

CAPITOL



By Karen Echeverria, Executive Director

“The ultimate goal of the educational system is to shift to the individual the burden of pursuing his own education.”
-John W. Gardner

March 13, 2017
Issue 9

WINS, SEMI-WINS, AND NO LOSSES YET **WHAT'S DONE AND WHAT'S NOT**

It has really been an intense couple of weeks. We seem to be playing a lot of defense this year. While we are not running a lot of legislation, we are working to prevent a lot of bad legislation from making its way through the system. And, it is taking a lot of time.

With that said, Legislative Leadership continues to indicate that they plan to leave town within two weeks. They usually say that they leave two weeks after the Joint Finance Appropriations Committee finishes their work and they finished on Friday. Their target date for finishing is March 24. However, they continued to print bills as late as Thursday of last week so I'm guessing they will go into the next week and maybe until the end of that week and leave around the end of the month on March 31.

In this week's issue of Capitol Notes, I thought I would try to address legislation that is completed and legislation that is still not done. I'm going to break the legislation that is not done into two categories – those that we still need help on and those that we are neutral on and just watching. I will start on the work that still needs to be done.

First of all, we want to thank all of you that have reached out to your Senators. You did a GREAT JOB!! They are hearing you. And, it is helping our efforts immensely. If you have not already contacted your Senator, we ask that you do so now. If you have already made that contact, please encourage your fellow Board members to do the same.

Again, thank you! We would not be able to kill some of these bills on our own, so your work is greatly appreciated.

What's Left and What We Still Need Your Help On

SB1103 - Trustee Elections

As a reminder, this is the legislation that would move trustee elections to the November general election and require school districts to draw their zone lines along precinct lines. We had hoped to kill this bill in committee, but it was sent to the amending order. There were some valiant attempts to kill the bill with amendments, but those were unsuccessful as well. One amendment was made to move the Annual Meeting back to July rather than January. We still see huge issues with that. If the election is held in November, and your Chair and Vice Chair are no longer on the Board, the Board will still need to have some sort of organizational meeting.

The bill will likely be heard this morning on the Senate Floor and I believe that we have a close vote on our hands. We need 18 no votes!! **If you have not already done so and read this before 10 am Mountain Time, please contact your Senator and ask them to vote no on this bill.**

HB270 (formerly HB189 and formerly HB134) Election Communications

As a reminder, this is the legislation that would not allow school districts to use public funds to educate the community about any upcoming bonds and levies. ISBA is obviously opposed.

This legislation was heard in the House State Affairs Committee. After a lengthy debate and hearing that spilled over into a second day, the Committee sent the bill to the amending order. While, there were some positive changes to the legislation in the amending order, we still do not believe that changes were enough to change our position. After spending several days on the amending order with not action, the bill was sent back to the committee. At that time, we had hoped the bill would die.

Unfortunately, a new bill was printed in House Ways and Means and was sent directly to the 2nd reading calendar. That means that we will not have an opportunity to testify on the bill in the House again. Even though further amendments were made, we still have serious concerns with the bill. But, it will likely pass the House Floor.

Because things are moving so fast right now, it is likely that it will be heard in the Senate State Affairs Committee this week. **With that said, we would ask that you contact your representatives and any Senator who sits on the State Affairs Committee and ask for their no vote.**

Talking points include that our patrons deserve to know for what purposes the funds will be used; to limit school districts' ability to do that provides a disservice to our patrons; the penalties for public officials are too high; and the results of the election could be voided which could cause havoc with the distribution of those funds. In addition, we are happy to work on legislation to clarify the difference between educate and advocate and bring that back next year.

Tax Bills – We remain hopeful that the following legislation will not be heard but we obviously continue to watch it closely. If it does receive a hearing we will let you know as soon as we can.

HB67 – Income Tax Reduction

This legislation would reduce personal income tax and would reduce general fund revenues by \$51 -\$56 million dollars annually. We are always concerned with cuts to the general fund because it makes it more difficult to adequately fund education.

HB117 – Business Personal Property Tax

This legislation would further reduce the tax that businesses pay on personal property. The legislation would keep public schools whole at the 2017 rate. However, as business personal property tax values increase from year to year, public schools would not be able to capture any of that growth with the replacement dollars frozen.

HB234 – Scholarship Tax Credits

This legislation is really a voucher bill. It would provide a direct tax credit to anyone or any company that donated funds to students that meet certain criteria so they could attend a private or parochial school. It has printed in House Revenue and Taxation, but has not been heard.

Unprinted Legislation

There is still a move for a bill that would repeal the sales tax on groceries and the corresponding grocery tax credit. They have not yet printed a bill, but we are watching this closely.

HOW TO CONTACT YOUR LEGISLATOR

In case you don't know how to contact your legislators, here is a link to the Idaho State Legislature page. It can help you find out who your legislators are and then lets you contact them from this link:

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

Semi - Wins

SB1095 - School Based Medicaid

I know that we have written about this issue numerous times this year so I won't go into great detail about it again. We were finally able to come to consensus with the Department of Health and Welfare and the Department of Education on the bill and had the opportunity to discuss those amendments with the Senate Education Committee this week.

I will admit that the bill was significantly amended and had more red ink on it than black. There were several Senators who were not happy with the amendments and continued to want to see the bill move forward in its current form. In the end, the bill was sent to the amending order.

We continue to have several risks with the bill. First, time is not on our hands. It is late in the session and we may not be able to get the bill off the amending order, then voted on in its amended form, over to the House Health and Welfare Committee, passed out of there and to the floor of the House. Second, because the amendments are significant, we may not even be able to get it out of the amending order to the floor for a full vote. And, it's too late to print a new bill that contains the amendments. Third, we always risk the chance of a Governor's veto.

With all of those risks in mind, I was approached this week by the Governor's staff to see if we would be interested in solving this issue via an Executive Order rather than through legislation. After discussing this with others involved in the legislation and the Governmental Affairs Committee, we decided it would be best to take a bird in the hand rather than take the risks outlined above.

As such, I worked with the Governor's staff this week to craft a draft Executive Order. That order would relate solely to the creation of the new Interagency Student Services Committee. We still have not finished the Order but feel confident that the main points of the new Committee will remain intact.

In addition to the Committee, we got another big win on this issue. The Department of Health and Welfare is currently working on a rule that will allow school districts to be reimbursed for services from the first day they are provided. This is a big win for all public schools and will be bring significant funds back to the school district. The rule will go through a negotiated rulemaking process and we will be sure to participate in that process and let you know when hearings are being held in your area in case you would like to participate. We have been assured that the rule will be in place prior to the beginning of the next school year.

Still outstanding on this issue are the audit and civil monetary penalties issues. But, I have received verbal assurances that this issue will be the first thing that new Committee addresses once it is formed.

So, I'm giving this a 60% win. We got the Committee we wanted and the ability to bill for services from day one. Those are both significant wins. We will continue to work on audits and civil monetary penalties.

Wins

HB196 – School Closures on Election Days

This bill would have required all public schools to close on all four election days. We helped to kill this bill in the Committee so it will not be moving forward.

HB241 – Charter School Petitions (a new bill will be printed on Monday)

This bill would change the charter petition process. For the most part, ISBA was neutral on this bill but wanted two amendments made which the Idaho Charter School Network (ICSN) agreed to make. The House floor is indicating they may not go into the amending order so ICSN has decided to print a new bill that will include the amendments. Because ICSN made those amendments, ISBA will remain neutral.

HB258 – Charter Schools – Removal from Teacher Certification

This bill would have allowed charter schools to hire non-certificated teachers under certain circumstances. All of the education stakeholders were opposed to this legislation. ICSN agreed to pull the bill in exchange for getting three seats on the current Teacher Pipeline Committee that is being chaired by the State Board of Education. This bill is dead for the year.

HB240 – Firearm Safety

This legislation was printed by Rep. Ron Nate. It would have authorized and encouraged school districts to adopt and offer an elective course in firearms safety education. It did not require school districts to offer these courses. This bill died in committee.

OTHER LEGISLATION

HB223 – Rural Support Network

This is the State Department of Education's bill to establish a pilot Rural Support Network. It has passed the House, but was not funded by JFAC. We still don't know if the Senate Education Chair will hear the bill so it may not move forward this year.

HB242 – Instructional Hours Waived

This bill will allow public schools to waive instructional hours under certain circumstances. This is the "snowmageddon" bill. When schools were closed for several days, some districts were struggling to find ways to meet the instructional hours.

HB252 – Student Data Security Systems

This bill clarifies the definition of personally identifiable student data in relationship to the combination of data elements that would make the student identifiable.

HB253 – Defining Instruction Staff

This bill changes the definition of instructional staff to make it clear that certified teachers working in a mentoring capacity still fall within the definition.

HB254 – Removing Term Limits on Charter School Commissioners

This bill removes the term limits on charter school commissioners.

HB262 – Funding Distribution for Counseling Support

This legislation increases the minimum distribution for the public education support program for counseling support.

HB254 – Labor Negotiations – 50% + 1

This bill has not yet been heard. It sets out how the local bargaining unit would prove 50%+1. They would need to hold an election every two years and the votes would need to be counted by a neutral third party.

HB271 – Quality Educator Program

This bill is intended to attract and retain qualified teachers in rural areas by providing a small loan forgiveness program. It has a \$3 million dollar fiscal note and will likely not be heard.

SB1123 – Activities Transportation

This legislation will restore funding to public schools for travel expenses related to field trips and off-site learning opportunities.

SB1148 – School Improvement

This legislation appropriates \$1.1 million dollars to the State Board of Education to run two programs. The first is to provide assistance to the lowest performing schools to develop improvement plans. The second is to open to all administrators and provide training to all district leadership.

SB1149 – Career and Technical Education Performance Measures

This bill sets out specific parameters as to how the additional career and technical education dollars can be spent.

OTHER STUFF – IEN AGREEMENTS

While not really related to legislative work, I wanted to give you an update on the current lawsuits related to the IEN. This past Monday, I sat through a full day of negotiations that included Century Link, ENA, ISBA on behalf of public schools, and representatives from the Governor's Office, the Attorney General, and the Legislature.

A final agreement on this lawsuit was reached late in the day. This lawsuit will keep school districts whole, including legal fees. So, that is good news!

I do want to be clear that this mediation and agreement deals only with the lawsuits brought by ENA and Century Link. It does not deal with the FCC/USAC issue. That issue is still outstanding but there are efforts currently being made to settle this issue as well. I will 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. *See the 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 the House and the Senate Education Committee and is on the Senate 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 – HB223

Status: *This bill passed the House and is headed to the Senate. However, neither the public education budget nor Superintendent Ybarra's budget contained funding for rural schools. Senator Mortimer has previously said he would not hear the bill if it was not funded. However, the State Department of Education continues to try to convince Chairman Mortimer to hear the bill.*

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	Reprinted as HB270	Oppose
HB196	School Closure on Election Dates	Died in Committee	Oppose
HB199	Pay for Success		Neutral
HB223	Rural Support Networks		Support
HB228	Parental Portal		Neutral
HB234	Scholarship Tax Credits		Oppose
HB240	Firearm Safety in Schools	Died in Committee	Neutral
HB241	Charter School Petitions and Exemptions		Oppose
HB242	Instructional Hours Waiver		Support
HB252	Student Data Security Systems		Neutral
HB253	Defining Instructional Staff		Neutral
HB254	Removing Term Limits on Charter School Commissioners		Neutral
HB258	Charter Schools – Removal of Teacher Certification	Pulled by the Sponsor	Oppose
HB262	Funding Distribution for Counseling Support		Neutral
HB254	Labor Negotiations – 50% +1 requirements		Neutral
HB270	Nongovernment Interference – Bonds and Levies		Oppose
HB271	Quality Educator Program		Neutral
HJR3	Reducing 2/3rds Requirement for Bonds		Support
HCR12	Reauthorize Funding Formula Committee		Support
HCR14	Idaho Questions on Civics Test		Neutral
HCR26	Sonia Galaviz Recognized, Teacher of the Year		Neutral
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
SB1040	ParaPro Pathways to Certification	Pulled by the Chairman	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	Not funded by JFAC	Neutral/Support
SB1097	Master Schools Premium		Oppose
SB1103	School District Elections – Zone Boundaries, Date Change		Oppose
SB1121	Safe Routes to Schools		Neutral
SB1123	Activities Transportation		Neutral

SB1148	Continuous Improvement		Neutral
SB1149	Career and Technical Ed Performance Measures		Neutral
SCR117	Rejection of Literacy Plans and Mentoring Plans Rules		Neutral
SCR118	Rejection of School Bus Operation Rules		Neutral
SCR119	Rejection of portions of the High School Graduation Requirements		Neutral