

CAPITOL



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"An investment in knowledge always pays the best interest."
—Benjamin Franklin

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Issue 6

CRAZY TOWN – IT'S THAT TIME OF YEAR **WE STILL NEED YOUR HELP**

First of all, if you are reading this issue of Capitol Notes in your registration packet at Day on the Hill – welcome! We are so glad to have you in Boise and ready to meet with your legislators. I know you will be talking with them about legislation that is important to all of us. I would appreciate it if you would report back to me about your conversations. It helps us get a feel for where the votes might be or not be on specific pieces. Again, welcome, and thanks in advance for your help!

Can you say CRAZY TOWN? As Jess noted in our previous Capitol Notes, last Monday was the final day to print bills unless they are taken to a privileged committee. As such, there were a lot of bills printed this week. Of course, most of them don't relate to the work we do in education, but many of them did. And, as I'm sure you guessed from the title, some could be very detrimental to our school districts and charter schools.

I will go into most of them in detail below but I just wanted to reiterate our need for your help. We will continue to do our part by talking with legislators and presenting testimony as needed. But, your influence still has far more impact. We know that many of you have already reached out on legislation that ISBA is opposing and we really appreciate that. But, please don't stop now. If you have not already contacted your legislators about legislation that is important to you, please do so. If you already have contacted them, but you see another piece of legislation below that you feel you could provide input on, I encourage you to do so.

I would like to take a minute and especially thank the special education directors around the State. They sent a letter as an organization to all legislators which has been very impactful. In

addition, several special education directors wrote personal emails about the SB1095 concerning school-based Medicaid and the line-item in an appropriation bill that would be detrimental to public schools. Those emails are hitting home. If you are a special education director and have not yet written directly to your legislator, let me know. I will forward copies of the emails that others have sent. You can make them your own and send them out. We are making headway on this bill and I really want to keep the pressure on. Board members, clerks, and superintendents, please forward this issue to your special ed directors so they can read about this legislation and our need for their help.

Bottom line – we still need your help so keep the pressure on. Keep writing and reminding them that you govern and manage your public schools and you know what is best for them.

UPDATE ON SCHOOL-BASED MEDICAID

I won't go into detail about the bill here again, but I did want to give you an update. On Wednesday, I thought we hit a brick wall when we learned the bill would not go through the Education Committee on the House side, but rather through the Health and Welfare Committee.

But, after picking myself up and dusting myself off, we began to pursue other options. I personally met with the House Health and Welfare Chair on Thursday to see if there were any parts of the bill he could live with and see if we could find a path forward. He did provide a possible path forward. Immediately after meeting with the Chair, we had a meeting that included representative from Health and Welfare (IDHW), ISBA, IASA, and the House and Senate Education Chairs. We began discussing the bill in detail section by section to see if we could come to consensus on any parts of the bill.

We met for over two hours and only ended the meeting because the Statehouse Security Officers were trying to lock all the meeting rooms. We did make significant leeway in our negotiations and we agreed to meet again next Thursday where we can hopefully finish those negotiations.

I've always said that legislation is the art of negotiations. You have to give some to get some. Because our negotiations with IDHW are not yet complete and because we don't have anything in writing, I don't want to reveal what has already been discussed and agreed upon. I will say that we made significant strides and I'm feeling positive about the outcome of this legislation.

ELECTION BILLS

We saw three elections bills printed this week. One was held and then reprinted as a new bill. Both of the remaining bills would have significant negative impacts on school districts (they don't impact charter schools).

HB189 (formerly HB134) Election Communications

This legislation printed late last week and is sponsored by Rep. Jason Monks. It prevents public funds, resources, or property from being used to influence elections. It severely limits what information you could provide your patrons regarding bonds and levies as well as when you can send information out. It also provides for penalties if the law is violated. School districts would be unable to discuss in detail how the dollars for a bond or levy would be used in your district. Although amendments were made to this legislation with the reprint, the substance of the bill remains the same. The Government Affairs Committee (GAC) voted to oppose this legislation.

SB1103 - Trustee Elections

Senator Souza has tried for two years now to make changes to trustee elections. This bill has three major components. 1. – It moves the election date from May of odd years to November of even years. With this change, all trustee terms would be shortened by six months so that terms would all begin on January 1st. 2. It requires districts to align their trustee zones with precincts, to the extent possible. 3. Allows school districts to have district wide voting rather than voting by zone if they so choose.

As you can imagine, we have several problems with the bill. The first is that it puts a non-partisan election on the ballot with other partisan elections. We know that there are other non-partisan elections on that ballot but we still don't think it works for school trustees. In addition, having new trustees take office on January 1, in the middle of the school year, is not conducive to the work you all do. One of the first things a trustee would have to do is evaluate a superintendent. How is that even possible if they have not worked with the superintendent?

In addition, school districts spent significant time, money, and resources to have their zones redrawn in 2011 after the census was completed. To ask us to do that all over again is not in the best interests of our tax payers or citizens.

As you can imagine, the GAC voted to oppose this bill.

TAX BILLS ARE STILL ON THE HORIZON

As Jess reported last week, we are still watching two tax bills very closely. One bill, outlined below has passed the House but we have seen no movement on the Senate side with this bill. The other bill was printed but has not yet had a full hearing on the House side. As a reminder, all tax bills must first print and be heard in the House Revenue and Taxation Committee.

The GAC has voted to oppose both of these bills. I won't go into detail about the particulars of both of these bills because we have done that in past issues. But, we still need your help on these bills. They are:

HB117 Business Personal Property Tax Exemption Increase
HB67 Income Tax Reduction

HEALTH INSURANCE

This year, there has been a focus on somehow identifying the rising costs of health insurance premiums and the impact those are having on our operational funds. The Governor placed a \$15 million line item in his budget, Chairman Mortimer is proposing legislation that would establish a policy on the topic, and Representative Horman has shown us possible intent language to place in the public schools appropriation bill. Both Chairman Mortimer's and Representative Horman's concepts have merit.

Chairman Mortimer's bill uses the dollar amount appropriated for each state employee for health insurance and multiplies that by our number of support units to arrive at a dollar amount to be appropriated each year. Any time something is placed in statute, it certainly makes it more stable from year to year. In addition, whatever the increase is for state employees each year, public schools would see the same. This legislation does come with a bigger price tag by about \$5million than what the Governor proposed. If funds are not totally used at the district or charter level, they can be placed back in your operational funds. If more dollars are needed, operational funds can be used.

In contrast, Representative Horman's concept is to deal with this issue for one year until the funding formula committee completes their work over the next year. It splits the operational funds into two buckets - one for health insurance and one for non-health insurance. The health insurance bucket will be increased by about 6.5% and the non-health insurance would be increased by 1.3% (tied to the Consumer Price Index). The health insurance dollar amount comes from a survey done by the State Board of Education to determine an average amount that public schools are currently paying for health insurance.

Both Chairman Mortimer and Representative Horman have asked for our support on their concepts. As you can see above, both options will benefit public schools because we will finally be identifying the increasing costs of health insurance. In addition, we don't really know if one idea has a better chance of being passed or not. We certainly don't want to hurt our chances of something occurring on this issue. As such, the GAC voted to support both pieces of legislation and rely on the Legislature to make the best determination.

OTHER LEGISLATION OF SIGNIFICANCE

SB1050 Immunization Exemptions

This legislation printed in the Senate Health and Welfare Committee. Currently, parents or legal guardians may exempt their minor children from obtaining certain immunizations before starting school. However, the exemption must be signed on a form prescribed by the IDHW that outlines the importance of immunizations as well as requires an explanation for the exemption from the parent. This law would clarify that a parent or guardian need only sign a statement of objection in any form and present it to the school. We heard from school nurses that they object to this legislation because it makes it easier for parents not to immunize their children

creating health risks for students. The School Nurses group will be opposing this legislation along with other groups.

It is our understanding that some members of the Senate Health and Welfare Committee are working to see if they can make amendments to the current form that parents must sign. We are hopeful that a consensus can be reached so that this legislation is not needed. If the legislation moves forward in its current form, the GAC voted to oppose this legislation.

Charter Legislation Rewrite

Once again, I won't go into detail about this legislation because Jess did that last week. We still have not seen this legislation printed but we do know that the sponsors are still pushing hard to get it heard. In addition, there is significant opposition to the bill should it receive a hearing.

SB1094 – Teacher Criminal History Background Checks

This legislation would change the current requirement from two background checks to one and would allow the State Department of Education to provide a copy of the actual background check to the school district. The GAC voted to support this legislation.

SB1097 – Master School Premiums

This legislation would provide an alternative to the current Master Teacher Premiums. Rather than using the current portfolio and evaluation system, a district or charter could use a student academic goal system. If the district or charter chooses this system, it would need to be approved by the State Board of Education. Each district or charter would need to choose one or the other system. Because this is an issue of local governance, the GAC voted to support the legislation.

HCR12 – Funding Formula Committee

This Concurrent Resolution reauthorizes the Public School Funding Formula Committee for another year. This week, they did release their report of their first year of work. The real work remains ahead for this committee.

TEACHER EVALUATION REPORT

In addition to all the legislation this week, the State Board of Education released the Teacher Evaluation Report. As a reminder the State Department of Education provided a report earlier this fall that was not well received by the education community.

The report was well received and provided some good information about how the system is currently working in the field. While still not at the marks that we would all like to see if was certainly much better than the report we received this past fall.

This report provided some significant recommendations that I'm sure the SBOE will follow up on after the session is ended.

ISBA LEGISLATION BASED ON RESOLUTIONS

Below is our progress on each of the ISBA Resolutions. If there is a change from last week, that text is *italicized*.

Public Notice Alternatives (2016) – Legislation Needed

Status: The Newspaper Association is adamantly opposed to this legislation. We have tried to find some language that they might be able to support but have, thus far, been unsuccessful.

Discussion of Sale of Public Property within Executive Session (2016) – Legislation Needed

Status: We attempted to come to consensus with the Newspaper Association on this issue last year, but were unable to do so. We are currently working with some of our partners who are also impacted by this legislation to assure that they are in agreement as well. We remain hopeful that we can draft legislation that will meet everyone's needs.

Optimize the Reimbursement of School-Based Medicaid Program (2016) – SB1095

Status: After spending two years trying to work with the Department of Health and Welfare to find a resolution to this issue, we have decided to run legislation. The legislation is drafted and we have secured at least one sponsor. *This bill was printed in Senate Education this week. See my notes above on this legislation*

Administrators in Districts with Remote Schools (2016) – Legislation Needed

Status: We continue to have discussions with the Senate Education Chair and the main sponsoring school district on this issue. We do not believe the Chair will hear this legislation.

Beyond the Smarter Balanced Assessment Consortium Test (2016) – Work with the State Department of Education and the State Board of Education

Status: We continue to work with the State Department of Education and the State Board of Education to assure that we are involved in discussions with any next steps when it comes to statewide student testing.

Information on Past Job Performance Requirements (2016) – Held at the request of the sponsoring school district

Status: The sponsoring school district (Moscow), has asked us to hold off on legislation for this year.

Retention of Retired Teachers (2017) – HB113

Status: The State Board of Education has drafted legislation that will allow school districts to rehire teachers who have retired at the age of 60 – it is currently age 62. *This legislation is being heard on Tuesday during Day on the Hill.*

Funding School Construction (2017) – Legislation Needed

Status: The sponsoring district is working with their local legislator in hopes of drafting some legislation to address this issue. There are several ways to address it but most would include a tax increase. After meeting with the sponsoring district, West Ada, they have decided not to move forward with this legislation this year. The district has some ideas about how to address this, but they would like to get input from districts throughout the State on their proposal and try to move it through the Public School Funding Formula Committee.

Reducing the Supermajority for School District Bonds (2017) – HJR3

Status: It requires a constitutional amendment so would take 2/3 of the House and 2/3 of the Senate to approve it. At that time, it would go on the ballot for the citizens to determine if this is good public policy. As noted previously, HJR3 printed, but has been held at the desk. We will continue to see if we can make progress on this issue.

Reduce the 2/3 Majority Vote Requirement to go into Executive Session – Legislation Needed

Status: This legislation is drafted. As we feared, the Newspaper Association is opposed to this legislation. We are also hearing that the Attorney General may be opposed as well. The Newspaper Association is opposed to anything that allows Boards to do business behind closed doors. We are still working to see if we can narrow the language down to include instances when there are so many vacancies on the Board that the remaining Board members would not be able to make the 2/3 majority. For instance, if there are two vacancies on a five member Board, that constitutes a quorum but does not meet the 2/3 majority requirement.

Opposition to Amending Article IX Section V of the Idaho Constitution (Blaine Amendment)

Status: This resolution requires ISBA to oppose any legislation that would ask for an amendment to the constitution. This amendment would allow public funds to flow to private and parochial schools. We are hearing that this legislation will not receive a hearing this year.

Rural School Centers

Status: We received the final version of this legislation. As we discussed last week, the legislation will only provide funding for up to three years for any “Rural Support Network”. In addition, we are still not sure where the funding will be placed. The GAC voted to support the legislation if the funding comes from the Superintendent of Public Instruction budget and that they wanted a yearly report to the Legislature as to whether or not the Network was a benefit to the school districts or charters that participated in it.

Salary Based Apportionment for Classified Employees – Legislation Needed

Status: There are many ways to address an increase in funding for classified staff. That could include changing the factor or simply increasing the total dollars in this line item. Because of the significant amount that will likely be placed in teacher’s salaries this year, we may need to wait until next year before we begin addressing this issue. We will, however, continue to ensure that the Funding Formula Interim Committee is aware of our needs in this area.

STAY TUNED

You can view any bills that are moving through the Legislature at the following link:

<https://legislature.idaho.gov/sessioninfo/2017/legislation/>

If you want to listen in to committee meetings or watch debate in JFAC or on the floor of either chamber, that link can be found at:

<http://idahoptv.org/insession/leg.cfm>

ISBA Bill Tracker 2017

Bills highlighted in purple are based on ISBA Resolutions

Bills highlighted in red are dead

Bills highlighted in green have become law

Bill #	TITLE	STATUS	POSITION
HB37	Vacant Land Owned by School Districts		Neutral
HB67	Income Tax Reduction		Oppose
HB68	Business Personal Property Tax Exemption	Reprinted as HB117	Oppose
HB70	STEM School Designation		Neutral
HB74	Public Charter School Commission Appointment		Neutral
HB105	Teacher Preparation Programs		Neutral
HB113	Retired Teachers		Support
HB117	Business Personal Property Tax Exemption		Oppose
HB134	Public Expenditures on Elections	Reprinted as HB189	Oppose
HB181	Local Government Investment Pool		Neutral
HB186	Education Opportunity Act – Wireless Resources Added		Neutral
HB189	Government Interference in Elections		Oppose
HB196	School Closure on Election Dates		Oppose
HJR3	Reducing 2/3rds Requirement for Bonds		Support
HCR12	Reauthorize Funding Formula Committee		Support
SB1014	School Technology Plans		Neutral
SB1015	Education Definitions Revised		Neutral
SB1018	School Accountability Report Cards - Repeal		Neutral
SB1019	School Safety Patrol Penalties – Repeal		Neutral
SB1029	Defining Academic Credit to Mean Career Technical as well		Neutral
SB1030	Clarifies that Non-public students can utilize dual Enrollment in Charter Schools		Neutral
SB1033	Clarification in Student Data Privacy Requirements		Neutral
SB1034	Broadband Infrastructure Improvement Grant		Neutral
SB1041	Public Education Stabilization Fund		Neutral
SB1050	Immunization Exemptions		Oppose
SB1059	Master Educator Premiums		Neutral
SB1074	Procurement		Support
SB1094	Teacher Applicants – Criminal History Checks		Support
SB1095	School-Based Medicaid Reimbursement		Support
SB1096	Health Insurance Reimbursement – Line Item		Neutral/Support
SB1097	Master Schools Premium		Support
SB1103	School District Elections – Zone Boundaries, Date Change		Oppose