collaboration. She further explained that if her children's teachers were to be paid based on how well their students did on their ISAT scores, she would have one group of teachers fighting to have her middle child who scores well on the test, while another group of teachers would do all they could to avoid having her oldest child who his inconsistent in his ISAT scores. She further explained that not only would this plan cause many teachers to not want to teach students with learning difficulties, it would also cause the teams of teachers to give up sharing of ideas and collaboration. In response to questions from Committee members, **Ms. Hoy** explained the ISAT is not representative of every child. If a teacher has high ISAT scores, they would only be focused on teaching to that test and not on all aspects of teaching.

She further explained that collaboration within the district would go away with iSTARS. She stated that in weTEACH, teachers could specialize in something they teach. She further stated that she does not think teachers should be paid for measurable student improvement.

**PRO iSTARS:**

**Charles Kinsy**, superintendent of Lakeland School District spoke in support of iSTARS. (See attachment #3) He explained that the Lakeland School District is around the 15<sup>th</sup> largest district in Idaho. He further explained that almost 90% of their students are proficient on the ISAT and their students's performance significantly exceeds state averages on all measures. He reported that their accomplishments are due to the dedicated educators of their district. He explained that as a Board and administrative team, they have been convinced that they need to provide greater compensation to their teaching professionals. The Board of Trustees passed a resolution supporting iSTARS. He explained that he understands the teacher's concerns about giving up continuing contract status, but he believes the competent educator is protected by multi-year contract, defined due process and the opportunity to choose the iSTARS tract. He further explained that if continuing contract status is the false or perceived crutch that has held teachers salaries down, it is time to toss it away. He explained that iSTARS allows for local districts to designate additional pay to positions to which it is hard to attract and retain personnel. He further explained that the iSTARS plan provides an outline that will attract and retain committed professionals, begin compensating them at a more competitive level, and recognize value.

In response to questions from Committee members regarding competing states and that Idaho is not able to hold on to good teachers, **Mr. Kinsy** replied that in their area it is a problem. There are advantages, teachers want to live in Idaho, but at the same time the district loses 4<sup>th</sup> and 5<sup>th</sup> year teachers who are young professionals, looking at private organizations that pay more and end up looking across the border. The iSTARS plan would address some of that concern. When asked if he had direct conversations with teachers, **Mr. Kinsy** responded that he has been working with a group of teachers for some time on performance or merit pay plans. He reported that the teachers are supportive of iSTARS plan, but he did not have the percentages. In response to a Committee questions regarding Level 4 and if giving up a continuing contract would make better teachers, **Mr. Kinsy** responded that he was not sure it would make better teachers. He explained that the vast majority of teachers will work hard with whatever contract is there. He further explained that the motivation is there and it provides administration a way to address problems. He stated that they are preparing students for a global economy. Under Idaho statute, districts would be able to develop their own district merit program. If their district had enough money, they would develop such a program. In response to a questions regarding the Category 4 program and if it would be disruptive to teachers, he responded that there is a need to compensate teachers that are working hard. When questioned if he viewed legislators as stakeholders, he responded that there is no question, legislators are stakeholders and should have a say where the money goes. He further explained that overall, the determination of a contract increases accountability.

In response to a question regarding that in the private sector there is an early retirement program and in the iSTARS legislation after 3 years are up and the educator is 56 or 57 they may not be offered another contract, **Mr. Kinsy** responded that the primary concern is to put the best people in the classroom, regardless of age. He explained that under iSTARS, there is a need to have confidence in the School Boards.

**PRO weTEACH:** **David Gibson**, Twin Falls Education President, spoke in opposition to iSTARS. (See attachment #4) He explained that the weTEACH plan gives each school district the local control necessary for determining how to not only overcome the unique obstacles and challenges presented to individual school districts, but also gives them the local control to determine what tool is best used to measure the success of students and teachers alike. He further explained that the weTEACH plan includes continued funding and increases in the foundation pay. The plan also encourages and rewards teachers for becoming more capable and valid educators through collaboration and the sharing of best practices. The weTEACH plan supports the idea that educators should focus their efforts in becoming a master teacher in their field of expertise. In response to a Committee question regarding should legislators have a say in how in the money is appropriated or have the districts decide, **Mr. Gibson** responded that the needs of districts are different so it would be better done by the districts. He further explained that the measuring tool in weTEACH legislation does not come from a single test. Measurement needs to be based on overall achievement and local districts would have a better idea on how to assess.

**PRO iSTARS:** **Mike Gwartney**, representing the Idaho Business Coalition for Excellence in Education spoke in support of iSTARS. He expressed the organization's concern in the difficulty of hiring qualified people. He further explained that with all of the factors in education, nothing is as important as a teacher. He commended both plans in proposing a different way to pay teachers. He explained that the organization likes the iSTARS plan and likes the way it uses measuring tools. As a business group, they are looking forward to working to make education better in the state.

**PRO weTEACH:** **Jennifer Hart**, a science teacher in Nampa spoke in opposition to iSTARS and in favor of the weTEACH plan. (See attachment #5) She explained that weTEACH measures student improvement on each local school district's needs. This allows for local control. The ISAT is not the only measure of student achievement and should not be the only measure used to determine student success and teacher pay. She explained that she likes that the professional development level in weTEACH is not linked to endorsements. She further explained that through weTEACH, all teachers who met the criteria under the leadership portion would be rewarded for doing that without having to give up job securities or without having to be one of the 30% selected for extra pay by the district. She explained that she supports weTEACH because it treats teachers as professionals and does not require them to give up their due process rights.

**PRO iSTARS:** **Carol Scholtz**, a teacher at the Idaho Arts Charter schools in Nampa and Idaho Teacher of the Year, 2008, spoke in support of iSTARS. (See attachment #6) She explained that a large number of teachers did not participate in Idaho Education Association's poll. She further explained that out of the 13,000 who did not participate, many are in favor of iSTARS but may be the silent majority. She explained that according to the Northwest Professional Educators, 52% of the members would choose the category 4 contract. Most educators think that Idaho has good educational system and the Legislature supports teachers. She explained that iSTARS presents the best systemic program for change in education across the board. She further explained that iSTARS will reward all certified personnel in a school for their students' achievement and growth. She explained that iSTARS will lead to specific measurable results across the state and provides a fresh approach to the challenges teachers face. iSTARS provides funds which will be distributed in a fair and equitable manner across district boundaries and is not dependant upon negotiation.

**CON iSTARS:** **Jennifer Taylor**, a Reading specialist in Nampa spoke in opposition to iSTARS. (Attachment #7) She explained that she is certified to teach all grades k thru 8. She further explained that she has reached the top of the pay scale in her school district. She currently owes more that \$20,000 for her master's degree which she sought so she could better meet the reading needs for at-risk youth. She explained that if she were to follow the iSTARS plan, she would need to become multi-endorsed to have a chance at earning a higher salary. She questioned what does becoming endorsed in math, science or physical education help her students learn to read? She asked to please not allow the iSTARS plan with its multi-endorsement requirement in the state to create a shallow educational system, where teachers know a wide range of information and are experts in none. In response to questions from Committee members regarding rural school districts, **Ms. Taylor** explained that there are problems with rural districts and her district needs experts in reading and math but it would put larger districts at a disadvantage to require additional endorsements. She further explained that teachers are willing to get additional training in math. She explained that if iSTARS was to be modified to recognize additional areas of expertise, she would not support it because of the issue of giving up due process. She further explained that if teachers are held to ISAT standards, there is a need to have assurances that students are attending. When asked if there are good things in the iSTARS plan, **Ms. Taylor** responded that recognizing teachers as professionals is good and rewarding is good, but more work needs to be done.

**PRO iSTARS:** **Harold Ott**, executive director of the Idaho Rural Schools Association spoke in support of iSTARS. (See attachment #8) He explained that iSTARS addresses the issue of the supply of teachers to the rural remote districts. This is through the local control area. He explained that iSTARS plan includes a growth measure. Another reason he supports iSTARS is the bonus for teachers that provide leadership in key areas to insure student learning. In response to a question regarding how do we compare merit among teachers of different grade levels, **Mr. Ott** responded that it would be a career ladder approach. Great teachers need to be paid for what they do. iSTARS gives more flexibility and availability to pay teachers.

When asked why does it make a difference to give up a continuing contract, he responded that it is true that there is a need to put something in there for different stakeholders to get bill passed. Due process was discussed. He explained that people agree to arbitration all the time. He further explained that he does not believe due process is given up in the iSTARS plan. He stated that he believes change is a fearful thing, when people have had this protection and believe they are going to expose themselves at risk, they are fearful and see it as a loss of security. There is a need to reward good teachers and keep them in Idaho. When asked if there is a problem with superintendents in giving up continuous contract; he responded that he would not change one thing how did his job. Relationships are more important. Revenue stream is important to legislators. When asked if he thought there was enough money to establish merit pay system and base pay plan at the same time, he responded that there is a concern with years to come. He explained that the Governor has \$46 million in budget for this plan and there is a need to reevaluate annually.

**CON iSTARS:** **Joni Leipf**, a teacher in Meridian spoke in opposition to iSTARS. She read the story "Proof is in the Pudding." She explained that students are varied. She further explained that achievement tests are one proof to determine all the students. She started teaching in 1979. She explained that methods change, and there is a need to study to new standards and curriculum. The iSTARS plan using single measure, it is premature to measure to pass judgement on learning. Teachers want to be treated respectfully. She explained that she is not in it for merit pay, a pay increase to the base is good, but she is not looking for merit pay.

**PRO iSTARS:** **Mike Vuittonet**, Chairman of the Meridian School Board, spoke in support of iSTARS. He explained that the Board is in favor of alternative pay system, but they do have concerns. He feels that improvement is needed in all aspects of educational system. The current teacher compensation system no longer fits. There is a need to hire the best and brightest teachers. He explained that it is discouraging for beginning teachers due to the low salary. He believes that the fear is unfounded if the teachers lose due process rights. In response to Committee questions regarding if it is critical in this plan to have part of it be sign up for category 4 to get rewarded. He answered that it is not critical. It encourages teachers to go to a higher level. He explained that the current ISAT test doesn't truly measure growth, but it still can go forward with the proposal. It could be implemented without that measure. He explained that he believes and supports iSTARS, but does have concern with the ISAT. He recommended to do it in phases.

**CON iSTARS:** **Kathleen McCarter**, a computer technology and Medical Office teacher at a small public charter high school in Meridian for 17 years. (See attachment #9) She explained that her colleagues strongly oppose iSTARS. They believe it would damage teaching profession in Idaho. She explained that her school has very high ISAT scores, yet none of them believe that teacher bonuses should be based solely on one test. They know that it takes an entire school working together to achieve success for all of our students. iSTARS could stifle that kind of collaboration in many schools.

She explained that all of the teachers in her school take on extra responsibilities, yet under the leadership component of iSTARS, only 4.8% of their 16 teachers could qualify for bonuses. In response to Committee questions regarding the compensation of charter school teachers, **Ms. McCarter** explained that she works at a public charter school, and they are under contract with Meridian school district. Other charter schools have different compensation packages. Her charter school does take advantage of grants, but does not compensate teachers outside salary schedule. When asked what has changed since the current matrix was proposed, she explained that students coming out of college have difficulty paying back student loans on beginning teacher's salary. The merit pay plan is carefully crafted with the support of Idaho teachers and the legislators.

**PRO iSTARS:** **Alex LeBeau**, representing the Idaho Association of Commerce and Industry, spoke in support of iSTARS. (See attachment #10) He explained that IACI believes the crux of the current problem is in allocation. He further explained that according to the National Education Association rankings of states 2004 and Estimates of School Statistics 2005 analysis reports that Idaho ranks #2 in the percentage increase in the average salaries of public school teachers from 1993 to 2004, Idaho ranks #10 in the percentage of revenue for K-12 schools from state government coffers and Idaho ranks #10 in per capita spending per student. He further explained that the Legislature and taxpayers have consistently increased state support yet Idaho finds itself near the bottom in the effectiveness of those expenditures. IACI does not believe that we should pay highly-qualified and the not so qualified teachers exactly the same. The iSTARS system does not take anything away from our educators. It offers a new path for compensation and there are at least two levels of opportunity available before the controversial idea of refusing tenure in favor of a multi-year contract. The IACI views are supported by a poll of Idaho citizens that shows 61% of Idahoans disagree that lifetime tenure for public school teachers is good for education. The current system inhibits achievement through a lack of incentives.

**CON iSTARS:** **Amy Armstrong**, a teacher at Meridian High School for 7 years, spoke in opposition to iSTARS. She explained that Meridian High School has the highest level of special education students in the state. She explained that she recently worked with student to pass the ISAT exam. He failed the test several times, and finally passed in his senior year. She believes in the weTEACH plan, it doesn't take one score on one day. She wants to be judged on her merit, not on one score, but student's growth. She explained that pay isn't as important as getting students to be thinkers and productive citizens.

**PRO iSTARS:** **Cathy Hensel**, a 3 year teacher in Idaho and 18 year teacher in Montana spoke in support of iSTARS. She was an officer for the Montana Rural Teacher Association. She explained that she has unquestionable support for the iSTARS plan. She further explained that teachers make more of a difference in student achievement. ISTARS would provide districts with money to attract teachers. It promotes educational leadership to those who choose to attain leadership skills. It is a positive political vision and provides accountability, reward, and leadership.

It emphasizes professional and personal choice. It is a positive format and effective learning. In response to Committee questions, she explained that she chose to be in education and education is her passion.

Senator Goedde announced that Senator Bastain and Senator Burkett will be holding a town hall meeting at 6:30 P.M. tonight at Boise High School on this subject.

**ADJOURN:** Senator Goedde adjourned the meeting at 5:30 P.M.

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Co-Chairman Rep. Nonini  
Chairman House Education

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Claudia Howell  
Secretary House Education

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Co-Chairman Sen. Goedde  
Chairman Senate Education

MINUTES

JOINT MEETING

**SENATE EDUCATION COMMITTEE  
HOUSE EDUCATION COMMITTEE**

**DATE:** January 24, 2008

**TIME:** 3:00 p.m.

**PLACE:** East Conference Room, J. R. Williams Building  
700 West State Street, Boise, Idaho

**MEMBERS PRESENT:** (SENATE) Chairman Goedde, Vice Chairman Fulcher, Senators Schroeder, Jorgenson, Bastian, Burkett and Sagness  
(HOUSE OF REPRESENTATIVES) Chairman Nonini, Vice Chairman Shirley, Representatives Trail, Bradford, Block, Nielsen, Wills, Chadderdon, Shepherd (8), Marriott, Mortimer, Patrick, Thayn, Boe, Pence, Chavez, Durst, and Shively

**MEMBERS ABSENT/ EXCUSED:** Senators Pearce and Gannon

**MINUTES:** **Chairman Nonini** called the meeting to order at 3:05pm. He requested the secretaries take a silent roll call. He welcomed committee members and guests.

**Chairman Nonini** opened the floor for continuing testimony on S1290 "We TEACH" and S1310 "ISTARS".

**Senator Robert Geddes**, President Pro Tem, testified in support of the ISTARS proposal. **Senator Geddes** stated his experience serving as Chairman of the Teacher's Salary Task Force last summer, was enlightening to him and it is his opinion, based on what he heard during those hearings, **Superintendent Luna's** proposal meets in large degree those ideas and circumstances that were identified to him during the task force process. In a Boise State University Public Survey, merit based pay, reward for experience, and incentive for improvement were significant. Even general opposition to continuing contracts was a key component of that survey.

**Senator Geddes** stated he began his career in 1995, a year after S 1560 became law and feels that bill has lived its useful life and change needs to occur.

**Senator Geddes** stated he has heard the concern that many qualified teachers are leaving the teaching profession to go into private business for many reasons, one of which is to earn more money. In doing so, however, they are giving up their continuing contracts, there is no guarantee in the private sector that long term security will be available to them. He stated one of the concerns he has heard is that many aspects

of the steps and bonus options are somewhat unpredictable, especially with regard to the professional status and the Category 4 contracts. He stated they may have to do a little more crafting to add some certainty where uncertainty exists. He feels confident there are ways this can be accomplished.

**Senator Sagness** asked since there is no known relationship between doing away with the continuing contract and improved teacher performance and student learning in the classroom, why is that such an integral part of the proposal? **Senator Geddes** said he learned from visiting with the administrators in the school districts he represents, the continuing contract can make a difficult decision an administrator has to make very expensive for a school district to follow through.

**Senator Geddes** stated that, although many of the teachers he talked to expressed concern regarding a continuing contract vs. a Category 4 contract, they encouraged him to go forward. He stated he did not think a continuing contract or a Category 4 contract would make any difference to a good teacher. It does, however, help the administrators administer and it helps improve quality. A renewal contract would be an incentive for teachers to continue to work hard, to be on track, and to improve their skills.

**Representative Durst** asked if **Senator Geddes** was in favor of a Category 4 contract as a way of weeding out bad teachers? **Senator Geddes** stated it wasn't the only provision of the proposal but it was a good provision of the proposal.

**Senator Burkett** stated that one of the teachers who attended the meeting last night, **Roger Taylor**, was a strong advocate for differential pay for teachers but on the other issue, he was very incisive in describing how business is run by a profit dynamic and education is in the area which is a political dynamic. He essentially changed his mind and became a strong advocate for the continuing contract. Based on that experience, is there a potential that we could separate the two concepts and go forward with the one that has broad base support and spend more time studying the category 4 contract? **Senator Geddes** stated there is a profit aspect to education which is training our students to be successful in the world and be productive citizens.

**Michelle Miles**, teacher from Blackfoot, spoke in favor of the "We TEACH" plan. **Ms. Miles** stated the "We TEACH" is a program that will greatly benefit the children of the state by producing the highest quality teachers possible. She stated she saw many similarities between the "We TEACH" program and the National Board for Professional Teaching Standard Certification, specifically Step 2, knowledge and skills based pay. Each of the three steps on this level require the teacher to improve. "We TEACH" requires teachers to take part in a continuing education program to increase their knowledge of the subject matter they are teaching. It has a provision that a professional development plan be reflected upon, reviewed and revised on an annual basis, the plan provides many opportunities for a teacher to reflect on her effectiveness

with students, assess the value of current practices and change tactics when warranted. "We TEACH" has many of the elements that are essential for an outstanding, training, and professional program such as the National Board for Professional Standards.

**Senator Goedde** asked **Ms. Miles** if she could show him any place in the "We TEACH" program where there is measurable accountability? **Ms. Miles** stated the proposal was a framework and there was a lot still to be built on it.

**Representative Marriott** asked if **Ms. Miles** had seen any figures that state how much "We TEACH" would cost? **Ms. Miles** stated she had not.

**Maria Nate**, parent from Rexburg, spoke in favor of the ISTAR program. She stated it is a way for quality teachers to finally be paid what they are worth. She stated another reason she appreciated the ISTAR program is because it is a way for the whole school to be recognized for increased performance.

**Representative Shirley** stated he had talked to many of the same teachers **Ms. Nate** had and found concern and some opposition to ISTAR not uncommon. He asked if she felt it would be a benefit to implement a program that seems to have merit and then continue to improve upon it. Or, is it better to sack both programs and stay where we are? **Ms. Nate** stated she did not think the status quo was working. There is a cry for something to change. She stated she believed the ISTAR program was a good program and solves many of the problems.

**Representative Boe** asked what she saw as the difference between the ISTAR and the "We TEACH" program as far as the ability to award outstanding teachers. **Ms. Nate** stated ISTAR had been fully developed and offers many opportunities on many levels for teachers to have their pay significantly increased.

**Senator Burkett** asked **Ms. Nate** if the majority of the teachers in the districts she is involved in supported ISTAR. She stated there was quiet support for the program. She said it was difficult to be vocal against an organization such as the IEA. **Senator Burkett** asked if she knew of any teachers that were not supporting ISTAR? She stated her school is a very strong union school and they may not be vocally supporting the ISTAR program, but there were teachers there that are supportive of the plan.

**Representative Marriott** asked if there was a difference between good teachers and good teaching? **Ms. Nate** stated maybe not. It is a gift that not all of us have.

**Nancy Larsen**, Idaho Teacher Of The Year 2000 from Coeur d'Alene, said change is dire, it is time to change, so change should be the best it can be. She doesn't, however, believe that a continuing contract will make for better teachers. She believes that part weakens the legislation and should be removed.

She submitted the following revisions:

1. Specifically address the removal of poorly performing teachers,
2. Maintain the support of good teachers through a continuing contract,
3. Develop specific criteria that defines inadequate through exemplary teaching,
4. Train teachers and administrators to use each set of criteria, and
5. Design a plan of implementation that recognizes that good quality change takes time.

**Senator Bastian** asked what were the salient qualities of good teaching? **Ms. Larsen** stated teachers must know their students and how to teach them, know the subjects they teach, and work well with parents and other professionals. **Senator Bastian** asked what elements of the ISTARs program identify quality teaching? **Ms. Larsen** stated that quality teaching is defined as a test score in ISTARs.

**Senator Jorgenson** asked **Ms. Larsen** if having a continuing contract made her a better teacher and would giving up tenure make her a worse teacher? **Ms. Larsen** stated she has professional and personal standards that she adheres to, there is nothing that would entice her to lower her standards in teaching.

**Senator Goedde** stated his concern is, if pay for performance does not move forward this year, that it may be many years before it comes up again. What kind of a time frame do you think it will take to get it right. **Ms. Larsen** answered that her research indicates that true change takes seven years. Although she stated that was too long, she also said that implementing it in one legislative session was not enough time. That, if it is passed in the form it is in and she gives up her tenure rights, then in the future she could not regain them.

**Representative Boe** speaking to some people's perception that there is no way to get a poor teacher out of the system, asked **Ms. Larsen** if they were to implement the training for administrators to recognize teachers who perhaps should find a different direction and a process to help them either become better teachers or to direct them another way, if she thought that would take some of the controversy away from insisting on the continuing contract or being willing to give it up? **Ms. Larsen** stated she did believe that would happen.

**Senator Sagness** asked for a copy of her presentation so he might look at it in greater detail. **Ms. Larsen** said she did and could contract through her e-mail address on the presentation. (Attached as attachment 1)

**Representative Chadderdon** asked **Ms. Larsen** what was it in tenure she felt so serious and sincere about that she would not like to give it up.

**Ms. Larson** stated there are different reasons people like a teacher and if she doesn't fulfill that particular role, they are in an authority position to make a decision about her. The system she talked about would remove the subjectivity issue. **Representative Chadderdon** asked if that was a

prevalent thing that happens to teachers with tenure? **Ms. Larsen** stated she has seen instances of that happening.

**Senator Jorgenson** asked how she would feel about the IEA stepping up and doing the policing? **Ms. Larsen** stated her experience as a member of the IEA is that it is already in place.

**Chairman Nonini** asked **Ms. Larsen** if she was aware of the part of the ISTARS bill that calls for the formation of a group or a commission that would look at the evaluation process? **Ms. Larsen** stated she was not.

**Senator Bastian** stated that during his past experience as a teacher and an administrator he had dealt with teachers that were not quality teachers and the IEA had worked with him to resolve those situations. He asked **Ms. Larsen** if that was typical of her experience with the IEA? **Ms. Larsen** stated she had not personally witnessed that circumstance. Only that she had heard that is a process that has been worked through.

**Representative Pence** stated **Superintendent Luna's** plan has an evaluation part they are going to be working on, and asked if teachers would be more comfortable knowing that this part of the plan is in place before they actually gave up their continuing contract rights? **Ms. Larsen** stated teachers can hit targets if they know where they are up front.

**Michelle Faucher-Sharples**, second grade teacher from Post Falls, stated she was uncomfortable giving up her continuing contract. She had personally experienced a situation where she had been slandered and the IEA had given her representation in resolving that issue. She also felt that having a continuing contract helped her be strong in a situation where she had to file a sexual harassment suit. She said a continuing contract helped her focus on her teaching.

**Representative Durst** commented that is why he has such a hard time with the Category 4 contract, regarding the issue of sexual harassment or a powerful person trying to get rid of a teacher without due process.

**Representative Marriott** asked if there was anything in ISTARS that would have prohibited her from being a member of IEA, and wouldn't they have protected her in the same way, whether or not she was on a Category 4 or a continuing contract. **Ms. Faucher-Sharples** stated that one of the things important to her is just cause and though one of the recent changes to the plan was how it defined due process, she prefers her evaluations regarding how she is teaching and what constitutes expertise be related to her job performance. **Representative Marriott** asked if she would have the same protection under either program. **Ms. Faucher-Sharples** stated she did not think so.

**Senator Fulcher** stated ISTARS is optional, not a mandate. He asked a question **Senator Goedde** had asked previously but was not answered, if she would oppose a colleague who wanted to exercise that option. **Ms. Faucher-Sharples** stated that was their right.

**Senator Sagness** stated he did not see why a person should have to make that choice when there was no demonstrated relationship between giving up a continuing contract and improvement in teaching.

**Senator Schroeder** stated an article in the Lewiston Tribune in December quoted one of the House leaders as saying it was the intent to phase out all continuing contracts after a few years.

**Ken Hosier** teacher at St Ambrose High School and Foundations Academy in Boise spoke in favor of ISTARS. Mr. Hosier spoke to the issue of tenure stating the Idaho tax payers deserved the opportunity to hold the state and school districts accountable for how their tax dollars were spent. He stated the program allows educators who feel tenure is important to retain their continuing contract while allowing teachers the opportunity to earn extra income by forgoing it. As a teacher in a private school, the ISTARS program would give him the incentive to enter the public school system, not a deterrent.

**Dana Harris** from Bear Lake High School in Montpelier, stated one of the concerns of the teachers in her district is they feel the distribution of the money from the ISTARS plan does not equitably compensate educators. She stated the only step in ISTARS that is considered salary is the \$2,200.00 career step. As all other compensation is in the form of year to year bonuses, it is not figured into the calculations for PERSI and, therefore, only about 25% of the teachers would receive salary and retirement benefits. Also, the same teachers would be the only ones eligible for bonuses in leadership and expertise. She stated Mr. Luna told them the plan was created to get rid of poor teachers, however, the problem of poor teachers should be addressed specifically and what administrators can do to make that process work. **Representative Shirley** asked for clarification on how she received the information that PERSI did not figure into the benefits from the plan. **Ms. Harris** stated it was because they were bonuses.

**Senator Goedde** asked **Jason Hancock** to respond to the question of PERSI benefits. **Mr. Hancock** stated page 6, section 5 of the bill outlines that distributions made pursuant to Idaho Code which are all the distributions under ISTARS, that the state shall provide the funding for PERSI and Social Security that goes with that. While it is true that there are certain steps on ISTARS that may be there one year and not another year, those contributions do count towards the PERSI and retirement calculations.

**Ron Jensen** from Idaho Falls stated he was speaking on behalf of new teachers and wished to address the ISTARS plan. He stated it is his understanding that the plan is intended to improve the system to not only keep qualified teachers but attract new teachers that are qualified as well. He felt the ISTARS plan did neither. **Mr. Jensen** stated under the ISTARS program the financial security of knowing he would have a consistent paycheck would be gone.

**Representative Shively** asked **Mr. Jensen** if, as a new teacher, he felt

he must give up tenure to receive extra pay for mentoring, for good scores on ISAT, to fulfill a scarcity position, to receive extra pay for several endorsements for national endorsement or certification? **Mr. Jensen** said absolutely not. That the extra pay should come regardless. He did not see how an incentive could be getting something for giving up something. He did not see the connection with the two.

**Senator Fulcher** asked what happens to him and his colleagues if one year, because funding is available they receive an increase in pay, but the following year funding is not available so they do not receive an increase in pay. What does that do as far as morale is concerned? **Mr. Jensen** said it would be very difficult for him, as he must live on a monthly budget which makes consistency very important to him.

**Jim Norton** teacher and Superintendent of the Parma School District, stated he wrote down neutral because there were things in both plans he liked and did not like. He recommends the following changes.

#### **“We TEACH”**

1. Strengthen the connection between teacher licensure, professional development and compensation, and
2. Illustrate in more detail the connection between student performance and staff responsibilities.

#### **ISTARS**

1. The sections on Market Scarcity and Multiple Endorsements need to be adjusted and language included that would provide additional resources to districts based on size,
2. The current language in ISTARS will not help rural schools, and may actually hurt rural schools,
3. Additional funds for leadership responsibility should not be tied to contract status, and
4. The Category 4 contract is problematic due to declining enrollment which means declining revenues.

**Chairman Nonini** requested a copy of Mr. Norton’s testimony.  
(Attachment 2)

**Senator Schroeder** asked if the provisions of the two bills were supported by research, and asked the Chairman if the people who brought the bills forward could point to the research that supports the provisions in those bills.

**Representative Boe** asked **Mr. Norton** if training for administrators, superintendents, principals, etc. would be helpful in more accurately measuring teacher performance? **Mr. Norton** said that was absolutely essential. He stated there was a need for much more training in regard to teacher evaluation and due process rights.

**Senator Bastian** asked **Mr. Norton** if he was recommending they look more carefully at the research and proceed cautiously. That if it cannot be done this year, they work next year to get it done but to get it done well.

**Mr. Norton** stated that was a fair representation of his presentation.

**Chairman Nonini** stated there would be time for only two more speakers but the sign up sheets would be distributed to all committee members so they may be aware of who was in favor of what. (Attachment 3)

**Adam Collins** a resident of Garden City, teaches at Eagle High School. He stated among his colleagues there seemed to be confusion as to what is considered due process and what is considered just cause. He pointed out the differences; that the current system requires proof be shown of criminal negligence or professional incompetence. He stated that was absent in ISTARS where no proof is required. Also, he did not see the choice of jumping into the ISTARS plan or staying with the current plan as choice but financial coercion.

**Senator Goedde** asked **Mr. Collins** if he was aware that the first two steps in the ISTARS program which provide money for the majority of teachers in this state that have nothing to do with giving up any contract rights. **Mr. Collins** stated he didn't have any problem with that only when the loss of rights is tied to any pay increases.

**Roger Quarles**, Superintendent of the Caldwell School District, supports the ISTARS plan stating that under this plan each of his schools could easily show enough growth to be able to financially reward all teachers in the building for their efforts.

**Mr. Quarles** stated the question of why a teacher should have to move to a new Category 4 contract in order to qualify for additional financial incentives is an easy one for him to answer. He said if we want our state tax payers to fund education at a higher level in order to pay teachers more money, then they must be more accountable for student achievement.

**Representative Durst** asked why he found it necessary for the State of Idaho to be the first state ever to move forward with a plan that requires teachers to give up their due process rights? **Mr. Quarles** stated he didn't see it as giving up their due process rights. He said it was an easy decision for the teachers he talked to in Caldwell to give up their continuing contracts to earn an additional \$10,000.00. He said it is part of a plan to move forward, the right to the next step.

**Senator Burkett** asked **Mr. Quarles** if he thought keeping the continuing contract in districts where the system has broken down, and things aren't working well, would be valuable to those teachers? **Mr. Quarles** stated in that case it might be better for those teachers to have a continuing contract. A critical part of this plan is leadership. The superintendent is governed by a board of directors that is elected to run the school district. That power lies in their hands and they need to understand what a lack of leadership is doing to their district.

**Senator Bastian** asked, with the current economic situation, what would happen if the total dollars for education did not increase? **Mr. Quarles**

stated that continuing to go down the same road would not solve their issues in Caldwell. He wanted them to look at merit and have their leadership work with the State Department and the Association to put more money in teachers' pockets.

**Senator Sagness** asked if the accountability of going to a Category 4 contract was more perception than real. **Mr. Quarles** stated people's perceptions are real to them. To him, accountability is student achievement. **Senator Sagness** stated that although he agreed with **Mr. Quarles** on most of his remarks, he could not see how a Category 4 contract would make a teacher a better teacher, improve the situation in the classroom or increase accountability. **Mr. Quarles** stated he didn't like the way education is funded now or the way teachers are paid and the Category 4 contract may not be the best plan, but for him, he just wants to find a way to get more money for teachers.

**Senator Schroeder** stated that during the 16 years he has been on the committee they have been doing many different things. That when something isn't working, they try something else. He stated he believes the current education and ISAT is failing and now they are just moving in another direction. He suggested that any new plan be based on research.

**Senator Goedde** shared the following numbers for the first two steps of the plan. They are as follows: The first step would affect 13,066 teachers which is \$22.6 million and the next step would affect 1,666 teachers at \$4.3 million or \$26.9 million dollars before you have to look at the continuing contract issue.

**Sherri Wood**, President of the Idaho Education Association gave her closing presentation in support of "We TEACH". (See Attachment 4)

**Superintendent Luna** then presented his closing remarks in support of ISTARS. He stated that the legislators had a choice before them; the choice to either vote to continue with the status quo in the way we pay our teachers or do something that will truly improve student achievement and teacher pay. We can finally give teachers the rewards and recognition they deserve and move forward with a plan the taxpayers in Idaho are demanding.

He stated that although change is difficult and uncomfortable, it is necessary in order to move education forward in Idaho. That the only way we can become comfortable with change is to experience it. The Idaho Education Association on-line poll predicts that only 8% of the teachers will avail themselves of all the bonuses and pay increases that ISTARS has to offer. School administrators across the state believe that 30 to 35% of our teachers will take advantage of these opportunities. We will never get a true understanding or an accurate estimate until we give teachers a chance to participate.

**Mr. Luna** stated that not all teachers are comfortable with the career opportunity steps in ISTARS, but that doesn't mean those opportunities

should be denied all Idaho teachers. He stated there was nothing punitive in the ISTARS plan, that ISTARS is all about giving teachers choices.

**Mr. Luna** remarked on the charter schools, how those teachers work without continuing contracts and they haven't seen any of the fears that have been expressed in the hearings this week played out in reality. Also, there are approximately 3,000 teachers who have taught less than three years working on a one year contract today and should be allowed the choice to stay on a Category 4 type contract. Although a Category 4 contract may not be for everyone, that right should not be denied to another.

**Mr. Luna** discussed **Senator Sagness'** idea about removing the Category 4 contract from the plan in order to find some negotiated balance to the plans. We now know that no matter what we do with the Category 4 contract even removing it entirely from ISTARS, that the IEA would not support it. **Mr. Luna** said the reason was as stated by **Sherri Wood** in her testimony on Monday, all decisions about teacher compensation must be decided through collective bargaining (local negotiations). All \$46 million of ISTARS goes directly to educators. None of the \$46 million ends up on the negotiating table.

**Mr. Luna** stated ISTARS is not a perfect plan but a first step towards progress. Progress to get teacher pay on the right path that rewards performance. A path that commits the legislature to doing something different in the way we pay teachers.

There were closing remarks by **Chairman Nonini** and **Co-Chairman Goedde**. **Chairman Goedde** stated the plans will be taken up in Committee on Wednesday.

**Chairman Nonini** adjourned the meeting at 5:37pm.

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**Co-Chairman Senator Goedde**  
**Chairman Senate Education**

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**Co-Chairman Representative Nonini**  
**Chairman House Education**

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**Carol Vaughn, Secretary Senate Education**

## MINUTES

### SENATE EDUCATION COMMITTEE

**DATE:** January 28, 2008

**TIME:** 3:05 p.m.

**PLACE:** Room 204

**MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Fulcher, Senators Schroeder, Pearce, Jorgenson, Burkett, and Sagness

**MEMBERS ABSENT/ EXCUSED:** Senators Gannon and Bastian

**MINUTES:** **Chairman Goedde** called the meeting to order at 3:05 p.m. He requested the secretary take a silent roll call.

**Chairman Goedde** recognized **Mark Dunham**, Trustee for the newly created College of Western Idaho, for the purpose of introducing the president of that college, **Dr. Dennis Griffin**.

**Dr. Griffin** provided an update on what the college had accomplished this past year since the referendum was passed creating the Community College District on May 22, 2007; including the swearing in of the Board of Trustees on July 30, 2007 and hiring an Interim President on August 7, 2007. He spoke about the number of organizational systems necessary to set up a new entity they developed in a short four months.

**Dr. Griffin** explained the proposed timelines set out in their handout (attachment 1) and what they expect to accomplish in each of them. The floor was then opened for questions.

**Senator Pearce** asked if the plan was to build an entire campus or were they going to use existing facilities. **Dr. Griffin** stated they will be using existing facilities as much as possible, however, it will be necessary to build a couple of buildings to accommodate the huge labs that will be at the school.

**Senator Pearce** talked about the partnership developed in his district where they used the high school shop and other portions of the school to teach classes at night. He stated he would like to see the college go out into the community and state and establish those kind of partners. **Dr. Griffin** stated it is the Larry Selland College's Study Workforce Training Program that is doing that and the courses they are offering now are workforce training classes. They plan to be doing a lot of that. **Dr. Griffin** introduced **Shirl Boyce** who stated he had spent the last year as the development director of the Selland College of Applied Technology.

That one of the world's manufacturers of welding equipment told him

they wanted to put new welding equipment in their school but not in their facilities. They want to use the facilities for training their people and for that they will keep the equipment updated. High capital investment situations like that would necessitate new buildings.

**Senator Burkett** asked about the contracts with BSU and the Selland College. Why did one work out and the other one didn't? **Dr. Griffin** stated the proposal by BSU carried a price tag of \$2.1 million which they thought was too great.

**Senator Burkett** asked if there would have been a price that would have made it work. **Dr. Griffin** answered absolutely they would have done it.

**Senator Burkett** asked how their college differed from CSI? **Dr. Griffin** stated they haven't drilled down into programs, policies or procedures with CSI. What they have done is sit down with CSI, with North Idaho College and other colleges in the Northwest to see how they do things and what they can advise.

**Senator Burkett** asked why they couldn't just pick up the policies, plans and procedures of CSI and, with some changes, use them? **Dr. Griffin** stated there is a big difference between a community college operating in a rural area and one operating in a urban area and they are trying to find the best of both.

**Senator Burkett** asked if he would explain what two or three of the major differences were? **Dr. Griffin** deferred to **Victor Watson, Executive Vice President**, who stated they had not adopted any practices of either the College of Southern Idaho or North Idaho College. He continued by giving examples of the differences between rural and urban institutions.

**Senator Goedde** spoke about the \$5 million start off money made available by the Governor two years ago. He asked if they had received \$5 million in fiscal year 2008 and were they now asking for another \$5 million? **Dr. Griffin** stated that was correct.

**Senator Goedde** asked if he was in a position to talk about ownership of the building on the western campus? **Dr. Griffin** stated that when the referendum was talked about, before the vote was taken, there was a wide understanding on the part of the people who voted for that, that the west campus would be for the community college. However, when the referendum passed, Boise State had a different take on that so negotiations have been taking place since that time. **Dr. Griffin** quoted an article in Sunday's paper where BSU President Kustra stated he thinks it is in everyone's best interest if Boise State has their campus here and the Community College has theirs at the west campus. It appears that negotiations have resulted in Boise State offering that campus, a large chunk of land on that campus, and that building, and the Canyon County

Center also to the College of Western Idaho in return for the removal of the Selland College of Applied Tech off the Boise campus by summer of

2009.

**Senator Goedde** asked if they had established what the initial cost of tuition would be to the students. **Dr. Griffin** stated they had.

**Senator Goedde** talked about the statement of taking over Selland College of Applied Technology. He asked if **Dr. Griffin** meant moving that college off the BSU campus or was there more to it than that? **Dr. Griffin** stated they have made application to provide PTE and they are working with them so they will be named that provider prior to July of 2009 which means they will be taking over management of, responsibility, and the funding for PTE programs.

**Senator Burkett** asked if they will be able to show their program is cost effective after 5 years? **Dr. Griffin** stated they would be as fiscally responsible as possible.

**Senator Schroeder** asked **Dr. Griffin** if he knew how colleges and universities kept track of their students missing courses, courses they couldn't take because the classes were full? **Dr. Griffin** stated that tracking is the key and that is easier in a community college because they offer general education as opposed to the larger universities that offer a broader breathe of degrees and specialities. He stated he didn't see that happening in his school.

**Chairman Goedde** thanked **Dr. Griffin** for his presentation.

**MOTION:** **Senator Burkett** moved to approve Committee meeting minutes for January 14, 2008. **Senator Fulcher** seconded, and the motion was approved by unanimous voice vote.

**MOTION:** **Senator Jorgenson** moved to approve Committee meeting minutes for January 15, 2008. **Senator Pearce** seconded, and the motion was approved by unanimous voice vote.

**MOTION:** **Senator Pearce** moved to approve Committee meeting minutes for January 17, 2008. **Senator Jorgenson** seconded, and the motion was approved by unanimous voice vote.

Minutes from the Committee meeting held January 16<sup>th</sup> will be held until **Senator Bastian** is present.

**RS 17688** **Chairman Goedde** passed the gavel to **Vice Chairman Fulcher**, who recognized **Senator Goedde** for his presentation of RS 17688.

**Senator Goedde** stated before them was a Senate Memorial that addresses a piece of Federal Legislation which will be considered by Congress next month. He stated one section in that legislation, the Maintenance of Effort provision, would punish states for not maintaining or increasing higher education funding. He said it is his consideration that Federal involvement in our appropriation process is not proper and it should be their job to determine the U. S. appropriation for

higher education from year to year. He stated it would be a dangerous precedent to accept this intrusion into State government, an opinion that is shared by the National Governor's Association, the State Higher Education Executive Officers, and the National Conference of State Legislatures who alerted him to this and helped him draft the Memorial.

**Senator Sagness** stated he agreed. This type of intrusion of the Federal Government into State affairs is a problem and he supported the Memorial.

**Senator Schroeder** asked **Senator Goedde** if he had people lined up to testify at a hearing, or would a motion to print and send to the floor be appropriate. **Senator Goedde** said he did not have anyone lined up to testify and would appreciate having a motion to send it to the floor.

**MOTION:**

**Senator Schroeder** moved that they send RS 17688 for printing and when it goes to the floor with a do pass recommendation. **Senator Sagness** seconded the motion.

**Senator Burkett** asked **Senator Goedde** if he had read Section 108, State Commitment to Affordable College Education? **Senator Goedde** said he had, and asked if the Committee would like him to read that page to them. **Vice Chairman Fulcher** asked that copies of that Section be made for each Senator, which was done and distributed and is also attached. (Attachment 2)

**Senator Burkett** asked what the word "punish", as found on line 10, meant? Did that mean they were not going to send matching money? **Senator Goedde** stated that withholding Federal funds was the biggest punishment they could inflict on them.

**Senator Schroeder** stated if there was public concern against this Memorial, they could always go back and revisit it.

**Vice Chairman Fulcher** asked for a vote on the motion which passed by voice vote.

**ADJOURN:**

**Vice Chairman Fulcher** gave the gavel back to **Chairman Goedde** who adjourned the meeting at 4 p.m.

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Senator John Goedde  
Chairman

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Carol Vaughn  
Secretary

## MINUTES

### SENATE EDUCATION COMMITTEE

- DATE:** January 29, 2008
- TIME:** 3:00 p.m.
- PLACE:** Room 204
- MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Fulcher, Senators Schroeder, Gannon Jorgenson, Bastian, Burkett, and Sagness
- MEMBERS ABSENT/  
EXCUSED:** Senator Pearce
- GUESTS:** *Any sign-in sheets/guest lists, testimony, booklets, charts, and graphs will be retained in the Committee Secretary's office until the end of the session. After that time the material will be on file in the Legislative Services Library, 5<sup>th</sup> Floor, Capitol Annex.*
- MINUTES:** **Chairman Goedde** called the meeting to order at 3:00 p.m.
- PRESENTATION:** **Chairman Goedde** welcomed **Mr. Brad Corkill** of Cataldo, Idaho, who was appointed by Governor Otter to serve as a Public Charter School Commissioner for a term commencing August 15, 2007, and expiring May 12, 2011.
- Mr. Corkill** reviewed his background and professional experiences with Committee members. Even though the Commission is held to the standards set forth by the State Board of Education, **Mr. Corkill** will enjoy the independence of supervising staff and setting budgets.
- Senator Bastian** asked about the oversight function of the Commission and what steps are taken by the Commission to assist a school that is struggling. **Mr. Corkill** said that the Commission must have policies in place to make sure the schools succeed, offer advice, and review the records and financial statements. **Chairman Goedde** informed the Committee that charter schools are required to send full financial statements to the Department of Education and to Legislative Services for audit.
- Senator Jorgenson** thanked **Mr. Corkill** for all his work and asked about the time commitments. He replied that he enjoys the time spent with the Commission and does not find it overwhelming. He has served over nine years, and plans to bring about more public awareness to this role.
- Senator Sagness, Chairman Goedde, and Mr. Corkill** discussed the application process for charter schools and duties of the hearing committee. It was agreed that the backup is still necessary and should be reviewed by the local school board prior to review by the Charter School Commission.

**Senator Gannon** asked what improvements he expects to see regarding the charter schools. **Mr. Corkill** said that charter schools worry about keeping students because of the funding, and they will offer their best program in order to prevent those students from leaving.

**Mr. Corkill** discussed the duties of the Commissioners with **Senator Burkett**.

**Chairman Goedde** thanked **Mr. Corkill** for his presentation.

**PRESENTATION:**

**Chairman Goedde** asked **Tamara Basinger**, Public Charter Schools Commission, to share information about the charter schools in the State. **Ms. Basinger** said that currently there are thirty-two charter schools and only half are commissioned or authorized. In the last couple years, the number of students coming into charter schools has dropped dramatically.

**Senator Schroeder** asked if the Charter Schools Commission believes they have any enforcement authority or if they only grant the charters. **Ms. Basinger** explained the distinction between charter schools and district operated charter schools. The Commission does not have any oversight over district operated charter schools. In reply to a question from **Senator Gannon**, she said notices did go out to several charter schools, and subsequently they were able to correct the defects. **Ms. Basinger** continued with discussion about virtual schools, charter high schools, and local control.

**PRESENTATION:**

**Chairman Goedde** welcomed **Ms. Gayann DeMordaunt** of Eagle, Idaho, who was appointed by Governor Otter to serve as a Public Charter School Commissioner for a term commencing March 13, 2007 and expiring May 12, 2008. **Ms. DeMordaunt** reviewed her credentials and experience qualifying her for the position on the Public Charter School Commission.

**Ms. DeMordaunt** addressed questions of the Committee and discussed continuing improvement. The Commission is reviewing statutes governing charter schools and making improvements to ensure charter schools are operating in the best interests of the communities. In response to a question about additional powers for oversight, **Ms. DeMourant** said the Commission has the necessary authority as provided in the statute, and has the power to ensure our charter schools are successful.

Committee members and **Ms. DeMourant** compared magnet schools and charter schools. Magnet schools are managed by the local school district. The advantage of charter schools is that they are responsible to public demand. Their success or failure depends on consumers. Other topics of discussion included research and development as it applies to traditional public schools and public charter schools and the Harbor method of discipline, which was adopted in one of the traditional public schools.

**Senator Burkett** and **Ms. DeMourant** discussed the goals of the charter school conference and what people really do want after all.

Further discussion centered around free choice in education. The consumer needs to be able to choose. **Senator Schroeder** talked about what has been learned from charter schools that would help the traditional public schools. **Ms. DeMourant** said the success is that we can try small schools without impacting an entire district.

After further discussion and questions with Committee members, **Chairman Goedde** thanked **Ms. DeMourant** for her presentation.

**PRESENTATION:**

**Mr. Jim Shakelford**, Executive Director of the Idaho Education Association (IEA), provided the Committee with information on the research to develop alternative schools.

**Chairman Goedde** passed the gavel to **Vice Chairman Fulcher** and left the meeting.

**PRESENTATION:**

**Vice Chairman Fulcher** welcomed **Ms. Esther Van Wart** of Pocatello, Idaho, whose term commences on May 12, 2007 and expires on May 12, 2011. **Ms. Van Wart** outlined her experience and education. Her passion for education includes a recent appointment to her local school board.

**Vice Chairman Fulcher** asked her to characterize the relationship between the public school system and the charter schools in the Pocatello area. **Ms. Van Wart** said at first, she was considered a threat, but no longer sees any of that. She has learned a lot about project-based, hands-on learning and the schools have developed a good relationship.

**Senator Schroeder** spoke about the independence of charter schools prior to the formation of the Commission. Many reports have been compiled. Even though some of them are not favorable, there doesn't seem to be anyone who is responsible for doing something about it. Even though they are independent, the Commissioners will not only have the authority, but will be responsible for making sure those schools are accountable. **Ms. Van Wart** said she believes the charter schools are as independent as they want to get. **Senator Schroeder** mentioned that some of the decisions the Commissioners will be making to hold charter schools accountable were influenced by personnel in the State Board of Education.

A discussion followed that included local control, public hearings about school needs, and requirements to the local school districts. **Senator Sagness** asked if a new charter school is still required to appear before the local school district in order to proceed. **Ms. Basinger**, Public Charter Schools Commission, clarified the process for the Committee.

**Senator Bastian** asked **Ms. Van Wart** to comment on her new role on the Pocatello School Board concerning the responsibility to establish cooperative relationships between the traditional schools and the charter schools. She said she has an appreciation for what the charter schools are bringing to their district and plans to give more recognition of their accomplishments.

**Ms. Van Wart** said that charter schools prepare an annual audit and present it at a school board meeting giving the local trustees opportunity to ask questions.

**Senator Gannon** mentioned that **Ms. Van Wart** has been on the Charter School Commission for many years, and asked if the Commission has denied any applications to establish a new charter school. She said they had occasionally voted against some of those referred by the District.

**Senator Burkett** observed that Idaho seems to have better performance in charter schools than other states and asked **Ms. Van Wart** what she views as different in Idaho. She said there is a huge difference and sees Idaho parents and legislators caring far more about kids than money.

The following discussion centered around school visits from the Commissioners, graduation requirements, and the number of applications in the process. **Senator Bastian** observed that all the candidates are exceptional and answered questions to the satisfaction of the Committee. **Vice Chairman Fulcher** thanked **Ms. Van Wart** for her presentation.

**Vice Chairman Fulcher** thanked **Mr. Corkill**, **Ms. DeMordaunt**, and **Ms. Van Wart** for their presentations and said that the Committee would vote on the confirmations in the regular meeting scheduled at 3:00 p.m. on Thursday, January 31, 2008.

**PRESENTATION:**

**Vice Chairman Fulcher** recognized **Mr. Rakesh Mohan**, Office of Performance Evaluation, and welcomed his comments on the agency's recommendations in several school district related evaluations. Following are the recommendations provided to the Committee in his written report.

**Virtual School Operations**

1. The Legislature should clarify the definition of a public virtual school. Clarification would provide more specific information for new virtual schools to include in their petitions and would establish clearer criteria to use in determining which existing schools in Idaho meet that definition.
2. The Legislature should require that all statewide virtual schools be approved by the Public Charter School Commission by a date specified by the Legislature. Current statute requires that all new petitions for a virtual charter school be submitted to the commission, but does not address existing virtual schools. By requiring all virtual schools to be authorized by the commission, it will help to ensure that all virtual schools are subject to the same oversight.
3. The Legislature should consider additional annual reporting requirements for virtual schools. These requirements may include a description of the school's education program and curriculum, test scores and academic performance, how technology affects the delivery of special education services, operational efficiency, and students' overall satisfaction.
4. The Legislature should address whether *any* public school that uses virtual distance learning as part of its method of instruction should be

subject to operating requirements and oversight similar to those for virtual schools. Currently, schools that do not meet the definition of a virtual school could offer virtual courses or programs without any specific guidance or oversight. This recommendation would have implications for *all* public schools, not just charter schools or virtual charter schools.

#### **Use of Average Daily Attendance in Public Education Funding**

The Legislature should consider authorizing a study to review the state's funding formula, including an analysis of funding anomalies and a review of the benefits and drawbacks of other funding methods.

#### **Idaho School for the Deaf and the Blind (ISDB)**

This evaluation does not recommend a specific new direction for ISDB, but provides detailed assessments of its enrollment trends, current operations, and stakeholder satisfaction. Because sensory impairments are low incidence, vary in severity, and affected students are spread throughout Idaho, any new direction will include educational, fiscal, and logistical considerations. Therefore, we strongly encourage policymakers to first consider student needs and how well students will be served under any alternative model. Additional important considerations include uses of campus facilities, suitable alternative facilities, costs associated with different options, and school district capacity to provide appropriate services to sensory-impaired students.

#### **School District Administration and Oversight**

To address the rising costs of health insurance, the Legislature could consider authorizing further study of the potential cost savings of a statewide health insurance plan for school districts.

#### **Higher Education Residency Requirements**

The Legislature should consider amending Idaho Code to clarify:

1. Whether full-time nonresident students are presumed to be in Idaho primarily for educational purposes – unless they clearly demonstrate they are primarily engaged in activities other than those of a student;
2. Whether nonresident students must establish and maintain a domicile in Idaho for 12 months in order to qualify for residency;
3. Whether students who are granted residency on the basis of their parents' Idaho domicile should be financially dependent upon their resident parents and be under a certain age;
4. The factors needed to show that domicile has been established primarily for purposes other than education, including any weighting of the factors.

**Mr. Mohan** discussed each category of the recommendations from the Office of Performance Evaluations and answered questions from the Committee.

#### **ADJOURNMENT:**

**Vice Chairman Fulcher** thanked **Mr. Mohan** for his work and his presentation, and adjourned the meeting at 5:10 p.m.

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John Goedde  
Chairman

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Carol Vaughn  
Secretary

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Sandra Boyington  
Assistant Secretary

## MINUTES

### SENATE EDUCATION COMMITTEE

- DATE:** January 30, 2008
- TIME:** 3:00 p.m.
- PLACE:** Room 204
- MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Fulcher, Senators Schroeder, Gannon, Pearce, Jorgenson, Bastian, Burkett, and Sagness
- MEMBERS ABSENT/ EXCUSED:** None
- MINUTES:** **Chairman Goedde** called the meeting to order at 3:00 p.m. He requested the secretary take a silent roll call. He welcomed committee members and guests.
- MOTION:** **Senator Bastian** moved to approve Committee meeting minutes for January 16, 2008. **Senator Sagness** seconded, and the motion was approved by unanimous voice vote.
- Senator Goedde** introduced **Roy Eiguren** present on behalf of the American Chess Foundation. He introduced **Eric Anderson**, President of the American Chess Foundation, who stated their goal is to put chess in every second and third grade classroom in Idaho. He introduced **Superintendent Luna** who talked about "First Move" and the benefits of having chess in the classroom. He introduced **Wendy Fisher** who presented a power point.
- Chairman Goedde** asked **Superintendent Luna** if he would provide the committee with a list of the schools that are participating in the chess program? **Mr. Luna** stated he would, and invited committee members to visit one of those classes on Chess day.
- Chairman Goedde** welcomed **Wendy Fisher** to the committee who presented a three-minute video, following which she stated their mission is to use chess as a learning tool in second and third grade classrooms across the nation to create positive impact as far as critical thinking skills, social skills, and creating higher academic achievement in those students.
- She talked about the principles, the program, the results they are achieving, and the participation in Idaho schools. She stated they are aware they have to be a high quality program and have to be research and standards based in order to request classroom time. She said they

have to focus on student outcome and continually access their results to make sure they are giving what they promised.

**Ms. Fisher** stated First Move is supported by research and is state standards based, and is committed to the kids meeting those standards. In order to accomplish these goals, they hold themselves to rigorous evaluation. First Move is partnering with the University of Oregon so they can do large scale intensive evaluation of the program this Fall.

**Ms. Fisher** stated First Move is a complete package including materials, support, mentoring, and technology. 94% of Teachers surveyed reported First Move is a valuable use of classroom time. First Move is priced at \$625.00 per classroom in year one and lowers each year to \$175.00 in year three and beyond. There are currently 106 classrooms in Idaho participating in First Move. Ms. Fisher stated she would get a list of those schools for committee members.

**Senator Gannon** asked how much time commitment is there per class?

**Ms. Fisher** stated one hour per week. Thirty lessons over the course of the year.

**Senator Pearce** asked about the cost of the program. **Ms. Fisher** stated **Superintendent Luna's** office paid for a pilot of 100 classrooms for a cost of \$60,000.00, direct program cost.

**Senator Jorgenson** asked how long the program had been in existence?

**Ms. Fisher** stated it originated in 2000. The first several years, however, were spent developing and testing the curriculum. They are in their fifth year that it has been complete. **Senator Jorgenson** asked if they had any statistical results from the use of the program? **Ms. Fisher** stated they had not done as much official followup as they perhaps should have at this point.

**Senator Schroeder** asked **Superintendent Luna** where in the budget is this money coming from? **Superintendent Luna** stated they had found some efficiencies in the department that made it possible to fund this project as well as others. **Senator Schroeder** asked **Superintendent Luna** to send him a letter explaining that. Superintendent Luna stated he would.

**Roy Eiguren** deferred to **Eric Anderson** who stated the cost to fund the entire state would be \$280,000.00 per year which is 1600 classrooms at \$175.00.

**Senator Burkett** asked if the program reached all kids or just the gifted and talented? **Ms. Fisher** stated the program is designed to move slowly and emphasizes not just chess, but the education component. Since they are using it as an educational tool, it is designed to reach all kids.

**Senator Goedde** thanked **Mr. Eiguren, Mr. Anderson** and **Ms. Fisher** and introduced **Superintendent Luna** for his presentation of his

department's fiscal year 2009 budget and budget requests.

**PRESENTATION:** **Superintendent Luna** provided a power point presentation, a hard copy of which can be viewed at the Legislative Library. His remarks are as follows:

*The following is the text of prepared remarks Superintendent Tom Luna made to the Senate Education Committee on January 30, 2008.*

Mr. Chairman and members of the committee, thank you for giving me the opportunity to stand before you today to discuss the Fiscal Year 2009 Public Schools Budget request.

Last week, we discussed one part of this budget request in great detail – the Idaho State Teacher Advancement and Recognition System, or ISTARS. Today, I will outline the rest of our Public Schools Budget request.

**Mr. Luna** stated he was responsible to develop and present two budgets, one for the department and the other for public schools. The department budget request for the coming fiscal year is as follows: For the second year in a row they are requesting a flat budget except for maintenance funds to replace critical Information Technology (IT) equipment as required by Intermath. He stated they are not asking for an inflationary increase for a second year in a row or additional full time employee (FTE).

**Mr. Luna** stated that by finding efficiencies they are determined they can continue to offer more and better services in a more efficient way. He stated they are dedicated to looking at what they are currently spending and improving the efficiency of their work each day. Those goals have paid off, and it has helped them realign their programs and do more with the same amount of money. **Mr. Luna** stated they had changed several things in their department to operate more efficiently with the same amount of money. They now negotiate contracts that were never negotiated before. They are using the Request for Proposal (RFP) process more frequently and have shifted to electronically processing to reduce the amount of paper and printing expense. They have also gone through a modernization project. Last summer they underwent that effort and consolidated the space they were using in the Len B. Jordon Building. They have also been able to add some positions that they have wanted for a long time but were unable to secure the funding or the FTE position for that.

**Senator Schroeder** asked if they have savings, do they have the authority to do whatever they want with that money? **Superintendent Luna** stated when they identify money through efficiencies or salary savings, they submit documentation to Department of Financial Management (DFM) who then signs off on what the request is to do with that money. **Senator Schroeder** asked with regard to the surplus equipment, if they had the authority to give away things of value to another governmental entity? **Superintendent Luna** stated there is a

procedure they follow and would provide the Senator with that information.

**Mr. Luna** stated there was a motive for running the department as efficiency as possible. That for every dollar they save at the department is one more dollar they can spend on their schools and classrooms.

Last year, we worked together to direct more funding into the classroom, where it is needed most. And our work proved successful.

### Classroom Supplies

This school year, for the first time ever, every classroom teacher in Idaho had the authority to spend up to \$350 on classroom supplies and materials.

I have received many e-mails from teachers who no longer have to dip into their own pockets to buy much-needed materials for their classrooms.

A special education teacher wrote to me to thank me for the classroom supplies money. "The \$350 will be well spent, and will significantly benefit the educational process for the students in my classroom," he wrote.

Other teachers have pulled me aside after meetings, written to me or called the Department, excited about the ability to buy new supplies and materials for their classrooms – construction paper, art supplies, maps, globes and other necessary materials.

### Remediation

Every school district received money specifically dedicated to helping students who are struggling to pass grade-level standards.

The Parma School District has spent some of its money to supplement reading intervention in the middle grades.

It also is using the money to start a new developmental kindergarten program that screens students as they enter kindergarten. If they do not meet readiness requirements for the traditional half-day kindergarten, the students are placed in a developmental kindergarten program for one year and then moved into the regular academic program the following year.

### Textbooks

Local districts also had the funds to replace old and worn out textbooks.

The Bonneville School District in Idaho Falls adopted new reading textbooks this year for K-8.

**Senator Pearce** stated he has been told teachers are not getting the classroom supplies money and asked for clarification about that. **Superintendent Luna** stated this is the \$5 million designated for classroom supplies which breaks down to approximately \$350 per teacher. For the most part, the intent language they wrote for that bill has been successfully implemented, but there have been a couple cases, Bonneville for one and the Boise School District for another, where it was decided at the negotiating table that the teachers would not get the full \$350. He stated that was not the intent language attached to classroom supplies and materials. It is very specific that teachers would have authority over how that money was spent in their classroom and they discouraged pooling the money together. Those teachers who are not happy with the fact they did not get the \$350 need to talk to those who are negotiating on their behalf. **Mr. Luna** stated what they plan to do is make their intent language much more specific so this money does not end up negotiated in any way, so that teachers have control over how the money is spent in their classrooms.

**Senator Jorgenson** asked **Superintendent Luna** who is keeping the money that has been appropriated and then lost in negotiations? **Superintendent Luna** stated some of the money is being used for the cost of benefits. The way the district negotiates to flow that money into their salary schedule influences how much teachers get, but it is different from district to district. **Senator Jorgenson** asked if it is fair to say the school district is keeping the money and using it for other purposes? **Superintendent Luna** stated that whatever they do with it, it is a negotiated agreement, and nothing is done underhanded, but the concern is teachers are not getting all of the money and the same thing is being done with classroom supplies and materials in some districts. **Senator Jorgenson** stated the money was appropriated, and the money goes to the district and if the teachers aren't getting the money, one can only assume that the school district is keeping it. The school district gets the benefit of whatever it is they didn't negotiate away. **Superintendent Luna** deferred to **Tim Hill** who stated in law, a district has to do two things in order to receive their salary apportionment for their instructional staff. One, to hire the staff allowance in terms of the full time equivalent of the number of bodies and two, to spend all of their allowance. So in a district that is spending more than that, there is some flexibility on not passing on the full 3%, and that is the negotiated part, but not in any case may a district receive monies for any other purpose until they have reached those two hurdles. In most cases, the increases this state provides to the districts, the majority of them are passed on to the instructional staff. **Senator Sagness** asked if the situation where the special service teachers did not receive this compensation would be corrected this year? **Superintendent Luna** stated they do not plan on changing the intent language as to where it goes this year. **Senator Sagness** asked are you saying that the people in this group are not acknowledged as teachers? **Superintendent Luna** stated no, but they were specific that it would be those who were classroom teachers, not counselors or librarians. He stated the \$20 million the districts receive gives them the opportunity to use this money to supplant what they are currently doing which should free up dollars to districts who were currently spending some of their

money on classroom supplies and materials. There is nothing stopping districts from using money that has been freed up to give extra funds to the teachers you described.

**Senator Goedde** asked how much of the \$20 million has been sent out to districts, and did he anticipate that all of the money will be expended?

**Superintendent Luna** stated 75% of the money has been sent out. The money will be fully distributed.

**Senator Goedde** asked if there were districts that could have had more money than the state had appropriated? Could you have spent more than the \$20 million in the program? **Superintendent Luna** stated he did not believe so. **Senator Goedde** asked if more textbooks were bought than there were state dollars to match the district appropriations?

**Superintendent Luna** said that money is also driven by the \$10 million that is available and is a three to one match. It is limited to \$10 million.

**Senator Goedde** asked if they could have spent \$15 million? **Mr. Hill** stated they have a fixed dollar amount that is appropriated and will be distributed in full. The only way a district wouldn't receive their share of that money would be if they didn't meet the match and in that case they would send out less money, but in no case would they send any more than the appropriated amount. **Senator Goedde** asked if they had been appropriated \$15 million, could they have sent all of the money out? **Mr. Hill** stated yes, so long as the districts met their match for textbook funding.

I want to thank you for supporting education in this way. By working together, last year alone we addressed three of the long-standing issues in education and met the needs of teachers and students across the state.

Let's build on the successes we had last year by focusing on other issues in education that need our attention – teacher pay, math education, opportunities for advancement and accurate data collection.

The budget includes \$46.1 million to fund the Idaho State Teacher Advancement and Recognition System, (ISTARS), alternative pay system for teachers. As you know, this plan offers teachers five opportunities to earn bonuses and pay increases on top of their current salaries.

ISTARS also includes recommendations from the Rural Education Task Force, which has asked the state to offer incentives to teachers who:

- Work in hard-to-fill positions
- Earn qualifications to teach in multiple subject areas
- Take on additional leadership duties

ISTARS is a statewide plan. Every penny goes to educators, and none of it is subject to negotiation. Local school districts have the flexibility to identify the most difficult-to-fill positions and the leadership responsibilities that are of the greatest need in their districts.

Last week, you heard loud and clear from a variety of supporters of this plan – teachers, superintendents, parents, school board trustees, business leaders and your fellow legislators.

Last year, you allocated money for the development of the Idaho Math Initiative.

This initial \$350,000 was the seed money for a long-term investment in improving math education in Idaho.

A Math Initiative working group made up of educators, parents, legislators, school board trustees and representatives of the business community used the seed money this year to:

- Evaluate our current math education in Idaho
- Look at the latest research in math education
- Develop a Math Initiative that will improve math education in all K-12 grades.

We must continue our commitment to math education in Idaho and build upon the work of our Math Initiative working group.

Why do we need the Idaho Math Initiative?

Beginning with the class of 2013, we will require our students to complete three years of math and three years of science in order to graduate.

Raising graduation requirements in these areas helps Idaho to better align what students are expected to know by the time they leave high school with what they will need to know when they get to college or the work force.

But the real question is:

Are we effectively teaching math? Not just in high school, but in all grades, to ensure our students are prepared for the world that awaits them after high school.

The Spring ISAT scores show a troubling trend in math as students move through our K-12 system: As students grow older, fewer of them reach proficiency on the ISAT.

- On the 2004-2005 Spring ISAT, for example, about 82 percent of 3<sup>rd</sup> grade students scores proficient or above in math.
- When those same students were in 5<sup>th</sup> grade just two years later, only 73 percent scored proficient or above on the Spring ISAT.
- The number of students proficient in math continues to

decline as students get older and reach higher levels of math.

We must alter this trend so every Idaho student has the math skills they need as they move into the middle grades and on to higher levels of math.

This is critical if we want our students to succeed in the work force or postsecondary education once they leave high school.

When our students leave school, they are not just competing with their peers in Idaho or the United States. They are competing with students all across the world.

All too often, we hear from employers, colleges and universities, and parents that Idaho students do not have the math skills they need to succeed in life after high school.

The Idaho Math Initiative has the support of Idaho employers, higher education and teachers across Idaho.

Mark Duncan – President and Chief Operating Officer for Micron Technology – understands how critical the Math Initiative is for Idaho's largest private-industry employer.

"To compete in today's global economy, mathematics must be at the foundation of a quality education, no matter the ultimate career path of a child," Duncan said.

How can we accomplish this goal?

The Idaho Math Initiative will focus on four major objectives:

1. Professional development
2. Assessment tools
3. Remediation for students who struggle
4. Advanced opportunities for students who excel

The Math Initiative will provide professional development for teachers so they can stay up-to-date on the latest research in math education.

The latest research shows we need to provide a balance in teaching students about math. We must teach them the concepts of math as well as the procedures necessary to solve problems. Right now, math education focuses mostly on procedures.

It is important for students to learn these procedures, but it is just as important for students to learn the concepts behind these procedures. If we want students to be critical thinkers and problem solvers, then we need

to teach them math at a higher level.

Look at this common addition problem.

The Conventional method is to teach students to add using the ones column ( $3+8=11$ ) and then carry the one to the next column. ( $2+4=6$  plus the 1 you carried = 7). The answer is 71.

But the Conventional method does not meet the needs of all students because we now know that students learn in different ways.

Through the Conventional way, students do not learn place value or number sense.

There are three common ways to solve this problem, but right now, we are only teaching one way. So why are we surprised that only 1/3 of our students excel in math?

We must meet the needs of every student when it comes to math, which means allowing them to learn multiple ways to solve a problem.

Under the Math Initiative, teachers would be given the training and professional development necessary to teach these different methods as well as the Conventional.

Compensation or Decomposing: These methods build the concepts of number sense and place value – which are needed when students move into higher levels of math, such as algebra.

Idaho's teachers recognize the need for a change in math education and want the opportunity for further professional development to learn new and innovative ways they can help their students succeed.

Jan Harwood is the president of the Idaho Council of Teachers of Mathematics, a network of K-12 teachers that is committed to ensuring students have the conceptual understanding and computational fluency needed to solve mathematical problems.

“The Idaho Math Initiative reflects this same passion, and we wholeheartedly support the initiative and look forward to the professional learning engendered in it,” Harwood said.

Let me reiterate the point **Jan Harwood** and the Idaho Council of Teachers of Mathematics emphasizes:

Our job in education is to meet the needs of all students so they are prepared for the workforce or postsecondary education when they leave high school.

That is why our investment in the Idaho Math Initiative is critical to improving math education and all of education in Idaho. The Idaho Math Initiative will make a difference in our school system and our economy.

Our overall goal in education – whether we are discussing classroom supplies and materials, teacher pay or math education – is to raise student achievement and ensure our students receive the education and skills they need in our K-12 system so they can succeed after high school.

A large part of the decision-making in education is based on data.

To make any program in education successful, we need current and accurate data on finances, student performance, attendance and enrollment in order to make the best decisions possible regarding our education system.

A State Longitudinal Data System is necessary if we as a state want to move our education system forward.

Right now, we are falling behind in the area of data collection. Idaho is one of only a handful of states without such a data system.

**Senator Burkett** asked if it is designed to look at 100% of the students? **Superintendent Luna** stated the Longitudinal Data System will give them information on every student and will be available wherever the student attends school.

Many decisions we make every day in education are based on very well-educated guesses.

1. What is the dropout rate?
2. How did the new remediation program in this school district affect adequate yearly progress (AYP)?
3. What happens when a student shows up in the middle of the school year without any student records?

A State Longitudinal Data System will answer all these questions and more.

The first step in creating this data warehouse statewide is to rewrite the current data collection process at the Department.

The current system, known as Idaho Basic Education Data System (IBEDS), is outdated and we spend too much money each year paying a contract to fix problems that arise.

The second step is developing a Unique Student Identifier statewide. We

have already piloted the Unique Student Identifier in 5 school districts and are ready to move forward and expanding this system statewide.

The final step of implementation is creating the statewide system of common data that the Department or any school or school district could access.

For example, if a student attends the Caldwell School District on Friday, but shows up in Coeur d'Alene on Monday, our schools currently have to spend days, weeks or months evaluating what a student knows.

With a longitudinal data system, schools will be able to know instantly – what courses the student has taken, which areas does that student excel in and in which areas do they need extra assistance?

Schools will also be able to click on a certain subject area, like math, and find out the exact areas this student needs extra assistance.

Maybe he is good in fractions, but not decimals. This will allow every school and district in the state to focus their money and efforts.

The longitudinal data system will also make it easier for teachers to track student performance. Now, teachers have to pull out a pencil and highlighter and go through a stack of paperwork on each student.

The data system would provide instantaneous data on each student's performance and the ability to sort this data easily.

The state currently has a similar data system for state finances, known as Idaho Business Intelligence Solution (IBIS). IBIS allows us to drill down important financial information at the state level.

We need the same system in education so we can drill down information on student performance.

The state longitudinal data system will not put the burden on school districts across the state.

At the Department, we will create a system that bridges to whatever technology or software a district is currently using – no school or district will have to replace hardware or software when we implement this system.

**Senator Bastian** commented that what we are looking at is a data warehouse based on a dictionary of terms where we would be defining common elements where that information would be drawn into a variety of software. **Superintendent Luna** stated that was a great way of

describing basically what they would be doing.

**Senator Burkett** asked if there were different systems, or were they the same in every district? **Superintendent Luna** stated the districts will continue to gather the data with the software and hardware they are currently using and in the same format they are gathering it in. They will then bridge to their software and mine their software for the data they need to put together for the reports and information they need to know. **Senator Burkett** asked if they were basing it on a model somewhere in the state that has done this successfully? Is there a model out there you are using? **Superintendent Luna** stated that was exactly what they were doing. There were a number of vendors and products that have been successfully deployed in large districts and statewide and the Request for Proposal (RFP) they will write will rely heavily on those states and their successful implementation.

**Senator Pearce** asked how much is it going to cost? **Superintendent Luna** stated they are requesting \$3.5 million for the longitudinal data system. Their original request was for \$3.5 million and then \$1.9 million for every year after that to fund it.

**Senator Bastian** asked if the student identifier would go with them during the lifetime they are in the public schools in Idaho, and would that identifier be transmitted to state and community colleges so they know how many students in Idaho are actually going on to college? **Superintendent Luna** stated that the goal is to eventually have a K-20 longitudinal system. He stated that with this initial investment he is confident they would qualify for a state grant that would fund most, if not the rest, needed to expand this to a K-20 program.

**Senator Jorgenson** asked if they were going to out source the development of the program or were they going to try to do it in house? **Superintendent Luna** stated they were not going to hire a bunch of programmers to reinvent the wheel. There were products out there they could use to bridge to other student information systems. If there is software that has to be re-written, they will contract to have that done. He deferred to **Mark Russell**, IT Director of the Department of Education, who stated they are looking at the states that already have the system with the intention of building on their successes. They intend to out source the more expensive tasks, the development, fielding, hosting, and support.

**Superintendent Luna** continued speaking on the subject of concurrent credit stating it was part of the budget and felt it necessary to keep up with what is going on in states around us and across the country. **Mr. Luna** stated that we need to give our juniors and seniors the opportunity to take college courses while they are in high school. That 75% of the students who take college courses while they are in high school go on to college and a vast majority of them finish within four years.

Just recently, Colorado's Board of Education passed a rule that would give

all high school students the opportunity to take college courses, paid for by the state, before they graduated. When you look at the amount of money we pay to subsidize every child that goes to college whether they are a full tuition payer or whether all of their school is subsidized through grants and scholarships, whether it's the richest person in Idaho or the poorest, we subsidize those college students at the tune of about \$10,000.00 a year. We also pay about \$6,000.00 to \$7,000.00 per year for a high school student. Why not get as much of that college out of the way at \$6 to \$7 thousand as we can before we send them on to college. Every credit we take care of in high school is a dollar saved for taxpayers and parents.

**Senator Jorgenson** asked if any of the state funded scholarship benefits were going to private colleges? **Mr. Luna** deferred to **Mark Browning** who stated some of the benefits of both Promise A and Promise B scholarships do go to students who attend private schools. **Senator Jorgenson** stated he thought that topic should be taken up at a future time.

**Vice Chairman Fulcher** asked **Mr. Luna** about the program in Utah, what the profile is for that student that is achieving concurrent credit? Are they strictly high achievers? What does Idaho need to do to put Idaho in a better position to do the same? **Mr. Luna** stated that in Utah it is not limited to the high achievers or to the affluent. It is not uncommon for 70% of the high school to graduate with 20 or 30 college credits.

**Senator Schroeder** stated that some administrators discourage participation in this program and asked how he intended to preserve these rights for the students when the administration discourage or do not allow it? **Mr. Luna** stated he felt the parents are the greatest advocates for the program and will demand the same opportunities for their children. **Senator Schroeder** said that although he is a long way from the Utah border, parents were coming to him asking him to do something and asked **Mr. Luna** what he propose he do? **Mr. Luna** stated that Washington had quite a robust program similar to the one in Utah and felt the same kind of pressure will happen up there.

**Senator Bastian** asked **Mr. Luna** if he would be able to negotiate with colleges and universities to keep the dual credit costs significantly low so they will be able to offer those credits at a low price? **Mr. Luna** stated that last year when he brought the proposal to the committee he had letters from college and university presidents agreeing to a \$50.00 credit price and would continue to work to drive that price down. **Senator Bastian** said if Utah can do it for \$37.00 he believes Idaho can do it competitively. **Mr. Luna** agreed.

**Senator Burkett** asked if there was any evidence that shows that concurrent enrollment results in more kids going to college? **Mr. Luna** stated that the numbers quoted are from research done in states that did not offer this and now do, and there was an increase in the number of students that have gone on to college. In Idaho 75% of our students do

not go on to college after high school. He stated that to see the results, he would need to go to the states that are doing it, the percentage of their students that are going to college now versus before they had the program.

**Senators Pearce and Jorgenson** presented supportive comments.

**Senator Jorgenson** asked **Mr. Luna** if any work place training counted as credit? **Superintendent Luna** stated that he felt professional technical training needed to be a part of it and what would qualify or not qualify still needed to be part of the discussion.

**ADJOURNED:**

**Chairman Goedde** stated that based on the response of the committee, a positive recommendation would go to the Joint Finance Committee when he makes that report. He asked **Superintendent Luna** to return on Tuesday, February 5<sup>th</sup> to complete his presentation. **Superintendent Luna** stated he would.

**Senator Sagness** stated the Board for Pocatello School District 25 had an editorial in the Idaho State Journal relating to ISTARs and the superintendent asked him to distribute it to committee members. The copies were distributed.

**Chairman Goedde** adjourned the meeting at 5:10 p. m.

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Senator John Goedde  
Chairman

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Carol Vaughn  
Secretary

## MINUTES

### SENATE EDUCATION COMMITTEE

- DATE:** January 31, 2008
- TIME:** 3:00 p.m.
- PLACE:** Room 205
- MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Fulcher, Senators Schroeder, Jorgenson, Bastian, Burkett, and Sagness
- MEMBERS ABSENT/  
EXCUSED:** Senators Gannon and Pearce
- GUESTS:** 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.
- MINUTES:** Chairman Goedde called the meeting to order at 3:00 p.m.
- PRESENTATION:** **Chairman Goedde** introduced **Dr. Linda Clark**, District No. 2 School Superintendent, for a presentation regarding Magnet Schools. She gave a brief overview of the current Magnet Schools and their plans for more schools in the future. **Dr. Clark** explained that there are two types of alternative/magnet schools: Type 1 centers on a particular subject specialty such as computer science, performing arts or business; Type 2 uses a special teaching approach, such as open, gifted or fundamental. The Magnet School options offer choice to families. Magnet Schools are "regular" district schools. They teach to Idaho Achievement Standards and District Curriculum, accountable via State and District Tests, governed by district's Board of Trustees and administration and funded in the same manner as other district schools. Currently there are several Magnet Schools, including alternative Schools, such as Meridian Academy and Crossroads; Modified Calendar Schools, such as Seven Oaks and Spalding, and Arts -Based Education at both Lowell Scott Middle School and Pioneer Elementary. The Renaissance Magnet High School offers Architecture & Construction and will begin a Culinary Arts program starting in the Fall of 2008.
- Senator Sagness** asked **Dr. Clark** what is preventing other schools from implementing this concept? **Dr. Clark** says that there is no incentive for districts to offer magnet schools. **Dr. Clark** explained that the Meridian School district is doing this because they believe it's the right thing to do. It allows us to maximize our space in a district that is very challenged for space and seeing great results.
- Senator Bastian** asked **Dr. Clark** about Charter School funding. **Dr.**

**Clark** stated that they have no interest in expanding a parallel education system. The district has a lot of concerns regarding the limited funding that the state provides. **Dr. Clark** also believes that the schools are best when offered as part of the district. Magnet Schools have a lower administrative cost. **Dr. Clark** believes Magnet schools should be a part of the regular public system.

**Chairman Goedde** asked about the Charter School oversight and the districts authority? **Dr. Clark** explained what transpired in the past with two separate instances. **Chairman Goedde** expressed concerns regarding the oversight or enforcement system currently in place.

**Senator Burkett** asked about the socialization of these students in the Magnet Schools? **Dr. Clark** explained the varied programs through out the schools offers much to these students. **Dr. Clark** said she would be willing to put together a tour of any of these schools to show the committee just what the Magnet Schools are like.

**Senator Bastian** asked about the Health Professions Magnet School and how they would provide all the necessary tools as well as the low teacher to student ratios without asking for additional help from the State of Idaho? **Dr. Clark** explained that currently the teacher to student ratio stands at 12, and that further funding will rely on the partnerships with the State and what can be brought to the table.

**Chairman Goedde** thanked **Dr. Clark** for her presentation and their innovative educational ideas.

**Chairman Goedde** introduced **Mr. Richard Westerberg** from the State Board of Education. **Mr. Westerberg** gave a brief overview of his educational and work history. He has spent 11 years on local school boards and feels that education is empowering. **Mr. Westerberg** feels that his previous experience in implementing strategic plans, and using specific performance measures are an asset.

In response to a question from **Senator Jorgenson**, **Mr. Westerberg** feels that his primary strengths are in performance, a clear vision of the future and having that vision invoked in a good strategic plan from the state level. **Senator Jorgenson** asked about the role of the board members? **Mr. Westerberg** stated that he feels that the board does not have the time to spend much of it's effort below policy setting and monitoring level. He feels that this is a policy board, but embedded within that, there is also a need to follow-up, to see how the policies are doing.

**Senator Sagness** asked about the instability of the board? **Mr. Westerberg** stated that he has seen three directors in his 11 months on the board. He stated that they need to fill those positions with capable, qualified people. The sooner they do that, the sooner they fix these problems.

In response to a question from **Senator Schroeder**, **Mr. Westerberg**

stated that his number one priority is to bring supervision, financial accountability and performance measures to the Board.

**Senator Jorgenson** asked if the board has the same responsibilities to be accountable and be held accountable? **Mr. Westerberg** stated absolutely. He believes that they should be held to the same standards.

**Senator Burkett** asked about ISAT testing? **Mr. Westerberg** said that at the core the ISAT is trying to assess the standards by which the students are learning. He supports testing and feels that there may be a better way of testing to achieve those results.

In response to **Senator Schroeder's** question regarding closed door meetings, **Mr. Westerberg** stated that the items that can be talked about in closed door sessions are specified under state statute and limited to 5 or 6 subsections. **Mr. Westerberg** feels that not everything is a personnel matter and cannot be discussed in a closed door session.

**Chairman Goedde** thanked **Mr. Westerberg**.

**Chairman Goedde** introduced **Mr. Milford Terrell**, owner of Debest Plumbing and Mechanical. **Mr. Terrell** introduced himself and his wife. He gave an overview of his background and work history. **Mr. Terrell** says he enjoys working with kids and has worked with kids from the ages of 9 to 14 with the Seventh Day Adventist Church.

**Senator Jorgenson** thanked **Mr. Terrell** for all the service he has provided to the citizens of Idaho. **Senator Jorgenson** asked how long he has been on the board, what his capacity is and to explain the structure of the board. **Mr. Terrell** explained that this is the end of his fifth year on the board, and that he took over someone else's appointment. He is presently the President of the Board. **Senator Jorgenson** asked who proceeded him as president of the board? **Mr. Terrell** stated Mr. Laird Stone and prior to that Mr. Rod Lewis.

**Senator Jorgenson** asked when did he become president? **Mr. Terrell** says it was his first meeting after his appointment, which was April of 2007.

**Senator Jorgenson** states that he believes **Mr. Terrell** has inherited a heck of a mess and what he would like to know from him if he thinks that the people who have made mistakes, have they been made accountable? **Mr. Terrell** responded absolutely! One of the reasons they are short of staff is because they had to get rid of some of the people in their organization who did not make good decisions. The Board was given the ability to look at those issues and individuals.

Those mistakes have been cleaned up and they are trying to move ahead.

**Senator Jorgenson** raised his opinion that there is no accountability for people who are board members or former presidents of the board who have stepped up and said "I made a mistake" or who have resigned. We have some serious topics at hand and I think it's just being swept under the rug. **Senator Jorgenson** stated that he doesn't hold Mr. Terrell personally responsible. **Mr. Terrell** stated his thanks to Senator Jorgenson for the last statement. There is a process by which a board member, with the State Board of Education, can be removed from that position. He stated that there isn't an easy system to take a board member to task without proving fault.

**Senator Jorgenson** says he understands **Mr. Terrell's** answer and response and is aware of how board members might be accountable. There are however, some options, that might be left to us. Those options might include asking each and every board member to come down here and respond to questions. How would you feel about that? **Mr. Terrell** stated that any time this body would ask him to come down and visit he would be here. **Mr. Terrell** said that he believes the State Board represents the whole state of Idaho. Each board member is an individual and has their own thoughts, and he will not speak on their behalf. He stated that the accountability portion of this is huge and says if you have questions, you deserve to have answers.

**Senator Jorgenson** stated that at the time Mr. Stone was president, a directive was given to move forward with the ISAT contract, in spite of knowingly not having funding or the approval to do it. Can you comment on that? **Mr. Terrell** said he cannot respond to that. It was at a time that he was disconnected from the board and all correspondence.

**Senator Jorgenson** asked if the board was required to approve the contract awarded around July of 2007? **Mr. Terrell** stated that he would assume it would have to go through the board and that it would have to be voted on.

**Senator Jorgenson** asked if the board approved this contract, why did they not understand that the 2<sup>nd</sup> and 9<sup>th</sup> grade test was not a cost option and therefore not a part of the base contract? **Mr. Terrell** stated that he can speak only for himself and not other board members. He was not on the board at that time.

**Senator Jorgenson** asked if the board was relying on the executive director to keep them informed? **Mr. Terrell** stated that the staff has a lot of input in the things that they do on a day to day basis. However, saying that, understand that we try and look at every piece of paper no different than you do that comes through, make sure that everything is right and within the law. There are a lot of pieces of paper and a lot of

different things that pass through that office. It is our determination that we put a lot of faith in staff and staff leadership, the director.

**Senator Jorgenson** asked regarding a meeting held on December

18<sup>th</sup> with Mr. Dwight Johnson. The decision was made at that meeting to move forward with the 2<sup>nd</sup> and 9<sup>th</sup> grade testing, despite the knowledge that the State Board of Education did not have an appropriation to do so. Then a staff member was directed to tell them to move forward. Why would the board authorize their staff to continue with the development of the test, knowing that an appropriation had not been yet approved and why didn't this project come before the whole board for approval, before the executive director moved forward with development. **Mr. Terrell** stated that he couldn't answer that question. However, because that did happen, they have put together an audit committee that audits their own budget on a three month basis. There are four members on the board that will be looking at our budget, simply because of how this happened and why it happened. Additionally, stop links have been put in place for every contract. Contracts now have to go through the whole board and audit committee before the money is spent. They have worked a long time in putting this together and making sure it doesn't ever happen again.

**Senator Jorgenson** said that he has no doubt that these steps have been taken and it is too bad that this type of oversight wasn't in place prior. In light of today's testimony, and the concerns, a Motion was made that **Chairman Goedde** invite the remaining members of the State Board of Education to attend a committee meeting and allow the committee to ask for additional information. He asked to invite the entire State Board down for questioning, because he believes there are some people that have not yet accepted accountability.

**MOTION:**

**Senator Jorgenson** made the Motion to invite all members of the State Board of Education to a committee meeting. **Senator Schroeder** seconded and the motion carried with all in favor by roll call vote.

**Chairman Goedde** will compose a letter.

**Senator Jorgenson** said that **Mr. Terrell** has his sincerest gratitude and thanks for the work done.

**Senator Burkett** asked if it is his position as President of the Board to make recommendations to the Governor, if he felt there is any incompetence among the board? **Mr. Terrell** stated he would not want to be the one that judges their incompetence and believes it should be a bigger body.

**Senator Burkett** asked what do you feel as President, are your special duties? **Mr. Terrell** stated that the President's duties are to staff offices on a continuous basis and see what they are doing. To make sure money is not being spent and to make sure that we have the best staff. If the President sees an area where there isn't good staff, it's his duty to let the board and the Executive Director know that a change needs to be made. It is the President's duty to make sure everything is running smoothly and that the contracts are what they say they are, that appropriations have been made and that the laws are being followed.

**Senator Burkett** stated that he admires Mr. Terrell for having taken on a lot of these responsibilities. A letter was sent to you and that letter referenced an important thing, what the president and the board can do, and that is to appoint an executive director. It represents an opportunity to look for a person who will uphold the standards of the State of Idaho. He asked what is the board doing to find that executive director? **Mr. Terrell** stated that at this point they do have a great person. Mike is doing a great job, when it comes to the law and the finances that we have to work with. He has been asked to continue to do this. The next move is to go on a national search.

**Senator Bastian** asked what are the primary things or direction that the board should go, in addition to, making sure they have a competent staff. **Mr. Terrell** said that he would like to see a policy making board and would like to see the audit work being done.

**Senator Sagness** asked regarding the Executive Director and Chief Financial Officer and the prior instability of those positions. **Mr. Terrell** stated that the current Chief Financial Officer, the Executive Director and academic office are the three priority areas.

**Senator Sagness** asked when those positions would be filled? **Mr. Terrell** said he would like to have them filled by July. He hopes that by the end of summer all the positions will be filled and everything back to normal. Normal would be that we would be in the black, following the law and have a very connected group of people.

**Senator Schroeder** asked if there has ever been a closed door meeting where anything was discussed that wasn't within the context of the law. **Mr. Terrell** stated absolutely not.

**Senator Schroeder** asked what is your constitutional duty as a member of the State Board of Education? **Mr. Terrell** stated that his constitutional duty is to do policy, audits and oversights.

**Senator Burkett** asked regarding the ISAT testing and if it should be moved back to the management arm of education. **Mr. Terrell** stated that he couldn't really answer that question, he has been working on getting things back on track. He believes that they do have a duty to make sure that it is done correctly.

**Chairman Goedde** thanked **Mr. Terrell** for his time. He apologized to Dr. Rush for not being able to get to his two presentations.

**ADJOURNMENT:** **Chairman Goedde** adjourned the meeting at 4:11 p.m.

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Senator John Goedde  
Chairman

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Carol Vaughn  
Secretary

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Teresa Martin  
Assistant Secretary

## MINUTES

### SENATE EDUCATION COMMITTEE

**DATE:** February 4, 2008

**TIME:** 3:00 p.m.

**PLACE:** Room 204

**MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Fulcher, Senators Schroeder, Gannon, Jorgenson, Bastian, Burkett, and Sagness

**MEMBERS ABSENT/ EXCUSED:** Senator Pearce

**GUESTS:** *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 Legislative Services Library.*

**MINUTES:** **Chairman Goedde** called the meeting to order at 3:00 p.m. and requested the secretary take a silent roll call. He welcomed committee members and guests.

**Senator Schroeder** stated the Attorney General's Office issued a document on pre-K education. He asked if the committee could meet with them here tomorrow to discuss the new information. **Chairman Goedde** stated the agenda will be fairly full for tomorrow, but he would see what he could do and would try to get a copy of the information.

**MOTION:** **Vice Chairman Fulcher** moved, seconded by **Senator Gannon**, to approve the minutes of the Committee meeting on January 22, 2008. The motion passed by **voice vote**.

**MOTION:** **Senator Sagness** moved, seconded by **Vice Chairman Fulcher**, to approve the minutes of the Committee meeting on January 28, 2008. The motion passed by **voice vote**.

**PRESENTATION:** **Chairman Goedde** welcomed **Dr. Robert Kustra**, President of Boise State University (BSU). **Dr. Kustra** presented BSU's Strategic Plan for 2005-2010 to apprise the Committee on the progress since last year. The four areas of concentration in the Vision Statement are public engagement, academic excellence, vibrant culture and exceptional research.

A research team headed by **Dr. Peter Mullner** at Boise State, in partnership with another research team from Northwestern University, has developed a magnetic shape-memory foam and is receiving wide recognition for the achievement. Grant funds pay for other research projects, giving BSU an important academic presence in Idaho and nationwide. Plans are going forward to construct a building to be used exclusively by the research departments.

The Committee heard **Dr. Kustra's** presentation on the following goals and

strategies of the University: (1) Develop network and outreach opportunities with the community; (2) Respond to the educational needs of the region; (3) Provide development opportunities for faculty to integrate research and teaching; (4) Build and maintain facilities to support programs and create an attractive and accessible environment; (5) Promote diverse communities that foster faculty, staff, and student interaction; (6) Recruit and retain an academically prepared and diverse student body; (7) Recruit and retain faculty and staff to support the vision; (8) Provide student-centered services; (9) Create an organization that is responsive to change; and (10) Obtain fiscal resources necessary to support the vision. **Dr. Kustra** talked about each of the goals and explained how funds are allocated to ensure the success of the plan. He discussed the English and Math programs, student retention, and student recruiting.

**Dr. Kustra** described efforts to raise funds for the programs at BSU, since it is not possible for the State of Idaho to provide all the money. They raised \$83 million in the last three years and believe they will reach their goal of \$175 million.

Student retention has increased six percent over the last year. They have a plan for math intervention in place which is successful, and are working with very capable recruiters.

**Dr. Kustra** concluded his presentation and invited questions and discussion from Committee members. In response to a question from **Senator Gannon**, **Dr. Kustra** explained that even though in the last few years they have made changes, currently they do have an administrative standard in place. The increased number in student retention is due mostly to the success of the math interventions.

**Vice Chairman Fulcher** asked about the trend of foreign students or non-resident students at BSU. **Dr. Kustra** replied that they have some foreign-born professors, but he doesn't see a very high percentage of foreign-born students.

**Dr. Kustra** said he believed in providing more opportunities and spending money to add seats in WWAMI, which is a regional medical education program and includes the States of Washington, Wyoming, Alaska, Montana and Idaho. The program is led by the University of Washington.

**Senator Sagness** asked how many teachers of math and science are graduated each year? **Dr. Kustra** said they produce about 225 teachers per year and his associate mentioned that currently there are about 60 students enrolled in the education program. Of this amount, an average of 24 math teachers and 30 science teachers are produced each year.

**Senator Bastian** asked for current information about the number of students in dual enrollments. **Dr. Kustra** said this is the fourth year of significant increases in this area. However, it is limited by the number of qualified high school teachers. **Dr. Kustra** also said he would provide a list of national scholars for **Senator Schroeder** and Committee members.

He also said that they requested the old Ore-Ida building as a gift, and learned that two other state agencies wanted to purchase the property. Copies of the communications regarding this property will also be forwarded to **Senator Schroeder** and the Committee.

**PRESENTATION:**

**Chairman Goedde** welcomed **Ms. Ann Joslin**, Director of the Commission for Libraries. Her presentation will update Committee members on several of the statewide programs the Commission for Libraries has been working on during the past year.

The mission is to help libraries build their capacity to better serve the people of Idaho. A recent report released from The Pew Internet and American Life project revealed a trend of increased library use. Idaho libraries reflect this trend and the Commission staff work with them to increase their visibility in their communities with excellent results.

A series of 12 focus groups with digital natives (people who have grown up with technology) in six locations throughout the state discussed in person how they get and use information, and what they think about libraries. All this information was shared with every public and academic library in the state.

Libraries Linking Idaho (LiLI) is the largest of the statewide programs and provides information resources for all Idaho libraries. LiLI Databases are used by all school districts, public libraries, and academic libraries, as well as Idaho citizens at a cost of just \$.35 per Idahoan. LiLI Unlimited, a statewide web catalog, has grown to almost 5.5 million items owned by Idaho libraries. LiLI-U provides training sessions and discounts for first-time participants. Of the 217 libraries participating in LiLI-U, 118 are school libraries. LiLI-Audio Book Collection (LiLI-ABC) offers downloadable audio books via the Internet to all Idaho citizens.

The Commission will introduce SB 1321 this year which is legislation to create a digital repository of state publications. Among the benefits of a digital repository are easy and open access to state publications by the public through any Internet connection and access to a streamlined, efficient process that makes compliance easy for state agencies.

The Commission has plans to expand The Read To Me (RTM) program, which is designed for and coordinated with public libraries for early and family literacy over the next two years. Our goals are that all parents and care givers nurture their children's early literacy skills, and that all children develop as independent readers and become lifelong learners.

We are focusing our attention this year on school libraries through three different initiatives. First, we will collect and analyze school library data; second, our focus will turn to the teacher-librarian role in student successes; and third, we will provide professional development opportunities for teacher-librarians. These three initiatives reflect a higher level of commitment for the Commission in building the capacity of school libraries to serve their students and their teachers.

There were no questions or further discussion and **Chairman Goedde**

thanked **Ms. Joslin** for her presentation to the Committee.

**PRESENTATION:** **Chairman Goedde** called upon **Mr. Mark Browning**, State Board of Education, who introduced **Mr. Mike Killworth**, a representative of MGT of America, Inc., to report on their study of the need for medical education.

**Mr. Killworth** stated that SB1210 of the last legislative session appropriated funds to the State Board of Education (SBOE) for a study to determine the need and feasibility of increased medical education opportunities in Idaho, and stipulated the SBOE report the findings of the study along with their recommendations to the Second Regular Session of the 59<sup>th</sup> Idaho Legislature. Under contract with SBOE, MGT of America, Inc. conducted the requested preliminary study, and a report was presented to the SBOE at their December 2007 meeting. Copies of the 113 page Medical Education Study and a 33 page summary are available at the Office of the State Board of Education.

The report documents a significant need for more physicians in Idaho, but did not provide specific recommendations or analyze cost/benefit data. **Mr. Killworth** discussed other major findings of the report. Access by the general population to physicians is limited; access to medical education opportunities is limited. Physicians age 55 and older add to the shortage. Idaho population base is sufficient to support clinical components of medical education, and a large number of highly qualified people are searching for medical education opportunities. Idaho is last in the number of graduate medical education seats per capita. Less populated states have supported medical education for years. Idaho is ill-prepared to compete for a share of the rapidly expanding biomedical industry and healthcare, which are major components of the national economy.

**Mr. Killworth** said the report gives the SBOE four options. It would be possible to create a new university-operated medical school for 60-100 students, who could take courses for two years and complete two years clinical training at several sites across the state. Contract programs could be expanded with medical schools in other states. SBOE could develop a new joint medical school from current medical education resources, or expand graduate medical education programs in the state.

The report included a Plan of Action with a timetable for events that would take place including committee meetings and public hearings. The final decision by the full Board could take place in June 2008 with recommendations provided to the Legislature prior to the next session. **Mr. Killworth** will respond back to **Senator Schroeder** with the names of the contractors and a copy of the Request for Proposal (RFP).

**Chairman Goedde** recognized **Mr. Milford Terrell**, member of the State Board of Education, who continued the discussion and answered questions of the Committee. He suggested the study be continued to learn more about this program for the State. It will take a year, at least, to gain enough information to plan for the start up costs.

**Senator Sagness** discussed the history of the establishment by the State Board of Education of Roles and Mission for Idaho Colleges and Universities

and the Medical Education Role which was assigned as the responsibility of Idaho State University. He further discussed the eight year planning documents which were required and subsequently approved by the SBE which included ISU's plans for the development of medical education. He also commented on ISU's historical role in the provision of medical education as seen through the establishment of the pharmacy school around the turn of the Twentieth Century. Subsequently, ISU had the basic science infrastructure development and the implementation of the only accredited residency program as a part of a university in the state. **Senator Sagness** asked Board Chairman Terrell that given Idaho State University's assigned role over many years for medical education and considering ISU's commitment and significant development in infrastructure for medical education, will ISU be assigned the responsibility as the lead institution in carrying forward the plans that emerge from the State Board of Education Study for medical education, specifically as they relate to the provision for increasing the number of physicians in Idaho? **Mr. Terrell** stated that would be the case. **Senator Sagness** stated to Mr. Terrell, "you said that ISU will be the lead institution in carrying forward the plans emerging from the SBE Study to be conducted this next year related to medical education in Idaho." **Mr. Terrell** responded, "yes", the important question is, "Are we ready to do a medical education facility in the State of Idaho?" The first thing is to complete the study and look at all the facts. There is about \$20,000 left in the original appropriation to do the study, which must be transferred back to the Millennium Fund. **Senator Bastian** questioned whether they will need funds to move forward. **Chairman Goedde** said that the Committee will not give a recommendation without an estimate of the cost to continue. **Mr. Terrell** said he is only asking if there is money available and will the co-chairs entertain a motion this year to help with that funding. **Senator Bastian** stated we needed to have a different approach in Idaho, primarily to establish a base of residency experiences we can build upon.

**Senator Schroeder** recalled an article and testimony a few years ago about Idaho population growth, technology, and the need for a medical school. He will pass that information on to **Mr. Terrell**.

**Chairman Goedde** stated that this Committee will not give any recommendation to the Joint Finance Appropriations Committee (JFAC) without an opportunity to review the cost to complete the study and recommendations for products.

**Chairman Goedde** recognized two educators in attendance.

**ADJOURNMENT:** **Chairman Goedde** adjourned the meeting at 5:00 p.m.

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John Goedde  
Chairman

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Carol Vaughn  
Secretary

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Sandra Boyington  
Assistant Secretary

## MINUTES

### SENATE EDUCATION COMMITTEE

**DATE:** February 5, 2008

**TIME:** 3:00 p.m.

**PLACE:** Room 205

**MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Fulcher, Senators Schroeder, Pearce, Jorgenson, Bastian, Burkett, and Sagness

**MEMBERS ABSENT/ EXCUSED:** Senator Gannon

**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.

**MINUTES:** **Chairman Goedde** called the meeting to order at 3:00 p. m. and asked the secretary to take a silent roll call.

**Chairman Goedde** recognized **Mr. Kent Kunz**. **Mr. Kunz** had been asked to clarify a fact stated by **Mr. Killworth** in yesterday's meeting. This is in regard to the two residencies in the state of Idaho that train physicians. Of the two residences, one is independent, located here in Boise and supported by local hospitals, and the other one is a university based family practice residency program. It is the Idaho State University (ISU) Family Medicine Residence whose mission is to train physicians for successful rural family practice. It is a community based, university affiliated, three year program. **Mr. Kunz** thanked the committee for their time today.

**Chairman Goedde** asked **Mr. Tom Luna**, Superintendent of Public Instruction to finish his presentation from yesterday's meeting. **Superintendent Luna** reviewed a couple of questions from yesterday's meeting. He said with regard to the disposing of state equipment, they followed the procedures set forth by the State Board of Examiners. There are several sections of Idaho Code that pertain to the disposing of state equipment. The items of surplus were declared on the Board of Examiners Surplus website to determine if the item had nominal value and then permission was given from the Board of Examiners to dispose of the property that had an acquisition price of greater than \$2000.00. Following that process, the Department sold about \$11,000.00 worth of goods to other state agencies, universities and school districts. Those records are on file. They transferred, mostly IT equipment such as printers, fax's, etc. that have an average life span of 4 to 7 years, and no longer under warranty, to school districts.

**Senator Schroeder** asked **Superintendent Luna** to send a letter with back up documents regarding those items to the committee.

**Superintendent Luna** responded that we would.

**Superintendent Luna** continued with answers to yesterday's question regarding fungible type of funding. The funds come from the general fund operating base. These monies are used to fund normal operating expenses along with statutory and discretionary programs. The discretionary monies used to fund First Move in fiscal year 2007 were one-time in nature. A line item appropriation did not exist for this program in 2007 and does not exist in 2008 or 2009. **Superintendent Luna** said he would send this information in written form to the committee.

**Superintendent Luna** continued his presentation starting with The Rural Education Task Force, outlined in a handout for each member. The handout addresses three major problems. Those three problems are teaching positions, support for teachers and technology/connectivity. ISTARs addresses the first of these problems by providing funding for the school districts, rewards teachers who work in more than one subject area and provides school districts with funding to compensate teachers who take on additional leadership responsibilities. Regarding the support for teachers, the task force is working with local colleges and universities to improve access to professional development for teachers and also working with the public school finance office to better track the costs of health insurance from year to year. For technology, the task force is working on improving the public-private partnerships, so that schools have the ability to tap into the same technology that businesses have access to in those communities. The Committee has accomplished a lot but continues it's work in addressing the issues facing rural school districts.

**Superintendent Luna** then discussed the Safe and Secure Schools Study. The funding for this study was used to look at the safety and security of public school buildings across the state. The results of this assessment has helped them to focus their efforts in four areas. The first being to create a crisis response plan that schools and districts can use to develop and/or update their own crisis response plan. Secondly, standardizing statewide safety and security measures and including standards for new construction. The third area is to negotiate with vendors for security technology on a statewide level to reduce the costs to schools and districts, and lastly to prepare a proposal for federal monies that can be used to improve the safety and security of school buildings across the state. The Safe and Drug-Free School team has already begun work with school security experts across the state to create a template for a crisis response plan, a necessary step that will cost the state no money. The Middleton School District has already taken the lead when it comes to new construction and is building its new high school with updated and necessary safety and security measures.

In conclusion, **Superintendent Luna** stated they were requesting \$94 million more than what was funded for our schools in last fiscal year.

About 2 percent of this funding increase is due to growth in our school districts across the state, so of the roughly 7 percent increase in funding they are requesting, over 25 percent of that is just to fund growth. They are requesting a one percent increase in discretionary funds to help school districts keep up with the rising costs of health insurance and energy costs. Last year they did not request additional discretionary funds because school districts could benefit from a minimum 2 to 3 percent increase in their discretionary funds because of front loading distributions from the state. So this year they are just asking for a minimal one percent increase to help districts meet their needs in those areas of discretionary spending. The majority of this money goes to long-standing issues in education, as follows:

1. \$46 million will be spent to give teachers the recognition and rewards they deserve.
2. \$3.9 million to begin the implementation of the Idaho Math Initiative.
3. \$4.5 million, which includes \$1.9 million in ongoing funds, to develop a State Longitudinal Data System.
4. \$100,000 for the Rural Education Task Force to continue to find solutions to the problems faced by Idaho rural schools.
5. \$150,000 to use the results from the Safe and Secure Schools Assessment to improve safety and security.

**Superintendent Luna** stated that was the remainder of his presentation for the schools upcoming fiscal year. **Chairman Goedde** thanked **Superintendent Luna** for his presentation.

**Senator Sagness** asked about discretionary monies. **Superintendent Luna** stated that there are discussions currently on going when it comes to line item things like health insurance and perhaps energy. If that is the path we need to take to adequately fund those areas, then I'm not opposed to it.

**Senator Sagness** referred to a question he asked last Thursday regarding ISAT and the Longitudinal Data System or LDS.

**Superintendent Luna** responded that thru the LDS system they will be able to provide information instantly and item analysis is something they need, not just on the ISAT, but on any assessment they give students. He stated it is their plan to provide an item analysis, and through the Longitudinal Data System, make that available instantly to wherever a student is attending school.

**Senator Burkett** commented about the current ISAT, saying the current ISAT does not provide an item analysis. If we are going to be able to do that we need to make a decision now. **Superintendent Luna** stated that if we are talking about item analysis down to the student level, it is because we want to make sure every child is having their educational needs met. We should not rely on what we did in the past, with just percentages and being satisfied with those. **Superintendent Luna** stated that he wants a Longitudinal Data System that would provide information on every child. There is a lot of information we can gather on this system per student and be able to set academic growth expectations for that child

for the coming year and years out.

**Senator Burkett** asked about the proposed \$150,000 to be used for the Safe and Secure Schools. Is it for a passive or an active security system?

**Superintendent Luna** stated he sees it as both, definitely when it comes to the standards for new school construction. He feels that it will have a fiscal impact on building new schools such as: does every school have access to the outside world, through either cell phone or telephone; do we have the ability to lock every door in the building by the push of a button; and do we have adequate security cameras that can be tapped into from a laptop by a policeman out in the parking lot. Those types of things are what will cost money, and we will be coming back and reporting to the legislature what those kinds of expenses will be and how they are going to be funded. There are a lot of things schools can do that don't cost money or a lot of money that would improve security. For example, having only one entryway into a school and not several possible points of entry and limiting the height of hedges around schools so people cannot easily hide there. These are the types of things and information we can get out to the schools that doesn't cost any money. **Senator Burkett** asked if the monies were to be used for personnel costs.

**Superintendent Luna** responded that the focus of this has not been on additional personnel.

**Chairman Goedde** thanked **Superintendent Luna** for his presentation.

**Chairman Goedde** introduced **Dr. Mike Rush** with a presentation from the Office of the State Board of Education. The Office of the State Board of Education, or OSBE, is responsible for providing administrative staff as well as policies and rules associated with all of education in the State of Idaho. OSBE provides the scholarships and grants administration for conducting the assessment programs for the state of Idaho and finally for doing some projects on teacher quality - a federal effort to improve teacher quality within the state of Idaho. The budget for this year is nine million in federal funds, fifteen million in general funds and \$440,000.00 in miscellaneous funds. A total budget of \$24,891,500.00, which excludes the five million that was eventually passed through to the College of Western Idaho. Most of this money is going through the Department of Education directly to the institution, not directly administered by our office. The OSBE also has the responsibility for all the higher education institutions. The OSBE budget for this year includes 2.7 million for administration, scholarships of about 11 million, teacher quality of 1.5 million, and assessment of 9.2 million. The teacher quality program includes a teacher mentor program and the Transition to Teaching program. The assessment budget has received additional scrutiny this year. Funds available this year were 8.7 million. The expenditures for ISAT were 6.8 million, our grades 2-9 development costs were \$557,000.00, the standards alignment and setting was \$817,000.00 and our IELA tests, budgeted for this year, is \$924,000.00. **Dr. Rush** explained the comparison of this budget for next year in that the funds this year are less. It has decreased by approximately \$6.9 million dollars because the federal money available for funding has decreased. In addition, some one time monies appropriated last year were for this fiscal

year. The contracted inflation request is for \$144,000.00. Our budget for the ISAT is 5.8 million, the fall test is an additional \$439,000.00, the IELA test is \$600,000.00 which provides a positive balance of the assessment budget of about \$205,000.00 for the fiscal year 2009. This does not include the 2nd grade test nor administration of the 9<sup>th</sup> grade test. There are also other products that need to be provided. They need to provide parent brochures in Spanish, and that's about \$25,000.00. The District has asked for certain reports that will cost \$35,000.00, incorporating Special Education into the system another \$43,000.00 and providing practice tests. They would need an additional \$782,000.00 to administer the 9<sup>th</sup> grade test, if they decide to do that. We do have some options and will be doing an evaluation of the entire assessment system. The Board appointed a committee that is chaired by Mr. Richard Westerberg and Superintendent Luna. They have commissioned a study by Clearwater Research. It will be asking the schools what they think about the assessment program, what changes need to be made, and the Board will be using that information to make some of these decisions. They also have the responsibility of the National Assessment of Education Progress that has been transferred from the Department of Education and it has a budget of about \$128,000.00. It is all federal money and Idaho is mandated to participate in the National Assessment of Education Progress. **Dr. Rush** then discussed the Gear Up Program. This program runs from July 2006 to June 2012. It starts in the 7<sup>th</sup> grade and currently they have 5500 students who are participating. This program requires a 2.9 million match per year. They have institution and school match commitments of \$1.4 million dollars, some of which is scholarship cash. A lot of it in-kind activities can be used as a match. The Gear Up Program has been very successful in taking first generation students and making them successful in college. In addition, they have other scholarship programs, conducted by the State Board of Education, on behalf of the state legislature and the State of Idaho. They have a request for \$50 million one-time request for the Opportunity Scholarship, to be used to create an endowment and an inflation request in the budget of \$40,000.00, which is associated with the states' scholarships that they provide.

**Senator Pearce** asked about the state's very low statistics in sending students to college. **Dr. Rush** said that the most recent study dealing with the direct go-to-college rate says that Idaho is at 47.5 percent. We are behind the national average but not at the bottom.

**Senator Pearce** asked about the information concerning those statistics and where they were obtained? **Dr. Rush** said that his figures came from the National Higher Education Council. They are doing additional research to obtain better data.

**Senator Pearce** asked what the advantage was for the State Board of Education to take over the NAF program from the Department of Education? **Dr. Rush** said that he didn't know. The NAF assessment is really a state level, national level, measure of educational progress, and that the test can reside in any place and still be administered effectively. If the State Board is doing the assessment program and being used as an

audit tool, he believes the policy board needs an audit function. The policy board needs to be able to measure if their policies are being implemented and how effective they are. This assessment is one of the tools to do that.

**Senator Jorgenson** stated he would like to see either the State Board of Education or the Department of Education undertake getting some real hard data regarding the amount of students who attend college. **Dr. Rush** stated he agreed we need good statistics and will work on doing just that.

**Senator Burkett** asked why would we expect Idaho to be above average in our go-to-college rate? **Dr. Rush** said he was referring to the measure regarding opportunity. The opportunity statistic is calculated by multiplying our go to college rate by our high school graduation rate. Our high school graduation rate is one of the highest in the nation. We are doing a good job of getting students through high school, we just need to get that next step.

**Dr. Rush** stated it was a conservative budget. However, it does reflect some key goals that the State Board of Education has. The State Board has four major strategic plan goals, which include:

*Quality* - They have created a committee this spring of school experts on school assessment and accountability. They provided input regarding school accountability. One of the things recommended is that a better appeals process be created. A reasonable process that schools can feel comfortable in appealing federal law decisions. This will help with their quality goal.

*Access* - To maintain and increase access to economic needs. To provide significant access to higher education.

*Relevance* - To provide programs that meet the needs. An extremely important goal.

*Efficiency* - Efficient use of resources. Delivering educational training, research programs, etc. We need to get better data and be able to tie that system into a secondary data system, so that they can more efficiently get students scholarships, track them into post secondary education, and out of post secondary education.

**Dr. Rush** explained some performance measures currently in place. He commented on his experience at Virginia Tech and the national tragedy that occurred. **Dr. Rush** stated that education represents hope for most people. Hope for a better economy and for a standard of living that we all desire. It is his firm conviction that education in Idaho is central to its ultimate success. The Board of Education has an incredible responsibility and he wants to convey that is the Board's top priority. **Dr. Rush** then concluded his presentation.

**Senator Schroeder** asked about the positions that haven't been funded yet? **Dr. Rush** stated they haven't been funded because they have spent

\$500,000 on development costs on those two tests and don't have money in the assessment fund to cover those development costs.

**Senator Schroeder** asked about the authority to spend money allocated to salaries. **Dr. Rush** replied it has been his understanding that salary money can be moved into operating expenses, and that the movement is at the discretion of the administrator of the agency.

**Senator Schroeder** asked for a copy of the documents that refer to this movement of monies as well as information he had previously requested in August of 2007. **Dr. Rush** replied that he will get all of this for him.

**Senator Sagness** asked if there has been enough money requested, to have the adequate resources, to hire the people with the right kind of background and expertise that is required? **Dr. Rush** said he believes the State Board of Education has to draw the Chief Fiscal Officer and the Chief Academic Officer people from higher education. They should have significant higher education experience in the fiscal area and in the Academic area. He answers that yes, they do have the money. There are currently four positions open and **Dr. Rush** wants to change that to three positions, to take the salary from the fourth and increase the salary for the other three.

**Senator Bastian** asked about Idaho's low statistics and would like to know what the real statistics are. **Dr. Rush** replied they need to do a better job in gathering the statistics and being able to use that information.

**Senator Jorgenson** asked what the title of his previous position was? **Dr. Rush** said the other position he still holds, is Administrator of the Division of Professional and Technical Education (DPTE). **Senator Jorgenson** asked from what position he is being paid from? **Dr. Rush** stated he is paid from his Administrator of DPTE position.

**Senator Sagness** asked about the auditing committee by the State Board of Education? **Dr. Rush** replied the audit committee comes in and gives them in-depth reports. This audit committee will review the audit reports and the results in a much more in-depth manner than previously done. This is a permanent committee and will meet at least four times per year.

**Senator Schroeder** commented he feels Dr. Rush understands the needs of the department and that he and this committee will do whatever they can to help.

**Chairman Goedde** introduced **Brent Reinke**, Director of the Department of Corrections. **Director Reinke** made his presentation regarding the IdahoVINE program. IdahoVINE stands for Victim Information and Notification Everyday. The IdahoVINE program is a free, automated hotline that provides crime victims with vital information and notification 24 hours a day, 365 days a year. This service will allow victims to obtain offender information and to register for notification of a change in offender status, such as offender release. **Director Reinke** explained some of the department's efforts in bringing Idaho into compliance with the Adam Walsh Act and strengthening Idaho's sex offender laws.

**Director Reinke** stated they are seeing fewer inmates being incarcerated the first six months of this fiscal year and more being paroled. He also discussed some of the projects that the Department of Corrections is working on such as the Black Hat Agency, the Secure Mental Health Facility, and Community Corrections. **Director Reinke** also presented information regarding new technology they are looking at. It is an Eye Scan and measures the eye from 5 different dimensions. This tool will be used initially to determine if a urine analysis is needed. It is 90 to 93% accurate. This machine is rented for \$2700.00 per month. **Director Reinke** wants to test this machine this year and put together a program for next year to utilize this technology.

**Senator Bastian** asked how many and where will this machine be located? **Director Reinke** stated they requested seven, one for each district. They will be located in their Probation and Parole offices.

**Director Reinke** continued with his presentation starting with his five year vision. There are four areas outlined in the five year vision. They are In-state capacity for Idaho inmates, Enhanced treatment capacity, Systems approach and Partnerships.

**Senator Jorgenson** asked about this Eye Scan machine and if it will require any type of constitutional reviews or need for consent. **Director Reinke** stated no, the machine is state of the art technology and only measures the eye. There is no pain involved with it. It will give them a full screen on illegal drugs, pharmaceutical drugs and alcohol.

**Senator Fulcher** thanked **Director Reinke** for the work he has done with the Department and would like to continue working with the Department of Corrections and their staff to move forward.

**Chairman Goedde** welcomed **Mr. Shane Evans**. **Mr. Evans** made his presentation regarding the Education and Treatment Division of the Idaho Department of Corrections. He stated that the department continues to work on educational and vocational programs. Some of the accomplishments of the past year are: 570 GEDs were obtained, 2059 offenders participated in educational programs and reading skills were improved. Also, in the vocational area, they collaborated with Lewis and Clark State College where 66 individuals achieved 61 welding certificates. They collaborated with Habitat for Humanity and Boise State University with 254 students participating and earning 148 certificates. Lastly, **Mr. Evans** discussed the initiatives they are focusing on for the next year. They are working on a comprehensive strategic plan for vocational education. They need approval of a building for vocational training south of Boise. They are putting together a vocational assessment tool to help the agency form a more objective and best practices standpoint to identify those skill sets they have and those they will need in the future so they can better apply their limited resources.

**Senator Bastian** asked about the current capacity for vocational training? **Mr. Evans** stated that is really a matter of time. The inmates are assessed initially for all their needs, and with vocational education, they

try to integrate that assessment into their treatment requirements for effective reintegration. Capacity is something they are looking at right now and it is likely additional resources will be needed. They are trying to develop that through both public and private opportunities, grant funding, federal funding and then general funding when available. They see this as being a critical component to success. **Senator Bastian** asked what the Department of Corrections is doing to help train and educate inmates in those areas of employment where they can be employed in the Treasure Valley. **Dr. Rush** stated they work with the Department of Labor to identify those occupations currently and in trend analysis that will be next available to our offender types. They also work with the private sector and universities to identify the curriculum that is national based in standards certification that will meet the needs of the private sector. Lastly, they have developed several initiatives and partnerships with many private sectors, most recently with the welding course, where they are actually assisting with funding for our programs. They then work with them and as soon as they step out they go right to work.

**Senator Pearce** asked if the department has worked with Mr. Ron Nelson from northern Idaho? **Mr. Evans** stated yes, they just met recently at a Work Force Readiness Summit. Mr. Nelson is a member of a consortium of private industries. They are looking forward to working with Mr. Nelson as they expand their resources both North and East with the female population.

**Senator Bastian** asked about the training for women? **Mr. Evans** stated they have started an Office Management and Industry certificates program. They are making these educational and vocational programs available to the male inmates as well. The Office Management program does not include just secretarial skills, but also computer skills, accounting and the ability to manage an office.

#### **GUBERNATORIAL APPOINTMENTS**

**Chairman Goedde** announced the Gubernatorial Appointments on the agenda.

#### **MOTION**

**Senator Jorgenson** moved, seconded by **Senator Pearce**, to approve Brad Corkill to the Public Charter School Commission. The motion carried by voice vote. **Senator Jorgenson** will sponsor Mr. Corkill with the assistance of **Senator Goedde**.

#### **MOTION**

**Senator Bastian** moved, seconded by **Senator Pearce** to approve Gayann DeMordaunt to the Public Charter School Commission. The motion carried by voice vote. **Senator Schroeder** voted no. **Senator Bastian** will be the sponsor.

**MOTION**

**Senator Sagness** moved, seconded by **Senator Schroeder** to approve Esther Van Wart to the Public Charter School Commission. The motion carried by voice vote. **Senator Sagness** will be the sponsor.

**ADJOURN:**

There was no other business before the committee. **Chairman Goedde** adjourned the meeting at 5:00 p. m.

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Senator John Goedde  
Chairman

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Carol Vaughn  
Secretary

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Teresa Martin  
Assistant Secretary

## MINUTES

### SENATE EDUCATION COMMITTEE

- DATE:** February 6, 2008
- TIME:** 3:00 p.m.
- PLACE:** Room 204
- MEMBERS PRESENT:** Chairman Goedde, Senators Schroeder, Gannon, Pearce, Jorgenson, Bastian, Burkett, and Sagness
- MEMBERS ABSENT/  
EXCUSED:** Vice Chairman Fulcher
- GUESTS:** *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 Legislative Services Library.*
- MINUTES:** **Chairman Goedde** called the meeting to order at 3:10 p.m. and requested the secretary take a silent roll call. He welcomed committee members and guests.
- MOTION:** **Senator Gannon** moved, seconded by **Senator Jorgenson**, to approve the minutes of the Committee meeting on January 29, 2008. The motion passed by **voice vote**.
- PRESENTATION:** **Chairman Goedde** recognized **Mr. Peter Morrill**, Executive Director of Idaho Public Television (IPT), who presented an overview of public television and services. He explained the Federally mandated shutdown of analog TV, which was legislated in 1995. Effective February 18, 2009, more than 400,000 people will lose reception on their analog televisions unless they have installed the digital conversion chip. A \$40 coupon is available to help with the cost.
- Mr. Morrill** showed clips of "Idaho's Trial of the Century" and Barbara Morgan's "No Limits." The videos, produced by IPT, are available for purchase or can be checked out at local libraries.
- Chairman Goedde** thanked **Mr. Morrill** for his presentation.
- PRESENTATION:** **Chairman Goedde** introduced **Dr. Mike Rush**, Administrator of Idaho Division of Professional Technical Education. **Dr. Rush** described the Mission Statement and five major program areas of technical education.
- In response to a question from **Senator Gannon**, **Dr. Rush** updated the Committee on the progress of emergency technical training in the past year. The fire fighter training now has fire accreditation.
- Dr. Rush** stated that from the twelve professional technical schools, sixty-five percent of the students also go to college. Post secondary

enrollment increases with the unemployment rate. As unemployment goes up, so does the demand for programs.

The current budget request for professional technical programs is \$40 million. **Dr. Rush** provided the details and breakdown in that budget. Proprietary schools are asking for more money.

One of the significant challenges for professional technical education in the next few years will be recruiting and retaining qualified teachers.

**Dr. Rush** discussed additional topics regarding the budgeting process and dual enrollment. The new data base is incredibly valuable and allows transcripts or other information to be moved from school to school easily. New Federal legislation may provide more opportunities for students. Local districts have programs for vocational students and attempt to raise public awareness for professional and technical education. The work release program for seniors in high school is not adequately explained in the labor laws.

**Chairman Goedde** thanked **Dr. Rush** for his presentation.

**PRESENTATION:**

**Chairman Goedde** introduced **Ms. Kris Ball**, President, Meridian Parent Advocates for Gifted Education (PAGE). In **Ms. Ball's** power point, she presented a definition of "gifted" as it applies to young children. She shared statements from corporate executives about the need for students who excel in the fields of math and science in order to stay competitive in the global economy. Eight children grades 4, 5 and 8, included their written and verbal testimonials about positive experiences while excelling in their own personal talent area.

**Ms. Ball** introduced **Ms. Julie Granger** who presented data supporting programs for gifted students.

**Ms. Ball** continued the discussion with budget information. She introduced some of the students, who expressed their support of the gifted student programs.

**Chairman Goedde** asked if they are representing themselves or School District #2. **Ms. Ball** stated they are here representing children who attend School District #2, but are not affiliated with the district.

The Committee continued the discussion with presenters about funding problems, budget constraints, lack of funds, and No Child Left Behind restrictions. State funds are not adequate to provide services to gifted students, which usually represents about three percent of the enrollment. Smaller school districts receive as little as \$400 or \$500 for the entire year to spend on a gifted program.

**Chairman Goedde** thanked all the speakers for their presentations. He told **Mr. Rob Sauer**, Deputy Superintendent of Innovation and Choice, that, due to the length of today's meeting, his presentation would be rescheduled.

**ADJOURNMENT:**      **Chairman Goedde** adjourned the meeting at 5:00 p.m.

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John Goedde  
Chairman

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Carol Vaughn  
Secretary

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Sandra Boyington  
Assistant Secretary

## MINUTES

### SENATE EDUCATION COMMITTEE

- DATE:** February 7 , 2008
- TIME:** 3:00 p.m.
- PLACE:** Supreme Court Building, Lower Level Conference Room
- MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Fulcher, Senators Schroeder, Pearce, Bastian, Burkett, and Sagness
- MEMBERS ABSENT/ EXCUSED:** Senators Gannon and Jorgenson
- 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.
- MINUTES:** **Chairman Goedde** called the meeting to order at 3:15 p.m. He requested the secretary to take a silent roll call. He welcomed committee members and guests.
- PRESENTATION:** **Chairman Goedde** introduced **Mrs. Barb Bode**, President of the Idaho Parent-Teacher Association (PTA). **Mrs. Bode** stated the PTA strives to develop a closer relationship between the home and the school and to develop between educators and the general public united efforts that will secure for all children and youth the highest advantages in physical, mental, social, and spiritual education. She said when parents and families become involved in their child's learning, students earn higher grades, get higher test scores and are more likely to graduate and go on to post-secondary education.
- Mrs. Bode** stated the PTA is the only National parent organization. Members of the local PTA are also members of the Idaho PTA and the National PTA. Those state and national connections make the local PTA a valuable resource to its school community and a strong advocate for the education and well-being of every child.
- Mrs. Bode** introduced **Cindy Schiller** the Idaho PTA Legislative Representative who provided an overview of the Idaho PTA Legislative Priorities for the 2008 legislative session. (Attachment 1)
- Chairman Goedde** explained the handout given to each committee member which is an e-mail from Richard Budzich to Dr. Mike Rush. This e-mail answers the question **Senator Schroeder** asked during the committee meeting on Tuesday regarding the authority of Idaho state agencies to reallocate salary savings. (Attachment 2)

**Chairman Goedde** called the committee's attention to the several RSs on the agenda and stated with the pleasure of the committee he would entertain a motion to send all the RSs in one block and then work with them as they can.

**MOTION:**

**Senator Schroeder** moved to send all 10 RSs in one block to print. **Senator Sagness** seconded the motion. **Senator Fulcher** stated he noticed there were two potentially competing bills, and asked if it was the intent of the chair to air those out in the committee individually or try to encourage the sponsors to get together? He stated he would like to see that discussed rather than just print them. **Chairman Goedde** stated that both of the sponsors were aware of what is in the other person's bill, and suggested that they hear both bills on the same day and can then weigh one against the other. **Senator Burkett** stated he felt the two bills fit together nicely. **Chairman Goedde** called for a vote on the pending motion. That motion passed by voice vote with one no vote from **Senator Fulcher**.

**PRESENTATION:**

**Chairman Goedde** introduced **Matt McCarter**, State Department of Education Safe and Drug Free Schools Coordinator and 21<sup>st</sup> Century Community Learning Center Coordinator. **Mr. McCarter** is coordinator of after school programs. He presented highlights of the Safe and Secure Schools Assessment, identified critical concerns and articulated their plans in terms of their next steps and where they want to go from here. He stated critical incidents were identified as deaths, shootings, suicides, murder-suicide, fight related and stabbing as well as potential hazards such as natural disaster, abduction, property theft/destruction, graffiti, fighting, terrorist attack and intruder/active shooter. He stated there was a tremendous amount of community support to address these issues and they took all that information into account in designing their next steps on how to address these issues. **Mr. McCarter** stated the Project Overview for the FY 2008 allocation of \$150,000 was to assess current safety and security gaps and weaknesses of all public K-12 schools in Idaho. Findings from their data collection showed that most schools need better security equipment and/or improvements to security procedures and training.

**Senator Burkett** asked about transportation, stating that transportation to and from school would be one place where kids would be more at risk than anyplace else. **Mr. McCarter** stated that transportation safety was one of the things they did not include in their survey. He stated that as they move on to the next steps, that would be one of the elements to be included. He stated the key concerns of principals is lack of security equipment (cameras, radios, PA systems, panic alarms in classrooms, etc.) and access control (who enters the school for what purpose both during and after school hours). He spoke about the preparedness of districts and schools to respond to a crisis stating that 93% of schools have crisis action plans. However, those plans are reviewed and practiced infrequently making them ineffective. Addressing Student Resource Officers (SRO) in the schools, **Mr. McCarter** stated although they were in the schools, they were difficult to count on because they get pulled away frequently by the police department.

**Senator Sagness** asked what was the nature of the trespassing or intrusion stated in his summary? **Mr. McCarter** stated it was people coming into the schools without checking in or following policy and coming in after hours unauthorized. **Mr. McCarter** stated there were many districts that went above and beyond what would be seen as standard security and safety protocol, but some simply don't have the expertise, funding or resources to be able to address the problem.

**Mr. McCarter** stated the \$150,000 budget request was to continue on with the safe and secure schools' effort. He stated that one of the things that has come up with the Department of Homeland Security is there is a requirement for all public buildings to be in compliance with the National Incident Management System (NIMS), which means identifying common language and common protocol for crisis response for all public buildings. He stated we were sorely out of compliance and this was a fairly new requirement to access any Federal money for safe and secure measures. He stated if they could get districts in compliance they would be eligible for Federal money. He stated they want to work towards school security standardization which would identify the security elements that should be present in each school.

**Senator Schroeder** asked **Mr. McCarter** whether or not payment for his time and efforts came out of the Safe and Drug Free School budget? **Mr. McCarter** said his time spent on this came out of general fund dollars and not the Safe and Drug Free Schools allocation. **Senator Schroeder** asked how he expected people to vote for overrides and bond levies when they make it so difficult for the public to access school buildings after hours for meetings, etc. **Mr. McCarter** stated he wouldn't expect people to vote for bond levies if schools were prohibitive as far as the public being able to access school buildings for meetings. He said schools should be the center of the community, should be used that way, and through increased technology it would be simple to isolate a section of the building. The challenge they face is how do they allow that accessibility and still keep schools secure.

**Senator Bastian** asked **Mr. McCarter** if he had done any research or had any literature on why terrorist acts occur or why violence occurs in relationship to the learning environment of the school? **Mr. McCarter** stated there were a number of studies that speak to that and one of the things he wants to look at is school climate and school behavior. He said a lot of those topics are addressed through the existing Safe and Drug Free School Program which provides funding to districts to prevent substance abuse and violence. **Senator Bastian** asked how he was dealing with teasing and harassment of some students by students and those kinds of conditions in the schools. How would he prevent the frustration and anger that builds in some schools? **Mr. McCarter** stated through identifying best practices in violence and bullying prevention and providing schools with the best information on how they can address those incidents as they occur. They also do a competitive program called

a “kindness campaign” designed to create a climate of kindness and respect in the school.

**Senator Sagness** asked **Mr. McCarter** how he was going to go back to school districts and find out what it is they need and want. **Mr. McCarter** stated that a lot of the data they have was collected through partnership with the districts and principals, which makes them in lock step with folks on the ground level in the districts throughout the state. **Senator Burkett** asked **Mr. McCarter** if the \$150,000 budget he is dealing with is oriented towards the psycho social issues in the schools, or is it something that is being done independent of the Safe and Secure Schools Initiative? **Mr. McCarter** stated at present it’s independent. **Senator Burkett** asked what was the budget that is focused on safety with respect to working with individuals and the drug issue and where does that money come from? **Mr. McCarter** stated the current fiscal year budget for Safe and Drug Free Schools is currently \$7 million from state tobacco and lottery tax. Dedicated revenue for safe and drug free schools is \$1.865 million from Federal money. In answer to **Senator Burkett’s** concern for adequate funding to address the psycho social dynamics with respect to violence, football and transportation of the schools, **Mr. McCarter** stated the current funding is representative of that emphasis with \$7 million to address the issues that kids face everyday around substance abuse and violence vs. the \$150,000 for structure elements.

**Senator Sagness** asked how much of the emphasis on psycho social dynamics was on secondary and how much of it was on elementary? **Mr. McCarter** stated there are a number of programs that are only implemented at the secondary or elementary level, with a greater emphasis placed on the secondary level. The rest is left up to the districts to identify the issues that need to be addressed.

**Chairman Goedde** thanked **Mr. McCarter** for his presentation and stated that next on the Agenda was the consideration for Gubernatorial Appointments. He said that **Senator Jorgenson** could not be present for the meeting and asked that the confirmation of Milford Terrell to the State Board of Education be held until he could be present. He then put up for consideration the Gubernatorial Appointment of Richard D. Westerberg.

**MOTION:**

**Senator Schroeder** moved to send the appointment of Richard D. Westerberg to the State Board of Education to the floor with a do pass recommendation. **Senators Fulcher** and **Sagness** seconded that motion. **Senator Burkett** stated the suggestion at this point would be for recommendation for confirmation. **Chairman Goedde** thanked **Senator Burkett** for that correction and the motion passed by voice vote. **Senator Sagness** agreed to carry that recommendation.

**ADJOURN:**            **Chairman** Goedde adjourned the meeting at 4:00 p. m.

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Senator John Goedde  
Chairman

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Carol Vaughn  
Secretary

## MINUTES

### SENATE EDUCATION COMMITTEE

- DATE:** February 11, 2008
- TIME:** 3:00 p.m.
- PLACE:** Room 204
- MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Fulcher, Senators Schroeder, Gannon, Pearce, Jorgenson, Bastian, Burkett, and Sagness
- MEMBERS 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.
- MINUTES:** **Chairman Goedde** called the meeting to order at 3:05 p.m. He requested the secretary take a silent roll call and welcomed committee members and guests.
- RS 17811 PRESENTATION:** He recognized **Senator Schroeder** who stated that RS 17811 would allow students that have grown up in the United States but are not citizens to be treated as residents for college tuition purposes. He introduced **Fernando Mejia** who is with the Idaho Community Action Network and a student at Boise State University to present the legislation to the committee. He stated Idaho Community Action Network (ICAN) works with low income families throughout the State of Idaho to make sure that every hard working student who grew up in this state has the opportunity to go to college. He said that every year there is an estimated 500 to 900 college age students in Idaho who cannot continue with their education. Undocumented students have to pay out of state tuition at Idaho State Colleges and Universities. Out of state tuition rates are up to 6 times more than state tuition rates. Students are allowed to go to college but they cannot afford it. Under this proposal, the Idaho Student Investment Act, students would qualify for in-state tuition if they had graduated from a high school in Idaho, earned an equivalent degree, or lived in Idaho for three years prior to achieving that degree regardless of their immigration status. He stated 10 states had already passed laws that allow students, regardless of immigration status, to pay in-state tuition provided they meet certain criteria. **Mr. Mejia** stated the benefits this legislation would have to the state, the colleges and taxpayers.
- Senator Gannon** asked about a statement on page 2, line 49 which talks about an individual without lawful immigration status, and stated in other words, we are admitting that a person does not have legal status in the State of Idaho and then it goes on and says we are going to ignore that. He stated he did not believe we could write Code that says we are going

to ignore the legal status of someone. If there is a conflict with other parts of the Idaho Code in this Code, he would like to see someone from the Attorney General's office address that. **Senator Schroeder** stated he felt the committee needed an assessment from the Attorney General's Office as to whether or not there is some part of the Code that states the committee cannot pass this legislation for legal reasons and agreed to contact the Attorney General's Office about that. He asked Mr. Mejia if there was an Attorney General's opinion on it last year? **Mr. Mejia** stated there was no letter from the Attorney General last year. **Senator Schroeder** requested one for this year.

**MOTION:**

**Vice Chairman Fulcher** asked if the bill meant that those living here illegally could ask for taxpayer assistance for higher education? **Mr. Mejia** stated yes. **Vice Chairman Fulcher** stated he did not think this made good policy and that **Senator Gannon** made a very good point and made a motion to hold the bill in committee. **Senator Pearce** seconded the motion.

**MOTION:**

**Senator Schroeder** made a substitute motion to send RS 17811 to print. **Senator Gannon** seconded that motion. **Senator Schroeder** pointed out the word ALL on page 2, line 36 stating the students have to meet ALL of the requirements. That it is better for us as a society to encourage them to continue their education at the college level. **Vice Chairman Fulcher** agreed that our present immigration situation is a mess in this state but stated he failed to see how this bill would help it, in fact could make it messier. He stated we needed to encourage these students but we need to encourage them to go down a legal path to becoming citizens and plug into the state lawfully and doing so before they qualify to tax assistance. **Senator Schroeder** pointed out the bill stated one of the requirements is that the student had to file an affidavit with the institution of higher education stating the student had filed an application to legalize the student's immigration status or file an application as soon as a student is eligible to do so. He stated it was a good use of human resource for them to be going to a college or university and bettering their lives while this process was going on. **Vice Chairman Fulcher** stated he disagreed, that we needed to adhere to our present laws and rules or change them, and urged a vote against the substitute motion. **Senator Burkett** stated the committee was not responsible for immigration law but was responsible for education law. He said currently the state is extending education to people who live in this state for K-12 and it makes sense to him if the education law would have formulation to allow them to continue on to college. **Chairman Goedde** stated our colleges and universities are open to undocumented individuals, they just have not been given the same tuition opportunities that in-state students have. He also pointed out the fiscal impact statement of no fiscal impact. However, he had asked Mr. Mejia to do some additional work and he came back with a figure of \$46,000. That was not incorporated in the fiscal note. In looking at the difference between in-state and out-of-state tuition at Boise State University, that difference is \$4,084 per semester and he cannot justify how those numbers add either. He feels the impact will be substantially higher to the State of Idaho and institutions of higher learning than zero or \$46,000. **Senator Schroeder** asked where **Mr. Mejia** got the \$46,000?

Mr. Mejia stated that figure came from calculations they made from figures obtained from the Idaho State Board of Education. Taxes their parents and the students themselves paid that would offset the expenses the State would have.

**MOTION:** **Senator Schroeder** stated he would like to amend his motion to include that the fiscal impact is approximately \$50,000. **Senator Gannon** seconded the motion. **Senator Pearce** stated the people of Idaho expect them to protect their interests, and feels the people of the State of Idaho would not be happy if this bill was brought before them. **Senator Sagness** stated he felt it should go to a full hearing.

**Chairman Goedde** called for a roll call vote on the substitute motion to print the bill.

Senator Sagness - Aye  
Senator Burkett - Aye  
Senator Jorgenson - Nay  
Senator Pearce - Nay  
Senator Gannon - Aye  
Senator Schroeder - Aye  
Vice Chairman Fulcher - Nay  
Chairman Goedde - Nay  
Senator Bastian - Aye

The substitute motion **carried** to send RS 17811 to print.

**RS 17871** **Chairman Goedde** recognized **Senator Sagness** for presentation of RS 17871 Resolution Administration Training Study. This RS is co-sponsored by **Chairman Goedde**. **Senator Sagness** stated the purpose of the concurrent resolution was to recognize the need for and beneficial effect of additional and improved training for school administrators in the areas of teacher supervision and evaluation. It also directs the professional Standards Commission of the State Department of Education to study and make recommendations concerning training administrators in those areas. **Senator Sagness** stated the word "direct" would be changed to "request".

**MOTION:** **Senator Schroeder** moved to print RS 17871. **Senator Pearce** seconded the motion. The motion carried by voice vote.

**RS 17905** **Chairman Goedde** passed the gavel to **Vice Chairman Fulcher** so he could present RS 17905. **Chairman Goedde** said the purpose of the bill was to amend the audit procedure by which the Department of Education operates in conjunction with local school districts. **Chairman Goedde** explained those changes.

**MOTION:** **Senator Jorgenson** moved to print RS 17905. **Senator Pearce** seconded the motion. The motion carried by voice vote.

**RS 17795** **Vice Chairman Fulcher** returned the gavel to **Chairman Goedde** who introduced **Representative LeFavour** to present RS 17795.

**Representative LeFavour** stated the purpose of this legislation was to allow school districts to request funding to create full day kindergarten

classes in local schools. She stated that this provision would provide the same level of funding that a first through sixth grade classroom would get. She said the fiscal impact is very large, and her intent in bringing it this year is to begin a discussion about how we fund education, what areas we may wish in the future to invest greater dollars in and perhaps this would be one of those. She said that today State of Idaho taxpayers expend a great number of their own dollars paying for child care for the remaining portion of the day when their children are not in school. This would address both the lack of education content in many of those child care programs and would provide enhanced educational content.

**Senator Goedde** asked **Representative LeFavour** if she was suggesting that kindergarten was akin to child care? **Representative LeFavour** stated that it shouldn't be. She said in a day-care setting, which is what the children would be doing half the day, may not have much content, that the educational content in the State of Idaho for that portion of their day is pretty much unregulated.

**MOTION:**

**Senator Schroeder** moved to send RS 17795 to print with an attachment to it that should the bill be sent to print that any member of the Senate Education Committee can have their name listed as a contact on the SOP should they wish to do so. **Senator Sagness** seconded the motion.

**Vice Chairman Fulcher** asked Representative LeFavour if this bill were to pass, would she prefer that we raised taxes or pull from another budget, and if so, which budget? **Representative LeFavour** stated that would be a question for this committee and the Legislature to address. The question of what our priorities are when it comes to our spending and will there be other programs that we perhaps might chose to fund at this level which perhaps have a lesser value to the state? **Vice Chairman Fulcher** asked **Representative LeFavour** what did she think?

**MOTION:**

**Representative LeFavour** said she would like to begin the discussion and might agree with **Vice Chairman Fulcher** as she has not seen the dollars that would make this feasible. **Vice Chairman Fulcher** said he could understand the good will and desire to get the discussion going, but he felt it would do more than get going, it's going to rage as we get Senator Schroeder's bill going and Senator Burkett's bill going that are also tied to Pre-K and surrounding topics. **Vice Chairman Fulcher** made a substitute motion that the bill be held in committee. **Senator Pearce** seconded the motion. **Senator Bastian** said the goal of providing additional opportunity for children is a worthy goal, but there are not enough funds to do that and to ask the Legislature to find \$47.9 million dollars in this current year or to reduce other budgets by that amount would be a huge struggle. **Senators Sagness** and **Burkett** stated they felt the bill should be sent to print and discussed further in committee.

**MOTION:**

**Chairman Goedde** called for a roll call vote on the substitute motion to hold the bill in committee. **Senator Burkett** moved to return the bill to the sponsor. **Vice Chairman Fulcher** stated that would be fine with the permission of the second. **Senator Pearce** stated that would be fine.

**Chairman Goedde** asked the Secretary to take a roll call vote on the

substitute motion to return the bill to the sponsor.

Senator Sagness - Nay  
Senator Burkett - Nay  
Senator Bastian - Aye  
Seantor Jorgenson - Aye  
Senator Pearce - Aye  
Senator Gannon - Aye  
Senator Schroeder - Nay  
Vice Chairman Fulcher - Aye  
Chairman Goedde - Aye  
The substitute motion failed.

**Chairman Goedde** told Representative LeFavour she still had something she could circulate, and said good luck to her.

**PRESENTATION:** **Chairman Goedde** introduced and welcomed **Mary Dunne** from Idaho School for the Deaf and the Blind. **Ms. Dunne** pointed out certain pages of her handout (Attachment 1), beginning with page 2 that sets out the Federal and State guidelines and standards by which they are governed and operate. That page also sets out their obligation to Idaho's children, families, Local Education Agencies (LEAs), taxpayers and policy makers. She then directed the committee to pages 5 and 6 which state the number of students at Idaho School for the Deaf and the Blind (ISDB) and some of the differences in those students' needs.

**Senator Gannon** asked if she had any statistics that show the population that need the full services of being in Gooding, what percentage live in the Magic Valley and how many live outside the Magic Valley. **Ms. Dunne** stated she would get that information in more detail for him. **Senator Jorgenson** asked **Ms. Dunne** what it cost the state per pupil to house them in Gooding. **Ms. Dunne** was joined by **Jeff Woods**, Director of Finance, who stated that number for 2007 was \$88,368. **Ms. Dunne** directed the committee to page 9 that shows the enrollment at ISDB is increasing and they predict they will have 71 students by March 2008. **Senator Jorgenson** asked what the disbursements of the residents were throughout the state. He spoke about mainstreaming and that there may be a need some day to close down the school and take care of those students the way that most hearing impaired students are taken care of throughout the state which is by mainstreaming. **Ms. Dunne** stated they had given that a great deal of thought, however, the IDEA (Individuals with Disabilities Education Act) requires that a continual placement option be made available to children with special needs, specifically deaf and hard of hearing and blind and vision impaired children. **Senator Jorgenson** asked **Ms. Dunne** if she would give him some hard data as to how many students are at the school because they are hearing impaired, how many because of vision, and where in the state are they from. Also, how many hearing impaired and vision impaired students are there in the State of Idaho who are

currently being taught by being mainstreamed. **Ms. Dunne** stated they would be happy to fill that request.

**Ms. Dunne** continued her presentation stating the remainder of the handout shows the redistribution of money and attendees from the Campus Program to the Outreach Program.

In answer to a question from **Senator Gannon** regarding the states that do not provide the option of residence support for the deaf and blind, **Ms. Dunne** stated there were three states that did not have schools for the deaf; Nevada, Nebraska, and Wyoming, all of which send their students to other states. **Senator Gannon** asked if there were any examples nationwide of states using other alternatives besides a state run institution. **Ms. Dunne** stated that students in states that do not sponsor schools for the blind attend private schools for the blind.

**Senator Bastian** asked **Ms. Dunne** if she had any figures on how much it would cost the state to send our students to private schools. **Ms. Dunne** stated she did not. **Senator Jorgenson** asked how many students can the school in Gooding handle if it were filled to capacity. **Ms. Dunne** stated their cottages' capacity is 72 and their main school building will accommodate about 150 of their special needs students. However, with their current faculty, their capacity is about 70. There being no further questions, **Chairman Goedde** thanked **Ms. Dunne** for her presentation and introduced **Janet Gallimore**, Executive Director of the Idaho State Historical Society.

**PRESENTATION:**

**Ms. Gallimore** stated the vision of the Idaho State Historical Society is to inspire, enrich and engage all Idahoans by leading the state in preserving and sharing our dynamic cultural heritage. She said that history is a vital part of our democracy. It is what frames our present and provides insight as we move into the future.

In 1881, a room of early settlers realized their dreams by creating the Historical Society of Idaho Pioneers. Their efforts led to the establishment of the Idaho Historical Society as a State Agency in 1907. From there the Society evolved into a system of historical and cultural resources including the Idaho State Historical Museum, the State Historic Preservation Office, the Historic Sites Program, and the State History Center which houses the Public Archives and Research Library and the fiscal office. They also, on behalf of the Capital Commission, provide leadership on the State Capital Artifacts and Records Management.

**Ms. Gallimore** stated their mission was to preserve and promote the cultural heritage of Idaho. Their values include education, professionalism, and stewardship in customer service. They provide that stewardship under the Board of Trustees who work diligently with their staff.

**Ms. Gallimore** stated they serve over 20,000 children and are working with Superintendent Luna's staff to see how participation in National History Day can help students with graduation requirements. She said their research collection serves over 10,000 people annually. They are typically used for publications, movies, exhibitions, and student research. They also serve individuals in government who need immediate response to records through their public archives and research library.

**Ms. Gallimore** stated that pending approval of this year's budget, they are also on the threshold of realizing the 1980 vision for a new museum which will be a legacy for our State, creating a world class museum that will be a place of learning for families for generations to come.

**MOTION:** **Chairman Goedde** thanked **Ms. Gallimore** for her presentation and recognized **Senator Pearce** who moved to approve the Minutes of January 30<sup>th</sup>. **Senator Gannon** seconded the motion. The motion carried by voice vote.

**PRESENTATION:** **Chairman Goedde** introduced **Lloyd Knight** from the Division of Financial Management for his presentation of the Public Education Budget. Mr. Knight referred to the handout given to each committee member which is a side by side comparison of public schools budget proposals. That handout is attached as Attachment 1. **Mr. Knight** explained the information found in each column including the five separate divisions and the differences between what the Governor vs the Agency recommended. Following explanation of the chart, **Chairman Goedde** commented that during the Rural Schools Initiative presentation they indicated they had spent \$80,000 not \$20,000.

**Senator Fulcher** stated it appeared that the 5% increase is handled differently for teachers than for other state employees and it also appears there is a significant percentage of teachers that would not be included in that. He asked what was the governor's intent by not including all those teachers? **Mr. Knight** stated the governor's intention was to provide 5% increase in the base which would be what is done for the rest of the state employees. He stated the governor's interest is to try to shrink that area of those teachers that run under the minimum where we have to provide additional funding to get everyone back on the same page. That is going to take some time. He stated when they increase the base by 5% that group of teachers that are not covered between the minimum and the base is about 22 percent. **Senator Fulcher** stated he would like to discuss this further. That for those who are trying to work on the budget it makes it tough to try to accommodate what the governor laid out and also make it fair. He stated he was going to need some further clarification. **Mr. Knight** stated they recognized there was probably a gap they didn't touch. They were trying to make that number fit into a grid that may or may not be used to pay those teachers anyway depending on what kind of alternative compensation is in place to begin with. If the Legislature goes through the traditional grid, there are some teachers that wouldn't get hit with that equality.

**Chairman Goedde** asked **Mr. Knight** if he could be available tomorrow for some additional questions. He stated he would accommodate that. **Senator Bastian** asked what was the actual base? **Mr. Knight** stated it was \$24,623. **Senator Bastian** stated if we provided 5% increase we would get that up to \$25,000, but since we have a minimum teacher's salary of \$31,000, it doesn't boost the minimum teacher's salary. **Mr. Knight** stated there are different things working in how we pay teachers.

He said if you want to get to where the base and the minimum meet, you have to increase the base until it hits that minimum number.

**Chairman Goedde** thanked Mr. Knight for his presentation today and reminded the committee that he will be available for further questions tomorrow.

**ADJOURN:** Chairman Goedde adjourned the meeting at 4:35 p.m.

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Senator John Goedde  
Chairman

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Carol Vaughn  
Secretary

## MINUTES

### SENATE EDUCATION COMMITTEE

- DATE:** February 12, 2008
- TIME:** 3:00 p.m.
- PLACE:** City Hall Council Chambers, Boise City Hall
- MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Fulcher, Senators Schroeder, Gannon, Jorgenson, Bastian, Sagness.
- MEMBERS ABSENT/  
EXCUSED:** Senators Pearce and Burkett
- 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.
- MINUTES:** **Chairman Goedde** called the meeting to order at 3:00 p.m. and requested the secretary take a silent roll call. He welcomed committee members and guests. **Chairman Goedde** welcomed **Karen Echeverria**, Interim Executive Director of the Idaho School Boards.
- PRESENTATION:** **Karen Echeverria** addressed the Committee. She stated the ISBA is 560 members strong and has just celebrated their 65<sup>th</sup> anniversary. She introduced **Dona Jene Turnbow**, president of ISBA. She also introduced several other members of the executive board. She said the executive board is made up from 8 regions across the state. That Board includes a Chairman and a Vice Chairman. She said today's presentation is about the Idaho School Board's Association Foundation. She introduced the Executive Director of the Foundation, **Wanda Quinn**.

**Wanda Quinn** addressed the Committee. She stated the ISBA's Foundation began in November of 2007. The Foundation has allowed them to form a nonprofit arm of the ISBA. The Foundation is currently involved in two research projects. The first project is Just for The Kids and it involves best practice studies for the state. She explained that the Just for the Kids School reports present complex data in a way that is fair and actionable. These reports are designed to be the first step leading toward more effective schools and highly achieving students.

The Opportunity Gap Report presents every school's potential for improvement by grade and subject. Each school's potential is calculated using comparisons to the schools that are similar, but which are getting better results in academic achievement. The Consistent Performance Reports allow for the study of school and student performance variability across a three year period. The Just for the Kids Framework of Best Practices is used to organize and present the district, school and classroom practices found in consistently higher performing systems that distinguish them from others. The website presents actual examples of

tools that support each practice taken from specific schools and districts in order to motivate and equip educators to learn from their success. Schools and districts in need of improvement can immediately use the Just for the Kids Best Practices framework online as a starting point to structure plans and improvement strategies. She explained this program is under the direction of the Deans of Education and will cost about \$250,000. She further explained that the Foundation goal is to raise the money for the best practice study.

**Ms. Quinn** explained the second research project, which is the Lighthouse Multi-State Project. She stated there are three components to this project and Idaho has joined in on the third component. Idaho will be involved in this project for 5 years. She said the first study was conducted in Iowa. The question was asked, do school boards make a difference in student achievement? They studied board behavior, beliefs and district characteristics in consistently high achieving and low achieving districts, and found that there were 7 conditions that were present in high achieving districts. Those 7 conditions were: shared leadership, continuous improvement and shared decision making, ability to create and sustain initiatives, supportive workplace for staff, staff development, support for school sites through data and information and community involvement. In addition, 4 elevating beliefs were found. The elevating beliefs include: students viewed as emerging and flexible, the school's job is to release student's potential, no excuses, and there is a constant quest for improvement of the system. She then discussed the second component in the Lighthouse Project which studied if boards can help other boards become like those in high achieving districts. Results of this project included, an increase in board time on student achievement, increases in 7 conditions in four out of five districts, elevated beliefs on boards and in districts about the capacity of students to learn at high levels and the capacity of the district to generate high and equitable student achievement. **Ms. Quinn** then explained the third component, that being the Multi-State project, which expands on the Iowa Lighthouse project by comparing approaches to delivering and supporting intervention across a variety of districts and state association contexts. States included were Idaho, Iowa, Missouri, Wisconsin and Kentucky. Idaho sent letters out to all districts and asked them if they would commit to a 5 year program. ISBA agreed to put money in the Foundation to cover costs for districts who wanted to participate in this project. Ten districts agreed to participate in this project. She explained that these districts will receive Lighthouse intervention materials across the state. Data will be collected and each district annually will be given a survey about beliefs and conditions to the board, superintendents, central office, school administrators and teachers. They will also be collecting student achievement data. This will be done over a five year period.

**Chairman Goedde** thanked **Ms. Quinn** for her presentation, and welcomed **Dr. Wayne R. Davis**, Superintendent of Mountain View School District, for his presentation on Secure Rural Schools and Communities Self Determination Act, which allows for funding from the Craig/Wynden Forest Funds.

**Dr. Davis** stated the Secure Rural Schools and Communities Self Determination Act of 2000 specifies that 25% of revenues generated from the national forest would be shared with counties where those revenues were generated to support public schools and roads. Due to the decline in timber sales, these payments have decreased over 85%. **Dr. Davis** explained the failed attempts by Congress to pass additional funding for rural schools, and the impact this reduced funding has had in their schools. **Dr. Davis** introduced **Ms. Bobbi Bodine**, Chair for the Mountain View School District of Grangeville.

**Ms. Bodine** explained to the committee the situation that has presented itself in her district from the lack of funding. She stated that programs are difficult to maintain. That there is a reduction in classroom supplies and textbooks, in activities that are offered, and there are classrooms with no aides. In addition, due to the uncertainty of funding, they are losing some of their best teachers. Teachers are finding work in other districts or other states where funding is more secure. This year, the district had only one viable candidate for a high school principal position, and when that candidate declined the position, they were unable to attract other applicants. They estimate a reduction of 12 teaching positions next year without the timber funding. They are requesting support for a bill being presented in the House by Representative Roberts. Passage of this bill will allow for a measure of support to protect rural schools with a "Stop Gap" as a result of loss from those supplemental forest revenues established by Congress in 2000. The request is for a four year phase out of state support with decreased funding if Congress fails to act.

**Senator Schroeder** asked "What is the fiscal impact of this bill?" **Ms. Bodine** stated that it is just over six million dollars the first year, with the first year being at 70% funding and then decreasing each year for a total of 5 years.

**Dr. Davis** stated that the yet unnumbered RS is to be presented to the House Education Committee this week. **Dr. Davis** then thanked the committee.

**Chairman Goedde** asked "How can this current legislature obligate funding to the future legislature for up to 5 years?" **Dr. Davis** stated the RS answers that question.

**ATTACHMENT A:**

*Dr. Davis's Senate Education Committee Presentation is presented as Attachment - A, Craig/Wyden Forest Funds.*

**Chairman Goedde** thanked **Dr. Davis** for his presentation and welcomed **Mr. Richard Budzich** with the Division of Financial Management to present his FY 2009 Higher Education Budget.

**Mr. Budzich** presented the budget for Idaho Higher Education, which is an overview of the Governor's Recommendation. **Mr. Budzich** stated the budget requests are for eight agencies. Those eight agencies are: the State Board of Education, Deaf and Blind School, Professional-Technical Education, Community Colleges, Colleges and Universities, Agriculture

Research & Extension, Health Programs, and Special Programs. **Mr. Budzich** then reviewed the 2008 appropriation compared to their 2009 request.

**ATTACHMENT B:**

*Mr. Budzich's FY 2009 Budget overview is presented as Attachment B - Budzich - FY009 Budget Overview.*

**Chairman Goedde** asked about the ten million dollars being requested on the Capital Budget for the Environmental Science and Economic Development building. What is the total amount this will cost? **Mr. Budzich** replied the total is 35 million dollars.

**Senator Schroeder** asked about the request for the Idaho Law Learning Center? Are we constructing a law school and where will it be? **Mr. Budzich** stated he did not know, but would get that information to the committee.

**Senator Jorgenson** asked if the scholarships were limited to Idaho public institutions or were they to be used in private colleges in Idaho? **Mr. Budzich** stated he did not have that information, but would get it to the committee.

**Chairman Goedde** commented to **Mr. Budzich** stating that he (**Mr. Budzich**) may have the ability to ask a four year institution president to limit their comments to the governor's budget, but that he has no authority to do that to the community colleges and feels he owes them an apology. **Mr. Budzich** replied he understood. **Chairman Goedde** thanked **Mr. Budzich** for his presentation and stated he looked forward to the additional information.

**ADJOURNMENT:**

**Chairman Goedde** adjourned the meeting at 4:04 p.m.

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Senator John Goedde  
Chairman

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Carol Vaughn  
Secretary

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Teresa Martin  
Assistant Secretary

## MINUTES

### SENATE EDUCATION COMMITTEE

- DATE:** February 13, 2008
- TIME:** 3:00 p.m.
- PLACE:** Room 204
- MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Fulcher, Senators Schroeder, Gannon, Pearce, Jorgenson, Bastian, Burkett, and Sagness
- MEMBERS ABSENT/  
EXCUSED:** None
- GUESTS:** *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 Legislative Services Library.*
- MINUTES:** **Chairman Goedde** called the meeting to order at 3:05 p. m. and requested the secretary take a silent roll.
- MOTION:** **Senator Bastian** moved, **Senator Gannon** seconded, to approve the minutes of the February 4 Committee meeting. The motion carried by **voice vote**.
- MOTION:** **Senator Jorgenson** moved, **Vice Chairman Fulcher** seconded, to approve the minutes of the January 24 Joint Committee meeting. The motion carried by **voice vote**.
- PRESENTATION:** **Chairman Goedde** welcomed **Dr. Timothy White**, President of University of Idaho, to discuss the FY 2009 budget summary and review the year of 2007 at the University. **Dr. White** talked about the FY 2009 budget request, which includes faculty compensation, maintenance of current operations, facilities maintenance, occupancy costs, Coeur d'Alene classroom building and needs-based opportunity scholarships.
- Dr. White** said the University is in excellent financial condition and enjoys a 16:1 student to teacher ratio. Water of the West (WoW) is offering M.S. and Ph.D. degrees in water resources. WWAMI (Washington, Wyoming, Alaska, Montana, Idaho) has a 36-year partnership with the University of Washington in the field of medical education. Fire ecology is offering a new degree major and houses one of only two burning laboratories in the nation. Operation Education, offers college degrees to military wounded and has more than \$200,000 in private donations to date. U of I has enrolled 85% of the state's 95 National Merit Scholars for the past eight years.
- State appropriations, contracts and grants made over \$97 million available for research in 2007. The University graduated 54.4 percent of the students entering in the fall of 2000, while the state average was

24.3%. The percentage of freshmen returning for their sophomore year is higher at U of I than the state average. **Dr. White** attributed these successes to a strategic renewal process that allowed the Vision and Resources Task Force Report, a plan for renewal and resulted in four strategic action plan goals. These four goals included teaching and learning; scholarly and creative activity; outreach and engagement; and organization, culture and climate. The Lionel Hampton International Jazz Festival won the National Medal of Arts for the first time. The strategic goals that changed the climate and our organizations transformed an environment that was skeptical, pessimistic, mistrustful, and anxious into one that is energized, optimistic, engaged, and excited about the University, its leadership, new directions, and future.

**Chairman Goedde** thanked **Dr. White** for his presentation, who then stood for questions and further discussion. **Senator Sagness** asked **Dr. White** for information about the medical education program. In response to a question from **Senator Pearce**, **Dr. White** described the financial aid program which has \$85 million available each year. They are reviewing costs in every department and recently saved over \$7 million in interest expense by refinancing a \$100 million bond. These savings are passed on to the students by helping to keep tuition costs down.

After further discussion, **Chairman Goedde** thanked **Dr. White** on behalf of the Committee.

**SCR 123:**

**States Legislative findings and supports specified international education.** **Senator Schroeder** provided Committee members with written testimony from **Dr. Gerald Beck**, President of College of Southern Idaho (CSI). **Dr. Beck** stated that CSI fully supports international education. **Senator Schroeder** then introduced **Mr. Robert Neuenschwander**, Associate Director of International Programs, University of Idaho, who spoke in favor of **SCR 123**.

**TESTIMONY:**

**Senator Schoeder** introduced **Ms. Sabine Klahr**, Director of International Programs, Boise State University, who spoke in favor of **SCR 123**. **Ms. Klahr** stood for questions and further discussion. She submitted a letter from **Dr. Robert Kustra**, President of Boise State University, supporting international education.

**Mr. Neuenschwander** made further comments in support of **SCR 123** and stood for questions of the Committee.

**Vice Chairman Fulcher** said he is in favor of new perspectives in the education system but cautioned, from personal experience, not to place American students in a position where they might lose their identity or culture.

**Senators Burkett** and **Bastian** both commented on the importance of including early language education in grades K-12.

**MOTION:** **Senator Schroeder** moved to send **SCR 123** to the Fourteenth Order for amendment to give those committee members who wanted to add the early language education language the opportunity to do so. **Senator Bastian** seconded the motion. The motion carried by **voice vote**.

**GUBERNATORIAL APPOINTMENT:** **Chairman Goedde** thanked **Mr. Neuenswander** and **Ms. Klahr** for their presentations. He acknowledged the presence of **Representative Robert Nonini**, Chairman of the House Education Committee.

**MOTION:** **Senator Jorgenson** moved, **Senator Bastian** seconded, to confirm the appointment of **Mr. Milford Terrell** to a term on the State Board of Education commencing March 1, 2007, and expiring March 1, 2012.

**SUBSTITUTE MOTION:** **Senator Schroeder** made a substitute motion, **Senator Gannon** seconded, to defer the vote on the appointment of Milford Terrell until the State Board meets with the Education Committee. **Senator Jorgenson** stated he didn't see the reasoning for withholding this confirmation for a future date. **Vice Chairman Fulcher** observed that this substitute motion may encourage the State Board to visit with the Committee. He asked for **Chairman Goedde's** opinion about whether it is necessary for us to actually encourage the State Board to appear before the Committee. **Chairman Goedde** pointed out that both **Mr. Milford Terrell** and **Mr. Richard Westerberg** had appeared before the Committee and answered questions, and that withholding confirmation on **Mr. Terrell** at this point probably will not inspire **Mr. Blake Hall** or **Mr. Rod Lewis** to attend a meeting they had not planned on attending.

**Senator Schroeder** stated his understanding of the motion was to have the entire Board present and one of the reasons for doing that is so they can't blame people who are not present.

Committee members continued the discussion about withholding the confirmation because they feel they don't have all the information they need. **Senator Gannon** gave the rationale of his second to the substitute motion. They discussed whether or not withholding the confirmation would promote any new information, and what withholding the confirmation would really accomplish. **Chairman Goedde** said that **Mr. Terrell** indicated he would be glad to come back, and asked **Senator Schroeder** if he was suggesting they bring **Mr. Westerberg** back as well? **Senator Schroeder** stated they should honor the intent of the original motion which was to bring the entire board before the committee. **Chairman Goedde** stated he had received a note that stated the Board would be available to appear before the committee on the 28<sup>th</sup>. **Senator Burkett** stated the importance of this decision, that to make this decision and send it out to the floor before they heard all the evidence made no sense to him at all.

**Chairman Goedde** called for a roll call vote on the substitute motion which is to hold the confirmation of **Mr. Milford Terrell** until the entire Board is present to discuss the issue. **Senator Pearce** asked if any damage would be done by withholding the confirmation? **Chairman Goedde** stated he was not aware of anything that was being held up and did not believe action one way or another by the committee would effect

the outcome of the meeting on the 28<sup>th</sup>. **Chairman Goedde** asked the Secretary to call the roll.

Senator Sagness - Aye  
Senator Burkett - Aye  
Senator Bastian - Nay  
Senator Jorgenson - Nay  
Senator Gannon - Aye  
Senator Schroeder - Aye  
Vice Chairman Fulcher - Aye  
Chairman Goedde - Nay  
Senator Pearce - Nay

The substitute motion **carried** by a five to four vote to defer the vote on the appointment of Milford Terrell until the hearing with the State Board.

**DISCUSSION:**

The Committee selected four issues for inclusion in **Chairman Goedde's** presentation to the Joint Finance Appropriations Committee (JFAC) of the Committee's recommendations for funding. They discussed (1) funding and implementation of a longitudinal data system; (2) emphasis on professional technical education, both at the high school and post secondary levels; (3) interest in expanding opportunities in concurrent enrollment programs; and (4) interest in pay for performance.

Funding and implementation of a longitudinal data system:

**Senator Fulcher** opened the discussion stating that most of the costs for this system would be up front. The on-going costs should be minimal once it is put in place, however there were some pretty healthy numbers stated for the on-going costs. **Chairman Goedde** recognized **Mr. Jason Hancock**. **Senator Fulcher** asked **Mr. Jason Hancock** if he had any backup that would justify the on-going portion? **Mr. Hancock** explained the cost of maintaining the system. **Senator Fulcher** and **Mr. Hancock** agreed to meet at a later time to further discuss the issue. **Chairman Goedde** asked **Mr. Hancock** about the million dollars that was paired out of Superintendent Luna's original request. **Mr. Lloyd Knight** from the Division of Financial Management was recognized to answer that question. He stated he remembered they did trim \$1 million out of it but could not remember where they took it all out of. He stated he could get that for the committee. **Chairman Goedde** asked if the number was \$4.5 million dollars rather than \$3.5 million dollars would it expedite bringing it on line? **Mr. Hancock** stated the level of funding this program would have would influence the length of time it would take to get it up and running. **Senator Sagness** asked that one of the superintendents comment on the importance of this to the districts versus what it would cost. **Mr. Rob Winslow**, Executive Director, Idaho Association of School Administrators (IASA), stated that most of the superintendents he had talked to were very interested in this system, but would need the support of the State in order to handle it.

**Chairman Goedde** stated this may be one of the top two or three

requests from the Joint Finance Committee.

**Senator Schroeder** stated the proposed list did not include Current Economic Conditions (CEC) pay for teachers. He said there was some confusion about teachers pay and the 5% going to the base and then hearing it may be merit based. He asked for an explanation.

**Vice Chairman Fulcher** pointed out the governor's recommendation did not include all teachers. **Senator Schroeder** stated that if we put the 5% in the base than some of the teachers won't get paid and if we have a merit system then some of the teachers won't get paid. He asked **Vice Chairman Fulcher** what other possibilities were there where all the teachers may not see an increase? **Vice Chairman Fulcher** stated he did not have that answer yet. **Senator Bastian** who is also a member of JFAC, stated they were looking at the possibility of the downturn in the economy continuing and they are going to have to arrive at some base numbers but don't know if they can support a CEC of 5% across the board or not, and that will shape what programs are funded and the degree to which they are funded, issues they are struggling with and don't yet have an answer.

**MOTION:**

**Senator Schroeder** moved that the committee support a 5% increase in CEC and any proposals for the way it is distributed, merit or any other system, the committee should be involved in the decision making process to who that is formulated. **Senator Sagness** seconded the motion.

**Chairman Goedde** asked **Mr. Knight** to return to the podium to further explain the Governor's recommendation as to teachers salaries.

Discussion continued whether the 5% was realistic and the desire of the committee to be involved in any decision on how the money was to be spent. **Senator Schroeder** suggested revising his motion to state "a 5% increase in CEC or whatever the economic realities dictate at the time we set the budget". **Senator Sagness**, who seconded the original motion, agreed.

**Senator Bastian** said if a new plan comes out, it should come before the Education Committee and, if they want to distribute the money on the basis of merit, that policy question be addressed at the committee level and that recommendation be made to JFAC. **Chairman Goedde** stated he would go to the Finance Committee and give them a number to put in as a place holder until such time as they found what they were going to deal with in the pay program. **Senator Burkett** asked **Mr. Knight** what is that budget figure? **Mr. Knight** stated it was 5% increase in the base and not having the 5% increase in the minimum is approximately \$30 million for teachers. **Chairman Goedde** pointed out that was approximately 78% of the teachers that would see an increase. In answer to a question from **Senator Burkett**, **Mr. Knight** stated, if the remaining 22% of the teachers were given a 5% increase as well, it would be about \$6 million dollars.

**Chairman Goedde** stated that he suggest to the Joint Finance Committee they appropriate whatever is realistic and consistent, but they defer to the Education Committee any oversight or changes in policy.

**SUBSTITUTE MOTION:**

**Vice Chairman Fulcher** made a substitute motion that the Joint Finance Committee appropriate whatever is realistic and consistent but they defer to the Education Committee any oversight or changes in policy. **Senator Pearce** seconded the substitute motion. Motion **carried** by voice vote.

**DISCUSSION:**

The Committee began the discussion on concurrent enrollment. **Chairman Goedde** stated Superintendent Luna had requested \$3.5 million in his budget for concurrent enrollment and the governor had zeroed it out in his recommendation. The problem was that several higher education requests included concurrent enrollment. ISU, the largest with \$795,000, agreed to withdraw concurrent enrollment from their budget leaving CSI with the only budget that has concurrent enrollment in it. Committee Members stated they felt concurrent enrollment was very important. **Senator Burkett** said, however, in some districts it would be a lower priority than some of the other items being considered. **Senator Pearce** stated it was a broader vision than that. One to move the students up to shorten their college experience and therefore, the cost of the college experience to them and to their families. That overall it would be a wise investment and highly productive for the state and the education process. **Senator Bastian** suggested the committee recommend the cost per credit be reduced from \$50.00 to \$35.00. **Chairman Goedde** asked **Mr. Hancock** if the Department of Education would have the ability to monitor a "needs based" concurrent enrollment program? **Mr. Hancock** stated they didn't have the ability to do that at present. **Senator Pearce** asked **Mr. Hancock** for his recommendations to the committee. **Mr. Hancock** stated he thought a program like this would be a great opportunity for a university to think entrepreneurially.

**Senator Bastian** stated he did not think that the money for purchasing dual credit will not be approved by JFAC because there are not the funds available to do that. However, if the committee decides it is important and they do want it, they would have to decide what they wanted to cut.

**MOTION:**

**Senator Pearce** moved that JFAC fund concurrent enrollment as a high priority to the maximum of \$3.5 million at the sacrifice of other dollars unless they can find something that is not as important as that. **Senator Schroeder** seconded the motion.

The Committee continued discussion on other issues associated with concurrent enrollment programs.

**Senator Pearce** asked **Mark Browning** how much money the State Board had in their budget as some kind of a college encouragement program? **Mr. Browning** stated those funds were approximately \$28,000.

**Chairman Goedde** suggested he go to the Joint Finance Committee and

relay to them that concurrent enrollment is important to this Committee and recommend that they fund as much as they can up to \$3.5 million.

**Senator Bastian** suggested the committee make a recommendation to JFAC that the \$50 million scholarship fund the Governor recommended be reduced to an overall amount of \$10 million and an additional amount of \$3.5 million to support concurrent enrollment or \$13.5 million in scholarships. \$3.5 million can go to concurrent enrollment program.

**SUBSTITUTE MOTION:**

**Senator Bastian** made a substitute motion that the opportunity scholarship be reduced to \$12 million and the \$3.5 million also be supported by the committee for concurrent and dual enrollment taken from that total \$50 million. **Senator Sagness** seconded the motion.

**AMENDED SUBSTITUTE MOTION:**

**Senator Pearce** made an amended substitute motion that money for concurrent enrollment be funded first and any money left can go into scholarships. **Vice Chairman Fulcher** seconded the motion.

At the request of **Senator Schroeder**, **Senator Pearce** restated his amended substitute motion stating that concurrent enrollment is more important than the scholarship fund, and the committee wants that to be funded first and if there is any money left it can go into the scholarship fund. **Chairman Goedde** restated the three motions presently before the committee. He called for a voice vote on **Senator Pearce's** amended substitute motion. That motion failed. **Chairman Goedde** then called for a roll call vote on **Senator Bastian's** substitute motion. **Chairman Goedde** restated the substitute motion which was to put \$3.5 million into concurrent enrollment, \$10 million into the opportunity scholarship foundation, and \$2 million into current opportunity scholarships. The roll call vote followed.

Senator Sagness - Aye  
Senator Burkett - Nay  
Senator Bastian - Aye  
Senator Jorgenson - Not present  
Senator Pearce - Nay  
Senator Gannon - Not present  
Senator Schroeder - Aye  
Vice Chairman Fulcher - Aye  
Chairman Goedde - Aye  
The substitute motion passed by a 5 to 2.

**Chairman Goedde** recognized **Mr. Rob Winslow** to speak to the committee about School District Costs and Discretionary Funding - Five Year Trend. **Mr. Winslow** stated the Idaho School Superintendent Association (ISSA) is concerned with the rising costs in running school districts. That many of the costs, specifically health insurance, utilities, and paper have increased significantly in the last five years. The Distribution Factor or "discretionary" funding has not kept up with increased costs in these three areas. Mr. Winslow said the ISSA encouraged the committee to give some attention to more discretionary money and if not there, to potentially look at a new line item if needed to address some of these issues.

**Chairman Goedde** opened the committee for discussion on discretionary funds. **Senator Sagness** stated discretionary money was one of the items he had put on his list of priorities. He said that Superintendent Luna had 1% in his budget but he (Senator Sagness) had been told that JFAC may have trouble with having it be discretionary and, if they can't do that then I think we need to make it a priority that they need to fund on a line item basis some of these, particularly utilities and health care costs.

**Chairman Goedde** stated that with permission of the committee he will mention exactly what Mr. Winslow had suggested and ask them to entertain either in line item or discretionary funding that concern.

**Chairman Goedde** then stated a couple of items he intended to mention on his own. One is reinstatement of funding for 2<sup>nd</sup> and 9<sup>th</sup> grade ISAT testing which is not in anyone's budget at present. He called on **Mr. Browning** regarding the cost of that. **Mr. Browning** stated that the cost for 9<sup>th</sup> grade is approximately \$700,000. And, because the second grade would have more development cost, the cost would be in the same neighborhood as well. In answer to a question by **Senator Schroeder**, **Chairman Goedde** stated he was going to suggest individually that 2<sup>nd</sup> and 9<sup>th</sup> grade ISTAT testing is an important tool, and JFAC look at that, but he was not going to make it a committee recommendation.

**Chairman Goedde** stated another issue was the super classified. That they are paying districts \$19,000 for computer techs they are hiring in the \$50 to \$60 thousand range. He said they needed a new sub set of classified employees at a higher rate so there is better parity there.

Another thing high on the Superintendent's list, was the math initiative. **Chairman Goedde** stated he may mention it but would probably not get any deeper than that.

**ADJOURNMENT:**

**Chairman Goedde** adjourned the meeting at 5:40 p.m.

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John Goedde  
Chairman

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Carol Vaughn  
Secretary

## MINUTES

### SENATE EDUCATION COMMITTEE

- DATE:** February 14, 2008
- TIME:** 3:00 p.m.
- PLACE:** Room 204
- MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Fulcher, Senators Schroeder, Gannon, Pearce, Jorgenson, Bastian, Burkett, and Sagness
- MEMBERS 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.
- MINUTES:** **Chairman Goedde** called the meeting to order at 3:05 p. m. and requested the secretary to take a silent roll call. He introduced and welcomed **Mr. Jason Hancock**, Deputy Chief of Staff, Department of Education.
- S 1410:** **Accreditation Correction to Idaho Code.** **Mr. Hancock** stated that S 1410, makes a technical correction to Idaho Code to reflect the current state of rules of accreditation for public schools. He explained the rule went into effect for the current school year and the change reflects that elementary schools are no longer required to be accredited in Idaho. This created a problem with "Section 33 1004(A), Idaho Code", which is the grid (experience and education) used to fund teachers' salaries in Idaho. Without this change, **Mr. Hancock** said, that next year all the teachers who taught in elementary schools during the current 2007-2008 school year would receive no credit for that year of experience on the grid.
- Senator Schroeder** asked **Mr. Hancock** what elementary schools were not accredited? **Mr. Hancock** stated that no elementary schools were required to be accredited, and that applies to all elementary schools in the State. **Senator Schroeder** asked what about virtual schools that have grades K-12. **Mr. Hancock** said that the virtual schools as well as the brick and mortar schools must be accredited for the secondary grades.
- MOTION:** **Senator Bastian** moved, **Senator Sagness** seconded, to send **S 1410** to the Senate floor with a do pass recommendation. **Senator Schroeder** asked **Mr. Hancock** if this affected middle school teachers. **Mr. Hancock** stated it did not, it was for elementary schools only. **Chairman Goedde** called for a vote on the pending motion. The motion passed by unanimous **voice vote**. **Senator Bastian** will sponsor **S 1410**.

**S 1405:** **Excess Property for Charter Schools.** **Senator Burkett** presented **S 1405**, stating that it is an amendment to a section in "Idaho Code 33-601" that deals with schools and education and that sets forth the authority and responsibilities of the school district acting through its Board of Trustees. In particular, it has to do with the school and the Board of Trustees' ability to sell, exchange, or transfer property. It addresses provisions that allow school districts to convey property for less than fair market value. **S 1405** adds public charter schools to the list of entities to which school districts may transfer or convey surplus property.

**Senator Gannon** asked **Senator Burkett** what happens to the funds when the property is sold and not transferred? **Senator Burkett** stated it is his understanding that the money goes to the school district.

**Chairman Goedde** recognized **Mr. Patrick Madigan**, who stated that question would have to be asked of someone from the district. **Senator Schroeder** asked **Senator Burkett** about the process; is it the following: the tax payers pay taxes and buy a building, then the school district has the ability to give that building to another entity and run another bond and charge the tax payers again to build another building? **Senator Burkett** stated it could work that way. However, in the Boise School District, it does not. Their plan is to sell it to a designated buyer for fair market value or an approximate fair market value. **Senator Schroeder** asked how often can districts give away surplus property. **Mr. Rob Winslow**, Executive Director, Idaho Association of School Administrators (IASA), responded that it could happen when needed.

**TESTIMONY:** **Ms. Sue Myers**, Parent from Anser Public Charter School, spoke in support of **S 1405**. **Ms. Myers** gave a brief background of Anser Charter School and explained that they have outgrown their present facility. If passed, **S 1405** would make it legal for charter schools to receive surplus school property without going to auction, and Anser could seek a larger more permanent facility.

**TESTIMONY:** **Mr. Madigan**, parent from Anser Public Charter School, spoke in support of **S 1405**. He said that an existing school is available, but without **S 1405**, the charter school would be in competition for this property with the developer of a retail store or an office complex.

**TESTIMONY:** **Mr. Kirk Miller**, past parent and past president of the board from Answer Public Charter School, spoke in support of the entire charter school movement. He pointed out that the Idaho Charter School Commission has endorsed **S 1405**. **Mr. Miller** supports the legislation because it helps promote the improvement of Idaho's education system and gives charter schools another tool to meet facility challenges.

**TESTIMONY:** **Mr. Ken Burgess**, Legislative Advisor, Charter School Coalition, spoke in support of **S 1405**. He described facilities that some of the Idaho charter schools are currently using. Over 6,000 children are on current waiting lists because most charter schools are overcrowded. Some charter schools rent their buildings and cannot add space to accommodate increases in enrollment.

**MOTION:** **Senator Gannon** moved, **Senator Pearce** seconded, to send **S 1405** to

the Senate floor with a do pass recommendation. **Senator Bastian** pointed out that Line 50(b) of page 2, stipulates that the board shall have the property appraised by a certified appraiser and the appraisal shall be entered in the records of the Board of Trustees to be used to establish the value of the real or personal property. He stated he feels that any prudent school district would look at that appraised value and work with the charter school that offered to make the purchase and negotiate a fair market price that is acceptable to both the school district and the charter school. The motion passed by unanimous **voice vote**. **Senator Gannon** will carry **S 1405** on the Senate floor.

**MOTION:** **Senator Burkett** moved, **Senator Bastian** seconded, that the January 31, 2008, minutes of the Committee be approved. The motion carried by unanimous **voice vote**.

**SCR 129:** **Resolution to conduct an administration training study.** **Senator Sagness** presented the rationale for **SCR 129** and said that if administrators are sufficiently trained in current best practices concerning teacher supervision and evaluation, a positive effect on teacher quality and on student learning and achievement will result. After hearing concerns of many people, it is apparent that a study would be beneficial to identify the training necessary for administrators to improve their skills in performing quality teacher evaluations and supervision. **Senator Burkett** asked about the ability and quality of persons involved in the process of selecting the administrators and how the cost for that training might be included in the budget process. **Senator Sagness** said it is a very difficult issue.

**Senator Jorgenson** moved, **Senator Bastian** seconded, to send **SCR 129** to the Senate floor with a do pass recommendation. The motion passed by unanimous **voice vote**. **Senator Sagness** will carry **SCR 129** on the Senate floor.

**Chairman Goedde** passed the gavel to **Senator Schroeder**.

**S 1403:** **Relating to Public Charter Schools; amending Section 33-52-5, Idaho Code, to require documentation of due diligence upon referral of a charter school petition to the Public Charter School Commission by a local board of trustees.** **Senator Goedde** presented the rationale for **S 1403**. He stated the purpose of the bill was to make sure the school board exercised control when a charter school petition is submitted to them. He stated his use of the words "due diligence" had raised a little concern with the School Board Association, but upon checking the legal definition of "due diligence", which is what a reasonable person would do in that circumstance, that language should not be changed. He said there was one addition he would like to include which would mean the bill would have to go to the 14<sup>th</sup> Order for Amendment. That addition would require petitioners to take the class offered by the State Board of Education that would teach them how to submit a petition. That would eliminate a lot of back and forth headache for the petitioner, the State

Board that has to review the petition, and the local district that has to act on the petition.

**MOTION:** **Senator Sagness** moved, **Senator Gannon** seconded, that **S 1403** be sent to the Fourteenth Order. The motion passed by unanimous **voice vote**.

**Senator Schroeder** passed the gavel back to **Chairman Goedde**.

**DISCUSSION:**  
**SCR 123** **Chairman Goedde** said that **SCR 123** had been returned to the Committee for re-drafting. He recognized **Senator Schroeder** who stated he had the card of the two people who were associated with the resolution and recommended that **Senator Burkett**, who had suggestions for amendments, meet with them and write a new version to include those recommendations. **Chairman Goedde** reminded the committee those recommendations concerned some emphasis on foreign language in the early years.

**Chairman Goedde** told the Committee he had set the hearing for the consideration of **Mr. Milford Terrell** to the State Board for February 28<sup>th</sup>, however, it is not yet known whether or not Rod Lewis will be back from his trial by that date and be able to be present at that time. Also, **Mr. Terrell** has planned a trip overseas and will be leaving prior to that date. He asked the committee if they wanted him to schedule **Mr. Terrell** to come before the committee again prior to the Board meeting on the 28<sup>th</sup> or leave it open at this point. Committee members discussed whether to reschedule a hearing with **Mr. Terrell**. The direction from the Committee was to withhold **Mr. Terrell's** confirmation until the meeting on the 28<sup>th</sup>. **Senator Pearce** asked **Chairman Goedde** if he knew what Rod Lewis' schedule was? **Chairman Goedde** stated he was immersed in Court and no one knew how long the trial was going to take. **Senator Jorgenson** stated he felt the appearance of Mr. Lewis was critical and they would all like to reassert the invitation to him to try to be here. **Senator Bastian** suggested we contact his office and see when he might be available and find an appropriate time in his schedule where he can be present and hold the meeting around that time period.

**Chairman Goedde** stated since the intention of the committee is to talk to Mr. Lewis, we will have to find a time when everyone is available.

**Vice Chairman Fulcher** asked for clarification as to whether the committee was going to hold **Mr. Terrell's** confirmation until he returns from his overseas trip or had that been changed? **Chairman Goedde** said the committee was going to hold Mr. Terrell's confirmation until the meeting on the 28<sup>th</sup> and if there are any questions that remained unanswered that needed to be directed to him they would invite him back.

**Chairman Goedde** thanked Page Richard Henke for his work during the first half of the session. He introduced Wade Smith, who will assume the duties of the page for the second half of the session.

**Senator Jorgenson** stated in the folder there was a response memorandum from Wayne Hammond of the Division of Financial Management addressed to Chairman Goedde which responded to questions asked previously in committee. The question was: are

opportunity scholarships available to publically supported higher education institutions in Idaho or to all higher education institutions in Idaho? He stated that Section 3 of H 329 indicates that the prime priority should be given to all eligible students attending qualified public Idaho post-secondary institutions. However, if any funds remain after that consideration, those dollars can be allocated to eligible students who attain acceptable Idaho post-secondary institutions that are private and not for profit in nature. He asked if there was in fact a priority of awarding these to public institutions first and then to private institutions? **Chairman Goedde** said he had not heard that there was any type of priority and would be happy to follow up on that.

**MOTION:**

**Senator Jorgenson** spoke about the confirmation of **Mr. Terrell**. He said he doesn't see any reason to drag this on any longer. The Committee should confirm his appointment. **Senator Jorgenson** moved, **Senator Bastian** seconded, to confirm **Mr. Milford Terrell** to the State Board of Education. **Vice Chairman Fulcher** said that somehow they would like to have this whole dialogue with the State Board. The question he posed to the Chairman is whether or not withholding confirmation will get the State Board to appear before this Committee. **Chairman Goedde** replied that he does not believe that withholding **Mr. Terrell's** confirmation is going to entice the members of that board to come before this Committee. **Senator Jorgenson** offered the idea that perhaps confirming **Mr. Terrell** would relax some of the concerns of the board members because they would see that we are not holding him hostage or using him as leverage. **Senator Bastian** said that confirming **Mr. Terrell** must stand on its own merits, as he is qualified, and the Committee should go ahead with the confirmation. **Senator Schroeder** asked if this was the beginning of the unraveling of having the Board come before the Committee. **Chairman Goedde** said that **Mr. Terrell** will not be available on February 28. **Senator Schroeder** asked **Chairman Goedde** if it was his intent to have the Board come and talk to the Committee on the 28<sup>th</sup>. **Chairman Goedde** stated that was correct.

**Senator Gannon** said that in his second to the motion yesterday was not predicated on holding anyone hostage. He didn't want to leave the public with the impression that they may not have a hearing and read things into the issue that aren't there. After further discussion, **Senator Sagness** mentioned there was a motion on the floor. **Senator Jorgenson** withdrew his motion.

**Senator Schroeder** commented that the State Board needs to have the resources available to fill the vacancies they have in the administrative and leadership positions. He stated **Mr. Terrell** had characterized the board as dysfunctional and there is always reluctance to fill those positions when, although the dysfunctional nature has been resolved, the culture that led to the crisis still needs to be explored to see what led to the improprieties. **Senator Bastian** said he felt the issue was whether or not **Karen McGee** was acting on her own in relationship to authorizing the expenditure of funds to go ahead with the 2<sup>nd</sup> and 9<sup>th</sup> grade testing or did she act under the direction of the Board. **Senator Jorgenson** suggested

that this Committee needs a better understanding of how the State Board operates. Many of the members of the State Board are not aware of the day-to-day decisions that are made by a few. **Chairman Goedde** asked if he was suggesting that they have Director Mike Rush come in and outline how the Board functions before the meeting on the 28<sup>th</sup>? **Senator Jorgenson** said it would definitely be helpful, and he would distribute all the material he has to the Committee. He stated he is fully committed to his motion that an invitation be made to the Board. **Chairman Goedde** said that because of the nature of the invitation, he did send it over to the Attorney General's Office today to have him review it before he sent it out.

The discussion continued for a short time.

**ADJOURNMENT:** **Chairman Goedde** adjourned the meeting at 4:15 p.m.

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Senator John Goedde  
Chairman

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Carol Vaughn  
Secretary

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Sandra Boyington  
Assistant Secretary

## MINUTES

### SENATE EDUCATION COMMITTEE

- DATE:** February 18, 2008
- TIME:** 3:00 p.m.
- PLACE:** Room 204
- MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Fulcher, Senators Schroeder, Pearce, Jorgenson, Bastian, Burkett, Sagness
- MEMBERS ABSENT/ EXCUSED:** Senator Gannon
- 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.
- MINUTES:** **Chairman Goedde** called the meeting to order at 3:00 p.m. and welcomed all committee members and guests. He requested the secretary take a silent roll call.
- MOTION:** **Senator Sagness** moved to approve the Committee meeting minutes for February 7, 2008. **Vice-Chairman Fulcher** seconded, and the motion was approved by unanimous voice vote.
- PRESENTATION:** **Chairman Goedde** welcomed **Ms. Margo Healy**, ISAT Program Manager for the Office of the State Board. **Ms. Healy's** presentation is in regard to the Idaho Standards Achievement Test (ISAT) and the Idaho Adequate Yearly Progress Program (AYP). She gave an overview of several documents, the first being her ISAT power point presentation. **(See Attachment #1.)** She then reviewed the Parent Brochure, which is distributed to parents with ISAT results. This year they will be providing this brochure in Spanish. **(See Attachment #2.)** Next was the 2006-2007 AYP Report, which shows statistics for ISAT Reading and Math scores. **(See attachment #3.)** **Ms. Healy** then outlined three areas of her presentation. The first being the AYP and NCLB, second was the No Child Left Behind Requiring a Shift and the third area was the Quality of the Current ISAT Tests.
- Senator Jorgenson** asked about the Spanish Parent Brochure? **Ms. Healy** stated they will be printing about twenty thousand brochures in Spanish. **Senator Jorgenson** asked what is the cost of these and who is paying for it? **Ms. Healy** replied that the cost will be twelve thousand dollars and that federal dollars from NCLB (No Child Left Behind) will be paying for it.
- Ms. Healy** provided the history of the ISAT testing in conjunction with the

ESEA (Elementary and Secondary Education Act) of 1965. The basic premise of the law still stands today, it provides targeted resources to help ensure that disadvantaged students have access to a quality public education. The reauthorization of ESEA in 2001, known as NCLB (No Child Left Behind), required states to develop standards in reading and math, and assessments linked to those standards for all students in grades 3-8. NCLB required 100% proficiency for all students and all disaggregated subgroups by 2014. Each subgroup must meet targets for math, reading and must have 95% participation. **Ms. Healy** then reviewed a graph showing statistics beginning in 2002 through 2012 and including a time-line that indicates when they expect to meet the 100% proficiency mandate.

**Senator Bastian** asked if a subgroup is only able to make 94% and not the 95%, do they then fail the AYP? **Ms. Healy** responded yes.

**Ms. Healy** continued to explain the difficulties in obtaining proficiency in all subgroups. She stated that because of the inability to achieve AYP levels, they have created a school improvement bracket spanning 7 years, that sets forth what the needs are, in order to have all schools achieve mandated AYP levels.

**Senator Pearce** asked how does the federal government supercede the contracts for the superintendents, principals, etc? **Ms. Healy** stated that Idaho's plan does not include replacement. **Senator Pearce** stated that it looks like we have to restructure everything. Is this real or a pie in the sky scenario that may happen in 6 or 7 years. **Ms. Healy** stated that she believes the 100% by 2014 is the pie in the sky. She doesn't believe that the 100% proficiency is a feasible mandate. **Ms. Healy** said that she hopes that in 2010, after the next presidential election, that there will be another reauthorization, and they will give us a more reasonable target.

In response to committee questions, **Ms. Healy** explained that they may have to look at additional funding to provide programs for those students who have learning disabilities and in which that subgroup is not reaching the mandated proficiency levels. She also explained that Idaho chose to build their own tests from the ground up and doesn't know of any other states that share their tests.

**Senator Schroeder** then distributed a document to the committee which is a portion of a transcript from the Senate Education Committee meeting held on 2-14-2007. **(See Attachment #4.)** **Senator Schroeder** stated that he feels NICKELBY is really about proving our public schools are failures and that it is the biggest fraud perpetrating on our public education in this country. He stated "this is not reflection on you Ms. Healy". **Chairman Goedde** thanked Senator Schroeder for his statement.

**Ms. Healy** then continued her presentation with the next area, as to what shifted in the NCLB. The NCLB made each state accountable for every child from K-12. The NCLB requirements include mandates where tests must be aligned to standards, they required performance standards, proficiency level descriptors and disaggregated scores for all subgroups.

Idaho responded by creating a new test for 2006, new "Cut Scores" for 2007, new PLDS for 2007 and showed scores for all subgroups in 2007. The 2003-2006 ISAT test was based on a set of skills and knowledge represented as the Learning Continuum. A study was done on this test, and the results indicated that it was not aligned with Idaho standards and that in addition, the test would not pass federal review. A new test was developed in 2006, piloted last winter and actually given for the first time in 2007. This new test is the Standards Based Education Criterion Referenced Test. **Ms. Healy** explained that this test meets all of the requirements set forth in the NCLB. It is aligned to Idaho Standards, has performance standards, as well as performance level descriptors. This Criterion Referenced test has created a shift in teaching practices. The test has gone through many assessments. **Ms. Healy** explained that the ISAT test now includes validity and reliability, which responds to the third area in quality improvement. She then explained the different categories represented on the ISAT Individual Student Report.

In response to questions from the committee, **Ms. Healy** explained that there may be some people out there who believe the old test was better and that they want it back. She continued by stating that we can not go back to the old test as it does not meet the federal standards. If we go back to the old test, we drop all federal funds coming into the state. **Ms. Healy** stated that she would love to share the technical report on the new test. Not only was the spring test reliable and valid, but also provided for linking, so that a score from the new test could also show a score on the old test. **Ms. Healy** then explained the computer adaptive test or CAT test. In taking this test, if you do well it will raise you up a level, if you do poorly it takes you down a level and the computer software enables that. The current ISAT test allows for this in certain areas.

**Chairman Goedde** asked **Ms. Healy** if they were still giving fall tests. **Ms. Healy** stated they did last fall. She said last July they started working on a survey to find out what the schools and educators wanted in the way of testing. She contracted with a research firm in Boise to do the survey and next Monday, a random sample of educators across the state will be contacted and asked questions regarding testing. In addition they are opening a volunteer site where teachers who were not selected as part of the random sample can respond and give their opinions.

**Senator Jorgenson** asked if the survey will include just educators and teachers or will it include administrators? **Ms. Healy** replied that they chose specifically to include district level administrators, school level administrators, teachers, teachers outside the core area and support personnel. The whole educator community within the school. They chose not to include parents, because they are asking very specific questions about specific assessments that they didn't feel parents would have enough information to answer. **Senator Jorgenson** then asked if the size of the survey has been determined and if it will be taken in a geographically represented way? **Ms. Healy** replied that it was for this reason that they decided to employ a research company. We are asking for a 10% sample, 5% would have given us good enough numbers, but we wanted a broader sample, by region, by urban, by rural and within

those subgroups. It's all been done by a high research quality. **Ms. Healy** then explained that they will have a completely voluntary group that can also have input into this survey. They want to be able to obtain their input, and yet will keep that information separate. She also explained how protections have been put in place so that answers are not duplicated.

**Senator Sagness** asked if there is a possibility of an item analysis? **Ms. Healy** stated no, we are at least 3 years away from that.

**Chairman Goedde** asked if we try to incorporate item analysis, how much larger would that test have to be to make it valid? **Ms. Healy** stated that they are including about 50 field test items on every administration of this test. If they were to build an item bank with that much information, it would significantly increase the length of the test in the short term. There is a burden on our schools right now to do 3 and 4 content areas.

In response to a question regarding the length of the current test, **Ms. Healy** replied that they ask schools to schedule 90 minutes and believe most students will complete them in 60 minutes.

**Senator Schroeder** asked how are the vendors chosen? **Ms. Healy** replied that the only vendor that had all of the pieces was Data Recognition Corporation. **Senator Schroeder** asked if there are certain vendors that are approved by the Federal Department of Education. Chairman Goeede recognized **Mr. Mark Browning**, Chief Communications Officer from the Idaho State Board of Education to respond. **Senator Schroeder** then stated and asked that on the national level there are a small handful of companies that are approved by the U.S. Dept. Of Education, is that correct? **Mr. Browning** replied that is correct.

**Senator Sagness** asked what are the problems you see in using ISAT as a basis in assessing teaching performances under a merit based program? **Ms. Healy** stated that the ISAT test measures the standards that were written by the Department of Education, and measures them well. One thing that she can see as a problem is that teachers are not comfortable with the ISAT yet. **Senator Sagness** asked what limitations do you see? **Ms. Healy** replied that she is comfortable with the ISAT. It is valid and reliable in measuring the Idaho standards. But, a limitation would be if they used the test for other purposes, go outside the purpose of the test. Beyond measuring each child's performance against standards, that is where she would want it to stop.

In response to a question regarding changing NICKELBY, **Ms. Healy** stated that she would like to see a growth measure built in. We have to be able to track a child's progress from year to year, whether they are in the same school or move to another school and we can't do that now.

**Senator Schroeder** asked do we really need a program where one must meet all those subsets? **Ms. Healy** replied that this is a personal question. From the state assessment, what we don't measure we don't

pay attention to. Now that we are measuring, we can pay attention to areas in need of improvement.

**Senator Bastian** asked if NICKELBY were to be revised to include a growth standard, would that be something she would prefer to see?

**Ms. Healy** stated that this is another personal question. For children who are behind, a years growth isn't enough, they will never catch up.

**Chairman Goedde** thanked **Ms. Healy** for her presentation and stated that it was a very informative presentation. **Chairman Goedde** then welcomed **Jason Hancock, Deputy Chief of Staff to Superintendent Tom Luna**, for a presentation regarding the ISAT.

**PRESENTATION:**

**Mr. Hancock's** presentation is about how ISAT scores would be used as part of the ISTAR awards for schools. **Mr. Hancock** explained that ISAT scores would be utilized to calculate Student Achievement awards under Superintendent Luna's ISTAR plan. He explained the awards would be distributed based on the performance of the whole school, rather than individual teachers. This would enable rewards to be given to teachers whose subjects are not tested on the ISAT. The central question in designing a system in which one of the five award steps would be based on test scores, was developing a system that could fairly compare different configurations of schools. The central feature of the formula is that each subject and grade of students in a school is measured against other students in that same subject and grade statewide. The formula is built to compare the growth of a school's 4<sup>th</sup> grade reading scores with the growth of other 4<sup>th</sup> grade reading scores around the state. **Mr. Hancock** then shared the results of a sample that the department ran using a dozen random school districts and a charter school, and drawing from both the Spring 2005 and 2006 ISAT's. **(See Attachment # 5)** It showed that 63% of the total schools in the sample would have received an award, with 65% of the schools that taught elementary grades and 58% of the schools that taught secondary grades qualifying. Schools with challenging demographics did quite well, with 73% of the schools that received school-wide Title 1 services qualifying for an award. **Mr. Hancock** explained that many of the very poorest schools, and schools with high populations of limited English proficiency students, qualified for awards under this model. **Mr. Hancock** further explained that unlike the federal governments approach to using test score data, ISTAR doesn't just look at student proficiency, it also looks at student growth. In fact, 75% of the Student Achievement money in ISTAR is targeted at rewarding student growth. Some of the schools in this sample may have a low starting point, but they also have dedicated teachers who are making good progress with these kids, and that progress is reflected and rewarded under ISTAR.

**Senator Sagness** asked if they are factoring in the school wide Title 1 Services? **Mr. Hancock** replied it is not factored in terms of any kind of measure whether the school gets an award or not, but for informational purposes.

**Senator Burkett** asked what was the sample of schools and how can one tell whether or not this analysis with regards to Title1 services is accurate? **Mr. Hancock** stated they took a random school sample, and included a charter school. This is a fair representation of the schools in Idaho.

**Senator Bastian** asked what percentage of school certified personnel would receive an award? **Mr. Hancock** replied that under this sample, the figure for certified school personnel would be about 63%.

In response to a question regarding monies set aside last year to develop a unique student identifier system, **Mr. Hancock** stated the program is proceeding. He will research this more and send the information to the Committee. **Chairman Goedde** asked is this statewide or is it being piloted in some districts? **Mr. Hancock** replied that he thought it was being piloted in 4 or 5 districts, but will check and get that information to the committee as well.

**Chairman Goedde** thanked **Mr. Hancock** for his presentation and stated that the committee will now address **S 1407** and **S 1428**.

**S 1407:**

**Senator Burkett** presented **S 1407** to the committee. He explained this bill addressed extending scholarships to the children and spouses of totally disabled veterans in our military. Veterans who are totally disabled and unable to work because of that disability.

**PRO S 1407:**

**Chairman Goedde** welcomed **Mr. Gregory K. Funk** to testify for **S 1407**. **Mr. Funk** is a former marine and explained why this bill is important to him. He explained this bill will give the family security and peace of mind. Veterans who come back disabled, deal with a lot of stress and this bill gives them peace of mind, to be able to pass this onto a family member and for them to be able to take advantage of a scholarship. Not only has the veteran sacrificed, but so have the members of the family. **Mr. Funk** strongly encouraged the members of the committee to support this bill in helping those who proudly serve, not just their country, but their communities as well.

**Vice-Chairman Fulcher** asked if mentally disabled would qualify under this definition and if so how that would be determined? **Senator Burkett** responded that in the definition to be considered disabled, he or she is unable to perform with reasonable continuity the material duties of any gainful occupation for which he or she is reasonably fitted by education, training and experience. **Vice-Chairman Fulcher** asked with regards to the true fiscal impact of this bill? **Senator Burkett** replied that Mr. James Fox is to testify next and will have the answer to that question.

**Chairman Goedde** welcomed **Mr. James Fox**, who represents the associated Students of the University of Idaho. **Mr. Fox** thanked the committee for their support of the Opportunity Scholarship, as well as the other state and public scholarships. They have worked to create several scholarship programs, including grants for study abroad, totaling almost

\$100,000.00 per year. The U of I has stepped up to the plate with Operation Education. This program, started by first lady, Karen White, helps fill the gap to allow civil veterans the chance to obtain a college degree. **Mr. Fox** explained they have the opportunity now to do something similar by extending scholarships to include dependants of those disabled as a result of their service in the military. This program would meet a significant need in the state with minimal costs to taxpayers. The estimated cost of the program is \$65,000.00 a year for the next ten years. It is based on a total of 50 dependants in the state that are currently eligible, that qualify under section 5 of this bill as disabled. The current Freedom Scholarship shows two things. The first that at the most, about half of these students take advantage of this program and secondly, the majority who do use the Freedom Scholarship, use it for a two year program. A large majority of them don't use the full award. The cost estimate takes into account the rules of the scholarship. The funding structure is the same as it is currently. **Mr. Fox** feels that the \$65,000.00 per year is a reasonable level of support for those dependants of people who have given so much in service to our country.

In a response to a question from the committee, **Mr. Fox** explained that 50 students would be *potentially* eligible. The maximum eligible is 50.

**Vice-Chairman Fulcher** asked how do they identify the number 50? **Mr. Fox** replied that they contacted the Veterans Administration and in working with them, came up with the number 50. It is a high estimate.

In response to a question from **Senator Sagness**, **Mr. Burkett** replied that the definition of disabled states: that the injuries and wounds are sustained in action in southeast Asia, including Korea, or in Iraq or in Afghanistan or who shall become so hereafter, in any area of armed conflict in which the United States is a party.

**MOTION:**

**Senator Schroeder** moved that **S 1407** be sent to the floor with a do pass recommendation. **Senator Sagness** seconded the motion. The motion carried by voice vote.

**Chairman Goedde** then passed the gavel to **Vice-Chairman Fulcher**, who recognized **Chairman Goedde** for his presentation of **S 1428**.

**S 1428:**

**Senator Goedde** addressed the committee with regards to **S 1428**. He explained that this bill was brought because he was made aware of the problem. In fiscal year 2007, only 45% of our school districts sent their financial audits in a prescribed time. In 2006 it was 41%, so it is increasing, but still a problem. If we move the date back to the date that has been proposed, we are at 79% or 82%. **Senator Goedde** explained if school districts are dragging their feet beyond that, then a stimulus needs to be provided to get it done. That stimulus comes in this bill, with the opportunity for the department to withhold funds. There is a bail out feature, in case of a legitimate reason the school district can appeal to the State Board of Education. The second issue deals with compliance. **Senator Goedde** explained the current statute does not require the school district to respond to questions on the audit from the Department

of Education. The second part of this bill requires the district respond within thirty days. **Senator Goedde** stated that he feels this bill will require districts to become more accountable.

**Senator Jorgenson** asked if this bill would impose any additional costs? **Senator Goedde** replied the only cost that might be involved would be in preparing a response. All of the audit work is already a required statute.

**Senator Schroeder** thanked **Senator Goedde** for bringing this bill. He then referenced an audit from a school district, dated January 18, 2008 in which the auditor noted several items that were in non-compliance. He asked what happens currently if the school ignores this and in addition, does this include a plan for remedying the items in non-compliance? **Senator Goedde** replied that **S 1428** does not include a plan to remedy those weaknesses. It only requires a response. Audits are public information and he believes that it would be in the districts' best interest to develop a response.

**MOTION:**

**Senator Jorgenson** moved that **S 1428** be sent to the floor with a do pass recommendation. **Senator Pearce** seconded the Motion.

**Senator Burkett** asked who is responsible for the audit? **Senator Goedde** responded that the ultimate responsibility lies with the local school board. **Senator Goedde** pointed out that as of January 11, 2008 eleven audits have not yet been received and the State Department of Education has no remedy.

**Senator Bastian** in stating his concern said what happens is we punish the school district and ultimately the children by withholding funds. This could result in a significant disruption in the education process. It is the board members who have the responsibility to make sure the audit is completed and conducted in a satisfactory manner. The board has general policy making power and probably directs the superintendent to hire an auditor, who is supposed to come in and complete the audit. They then may potentially have an auditor who may not be responsive to the request of the superintendent or the school board; who delays not because the superintendent or the school board wants them delayed, but simply because the auditor doesn't get the work done. In this case, instead of punishing the auditor, this bill would punish others who are not actually responsible for the problem. **Senator Bastian** stated the withholding of funds may not be the best approach. **Senator Goedde** replied there are two ways to look at this. We could possibly hold the members of the school board liable, civilly, rather than withhold funds from the children. Another way is that certainly the school board and the auditor negotiated a contract and it would be prudent to think there would be a deadline in that contract and some kind of penalty for non-performance.

**Senator Jorgenson** stated if we start holding school board members individually responsible, then we won't have anybody running for the school board position. **Senator Jorgenson** further stated that this bill has several relief valves, that if there is a special problem, it can be taken

into consideration. What we have now, is eleven schools that have no reason to comply.

**Senator Schroeder** stated he will be voting for this, and the discussion on the floor should be very interesting. He has been looking at ways of making the schools fiscally accountable, and believes that this is a good step, but that more needs to be done.

**Senator Burkett** stated he believes we are on the right track. He said we need to find a way to bring schools accountable and perhaps we need to be looking at areas within the law that address this.

**Senator Bastian** stated he will vote for this, but hopes that the State Board of Education will be reasonable in withholding monies. He suggested perhaps language needs to be included to address the amount withheld.

**Vice-Chairman Fulcher** asked for a voice vote. The Motion passed by voice vote. **Vice-Chairman Fulcher** then passed the gavel to **Chairman Goedde**.

**Adjournment:** **Chairman Goedde** adjourned the meeting at 5:30 p.m.

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Senator John Goedde  
Chairman

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Carol Vaughn  
Secretary

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Teresa Martin  
Assistant Secretary

## MINUTES

### SENATE EDUCATION COMMITTEE

- DATE:** February 19, 2008
- TIME:** 3:00 p.m.
- PLACE:** Room 204
- MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Fulcher, Senators Schroeder, Gannon, Pearce, Jorgenson, Bastian, Burkett, and Sagness
- MEMBERS ABSENT/  
EXCUSED:** None
- GUESTS:** *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 Legislative Services Library.*
- MINUTES:** **Chairman Goedde** called the meeting to order at 3:05 p. m. and requested the secretary take a silent roll call. He recognized and welcomed his favorite local Superintendent of Schools from Coeur d'Alene, Mr. Harry Amend.
- Chairman Goedde** passed the gavel to **Vice Chairman Fulcher**.
- RS 17943C1:** **Relating to pay for performance.** **Senator Goedde** presented the rationale for **RS 17943C1**, stating the legislation before them represents three stages of the old ISTARs program. It still recognizes student achievement. It also has the scarcity piece and the leadership piece. He said a lot of the language found in the old bill is not found in this one. That work has been done in consultation with and suggestions from the Idaho Education Association. **Senator Goedde** stated he was not suggesting that the bill meets all their concerns, but is a step towards the center. **Senator Goedde** asked that **RS 17943C1** be sent to the State Affairs Committee with a request to have them print it and send it back to our committee.
- MOTION:** **Senator Gannon** moved, **Senator Jorgenson** seconded, to send **RS 17943C1** to the State Affairs Committee with a request for them to print and refer it back to the Senate Education Committee.
- In reply to a question from **Senator Sagness**, **Senator Goedde** said that the Idaho Education Association (IEA) has been consulted on this new legislation. **Senator Goedde** responded to further questions and discussion of the Committee setting out the differences between the old and the new bill. The motion carried by unanimous **voice vote**.
- RS 17959:** **Relating to discharge procedures of certified staff.** **Senator Goedde** presented the rationale for **RS 17959**. He described this bill as "streamline termination", that it answers the concerns of school administrators, school boards and teachers about the termination

process. **Senator Goedde** stated that currently it takes a couple of years for a termination to go through all the steps, during which time the teachers are sitting in limbo. There is a fiscal impact on the teacher, on his union, the school district and on the school district's insurance carrier. This bill is the result of consultation with Mr. James Shackelford, Executive Director of the Idaho Education Association. **Senator Goedde** stated in comparing Mr. Shackelford's suggestions and those of the Department, there were some areas that still needed to be worked out and suggested the bill, following printing, go to the 14<sup>th</sup> Order for Amendment.

**Senator Schroeder** asked **Senator Goedde** if he could provide for the committee the Attorney General's review of the language. **Senator Goedde** said he had not seen one at this point. He could certainly ask for one but what he would rather have is an Attorney General's opinion on the compromise that will come forward tomorrow. **Senator Schroeder** stated he was worried about the part that doesn't allow for a jury trial and he would like to see the Attorney General's review of the language before it goes to the floor.

**MOTION:** **Senator Sagness** moved, **Senator Bastian** seconded, to send **RS 17959** to the State Affairs Committee for printing and then referred back to the Senate Education Committee. After discussion, the motion passed by unanimous **voice vote**.

**Vice Chairman Fulcher** passed the gavel back to the chairman.

**PRESENTATION:** **Chairman Goedde** welcomed **Ms. Allison McClintick**, Office of the State Board of Education for her presentation on Mentoring. **Ms. McClintick** gave a run down on how they got to where they are today. **Ms. McClintick** recognized **Dr. Jan Miles**, Regional Director of the New Teacher Center, University of California, Santa Cruz, who she invited to the committee to discuss the New Teacher Center model, its effectiveness and how this particular model has been used in various ways in 39 states and some countries. She also recognized **Christina Linder**, Director of Certification and Professional Standards with the State Department of Education. She spoke about the roles of the State Board of Education and the State Department of Education saying this was a case where the State Board of Education had looked at the program of mentoring and seen that it really is of value and it is time now for the Department of Education to start on the implementation stages and take the program forward. She stated Ms. Linder will speak to the Committee about the Idaho model and its cost. **Ms. McClintick** introduced **Dr. Jan Miles** to talk to the committee about the type of program they have been looking at for Idaho. **Chairman Goedde** told **Ms. McClintick** there would be money for mentoring in one level of ISTARS if it passes, and welcomed Dr. Miles.

**Dr. Miles** referred to her handout stating the New Teacher Center in Santa Cruz had six different branches: Professional Development, Research, Dissemination, Policy, Partnerships, and Direct Services, and

explained the responsibilities of each. She stated they were very much in favor of an internship that grows the profession.

**Dr. Miles** stated that quality mentoring is key and their program was replicated first in California and now they are nationwide. **Dr. Miles** stated quality mentoring is instructional mentoring where there is strong criteria for selection. It is classroom based teacher learning. She stated that mentoring and support cut teacher turnover rates. She stated that nationwide teacher retention after six years is only 56 percent compared to 88 percent in school districts that participated in the Santa Cruz New Teacher Project. **Dr. Miles** discussed formative assessment, continuum of teacher development, and collaborative assessment logs. Full time mentors are more effective by being in the classroom and observing practice. The mentors, themselves, improve as teachers as shown in a follow up study. Half of the former mentors took on leadership positions, 91 percent returned to work in schools and 94 percent reported that mentoring deepened their understanding of teaching and learning.

**Dr. Miles** spoke of Idaho's history in creating an induction program and suggested that a training plan for mentors and a survey for beginning teachers, mentors and administrators both be developed.

**Dr. Miles** stood for questions of the Committee and continued the discussion about funding a state teacher training program that employs several fulltime mentors.

**Chairman Goedde** recognized **Ms. Christina Linder**, Idaho Department of Education, to continue the discussion of teacher training in Idaho. **Ms. Linder** provided information about the pilot program in place. She said they have funds to run the pilot through FY 2008. Charts summarizing the sources of revenue and costs were given to Committee members and then discussed.

**Chairman Goedde** thanked **Ms. Linder** for her presentation and requested that she share with this committee the same information she was going to share with the House Education Committee.

#### **PRESENTATION:**

**Chairman Goedde** recognized **Mr. Rob Sauer**, Deputy Superintendent, Innovation and Choice, State Department of Education, to make a presentation about the Idaho Middle School Task Force. **Mr. Sauer** said that the middle school task force was created in May 2007 in response to a request from the State Board of Education to examine middle school issues. The task force established five goals: (1) To ensure all students are prepared to be successful in high school; (2) To increase academic engagement and student accountability by middle school students through a relevant and rigorous curriculum; (3) To carefully examine the benefits and issues associated with increasing middle school curriculum requirements; (4) To carefully examine the benefits of strong leadership and to focus on continuous improvement; and (5) To establish positive relationships and increase the amount of guidance and support for all middle school students.

**Mr. Sauer** identified several areas of challenge that became the main areas of focus for the task force committee. These challenges include Accountability, Transitions, Curriculum, Intervention, and Leadership. The task force is developing a list of recommendations and potential solutions

to address these challenges, and will present their recommendations to the 2009 Legislature.

**Chairman Goedde** thanked **Mr. Sauer** for his presentation. **Mr. Sauer** stood for questions of the Committee.

**PRESENTATION:**

**Chairman Goedde** introduced **Dr. Michael Graham**, Administrator, Idaho Division of Vocational Rehabilitation. **Dr. Graham** began his discussion by stating the Mission Statement for Vocational Rehabilitation (VR). He said that Goal #1 is to continually improve the quality of VR services to eligible Idahoans with disabilities to prepare for, obtain, maintain, or regain competitive employment and long term supported employment. Six objectives were set to meet this goal. They are (1) To increase the number of individuals who successfully become employed after receiving VR services; (2) To increase the earnings of individuals who successfully become employed after receiving VR services; (3) To increase the number of individuals with significant disabilities placed in employment with long term job support; (4) To utilize information technology to its maximum capacity; (5) To establish statewide consistency for orientation and training that will ensure continuity among all levels of staff; and (6) To ensure an effective Division Marketing Plan.

**Dr. Graham** said that the agency's Goal #2 is to ensure that all eligible individuals with disabilities have equal access to services. They plan to meet this goal by enhancing revenue opportunities for all VR programs; by strengthening partnerships with community partners; and by establishing a closer working relationship with the Idaho Commission on Aging. He added that productivity of the agency has improved by 19.3 percent in successful employment related rehabilitations in the last four years.

**Dr. Graham** gave each member of the Committee the full 20-page strategic plan for the Division of Vocational Rehabilitation. **Chairman Goedde** thanked **Dr. Graham** for his presentation. He stood for questions of the Committee.

**PRESENTATION:**

**Chairman Goedde** recognized **Ms. Becky Young**, Legislation Chair of the Boise School District Parent/Community Advisory Council (PCAC). **Ms. Young** said PCAC is a parent and community advocacy organization that is comprised of a broad cross section of parents and community members committed to providing a non-partisan, open public forum, communicating concerns regarding public education. PCAC also recognizes the research from National PTA and many other national educational organizations.

Approximately 10,000 parent volunteers and over 400 mentors from our community have logged more than 300,000 hours of volunteer service annually working one on one with students to prepare them for the Idaho Reading Indicator (IRI), the math assessments, and by supporting reading and math programs in the homes. In addition, parents raised over \$2 million for the year through fund raising activities and donations contributed directly to the benefit of the children's education and welfare.

Members of PCAC invest their time and personal resources to become

better educated on the issues that affect our children such as the Idaho Middle School Task Force, the Idaho Office of Drug Control Policy (to provide information to our parents regarding the Idaho Meth Project), and "Read to Me" program in our local libraries.

**Ms. Young** reported that the primary concern of PCAC is that performance pay for teachers measured only by the ISAT results is an unacceptable measure to our parents rather than utilizing the ISAT results as a component of the valuation.

**Ms. Young** said that PCAC applauds the budget recommendations before JFAC regarding concurrent enrollment, and they suggest the addition of advanced placement credit to this program. Other topics of concern include class size in elementary schools, SAT scores comparison, drugs and alcohol in the schools, student transitions from elementary school to junior high and high school, a need for foreign language at the elementary level, as well as poor math/science preparation at the junior high and elementary levels.

**Chairman Goedde** thanked **Ms. Young** for her presentation. She stood for questions of the Committee.

**ADJOURNMENT:**

**Chairman Goedde** adjourned the meeting at 4:10 p.m.

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John Goedde  
Chairman

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Carol Vaughn  
Secretary

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Sandra Boyington  
Assistant Secretary

## MINUTES

### SENATE EDUCATION COMMITTEE

- DATE:** February 20, 2008
- TIME:** 3:10 p.m.
- PLACE:** Room 204
- MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Fulcher, Senators Schroeder, Gannon, Pearce, Jorgenson, Bastian, Burkett, and Sagness
- MEMBERS ABSENT/  
EXCUSED:**
- 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.
- CONVENE:** **Chairman Goedde** called the meeting to order at 3:10 p.m. He requested the secretary to take a silent roll call. He welcomed committee members and guests.
- MOTION:** **Senator Jorgenson** made a motion to approve the minutes of February 5, 2008. **Senator Bastian** seconded the motion. The motion passed by unanimous voice vote.
- MOTION:** **Senator Gannon** made a motion to approve the minutes of February 6, 2008. **Senator Jorgenson** seconded the motion. The motion passed by unanimous voice vote.
- H 399:** **Chairman Goedde** addressed the committee regarding **H 399**. He was contacted by the sponsors of H 399, and asked to hold the bill. The sponsors are waiting for an opinion from the Attorney General on how this bill will affect the College of Western Idaho. Chairman Goedde has agreed to hold this bill at the request of the sponsors.
- Mr. Kemp** who is on today's schedule for a presentation on IDVR Employment opportunities has been delayed due to mechanical problems with his flight. In his place, **Mr. Russell Doumas, CEO of the Idaho Association of Community Rehabilitation Programs** was present to address the committee. **Chairman Goedde** welcomed **Mr. Doumas** to the committee.
- PRESENTATION:** **Mr. Doumas** stated the association for which he is the CEO had invited **Mr. John Kemp** to present to the committee today and extends his regrets for **Mr. Kemp** not being able to. **Mr. Doumas** said he would briefly go over some of the remarks prepared by **Mr. Kemp** and pass out his written testimony. **John Kemp** is CEO of ACCSES, a national association representing community rehabilitation providers across the

nation and he wanted to speak about the issues confronting the State of Idaho and the Legislature. **Mr. Doumas** gave an overview of **Mr. Kemp's** written testimony. **(See Attachment #1)** Mr. Doumas referred to research conducted by the Cornell University Employment and Disability Institute and the statistics supported by that research. That research shows that 61.9% of working age (21-64) people with disabilities were unemployed, and with the expanding workforce shortage, there is an opportunity for economic gains for both businesses and organizations. In addition to the high unemployment, **Mr. Doumas** addressed the disability concept of "choice". The President's New Freedom Initiative sets forth that all Americans have the opportunity to learn and develop skills, make choices and participate fully in community life. This disability concept of choice is important in terms of the employment of people with disabilities. Challenges to choice for people with disabilities are many. **Mr. Doumas** explained that Congress is currently considering legislation, the Employer Work Incentive Act for Individuals with Severe Disabilities (S 1702), and the goal of that bill is to help at least 1 percent of individuals receiving SSI and SSDA to find competitive employment. If just one percent of people with severe disabilities now receiving federal SSDA or SSI were employed the projected ten years, cost savings would be more than \$45 billion. Lastly, **Mr. Doumas** stated Idaho should be commended for their extended employment services programs, and encouraged continued funding for those programs; programs which allow choice for people with disabilities. **Mr. Doumas** thanked the committee for their time.

**Senator Pearce** asked for clarification regarding S 1702. **Mr. Doumas** explains the bill, which is before the Senate, would provide incentives to employers to hire individuals who receive either SSI or SSDI. Providing incentives to employers and getting them off the cash benefits can create a \$45 billion dollar savings. **Senator Pearce** asked if there are any figures for the State of Idaho? **Mr. Doumas** responded that he does not have that.

**Chairman Goedde** thanked **Mr. Doumas** for standing in for Mr. Kemp and giving this presentation. **Chairman Goedde** noted **Mr. Doumas** is accompanied by **Senator Jorgenson** and his favorite editor, Mike Patrick. **Chairman Goedde** asked the committee to refer to information in their blue files, a report entitled National Development and Performance Pay for Teachers assembled by an Idaho Falls teacher.

**H 385, as amended:**

**Chairman Goedde** welcomed **Representative Killen**. **Representative Killen** explained this bill originated with the Idaho Enlisted Association and Members of the Guard. It provides to Idaho non-residents, who are members of the Idaho Guard, the opportunity to enroll in Idaho institutions of higher education at the resident tuition rate. There are approximately 217 non-resident members (out of the total 4,627 members of the guard, those are the Army and Air Force units), who fit into that category. There are 192 that come from the state of Washington, Oregon and Utah.

**Representative Killen** explained he researched those three states. Those three states currently provide a life benefit to Idaho residents who

are enrolled members of their Guard units. They are already doing this for us, it seems only reasonable to offer the same opportunity. **Representative Killen** has had contact with universities at all levels and all indicated they could not officially endorse this without the State Board of Education's approval. **Representative Killen** respectfully requested the committee support this bill. **Chairman Goedde** asked that **Representative Killen** address the amendment. **Representative Killen** explained that the amendment was to change language on the last page. The word WAMI was deleted and replaced with WWAMI, as well as, the word Wyoming was added. There was also a minor correction to the title.

In a response to a question regarding the length of time in which other states have been offering this benefit to Idaho residents, **Representative Killen** stated that he did not know. His understanding was that Oregon has been doing this for quite some time.

**MOTION:**

**Senator Sagness** made the motion to send **H 385** to the Senate floor with a do pass recommendation. **Vice-Chairman Fulcher** seconded the motion.

**Senator Burkett** made the statement that these are people who have good jobs, serving their country, some of the best and brightest, and they want to go school. We want them to go to school here in Idaho.

The motion passed by unanimous vote. **Senators Fulcher and Burkett** will carry this on the floor.

**PRESENTATION:**

**Chairman Goedde** welcomed **Ms. Cindy Johnstone**, with the State Department of Education to give a presentation on the Math Initiative. **Ms. Johnstone** explained that a task force has been working since May to develop this project. The first six months has been spent in research and they are now in the development stage. They expect to have a pilot ready for the new fiscal year.

**Ms. Johnstone** gave an overview of her power point presentation. She explained the objective of the Math Initiative is to focus on improving math education in all grades to ensure every student is prepared for higher levels of math in the middle grades, high school, post-secondary, and work force settings. She set out the three goals.

The first is Student Achievement and are asking for \$2.3 million. The aim is to develop and pilot an assessment for K-12 and then continue with the current Direct Math Assessment as well as an intervention program for middle grade students. Also, within the student achievement goal they are looking at implementing new High School course standards with careful consideration during textbook adoption to choose curriculum in line with math initiative goals.

The second goal is in Teacher Education and asking for 1.5 million. They want to offer a class that is structured in content and methodology and incorporate certification to be required by 2015. Their plan would include

the State helping to pay credits for the first three years in this continued education. It also involves regional training in math principals. This also includes bringing regional math specialists on board, and lastly to provide Elementary/Middle School Endorsements to those teachers who take more credits in math and make available an endorsement.

The third goal is in Public Awareness and is asking for \$100,000.00. They feel a need to create a broad awareness that high level mathematical thinking is critical in meeting expanding demands and opportunities of the 21<sup>st</sup> century. Teacher brochures are currently ready to be mailed out and would like to offer family math nights as well as newsletters for families, so they are aware of the latest research and strategies. **Ms. Johnstone** then introduced **Dr. Jonathan Brendefur** with Boise State University.

**Dr. Brendefur** then explained the changing of mathematics. He stated there are two components, fluency and flexibility, which is meant to help kids understand the structure. **Vice-chairman Fulcher** asked what is the optimal age to be teaching this? **Dr. Brendefur** stated this is for high school level, but that we need to start at the elementary level. He then explained the different statistics on where students from the U.S. are versus different countries in the world. He showed that the U.S. is in the middle according to these statistics. He indicated good teachers make the difference on how students learn. Teaching multiple strategies is important.

**Senator Gannon** asked about the need for mathematics teachers and if they are being compensated enough? **Ms. Johnstone** said there aren't enough teachers in math and if compensated more, believes they would see more teachers wanting to teach math. **Senator Bastian** asked how are you going to stage this math initiative? **Ms. Johnstone** said they looked hard at the options and have a 5-year plan they believe will work. They will need to train teachers and provide professional development to help bring about this new math initiative. **Ms. Johnstone** said they are aware of the challenges, but are also prepared for them.

**Senator Bastian** stated there was a presentation yesterday about a model for mentoring new teachers. He asked **Ms. Johnstone** if she had any similar plans? **Ms. Johnstone** said absolutely. They have this built in with their 5-year initiative under the regional specialists. **Senator Bastian** asked if there is already money for that? **Ms. Johnstone** said there is some built in with Math Initiative although there will be a need for more later on.

**Senator Sagness** asked about the ISAT and what does it or doesn't it measure? **Dr. Brendefur** replied the focus of ISAT is with a multiple choice format and it tends to cover the basic ideas well, but it doesn't work well with communication, movement and making connections with problem solving, which are the more global ideas. This is why we have the direct math assessment to help test these as well. **Ms. Johnstone** stated they are not experts on the ISAT. That we really need to focus on what students do and do not know and ISAT is a predictor on one day of

the year when student's sit down at the computer and take that multiple choice test. ISAT isn't the only thing we need to look at. We really need to look at assessment and what that looks like when it's done every day in the classroom. **Ms. Johnstone** said that the ISAT has improved.

**Chairman Goedde** thanked both **Dr. Brendefur** and **Ms. Johnstone** for their presentations. **Chairman Goedde** reviewed the next day's schedule, including the new ISTARS presentation from Superintendent Luna. There was discussion regarding the next two days of presentations and getting advance notice to all those who are interested.

**ADJOURNMENT**

Chairman Goedde adjourned the meeting at 4:25 p.m.

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Senator John Goedde  
Chairman

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Carol Vaughn  
Secretary

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Teresa Martin  
Assistant Secretary

## MINUTES

### SENATE EDUCATION COMMITTEE

**DATE:** February 21, 2008

**TIME:** 3:00 p.m.

**PLACE:** Room 204

**MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Fulcher, Senators Schroeder, Gannon, Pearce, Jorgenson, Bastian, and Sagness

**MEMBERS ABSENT/ EXCUSED:** Senator Burkett

**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.

**MINUTES:** **Chairman Goedde** called the meeting to order at 3:10 p.m. He requested the secretary to take a silent roll call. He welcomed committee members and guests. **Senator Goedde** stated that today's Agenda included S 1436 to which representatives from the Superintendent of Public Instruction, the School Board Association, the Superintendent's Association, and the IEA (Idaho Education Association) would speak. He stated the meeting was going to be video taped and the tape would be available on line at the Department of Education's website and at the IEAs' website. He said that outside testimony would be taken on Monday.

**Chairman Goedde** pointed out that the second bill on the Agenda, S 1437, would not be heard today as the compromise language had not yet been worked out. He welcomed **Superintendent Luna** to the committee.

**S 1436 PRO** **Superintendent Luna** stated he was convinced the time had come to pay Idaho teachers differently, and S 1436 would truly make a difference for Idaho's students. He is convinced that everything we do in education must focus on one goal and that is for student achievement. He stated that every dollar voted into the Idaho Education Budget was intended to improve Idaho students' academic performance. He said that goal is difficult to accomplish when Idaho's best and brightest teachers are leaving the classroom because they need to earn more money. He stated we must offer Idaho teachers incentives to stay in the classroom where they are needed the most. **Superintendent Luna** said studies of incentive pay plans implemented across the United States have shown that student achievement increases after incentive pay plans are put in place. He stated the plans may vary from state to state and from school district to school district but most offer a combination of incentives for working in hard to fill positions, taking on leadership responsibilities and raising student achievement based on state-wide assessment, all of which are in the Idaho State Teacher Advancement Recognition System

(ISTARS).

**Superintendent Luna** stated that ISTARS had changed since first presented in January due to meetings with teachers, school administrators, parents, the business community, Idaho taxpayers, legislators, and over 20 hours of public testimony. Those changes are as follows: they have removed the step that give teachers the choice to move to a multi-year contract (a Category 4 contract), and local school districts are given more flexibility in spending funding for local control and leadership. He stated he understood there were still some things in ISTARS people disagreed with and there were also some items people would like in ISTARS that have been removed.

**Superintendent Luna** stated the foundation of ISTARS, the pay schedule that teachers currently work under where teachers are paid based on the number of years they have taught and the amount of college education they have, would not change and will continue to be negotiated at the local level. The only difference is rather than that representing the maximum a teacher can make, it would represent the minimum because ISTARS builds on top of that base pay.

**Superintendent Luna** said the first step of the three steps that are a part of ISTARS focuses on student achievement. Teachers and certified staff in the school will be rewarded for showing academic growth or overall student excellence on ISAT scores as measured school wide. It breaks down as follows. All certified staff in a school that ranks in the top 25% for academic growth from year to year will receive a \$1,200 bonus. Certified staff in a school that ranks in the top 50% for academic growth from year to year will receive a \$600 bonus. The certified staff in a school that ranks in the top 25% for overall proficiency in a year will receive a \$600 bonus. Certified staff in schools that reach the performance benchmark of 85% proficiency for the entire school for the first year will also receive a \$600 bonus.

He stated that the second step in ISTARS focuses on local control. In this step, funding will be given to local school districts so they can identify 10% of their teaching needs as hard-to-fill positions and then pay those individuals who teach in those positions an additional \$1200 per year for doing so. **Senator Pearce** asked **Superintendent Luna** whether or not that money was discretionary money. **Superintendent Luna** said it was not. He stated the intent of that money was that it must be spent to fund hard to fill positions.

**Superintendent Luna** stated the last step in ISTARS focuses on leadership. In this step, the district can identify up to 25% of their staff as fulfilling leadership responsibilities. They would then provide the funding so districts can pay these individuals an additional \$1200 a year. Also, under this plan, school districts would have the flexibility to move some of the money from local control or hard-to-fill positions to leadership or from leadership transfer money down to hard-to-fill positions based on the needs of the local district. **Mr. Luna** stated that overall a teacher can

earn up to \$3600 a year in bonuses under the ISTARS plan which is a great first step in improving teachers' pay in Idaho.

**Mr. Luna** said that despite considerable compromise, there were still some that opposed ISTARS. However, every dollar in ISTARS goes into teachers' pockets, none ends up on the negotiating table which cannot be said about the money currently allocated every year that goes to base pay for teachers.

**Superintendent Luna** stated the things ISTARS will do for education are as follows: ISTARS will improve pay for teachers and finally give them the opportunity to earn more based on performance; ISTARS will encourage more teachers to work in hard-to-fill positions such as science, math, special education and, even in some rural districts, music; ISTARS will give school districts the funding to compensate teachers who take on extra leadership responsibilities; and ISTARS will give local school boards, superintendents, and principals the tools and resources they need to effectively manage their schools.

**Superintendent Luna** spoke about the ISAT saying that ISAT scores are currently being used for a number of different purposes, why not use them in a positive way to reward schools and teachers based on positive results. He stated the Federal Government allocated \$45 million to states and school districts in 2006 that implemented incentive pay plans to reward teachers and administrators for student achievement. Idaho has not been eligible for this funding because Idaho does not offer teachers any rewards for improving student achievement. To be eligible for the money through this Federal Teacher Incentive Fund, a state or school district must develop a plan with three components: rewards for gains in student achievement, incentive for leadership responsibilities, and teacher evaluations. ISTARS has all three components.

**Mr. Luna** stated ISTARS is not a perfect plan, but we must take this first step if we are ever to make any progress.

**Senator Schroeder** asked **Mr. Luna** the difference between a bonus system and a merit system? **Mr. Luna** stated they are both in ISTARS. ISTARS provides an incentive for teachers to teach in hard-to-fill positions and an incentive for teachers to take on leadership responsibilities. It also provides a bonus for teachers who teach in schools that show academic growth or proficiency. He said one is an incentive to do something, and the other is a reward for accomplishment.

In answer to a financial question from **Senator Sagness** concerning the percentage of teachers who would not get any kind of bonus, **Superintendent Luna** stated that ISTARS is a true incentive and bonus plan. A true incentive and bonus plan is structured so not everyone qualifies for all the bonuses and not everyone qualifies for all the incentives. That is the current plan, where every teacher gets the same pay and the same increase regardless of their job performance. **Senator Sagness** stated that if a large number of teachers get only 1% it is sending a message to them they are not "up to snuff". **Mr. Luna** stated that last year every state employee got a 5% merit increase. 100% of teachers got only a 3%. Many teachers got less than that because money was lost on the negotiating table. So the signal sent last year to 100% of the teachers was they were not as valuable as state employees because

they got less of an increase than state employees and the reason they got less of an increase was because we do not have a system of merit pay for teachers. ISTARs puts a system in place so teachers can have access to the same amount of increase annually as state employees currently enjoy. Last year tens of millions of dollars came out of the public schools budget and went elsewhere because teachers did not have a pay for performance plan. With this plan, 100% of Idaho's teachers won't be left without that bonus, although some will. Twenty or thirty percent will not see an increase based on incentives.

In answer to a question from **Senator Pearce** regarding how many teachers were going to get an increase for just teaching another year, **Superintendent Luna** stated that about 40 to 45 percent of Idaho teachers will see a 3.75 percent increase for just teaching another year or for having received more college education. **Chairman Godde** stated he had current information that 23% of Idaho teachers were stuck in a block where they have a minimum salary and there is about 55% that have aged out. They don't get any more increases unless they move across with addition education.

**Senator Schroeder** asked **Mr. Luna** how the teachers lost the tens of millions of pay for performance dollars? **Superintendent Luna** said last year the governor's budget requested a 5 percent increase for state employees and teachers based on merit. When it came time to set the budget for the Department of Education, they did not have a system to distribute money based on merit or performance, so teachers got only 60% of that. He stated if they would of had a pay for performance plan in place, he is confident they would have received the same amount of increase that every other state agency received for their employees.

**Senator Schroeder** asked **Superintendent Luna** if he had sat down with the IEA between the time the first ISTAR bill was introduced and the current one and discussed with them the language in this bill. **Mr. Luna** said no, they had no meetings to do that. **Chairman Goedde** stated he had assumed that role and did spend a number of hours with Mr. Shackelford and the superintendent.

**S 1436  
PRO**

**Chairman Goedde** welcomed **Karen Echeverria** from the Idaho State Board of Education. He congratulated her on her promotion to Executive Director of the Idaho School Boards Association (ISBA). **Ms. Echeverria** stated the ISBA supports efforts to develop alternative compensation plans that provide local districts greater flexibility to reward school employees for outstanding performance. She said S 1436 met the requirements of a resolution passed in November of 2007 that clarified that position in the following ways: 1. It measures achievement, 2. It uses data that emphasizes performance of students, 3. It recognizes academic achievement accountability through a growth measure, 4. Although it does not address a student identifier system, Superintendent Luna has asked for funding for one in his budget, 5. It is optional for teachers, 6. It calls for collaboration of teachers, 7. Although evaluations are not addressed in the bill, they are attempting to be addressed in companion bill S 1437, and 8. It recognizes the role and authority of school boards and school board trustees. **Ms. Echeverria** stood for

questions.

**Senator Gannon** asked **Ms. Echeverria** if the Board had suggested any other forms of evaluation besides the ISAT, or in conjunction with the ISAT. **Ms. Echeverria** stated they had not. **Senator Bastian** asked if this was something teachers could opt into. **Ms. Echeverria** stated the scarcity and leadership pieces were the options of the teachers.

**S 1436  
CON**

**Chairman Goedde** introduced **Sherri Wood**, President of the Idaho Education Association to address her views and concerns about S 1436. **Ms. Wood** stated they have three major concerns with Superintendent Luna's pay plan. 1. All teachers deserve a pay raise of more than 1 percent, 2. Teachers object to using the ISAT to decide bonuses. When measuring student achievement, making compensation decisions on the basis of a single, standardized test is both unwise and unfair, and 3. Teachers object to capping the percentage of individuals who can receive bonuses. **Ms. Wood** referred to a handout she had given committee members which was featured in a recent issue of TIME magazine headlined, "How to Make Great Teachers". She encouraged committee members to read the entire article. **Ms. Wood** stood for questions.

**Senator Fulcher** asked **Ms. Wood** if she would clarify their position which she previously had stated as not being able to support any pay for performance plan that did not involve collective bargaining. **Ms. Wood** stated they believe when issues for alternative pay are taken to the bargaining table and discussed at the bargaining table, there is input from both sides which enable you to come to common ground. **Senator Fulcher** asked if that meant if it doesn't include collective bargaining, they would not support it? **Ms. Wood** stated she was not saying they would not support it, but taking it completely out of the bargaining process was their concern. **Senator Pearce** asked **Ms. Wood** what she would suggest using for the factor for determining bonuses since her members don't like ISAT? **Ms. Wood** stated what her members would like to see is multiple measures. This could include ISAT but other measures as well. **Senator Pearce** asked if the committee were to amend the bill to include other measures, would they support it? **Ms. Wood** said they would still be concerned about the caps and the 1% pay raise. **Chairman Goedde** stated the committee's challenge is incorporating anything other than ISAT without the longitudinal data system as they just don't have the capability of doing it at this point.

**Senator Bastian** stated his concern was about the excellent teacher who has students that do not test well. He asked how would they deal with teacher input, should teacher performance be part of a merit system or not? **Ms. Wood** stated those ideas and concerns would be laid out in future discussions.

**Senator Gannon** stated recognizing that the state doesn't have an unlimited budget asked **Ms. Wood's** if her position was, rather than being able to (granted it would be limited) at least recognize some of those positions, was her position one of none or all? You won't go half-way.

S 1436  
CON

We can only afford a half loaf. You don't want the half loaf you say no loaf at all, is that what you are saying? **Ms. Wood** said it made a very un-level playing field for educators when they are teaching next door to somebody who is getting extra for doing work that is the same as theirs except in a different subject area. **Senator Gannon** stated he had missed the target, that **Ms. Wood** was against it totally, not just the 10% cap, but against any recognition of hard-to-fill positions because it would single out those positions. He stated he thought she was objecting because of the 10% cap. **Ms. Wood** stated they were worried about the 10% cap. **Senator Gannon** asked why would she be worried about the 10% cap if she was totally against the program? **Ms. Wood** said in some school districts they have worked through the bargaining and negotiating processes and have paid educators more.

**Chairman Goedde** recognized **James Shackelford**, Executive Director of the Idaho Education Association for his comments on S 1436. **Mr. Shackelford** stated S 1436 was not in the best public policy interest of the state at this time and should be rejected. He recognized the work that had been done in this area and on these issues over the past few years and stated they are not in favor of stopping the discussion of alternative compensation by simply defeating S 1436.

**Mr. Shackelford** offered the following recommendations: First, he suggests that the \$33,175,000 Superintendent Luna has proposed in his educators' compensation plan be spent differently. He proposes it be spent to: 1. Provide a 3 percent increase in salary for teachers, administrators and classified employees, 2. Increase the minimum salary for teachers to \$32,000, and 3. Increase the discretionary funding by an additional 1%.

Secondly, **Mr. Shackelford** recommended that an interim study committee be appointed to create a consensus alternative pay plan that must include the components of student achievement, market scarcity, leadership, professional development and growth and others the committee identifies through its research, and to complete its work and submit a report to the Legislature by October 1<sup>st</sup> of this year. He stated that to demonstrate their serious commitment to that process, the IEA offers to fund up to \$15,000 of the costs incurred by this interim study committee. **Mr. Shackelford** stood for questions.

**Chairman Goedde** asked **Mr. Shackelford** if the offer on the interim committee had been discussed with the administrators or the school board association and had he had any positive feedback from them on that kind of an idea? **Mr. Shackelford** stated he had not.

**Senator Schroeder** stated there is some information that indicates that programs that pay teachers according to test scores have back fired in Florida and Houston and is again in the Times article. He asked if someone could review what happened in those instances and report back to the committee on Monday. **Chairman Goedde** stated the committee could work on that on Monday.

**MOTION:**

**Chairman Goedde** stated he would have to defer the superintendents' presentations until Monday. He stated there was one additional item on the agenda, and passed the gavel to **Vice Chairman Fulcher** so he could present for committee consideration the appointment of Milford Terrell to the State Board of Education. **Senator Goedde** stated the Governor was concerned that Mr. Terrell could not direct himself to his tasks at the State Board and since the committee has the assurance that all but one member will be present at the meeting on the 28<sup>th</sup> to answer questions, it made no sense to hold up Mr. Terrell's confirmation any longer. **Senator Goedde** moved that the committee bring up for consideration the gubernatorial appointment of Milford Terrell. **Senator Pearce** seconded the motion. **Senator Gannon** asked what the date of Mr. Terrell's latest appointment by the Governor was and the date his term expires? **Vice Chairman Fulcher** recognized **Ms. Echeverria** who stated if Mr. Terrell is not reappointed, his term will expire on March 1<sup>st</sup>. **Vice Chairman Fulcher** stated there was a motion and second on the floor. **Senator Jorgenson** requested a roll call vote.

Senator Sagness - Aye  
Senator Bastian - Aye  
Senator Jorgenson - Aye  
Senator Pearce - Aye  
Senator Gannon - Nay  
Senator Schroeder - Nay  
Vice Chairman Fulcher - Aye  
Chairman Goedde - Aye

The motion **carried** to consider the gubernatorial appointment of Milford Terrell.

**ADJOURN:**

**Senator Goedde** moved that the committee send to the floor the approval of Milford Terrell to the State Board of Education. **Senator Jorgenson** seconded. Following additional comments, **Vice Chairman Fulcher** asked for a voice vote. The motion **carried** by voice vote.

**Vice Chairman Fulcher** returned the gavel to **Chairman Goedde** who adjourned the meeting at 4:35 p.m.

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Senator John Goedde  
Chairman

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Carol Vaughn  
Secretary

## MINUTES

### SENATE EDUCATION COMMITTEE

**DATE:** February 25, 2008

**TIME:** 3:00 p.m.

**PLACE:** Room 204

**MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Fulcher, Senators Schroeder, Pearce, Jorgenson, Bastian, Burkett, and Sagness

**MEMBERS ABSENT/ EXCUSED:** Senator Gannon

**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.

**MINUTES:** **Chairman Goedde** called the meeting to order at 3:05 p.m. and asked the secretary to take a silent roll call. He explained that today's meeting is allocated to public testimony on several issues, but prior to that there are several minutes to be approved. Chairman Goedde stated that due to Senator Gannon's absence, the February 19<sup>th</sup> minutes will be held.

**MOTION:** **Senator Schroeder** moved, **Senator Fulcher** seconded, to approve the minutes of the February 12 Committee meeting. The motion carried by voice vote.

**Senator Bastian** moved, **Senator Fulcher** seconded, to approve the minutes of the February 14 Committee meeting. The motion carried by voice vote.

**RS 17990:** Relating to the Transfer of School Property

**Senator Burkett** explained **RS 17990** deals with the transfer of excess property. He stated this has been requested for Charter Schools and that bill passed the floor just a few days ago. He stated Idaho Housing & Finance Association would like to be added to the entities that can participate in this transfer of excess property. He asked that **RS 17990** be sent to Judiciary & Rules for printing and then returned to this committee.

In response to questions from the committee, **Senator Burkett** explained that this is a timing thing, that it could be added to the other RS, but it would involve an amendment, and it would slow things down. The two RSs deal with two different entities and there is some logic in keeping them separate. **Senator Burkett** explained that this is an efficient way of

dealing with excess property.

**Senator Pearce** asked for more information about the purpose of the transfers and/or purchases. **Senator Burkett** introduced **Mr. Steve Rector** with the Idaho Housing & Financing Association. **Mr. Rector** stated his association would like the opportunity to use any excess buildings as a work force building. He apologized for the lateness of the request. He stated they had contacted the school boards and they are not opposed to this. In answer to a committee question, **Mr. Rector** explained monies for these projects come from low-income housing tax credits, an IRS resource that comes into the state every year, as well as regular financing. The buildings are not donated, but purchased for fair market value, either in partnership or with a housing developer. **Senator Pearce** asked if there are any other entities we should be including in this? **Senator Burkett** responded that there could be others, but he is not familiar with any at this time. He feels this is a good idea because we want our government agencies to operate like businesses and this does just that.

**Chairman Goedde** asked if a school district and Idaho Housing could partner and provide some kind of work force housing for staff. **Mr. Rector** replied the possibility is there. They could also partner with city and private developers.

**MOTION:**

**Senator Bastian** moved to send **RS17990** to Judiciary and Rules for printing. **Senator Sagness** seconded and it carried by voice vote.

**S1436**

**TESTIMONY:**

**Chairman Goedde** welcomed **Mr. Rob Winslow**, Executive Director of the Idaho Association of School Administrators. **Mr. Winslow** stated that School Superintendents are committed to retaining and recruiting the best teachers in Idaho. The Idaho School Superintendents Association believes **S1310** at \$46 million is a good start in attaining this objective. With only \$20.5 million allocated, the ISSA board has decided to be neutral on **S1436**. (See attachment #1)

**Chairman Goedde** welcomed **Mr. Alex Church**, who is a 2<sup>nd</sup> grade teacher from Lewiston, Idaho. **Mr. Church** explained his concerns regarding **S1436**. He explained his opposition in the areas of Student Leadership, Local Control and in Leadership. (See attachment #2) In response to questions from committee, **Mr. Church** responded that in his area the 3% received last year did not go to all teachers. Once the district received it, it was put in other areas, such as insurance. It did not end up on the salary schedule. He also stated that he would like to see more input from teachers into this program. **Mr. Church** stated he doesn't know what Washington does in recruiting for those hard to fill positions, but Las Vegas offers some kind of signing bonus, but he hadn't really researched that. **Chairman Goedde** stated he thought New

York offered \$15,000.00 in some kind of housing subsidy for hard to fill positions.

**Chairman Goedde** welcomed **Ms. Becky Young**, Legislative Representative of the Boise Parent Community Advisory Council (PCAC). **Ms. Young** said they were honored to participate in an open discussion with the Department of Education regarding ISTARS.

They applauded the efforts made by the Department to attract the highest quality teachers. **Ms. Young** addressed the issue of ISAT stating the response of the parents she had spoken to was “they are not the experts in measuring teacher performance.” Leadership of their group met last week and feel it is the department’s job to measure teacher performance. She stated leadership would be taking that issue back to their groups for discussion during their monthly meetings. **Ms. Young** stated the Boise PCAC is interested in the retention and hiring of high quality teachers in this State. **Senator Bastian** asked if this bill is adequate in providing for teachers. **Ms. Young** replied she is not sure any bill would be adequate, but this is a great step in the right direction.

**Senator Schroeder** asked **Ms. Young** if the future of her child should be based on one test? **Ms. Young** replied as a parent, she believes one test is a good measurement for performance, but would like to see more well rounded measures. **Ms. Young** stated she is not an expert in this field. **Senator Pearce** asked “don’t you think that, yes, this bill is good, but we will bring it back another year and tweak it - to make it better? **Ms. Young** replied, absolutely. The best way to progress is to get something started, and then find out where improvements can be made. Changes don’t happen unless we move forward.

**Chairman Goedde** welcomed **Victoria Casetta**, an Emmett High School teacher. **Ms. Casetta** stated her concerns for **S1436**. She feels teachers already work beyond their contract hours and all teachers should be rewarded with a 3% increase on the foundation. (See *attachment #3*)

**Chairman Goedde** welcomed **Mr. Ryan Kerby**, Superintendent of the New Plymouth School District. **Mr. Kerby** stated he felt the questions before everyone are as follows: 1. How can we optimize education in each school in Idaho? 2. Whose job and duty is it? 3. How do we get each teacher to work as a team to implement new programs properly and enthusiastically?, and 4. How do we get teachers to use their creative juices to make sure every student is learning to their maximum ability? **Mr. Kerby** stated the answers to those questions are a lot of different people in different ways. **Mr. Kerby** stated he would like to see all teachers get a large raise, plus this merit pay. He said not all teachers should get the same amount of money because not all teachers are making the same contributions to the successes of their schools. **Mr. Kerby** said there are teacher/leaders within the school that should be empowered which would influence other teachers in their schools to improve.

**Senator Schroeder** asked **Mr. Kerby** if his agreeing to the use of the ISAT test as a measure, and then referring to AYP jail was a disconnect? **Mr. Kerby** replied they were two separate issues. The real issue is student learning and how much can we get the kids in Idaho to learn. He

stated the ISAT does not offer everything he would like to see. In his school district, they gave teachers a bonus for expected growth. The NWBA test, had an option for that category and he hopes to see something like this in the future.

**Senator Pearce** stated **Mr. Kerby** had the highest performing school in the area and thought it was interesting he would still support the pay for performance because he felt it would lift his school to even higher levels. He asked **Mr. Kerby** to talk about that. **Mr. Kerby** said they had used a number of different approaches to merit pay in their district for a number of years. He compared the merit pay they have used in their schools to performance pay as outlined in ISTARS.

**Senator Bastian** asked about the fairness to all the teachers. What happens to those teachers who are not performing up to par? **Mr. Kerby** asked why were they now giving them all the same amount of money? He said with ISTARS the leaders would be pulling the under performing teachers to do better. **Senator Sagness** asked regarding the local control within this plan. This plan gives less local control. **Mr. Kerby** replied the main goal they are working for with merit pay is to get the standards taught. This would be the first place they would put merit pay. This plan allows for that and it provides a substantial amount of money every year, instead of the hit and miss they have had up until now.

**Chairman Goedde** welcomed **Jackie Lofthouse**. **Ms. Lofthouse** is a sixth grade teacher from Blackfoot. She expressed her concerns about S1436, and stated the three areas of Superintendent Luna's plan with which she disagrees. They are as follows: first, the 1 percent increase versus the 3 percent increase in cost of living is not enough, second, the reliance on standardized testing to measure student achievement (she explained the problems she has had with comparing ISAT scores and the validity of those scores), and last she feels the hard to fill positions will encourage competition among teachers. She asked the committee to look at the alternatives the Idaho Education Association has presented. (See Attachment #4) **Chairman Goedde** asked if **Ms. Lofthouse** believed all teachers in one building currently work cooperatively. **Mr. Lofthouse** replied yes.

**Chairman Goedde** welcomed **Ms. Carol Scholz**, NBPTS Idaho Teacher of the Year for 2008. **Ms. Scholz** stated she believes the ISTARS program will be a benefit. **Ms. Scholz** uses the ISAT data not only as an assessment in the standards, but also to address individual and class academic needs. She explained that ISTARS leads to excellence in achievement and rewards the valiant efforts of teachers serving the neediest of children. **Ms. Scholz** stated ISTARS will provide a venue for districts to maintain local control of funding to provide flexibility. She also explained the need for rewarding those teachers in leadership roles. She stated, as with all great initiatives, ISTARS will not remain rigid and static. It is the spark which will ignite the movement toward excellence. She asked that ISTARS be adopted and to move forward with the intent of working together toward continual refinement. (See Attachment #5)

**Senator Jorgenson** asked if ISTARs will cause teachers to teach to a test? **Ms. Scholz** replied that she doesn't see a problem with teaching to a test, as long as the test has essential information and skills that are needed. She doesn't advocate spending everyday, all day, teaching to an individual test, but we need to be accountable. **Ms. Scholz** stated that she takes leadership roles very seriously and it should be the mission to pass talent within the schools onto others.

**Senator Pearce** asked if she feels threatened living under a category 4 contract? **Ms. Scholz** replied that she didn't even look into that when she was hired. She works under a set of standards that is not written down. She feels she is accountable to her students and to God. She stated she doesn't worry about tenure or having to go through due process. She just does the best she can for her students. **Chairman Goedde** stated **Ms. Scholz** is being modest as she is the 2008 Teacher of the Year.

**Chairman Goedde** welcomed **Ms. Melissa Langan**, a third grade teacher in the Caldwell School District. **Ms. Langan** stated her concerns regarding S1436. She explained that teachers are already committed to making student success happen and that bonus monies will not help. She explained hard work, commitment and progress should be rewarded to every successful school showing growth. Also, a 1% increase on the base is not enough in comparison to the cost of living increase of 3.17%. (See attachment #6) **Chairman Goedde** explained there isn't anything in the ISTARs bill that addresses 1%. That would be something that runs through JFAC, because it is strictly a finance bill.

**Chairman Goedde** welcomed **Ms. Carrie Scozzaro**, from the Lakeland School District. She is a teacher at Timberlake High School. **Ms. Scozzaro** explained that the ISTARs program presumes that teachers are not already doing more than their fair share for Idaho's children. The ISTARs program does nothing to address the working conditions currently within schools. She explained the monetary amounts are not enough to bother with, especially since teachers often already hold second and third jobs. (See Attachment #7)

**Chairman Goedde** welcomed **Superintendent Tom Luna**. He was asked to bring to the committee information regarding two other programs discussed earlier. **Superintendent Luna** gave an overview of a Time Magazine article that discussed both the Florida Stars program and the Houston program. He explained the Florida Stars program never became law and was never implemented. The Florida Education Association opposed the STARS pay for performance plan, characterizing it as an unfair way to judge and pay teachers and the perceived exclusion of collective bargaining in creating the plan. Therefore, the STARS program never became law.

What did become law was the MAP or Merit Advancement Program. Under this program, Florida set aside \$130 million to be appropriated for merit pay with sixty percent being based on student achievement and forty percent based on other measures. The details were to be determined on the local level. However, Florida now finds that only eight

out of the thousands of schools in Florida have been able to implement the program. The balance of the schools have not been able to come to an agreement through collective bargaining so much of the \$130 million is not being used. In that case they opposed a state program because it did not include collective bargaining so collective bargaining was put into the program yet only eight of the schools have been able to take advantage of it as they could not come to agreement through collective bargaining.

**Superintendent Luna** then explained the Houston program. They contacted Mr. Terry Abbot of the Houston Independent School District. Mr. Abbott characterized their program as a success. Their program has 3 strands to earn bonuses as follows: 1) School level performance bonus given to all teachers in the school based on gains in reading and math, a teacher can receive \$1,000 bonus; 2) Individual teacher performance based on Texas's version of the ISAT, teachers can receive \$1,000 bonus, and 3) teacher performance based on Stanford test.

Houston has had problems with their computer system. One year teachers who should have received bonuses didn't, which was corrected and in 2007, the district overpaid bonuses to several teachers and had to ask for the money to be returned. Those computer issues were the only thing Houston could identify as even coming close to the program being a failure. **Superintendent Luna** said he agreed with Mr. Abbot, their program was an overwhelming success.

**Superintendent Luna** stated that in the packet handout each committee member received was various pay for performance plans. He explained all of those plans are true incentive/bonus systems in that not all teachers receive a bonus every year. In Denver, teachers receive half a percent increase on the base each year and only 50% of teachers receive bonuses. The ISTARS plan is consistent with the plans in Houston and Florida.

In response to questions from the committee **Superintendent Luna** stated he is not dissuaded from doing the right thing regardless of the obstacles that might be in his path. He stated the program they are asking for today allows for the monies to go directly to the teachers and not be placed anywhere else. He said he felt that the ISTARS program is defensible. The bill before the committee is a result of many years of work and many committee meetings. There has been a lot of time spent already and we need to go ahead with this program. This is a well thought out program and will start a process, an important first step.

**Superintendent Luna** explained he believes it is critical that germane committees hear this bill, that they receive input and testimony and go

through the process of going to the Senate and the House, JFAC and then getting the governor's signature.

**Chairman Goedde** welcomed **Mr. Jason Hancock**, Deputy Chief of Staff with the State Department of Education to the committee. In response to questions from the committee, **Mr. Hancock** explained only JFAC can

approve the monies, that a statutorily defined program has a formula that is calculated out and by law, must be funded. **Mr. Hancock** explained the bonus pay amounts are given in lump sum payments and it is written into the law they must be paid by December 31<sup>st</sup> of their fiscal year. The market scarcity/leadership bonuses will be given in the year they occur. There may be some lag time, but they will be given out no later than December 31<sup>st</sup> and expect them to be distributed even sooner.

**Chairman Goedde** welcomed **Mr. Jim Shackelford**, Executive Director of the Idaho Education Association. **Mr. Shackelford** explained he wants the Committee to understand that the association is not opposed to creating a pay for performance plan. The Idaho Education Association has made a commitment to work towards a better plan. They offer their assistance stating teachers thoughts and ideas are authentically involved to work seriously towards a better plan. **Chairman Goedde** asked if the IEA would change their position on collective bargaining. **Mr. Shackelford** replied if they are given the chance to talk through the issues, how these decisions are made, how are teachers involved, how is student achievement measured, what kind of leadership qualities should be looking for - these are all extremely complex, but solutions can be created.

**Senator Bastian** asked what is the most important issue? **Mr. Shackelford** responded they are all important, but using one test as a measurement of teacher performance and the 1% increase would be the most important issues.

**Chairman Goedde** explained to the committee that work is still being done on compromise language for **S1437**, and it will be rescheduled for another day.

**ADJOURNMENT:** **Chairman Goedde** adjourned the meeting at 5:10 p.m.

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Senator John Goedde  
Chairman

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Carol Vaughn  
Secretary

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Teresa Martin  
Assistant Secretary

## MINUTES

### SENATE EDUCATION COMMITTEE

- DATE:** February 26, 2008
- TIME:** 3:00 p.m.
- PLACE:** Room 204
- MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Fulcher, Senators Schroeder, Gannon, Pearce, Jorgenson, Bastian, Burkett, and Sagness
- MEMBERS ABSENT/  
EXCUSED:** None
- GUESTS:** *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 Legislative Services Library.*
- MINUTES:** **Chairman Goedde** called the meeting to order at 3:05 p.m. and requested the secretary take a silent roll call. He welcomed committee members and guests.
- MOTION:** **Senator Gannon** moved, seconded by **Senator Fulcher**, to approve the minutes of the February 19 Committee meeting.
- VOTE:** The motion passed by unanimous **voice vote**.
- PRESENTATION:** **Dr. Donna Vakili**, Director, Idaho Digital Learning Academy (IDLA), presented a power point illustrating the progress and updates of IDLA. **Dr. Vakili** stated the State Virtual School was envisioned in 2001 by the Superintendents Association and established by the Idaho Legislature in 2002. She said IDLA is one of the first of thirty state-led virtual schools and is recognized nationally as a quality program.
- Dr. Vakili** said the purpose of IDLA from its formation was school choice, adding accessibility, options for students in the state and opportunities for college credit. **Dr. Vakili** stated students enroll in IDLA to solve scheduling conflicts, to make up for lost credits, to gain credits in courses that are not offered in their school, to work toward early graduation, and to access the advanced placement classes.
- She said that enrollment estimates are substantially higher for this year compared to the prior year. That over 87 percent of the school districts in Idaho participate in IDLA, which is an increase from 74 percent for the previous year. She stated the faculty is highly qualified and dedicated to the students. IDLA offers more than 100 courses for students across the state, with new course offerings, including additional dual credit courses, being considered for 2008-2009.
- Dr. Vakili** spoke about the goals and challenges for the next year. She said that independent evaluations by the students revealed that 87

percent of them enjoyed a positive experience with their on-line teacher, stating the teachers are supportive and helpful.

**Dr. Vakili** stood for questions and further discussion with Committee members.

**Senator Bastian** asked **Dr. Vakili** what the higher institutions offered for the \$65.00 per credit? **Dr. Vakili** replied: they provide additional professional development of their teachers, they transcribe the credits, they take the registration of the students, and they make sure they meet the standards of the university. **Senator Bastian** asked how many of the institutions have a person who comes to the campus and works with the teachers? **Dr. Vakili** stated it depended on the department, it is not consistent.

Stating he was surprised that the growth pattern was slower than he expected, **Senator Pearce** asked **Dr. Vakili** what she felt was the biggest hold up to expanding and extending the program to more people? **Dr. Vakili** stated their biggest hold up was not knowing what their funding would be. However, last year the Idaho Legislature put through permanent funding which had significantly changed their program allowing her to train teachers and provide more choices and opportunities which will increase their growth. **Senator Pearce** stated he thought more students would be trying to get into the program. **Dr. Vakili** said many people are not aware of their existence.

**Senator Bastian** asked what patterns did she see in students taking the courses? **Dr. Vakili** said what they have seen is students take one or two classes. Taking classes through IDLA enhances their local school opportunities by allowing them to beef up their schedule so they can take advanced placement studies. Their goal of their full-time students is that they transition back to their local schools.

**Chairman Goedde** thanked her for her presentation.

**SB 1436:** **Relating to Pay for Performance.** **Chairman Goedde** drew attention to a letter from the Northwest Professional Educators and a news release from the Governor's office, both included in today's packets for the meeting. Committee members also received a newspaper article written in June 1983 quoting Republican House Speaker Tom Stivers talking about elimination of tenure and adoption of merit pay, which shows the issue has been with the Legislature for a long time.

**MOTION:** **Senator Pearce** moved, **Senator Jorgenson** seconded, to send **SB 1436** to the Senate floor with a do pass recommendation.

**SUBSTITUTE MOTION:** **Senator Schroeder** made a substitute motion, **Senator Sagness** seconded, to hold **SB 1436** in Committee. **Chairman Goedde** called for discussion.

**Senator Bastian** spoke in favor of holding **SB 1436** in Committee, which would allow time to look at teacher performance, ISAT scoring methods,

and make improvements on the legislation. **Chairman Goedde** said that ISAT is presently the only measure that can be used until a longitudinal data system is in place. He asked **Senator Bastian** if he is suggesting that teachers not be paid student achievement bonuses until we have that? **Senator Bastian** recommended waiting one more year because revenues are falling short of the estimates. He further stated that other programs should not be sacrificed to pay for ISTARs. **Senator Sagness** opposes **SB 1436** because it seems unfair in the way the system is currently structured. He said it's important to have the teachers involved. **Senator Jorgenson** read from the 1983 article regarding merit pay and said that **SB 1436** needs debate and should go to the Senate floor. A copy of the article is attached (Attachment 1) and made a part of these minutes.

**Chairman Goedde** pointed out he had spent 18 months on the State Board of Education Committee looking at pay for performance. Those meetings included teachers, principals, and members and staff of the Department of Education and the State Board of Education. Their recommendation was to start a pilot program that would encompass a number of the points that are in ISTARs. He said they couldn't get it funded for the lack of \$400,000. Had they been able to fund it, it would have given them \$15 million in Federal funding. He stated the current system, even putting two or three percent on the base, does not give one dime to the 22 percent of the teachers who are caught in the minimum salary. Unless we increase the minimum salary, those teachers will get nothing. He stated although ISTARs does not address a raise for every teacher, the current system doesn't either. He summarized the cost of increasing the salary base and the matrix for compensating teachers using different percentages. He said he would love to see multiple measures, but that cannot be done at this time. **Chairman Goedde** said he agreed this program was not perfect, but believes it's a starting point. The salary issue is complex and cannot be redesigned in one step. **Chairman Goedde** supports sending **SB 1436** to the Senate floor.

**Senator Gannon** asked if there was a particular reason the IEA was not included as a member of the committee? **Chairman Goedde** stated he was invited to sit on the committee, it was the decision of the State Board how it was made up.

**Senator Pearce** spoke in favor of **SB 1436** stating that incentive programs have improved teaching. **Senator Burkett** said he agrees that the process has not been a good one. There has not been enough input or deliberation, and he prefers to back up and let the process take place. **Senator Schroeder** spoke about the need for further study on this process and is opposed to sending the **SB 1436** to the Senate floor.

**Chairman Goedde** called for a vote on the substitute motion. **Senator Sagness** asked for clarification. **Chairman Goedde** stated the substitute motion was to hold **SB 1436** in Committee. **Senator Schroeder** mentioned it could be forwarded to the Amending Order. **Chairman Goedde** asked if he is withdrawing the substitute motion. He said no.

**VOTE:** **Chairman Goedde** called for a roll call vote on the substitute motion to hold **SB 1436** in Committee.

Senator Sagness - Aye  
Senator Burkett - Aye  
Senator Bastian - Aye  
Senator Jorgenson - Nay  
Senator Pearce - Nay  
Seantor Gannon - Nay  
Senator Schroeder - Aye  
Vice Chairman Fulcher - Nay  
Chairman Goedde - Nay

The substitute motion to hold SB 1436 in Committee failed.

During the voting process, **Senator Gannon** explained his vote. He stated there will be no winners in this process. That he had received e-mails which have incorrectly characterized what this bill will or will not do from both sides. He said he originally thought that without the Governor's support it could not get going and then today the Governor stated he supported the bill. **Senator Gannon** gave credit to the State Department of Education for their work on trying to make this better. He questioned whether or not it would work and, if they sent it to the floor, would it even get off the floor? He said he had been told it can not work financially. However, he intended to vote no on the motion to keep **SB 1436** in Committee.

**VOTE:** **Chairman Goedde** then called for a roll call vote on the original motion to send **SB 1436** to the floor with a do pass recommendation.

Senator Sagness - Nay  
Senator Burkett - Nay  
Senator Bastian - Nay  
Senator Jorgenson - Aye  
Senator Pearce - Aye  
Seantor Gannon - Aye  
Senator Schroeder - Nay  
Vice Chairman Fulcher - Aye  
Chairman Goedde - Aye

The motion to send **SB 1436** to the floor with a do pass recommendation carried.

**Chairman Goedde** stated **State Superintendent Tom Luna** asked to be listed as a sponsor of the bill and he would gladly include anyone else who wanted to be a co-sponsor.

**PRESENTATION:** **Chairman Goedde** introduced **Ms. Sue Woodyard** reporting on the Blaine County Building Academy. **Ms. Woodyard** stated that two years ago they were before the committee presenting a program that was funded by a Department of Labor grant. She said they were back today to report their progress, outcome, challenges, and successes. She introduced the coordinator of the grant **Ms. Cyndie Woods**, who would be conducting their presentation.

**Ms. Woods** introduced fellow presenters **Mr. Kim Nilsen**, general contractor from the Wood River and Bear Lake River area and **Brad Wills** from Wills Incorporated in the Magic Valley area. **Ms. Woods** explained her “Super Highway” handout (Attachment 2) saying there were several ways along that highway students can use to gain the training necessary to achieve the goal of being able to build a house.

**Ms. Woods** stated their partners are Blaine County School District, the College of Southern Idaho, the Building Contractors Association of the Wood River Valley and the Magic Valley Builders Association. Together those organizations form the Idaho Residential Construction Education or IRCE.

**Ms. Woods** introduced **Mr. Brad Wills** who spoke to the challenges of the industry. **Mr. Wills** stated he was not an educator, he was a general contractor and third generation builder. He stated when he graduated high school it was common for kids to go into construction. However, this is not now an industry they choose to go into. **Mr. Wills** explained what they had done in this program was industry driven. It was something the home builders of the country envisioned the future need for and Idaho has that need now. Although the market has changed from two years ago when they couldn’t build homes fast enough (they couldn’t get enough people to do it), for Idaho the commercial building has picked that up and once the commercial and the residential collide they are going to be back in trouble of not having enough employees.

**Mr. Wills** stated the residential construction industry has an aging population. He said the skill of the older carpenters is not found in the younger people due in part to lack of education. **Mr. Wills** stated the residential construction untrained population is basically a figure-it-out-on-the-job construction and that is not the way he wants the kids to learn. He turned the program back to **Ms. Woods**.

**Ms. Woods** set forth the IRCE commitments as follows: 1) they have developed an associates degree or equivalent credential that incorporates the skills needed in residential construction, 2) they promote the use of Residential Construction Academies (RCA) curriculum to the fullest extent possible, 3) they have formed three, with two more coming, National Association of Home Builders Student Chapters, 4) they were to provide at least \$119,808 matching “In-Kind” by the partners, however, **Ms. Woods** stated when they got to \$513,000, they had more than reached their goal and she stopped recording, and 5) they participate in continuous evaluation of the project.

They are also committed to student recruitment, curriculum development, articulation between secondary and post secondary residential construction programs, development of a sustainable resource for the IRCE Coordinator’s position and disseminating the products and lesson plans of the project to high schools, community colleges, and public and private vocational training centers for state and national replication. **Ms. Woods** introduced **Mr. Kim Nilsen**.

**Mr. Nilsen** explained the purpose of the advisory board, discussed the secondary education residential construction academies, and the post secondary residential construction technology program. He introduced **Mr. Brad Wills** for his portion of the presentation.

**Mr. Wills** said that part of this is career awareness. They have received a lot of good advertising with HGTV (Home and Garden) and Extreme Home Make Over, which they hope will help them as an industry. **Mr. Wills** stated that so far through IRCE in the State of Idaho and its partners they have perfected about 3600 middle school kids and about 5000 high schools. He stated there is approximately 150 careers involved in the construction of a house. He stated this is a good profession and would help the State of Idaho. He turned the program back to **Ms. Woods**.

**Ms Woods** explained the map of Idaho included in her handout (Page 2 of Attachment 2) which shows the schools she has contacted. She turned the program over to **Ms. Woodyard** for closing remarks.

**Chairman Goedde** thanked the presenters. He told **Ms. Baysinger**, sponsor of **H 397** and **H 423**, that due to the lateness of the hour, the committee would not be able to hear her bills and would invite her back to the committee for her presentation on them soon.

**ADJOURNMENT:**

**Chairman Goedde** adjourned the meeting at 4:50 p.m.

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John Goedde  
Chairman

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Carol Vaughn  
Secretary

## MINUTES

### SENATE EDUCATION COMMITTEE

**DATE:** February 27, 2008  
**TIME:** 3:00 p.m.  
**PLACE:** Room 204  
**MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Fulcher, Senators Schroeder, Pearce, Jorgenson, Bastian, Burkett, and Sagness  
**MEMBERS ABSENT/  
EXCUSED:** Senator Gannon

*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 Legislative Services Library.*

**MINUTES:** **Chairman Goedde** called the meeting to order at 3:10 p.m. and requested the secretary take a silent roll call. He welcomed committee members and guests.

**Chairman Goedde** called attention of the Committee to several items in their folders. First, an opinion from Deputy Attorney General Chris Kronberg dated February 26<sup>th</sup> to **Senator Burkett** regarding Request for Guidance on Pre-K Funding. The second document is a letter co-signed by **Representative Nonini** and **Chairman Goedde** requesting **Mr. Jeff Youtz**, Director of Legislative Services, to give the committee an inventory of what's going on across the State. Third is Volume 3, Issue 3 of Idahoans for Choice in Education, Legislative Brief, and finally an e-mail to **Senator Goedde** from **Allison McClintick** dealing with the Idaho Mentoring Academy.

**Chairman Goedde** recognized House Education Committee Chairman, **Representative Robert Nonini**, and welcomed **Mr. Kronburg** to the Committee.

**PRESENTATION:** **Mr. Chris Kronburg**, Deputy Attorney General, stated it was his understanding he was asked to be at the Committee meeting to discuss a letter he had written to **Representative Nonini** dated January 16, 2008. He stated he would be happy to discuss that letter or the letter he wrote to **Senator Burkett**. **Chairman Goedde** stated that is what he would like Mr. Kronburg to do.

**Mr. Kronburg** said that **Representative Nonini** asked him to take a look at the use of Title I funds by the Boise School District and whether or not that was legal under State Law. **Mr. Kronburg** wrote back saying that because the State had applied for and received Title I monies which are basically monies out of the Elementary and Secondary Education Act as amended by the No Child Left Behind Act of 2001. He stated they had to submit a plan to get that money then the local school district had to submit

a plan to the State to use those monies. He said they have to play by the Federal rules which requires them and the local school districts to use those monies for Pre-K programs.

**Mr. Kronburg** stated there were two things he did not know. 1. How many school districts across the state have a Pre-K program and, 2. What a Pre-K program is supposed to be. He said **Senator Burkett** had asked him to look at the issue a little more globally. In other words Federal funds, Local funds, and State funds. **Mr. Kronburg** stated it was the same answer on the Federal funding issue. If we take Federal funds whether it's from Title I, No Child Left Behind or Head Start, we have to play by the rules the Feds have. If we take their money, we have to use it for Pre-K programs if that is what the money is supposed to be used for. He said the Local funding issue is more entertaining from a lawyer's prospective because there are a variety of statutes that talk about school age and funding.

**Mr. Kronburg** stated "Idaho Code 33-512 (2)" talks about the powers and duties of the board of trustees of the school district in terms of establishing and providing the financing for a total educational program. He stated it was unclear to him what a total educational program was, but there was an indication in the statute sub-section that it could be for adults who are obviously outside the school age and, it could also be for kindergarten. He stated it appeared to him that the Legislature has told the local school districts they could provide a total educational program and it is up to the school district to determine what that means.

**Mr. Kronburg** said it appeared the Legislature had given discretion to the local school district to have a Pre-K program under that statutory provision as long as the school district used local funding such as grants, donations, user fees, or levies.

He stated "Idaho Code 33-201" provides that public schools shall extend services to acceptable persons of school age, which is defined as "between the ages of five (5) and twenty-one (21) years." According to "Idaho Code 33-512 (2)", the school district may provide services to children younger than school age if local funds are used.

**Chairman Goedde** said it appears that Boise School District is using Title I funds to provide Pre-K for at-risk children who are eligible for Title I money. They have adopted the philosophy that those children should also be with other children in their age group that would not qualify for Title I funds. If they are also using funds from a local option, grants or donations, how do they separate the state dollars they are getting to educate the at-risk students from the local funds used to educate the students who are ineligible for Title I? **Mr. Kronburg** said he did not know what methods the districts use to track these specific funds.

**Senator Schroeder** observed that the legislation allowing local districts to have a Pre-K program if they provide the funding would just be a clarification of what they are able to do now. **Mr. Kronburg** replied that legislation could better clarify the issue. However, if there is legislation to

change the school age to four, it would also have to provide the additional funding.

**Chairman Goedde** thanked **Mr. Kronburg** for the information. A copy of the brief referred to in this presentation will be attached and made a part of these minutes.

**S 1409:**

**Relating to the public school educational support program;** Providing for legislative intent, amending certain sections of Idaho Code to provide for alternative school elementary and secondary support units and certain calculations for support units; to provide for alternative elementary and secondary summer school programs and to provide for certain calculations for the support units; to provide for certain reports detailing alternative elementary and secondary school programs by the Department of Education; and by each school district receiving moneys pursuant to the alternative school elementary and secondary support units factor. **Senator Sagness** presented the rationale for **S 1409**. The bill addresses the needs of Idaho school districts to provide alternative education programs for at-risk students in grades K-6. Currently Idaho funds alternative programs which are conducive to learning for at-risk students only in grades 7-12.

**TESTIMONIES:**

**Ms. Mary Vagner**, Superintendent of Pocatello School District, stated that because a growing number of children are prone to verbal outbursts with little impulse control, the Pocatello School District is in favor of **S 1409**, which addresses the needs of secondary and elementary students.

**Ms. Janie Gebhardt**, Vice Chairman of the Board of Trustees, Pocatello School District, spoke in favor of **S 1409**.

**Mr. Jim Everett**, CEO of YMCA, said the YMCA supports **S 1409**.

**Ms. Karen Echeverria**, Executive Director of the Idaho School Boards Association (ISBA), said that in November 2007 the ISBA passed a Resolution supporting alternative education for students in grades K-6 as set out in **S 1409**. It addresses the needs of all children, not just those in secondary education. Early intervention is the key. The cost of expanding alternative education would be offset by a decreased number of children needing services at the secondary level.

**Mr. Rob Winslow**, Executive Director, Idaho Association of School Administrators (IASA), said that agency supports **S 1409**. He said that districts are not mandated to participate but would have a choice.

**Ms. Rose Larson**, an Educator from Snake River School District, spoke in favor of **S 1409**, pointing out the need for expanded services for elementary students through the school and through Health & Welfare.

**Mr. Jim Shackelford**, Executive Director, Idaho Education Association (IEA), said the IEA favors **S 1409**. This legislation would provide more learning opportunities to reach students with unique and varied backgrounds as well as those elementary students who are already struggling with social skills. Teachers report today that very young students face challenging social and learning barriers that can best be

addressed by very special learning environments.

**Senator Sagness** discussed several advantages to expanding alternative education to include elementary students and is in favor of **S 1409**. He stated that the cost of this program should be considered an investment in future savings and lost learning time.

**Vice Chairman Fulcher** asked for a description of an at-risk student. **Senator Sagness** replied that they are usually from low-income families with feelings of low self-esteem and little hope. Eligibility is determined at the school. **Ms. Echeverria** described the State Board's process for referrals and eligibility criteria.

The Committee continued by discussing costs associated with expanding alternative education to include elementary students. **Mr. Jason Hancock**, Advisor for the State Department of Education, provided input related to statistics and cost projections.

**MOTION:** **Senator Schroeder** moved, **Senator Burkett** seconded, to send **S 1409** to the Senate floor with a do pass recommendation. The motion passed by unanimous voice vote. **Senator Sagness** will carry the bill on the floor.

**S 1404:** **Relating to education**; amending "Idaho Code Section 33-201" to revise a definition when age four years is deemed attained, to provide that a child who has completed a private-in-state kindergarten for the required number of hours but has not reached the school age requirement shall be allowed to enter the first grade, to provide for clarifying language and to make technical corrections; amending "Idaho Code Section 33-512" to provide for the operation and maintenance of a pre-kindergarten program upon the majority vote of school district electors and to make a technical correction; and to amend Chapter 8, Title 33, Idaho Code, by the addition of a new "Idaho Code Section 33-806" to provide for a pre-kindergarten levy. **Senator Schroeder** provided the rationale for **S 1404** stating that this legislation will allow children four years or older to attend pre-kindergarten in public schools and will allow Idaho public schools to offer pre-kindergarten programs if a majority of voters pass an election to approve such a program with a levy to pay for the program. He requested that the Committee postpone a vote on **S 1404** until **Senator Gannon** is present. **Chairman Goedde** said he will honor the request to hold the vote on **S 1404** until **Senator Gannon** is present and proceeded with testimonies.

**TESTIMONIES:** **Mr. Winslow** said the Idaho Association of School Administrators supports **S 1404**, which will change the statute and provide funding for early education.

**Ms. Fairy Hitchcock**, representing Hitchcock Family Advocates, spoke in favor of **S 1404**, and urged the Committee to pass the bill.

After a short discussion between **Senators Pearce** and **Schroeder** regarding the proposed tax levy for the pre-kindergarten program, **Chairman Goedde** stated the vote on **S 1404** will be held until **Senator Gannon** is in attendance.

**S 1406:**

**Relating to early childhood development and education;** amending "Idaho Code Title 33" by the addition of a new "Idaho Code Chapter 57, Title 33" to provide a short title, to provide legislative findings, to define terms, to permit community-based pre-kindergarten programs, to provide for establishment, composition and responsibilities of pre-kindergarten councils, to provide for pre-kindergarten plans, to provide for pre-kindergarten programs, to provide for rule making authority, to provide for pre-kindergarten assessment, to provide for pilot pre-kindergarten programs, and to provide for the pre-kindergarten fund; and amending "Idaho Code Section 63-2520" to remove a provision providing for distribution of moneys to the economic recovery reserve fund, to provide for distribution of moneys to the pre-kindergarten fund and to provide correct terminology.

**Senator Burkett** presented the rationale for **S 1406** stating that the act provides for initial state support for pilot pre-kindergarten programs. The voluntary programs for children four years of age would be designed by a council appointed by the district superintendent. The council may plan and develop a high quality Pre-K program using qualified Pre-K educators in compliance with state Pre-K learning standards. The Pre-K educator may be provided a contract to a qualified public, private, church or charity based child care facility. State grants could cover the cost of certified early childhood educators for community based programs. In addition, **S 1406** provides that educators are certified and hold degrees in early childhood education. Criteria is identified by the State Board of Education in the development of priorities for funding Pre-K programs. Funding will be provided by State grants to supplement locally provided resources. The funding source will be the cigarette tax funds which will become available once the capital remodeling is completed.

**Senator Burkett** said **S 1406** ensures every child will have the opportunity to get a good start. The standards need to include parent involvement and the teacher be required to have all the skills to teach at this age level. This legislation provides a design to focus on the high risk children who may already be failing. **S 1406** would provide for ten pilot programs throughout the state that would be funded by a one-time appropriation until the Capitol renovation project is complete.

In response to a question from **Chairman Goedde**, **Senator Burkett** said they are proposing that \$4.1 million be appropriated this year as one-time money to fund the pilot programs over the next three years. **Senator Burkett** stated that after the initial three years, the revenue would come from the cigarette tax fund, which is allowed by statute to be used for specific projects. **Chairman Goedde** asked if the Committee would need to designate another use of those funds, or is there a place within the

statute that would allow cigarette tax money to fund pre-K? **Senator Burkett** replied that **S 1406** calls for the funding source to be designated when the Capitol renovation project is completed.

**TESTIMONIES:**

**Ms. Beth Woodruff**, Special Education Director, Basin School District in

Idaho City, said that this district has operated a voluntary Pre-K program since 1999, and the quality of education has definitely been improved.

**Ms. Amber Cornier**, Legislative Advocate Intern for the Roman Catholic Diocese of Boise, spoke in favor of **S 1406** and provided a written testimony to be attached to these minutes.

**Dr. Geoffrey Black**, Professor at Boise State University (BSU), said support of early education is wide-spread. Over 100 studies and findings show that graduation and retention rates are increased, which benefits the economy as a whole.

**Dr. Chris Loucks**, Professor of Economics, BSU, supports early education and legislation in **S 1406**, and agreed with all of **Dr. Black's** testimony. She encouraged the committee to think about the behavior aspects of Pre-K. She said most of the time when we talk about the advantages of education, we focus on cognitive skills, but thought the most important area of Pre-K is how to behave with change. The non-cognitive skills are more important than the cognitive ones.

**Senator Bastian** asked what happens when you don't have quality Pre-K? **Dr. Black** stated the rates of return are higher for quality Pre-K. The returns are lower the less you invest in Pre-K. **Dr. Loucks** stated she had seen evidence that supports that.

**Chairman Goedde** asked **Dr. Loucks** to address a study that claims early childhood education means nothing because by grade four or five all children are performing much at the same level. **Dr. Loucks** stated that was the "fade out factor". She said Pre-K cognitive benefits last until age 8, but Pre-K non-cognitive benefits until age 25. **Dr. Black** added that quality Pre-K followed by quality elementary education lessons the fade out effect.

**Ms. Melissa Bandy**, Instructor at BSU, spoke in favor of **S 1406**. She said that 90 percent of the brain is developed by age 5, and early education enhances the development.

**Dr. Frank Gallant**, former Superintendent of Basin School District, wrote comments in favor of early education and **S 1406**. His handout contains three charts demonstrating that scores are higher for students who attended Pre-K than those who did not.

**Ms. Hitchcock, Mr. Winslow, and Ms. Vagner** all spoke in support of early education and **S 1406**. **Ms. Vagner** stressed the importance of impacting children in their earliest years with positive learning experiences.

**Ms. Gebhardt**, from Pocatello School District, talked about best practices and stated that she, and many of her co-workers, support **S 1406**.

**Senator Burkett** requested that the vote on **S 1406** be held along with **S 1404**, until **Senator Gannon** can be in attendance. **Chairman Goedde** agreed.

**MOTIONS:**

**Senator Sagness** moved, **Senator Jorgenson** seconded, to approve the minutes of the Committee meeting on February 18. The motion passed by unanimous **voice vote**.

**Senator Pearce** moved, **Vice Chairman Fulcher** seconded, to approve the minutes of the Committee meeting on February 21. The motion passed by unanimous **voice vote**.

**ADJOURNMENT:**

**Chairman Goedde** adjourned the meeting at 4:50 p.m.

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John Goedde  
Chairman

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Carol Vaughn  
Secretary

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Sandra Boyington  
Assistant Secretary

## MINUTES

### SENATE EDUCATION COMMITTEE

**DATE:** February 28, 2008

**TIME:** 3:00 p.m.

**PLACE:** L.B.J. Building, Barbara Morgan Conference Room

**MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Fulcher, Senators Schroeder, Gannon, Pearce, Jorgenson, Bastian, Burkett, and Sagness

**MEMBERS ABSENT/ EXCUSED:**

**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.

On Thursday, February 28th the Senate Education Committee held their meeting off site at the Len B. Jordan Building in order to accommodate the scheduled meeting with the Idaho State Board of Education.

**Mr. Paul Agidius, Vice President of the Board**, called the meeting to order. **Senator John Goedde, Chairman of the Senate Education Committee**, introduced **Dr. Frederick Brown**, invited speaker to the Education Committee for his presentation on the WALLACE Foundation.

**PRESENTATION:** **Dr. Brown** gave a PowerPoint presentation entitled Creating Leadership for Transforming Schools. **(See Attachment #1)** **Dr. Brown** stated that leadership is key to improving teaching and learning. The Wallace Foundation has learned that effective principal training programs should emphasize several areas, those being: careful and rigorous selection of candidates; course work focused on instructional leadership; organizational improvement and change management as well as rigorous internships. **Dr. Brown** explained leadership development needs to occur along a continuum, not just at the beginning of a principal's career.

**Dr. Brown** then explained the importance of mentoring. The elements of effective mentoring are: carefully selected and well-trained mentors; mentoring that lasts for at least a year; is supported by state and local funding and ensures mentors receive quality training and appropriate stipends as well as to be focused primarily on fostering effective instructional leaders. **Dr. Brown** stated that in order to improve training, there needs to be state policy levers, which include; standards and accountability, fiscal support for recruitment, internships, mentoring and training, and a continuum of learning opportunities.

**Dr. Brown** stated leadership training is essential, but it's not enough. Focus must be placed on enhancing the working conditions of leaders to create a system of support that reduces turnover, builds job satisfaction and furthers successful outcomes for kids. **Dr. Brown** discussed the School Administration Manager (SAM) project. This strategy is designed to change the role of the principal from the administrative leader to the instructional leader. **Dr. Brown** stated that leaders need authority and resources to be able to move teachers where they are most needed and to provide the tools and resources their schools need in a timely manner. Leaders should also be evaluated effectively. He stated leaders need an effective performance evaluation system that reinforces the behaviors that matter most to improving teaching and learning. He explained the Vanderbilt Assessment of Leadership in Education program (VAL-ED), which provides a valid and reliable system of evaluating leaders. **Dr. Brown** stated the long-term success of school leaders requires supportive, skilled leadership at all levels of public education - states and districts as well as schools - who are willing and able to adopt well-coordinated policies and practices that support the success of principals as leaders of learning.

Following his presentation, **Dr. Brown** opened the floor for questions and comments from members of the Senate Education Committee, the Idaho State Board, and the public. In response to questions, **Dr. Brown** replied they have worked at all levels including universities and community colleges. They have seen growth in students in those places where the principals have gone through leadership training. **Dr. Brown** stated their current research is on-going and looks forward to seeing the numbers in 2009.

**CONVENE:**

At the completion of the questions, **Chairman Goedde** thanked **Dr. Brown** for his presentation and called the Senate Education Committee to order at 4:15 p. m. He requested the secretary to take a silent roll call. He welcomed members of the Idaho State Board and began the discussion about issues involving the Board which concerned the Education Committee. Members of the State Board of Education in attendance were: Tom Luna, Sue Thilo, Blake Hall, Paul Agidius, Laird Stone and Richard Westerberg. **Chairman Goedde** stated the rules of the meeting and the three topics to be discussed, those being: the GEAR UP Scholarship Program, ISAT and the open meeting complaint. **Chairman Goedde** stated he would like the outcome of the meeting to be to come up with potential recommendations on processes.

**Senator Jorgenson** gave an opening statement and indicated his desire to set the tone of the meeting as one of working together to try and solve problems. He said we need to stop and take a look and see how improvements can be made. He stated he appreciated the fact that members of the board serve voluntarily, and they do a lot of hard work. In the spirit of cooperation, he said, we would like to move forward.

**Vice-President Agidius** gave his opening statement. He said he and the

rest of the Board were deeply committed to the education system in Idaho. That they had worked extremely hard to see that every person in Idaho has the very best opportunity to receive education and services necessary to participate effectively. He explained they are concerned that the events and publicity that have occurred in the past six months have distracted from the public confidence in their system and they appreciated the opportunity to clear the air and set us on a path to move forward. Mistakes were made and steps have been or are being implemented so they don't happen again. He stated they would like to clarify the following points.

Every assessment dollar spent by the board has been spent for an appropriate and needed purpose. The check that was written this past July paid for the spring 07 ISAT for grades 2 and 9, class level reports needed by the district, an alignment study required by the Federal Government and the development of performance level descriptors. No action taken by the board, other than their lack of success in securing additional funding has compromised the states future ability to operate the 2<sup>nd</sup> and 9<sup>th</sup> grade test. The only work done by CDR, which the assessment budget did not cover, was the development of the 2<sup>nd</sup> & 9<sup>th</sup> grade test, money to cover those costs is being taken from the board office administration. **Vice-president Agidius** stated that while this obviously is not desirable in the long term, the development work is not wasted as it was used for the fall 07 test and can be used if the 2<sup>nd</sup> and 9<sup>th</sup> grades tests are reinstated. There was no relationship between needing to obtain private money to match the GEAR UP grant and any issue regarding the CDR contract. He said the Board has already had training on the open meeting laws with the Attorney General's Office as of yesterday. They are now much clearer on how to proceed. He stated he appreciated the opportunity to clear the record and looks forward to answering questions.

**Chairman Goedde** indicated to the Board and committee that a time line was given to all participants and that Dr. Rush was given the opportunity to check the accuracy of that time line. **Vice-president Agidius** then reviewed the errors in the time-line and gave their clarifications.

**Chairman Goedde** asked about the process by which the State Board operates from board meeting to board meeting through their executive committee. **Vice-president Agidius** replied their executive committee has not met a whole lot. He stated when something has come up, it is supposed to be brought to the board. Sometimes it has been and sometimes it has not. The sub-committees meet and if one is not on a sub-committee, you may not know what's going on until you get the board agenda for the upcoming meeting. **Chairman Goedde** asked if the board as a whole is involved in making decisions at a time in between meetings when it becomes evident that a decision needs to be made. Is there a method in place to call a special meeting or take care of those things? **Vice-president Agidius** replied if the item requires board policy approval, they have a special meeting quite often by telephone.

**Senator Jorgenson** stated that in his confirmation hearing, Milford Terrell, indicated there were problems with the Board, that the product of

the State Board was pathetic and it was a dysfunctional board or family. Can you comment on this or give an explanation? **Vice-president Agidius** replied he didn't see the action of the board as being dysfunctional, but like any family, can definitely improve the way they operate. He does not take that viewpoint. He stated with this process, we will hopefully learn and find out what we need to operate in a better manner. He thinks it is important that they have complete transparency and thought that was what they were doing. Actions were taken appropriately, if there was a required vote, he stated he thought a vote was being had. **Senator Jorgenson** stated there has been a great detail review of events, it would appear that nothing on the part of the board was done deliberately, but because of the lack of communication between the Board and the Executive Board, there were assumptions that led to problems. **Vice-president Agidius** stated he would agree there was a lack of communication in some areas. He said if he hadn't been involved in those matters, he had no knowledge of the actions until they became public. He stated he believes it is something that is easily corrected. We need to have good, reliable staff and the lines of communication need to be established and followed. If something does come up the whole board needs to be advised of it ahead of time. **Senator Jorgenson** asked do you have adequate staffing and adequate professional resources, and are there changes in your mind that need to be made? **Vice-president Agidius** replied there were a couple of things they do need. He said they need a Chief Financial Officer and a Chief Academic Officer who have the credentials to hold those positions, and right now they don't have the funding within the board staff to hire people at the level they need to hire. The complexity of the situation, especially the financial side, is not what most accountants or finance people can address.

**Vice-president Agidius** stated he could use more financial resources to pay for some of their positions. The current director is reviewing this so we can have the funds available. **Senator Jorgenson** asked regarding the agencies which the Department of Education has oversight authority? **Vice-president Agidius** stated those would be Idaho Public Television, the Library Commission, the Historic Society, The Idaho School for the Deaf and Blind, The PTE and several other entities, some of which have their own board above them before it comes to them. For some of those we don't do a lot of oversight. **Senator Jorgenson** asked whether or not the other agencies they have oversight over distracted from the boards primary functions? He asked **Vice-president Agidius** if he would recommend any of these agencies be housed elsewhere? **Vice-president Agidius** replied that he didn't feel they needed to be taken away. **Senator Jorgenson** stated his questions represented the entire committee. With the events that have occurred in the past, the focus of our question is if there is anything we can do to trim things down so these types of mistakes don't happen again? All the broad oversight would lead us to conclude that perhaps you have too many responsibilities. **Vice-president Agidius** replied they could use more personnel at the staffing level. Our current director is looking at this issue and once his review is finished, we can request the additional positions and funding we need. **Senator Jorgenson** asked **Vice president Agidius** why he felt it

necessary that the Board of Education, who has oversight responsibility for the single biggest expenditure in the State of Idaho, take on those additional oversights? He continued wouldn't it be better if they focused on what they are suppose to do? **Vice-president Agidius** replied he didn't know if it would make that much difference if they didn't have them. He said if there is a better place for oversight to be placed for those agencies then that's where it should be. **Senator Jorgenson** asked if the members of the board are assigned to committees that work with these various agencies. **Vice-president Agidius** explained the way their sub-committees are set up are as follows: there is a financial committee, an academic committee, an audit committee, etc. There are no committees assigned for those other agencies. If a board member has something to come before the board as a whole, they go to the appropriate committee that deals with that type of subject matter. **Vice-president Agidius** referred to **Mr. Laird Stone** for further explanation.

**Mr. Stone** replied that a few years ago at a board meeting, the members talked about having each board member decide which agency they would like to be in contact and work with. If a board member had a personal interest in a particular agency, they would participate in that fashion. They discussed doing a formal assignment, but based upon the staffing within the Board and the oversight that was being given by their own board of trustees, decided against it.

**Senator Jorgenson** asked about the missing personnel. He stated that they have a great person in Dr. Rush, filling in and doing this on an uncompensated basis. When did you lose those people and why? **Vice-president Agidius** replied it was in 2007 when both positions became vacant. Both positions were lost when Karen McGee was Interim Director. **Vice-president Agidius** referred to **Mr. Blake Hall** for further explanation. **Mr. Hall** replied that the financial officer was lost in Sept. 2007 and the academic officer was lost in about the same time frame. **Mr. Hall** stated there is large turnover in their department and they had to adopt an unofficial board rule with their institutions that they could not hire away staff without advising them in advance. **Senator Jorgenson** asked when and why were personnel lost? **Mr. Hall** replied under state law personnel matters are privileged and he is not able to disclose that information. **Senator Jorgenson** stated he was not asking for the personnel file, just did they quit or were they fired? **Mr. Hall** responded that under state law he can say who is employed and when, but it is his understanding to disclose whether or not they were fired would be a violation of that law. He said some of the people he inquired about did leave on their own to take better paying jobs. **Senator Jorgenson** stated the positions have been vacant since September of 2007 and asked if they were currently advertising to fill those positions? **Mr. Hall** replied the process for chief financial officer would be started in a week. He said they have not proceeded on the other one, partly due to budget constraints. **Mr. Hall** said they wanted to hold off and make sure they could come up with enough funds to hire someone at a higher level of pay. He said they were trying to do some restructuring so they would have additional funds to pay an adequate salary to hire someone to fill that position.

**Senator Gannon** stated some of the mistakes that were made, were made at a basic level. He said the mention of a breakdown in communication would lead one to believe the structure is not there or too much responsibility is there to totally miss something as basic as an over expenditure of funds. He asked, other than the fact you didn't have the right trained people in place, can you explain further how this happened? **Vice-president Agidius** replied he agreed with the Senator and those mistakes should not have happened regardless of who was in those positions. He doesn't know how it happened. Decisions were made that shouldn't have been made by some individuals, and he couldn't say who or when, because he wasn't part of that process. **Vice-President Agidius** stated they needed to have a process regardless of who fills those positions, that ensures they do not expend money unless they have funds appropriated first. He said those are the types of things they are putting in place now to ensure it doesn't happen again. The problem we faced goes back to lack of communication between individuals.

**Mr. Hall** said he hoped there wasn't a misconception that the State Board spent money that was not appropriated. In fact, he said, the Board is not in the red. It hasn't spent money that has not been appropriated. **Mr. Hall** stated there was no embezzlement, no over expenditure of funds, no criminal activity. What did occur was a staff member violated board policy. A staff member signed a contract that should have first come before the Board for approval. They did so in part, because they had spoken with the governor's office and co-chairs of JFAC and had been led to believe a supplemental appropriation would be looked upon favorably. Even so, that should have come back to the Board and it didn't. So when the supplemental appropriation was not forthcoming, the staff realized at that time they were caught having agreed to spend more money than would have appropriated because the supplemental was not approved. That is when the staff person brought it to the attention of the Board, and when the Board became aware of that occurrence, the Board acted promptly to modify the contract to ensure there would be no over-expenditure. They also acted promptly and took corrective action to ensure the Board budget would finish in the black.

**Mr. Hall** stated with regard to too much oversight, that was a Legislative decision years ago to put various organizations under the State Board. He said deciding if there was a better place for them to be would be a policy decision of the Legislature. **Senator Gannon** asked about the contracting process? **Vice-president Agidius** replied there were two bids received, and the other was deemed to be non-compliant.

**Chairman Goedde** asked **Mr. Stone** when he served as president? **Mr. Stone** replied from April 2006 thru April 2007. **Chairman Goedde** stated that the base RFP did not comply with their own rules and finds that troubling. He stated he is not pointing any fingers, but suggesting there has to be a system where somebody picks that up. **Mr. Stone** replied the base portion of RFP was based upon direct relations with the Department of Purchasing to be put out and meet Federal Requirements. He said that is why the additional options were included. That perhaps some place in the process there needs to be an additional review, but that should be

done by legal staff so when it comes back it complies with the policy of whatever agency is putting out that RFP, it's a legal question as to whether the RFP meets the policies of what that agency has in effect. **Mr. Stone** stated it is not the State Board of Education's responsibility to review the RFP from a legal standpoint. When it has been reviewed, they rely upon legal and the purchasing Department's Administration, plus their assessment committee to tell them about the RFP and that was the process that was followed in this RFP. **Chairman Goedde** asked where the legal review should be done? **Mr. Stone** replied the Deputy Attorney General should do the initial review of the RFP to make sure it is in compliance with the internal policies of that agency. If there is a concern, it should be reviewed again. It should be reviewed by a senior Deputy Attorney General that is also familiar with that agency's policies and standards.

**Senator Bastian** asked what the process was they used to set the agenda and bring action items before the board? **Mr. Stone** replied if an agency has an item they want to put on the agenda there is a deadline set before each meeting for which that information has to come into the State Board's office. Staff then reviews it to make sure it is in compliance with the applicable agency policies, as well as the state statute. Then it is taken to the Director and to the heads of the various departments, to again be reviewed to make sure it is appropriate and timely to be put on the agenda. The agenda is then drafted and in about a week to ten days before the actual meeting, when he was president, the agenda was reviewed by the executive committee or the board member who was in charge of that particular committee. It was reviewed four times before it came onto the Board Agenda. If there was anything that was not completed during that process those items were not on that agenda.

**Senator Bastian** referred to a document dated Wednesday, March 28, 2007, from Dwight Johnson to Laird Stone regarding a contract signed by Ms. Karen Echeverria. He asked if it had ever been scheduled before the board for approval and commitment by the board to expend funds? **Mr. Stone** replied that was in a response to his inquiry due to the status of the supplemental. It sounded like they were going to get the supplemental. The June 18, 2007 amended contract was not on the Board Agenda. In April of 2007, **Mr. Stone** was no longer the president, and the agenda did not get set by him anymore. During the August 9 & 10, 2006 meeting, a motion was made to approve a supplemental appropriation request for the Office of State Board of Education for the \$750,000.00 from the general fund and that motion passed. **Senator Bastian** stated that staff went ahead and signed a contract without ever going to JFAC for that supplement. **Mr. Stone** replied that up through the point of time of March 28, 2007, it was clear from the information coming back to them, they were receiving assurances, the supplemental would pass. **Senator Bastian** stated he sits on JFAC and when they appropriate money, there is usually a date and time when it will be valid. Someone should have been advising staff that they can't enter into a contract prior to the supplemental being approved. What happened in that process? How do we prevent it from happening again? **Mr. Stone** said he doesn't know what happened in the process after April of 2007.

In a response to a question from **Senator Sagness**, **Mr. Hall** replied the reason the problem arose was because certain staff members violated staff policy. Before the contract was signed for the supplemental testing, Board policy requires it to come back to the Board for approval, and it wasn't brought back for approval. That was a violation of Board policy. The Board learned of the violation and took remedial measures. Various staff people who violated that policy are no longer with the Board. As a volunteer board, I would hope that is exactly what you would want us to do in addressing this type of problem. It was a staffing issue, not a structural issue.

**Senator Jorgenson** stated it seemed as though the spirit with which they came into the meeting was somewhat decaying as they talked about the issues. He said he would like to see everyone discuss past problems, accept responsibility, and make recommendations so it does not happen again. He said the most disheartening part of the whole issue has been that the Board has been all too willing to push the responsibility onto staff. The fact of the matter is and the documents show there were members of the Board who had full and complete knowledge of what was going on and did nothing to stop it. There was a base contract approved. An amended contract that was sent through without going to the full Board for approval, which is a requirement, and it didn't happen. To just say it's a staffer's fault is disingenuous. **Senator Jorgenson** then stated he would like to move onto other issues.

**Senator Schroeder** asked who the staff member was that was responsible for signing a contract that none of the Board members knew about? **Vice-President Agidius** responded it was Karen Echeverria. **Senator Schroeder** asked if any Board member directed her to sign it? **Vice-President Agidius** said he was not even aware that it had been signed until this surfaced. He had no personal knowledge of that.

**Senator Schroeder** asked **Superintendent Luna**, with reference to the time-line, about his support of the supplemental and his involvement in the process. **Superintendent Luna** responded that as for the Dec. 18, 2006 meeting, since he was elected in November of 2006 and wasn't sworn in until January of 2007, he was not a member of the Board nor the State Superintendent at the time. He stated he has always been an advocate for the 2<sup>nd</sup> & 9<sup>th</sup> grade testing and will continue to be. As for the March 28<sup>th</sup> e-mail regarding the conversation with the Governor and Karen McGee, he was state superintendent at the time and had been in office for about three months. He and Karen did meet with the Governor and left that meeting completely confident the Governor was supportive of a \$1.4 million supplemental so they could keep 2<sup>nd</sup> & 9<sup>th</sup> grade testing. There was never a discussion in the meeting with the Governor that they should move forward and spend money that had not been appropriated. After the conversation with the Governor, he had a telephone conference with Senator Cameron who said he was not as favorable to the supplemental as the e-mail had indicated. **Senator Schroeder** asked whether or not someone directed Karen Echeverria to do what she did and now she is being used as the scapegoat? **Superintendent Luna** replied he agreed with regards to Karen Echeverria's skills and that she served the State

Board of Education very well. It is his understanding what Karen signed was a document that was basically a duplicate of what had already been signed by another individual. All she was asked to do was sign a document, of which the original had previously been signed. It had some kind of minor error in it and so she was asked to sign a document that she was told had already been signed and she was just dotting the i's and crossing the t's. I don't think she felt like she was taking any responsibility or authority on her own. **Senator Schroeder** stated he would like to pursue that further with Karen Echeverria as to what happened there. He said he would like to know what the previous document was and who asked her to sign it. **Vice-president Agidius** replied he would get together with staff and follow up to get an answer for him.

**Senator Burkett** asked who signed the contract? **Mr. Stone** replied his recollection of the events was pretty much the same as those of Mr. Luna. He assumed that Dwight Johnson signed the original contract which contained the base plan and the options. **Senator Burkett** said if the document was available, he would like to take a look at it and get those questions answered once and for all.

**Mr. Hall** stated, from the documents he was just handed, it was Dwight Johnson that signed the first purchasing requisition on May 9, 2007 and the second purchasing requisition was signed by Karen Echeverria on May 15, 2007. **Mr. Hall** explained the first amendment showed a state purchasing manager as having signed it, then it was reviewed and approved by Karen Echeverria. **Senator Burkett** asked when was the supplemental appropriation brought before the Board. **Mr. Hall** replied he was not sure he could answer that question. He had missed several meetings last year and it may have occurred during one of those meetings. The first time it was brought to his attention was the December 2007 meeting.

**Mr. Stone** asked if he could clarify the answer to the question as to when Karen Echeverria signed the document. It showed that on May 9, of 2007 Dwight Johnson was the Director of the State Board of Education. Prior to May 18, 2007, he moved on to another position in government. Karen McGee did not come on as the Interim Director until about the end of May, so there was a period of about 2 weeks, where Karen Echeverria was acting as the Interim Director of the Board. It was during that time period, the May 18, 2007, purchasing requisition was actually signed.

**Senator Jorgenson** requested a ten minute recess and **Chairman Goedde** announced to all those in attendance that the meeting would reconvene at approximately 6:10 p.m.

At approximately 6:15 p.m. the meeting of the Senate Education Committee and the State Board of Education was reconvened. **Chairman Goedde** recognized **Senator Jorgenson**.

**Senator Jorgenson** stated he would like to switch gears and talk about the GEAR UP issue. **Vice-president Agidius** asked to make a final

statement regarding the ISAT. He stated there was a violation of board policy, a lack of communication, and mistakes were made. He said they are taking corrective actions after what happened with ISAT. They are working with Dr. Rush and taking steps to ensure it will not happen again. He said he hoped this would put a rest to it and they could put their energy and focus on what they need to get accomplished in the future.

**Senator Jorgenson** reiterated again that this was not a personal attack and there was no intent to come up with any findings. He was only looking for recommendations and there was a need to talk about some of the things that took place. **Senator Jorgenson** asked if during the winter of 2005 and 2006 any member of the Board of Education was notified that the Board's Director or staff was intending to submit an application for the GEAR UP grant to the U.S. Department of Education and if so, who and when? **Mr. Stone** replied he didn't remember when he first had that knowledge, but when it was brought to the Board level, there was an opportunity at the federal level for the GEAR UP program. At that time, the Board staff and the staff of the State Department of Education began work on the applicable grant application and grant language. At one point in time there was almost a duplication in efforts in the sense that they were both going forward with two separate grant applications. He remembers saying there needed to be only one grant application. They needed to get together and send in only one grant application. **Mr. Stone** said he didn't remember exactly when this happened. **Senator Jorgenson** asked about the duplication in efforts and who was he is referring to? **Mr. Stone** said it was individuals from both Boards who were involved in preparing grant applications for the federal government. **Senator Jorgenson** asked if there was any member of the Board of Education designated via a liaison with a Board Director staff regarding the application of the GEAR UP grant. **Mr. Stone** replied Karen McGee. **Senator Jorgenson** asked how did the Board Director explain to the staff what it was and who gave the explanations? **Mr. Stone** replied he thought it was Kristine Ivey in the State Board Office. She was the one who had the knowledge of that potential grant and presented it to the Board. **Senator Jorgenson** asked how did the Board Director staff explain the matching requirements of the GEAR UP program and who gave that explanation? **Mr. Stone** replied it was Kristine Ivey, during her presentation, and may have occurred over a couple different board meetings. Initially, from the information and guidelines provided by the Federal Government, they understood the institution of funds could be used as the matching funds under the then existing federal guidelines for the GEAR UP application. **Senator Jorgenson** asked if the Board Director or staff indicated if any staff member had attended a U.S. Department of Education workshop on how to apply for the GEAR UP grant. **Mr. Stone** replied he did not recall. He said he didn't believe an explanation was ever given to the entire Board. He did know they had materials from the Federal Government and there was a GEAR UP conference going on at the time that he thought Kristine eluded to that staff members attended. **Mr. Stone** stated there were other plans; the Oklahoma plan, the Kansas plan, and the Montana plan, where prior applications had been made and that information was gathered by Kristine as she was the one heading up that effort.

**Senator Jorgenson** asked if there was a committee or working group that prepared Idaho's application for the GEAR UP grant? **Mr. Stone** replied yes. **Senator Jorgenson** asked if any member of that committee or working group was an attorney? **Mr. Stone** replied not to his knowledge. **Senator Jorgenson** asked when did the Board Director or any staff member first inform the Board there were problems with the Idaho matching funds under the GEAR UP grant? **Mr. Stone** said he thought it was sometime in December of 2006, but it could have been a month or so before that in early winter of 2006. **Senator Jorgenson** then asked **Mr. Stone** to give an overview of the GEAR UP program. **Mr. Stone** asked **Ms. Sue Thilo** to give that overview.

**Ms. Thilo** indicated that Idaho has never been a GEAR UP state and this was an extraordinary opportunity for the State to capture Federal dollars to do some wonderful things. She said as far as money wise, this could bring upwards of \$17 million dollars in Federal funds. That once you become a GEAR UP state, you are put on a list to capture Federal dollars. She stated grant writing is an art for which people are highly trained and often highly compensated because it is very precise. **Ms. Thilo** was advised or briefed from time to time by staff about the progress of the grant when it was underway. She was assured that Idaho was eligible and stated that a pretty top notch team was put together and believed they were meeting the requirements. It went through Federal reviewers twice before it was discovered there was a problem with the matching requirements. Lots of pairs of skillful eyes saw it before the problem was discovered. **Ms. Thilo** said a lot of hard work had gone into finding the appropriate matching funds to keep that grant in Idaho.

**Senator Jorgenson** said the GEAR UP program or grant is a good example that perhaps the application process should have been handled by one of the universities accustomed to these applications and has the professionals on staff to handle that. He said that was merely a suggestion.

**Senator Jorgenson** asked how the Board came up with the matching funds, once it was made aware there were no matching funds? **Mr. Stone** replied once it was made aware, the first step was to go back to the institutions and see what dollars they could put back into the program. The institutions all stepped forward, including the community colleges and pledged a tremendous amount of funds. He said it still left them a little short. At that time, with the support and encouragement of the Board, Milford Terrell contacted private foundations to seek partnerships for education funding. Mr. Terrell went to the foundations and they stepped forward with the matching funds. **Mr. Stone** said that GEAR UP is moving forward with some successful results in the Twin Falls area. One thing that also came out of the private foundations involved, is that most of them right now are based in the Treasure Valley. They have learned there are others throughout the State that are watching to see the success of the program. He said he believed there is going to be increased opportunities within the next couple years for additional public and private partnerships between the State and those foundations. **Senator Jorgenson** asked how much money did the Board have to raise

to meet the matching fund requirement? **Mr. Stone** replied \$1.9 million from private foundations, all new money. **Senator Jorgenson** said each of the universities had to put up approximately \$125,000.00, and asked if that was correct? **Mr. Stone** stated he believed that was correct. He said that kind of money is an investment in the future of Idaho, because if they can educate those students and use the GEAR UP grants or other kinds of grants to get children into higher education and into the work force, they are going to benefit the State. **Mr. Stone** said he believed this is a good return on that type of investment.

**Senator Burkett** asked about a letter from Dwight Johnson to Marilyn Howard regarding the GEAR UP program. **Mr. Stone** did not know if he actually saw that letter. He explained he does know of some conversations between the two with regards to the application. **Ms. Thilo** explained there was some disappointment from her and others that there wasn't support coming from the Superintendent of Instruction and others for the GEAR UP application.

**Senator Bastian** stated it was known in May 2007 that the application had failed. In August 9-10 2007, at the Board's regular meeting, the Board was made aware of the problem. What happened between May and August? **Mr. Stone** replied there was discussion at the Executive Committee and believed at that time, President Terrell had conversations with the Governor's office and with Mr. Luna. The next regular meeting was the August meeting in Twin Falls. Mr. Terrell was not present at that meeting. During that time, from May to August, there was some beginning contacts with the foundations, as well as the institutions and dialogue with the State Department with regards to any matching funds. **Senator Bastian** asked who was working to put together these partnerships? **Superintendent Luna** replied that Milford Terrell was working day and night to save the program, because of his passion for what it does for disadvantaged children. **Superintendent Luna** said he was well informed as to how successful he was in closing the gap.

**Senator Bastian** commended Milford Terrell for the work he did to turn things around and to provide commitments on the part of universities, community colleges and private funds. He did an excellent job. He took a bad situation and turned it around for good and he appreciated that.

**Senator Burkett** also wanted to commend Milford Terrell. He said he hoped this chapter of dysfunctional political conflict between two state agencies can be put in the past and they needed to get beyond it.

**Chairman Goedde** then thanked the members of the State Board of Education, staff from various offices for supporting the meeting and the Senate Education Committee members.

**ADJOURNMENT:** **Chairman Goedde** adjourned the meeting at 6:30 p.m.

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Senator John Goedde  
Chairman

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Carol Vaughn  
Secretary

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Teresa Martin  
Assistant Secretary

## MINUTES

### SENATE EDUCATION COMMITTEE

**DATE:** March 3, 2008

**TIME:** 3:00 p.m.

**PLACE:** Room 204

**MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Fulcher, Senators Schroeder, Gannon, Pearce, Jorgenson, Bastian, Burkett, and Sagness

**MEMBERS 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.

**MINUTES:** **Chairman Goedde** called the meeting to order at 3:10 p.m. He requested the secretary to take a silent roll call. He recognized **Senator Burkett** for presentation of **S 1406**.

**S 1406** **Senator Burkett** stated his handout entitled "The Effects of the New Mexico PreK Initiative on Young Children's School Readiness" is a study that shows the ability to assess Pre-K early on, the results you can have from a high quality community based Pre-K, and the impact on the State of New Mexico. He explained the assessment method New Mexico used to measure the children's progress.

**Senator Burkett** said his goal for **S 1406** for this session is to put this bill up as a model for Pre-K of what Idaho could do if we chose to go forward, if we chose to provide support and funding for Pre-K. He stated the funding could come from the \$18 million cigarette tax dollars once the Capital remodeling is completed, and explained how that money could be used in the State of Idaho to build a meaningful Pre-K program. He stated it is his belief **S 1406** would accomplish that goal. **Senator Burkett** said this is a major policy decision which deserves a lot of work and process and he is willing for the bill to go through that process. He stated an important step in the process is to give the business community an opportunity to look into this proposal, to review it, provide recommendations, and bring that information, opinions and either their support or lack of support back to this Legislature so they can go forward knowing where the business community stands. He stated his proposal for **S 1406** is for the committee to issue a letter to the Idaho Business Committee on Education Excellence (IBCEE) and the Idaho Association of Commerce and Industry (IACI) and try to get that assessment, evaluation and input from the business committee and then return this bill to the committee next year.

**MOTION:** **Senator Burkett** moved that **S 1406** be held in committee and a letter sent. **Senator Bastian** seconded the motion.

**Senator Goedde** suggested the letter be sent to additional recipients for their input as well.

**Senator Gannon** asked **Senator Burkett** if the committee needed to invite the education community along with the business community to provide their comments as well. **Senator Burkett** stated it was his intent with his motion to specifically address the letter to the business community.

**VOTE:** Chairman Goedde called for a vote on the motion.  
The motion carried by voice vote with **Vice Chairman Fulcher** voting **Nay**.

**S 1404** **Chairman Goedde** recognized **Senator Schroeder** for presentation of **S 1404**. In explaining the purpose of the bill, **Senator Schroeder** stated the bill changes the age on the first page and on the last page it provides for the district to have an election to decide if they want to have Pre-K and if they want to have money. Also, lines 34 through 37 describe that election procedure.

**Senator Schroeder** read from the letter addressed to **Senator Burkett** from Deputy Attorney General Chris Kronberg. He said the question arises as to whether or not districts can have Pre-K now as long as they don't use State funds. He quoted from page two of that letter as follows: "The legislature appears to have left the interpretation of a "total educational program" up to the school districts." And on page three "In order to provide for the local financing of a Pre-K program, a school district would be required to identify the financing in its budget..."

**Senator Schroeder** stated his bill does what that letter from the Attorney General says. He quoted from the letter addressed to him from Deputy Attorney General Kronberg, which states one way to avoid the potential Pre-K funding problem would be to leave the school age statute as it is and amend the code (which the bill does) to give school districts the power to establish a Pre-K program if they can find the funding.

**Senator Schroeder** said what he proposed to do was send **S 1404** to the Amending Order and strike all the language on page one that talks about age and leave the language on the back which allows for the question on whether they want to have a Pre-K program and the money to provide the funding. He stated it is his belief this would comply with the Deputy Attorney General's statements on what the current law of the land would allow.

**Chairman Goedde** asked for clarification of what would be stricken from page one, the entire 33-201 or just the new language? **Senator Schroeder** stated just the new language which would put it back to the way it was. **Senator Burkett** stated he could see the need for the amendment, but questioned the "only if" provision on line 23 of the back page and wondered if the sponsor would entertain an additional amendment that would either grandfather in or protect those Pre-K that are already in operation? **Senator Schroeder** stated he wouldn't have any

problem with that.

**MOTION:**

**Senator Gannon** moved to send **S 1404** to the Amending Order. **Senator Sagness** seconded the motion. **Senator Gannon** stated **S 1404** addresses two situations now present in the State. He said last session they had a bill that addressed the situation where schools who were participating in the Federal program for children with disabilities called for the introduction of non-disabled peers into the program to mix the class and provide examples of acceptable social behavior in the learning process. There was some question at the time as to whether or not it was allowed by State Code. That bill passed the committee and the Senate. It arrived in the House late in the session and they opted not to hear it. **Senator Gannon** stated **S 1404** recognizes and addresses that problem.

**Senator Gannon** continued stating equally important are the school districts who have felt strongly enough about Pre-K to develop programs in their school district to address the significant problem of children at risk arriving at kindergarten ill prepared for the experience. He stated Pre-K programs enable at risk children to keep up with their peers. He stated **S 1404** does not mandate the program, so that districts that do not have the children at risk problem do not have to subscribe to the program. He said **S 1404** accomplishes a degree of local control where they are in a better position to gage the needs in their schools.

**VOTE:**

**Chairman Goedde** called for a voice vote on the motion to send **S 1404** to the 14<sup>th</sup> Order for possible amendments.  
The motion carried by unanimous voice vote.

**H 399**

**Chairman Goedde** introduced **Representatives Block** and **Chadderdon** for their presentation of **H 399**. **Representative Block** stated **H 399** addresses the maximum amount of tuition community colleges can charge. That limit, established by Idaho Code, is currently set at \$1,250 annually. The Community colleges are asking this annual limit be raised to \$2,500. The increase will allow their locally elected boards of trustees to continue to set tuition and fees with reasonable increases to meet current costs. With this change, the tuition will not automatically increase, but simply give authority to the community college board to set tuition above the limited \$625 per semester. Presently Idaho Code provides only a ten percent increase per year is allowed.

**Chairman Goedde** introduced **Representative Chadderdon** co-sponsor of the bill. **Representative Chadderdon** stated there has been four years in the past twenty that North Idaho College (NIC) has not raised their tuition at all. Currently NIC total tuition and fees are \$1,055. She stated she did not relish asking students to pay more for tuition, but without this passage NIC would be left with a limit of only eight dollars they can raise their tuition per semester.

**Ms. Chadderdon** said that **H 399** would not directly increase tuition. It still maintains the authority within the locally community college board to

set the tuition and fees as set forth in Idaho Code 33-2110. With the passage of this bill the three community colleges would be covered under this same statute.

**Chairman Goedde** opened the floor for questions. **Senator Bastian** asked what was the percentage of increase year by year? Is ten percent a typical rate of increase over the past several years? **Ms. Chadderdon** stated the ten percent was somewhat more in line with being able to control the tuition cap.

**MOTION:**

**Senator Schroeder** moved to send **H 399** to the floor with a do pass recommendation. **Senator Gannon** seconded the motion. The motion carried by unanimous voice vote. **Chairman Goedde** stated he would sponsor the bill on the floor. He thanked Dr. Dennis Griffin, President of the College of Western Idaho, for being in attendance. **Senator Fulcher** also recognized and thanked Dr. Griffin for his work on HB 399 saying that meant a lot to the people of Treasure Valley.

**H 384**

**Chairman Goedde** introduced **Mr. Marty Peterson** from the Office of the State Board of Education for his presentation on **H 384**. He stated he was representing both the University of Idaho and the Office of the State Board of Education. He said **H 384** is the Office of the State Board of Education's legislation. **Mr. Peterson** referred the committee to a graph which is part of his handout (Attachment 1). He stated the blue line showed the annual flow of dedicated revenue going into the permanent building fund. This has averaged around \$38 million per year. They anticipate for FY 09 around \$48 million. He said the reason the level of funding has increased is due to three main reasons: 1. A lot of lottery activity due to large powerball jackpots, 2. Interest from investment of money in the Budget Stabilization Account, and 3. Interest from investment of the balance in the permanent building fund.

**Mr. Peterson** stated the problem was they have eighteen state and local agencies who are dependent on the permanent building fund for construction and maintenance of facilities. He stated less than \$20 million is available for new construction and renovation. Other monies in the permanent building fund goes to pay debt service, loan payments, facilities maintenance, alterations and repairs and the operating budget for the division of public works. **Mr. Peterson** said clearly there is not enough money going into the permanent building fund to address the many demands placed on it.

He stated **H 384** is a piece of legislation sponsored by the State Board of Education which will provide an option the Legislature and the Governor can look at with respect to future State surplus dollars. It establishes in the State Treasury a new account and requires a dollar for dollar match of non-state monies to be eligible for funding out of it. If the Legislature chooses to appropriate money into the fund, it is appropriated into the permanent building fund. The reason the bill says the money is perpetually appropriated is because it mirrors the perpetual appropriation language in the existing Permanent Building Code Act. **Mr. Peterson** stated money can be used for new construction, renovations and

remodeling. The rules governing the use of funds are to be promulgated by the Permanent Building Fund Advisory Council in consultation with the State Board of Education.

He stated the Legislature will ultimately determine how much money if any is appropriated into the fund in any given year and the permanent Building Fund will determine which projects it will go to. It is none competitive with the existing flow of revenues that go into the Permanent Building Fund, this is a separate account.

**Chairman Goedde** asked **Mr. Peterson** if post-secondary institutions would still have access to funds within the Permanent Building Fund in addition to this? **Mr. Peterson** stated that was correct.

**Mr. Burkett** asked why a donor would want to give to this fund when they could give directly to the institution they prefer and that institution would then match up with monies put in this fund by the Legislature? **Mr. Peterson** stated the matching monies would be given to the institution. The language seen in **H 384** that provides for donations going into the account is standard boiler plate language. **Mr. Burkett** said the goal then is to get State or Federal monies into this account to be matched by contributions to the institutions? **Mr. Peterson** replied exactly.

**Mr. Burkett** asked how much interest was made each year on the Budget Stabilization Account? He suggested putting that money into the account being created here so it can be managed. **Mr. Peterson** stated he did not know how much interest was made on the Budget Stabilization Account each year. He said if the Legislature and the Governor wanted to look at that suggestion as an option as an issue aside from **H 384**, it would certainly be something to look at.

**Senator Sagness** asked about the unfair advantage some institutions would have for non-public match than others. Some might have greater access to the matching money. He asked if that question had ever come up for discussion? **Mr. Peterson** stated he felt the three universities were on a level playing field, and he did not think he would see one having an advantage over another.

**MOTION:**

**Chairman Goedde** thanked **Mr. Peterson** for his presentation. He recognized **Senator Jorgenson** who moved that **H 384** go to the floor with a do pass recommendation. **Senator Bastian** seconded the motion.

**VOTE:**

**Chairman Goedde** called for a vote on the motion before the committee. The motion carried by unanimous voice vote. **Senator Jorgenson** agreed to carry the bill on the floor.

**Chairman Goedde** recognized **Senator Pearce** who moved the minutes of February 20<sup>th</sup> be approved. **Senator Gannon** seconded the motion. The motion carried by unanimous voice vote.

**ADJOURN:**

**Chairman Goedde** adjourned the meeting at 3:55 p.m.

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Senator John Goedde  
Chairman

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Carol Vaughn  
Secretary

## MINUTES

### SENATE EDUCATION COMMITTEE

- DATE:** March 4, 2008
- TIME:** 3:00 p.m.
- PLACE:** Room 204
- MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Fulcher, Senators Schroeder, Pearce, Jorgenson, Bastian, Burkett, and Sagness
- MEMBERS ABSENT/ EXCUSED:** Senator Gannon
- 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.
- MINUTES:** **Chairman Goedde** called the meeting to order at 3:10 p.m. He requested the secretary to take a silent roll call. He recognized **Ms. Tamara Baysinger** from the Office of the State Board of Education for her presentation of H 397 pertaining to Public Charter Schools.
- H 397** **Ms. Baysinger** stated she served as staff to the Public Charter School Commission. She said H 397 was drafted by the Commission because of some problems that have arisen in Commission meetings in the past. She said that Idaho statute currently cites failure to meet "generally accepted accounting standards of fiscal management" as one of the conditions obligating an authorized chartering entity to issue a notice of defect to a public charter school. **Ms. Baysinger** said the generality of the phrase had led to repeated confusion with regard to the Commission's oversight responsibilities.
- She stated for example a school that made unwise decisions that resulted in unserviceable debt, but hadn't violated any accounting principle that would be reported on a fiscal audit. Have they violated "generally accepted accounting standards of fiscal management?" H 397 strikes that ambiguous phrase and replaces it with a requirement that charter schools "demonstrate fiscal soundness." It goes on to define fiscal soundness as the ability to service upcoming obligations in the short-term and ability to service any long-term debt and meet other financial obligations for the next fiscal year.
- Ms. Baysinger** stated if H 397 passes, Idaho's charter school authorizers will be better equipped to oversee the operations of our charter schools and ensure the responsible use of taxpayer dollars. **Ms. Baysinger** stood for questions.

**Senator Burkett** asked **Ms. Baysinger** if she would be opposed to a bill that left paragraph (c) exactly like it was “Failed to meet generally accepted accounting standards” and then insert a new (d) which would say demonstrate soundness and then define soundness the way it does. He stated in other words they would have to do both. **Ms. Baysinger** stated she could not speak for the Commissioners as a whole but she did not think it would be a problem but may not be necessary. She stated a fiscal audit is required of public charter schools every year just as with other public schools so they do need to be fiscally accountable to the generally accepted accounting standards of fiscal management anyway.

**Senator Sagness** stated he would make the same point that having those standards measured is useful. He stated he didn’t have any problem putting in the additional question but taking it out concerned him a great deal and he asked whether there would be any significant objection to leaving those in there. He said it seemed to him to be useful. **Ms. Baysinger** stated again they do have to submit a fiscal audit requiring them to meet those principles. **Senator Sagness** stated but that was at a different point in time and they were two different processes. **Ms. Baysinger** stated the elements requiring an authorized chartering entity to issue a notice of defect apply all the time. The audit comes in annually and if they fail to meet one of the generally accepted accounting standards of fiscal management and the audit reflects that, the Commission would be obligated to act on that at that time.

**MOTION:**

**Senator Bastian** stated it appeared there were a couple of concerns as to fiscal soundness. He moved to send H 397 to the 14<sup>th</sup> Order. **Senator Schroeder** seconded the motion.

**Chairman Goedde** stated he believed the statute applied to any charter school whether it be chartered by the Commission or a local district. **Vice Chairman Fulcher** asked **Ms. Baysinger**, if H 397 were to go to the 14<sup>th</sup> Order would she be willing to make those changes? **Ms. Baysinger** stated assuming she would get permission from her commissioners to do so, she would be happy to work with them. **Senators Schroeder, Bastian and Sagness** had additional suggestions for changes and agreed those too would need to be made by amendment.

**Chairman Goedde** called for a vote on the motion to send H 397 to the 14<sup>th</sup> order for possible amendment.  
The motion carried by unanimous voice vote.

**H 423**

**Chairman Goedde** recognized **Tamara Baysinger** for her next presentation H 423. Ms. Baysinger stated that as the Committee was aware, the Office of Performance Evaluations presented a Virtual School Operations report to the Legislature in March of 2007. She said the report’s first recommendation was that “the Legislature should clarify the definition of a public virtual school which would provide more specific information for new virtual schools to include in their petitions and establish clearer criteria to use in determining which existing schools in Idaho meet that definition.” **Ms. Baysinger** stated the Public Charter School Commission as authorizer of three operating virtual charter

schools and a fourth scheduled to open in the Fall of 2008, and the entity mandated to authorize all further virtual charter schools, worked with numerous charter school stakeholders over many months to draft the language seen in H 423.

She said the bill addresses both points of the Office of Performance Evaluations (OPE) recommendation: it replaces the current statutory definition of a virtual school to establish clearer criteria for use in determining which existing schools in Idaho meet that definition and the bill adds to the list of the required elements to be included in a charter petition for a virtual school. **Ms. Baysinger** stood for questions.

**MOTION:**

**Senator Bastian** moved to send H 423 to the floor with a do pass recommendation. **Senator Pearce** seconded the motion.

**Vice Chairman Fulcher** asked if the motion maker and the second would consider sending H 423 to the consent calendar. Both **Senator Bastian** and **Senator Pearce** stated that would be fine with them.

**SUBSTITUTE  
MOTION:**

**Senator Schroeder** made a substitute motion to send H 423 to the floor with a do pass recommendation. **Senator Sagness** seconded the motion.

The substitute motion carried by unanimous voice vote. Senator Bastian will carry the motion on the Senate floor.

**S 1450**

**Chairman Goedde** recognized **Senator Burkett** for presentation on S 1450. He introduced **Steve Rector**, representative from the Idaho Housing and Finance Association. **Mr. Rector** stated S 1450 is exactly the same bill as S 1405 that passed the house unanimously last Friday. He stated S 1405 inserts Idaho Housing and Finance Association on the second page of the bill lines 45 and 46 to allow school districts to transfer or convey property to the Idaho Housing and Finance Association for Workforce Housing. Mr. Rector stood for questions.

**MOTION:**

**Senator Jorgenson** moved that S 1450 go to the floor with a do pass recommendation. **Senator Pearce** seconded the motion.

**SUBSTITUTE  
MOTION:**

**Senator Schroeder** made a substitute motion to send S 1450 to the floor with a do pass recommendation then to the consent calendar. Senator Fulcher seconded the substitute motion.

The substitute motion carried by unanimous voice vote. Senator Schroeder will carry S 1450 on on the Senate floor.

**RS 17969**

**Chairman Goedde** recognized Senator Burkett for presentation of RS 17969. **Senator Burkett** stated this RS had been before the committee previously. He said they did make a change which was on page 3 in paragraph sub (a) line 24 and 25 encouraging early foreign language learning and implementation of dual language practices and curriculum in Idaho elementary schools. **Vice Chairman Fulcher** stated he did have some recommended changes he would like to make and if there was some way to do that without slowing down the bill he would like to but as a resolution it was fine as is. **Senator Schroeder** moved to send RS 17969 to the Judiciary and Rules Committee for printing and then to the

floor with a do pass recommendation. Senator Burkett seconded the motion.

The motion carried by unanimous voice vote.

### **Discussion of State Board Recommendations**

**Chairman Goedde** recognized **Senator Jorgenson** who stated he had compiled a list of recommendations for the State Board which he would like the Committee to consider.

Recommendation one: **Senator Jorgenson** stated that one of his recommendations would be that all sub agencies currently under the Board of Education be reassigned. With respect to who they might be reassigned to, he suggested they just make the recommendation to consider that. **Chairman Goedde** stated he assumed that recommendation would be made to the Governor? **Senator Jorgenson** stated it would, that all of his recommendations would be going to the Governor.

Recommendation two is that K-12 be moved back to the Department of Education. **Chairman Goedde** asked Senator Jorgenson to explain what that recommendation entailed. **Senator Jorgenson** stated that the Superintendent of Education be in charge of K-12 and have oversight responsibility in the decision making process. **Chairman Goedde** asked for further delineation. He said the part of K-12 that went to the Board was the testing component and the assignment of the SEA which was theirs in statute and had been assigned to the Department of Education at some point. He asked if that is what he was talking about? **Senator Jorgenson** asked **Senator Schroeder** for his input. He said they did have that resolution at one time to transfer the administration of all Federal programs from the Department to the State Board and whereupon they were duplicated. There is no reason to have duplication which cost a lot of money and the reason is the Superintendent of Public Instruction is a part of the State Board and is accountable for those programs. He said the administration of the K-12 Federal programs be with the State Department of Education like they used to be.

**Chairman Goedde** asked **Senator Schroeder** if he was suggesting that both the State Board and the State Department of Education are presently overseeing the administration of those Federal funds? **Senator Schroeder** stated he felt that the administration of all K-12 programs, Federal and State, should be with the State Department. He said there was a time when there was a person in both the State Department and the State Board and the person in the State Department would have to train the person on the State Board to do their job. He said that at that time he had received a letter from Tom Farley which stated the duplication was costing \$1.3 million. He said it was still the case.

**Chairman Goedde** recognized **Senator Pearce** for a question. **Senator Pearce** asked is it in the Statute or the Constitution that the State Board would have supervision over those programs? **Chairman Goedde** stated it was in the Constitution. **Senator Pearce** asked if that recommendation

would then require a constitutional change? **Chairman Goedde** stated he didn't think so since it was just a reassignment of duties.

**Senator Schroeder** stated the Constitution states the State Board of Education has general supervision over all education in the State of Idaho. He said **Senator Jorgenson's** recommendation speaks to the administration of programs. The State Board would still have general supervision over all education programs in the State of Idaho. **Senator Pearce** stated his understanding of **Senator Jorgenson's** recommendation was that all K-12 programs go to the State Department which is the reason for his constitutional question. **Chairman Goedde** asked **Senator Jorgenson** if his recommendation meant that the programs that had been assumed by the State Board be transferred back to the Department? **Senator Jorgenson** stated it was.

**Senator Schroeder** stated his impression of the recommendation is to make the Department of Education the administrative part of K-12 education and the State Board return to the general supervision of the operation which includes the administrative efforts of the State Department. **Senator Jorgenson** stated his approach in his list of State Board recommendations was that the list be used for brainstorming as opposed to being specific recommendations. He suggested the committee take some time to develop some of his recommendations. He said he just wanted to put a few things out for the committee to think about and perhaps do a little research. **Senator Burkett** suggested the committee make a recommendation for a review or study of how the Department of Education and the State Board of Education operated and functioned when Jerry Evans was Superintendent or in 1993 and return to that mode of operating.

**Senator Bastian** stated his concern was the Committee was talking about different things. One was to turn over the programs for administration but not turn over the authority to the Superintendent in terms of oversight and general obligation of the Constitution. **Chairman Goedde** stated it was not the intent of the committee to change the Constitution.

**Chairman Goedde** recognized **Senator Jorgenson** who continued with his list of recommendations.

Recommendation three was that the Governor select the president of the Board as opposed to rotating them around on a ceremonial basis. **Chairman Goedde** asked if that would include for a specific term such as a year or two years? **Senator Jorgenson** said the term should be for whatever the Governor would determine it to be.

Recommendation four dealt with the Gear-Up Program which he said seemed to have some shortcomings because the Board made applications for grants which were competitive to the Department. It was a duplication of process. He stated the Board had no experts on staff to do the grant writing and follow-up. He pointed out we have universities that are experts at doing that asking why not employ the resources we have in place to develop those grants to put them in process? **Senator**

**Jorgenson** stated it is his understanding that one of the universities could have done a much better job, exercising due diligence, and quite simply following the time limits or schedules.

**Senator Schroeder** stated one year (2003 or 2004) they passed a resolution to transfer those programs and suggested getting a copy of that resolution to help identify the programs which would assist the committee to formulate what they want to undo. **Senator Jorgenson** stated he had a copy for the Committee. **Senator Schroeder** stated that having gone through that it was interesting for him to hear one of the Board members blame the Legislature for that when it was obvious that the resolution originated in the Board, was lobbied for by the Board, they got what they wanted, and when they were incapable for whatever reason of administering what they got, they turned around and blamed the Legislature. He stated it exhibited a level of arrogance seldom seen and wanted to say that person or persons on the Board that share that kind of circular thinking probably should resign because they shouldn't be in charge of the education system. **Senator Schroeder** stated he has changed because he has not called for any resignations. He said there are some good people on the Board and it is his hope that the good ones, through the voting process, can get together and take over the leadership positions and exclude the bad ones to the executive committee and any other decision making as much as they can. He stated he saw some hope there that the Board can transform itself if they have the willingness to do that.

**Senator Bastian** stated it seemed to him the Board and staff were somewhat confused about the appropriate process in terms of decision making and suggested some type of retraining to make sure that both staff and board members followed the appropriate policies in the expenditure of monies.

**Senator Schroeder** said when the Governor took office he talked about accountability for people in government. He stated he felt that applied to the Board. He said they have a culture of blaming other people for their either lack of doing something or for their misdeeds. He said that was played out the other day when the Board was blaming one individual but when members of the Committee pointed out they thought that individual was competent, they blamed another individual. He stated that kind of grade school stuff which seems to be the culture of the Board to always find a scapegoat or someone to blame. He said accountability rests with the people on the Board not them finding someone they hired to blame and get rid of every time and everything is going to be all right. That has been played out time and time again and things haven't turned out all right. They have gotten worse because the decision makers at the top were still there playing the same games.

**Chairman Goedde** stated that was a valid observation but didn't know how the committee could put that into a recommendation to the Governor. **Senator Burkett** stated in all organizations, leadership starts at the top and he sees the basic problem of this Board is it's failure to appoint the type of executive director of the Board they need. He stated he had written a letter after a recent resignation that it was a wonderful opportunity to appoint someone to the Board who would bring something to the Board instead of being a person who would just look to the Board for guidance, but someone who would bring leadership style, knowledge of education and have some clout even outside the State of Idaho. He felt we deserved that kind of person. **Senator Burkett** said he would be glad to provide the committee with that letter and believes something along the lines of that letter would be appropriate. **Chairman Goedde** pointed out the fact the Board has gone through three directors in a very short period of time leads him to believe there is a problem in the process.

**Senator Sagness** stated his recommendation would be to reinforce as part of the process the importance of hiring the primary executives as soon as possible and establish a salary that is commensurate with their level of responsibilities. **Chairman Goedde** stated Dr. Rush's thought was to take four positions and make three out of them thereby enabling them to hire people in a salary range that would do that.

**Senator Jorgenson** stated that one of the problems was the lack of continuity in communication among the Board members. He said the Board seems to think it is the fourth branch of the government and not subject to accountability or direction. He stated at a time the Board needed good leadership and experience there was a Board Member who was protesting decisions the governor had made or appointments that had been made and protested by not attending Board Meetings and did that for an extended period of time. He suggested maybe they should have some kind of an attendance requirement.

**Senator Bastian** stated one of the things that impressed him most when he was first elected to the House of Representatives and later to the Senate was Carl Bianchi. He oversaw legislative services in such a way that it was very clear as to the policies that they followed in legislative services and the procedures. He said he agreed with Senator Burkett's request to have a high quality executive director working for the Board. A person who is very clear in the mission, knows exactly what he is supposed to be doing, knows the limitations of the Board, the processes by which the Board should make decisions, and give the Board guidance and direction in those decisions. **Senator Bastian** stated leadership or the lack thereof plays a critical role in the process.

**Senator Jorgenson** stated he had one last recommendation.

Recommendation five would be to have a routine quarterly review of key people. He stated there was an acknowledgment that the Board was not happy with progress being made by certain executive directors but at no time was there any progress reviews. He stated to do that at least

quarterly was a given.

**Chairman Goedde** suggested one more recommendation which is for the Attorney General to assign a very strong willed Deputy Attorney General to the Department to deal with the personalities there.

**ADJOURNED:**

**Chairman Goedde** adjourned the meeting at 3:55pm.

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Senator John Goedde  
Chairman

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Carol Vaughn  
Secretary

## MINUTES

### SENATE EDUCATION COMMITTEE

- DATE:** March 5, 2008
- TIME:** 3:00 p.m.
- PLACE:** Room 204
- MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Fulcher, Senators Schroeder, Pearce, Jorgenson, Bastian, and Sagness
- MEMBERS ABSENT/ EXCUSED:** Senators Gannon and Burkett
- 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.
- MINUTES:** **Chairman Goedde** called the meeting to order at 3:05 p.m. He requested the secretary to take a silent roll call. He recognized **Senator Schroeder** who moved the minutes of February 26<sup>th</sup> be approved.
- MOTION:** **Senator Bastian** seconded the motion.  
The motion carried by unanimous voice vote.
- H 552** **Chairman Goedde** introduced **Representative Mack Shirley** for his presentation on H 552. **Representative Shirley** stated he knew the Committee was familiar with Idaho Digital Learning Academy (IDLA) from a previous presentation. He said it is his belief that IDLA is providing a special service to our students in Idaho which would otherwise be lost. He referred the Committee to a newspaper article which indicated how the students in Riggins were taking a variety of classes and even getting college credit through IDLA. He said some of the students were taking languages through IDLA, as they do not offer language courses in that small school. **Representative Shirley** stated 48 out of the 76 students in that high school were taking at least one on-line class.
- Representative Shirley** stated when they started IDLA five years ago they thought it would accommodate or serve a few hundred students. Today they are reaching about 6,000 students. Nearly 90 percent of the school districts are subscribing to those services through IDLA.
- He said with that kind of growth and success, they have had some needs develop. When IDLA was established, the Legislature determined they should be under a host school district. That their authority to operate and their tax status would come through their host school district, which is the Blaine County School District. With the growth and success they are experiencing, it was determined it was time to look at
- giving IDLA their independent status. The school district in Blaine

County is recommending we do this and is supporting the legislation.

**Representative Shirley** set out five of the major points the legislation does. The first is it grants independence to IDLA. With that independence, it was felt there needed to be some accountability and some oversight. This bill does this on page 2, which states the State Superintendent of Public Instruction shall be a voting member of the Academy Board of Directors.

In addition, page 3 states the Academy must be accredited and on page 4 the Academy must contract with a certified public accounting firm to conduct an annual audit.

**Representative Shirley** stated another basic change H 552 gives to the academy is found on page 6, which is to extend the offerings from purely secondary down into the elementary level as needed. He said those were the major changes, but one big one remained and that was the tax exempt status of IDLA. He stated when you give the IDLA independent status they lose the tax exempt status they have had from the whole school district so it is necessary to provide tax exempt status for them. He stated there is a trailer bill that follows H 552 which is H 567 which states the Idaho Code that will accomplish that. **Representative Shirley** stood for questions.

**Senator Sagness** asked **Representative Shirley** how laboratories are handled with IDLA. **Representative Shirley** yielded to **Dr. Donna Vakili**, Director of IDLA who explained how they ensure those science classes are being covered correctly.

**MOTION:**

**Senator Bastian** moved to send H 552 to the Senate floor with a do pass recommendation. **Senator Sagness** seconded the motion. **Senator Bastian** asked **Representative Shirley** what the advantages were of becoming a self-governing entity and what would be the function of the board? **Representative Shirley** stated in the beginning they felt they needed the oversight and linkage with the host district so they could tie into services essential for a new entity. As they have grown, however, the host district is finding it is taking a more of their time than they would prefer. He recognized **Dr. Vakili** who explained the responsibilities and function of the new Board. In answer to a question from **Senator Bastian** regarding the location of their offices, **Dr. Vakili** stated they basically do things remotely with periodic travel which would not change.

**Chairman Goedde** asked **Representative Shirley** about the wording in the bill on page 4 at line 20. He asked why the title of the section included the word "insurance". **Representative Shirley** yielded to **Dr. Vakili** who stated that is referencing part of the code that is not in this document.

**Chairman Goedde** called for a vote on the motion before the committee to send H 552 to the Senate floor with a do pass recommendation. The motion carried by unanimous voice vote. Senator Bastian will carry the bill on the Senate floor.

**H 398**

**Chairman Goedde** recognized **Representative Marge Chadderdon** for presentation on H 398 relating to Chronic Renal Disease Vocational Rehabilitation. She stated in July there was a question from the Attorney General's Office stating they needed clarification as to the services being provided. She stated this legislation provides that clarification.

**Representative Chadderdon** stated that for the past two years the individuals served by this program have been about 200. She said the number has grown in the last five years significantly due to population growth and the ability to increase the life span. Since July of 2007 through February 20<sup>th</sup> the total clients served is 164 cases. She stated there were presently 24 clients on a waiting list. **Representative Chadderdon** stood for questions.

**Chairman Goedde** asked **Representative Chadderdon** if he understood correctly that this was something vocational rehabilitation was doing and then the attorney general suggested they needed statutory authority to do it, is that correct? **Representative Chadderdon** replied that was correct.

**MOTION:**

**Senator Schroeder** moved to send H 398 to the floor with a do pass recommendation and then to the Consent Calendar. **Senator Jorgenson** seconded the motion.

**Senator Bastian** asked **Representative Chadderdon** how the fiscal impact would be none? **Representative Chadderdon** stated the Division of Vocational Rehabilitation expects that no additional general funds will be needed if the request and the changes are approved. The fiscal impact of the continuing payments for services paid by Medicare and adding payments for transportation, insurance payments will be zero. She stated the total budget for the program is \$649,700. She said that 200 clients at an average of about \$2600 per client is provided during the course of the year.

**Chairman Goedde** called for a vote on the motion to send H 398 to the floor with a do pass recommendation and then to the Consent Calendar. The motion carried by unanimous voice vote.

**PRESENTATION:**

**Chairman Goedde** introduced **Larry Callicutt**, Director of the Idaho Department of Juvenile Corrections (IDJC). **Dr. Callicutt** told the Committee about a recent conference he had attended in Portland. He said speakers at that conference included first lady Laura Bush and the 2005 Teacher of the Year. He stated he was energized by the conference because many of the attendees were from all over the Northwest and had been working with challenged youth for decades. He said it was also good to hear from several youth themselves and many of them talked about their teachers being their mentors, and giving them opportunities they wouldn't have received otherwise.

**Dr. Callicutt** stated at a recent meeting with the Governor, he requested he and the other directors create meaningful and measurable objectives they would like to address in their tenure as director. He said what he did was look at the eleven years he had with the agency, as well as the years he had with law enforcement including a couple of years as a juvenile officer, and looked at gaps he felt on which he needed to focus.

**Director Callicutt** stated his goals are as follows:

1. Victims - Victims of crime will receive justice.
2. Families - Families will be involved and participate in the process while juveniles are in the Department's custody.
3. Reintegration - Preparing juvenile offenders for successful return to their community while they are in state custody.
4. Professionalism - To increase the level of professionalism of the IDJC workforce.

**Director Callicutt** stated many of the juvenile population at IDJC suffer from various mental and health disorders. In speaking to the recidivism rate, he said that 25% of the juveniles that leave their custody are adjudicated again within one year on a felony or misdemeanor charge. He said most of the work as it relates to juvenile delinquency in the State is done at the county level. He introduced **Dr. Glenda Rohrbach**, IDJC Education Manager to speak about their education program.

**Dr. Rohrbach** spoke about the ISAT test scores stating almost all of the students with lower scores on the spring test made progress on the second test. **Dr. Rohrbach** said they have had great success with their GED program with 96% passing in St. Anthony and 100% passing in both Lewiston and Nampa. She spoke about special education stating that 90% of the juveniles in the three state facilities qualify for Title I services and 44% of IDJC's population were identified as qualifying for special education services in December 2007. Those special education categories include learning disabled, cognitively impaired, language impaired, emotionally disturbed, hearing impaired and autistic. **Dr. Rohrbach** stated the number of their students that qualify as emotionally disturbed increases every year. She said one year almost of all of their students were identified as learning disabled.

**Dr. Rohrbach** stated they are seeing more and more of a need for expansion of their vocational programming as the students in the facility are getting older. She said they are meeting with businesses all over the State to work on a plan on how they can accomplish that.

**Dr. Rohrbach** said they plan to open a co-occurring unit for juveniles who have a diagnosed mental health disorder and a diagnosed substance abuse disorder in Nampa in FY 09. She stated they have provided a school psychologist and hopefully they will be able to hire some special ed teachers to work for them in that unit. **Dr. Rohrbach** and **Director Callicutt** stood for questions.

**Senator Sagness** asked what is done with the children under the age of

ten years and, therefore, do not qualify for IDJC services but are creating problems for the courts. **Dr. Rohrbach** stated most of those students are served in the public schools through Title One or special ed services.

**Chairman Goedde** asked **Director Callicutt** if there was anything he could attribute the increase in the percentage of recidivism? **Director Callicutt** stated it was the way the data was collected. They look at one year instead of two and last year was the first year they had access to the State computer system to collect data which made those numbers go up.

**Senator Schroeder** asked if the cost per year was a little over \$60,000 per child. **Director Callicutt** replied that was correct.

**Senator Bastian** asked how they involved families. **Director Callicutt** stated through family counseling. Senator Bastian asked what the percentage of the youth's problems could be attributed to dysfunctional families? **Director Callicutt** stated about 40% come from socially economically depressed homes. Around 50% have drug, alcohol or domestic abuse history within the home. He stated many times the cultures they have come from have set bad examples for them and they have learned from those environments.

**Chairman Goedde** thanked **Director Callicutt** and **Dr. Rohrbach** for their presentation today. He brought the Committee's attention to a couple of handouts he had placed in their folders. One is a draft resolution, a portion of the minutes from yesterday that deal with the Committee's recommendations to the Board, and Boise State's new "finish in four" program.

**ADJOURN:**

Chairman Goedde adjourned the meeting at 4:00 p.m.

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Senator John Goedde  
Chairman

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Carol Vaughn  
Secretary

## MINUTES

### SENATE EDUCATION COMMITTEE

- DATE:** March 6, 2008
- TIME:** 3:05 p.m.
- PLACE:** Room 204
- MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Fulcher, Senators Schroeder, Pearce, Jorgenson, Bastian, Burkett, and Sagness
- MEMBERS ABSENT/ EXCUSED:** Senator Gannon
- 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.
- MINUTES:** **Chairman Goedde** called the meeting to order at 3:05 p.m. and requested the secretary take a silent roll call. He welcomed committee members and guests.
- Chairman Goedde** recognized **Senator Schroeder**. **Senator Schroeder** passed out a handout regarding merit scholarships. He advised the committee members he had previously requested the information and having just received it, wanted to share it with them. He explained there is a difference between people who actually get a National Merit Scholarship and those who are finalists for the scholarship. He stated the information from BSU shows that a lot of people who were National Merit finalists didn't actually receive the scholarship. **Chairman Goedde** asked when you get down to the actual National Merit Scholars, BSU doesn't have any? **Senator Schroeder** replied they haven't had any since last year.
- Chairman Goedde** welcomed **Ms. Wendy Horman**, for her presentation on the Jordan Performance Appraisal System or JPAS. Ms. Horman is a local trustee for the Bonneville School District. **(See Attachment #1)**
- PRESENTATION:** **Ms. Horman** stated the Bonneville School District undertook a process four years ago to look further into research-based measures of teaching effectiveness. The district's goal was to create or find a tool by which practices that have been long identified in the literature as increasing student learning, could be objectively observed and documented. A committee was formed, research done, and two tools were selected to advance to a larger committee. Those were the Frameworks by Educational Testing Services and JPAS by the Jordan School District in Utah. **Ms. Horman's** district sought a new evaluation system for several

reasons.

1. Teachers requested it.
2. Administrators requested it.
3. The NCLB encourages the use of research-based methodologies in a number of areas, including teacher quality.
4. In 2003, the Bonneville School Board began modernizing board policy and this was one area where the board wanted to see improvement.

**Ms. Horman** then gave an overview of her PowerPoint presentation. (**See Attachment #2**) She explained the process by which the new evaluation system came about. There are four components; Observations, Interviews, Feedback Reports and Professional Development Materials. The evaluation system was built around 49 indicators covering a wide variety of skills and techniques. Indicators were grouped in 3 domains; Managing the classroom, Delivering instruction and Interacting with students. The system employs evaluators who must participate in 24 hours of training and pass a written test on the content of the domains.

**Ms. Horman** stated the evaluation also has a monitoring portion. The JPAS monitoring system includes an annual review of all evaluations completed by administrators in the district and an annual review of the performance of educators to identify potential changes needed in the norms of the instrument. **Ms. Horman** said that the JPAS system continues to function extremely well in providing timely feedback to teachers and administrators. **Ms. Horman** also presented samples of documents associated with JPAS.

In conclusion, **Ms. Horman** stated her district is fully committed to helping teachers be successful on this evaluation, which results in evidence-based teaching strategies being utilized in the classroom, which should translate into increased student learning.

**Senator Jorgenson** asked if the Utah Education Association supports JPAS? **Ms. Horman** replied yes. **Chairman Goedde** asked how do they handle cause? **Ms. Horman** stated like everyone else. It has stood the legal test in the courts. **Senator Bastian** asked what **Ms. Horman's** history was with regard to JPAS? **Ms. Horman** replied she first gained knowledge of JPAS from her brother-in-law. **Senator Pearce** asked if one can tie this to merit pay. **Ms. Horman** stated the Jordan School District would not allow them to include that piece in this study. **Ms. Horman** went on to explain that, on a personal basis, she feels one has to have something more comprehensive, perhaps with parent evaluation and feedback. One has to look not only at the inputs but the outputs as well in teacher evaluations. **Senator Sagness** asked about the process for feedback? **Ms. Horman** stated they are just now completing the cycle and feedback is built into the system. In response to a question regarding the professional development classes. **Ms. Horman** stated that the professional development classes are based on where they see weaknesses. This information is gained from the JPAS evaluation system. **Ms. Horman** went on to say that teachers are advised to seek

professional development classes, but they cannot compel them to do so. **Senator Pearce** asked about the administrators and how they fit into the JPAS? **Ms. Horman** replied that JPAS is not yet set up to monitor administrators.

**Chairman Goedde** thanked **Ms. Horman** for her presentation. He stated that if pay for performance moves forward in a committee, whether it be through the offer of the Idaho Education Association or intent language that would require Superintendent Luna to put a committee together, he would urge **Ms. Horman** to volunteer as she would be invaluable in that process with the information she has to offer.

**H 502: Relating to Charter School Facility Relocation.**

**Chairman Goedde** welcomed **Representative Darrell Bolz**. **Representative Bolz** explained that the purpose of **H 502** is to allow Charter Schools, which have a primary attendance zone within more than one school district, to be able to relocate to another school district within the primary attendance zone as established in the charter. **Senator Schroeder** asked which charter school is this for? **Representative Bolz** replied the Vision Charter School in the Valley View School District. **Chairman Goedde** thanked **Representative Bolz** for his presentation.

**MOTION: Senator Pearce** moved, **Senator Fulcher** seconded, to send **H 502** to the floor with a do pass recommendation. The motion passed by unanimous voice vote. **Senator Pearce** will carry this on the Senate floor.

**H 401: Relating to Higher Education residency requirements.**

**Chairman Goedde** welcomed **Ms. Dana Kelly** from the Office of the State Board of Education. **Ms. Kelly** explained the purpose of **H 401** is to clarify and strengthen requirements for obtaining residence in Idaho for the purpose of qualifying for resident fees at the State's institutions of higher education. **Ms. Kelly** indicated that **H 401** follows up on the OPE report from January 2004 and proposed changes to the code which are in line with the recommendations of OPE. **Ms. Kelly** then explained the recommendations from OPE that deal with those recommendations. **(See Attachment #3)** **Chairman Goedde** thanked **Ms. Kelly** for her presentation.

**MOTION: Senator Schroeder** moved, **Senator Bastian** seconded, to send **H 401** to the floor with a do pass recommendation. The motion passed by unanimous voice vote. **Senator Schroeder** will carry **H 401** on the Senate floor.

**ADJOURN: Chairman Goedde** thanked everyone for their attendance and adjourned

the meeting at 4:25 p.m.

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Senator John Goedde  
Chairman

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Carol Vaughn  
Secretary

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Teresa Martin  
Assistant Secretary

## MINUTES

### SENATE EDUCATION COMMITTEE

- DATE:** March 10, 2008
- TIME:** 3:00 p.m.
- PLACE:** Room 204
- MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Fulcher, Senators Schroeder, Gannon, Jorgenson, Bastian, Burkett, and Sagness
- MEMBERS ABSENT/  
EXCUSED:** Senator Pearce
- GUESTS:** *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 Legislative Services Library.*
- MINUTES:** **Chairman Goedde** called the meeting to order at 3:05 p.m. and requested the secretary take a silent roll call. He welcomed committee members and guests.
- H 575:** **Relating to teens at risk;** amending "Idaho Code Section 16-2403" to revise the definition of "Teens At Risk"; and declaring an emergency. **Representative Nicole LeFavour** presented the rationale for **H 575**, stating this bill would accommodate the range of grades and ages present in Idaho middle schools as well as those in alternative schools. The definition of "Child" will remain an individual less than eighteen years of age and not emancipated by either marriage or legal proceeding. "Teens at Risk" will be defined as individuals attending secondary public schools, instead of children attending grades seven through twelve. There was no further discussion and no testimony.
- MOTION:** **Senator Schroeder** moved, **Senator Gannon** seconded, to send **H 575** to the Senate floor with a do pass recommendation. **Senator Burkett** mentioned that **H 575** will be sent to the consent calendar and does not have a sponsor. The motion passed by unanimous **voice vote**.
- H 503:** **Relating to scholarships;** amending "Idaho Code, Title 33, Chapter 43", by the addition of a new "Idaho Code Section 33-4316", to provide eligibility criteria for key to the future scholarships for students; to provide that key to the future students shall remain drug, alcohol, and tobacco free; to provide procedures; to provide the amount and length of the award for key to the future students; to provide for reports; to provide for funding from the joint millennium fund committee or the general fund; to provide for rules and to define terms; to provide a sunset date and to provide for reports. **Representative Sharon Block** presented the rationale for **H 503**. She cited statistics regarding the high percentages of teen-age abuse of alcohol and drugs, leading to education failure and crime.

She stated **H 503** provides for a pilot scholarship program in a small, a medium, and a large district. The students would sign an agreement to remain drug and alcohol free during the 11<sup>th</sup> and 12<sup>th</sup> grades and participate in a random drug testing program. Student eligibility also requires at least a 2.5 GPA or an ACT composite score of 20.

Recipients of the scholarships are expected to remain drug and alcohol free during their post secondary education. The scholarship would be \$1,000 per year for the first two years of post secondary education. The school district would receive \$200 for each student who applies for the scholarship to offset the administrative costs for the program. The scholarship incentive will act as prevention to reduce the high percentages of abuse by teen-age students. The pilot will target 500 students at one grade level.

The State Board of Education would be authorized to request funds on an annual basis from the Millennium Fund or the General Fund if funds in the Millennium fund are insufficient. The legislation terminates in 2017 with a total cost of \$4,400,000. The one-time funding for scholarship awards for first and second year college students will not be needed until FY 2013, 2014, and 2015. **Representative Block** said that **H 503** has the support of many agencies, including the State Board of Education, State Department of Education, Idaho Association of School Administrators, Idaho School Boards Association, Idaho Department of Corrections, Idaho Department of Health and Welfare, all of Idaho's major colleges and universities, and the Idaho Farm Bureau Federation.

She said it is hoped **H 503** would encourage Idaho's children to decline the offer for drugs and alcohol in order to further their education with the help of this scholarship program.

**Senator Gannon** requested information on how the success of the program would be measured, other than the requirements of Section 2 of **H 503**, which would require the State Board of Education to provide an annual report to the Legislature showing the number of students who were provided scholarships in this pilot program. **Representative Block** said there would be feedback about how many were involved in the program and what their university achievement was, if they were meeting the standards. In regard to surveys, a yearly survey is typically done by the Idaho Department of education in regards to substance abuse and that information is available to the Legislature for each school district. **Senator Gannon** asked what is being measured and expressed concern about having feed back about whether the drug and alcohol use declined or about what was accomplished with the \$4.4 million for 500 students. **Representative Block** stated she is certain all information compiled by participating departments and agencies would be available to the Legislature annually.

**Senator Sagness** noted that possibly not all the schools have a system for drug testing. Since the drug test is voluntary, a drug testing system may become unnecessary. He asked if the universities will be expected to perform the drug testing, and **Representative Block** replied that drug

testing would not be required at the university level. The students would be expected to be drug, alcohol, and tobacco free since it was the purpose of this scholarship.

**Senator Jorgenson** asked for what purpose was the Millennium Fund established? **Representative Block** replied that programs must meet certain criteria in order to be considered for a Millennium Fund grant. The projects must be directly related to one of the following: (1) tobacco cessation; (2) prevention or substance abuse or cessation; or (3) tobacco or substance abuse related disease treatment. This bill intends to work within criteria #2, substance abuse prevention.

**Chairman Goedde** asked where the evidence shows that providing scholarships to kids is going to do anything to encourage prevention. **Representative Block** said that **H 503** not only uses positive reinforcement by providing college scholarships as incentives to discourage substance abuse, but also gives students the ability to become productive. **Chairman Goedde** asked if there is any evidence from any other states that would show that providing scholarships is useful in preventing drug and alcohol use. **Representative Block** said she did not know of any other programs using scholarships to promote that improvement, but there are other states using the same theory of rewarding participants who remain drug and alcohol free. Specifically, Alabama's program is very similar to **H 503**. The surveys have shown that there is significant reduction in drug and alcohol abuse since the project started in 2002.

**Senator Jorgenson** noted that the student will qualify if they sign a contract to remain drug and alcohol free for the last two years in high school and would submit to testing. If the student was arrested and convicted of illegal drug use or convicted of a DUI while they were in college, they would lose their scholarship. **Representative Block** affirmed that is correct. The discussion continued about how the students' signed contracts would be enforced using only voluntary drug testing during high school.

**Senator Gannon** noted that the drug testing program as referred to on the first page of **H 503** will be outlined by the board of trustees. He asked if there were any standards in place for a reliable drug testing program that could be recommended to the districts as a program that would work. **Representative Block** replied they had considered standards for the testing program and asked the State Board if they could write rules that would set a standard.

In response to a question from **Senator Gannon**, **Representative Block** said if the student is home schooled, the \$200 will go to the home school to offset the cost of the drug testing kits.

**Senator Sagness** stated that possibly the scholarships will ultimately go to students who are not engaged in substance abuse, missing the target of the at-risk student population. **Representative Block** discussed the

methodology of positive reinforcement and encouragement to make good choices.

The discussion continued with questions and remarks about the use of Millennium funds and the need to continue the fight against substance abuse. Members of the Committee asked several questions about how the results of the pilot program would be tracked and what information would be reported back to the State Board of Education and the Legislature.

**Chairman Goedde** pointed out the importance of evaluations when running a pilot program to determine the level of success and whether or not to continue. He calculated the cost for the Key to the Future pilot could be as high as \$45 million per year, which would strip the Millennium Fund and tap the General Fund. He asked how to justify a pilot program that eventually cannot be funded as a state-wide program. **Representative Block** replied that controlling the costs would be a large factor. Possibly the program would not be expanded to cover the entire State if funds were not available. Costs may have to be controlled by placing a cap on the program. **Chairman Goedde** said the program would be acceptable if spending \$45 million per year would yield results. However, he is not convinced that offering scholarships as described in this plan would show any reduction in substance abuse. **Representative Block** replied that the program would be discontinued if it was not working.

**Senator Gannon** asked what is the criteria that decides success or failure and what sort of statistics would be gathered to assess the results? **Representative Block** replied that procedure could be written in the Rules.

**Chairman Goedde** thanked **Representative Block** for her presentation and called for testimony.

**TESTIMONIES:**

**CON:**

**Ms. Gayle Baird**, volunteer for the American Cancer Society, said the American Cancer Society did not support **H 503** because the Millennium Fund is not an appropriate source of funding. She stated that although providing scholarship funds for drug free use is commendable, utilizing funds from the Millennium Fund for an unproven program with no system to evaluate success is not a wise move. **Ms. Baird** replied to comments from **Senators Burkett** and **Sagness**.

**PRO:**

**Mr. Rob Winslow**, Executive Director of Idaho Association of School Administrators (IASA), said IASA stated they are supportive of any scholarship legislation that encourages students to remain drug, alcohol, and tobacco free. He stated they appreciated it is a pilot approach with logistics and implementation to be tested in just a few schools before going statewide. He said IASA favors the inclusion of administrative costs of schools and the provision that districts can decide to participate or not.

**Ms. Heidi Low** from the American Cancer Society, stated she agreed

**CON:** with **Ms. Baird** that while providing scholarships for drug free youth may be an innovative program, the Millennium Fund is not an appropriate source of funding for this pilot project. She stated the Center for Disease Control (CDC) has many years of experience with tobacco prevention/cessation. It knows what works throughout the states and what it takes to make that happen. She said they have best practices and have recommended a state program that is comprehensive, sustainable, and accountable.

**Ms. Low** stated the CDC had done evaluations in each of the 50 states which took into account all economic factors and have recommended it would cost between \$11 and \$16 million annually for the State of Idaho to have an effective program. **Ms. Low** responded to questions from **Senator Bastian** regarding assistance for at-risk students who are victims of substance abuse.

**PRO:** **Mr. Roger Curtis**, CEO for Walker Center in Gooding, spoke in favor of **H 503**. He stated H 503 was an investment in the future and believes incentives are the way to go to enhance people to take positive action for their future. **Mr. Curtis** responded to comments from **Senator Burkett**.

**CON:** **Ms. Kristin Matthews**, Executive Director of the American Lung Association of Idaho, stated they oppose **H 503**. She stated the \$2,200 per student cost proposed in the bill is not a cost effective means to keep students tobacco free nor should the Millennium Fund be a funding source for this type of program. **Ms. Matthews** described the American Lung Association's program, Teens Against Tobacco Use (TATU) which is currently funded through the Millennium fund in the amount of \$82,000. She stated this program reached more than 8,000 students this year in 20 school districts at a cost to the State of approximately \$10 per student.

**Ms. Matthews** described the TAR WARS program which is not funded through the Millennium Fund reached an additional 8,000 youth in 140 schools at an approximate cost of \$375 per student. **Ms. Matthews** responded to comments from **Chairman Goedde, Senators Bastian and Burkett**.

**PRO:** **Mr. George Brown** from Twin Falls spoke in favor of **H 503**. He said he was involved in an anti-drug group from the Twin Falls area but was not representing that group today. He told the Committee about a program called "Idaho Drug Free Youth" stating the procedures for that program are already in place in many of the schools around Idaho and all the Department of Education would need to do would be to buy into the "set up" of that drug free youth program.

**CON:** **Miss Molly McGinnis**, twelve-year old student of classical ballet, opposes **H 503** because instead of addressing the needs of at-risk students, it poses unintended risks to all students. She pointed to several challenges to student drug testing in other states and provided a list of experts in pediatrics, experts working with teenage substance abuse, those working with public policy and education who are opposing

drug testing in court. She said this policy is a negative approach as scholarships have always been a positive academic reward. Further, she said that the bill will not reduce drug abuse and a few students who are not at risk will take advantage of the scholarship, seeing it as easy money. **Miss McGinnis** is adamantly opposed to drug testing, describing the collection process as indecent treatment for young students in school. She encouraged implementing other methods to help those who have lost their way. **Chairman Goedde** thanked her for her very impressive presentation.

**CON:**

**Ms. Adrean Casper**, Director of Government Affairs for the American Heart Association which is also a member of the Coalition For A Healthy Idaho. **Ms. Casper** stated her concerns are the same as already expressed in the Committee which are that scholarships may be given to students who are already tobacco and drug free due to other influences. She stated the successes the Center of Disease Control and the American Heart Association are experiencing with their drug free programs. She stated the State Board of Education should approach the Millennium Fund Committee like everyone else and present their program based on its merits and give a comparison of other programs.

**Representative Block** closed the discussion by saying there is a huge amount of money available to conduct this pilot project which is intended to produce research. Without trying this approach it will never be known if it will work to encourage young students not to use drugs and alcohol. The research shows that drug testing works. She said **H 503** has good possibilities and urged the Committee to move the bill to the Senate floor.

**Senators Sagness** and **Bastian** continued discussing the intent of the legislation.

**MOTION:**

**Senator Sagness** moved to send **H 503** to the Senate floor with a do pass recommendation. The motion died for lack of a second.

**Vice Chairman Fulcher** said the intent of this legislation cannot be argued, but the concern is that the students receiving the scholarships will probably not be the ones connected to substance abuse. He applauds the effort to tackle the issue, but he thinks it will hit the wrong audience.

**MOTION:**

**Vice Chairman Fulcher** moved, **Senator Bastian** seconded, to hold **H 503** in Committee. After further discussion about the value of safe and drug free schools and about the proper use of the Millennium Fund, the motion passed by **voice vote**, with **Senator Sagness** opposed.

**MOTION:**

**Senator Jorgenson** moved, **Vice Chairman Fulcher** seconded, to approve the minutes for the March 4 Committee meeting. The motion passed by unanimous **voice vote**.

**MOTION:**

**Senator Gannon** moved, **Vice Chairman Fulcher** seconded, to approve the minutes for the March 3 Committee meeting. The motion passed by unanimous **voice vote**.

**MOTION:**

**Senator Burkett** moved, **Vice Chairman Fulcher** seconded, to approve

the minutes for the February 25 Committee meeting. The motion passed by unanimous **voice vote**.

**ADJOURNMENT:**

**Chairman Goedde** adjourned the meeting at 4:50 p.m.

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John Goedde  
Chairman

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Carol Vaughn  
Secretary

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Sandra Boyington  
Assistant Secretary

## MINUTES

### SENATE EDUCATION COMMITTEE

**DATE:** March 11, 2008

**TIME:** 3:05 p.m.

**PLACE:** Room 204

**MEMBERS PRESENT:** Chairman Goedde, Senators Schroeder, Pearce, Jorgenson, Bastian, Burkett, and Sagness

**MEMBERS ABSENT/ EXCUSED:** Vice-Chairman Fulcher and Senator Gannon

**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.

**MINUTES:** **Chairman Goedde** called the meeting to order and asked the secretary to take a silent roll call. He recognized Montessori students from Rigby, who were in attendance and welcomed them to the committee.

#### HCR 48

#### *Relating to Support for Concurrent Enrollment*

**Chairman Goedde** welcomed **Representative Thayn** for his presentation of **HCR 48**. **Representative Thayn** stated the purpose of this resolution is to encourage the Governor, the State Board of Education, the Department of Education, state colleges and universities, and other interested parties to join members of the Legislature in discussion regarding the challenges to increase concurrent enrollment and propose solutions.

**Senator Sagness** asked what mechanism would make something happen within this bill. **Representative Thayn** replied he felt with a little initiative and suggestion from the Legislature, it would happen. They realize these discussions need to take place.

**Senator Bastian** asked about representation from the high school level. **Representative Thayn** said he felt the State Department of Education would involve those people.

**Senator Pearce** made the comment that he believes this to be at least a start. He asked "do you see this going into the direction where next year we might have some actual legislation?" **Representative Thayn** replied yes. He said the issue is out there and not all are on the same page, but with some direction from the House and Senate, believes it will spur them into action. He stated he thinks the State Legislature will have to take the

recommendations and put them into some type of policy.

**MOTION:** **Senator Pearce** moved, **Senator Schroeder** seconded, to send **HCR 48** to the Senate floor with a do pass recommendation.  
The motion carried by voice vote. **Senator Pearce** will carry this on the floor.

**PRESENTATION:** **Chairman Goedde** introduced and welcomed **Ms. Valerie Brooks**, Regulatory & Governmental Affairs Director with the Idaho Credit Union League. **Ms. Brooks** explained that she is here to help with a presentation regarding the National Endowment for Financial Education (NEFE). **Ms. Brooks** then introduced **Ms. LaRaye O'Brien**, Communications Director, who gave a power point presentation. **(See attachment #1)** **Ms. O'Brien's** presentation was about the High School Financial Planning Program (HSFPP). **Ms. O'Brien** explained that the current personal financial state shows record low personal savings, record high credit debt and that Americans are unprepared for retirement. She pointed out that one can see Pay Day lenders on all street corners and many have been affected by the sub-prime mortgage crisis, thus leading to record bankruptcy rates. **Ms. O'Brien** stated the HSFPP program helps to educate high school students in the importance of financial planning. This program is performance-based, with seven target competencies. It meets all relevant national curricular standards and is correlated to educational standards in all 50 states.

Teacher training programs are provided in most states and video training is available on-line. The costs for this program are none. The training and all materials are free. Students who complete the program receive a Certificate of Completion. **Ms. O'Brien** stated that their goals are support for teacher training, financial education for all Idaho citizens and to make sure quality financial education programs are being offered in all Idaho schools. Students who participate in this program go beyond knowing, to doing.

**Senator Bastian** asked how do you set up the teacher training? **Ms. O'Brien** explained that training is scheduled for mid-June and anyone can take part in these workshops.

**Senator Sagness** asked if they work with the Center For Economic Education at the university level? **Ms. O'Brien** responded that their goal is to coordinate with them as well. **Senator Sagness** asked if they work with elementary schools. **Ms. O'Brien** stated there are some teachers who use this curriculum at the elementary level. Although there is no written curriculum, there is another program, sponsored by a local credit union, which is broadcast on PBS that teachers can access and incorporate into their teachings.

**Chairman Goedde** thanked **Ms. O'Brien** for her presentation.

**H 554**

***Relating to Curriculum Material Retention***

**Chairman Goedde** welcomed **Mr. Jason Hancock**, State Department of

Education. Mr. Hancock explained the legislation clarifies which materials will be retained in the State Department of Education's curriculum library. He stated that all curricular materials adopted, in the immediately preceding three years and used in Idaho public schools, and all electronically available curricular materials are to be maintained at the State Department of Education at all times and open to the public.

**MOTION:** **Senator Jorgenson** moved, **Senator Sagness** seconded, to send **H 554** to the Senate floor with a do pass recommendation.  
The motion carried by voice vote. **Senator Jorgenson** asked and received unanimous consent that **H 554** be placed on the Consent Calendar.

**H 553** ***Relating to Education Department Employee Holidays***

**Mr. Hancock** stated that **H 553** enhances the customer service focus of the State Department of Education by changing the dates on which the agency's employees observe certain holidays, specifically Columbus Day and Veterans Day. Under this legislation, department employees will work these two days and in return will take the day after Thanksgiving and Christmas Eve off. This will enable the Department to be available the same days as those of public schools.

**MOTION:** **Senator Jorgenson** moved, **Senator Bastian** seconded, to send **H 553** to the Senate floor with a do pass recommendation.  
The motion carried by voice vote. **Senator Bastian** asked and received unanimous consent that **H 553** be placed upon the Consent Calendar.

**ADJOURNMENT:** **Chairman Goedde** thanked **Mr. Hancock** and adjourned the meeting at 3:50 p.m.

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Senator John Goedde  
Chairman

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Carol Vaughn  
Secretary

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Teresa Martin  
Assistant Secretary

## MINUTES

### SENATE EDUCATION COMMITTEE

- DATE:** March 12, 2008
- TIME:** 3:00 p.m.
- PLACE:** Room 204
- MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Fulcher, Senators Schroeder, Gannon, Jorgenson, Bastian, Burkett, and Sagness
- MEMBERS ABSENT/ EXCUSED:** Senator Pearce
- 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.
- MINUTES:** **Chairman Goedde** called the meeting to order at 3:05 p.m. He requested the secretary to take a silent roll call. He recognized **Representative Jim Patrick** for his presentation on **H 566**.
- H 566** **Representative Patrick** stated HB 566 is a small step to help maintain a safe environment for our kids while in school. He said we not only have an obligation to educate our younger generation but provide a safe environment for them. He stated he has attempted to close some loopholes in section 33-130 and 33-152 with HB 566. Page one lines 19 and 20 adds individuals having contact with students, and provides for a statewide list of substitute teachers as well as a background check every 5 years instead of the current 3 years. **Representative Patrick** said this bill adds substitute teachers and other individuals involved in student training such as interns, student teacher internships, and all individuals who have unsupervised contact with students in a K-12 setting. A fingerprint card or scan will be required. Applicants will pay the 40 dollar charge.
- Lines 40 through 43 on page 1 and lines 1 and 2 on page 2 change the Department of Education's requirements to allow for an applicant upon request to be sent the results of the background tests. He said this will save money since currently approximately 20,000 checks are performed. This bill will add approximately 800 to the background check list. Of course if there is a problem in their background they will also be notified.
- Representative Patrick** stated page 2 lines 3 through 5 clarify that the Department of Education will maintain a statewide list of substitutes and clarifies the term substitute teacher.

He said that Page 4 sets out the timing required for a fingerprint card to be no more than 5 days following the first day of employment for certified, non certified and other individuals and they shall pay the cost of the background check as is the current practice. This includes all individuals having regular unsupervised contact with students in K-12.

**Representative Patrick** told about a case where a non-certified person hired in a local school had a background check performed at the end of 90 days as the current code reads. By the time the results were received the school year was almost completed and he had a disqualifying check. He said this change would help prevent this potential problem.

He continued saying 33-512 also has a provision for people who have irregular contact with students such as volunteers and vending or garbage service contractors, to check against the statewide sex offender list which only takes a few minutes. This would include assistants, parents, and coaches as well as classroom volunteers who frequent the classroom on a regular basis. He said a grandparent or parent who visits occasionally and helps with the class would be exempt.

**Representative Patrick** stated the bill sets out the fiscal impact as an increase in dedicated funds spending authority for the Idaho State Police in the total amount of \$16,000 and the State Department of Education in the total amount of \$17,200. **Representative Patrick** stood for questions.

The Committee had questions as to who would have to have the full background check, how long would it take to receive the results of that check and would one background check cover the educators and contractors for their entire career?

**Representative Patrick** explained H 566 would really not do more than they were presently doing except it adds contractors to the list of those required to have background checks and spells out different rules for substitutes by requiring a background check through the sex offender list. He stated they do not intend to go back and require teachers who are now exempt from the background checks to have to get them as they are certainly beyond the within 5 days of employment requirement.

Committee discussion followed about the cost of the background checks. **Senator Jorgenson** asked why the charge was \$40.00 when it only costs \$29.25? He asked why were they charging more than the actual cost and who was getting the \$10.00 profit? **Representative Patrick** stated and it was further clarified by **Jason Hancock** that the State Department of Education gets the \$10.00 profit which is used to pay for the administrative costs of the checks, for personnel in their office who process all of the fingerprinting cards and requests they receive. Mr. Hancock said the \$40 charge has been in the Code since 1996 and has not been adjusted since that time and H 566 does not adjust it either.

**Senator Jorgenson** stated he wanted to reinforce the point that the cost for a full background check from the Idaho State Police is \$29.25 and

actually it is only \$19.25 if it is done in-house.

Answering a question about who the contractors were, **Representative Patrick** said they were mainly the bus drivers and they already have to have a full background check. H 566 would just make it part of the Code.

**Senator Burkett** stated his concern about grand fathering in existing teachers, that there may be a legal problem in the future if one commits some offense. **Representative Patrick** stated this bill was just to address new employees.

**Chairman Goedde** told the Committee about a school in his district that scans driver's licenses with immediate results regarding their background.

**Chairman Goedde** recognized **James Shackelford**, Executive Director of the Idaho Education Association who argued for an amendment to **H 566**. He directed the committee's attention to the last page of the bill, line 1, sub section 15. He stated the legislation requiring background checks for school employees was adopted in 1996. The arrangement that was agreed to then and memorialized in the statute was that all teachers who had been teaching for 5 years or less and all new teachers employed from that date forward would be required to undergo a background check. Also, all teachers who had been employed longer than 5 years, earlier than 1991, could be required by their local school districts to have background checks, but if they did the local school district would pay the \$40.

**Director Shackelford** stated it appeared to them that the drafting of the language in the bill would require local boards to require all school employees, even those school employees who were employed prior to 1991, to get background checks and pay the \$40 themselves. He stated his proposed amendment would clarify that requirement and make it clear the bill is talking only about new employees. He stated that was the intent of both Representative Patrick and the State Department of Education which is not to create legislation that would go to pre-1991.

Chairman Goedde recognized **Representative Patrick** for his closing remarks.

**MOTION:**

**Senator Schroeder** moved HB 566 go to the 14<sup>th</sup> Order for Amendment. **Senator Gannon** seconded the motion.

**SUBSTITUTE MOTION:**

**Vice Chairman Fulcher** made a substitute motion to hold the bill in Committee. That motion died for lack of a second.

**Chairman Goedde** called for a vote on the original motion to send H 566 to the 14<sup>th</sup> Order.

The motion carried by unanimous voice vote.

**H 548**

**Chairman Goedde** introduced **Liza Carberry**, Investment Manager for the State Treasurer's Office for her presentation of H 548. **Ms. Carberry** stated the 529 College Savings Program was created by legislation that

was passed in 2000. She stated the 529 Program is a tax advantage investment plan that is designed to encourage saving for future education expenses for a specified beneficiary.

She stated the benefits of Idaho's program is that the earnings within the program are tax deferred and would be tax free if the expenses that come out from that fund are used for qualified expenditures. Idaho has an additional write off benefit of up to \$4,000 on a single return and \$8,000 on a joint return. **Ms. Carberry** stated their new program has more fee and more investment options and they presently have \$134 million in assets in the program.

She said during the transition to the new program their attorneys thought it would be a good time to clarify language to be more in line with the Internal Revenue Code.

**Ms. Carberry** stated the changes are as follows:

Changes:

- Addition of a definition for “person” and accompanying adjustments to other definitions
  - *Reason:* Needed to clarify the entities beyond individuals that can open an account.
- Removal of the term “higher education institution” and replacement with the term “eligible education institution,” which is used in the Internal Revenue Code.
  - *Reason:* Aligning the terms insures that the program continues to qualify as a 529 program and allows the Internal Revenue Code to change without requiring additional revisions to Idaho law.

**§ 33-5402 – State college savings program board**

Changes:

- Clarification that the college savings program board can enter into more than just agreements with the program manager.
  - *Reason:* The board required the assistance of a consultant in the recent transition and may require other specialized services not available within Idaho government. The prior language did not clearly provide the authority to enter into these agreements.
- Clarification that the college savings program board can segregate funds in the program from other funds.
  - *Reason:* The board segregated the funds held in the program through a trust and believes it has authority under its fiduciary responsibilities, however, this change erases any doubts about the board's authority.

- Clarification that the program and the trust are within Idaho government.

*Reason:* For the purpose of tax and securities law, the program and the trust must be instrumentalities of the State. Placing such clarifications in Idaho law eliminates the need to receive costly and time-consuming specialized legal review on this issue.

### **§ 33-5404 – Program requirements**

#### Changes:

- Specifies that minors can open accounts and cannot disclaim the account agreement upon turning 18.  
*Reason:* Minors can reject contracts when they turn 18. Without this change, the program is at risk of having the minor reject the contract and seek repayment of market losses, if any are incurred.
- Removal of requirements that the board promulgate rules and determine whether a withdrawal is qualified.  
*Reason:* The Internal Revenue Code no longer places a responsibility on the program to determine whether a withdrawal is qualified. Account owners are subject to audit and are required to verify the qualified status of a withdrawal in the audit process.
- Removal of the requirement that withdrawals be paid only by check.  
*Reason:* The IRS and the program allow electronic payments to the account owner or to the higher education institution.

### **§ 33-5407 – Limitations of Chapter**

#### Changes:

- Adjustment to definitional changes.
- Change from a requirement for rules to a requirement for policies concerning program documents.  
*Reason:* Rules contain requirements for the general public. The requirements of this section apply to the board or to its contractors and should not be in promulgated rules.

### **§ 33-5410 – Unclaimed Accounts**

- New section clarifying that accounts are not unclaimed until the beneficiary turns 18 and the time specified in the unclaimed property laws passes without contact by the account owner.  
*Reason:* Account owners may fund the account in a lump-sum under federal tax law. Additionally, the program offers several investment options that adjust as the beneficiary ages to account for changes to recommended risk in the investment.

This section would avoid the situation where an account becomes “unclaimed” because a parent or grandparent funds the account and then does not take further action because of the automatic nature of the investments.

**Senator Sagness** asked when you set up an account if it has to be for a specific child. **Ms. Carberry** stated you have to designate a specific child. However, it did not have to stay for that child but could be changed to another child. In answer to an additional account question from **Senator Sagness**, **Ms. Carberry** deferred to **Julie Weaver** from the Attorney General’s Office who stated there was a maximum account balance for beneficiaries in the State of Idaho for all accounts which is around \$300,000. **Ms. Carberry** stated it was \$391,000.

**Senator Jorgenson** asked if the funds had to be spent in the State of Idaho, and if minors could open their own accounts. **Ms. Carberry** stated those accounts did not have to be spent in the State of Idaho and deferred to **Ms. Weaver** who stated minors were not allowed to open their own accounts.

**Chairman Goedde** asked for an illustration where a state or local government organization would be an account owner. **Ms. Weaver** stated currently the Code does allow those organizations to open scholarship accounts.

**Senator Burkett** asked what was the interest rate? **Ms. Carberry** stated it would depend on the investment option selected.

**MOTION:**

**Senator Jorgenson** moved that H 548 go to the floor with a do pass recommendation. **Senator Bastian** seconded the motion. The motion carried by unanimous voice vote.

**Chairman Goedde** opened the meeting for further discussion on the State Board Recommendations.

**Senator Schroeder** stated his concern was if the Committee sends the administration of the programs back to the State Department of Education, as the Governor has recommended, would there be the expertise in the State Department to handle those programs? He said the answer was in the structure of the Board and whether we want to operate the State Department in such a fashion that would place people who are not decision makers, but would administer the programs, subject to political whims.

He said you can’t have a long term program that educates kids for twelve years if you are going to replace all the people every so often. He suggested the Committee include a recommendation that would provide some job security for the employees below Bureau Chief.

**Chairman Goedde** asked if he meant the State Department or State Board. **Senator Schroeder** answered State Department.

**Chairman Goedde** stated he had asked and received a list of employees for each program which created the issue as to the employees having to be moved from the Office of the State Board to the Department. He said the Education Budget would have to be reopened to do that.

**Senator Schroeder** suggested that for this year the Committee make recommendations to the Office of the Governor, as the Board works directly for him, and direct him in the interim between now and the next session to proceed to fashion the plan as to how he would like it structured for next year.

**Senator Sagness** had a question about the recommendation to send testing back to the Department. **Chairman Goedde** stated that some of the recommendations are in conflict with each other. He stated he had strong feelings that the testing needs to be separate from the department, that the department needs to do programs but there needs to be an independent arm to test the effectiveness of those programs.

Discussion followed that the recommendations for the Governor's Office be recommendations for next year, not this legislative session, but recommendations for study in the interim by the Governor's Office for the Governor to consider and prepare the necessary legislation for the next session.

**Senator Bastian** stated it was not clear to him as to what the Committee's recommendations were but thought they were just a discussion of ideas. He asked if the Committee had decided on recommendations? **Chairman Goedde** explained the list he had prepared was from points he had gleaned from the minutes of the past meeting. **Senator Bastian** stated he was in agreement with having a variety of ideas, but no set recommendations the committee had agreed upon. **Chairman Goedde** stated that was correct.

**Senator Bastian** stated there seemed to be general agreement that the Department of Education would be responsible for K-12 but was not sure what the specific details of that would be.

The Committee continued to discuss the issue of testing and which entity would be responsible for that. They discussed test development and having an instrument that can be measured. Also in the discussion was the need for independent oversight of the testing.

**Senator Jorgenson** stated to his knowledge some of the problems with the issue of Federal money is who applies for it, and the paper work required. He said it takes so much administrative time for the Department of Education to apply for the Federal money, they would rather not have any.

**Senator Gannon** suggested the Committee look at what Tom Farley's Office did in regard to Federal programs. **Chairman Goedde** stated he

would see if he could get that information from the archives.

Chairman Goedde adjourned the meeting at 4:25 p.m.

**ADJOURN:**

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John Goedde  
Chairman

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Carol Vaughn  
Secretary

## MINUTES

### SENATE EDUCATION COMMITTEE

**DATE:** March 13 , 2008

**TIME:** 3:00 p.m.

**PLACE:** Room 204

**MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Fulcher, Senators Schroeder, Pearce, Bastian, Burkett, and Sagness

**MEMBERS ABSENT/ EXCUSED:** Senators Gannon and Jorgenson

**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.

**MINUTES:** **Chairman Goedde** called the meeting to order at 3:10 p.m. and requested the secretary take a silent roll call. He stated there would be a change in the order of items from today's agenda.

**Chairman Goedde** passed the gavel to **Vice-Chairman Fulcher**.

**S 1437**

#### ***Relating to Streamlined Termination***

**Senator Goedde** brought this bill before the committee. He said he had met numerous times with both the School Board Association and their attorneys and the IEA and their attorneys. He stated he felt what he had was a really good compromise but found out today the School Board Association would not support the bill. He asked that **S 1437** be returned to the sponsor, but wanted to point out to the committee, that in essence a judge yields binding arbitration to the court system, just as an arbitrator would in this bill as proposed. The only difference is the time it takes to get the process done and the dollars that are expended in fulfillment of that process. **Senator Goedde** stated that he certainly hopes he doesn't have a school board trustee come up to the committee and complain about the cost and the time it takes to fire a teacher ever again, because he will remind them of what happened today. **Senator Goedde** then stated he would like to have **S 1437** returned to its sponsor.

**Senator Sagness** requested unanimous consent that **S 1437** be returned to its sponsor. There was no objection and **S 1437** was returned to its sponsor.

**Senator Bastian** asked the reason the school board association would not support the bill? **Senator Goedde** replied it was because the arbitration would be binding.

**Vice-Chairman Fulcher** passed the gavel back to **Chairman Goedde** who welcomed **Representative Bob Nonini** for his presentation of **H 543a**.

**H 543a**

***Relating to the Idaho Education Network.***

**Representative Nonini** passed out information regarding his presentation. He explained the House Education Committee had heard a presentation regarding the Utah Education Network, a network that has been in place for more than 30 years and has been quite successful. After hearing the presentation and speaking to a number of people, including the director of the Department of Administration, the Governor's Office, and a number of legislators, they felt it would be important to move forward to create an Idaho Education Network. This legislation is to enable the Department of Administration to start the process of identifying areas in Idaho that do not currently have broadband capability. The intent of the legislation would allow the Department of Administration to develop a mapping of those under-served areas. It would also create a place for funds, when available, for the continued development of the Idaho Education Network. **Representative Nonini** explained the many benefits that come along with establishing an Idaho Education Network. He also indicated that a lot of monies are being left untapped due to the telephone e-rate. The e-rate which all telephone customers pay, can be refunded, but often districts are not even aware of the refund's availability.

**Representative Nonini** stated his last point was in regard to what the kids deserve. He stated if we are going to expect our kids to be highly educated and we have the ability in technology to do this, then we should move forward. The amendment to this bill was to take out any reference to any fiscal impact. In talking with JFAC members, and with money being tight this year, there was a line in the bill that said that beginning in FY2010 the Legislature would appropriate money to this network and there were some concerns about that. That paragraph has been taken out and there is now no reference to monies.

**Vice-Chairman Fulcher** stated what this does is put the mechanism in place for there to be an Idaho Education Network, but does not appropriate any funds. **Representative Nonini** replied exactly, it creates the mechanism or a bucket so to speak, and then when the Legislature feels there are monies to be appropriated, the bucket is already there and the monies can go right into it. **Senator Goedde** explained that the amendment deletes Section 10 on page 3, starting on page 37. **Vice-Chairman Fulcher** asked if there is a ball park estimate on what start-up costs would be? **Representative Nonini** replied when he first started down this road, they had indicated about \$75 million to get it fully implemented.

**Senator Bastian** commented he thinks this is an excellent idea and partnering with private enterprise could provide opportunities for schools, teachers, teacher training, etc.

**Senator Sagness** asked about access throughout the state?

**Representative Nonini** replied there will be a process put in place this summer and hopes to be able to come back to the committee next year with a report. **Senator Sagness** commended the efforts to bring this network to Idaho. He explained he had used the technology in the past and it works very well. **Representative Nonini** stated that although he is here to represent the children and the educational side - there are many economic benefits to having this technology in place.

**Senator Pearce** commented on the many sponsors listed on the bill. He asked with regards to the safeguards in this network. **Representative Nonini** explained the network would be administered by Mike Gwartney, Director of the Department of Administration, and feels he will run a tight ship and the network will not become just a BSU, or ISU or U of I program.

**Senator Goedde** asked what does Utah spend annually to keep their network going and what do they anticipate Idaho would spend? **Representative Nonini** explained that at this point he can't say how much it will cost Idaho. As for Utah, their earlier presentation indicated a cost of \$18 to \$20 million per year.

**Senator Burkett** asked about the organization of this proposed network. Why the Department of Administration was chosen rather than the Education Department? **Representative Nonini** replied that this goes beyond education. There are economic development pieces that can go along with a network like this and in trying to recruit some private dollars to help in costs, one needs to show an economic benefit.

**Representative Nonini** asked **Mr. Gwartney** to speak with regard to the Idaho Education Network.

**Mr. Gwartney** explained the bill does three things. First, to put together an operational business plan to bring back to the committee next year. Second, it directs Superintendent Luna to be responsible for putting in place the curriculum, how it will be taught, how the universities will be brought together, etc. **Mr. Gwartney** stated the Idaho National Laboratory (INL) is also built into his plan. The third item is to maximize the e-rate refund. They believe there are approximately three million dollars not being utilized from the potential e-rate refunds.

In response to questions from the committee, **Mr. Gwartney** explained the \$75 million dollar cost is probably high. They have been working with all the different cable and phone providers in bringing them together to help establish the vision of the Idaho Education Network. **Mr. Gwartney** stated that his responsibility is to bring back a business plan and a better estimate of costs. He stated that the Utah Education Network has been very accommodating as to sharing their network plan with Idaho. Private firms will be able to make a return on their investments. In meeting with the different private firms, they indicated their concerns in having a good education system. They can see the long term results. This network offers opportunities in many areas, such as training state employees in their own communities rather than having them drive to Boise. It offers

the ability to be in every courthouse and many other benefits. As to the access throughout the state, cable is in most communities, but not to all high schools or other institutions, the initial start-up cost will certainly be a capital investment. There are some school districts that are pretty much wired together, but there are some very rural areas that are still in need and could be challenging. **Mr. Gwartney** stated he sees this not as a pilot program but as a first phase program. He explained they will be looking at revenue sources as they go through the operational business plan. **Mr. Gwartney** asked **Mr. Greg Zickau**, Infrastructure Manager for the Department of Administration/Office of CIO to the podium for a question regarding Wi-Fi technology.

**Mr. Zickau** explained this technology, with regards to Wi-Fi which is primarily access technology, would enable independent districts or others with access to the network as a whole to use Wi-Fi to extend their reach of that network.

**MOTION:**

**Senator Pearce** moved, seconded by **Senator Sagness**, to send **H 543a** to the floor with a do pass recommendation. The motion passed by voice vote. **Senator Pearce** will carry this on the Senate floor. **Chairman Goedde, Senator Bastians** and **Sagness** asked to be placed as co-sponsors of **H 543a**.

**Senator Bastian** made the comment that this does more than simply interconnect universities, high schools and grade schools. It interconnects communities. The possibilities are limitless, not just for education, but perhaps medical use, emergency responders, police use in public safety, and the list continues. What this would create is a backbone for further uses. It is revolutionary and a step into the future.

**ADJOURNMENT:**

There being no further business, Chairman Goedde adjourned the meeting at 3:50 p.m.

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Senator John Goedde  
Chairman

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Carol Vaughn  
Secretary

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Teresa Martin  
Assistant Secretary

## MINUTES

### SENATE EDUCATION COMMITTEE

- DATE:** March 18, 2008
- TIME:** 3:00 p.m.
- PLACE:** Room 204
- MEMBERS PRESENT:** Chairman Goedde, Senators Schroeder, Jorgenson, Bastian, Burkett, and Sagness
- MEMBERS ABSENT/ EXCUSED:** Vice Chairman Fulcher, Senators Gannon and Pearce
- 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.
- MINUTES:** **Chairman Goedde** called the meeting to order at 3:15 p.m. and requested the secretary take a silent roll call. He welcomed committee members and guests.
- HCR 55** **Chairman Goedde** recognized **Representative Margaret Henbest** for presentation of **HCR 55**. **Representative Henbest** stated **HCR 55** is a resolution declaring the wish of the Legislature to the Department of Education to place some standards in our schools relating to the nutritional content of vending machines. This legislation asks the Department of Education if they would compile from their individual school districts information on what the school districts are doing in terms of the kind of food they put in their vending machines and if they are complying with Department of Education nutritional guidelines currently in place.
- Representative Henbest** stated **HCR 55** is an effort to address the issue of child nutrition and child obesity in our State. She listed medical problems caused by obesity including type 2 diabetes and stated it is important to care about the consequences of obesity not only for our children but also because it costs the State of Idaho an estimated \$100 million annually. She stated the standards of **HCR 55** are common to those found in legislation adopted by other states and that have been set by Action for Healthy Kids in the State of Idaho. **Representative Henbest** stood for questions.
- The Committee asked if the Federal standards for the food served on the Federally subsidized free and reduced lunch program and the recommended standards for vending machines in **HCR 55** were the same. **Representative Henbest** stated the calorie count for the Federally subsidized free and reduced lunches is considerably higher than that for the vending machines as the Federal program has taken into account the meals children receive under that program may be the only

meal the child will receive all day.

**Senator Jorgenson** stated he had a problem with the government telling people what they can eat. **Representative Henbest** stated **HCR 55** is an opportunity for adults to model correct nutritional intake and decision making by minor children.

Discussion was held regarding the savings to the State in public dollars now being spent on obesity related illnesses as well as better health resulting in a better quality of life for the children.

**TESTIMONIES:** **Chairman Goedde** recognized **Colleen Fillmore**, Registered and Licensed Dietitian and State Director for the Child Nutrition Programs in the Department of Education.

**CON:** **Director Fillmore** stated the reason she was here was for information purposes only on how the Child Nutrition Programs run and what oversight they have at the public schools throughout the state concerning vending machines. She said she also wanted to clarify the fiscal impact of **HCR 55**. **Director Fillmore** stated it was important to note that Idaho and all Federal Child Nutrition programs have no regulatory oversight of the local vending machines. That the Child Nutrition Programs neither sell nor benefit from the revenues received from those machines.

**Director Fillmore** said that even though Child Nutrition does not have regulatory oversight of vending machines, they do have questions concerning the fiscal impact at the state level if this resolution does pass. She stated the request that each school district file with the State Department of Education during the annual renewal process for the National School Lunch Programs would require software updates sometimes costing in the thousands of dollars. She stated another cost would be the training and technical assistance needed for those administering the suggested vending machines guidelines. **Director Fillmore** stood for questions.

**Senator Bastian** asked how free and reduced lunch programs came about? **Director Fillmore** stated that was in the 1950's after WWII when several of the young men came back and tests showed they were malnourished. She stated that since then they have had the national breakfast program and after school snacks which started about five or six years ago. **Senator Bastian** asked if the Department of Agriculture supports the free and reduced lunch programs and if farmers in general benefitted from those types of programs. **Director Fillmore** stated yes.

**CON:** **Chairman Goedde** recognized **Elizabeth Criner** representing the Northwest Food Processors Association (NWFPA). **Ms. Criner** stated her organization appreciates efforts to bring the important issue of child obesity forward, but does not believe **HCR 55** gets to the level of improving nutrition for children. She stated restrictions do not educate kids on how to make healthy eating choices; educating kids and parents on how to make healthy eating choices would have a far greater impact on the decisions children make. The American Dietetic Association has

stated that the entire diet rather than specific foods should be scrutinized rather than labeling certain foods as good or bad. She said that restricting foods would do little or nothing to educate people on making good choices. **Ms. Criner** said the NWFPA urges the Legislature to look for educationally based answers to this situation as opposed to the limiting of choices that are included in HCR 55. **Ms. Criner** stood for questions.

**Senator Jorgenson** asked if she knew what the physical education requirements in Idaho schools were? **Karen Echeverria** was called upon to answer that question. **Ms. Echeverria** stated that in Idaho one year of physical education is all that is required in high school and there are no requirements for physical education in grade school or junior high.

Discussion continued about healthy and unhealthy choices and how some snacks thought to be healthy would not fit the criteria that is included in **HCR 55**.

**PRO:** **Chairman Goedde** recognized **Lyn Darrington** representing Regence Blue Shield of Idaho. **Ms. Darrington** stated that one of the most important things to Regence is combating obesity and chronic diseases associated with obesity. She said Regence Blue Shield of Idaho supports **HCR 55** as one important step in educating Idaho's children to better combat obesity.

**CON:** **Chairman Goedde** recognized **Steve Thomas**, Attorney on behalf of the Idaho Soft Drink Association whose members are comprised of soft drink bottlers in the State. **Mr. Thomas** stated their opposition to **HCR 55** is premised on two ideas; one the principal of it. He stated his industry is both aware and has been dealing with the issue of obesity both pro actively and responsibly without legislation making them do it. He stated obesity is more than just intake, it is outtake or exercise as well. **Mr. Thomas** referred the Committee to his handout "School Beverage Guidelines" a joint initiative of the American Heart Association and the William J. Clinton Foundation which was developed in May of 2006 and adopted by the Idaho Soft Drink Association a few months later. He said the program is targeted on the three categories of schools: elementary, middle and high school. He stated the beverage policy for each of those categories. He stated the obesity issue is broader than just soda pop but is a cultural issue which includes a balanced diet and exercise and they do not believe it is necessary to legislate it. **Mr. Thomas** stood for questions.

**Chairman Goedde** asked **Mr. Thomas** what he would do if an elementary school requested pop in their vending machines that was outside their guidelines? Would their venders comply with that request of the school? **Mr. Thomas** replied if there was a current contract already in place that permits carbonated soft drinks they would fulfill that contract

but when it came up for renewal, they would follow the guidelines. That is their National and State Association policy.

**CON:** **Chairman Goedde** recognized **Pam Eaton**, President of the Idaho

Retailers Association. **Ms. Eaton** stated they support **Representative Henbest's** effort to try to make vending machine choices more healthy but they do oppose **HCR 55**. **Ms. Eaton** said they have always been supportive of healthier foods for children, have voluntarily pushed for restrictions, and work with schools to provide healthier choices. She stated the schools throughout Idaho are doing an exceptional job at that. She said in looking at the guidelines in the concurrent resolution she has a hard time believing you can easily figure out which foods would go into the guideline and which would not. She stated the guidelines they have are simpler. **Ms. Eaton stood for questions.**

**Senator Burkett** stated the three beverage guidelines were very similar and suggested blending the three together. He asked **Ms. Eaton** if she would be agreeable to sitting down with the Department of Education and work to merge them. **Ms. Eaton** stated a couple of years ago they did just that but it didn't go forward. She said it was a great idea and **Senator Burkett** was correct, the guidelines aren't very far apart from one another.

**Senator Bastian** stated giving students choices, some of them being healthy and some unhealthy was a problem for him. **Ms. Eaton** stated the food restricted for secondary are very healthy choices. She stated their guidelines would match identical to the soft drink association. As far as the concurrent resolution, they base their guidelines on calories rather than the content of the food because calories are easier to count and understand. In answer to a question from **Senator Sagness**, **Ms. Eaton** stated their guidelines push towards healthier snacks and healthier portions. She said the food industry and the manufacturers of food have gone to great lengths to make their snacks more healthy than they have been in the past and there are a lot of great snacks out there that would not meet the criteria of this concurrent resolution.

**Chairman Goedde** recognized **Jason Hancock**, Deputy Chief of Staff for the Department of Education, who stated they did not have the statutory authority to tell school districts what can and cannot go into vending machines. The only authority they have relating to nutrition content relates to the federal laws surrounding the school lunch program. He said the Legislature does not have the ability through the vehicle of a concurrent resolution to convey rule making authority to the department so they would not have the ability to set the standards as any kind of an absolute requirement. They could establish them as recommendations, but it would be up to the school districts to follow them. He said they certainly could not do what is on page 2 lines 11 and 12 and prohibit the availability of foods with minimal nutritional value in vending machines. He stated they do not have the statutory authority to prohibit those things.

**Karen Echeverria** yielded to questions from **Senator Jorgenson**. **Senator Jorgenson** asked **Ms. Echeverria** if she knew when the Idaho school system stopped with the physical education programs and why? **Ms. Echeverria** stated the rule she previously referred to that requires one year of physical education for high school students had been in place for at least ten years.

**Chairman Goedde** recognized **Representative Henbest** for closing

remarks on **HCR 55**. **Representative Henbest** stated **HCR 55** was a narrowly focused voluntary resolution that has the Legislature using its voice to adjust where we ought to be in terms of what children are allowed to purchase from vending machines in the schools. She stated the demand for healthier food would shape the kind of foods that come out of the food industry.

**Chairman Goedde** asked in the light of what **Mr. Hancock** stated, that on page 2 line 11 where it states the department should prohibit the availability of foods... it sounds like that is something they cannot do. **Representative Henbest** stated the operative word in that line is "should". It is a voluntary decision. They are not binding, they are guidelines.

**Chairman Goedde** stated the fiscal impact concerns of **Director Fillmore** and asked if she was confident her fiscal note was still on target? **Representative Henbest** stated this was a resolution and as such would have no fiscal impact until the department made the decision to further make those recommendations to school districts or to request reporting information from those districts.

**MOTION:** **Senator Sagness** moved **HCR 55** be approved for consideration by the full Senate with a do pass recommendation. **Senator Burkett** seconded the motion.

**SUBSTITUTE MOTION:** **Senator Jorgenson** made a substitute motion to hold **HCR 55** in Committee. **Senator Schroeder** seconded the substitute motion. **Senator Bastian** requested a roll call vote.

Senator Sagness - Nay  
Senator Burkett - Nay  
Senator Bastian - Aye  
Senator Jorgenson - Aye  
Senator Schroeder - Aye  
Chairman Goedde - Aye

The substitute motion **carried** to hold **HCR 55** in Committee.

**H 607** **Senator Goedde** thanked **Representative Henbest** for her efforts. He recognized **Jason Hancock**, Deputy Chief of Staff for the Department of Education for presentation of **H 607**. **Mr. Hancock** stated **H 607** deals with three different funding statutes relating to public schools. He said the fiscal impact of the various changes was zero. **Mr. Hancock** said Section 1 of H 607 deals with the tuition equivalency allowances for various specific sub populations of students within Idaho School Districts. He stated these were kids in group homes, detention facilities or foster care. **Mr. Hancock** stated Section 33-1002B, Idaho Code provides additional funding for school districts who have these children in their schools. He said this is the State's recognition of the fact that these students are more expensive for school districts to work with. **Mr. Hancock** said they were going to lose their basis for calculating the additional money necessary for this group of students in the future if they didn't make this change.

**Mr. Hancock** stated Section 2 deals with Section 33-1006, Idaho Code which is the school transportation funding section. He said this section removes reimbursement for the costs of transportation for field trips (lines 33 and 34, page 2), but increases the state reimbursement on the home to school, school to home travel which basically results in a wash.

**Mr. Hancock** said Section 2 also clarifies how hardship bus runs are defined. He stated this section deals with an unintended consequence of a change that was made in the statute last year which established criteria for how a school district could operate above the transportation cost cap calculated on either a cost per student or cost per mile basis. He said one of the criteria is the sparsity factor. He explained if the district is picking up less than 50% of the statewide average student riders per mile, it is a sparse route. If that district can meet another one of the three criteria, it is designated a hardship run and can, therefore, go over the cap for that route. He stated a number of bus runs would qualify as hardship runs except they pick up kids on their way back to town which puts them over the limit and they lose their eligibility. This section changes that provision stating the sparsity factor will be applied over any single continuous segment of the bus run that includes at least 90% of the miles driven, so that last quarter mile will not be counted against them when they pick up the kids.

**Mr. Hancock** stated section 3 removes the arbitrary cap on the number of new support units that a charter school can receive in a given fiscal year. He stated this cap was originally put in place as a budget planning tool but is no longer necessary due to the fact the charter schools must be approved by no later than January 1<sup>st</sup> of the school year prior to opening. He stated this language, therefore, is superfluous.

**MOTION:** **Senator Jorgenson** moved **H 607** go to the floor with a do pass recommendation. **Senator Bastian** seconded the motion.  
The motion passed by unanimous voice vote.

**MOTION:** **Senator Jorgenson** moved the minutes of February 28<sup>th</sup> be approved. **Senator Bastian** seconded the motion.  
The motion passed by unanimous voice vote.

**MOTION:** **Senator Bastian** moved the minutes of March 5<sup>th</sup> be approved. **Senator Jorgenson** seconded the motion.  
The motion passed by unanimous voice vote.

**MOTION:** **Senator Sagness** moved the minutes of March 6<sup>th</sup> be approved. **Senator Jorgenson** seconded the motion.  
The motion passed by unanimous voice vote.

**MOTION:** **Senator Burkett** moved the minutes of February 27<sup>th</sup> be approved. **Senator Jorgenson** seconded the motion.  
The motion passed by unanimous voice vote.

**ADJOURN:** **Chairman Goedde** adjourned the meeting at 5:10pm.

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Senator John Goedde  
Chairman

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Carol Vaughn  
Secretary

## MINUTES

### SENATE EDUCATION COMMITTEE

**DATE:** March 20, 2008

**TIME:** 3:00 p.m.

**PLACE:** Room 204

**MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Fulcher, Senators Schroeder, Pearce, Jorgenson, Bastian, Burkett, and Sagness

**MEMBERS ABSENT/ EXCUSED:** Senator Gannon

**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.

**MINUTES:** **Chairman Goedde** called the meeting to order at 3:05 p.m. and requested the secretary take a silent roll call. He welcomed committee members and guests.

**S 1408** **Chairman Goedde** introduced and welcomed **Dr. Mike Rush, Interim Executive Director of the State Board of Education and Administrator for the Division of Professional Technical Education** for his presentation of **S 1408**. **Dr. Rush** stated **S 1408** was generated primarily from the Division but it has been voted on and is supported by the full State Board of Education. He stated **S 1408** is the result of work that has been ongoing for a couple of years to update the requirements of oversight for proprietary schools. He said this last year the State Department of Education, who had been registering proprietary schools, decided that did not fit their mission and "gifted" it over to the Division of Professional Technical Education. That Division, however, was not given any money or positions to administer it. What they found out was they weren't really administering the proprietary schools, they were merely collecting fees and issuing certificates. That meant a school could get a certificate in the State of Idaho simply by sending in their fees without providing any other information such as their curriculum. In addition, they were required to register their agents which are those people who are recruiting in the public school. Here too, they just sent in their fees and their name and received a State I.D. card without providing any personal background information. **Dr. Rush** said **S 1408** resolves a final problem by providing a different process for funding a tuition recovery fund that would be used to protect students who have paid their tuition to a school that has then gone out of business. It would provide at least a portion of a refund for those students.

**Dr. Rush** stated this legislation makes three fundamental changes over

the existing legislation. First, it takes the State out of the business of tuition recovery. Second, it changes the registration fee to a percentage of tuition rather than a flat fee, and third it creates an agent registration process that shifts the responsibility to the schools.

**Dr. Rush** stated another thing **S 1408** does is create a category of degree granting proprietary schools.

**Chairman Goedde** gave an update on the process **S 1408** had gone through in its journey to return to the Committee. He called for questions of the Committee.

**Senator Schroeder** asked what would happen in the case where a school promises a student it will become accredited and then doesn't? **Dr. Rush** answered that would be a civil matter between the student and the school. There is nothing in this legislation that would provide for that.

**Senator Pearce** asked how many proprietary schools were there in the State? **Dr. Rush** stated there were 48 who are registered by the Professional Technical Education as non-degree granting institutions and possibly another dozen degree granting institutions. **Senator Pearce** asked how many were going out of business every year? **Dr. Rush** stated he was not sure, that he did not know what those numbers were. He said two schools went out of business this Spring.

**Chairman Goedde** told the committee that while the Fiscal Note indicates the legislation would take \$154,000 and 2 full time employees, the co-chairs of the Joint Finance Appropriations Committee realize there is something unfunded out there and **Dr. Rush** has indicated he can shoestring it together for \$50,000 in one time money for this year. The fiscal impact will not, therefore, be \$154,000.

**Senator Bastian** asked if the private schools agreed with the amendments to this legislation that changed number (12) schools to number (12) regionally accredited institutions and (a through f) that followed which listed which institutions were going to be the accredited institutions? **Dr. Rush** stated it would be up to the State Board of Education rule making process to determine whether a particular school and a particular accreditation process will meet whatever level of requirements the Board wants. That will be part of the Board process. In the current rule, however, there is an exemption that streamlines the registration process if an institution has regional accreditation.

**Senator Bastian** asked if under the language of the amendment would there be any educational institutions that would not qualify? **Dr. Rush** stated he hopes so. He stated he hopes it will exclude those institutions that do not provide what they promised the students. It will not, however, preclude any legitimate organization from operating in the State of Idaho.

**MOTION:**

**Senator Jorgenson** moved to send **S 1408** to the 14<sup>th</sup> Order for amendment. **Senator Bastian** seconded the motion. **Chairman**

**Goedde** stated several people had signed up to testify about **S 1408** but

they were all pro so there was nothing against it.

**Senator Burkett** asked why the registration fees didn't cover the cost of administering the program? **Dr. Rush** stated because they aren't high enough. He said the question is really why aren't they higher? There are two reasons: one, our fees are comparable to our sister states. The amounts we charge are not out of line to those being charged by our sister states. Second is that a lot of what the statute requires is controlling entities that have not applied for registration. We really aren't primarily interested in the ones that qualify under the law, we are primarily worried about those that do not qualify and keeping them out of business. The argument our proprietary school colleagues have made is that it is really at least partially a state responsibility. He said in other words it is not necessarily the responsibility of the legitimate proprietary schools to guard against every fly by night dishonest person that might sneak into the state. It is a responsibility that should rightly be spread out a little more broadly than simply have the legitimate ones fund that effort and we accepted that. **Senator Burkett** speaking about the cost of enforcement asked why couldn't there be penalties assessed against those folks you are trying to force out of business to pay that cost. **Dr. Rush** stated he really didn't have a good answer for that.

**Chairman Goedde** called for a vote on the pending motion to send **S 1408** to the 14<sup>th</sup> Order.

The motion carried by unanimous voice vote. **Chairman Goedde** will carry the bill on the Senate floor.

**H 618**

**Chairman Goedde** recognized **Representative Donna Pence** for presentation of **H 618**. **Representative Pence** stated **H 618** is the second of a pair of bills designed to provide a perimeter for districts to follow when they are looking to consolidate. She stated **H 618** establishes the framework for each trustee zone which is five members if two districts consolidate and seven members if three or more districts consolidate. This legislation also amends section 33-505 of the Idaho Code to revise the method of appointing trustees which is set out on page 3 beginning with line 8 of that page. **Representative Pence** directed the committee to her handout entitled "Transition Board Trustee Selection" which is a diagram of how this would be accomplished. (Attachment 1).

**Representative Pence** stated the final part of this new section to **H 618** is found on page 3 at line 35 which states that the board of trustees of the newly consolidated school district shall expeditiously redraw the trustee zones pursuant to section 33-313 of the Idaho Code, which puts them in compliance with the one person one vote principal. She stated **H 618** had no fiscal impact to the General Fund.

**MOTION:**

**Senator Bastian** moved to send **H 618** to the Senate floor with a do pass recommendation. **Senator Sagness** seconded the motion. The motion carried by unanimous voice vote.

**MOTION:**

**Senator Pearce** moved that the minutes of March 11<sup>th</sup> be approved. **Vice Chairman Fulcher** seconded the motion. The motion carried by unanimous voice vote.

**MOTION:**           **Senator Schroeder** moved that the minutes of March 12<sup>th</sup> be approved.  
**Senator Pearce** seconded the motion.  
The motion carried by unanimous voice vote.

**MOTION:**           **Senator Bastian** moved that the minutes of March 13<sup>th</sup> be approved.  
**Senator Sagness** seconded the motion.  
The motion carried by unanimous voice vote.

**Chairman Goedde** announced there would be a meeting Monday, March 24<sup>th</sup> at 3 p.m. to take up S 1404. **Senator Burkett** asked if the committee will discuss the proposed letter to the State Board. **Chairman Goedde** answered if there was time to do it, they would. In answer to a question from **Senator Burkett** regarding a letter going out, **Chairman Goedde** committed that he would at least relay the suggestions that were discussed. **Senator Schroeder** suggested that maybe that could be something committee members could work on putting together outside the context of a formal meeting and then bring it to a meeting after everyone has had an opportunity to look at it. **Chairman Goedde** asked **Senator Schroeder** if he was going to start drafting it? **Senator Schroeder** stated he might just do that. **Chairman Goedde** stated that sounded like a volunteer.

**ADJOURN:**           **Chairman Goedde** adjourned the meeting at 3:35 p.m.

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Senator John Goedde  
Chairman

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Carol Vaughn  
Secretary

## MINUTES

### SENATE EDUCATION COMMITTEE

- DATE:** March 24, 2008
- TIME:** 3:00 p.m.
- PLACE:** Room 204
- MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Fulcher, Senators Schroeder, Gannon, Pearce, Jorgenson, Bastian, Burkett, and Sagness
- MEMBERS 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.
- MINUTES:** **Chairman Goedde** called the meeting to order at 3:05 p.m. and requested the secretary take a silent roll call. He welcomed committee members and guests. He recognized and welcomed **Mrs. Jeanne Gannon** appointed Senator to represent her husband, **Senator Tom Gannon** in his absence.
- S 1404a** **Chairman Goedde** recognized **Senator Schroeder** for presentation of **S 1404a**. **Senator Schroeder** explained that when this bill went to the Amending Order they deleted the entire original bill beginning with "A Def-" on line 2 of page 1 and continuing through line 37 of page 4, the last page of the original bill. The amendment basically replaces S 1404. **Senator Schroeder** stated the purpose of **S 1404a** is to allow any child of the age of five (5) years who has completed a private kindergarten in this state or another state or a public out-of-state kindergarten for the required four hundred fifty (450) hours but has not reached the school age requirement in Idaho shall be allowed to enter the first grade following successful completion of an assessment designed by the State Department of Education and administered by the school ten working days prior to the start of the school's school year.
- Senator Schroeder** said it is a fairness issue that the same rules would apply for Idaho children entering first grade as they do to those who have moved to Idaho from another state.
- Chairman Goedde** stated he couldn't agree more that the existing statute created an inequity. He said, however, there were two ways to fix it. He explained it could be fixed the way **Senator Schroeder** had proposed, or they could eliminate the carve out for children who have gone to kindergarten in another state and just say the requirement to enter first grade is 6 years old as of September 1<sup>st</sup>. He asked **Senator**

**Schroeder** if he would support that? **Senator Schroeder** stated he was absolutely right there are two ways of fixing this.

**Senator Bastian** asked about the ten working days prior to the start of the school's school year deadline found in line 21 of the amendment. He asked if creating that deadline could cause some problems for parents who may not be aware of the deadline when they brought their kids to school. **Senator Schroeder** told **Senator Bastian** it would be all right with him since he worked in the schools, if he could think of something better.

**Vice Chairman Fulcher** asked what were the components of the readiness test the State Board of Education is working on? **Senator Schroeder** deferred to **Ms. Luci Willits** from the Idaho State Department of Education. **Ms. Willits** stated the State Department is not working on an assessment at this time. She said if the Legislature chose that school districts would have to do an assessment, they ask that the fiscal impact be involved. She explained they would like to make sure the project is inclusive because if they were going to use a test to deny a kindergartner the opportunity to enter first grade they want to make sure that test is given in a fair manner across the State and that no child would be unduly put in a situation where they might have to test in one district and not in another. **Vice Chairman Fulcher** asked, assuming there was a test and a child in the eyes of the Department of Education failed that test and the parents of the child disagreed and wanted to admit the child any way, would this legislation allow that child to enter first grade or would the child be prevented from entering? **Ms. Willits** answered that once the assessment is developed and is given on a district level there is no process for the parents to appeal that decision.

**Chairman Goedde** asked **Ms. Willits** what the cost would be for the State Department to create the test and distributing it statewide? **Ms. Willits** stated they had put a up to \$10,000 mark on that.

**Senator Bastian** stated last summer while attending an early childhood education committee meeting, a professor from BYU Idaho said that probably the greatest indication of a student's readiness for kindergarten were things other than academic achievements the child had attained. **Senator Bastian** asked if cooperative skills would this be part of the assessment?

**Senator Schroeder** presented his closing remarks in support of **S 1404a**.

**TESTIMONIES:**

**CON:**

**Chairman Goedde** recognized **Mr. Bryan Fischer**, Executive Director of the Idaho Values Alliance, who spoke in opposition to **S 1404a**. During **Mr. Fischer's** testimony it became apparent he was speaking against the original bill not this amended version. **Mr. Fischer** thanked the Committee for their time. There was no other testimony.

**Senator Jorgenson** asked **Chairman Goedde** what the other suggestions were he had mentioned earlier of ways to accomplish what **S 1404a** does other than going to the 14<sup>th</sup> Order? **Chairman Goedde**

explained the existing statute carves out an exception for people who attend kindergarten out of state. This would be someone who had moved to Idaho and had completed their kindergarten course in the state where they were living at age 5 and were ready to start first grade. He stated that is where the inequity lies, because these children can be considered for first grade in that situation whereas children in the State of Idaho cannot. **Chairman Goedde** stated in areas with adjoining borders it is possible for a kid in Coeur d'Alene to attend kindergarten in the State of Washington at age 4 and then at age 5 use this exemption to get into first grade. He said the alternate suggestion would be to repeal the carve out so there is a hard date of the first day of September on which you have to be six years old to enter first grade with no exceptions. **Senator Schroeder** stated that would be fair and asked **Chairman Goedde** if he had any indication as to whether or not a bill like that would make it through the House? **Chairman Goedde** stated he did not.

**Senator Schroeder** stated there were two ways to go about this and either way would be fair for everyone. **Chairman Goedde** stated it would be his guess that the bill, as it is now written, making it through the other body would be very slim. He said it still had to go to the Chairman of the House Committee and the Chairman of the House Committee had already voiced his opinion on the bill.

**Senator Pearce** asked how many children would this apply to? **Senator Schroeder** deferred to **Rob Winslow**, Executive Director of the Idaho Association of School Administrators who stated it would be very few. He said there are not many parents who really try to push this to get their kids in early.

**Senator Burkett** told of his personal experience when his daughter started school and how he feels it is a family decision. He said instead of trying to keep ten or fifteen kids out of school they should go ahead and let them go to school.

**MOTION:**

**Senator Schroeder** moved to send **S 1404a** to the Senate floor with a do pass recommendation. **Senator Burkett** seconded the motion. **Senator Bastian** stated that line 21 was a problem for him and would rather see the bill go to the 14<sup>th</sup> Order of Business. He said he realized that adding the additional requirement of ten working days prior to the start of the school's school year is an effort to make sure the student is ready to begin school on the first day, but there are circumstances where a parent might end up moving in from out of state or moving in state from another school district and not be able to meet that deadline. He said that extra requirement was not necessary.

**SUBSTITUTE MOTION:**

**Senator Bastian** made a substitute motion to send **S 1404a** to the Senate 14<sup>th</sup> Order of Business. **Senator Jorgenson** seconded the motion. **Senator Sagness** stated he felt the assessment piece of the bill would be a real can of worms to deal with. **Senator Bastian** stated his concern with the financial impact. He asked **Chairman Goedde** if **S 1404a** had to go to the floor with the original financial impact that was with the original bill? **Chairman Goedde** stated it was his belief they could

change the fiscal impact. **Senator Burkett** asked if they could change the statement of purpose. **Chairman Goedde** said they could do that as well. **Senator Burkett** stated that under the rule, the statement of purpose is that which fits the bill when the bill is first printed. He stated it is his belief they could change the statement of purpose and the fiscal impact based on the amended bill. **Chairman Goedde** stated he believed that was correct.

**Chairman Goedde** called for a vote on the substitute motion to send **S 1404a** to the amending order.

The motion carried by unanimous voice vote.

**Senator Schroeder** moved that the minutes of March 10<sup>th</sup> be approved.

**Senator Bastian** seconded the motion.

The motion carried by unanimous voice vote.

**Senator Sagness** moved that the minutes of March 18<sup>th</sup> be approved.

**Senator Jorgenson** seconded the motion.

The motion carried by unanimous voice vote.

#### **Discussion of the State Board Recommendations:**

**Chairman Goedde** and **Senator Schroeder** presented the draft letters they had prepared for this discussion. **Senator Schroeder** stated the intent of his draft was it would be a "mark up" copy and as he put the letter together it became apparent to him the one thing they could not recommend to the Governor was that the rules of the Senate be changed so the committees could take care of the problem of the people who are on the Boards and Commissions. He said if the Education Committee had had that power, the Board would have been cleaned up long ago. He said he had a RS drawn up at the beginning of the session which he had not done anything with but thought this may be a good time to print this RS and have it as one of the recommendations from the Committee. He stated the Committee knows why this is needed after going through the exercise the Committee went through this year. He quoted line 18 of the RS which states that "adoption by the Senate of the committee report, if any, shall be affirmative....If the committee does not submit a report to the whole Senate for adoption, the appointment shall be deemed rejected and the Senate's consent shall be deemed not to have been given to the appointment." **Senator Schroeder** said adoption of this Amendment to Rule 42 of the Rules of the Senate would give authority to the Committees to weed out those who were not suitable for those positions.

**Chairman Goedde** asked **Senator Schroeder** if he had checked to see if the amendment was in conflict with the statute. **Senator Schroeder** stated he had never been given a hearing. It has always been held in committee. **Senator Jorgenson** added that theoretically the Senate is supposed to have the power of confirmation but frankly that is a non-

existence power under current tradition. He stated he would stand behind this.

RS 17914

**Senator Burkett** stated he didn't know if the amendment was in conflict with the statute, but was in conflict with the Constitution which says "the advise and consent of the Senate" not of the Senate Committee. He said he didn't think the Committee had the power to delegate that very important Constitutional duty down to nine senators. **Senator Schroeder** stated that he had been told that many times during his 16 years here at the Legislature. He said about three years ago he wrote a letter to the Attorney General who stated that the only thing that prevented this was the Senate rules.

**MOTION:**

The Committee discussed sending the RS to State Affairs for printing. **Senator Schroeder** moved to send **RS 17914** to State Affairs for printing and then return to the Education Committee. **Senator Jorgenson** seconded the motion.

**Senator Bastian** pointed out that on line 16 the word shall is struck and replaced with the word may. He asked how that impacted the process and made it more effective. **Senator Schroeder** said what the rule currently says is that the Committee shall submit a report to the full Senate for adoption. That report shall be: 1. that the Senate recommends that the appointee be approved, 2. that the Senate sends it without recommendation or 3. that the Senate recommends to the Senate that the appointee not be approved. He said the Committee has to send a report and then the floor votes on it. He said the difference here is that the Committee does not have to send a report if they don't want to which translates to mean that the appointment does not go forward giving the germane committees the authority and the accountability for the people they send forward because they have the ability to not send them forward. **Chairman Goedde** stated that changing shall to may could result in a committee chairman not scheduling a confirmation hearing which would result in one member of the body holding up an appointment. **Senator Schroeder** stated that issue is really up in the air.

**Chairman Goedde** called for a vote on the pending motion to send **RS 17914** to State Affairs to print and then return to the Education Committee. **Chairman Goedde**, asked a roll call vote be taken. That vote was as follows:

Senator Sagness - Aye  
Senator Burkett - Nay  
Senator Bastian - Aye  
Senator Jorgenson - Aye  
Senator Gannon - Aye  
Senator Schroeder - Aye  
Vice Chairman Fulcher - Nay  
Chairman Goedde - Aye

The motion **carried** to send **RS 17914** to State Affairs to print.

**Discussion of the State Board Recommendations Continued:**

**Senator Schroeder** stated he basically started with the idea that the Board of Education is identified in the Constitution as having general

supervision over all education in the State and should probably get back to that. He said in a recent conversation with Tom Farley, Mr. Farley suggested when that occurs there be a transition team as they transition from the Board over to the Department. **Senator Schroeder** said the State Board would have an oversight role but would not be administering programs.

**Senator Schroeder** stated he also put in his draft that the Governor appoint the President of the State Board and perhaps determine the term of office for the President. He said it might improve the effectiveness and accountability of the Board if the Chief Executive could remove a President from a dysfunctional board. **Senator Schroeder** went on to list other possible alternatives and suggestions saying the suggestions were offered for consideration and possible action between the end of this years' session and the beginning of the next legislative session.

**Chairman Goedde** then reviewed his draft letter with the Committee setting out the similarities in the two drafts. Discussion followed regarding whether or not an attendance requirement for the Board members should be included in the recommendations.

**Senator Burkett** stated he felt there needed to be a nationwide search to find and hire a top quality executive director for the Board. He said money should be provided for that position. **Senator Schroeder** suggested the committee put into writing any recommendations they may have or objections to recommendation already drafted so they can be put together in a letter to the Governor. **Senator Pearce** stated he felt the Board knows they have problems and the Committee can gently make recommendations. He said if the problem continues, the Committee could get stronger and pushier about it. That the role the Committee takes will determine the Committee means something whether they get it or not. He stated he had confidence in the diplomacy ability of the Chairman. **Chairman Goedde** asked if there were further comments on the recommendations in the drafts.

**Senator Bastian** commented on the last item in **Chairman Goedde's** draft "Appointment of the President" and items two and three of **Senator Schroeder's** draft where it speaks to the appointment of the President and Executive Director of the State Board. He stated he believes the Executive Director should be a quality person requiring an extensive search for and interview in order to get someone strong. He said that number four on **Chairman Goedde's** list might then be included as a matter of course. **Senator Bastian** said he believes the whole thing is there isn't a strong executive director and, therefore, there are things missing that go along with that. He said he would support any efforts to strengthen the executive director in terms of original choice.

**Chairman Goedde** asked **Senator Bastian** if he was suggesting the Governor take on the responsibility of appointing the executive director of the state board. **Senator Bastian** stated that was a bit troubling but could and maybe should be. He said the executive director is there to do the bidding of the board and the board should have a more extensive search

for an executive director rather than the Governor appointing the executive director.

**Senator Schroeder** stated he would have no problem if number three on his draft was stricken. **Chairman Goedde** asked if any of the committee members had any objection to number three being stricken. There were none. Number three on **Senator Schroeder's** draft letter was, therefore, stricken.

**Senator Burkett** suggested exploring the possibility of writing two letters; one to the Governor and one to the Board. He said the one to the Governor would include paragraphs similar to numbers 2 and 5 of **Senator Schroeder's** draft and the "Appointment of the President" paragraph as set out in **Chairman Goedde's** draft. The letter to the Board would include a copy of the letter to the Governor as well as paragraph 4 from **Chairman Goedde's** draft and a paragraph regarding a strong executive director. **Chairman Goedde** agreed with **Senator Burkett's** recommendations.

**Senator Schroeder** stated in his closing remarks about the Board that what happened last year was very unusual and it required due diligence on the part of the Committee to look at. He stated in looking at it he saw positive things and things that needed improvement, some good people and some that should have probably left years ago. He stated the Core of the Board is great and he is excited about what Dr. Mike Rush can do with it. **Senator Schroeder** said with continued diligence by the Committee and the engagement of the Chief Executive, things can get turned around in short order. He said he is feeling positive about the whole process as the session winds down. That concluded the discussion of the State Board recommendations.

**Chairman Goedde** called the Committee's page **Wade Smith** forward for presentation of a letter of recommendation signed by all the members of the Committee along with a gift as a thank you and in appreciation of his outstanding service to the Committee during this portion of the session.

**ADJOURN:** **Chairman Goedde** adjourned the meeting at 4:20 p.m.

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Senator John Goedde  
Chairman

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Carol Vaughn  
Secretary

## MINUTES

### SENATE EDUCATION COMMITTEE

**DATE:** March 28, 2008

**TIME:** 8:00 a.m.

**PLACE:** Room 204

**MEMBERS PRESENT:** Chairman Goedde, Vice Chairman Fulcher, Senators Schroeder, Gannon, Jorgenson, Bastian, and Sagness

**MEMBERS ABSENT/ EXCUSED:** Senators Pearce and Burkett

**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.

**MINUTES:** **Chairman Goedde** called the meeting to order at 8:00 a.m. and requested the secretary take a silent roll call. He welcomed committee members and guests.

**H 684**  
**H 685** **Senator Schroeder** moved to send **H 684** and **H 685** to the Senate Floor with a do pass recommendation. **Senator Jorgenson** seconded the motion. The motion carried by unanimous voice vote.

**Senator Schroeder** asked for unanimous consent to send **H 684** and **H 685** to the Consent Calendar. There was no objection.

**Chairman Goedde** thanked **Tim Hill**, Deputy Superintendent State Department of Education for his attendance at the meeting today to present **H 684** and **H 685** if needed.

**Senator Jorgenson** volunteered to sponsor **H 684** and **Senator Bastian** said he would sponsor **H 685**.

The Committee reviewed the draft letters to Governor Butch Otter and to the State Board. Discussion followed including discussion about a Board of Education self evaluation article in the Statesman. **Mark Browning** said the article was available on the Board website. **Chairman Goedde** asked **Mr. Browning** if he would supply him with a hard copy of the article. **Mr. Browning** stated he would make copies for each committee member. **Senator Sagness** and the Committee thanked **Mr. Browning** for his attendance and contribution to the Committee this session.

**Chairman Goedde** said Rob Winslow had given him an article he found in Education Week about challenging State Boards of Education. He stated several of them had been dissolved.

The Committee continued its review and comments regarding the draft letters. They approved them as written. **Chairman Goedde** stated he would prepare the letters in final form and submit them to the Governor's Office and to the State Board. He stated he would personally deliver the Governor's letter to him at the Governor's Office.

**Senator Jorgenson** thanked **Chairman Goedde** for his leadership during this historic year in the Senate Education Committee.

**ADJOURN:** **Chairman Goedde** adjourned the meeting at 8:45 a.m.

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Senator John Goedde  
Chairman

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Carol Vaughn  
Secretary