

# CAPITOL



By Karen Echeverria, Executive Director

**“Learning is not attained by chance, it must be sought for with ardor and diligence.”**

**-Abigail Adams**

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## **EARLY RELEASE**

I suspect that we will see the legislature head home early this year. Because there are so many candidates involved in the statewide primary elections combined with the subsequent open seats, legislators will want to return to their home districts so they can campaign. We are seeing every indication of that with the fast pace the legislature seems to be moving at this year. Several bills were printed this week, which is unusual because the first couple of weeks are usually spent reviewing rules.

## **SELF-FUNDED INSURANCE PROGRAMS**

There was legislation printed this week that relates to self-funded insurance programs. We reached out to the Idaho School District Council and they confirmed that it would not apply to them. They did indicate that it might apply to any school district that might have their own self-funded health insurance program. If you do, please let us know and we will send you information on the bill.

## **PSC SEAT NOMINATION**

One piece of legislation that printed this week in Senate Education pertains to the seats on the Professional Standards Commission (PSC). The PSC is an appointed body that oversees certified employee conduct. Teachers, principals, superintendents, and school board members all have seats on the Commission. Those seats are specifically delineated in the law. For instance, the Idaho School Boards Association has one seat, the Elementary School Principals have one seat, etc.

While the State Board of Education (SBOE) makes the final appointment, each Association is asked to submit three names for the SBOE consideration. ISBA and the other stakeholders have historically submitted names of individuals who sit on their state association boards so there is some connectivity back to the association.

This legislation is extremely broad in nature and would allow “other education stakeholder groups” to submit nominations for any of the seats. “Other education stakeholder groups” is undefined. That would mean that any other group could submit a nomination for the ISBA seat on the PSC.

The GAC voted to oppose this legislation. The Idaho Association of School Administrators (IASA) and the Idaho Education Association (IEA) will also be opposing.

## **TRUSTEE ELECTIONS**

As we suspected, Senators Souza and Rice plan to bring legislation forward that will move trustee elections from May of odd years. We met with them on Friday morning to go over the legislation. It will move the elections to November of odd years so they will be conducted with other non-partisan races. Should the legislation pass, all trustee terms will be extended by six months.

The legislation also includes a paragraph that will allow school districts to run their elections district-wide, should they wish to do so, but there is not a requirement.

While it was not in the draft we reviewed, the Senators indicated there will be language that trustee zones align as “closely as possible” with precinct boundaries. We have not seen this language and are unsure of how this would work. As you may recall, ISBA assisted the vast majority of school districts with their re-zones after the last census. Once we receive the amended language, we will see if we can do some modeling in a few school districts to see how this might work. The Senators did indicate that would not occur until after the next census in 2020.

With that said, we know that the county clerks will likely oppose the legislation unless the elections are forced to be held district-wide or the zones align completely with precinct boundaries. They are concerned about the errors that are likely to occur with incorrect ballots being provided to the electors.

In addition, we have been asked to look at the statute as it pertains to your annual meeting, setting the budget, and electing your officers for the year. We will provide that language to the Senators.

We know this is a contentious piece of legislation for many of us. The Senators know there may be some school board members who will testify against and may contact their legislators about voting against it. We will keep you all posted on hearing dates, so watch your email if you are interested in testifying.

## **BUSINESS PERSONAL PROPERTY:** **A NEW TWIST**

I guess it wouldn't be an election year if we didn't have the Idaho Association of Commerce and Industry (IACI) bringing yet another piece of legislation related to the repeal of the business personal property tax.

We met with Association of Idaho Cities and the Idaho Association of Counties, our long-time partners in opposition to this legislation.

While we have not seen any legislation nor the analysis that usually comes from the Idaho Tax Commission yet, we are hearing that IACI is trying a different tactic this year. Rather than have the entire legislature make the decision on whether or not to exempt business personal property, they will change the law to make this a local decision of the County Commissioners.

While we have long held that local governance is the best governance, it will be far easier to convince three local county commissioners that this is in the best interest of the local community than it will be to convince 105 legislators that it is a good idea.

We will provide more information on this as soon as it becomes available.

## **VOUCHERS AND EDUCATION TAX CREDITS**

Although the rumors are flying, we still have not seen any legislation on either a full voucher bill or an education tax credit bill. We have discussed an education tax credit bill with two lobbyists who have not yet revealed who they are representing in this issue.

The education tax credit bill is similar to what we have seen in the past. There will be a pool of money (increased to \$2million) to which entities or individuals can donate. They will receive a 50% tax credit so the total maximum hit to the budget would be \$1million. Those who would be eligible to receive the dollars would be low income students, at risk students, students with parents on active duty military, and special needs students. The schools they attend would need to be accredited. Even though the students would be attending a private or religious school, they would still be required to take all state approved tests.

The education tax credit bill seems to be gaining some speed and support. The sponsors have addressed at least one of the arguments we have used in the past – no accountability – by requiring state testing. In addition, because of the small fiscal impact, it will be hard to fight on the fiscal side of this.

With that said, we still believe that this is the camel's nose under the tent and, if passed, will continue to expand.

## **EXECUTIVE SESSION X 2**

We have been working for several years now on legislation related to the sale of public property in executive session. In addition, we have been working for two years on legislation related to allowing the Board to go into executive session with a simple majority rather than a 2/3 majority under certain conditions and to discuss certain matters.

We have met with resistance on both pieces from the Newspaper Association and the Idaho Press Club. This past week we had a favorable teleconference with the Idaho Newspaper Association. They agreed that they would not oppose our sale of public property legislation if we would work with them over the summer on the 2/3 majority language. That is really good news!

While we have not yet heard from the Idaho Press Club, we feel like we have a good chance of getting this one passed this year.

## **BONDS AND LEVIES** **EDUCATE VS. ADVOCATE**

As we reported last week, Representative Monks has been reviewing our legislation, and we believe he had a favorable response to it. He was concerned about including the term “ballot measure” because the Office of Drug Policy had objected to that language in the year’s bill.

We offered to meet the Office of Drug Policy which we did last Friday. We believe that we will be able to come to terms on the language in the bill so that we can move it forward.

This is a really good example of how we can play offense on a legislative issue and, in the end, win the game.

## **CARD COUNT FOR NEGOTIATIONS**

As we reported last week, we have been working with the Idaho Education Association (IEA) to come to terms on language in this legislation. We were able to do so late last week. We are currently talking with legislators to find a sponsor for the bill, but we hope to have it submitted to legislative services by the middle of the week.

At the same time, we know that another bill has been drafted that would require all voting to be done by secret ballot. Our legislation only requires that they be counted by an independent 3<sup>rd</sup> party. While they are not in direct conflict with each other, it would pose some problems to incorporate all the language should they both pass. We do know that the IEA will heavily oppose the secret ballot legislation should it get a hearing.

We are hopeful that we can get our legislation out first. If we can get a head start, we are hopeful that ours will pass.

## **CTE EXPERIENCE FACTOR** **OUT OF STATE EDUCATION FACTOR**

We continue to have confusion between the State Department of Education and the sponsoring district on the application of the CTE Factor. In addition, after reading last week's issue of Capitol Notes, we learned that there may be no need for the Out-of-State Education Factor legislation.

Last week, we indicated that we were going to have you complete a survey related to the CTE Experience factor. After hearing from the sponsoring school district we backed off of that survey. However, the district and the SDE continue to disagree on how the CTE Experience factor would be applied. We are trying to find a time for the sponsoring school district, ISBA, the SBOE, and the SDE to sit down and write this legislation in a way that makes sense to everyone and is financially beneficial. Until then, we are still on hold with this legislation.

After hearing from one of our school districts that the out-of-state teacher legislation was not needed because the SDE was now interpreting the statute to say that school districts and charter schools received the education credit for out-of-state teachers, I reached out to the SDE. The SDE confirmed that they did not believe the legislation was necessary because they were allowing for the education factor. I also reached out to the sponsoring school districts to see if that was the case in each of their districts. I am waiting to hear back on that but would like to hear from you just to assure that we are all on the same page. Until then, this legislation is also on hold.

## **ISBA LEGISLATION BASED ON RESOLUTIONS**

Below is our progress on each of the ISBA Resolutions.  
*Anything found in italics is new information from last week.*

### **Retention of Retired Teachers (2017) – HB113**

**Status:** Became law last year.

### **Funding School Construction (2017) – Legislation Needed**

**Status:** The sponsoring district is working with their local legislators in hopes of drafting some legislation to address this issue.

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

**Status:** We have been unable to find a sponsor for this legislation.

## **Reduce the 2/3 Majority Vote Requirement to go into Executive Session – Legislation Needed (2017)**

**Status:** See explanation above

## **Opposition to Amending Article IX Section V of the Idaho Constitution (Blaine Amendment) (2017)**

**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 know of one piece of legislation that is similar to what we have seen in the past that would allow for tax credits. We are also hearing that there will be a piece of legislation that will allow for general fund dollars to flow directly to private and parochial schools.

## **Rural School Centers (2017)**

**Status:** We have seen a draft copy of this legislation that the State Department of Education intends to move forward. Currently, there is money in the Superintendent of Public Education's budget to fund this work. This will be legislation that we will support should it move forward.

## **Salary Based Apportionment for Classified Employees (2017) – 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, this legislation will likely not be heard. Should any district wish to pursue this, we would encourage them to bring another resolution.

## **Revision of Idaho Code on Excision (2018) – Legislation Needed**

**Status:** We have drafted legislation, and the sponsoring district is working with their local legislator in hopes of finding a sponsor.

## **Education Allocation for Out of State Teachers (2018) – Legislation Needed**

**Status:** See explanation above.

## **Card Check for Negotiations (2018) – Legislation Needed**

**Status:** See explanation above.

## **CTE Teachers Experience Factor (2018) – Legislation Needed**

**Status:** See explanation above.

## **Contracts for Teachers Holding an Interim Certification Under an Alternate Route (2018) – Legislation Needed**

**Status:** Senator Den Hartog has agreed to carry this legislation. It has been drafted and forwarded to the Legislative Services Office. We hope to see an RS next week.

## **Move School Board Trustee Elections to November of Odd Years (2018)**

**Status:** See explanation above.

## **Transportation Reimbursement (2018) – Legislation Needed**

**Status:** As part of our work on this legislation, we needed to get a fiscal note from the State Department of Education. Karen asked for that fiscal impact on November 1 prior to the Convention. She did not receive the fiscal impact from the SDE until Wednesday of last week. That fiscal note indicated that there would be a \$2.7 million dollar negative impact to school districts and charter schools. 89 school districts and charter schools would be negatively impacted by this legislation. While this legislation would alleviate some of the headache associated with filing for reimbursement, we have a question as to whether the headaches are worth \$2.7 million. We would appreciate your input, should you have any.

## **K-12 Funding Principles (2018)**

**Status:** This resolution addresses the work of the Funding Formula Committee. We will work closely with that committee to address these issues.

## **Discussion of the Sale of Public Property in Executive Session (2018) – Legislation Needed**

**Status:** See explanation above.

## **Permissible Education Activities in School Bond and Levy Elections (2018) – Legislation Needed**

**Status:** See explanation above.

## **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/>

## **REMOTE TESTIMONY**

This year, the House Education Committee is conducting a Remote Legislative Testimony Pilot Project. This project allows Idaho citizens to participate in the legislative process from locations a minimum of 100 miles outside of Boise.

Under the pilot project, utilizing video teleconferencing technology, registrants will be able to testify remotely on proposed legislation scheduled for a remote testimony meeting by the House Education chair.

For more information and a list of locations that you can use this service, visit this link:  
<https://legislature.idaho.gov/remote-testimony/>

## **STAY TUNED**

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

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

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>



