

CAPITOL



By Karen Echeverria, Executive Director

"Without education, your children can never really meet the challenges they will face. So it's very important to give children education and explain that they should play a role for their country." —Nelson Mandela

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Issue 7

BILLS ARE STILL PRINTING

The cutoff for printing bills in any committee occurred two weeks ago. But, that doesn't seem to have stopped privileged committees from printing bills – lots of them. This is the time of the legislative session that concerns me the most. Occasionally good bills are printed, but most of the time they are bills that would have a negative impact on public schools. We know that there will still be a couple of education related bills that will get printed this week. I'll talk more about those later.

I would ask that you watch your email closely for the next couple of weeks. Because we are getting late in the session, bills will print and then be heard the same week. That means I won't have time to tell you about them in Capital Notes until it is too late. We will reach out to you via email if we need your help.

I know that you sometimes don't think your efforts have an impact but I want to tell you they do. I have legislators all session asking me about specific bills because they have heard about it from their local school board members and administrators. That tells me they are listening and want to do the right thing. We always say that we can't do this alone. **It is your calls and your efforts that really hit home with legislators and have an impact on their vote!**

So, don't stop your efforts. We still need you to contact your legislators. I'll discuss several bills below where we specifically need your assistance. I thank you in advance for your help.

In case you don't know how to contact your legislators, here is a link to the Idaho State Legislature page. It gives you the ability to find out who your legislator is if you are not sure and then gives you the ability to contact them from this link:

<https://legislature.idaho.gov/legislators/>

UPDATE ON SCHOOL-BASED MEDICAID

We continue to negotiate the school-based Medicaid bill with the Idaho Department of Health and Welfare (IDHW). This week we were joined by two representatives from the Idaho Department of Education (SDE). A big part of our concern and frustration over the years has been that we don't feel like we have an advocate. In most states, the SDE is an advocate for school districts and there is a professional push and pull between these two agencies. We understand that IDHW needs to assure that federal and state laws, rules, and regulations are followed. But the SDE should be pushing back and trying to find ways to make this very complicated system work in a school setting. They should be asking questions and about alternatives and possible waivers for school-based Medicaid.

During our negotiations this week, it unfortunately was abundantly clear that we do not have an advocate in the SDE. There are good and bad points to that. The good part is that legislators in the room saw firsthand what we have been saying for years. The bad part is that we are fighting this battle on our own against two state agencies.

With all that said, I definitely feel that we are making headway. There are five main elements in the bill that we continue to discuss at a high level but we are coming to consensus. Those elements are Medicaid Administrative Claiming (MAC Claiming), the Interagency Committee, the ability to bill for services from the day we begin providing them, professional development for the employees in our schools who are doing this billing, and audits and the civil monetary penalties that accompany them.

At the conclusion of our negotiation meeting this week, the two Chairs (Senate Education Chair Mortimer and House Education Chair Van Orden) directed a few of us to meet prior to next week's meeting and work on the actual language of the legislation. The goal is to come to consensus on the language of the bill and bring that back to the larger group. This is a large piece of legislation and this task will be significant. We have set aside five hours to try to work through the language.

In the meantime, the appropriation that is quasi-tied to this legislation will be heard on Thursday of this week. We continue to oppose the appropriation and are hopeful that we have it killed. But, as you all know, nothing is ever a given in this world. This would be where we need your help. **If you have not already done so, please contact your legislators and tell them that you oppose adding two positions to the IDHW budget to manage a third party billing contract.** Once again, your special education directors are doing a great job with this so please pass this issue on to them and ask them to keep putting pressure on their legislators, especially those that sit on the Joint Finance Appropriations Committee.

TAXES AND ELECTION BILLS

Taxes

Taxes and elections bills continue to be an issue. We have still seen no movement on the two tax bills that are of concern. HB67 - Income Tax Reduction has passed the House floor and remains in the drawer of the Senate Local Government and Taxation Chair Dan Johnson. HB117 Business Personal Property Tax Exemption Increase has printed but has not yet been heard by the Revenue and Taxation Committee on the House side.

The fact that these bills are being held tells me that they will be used as bargaining chips at the end of the session. The House wants tax relief of some kind so they will hold something the Senate wants until they get an agreement to pass one of these tax relief bills. I'm just guessing here, but that is sure how it feels to me.

Elections

HB189 (formerly HB134) Election Communications

This legislation is being heard in House State Affairs this morning. 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. As such, we will be testifying in opposition as will the Idaho Association of School Administrators and bond counsel to many of your school districts. This bill will have some opposition in the House Committee so we hope to stop it here. If we cannot, we will double down on our efforts on the Senate side.

SB1103 - Trustee Elections

Senator Souza's legislation moving the date of the election and requiring that zone boundaries align with precincts has been sent to the Senate Education committee. At this time, it remains in Senator Mortimer's drawer where we hope it will stay. If it looks like it is going to get a hearing, we will notify you via email because we will need your help on this one.

CHARTER SCHOOLS

We have heard for weeks that the Charter School Network (CSN) is going to bring legislation that will completely change the petitioning process, the renewal process, and exempt certain charter schools from many of the laws and rules related to education.

Despite being told by the CSN lobbyist that we would be included on any legislation, that has not been the case. In addition, it doesn't seem that they have been sharing the legislation with

many of their own members. In fact, a few charter schools have now begun a new association called the Charter Coalition of Charter School Leaders. We are working with them to see if we can assist them through ISBA as opposed to having yet another charter school association.

Because we have good working relationships with many of our education partners, they have been sharing various drafts of the bill. While we had hoped that this legislation would get bogged down, I learned late Friday evening that a deal had been brokered. There will be three separate pieces of legislation – 1. The petition process; 2. Exemption from laws; 3. The renewal process. The petition process and the exemption from laws will print and get a hearing this year. The renewal process will print but likely won't be heard this year.

The GAC voted to oppose all of this legislation until we have been brought in to discuss the legislation and negotiate a bill that we can all agree to. Our review of previous drafts did reveal several places where we could not agree to the language that is currently written.

I do know that a representative from the Idaho Public Charter School Commission (IPCSC) was consulted on the final drafts for the petition process and exemption from laws. I feel confident that if she has signed off on the language, it will not be too harmful. If we are brought into the conversation, we will likely have a special meeting of the Governmental Affairs Committee to make a final decision on our position on these three pieces of legislation.

OTHER LEGISLATION OF SIGNIFICANCE

SB1050 Immunization Exemptions

There were two reports presented on immunizations and the current form that parents are required to sign in order to exempt them from immunizing their children. One report was from the Director of IDHW and the other from a parent group opposed to immunizations.

We believe that IDHW is working to amend the form. We are hopeful that if this is done, there will be no need for the legislation. We will continue to watch for it and will oppose the legislation if it is brought back to the committee.

HB181 – Local Government Investment Pool

The Local Government Investment Pool already exists and is used by public entities around the state. This legislation simply clarifies that it is available to charter schools. ISBA will remain neutral on the bill.

HB186 – Broadband Collaboration

This is remaining clean up legislation related to the failed IEN. No action is needed on our part.

HB199 – Pay for Success

Once again, this is simply clean up legislation. As a reminder, this legislation allows a public school to contract with a private entity to provide an education service. The private entity foots

the bill up front and agrees to meet a certain set of criteria. At the end of the contract, if they have met the criteria, then public funds are used to reimburse the private entity. This legislation clarifies where the funds will come from to pay the private entity at the end of the contract.

STILL NOT DONE WITH RULES

I am truly surprised that we are still not done with rules review. The House Education Committee completed their work on Friday by rejecting specific subsections of the Continuous Improvement Plan rules. Their motion is different than the one the Senate made. Both committees need to agree on the specific rejection in order for parts of the rule to be rejected. I assume that the Chairs will work together to assure that occurs.

The Senate Education Committee heard testimony on the new Science standards on Thursday. That hearing was moved to the Lincoln Auditorium because of the large crowd and the number of people who wanted to testify. Most testified in support of the rule. As a reminder, the House Education Committee rejected the climate change portion of the new science standards. The Senate will make a decision on those rules and the remaining content standards today.

DAY ON THE HILL

Thanks to everyone who attended Day on the Hill. We are working on sending out our post-event survey but we believe that it went well. We have heard back from some of you already about your conversations with your legislators. We would love to hear from you. If you have something to report, please let us know.

COMING UP THIS WEEK

The Joint Finance Appropriations Committee will be setting the Public Education budget this morning. In addition the vast majority of the Health and Welfare budget will also be set. That means that in one morning 80% of the state's budget will be set.

I know it doesn't seem like it but we are more than half way through the session. That means that bills will start moving faster than they have been. We will do our best to keep you posted.

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 passed out of the House Education Committee and is on the House Floor.*

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>

