

# CAPITOL



By Karen Echeverria, Executive Director

**“Education is for improving the lives of others and for leaving your community and world better than you found it.” --Marian Wright Edelman**

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## **EDUCATION WEEK AT THE CAPITOL**

This week was Education Week at the Capitol. Both the House and Senate Education Committees heard presentations from all of the State universities and community colleges. In addition, they made their presentations and pitch for dollars to the Joint Finance Appropriations Committee (JFAC).

Superintendent Ybarra also presented both her K12 budget as well as her office budget to JFAC. There were no real surprises in her budget presentation. There were, however, some questions related to teacher evaluations.

As you all know, last year, the State Department of Education (SDE) completed a desk audit of a sample of teacher evaluations. After some significant errors and the delayed release of the report of the audit results, the State Board of Education (SBOE) took over that task. As such, both the SDE and the SBOE have budgeted to handle teacher evaluations. I suspect that the SBOE will receive this appropriation and the SDE will not.

## **RULES REVIEW NEARING COMPLETION**

This week saw the near end of rules review. For the most part, the rules were passed as presented and, if they are not already effective, will take effect at the end of the legislative session.

The Senate Education Committee continued to have concerns with additions to the rule related to Continuous Improvement Plans. After a motion to approve the rule died on a 5-4 vote, there was a motion and a 2<sup>nd</sup> to reject the rule. In the end, the Committee rejected the two parts of the rule related to Literacy Plans and College and Career Advising plans and allowed the remainder, on Continuous Improvement metrics, to move forward.

In addition to the discussion above, the Senate Education Committee had some concerns related to legislation the SBOE presented that, once again, would require school districts and charter schools to submit more information to the SBOE. Several Senators on the Committee are supporting school districts and charter schools when we say that the paperwork and reporting load is more than most of us can handle. They are questioning the need for the reporting and what happens to the reports once they are submitted. We agree with this line of questioning.

We are fully aware that the Legislature is working to give us more flexibility and ability to make local decisions and not specifically outlining everything in the law. With that flexibility comes more accountability. What “accountability” means is still unknown. We aren’t afraid of accountability, but if no one at the SDE or the SBOE is going to look at the reports or doing anything with the reports once they are submitted, then what is the point?

It is certainly more work for us and we would prefer to not have to do it. We hope that the Senate Committee continues to ask these questions when each piece of legislation is brought forward. We certainly support less paperwork!

## **SCHOOL BASED MEDICAID REIMBURSEMENT**

So, what is school based Medicaid and why is it important to school districts?

- School districts and charter schools are required, under federal law (Individuals with Disabilities Education Act (IDEA)), to provide certain health services to children with qualified needs in order for them to access a free and appropriate education (FAPE).
- They are required to provide those services beginning on the first day that student enters the school.
- These services include speech and language pathology, physical therapy, occupational therapy, psychological services, nursing services etc.
- Medicaid is the primary payer for these services and public schools may seek reimbursement from Medicaid to cover the cost of these services.
- These funds are NOT state dollars and do NOT impact the state Medicaid budget. They are federal flow through dollars.
- Medicaid pays approximately 70% and the school district/charter pays approximately 30% of the costs.

- Last year those dollars were - \$28,728,667.30 from Medicaid, and \$11,426,483.82 from school districts and charter schools equaling \$40,155,131.20. Again, these are NOT state dollars.

We have tried for several years to work with the Department of Health and Welfare (IDHW) on several issues that we believe can be done differently in Idaho and would provide public schools with significantly more Medicaid reimbursement for the services that you provide. These are all things that are done in our surrounding states. Some of those issues include:

- Payment for services from the day you begin providing them rather than needing to wait until the physician or physician's assistant has signed the IEP.
- Allowing for payment for services provided in developing the IEP plan and locating students in your schools who need services.
- Rewriting the Memorandum of Understanding between the SDE and IDHW.
- Restructuring the Committee that meets to discuss Medicaid reimbursement issues so that the Committee includes representation from ISBA and IASA.
- Allowing for the assessment of Civil Monetary Penalties only in the case of proven fraud rather than when IDHW determines that the errors are egregious.

It has been estimated that Idaho is leaving between \$25-\$30 million dollars on the table because of the rules that IDHW has implemented in relationship to this program. As you all know, those are dollars that we can certainly use.

Because we have been unable to make any headway with IDHW, we have decided that we will run our own legislation in an attempt to assist public schools with Medicaid reimbursement. We currently have drafted legislation and hope to have sponsors for it before the end of the week. Once we begin to move this legislation, we will need your assistance in contacting your legislators.

## **REMINDERS**

Day on the Hill is scheduled for February 20-21 and will be held at the Grove Hotel again this year. In addition to testifying in front of the House and Senate Education Committees, Lt. Governor Brad Little will be our Keynote Speaker on Monday. He has indicated that he will talk for 15 minutes or so and will take questions for the remainder of the hour.

You can find all details regarding Day on the Hill on the website at: <http://idsba.org/dayonthehill>. This includes the agenda, registration, and more. And, bring your questions for the Lt. Governor! We hope to see you there!

## **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) – Legislation Needed - Legislation**

**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. *We have been meeting with legislators to explain our position. We met with employees of the Department of Health and Welfare and Education as well as the Governor's office to discuss some steps that the Department of Health and Welfare are attempting on this issue.*

### **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) – SBOE is drafting legislation**

**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. Once this legislation comes before the committees, we will stand in support of this legislation.

## **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. *We are meeting with the sponsoring district (West Ada) this week to discuss their proposal for possible legislation.*

## **Reducing the Supermajority for School District Bonds (2017) – Legislation Needed**

**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. We believe we have a sponsor for this Constitutional Amendment and are working on moving it forward.

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

**Status:** This legislation is drafted. *We have a sponsor for this legislation. We are working with those that may oppose the legislation to ensure that they will remain neutral or so that we can make amendments that will allow both parties to achieve our desired goals.*

## **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:** *The Superintendent of Public Instruction continues to pursue this concept. During her budget present, she indicated that the appropriation would be better placed in her office budget as opposed to the K12 Public Schools Budget. However, the legislation still continues to indicate that the funding will be for a time certain. In other words there would only be funding for 1-3 years. The intent of the legislation is that the Centers will eventually become self-sustaining. We believe that unless the funding will be ongoing, ISBA will be unable to support the legislation.*

## **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>

