

CAPITOL



By Karen Echeverria, Executive Director

Your true success in life begins only when you make the commitment to become excellent at what you do.

-B. Tracy

February 11, 2019
Issue 5

PUBLIC SCHOOL FUNDING FORMULA BILL

As we told you last week, a draft copy of the public school funding formula bill has finally been released. Once it was released, the House and Senate Education committees held a joint “listening session” to hear concerns about the bill. The education stakeholder groups were given 10 minutes each to provide comments. Then they opened it up to anyone else who wanted to speak. Without question, everyone suggested edits to the bill.

ISBA’s testimony focused on three things:

- Keeping the career ladder language in the bill without funding it does nothing more than tie the hands of LEA’s by forcing them to develop a salary schedule that meets the career ladder rungs and cells;
- Six payments each year to LEA’s, four reporting dates, two payments based on last year’s data, four based on this year’s data, the moving target of students coming in and out, and the fact that 80-90% of budgets are comprised of salaries and benefits will make it nearly impossible for LEA’s to ever create a budget. In addition, receiving the last payment in June may require LEA’s to apply for tax anticipation notes to make payroll;
- There will be significantly more reporting needed by LEA’s, and the State Department of Education will need to track and report all of it as well. Because LEA’s will now receive direct funding for special populations like economically disadvantaged students, we believe that we will see a significant uptick in numbers when the first reports are collected. Finally, we have concerns about the SDE’s ability to handle the increased workload; and
- We have a concern about at least one of the multipliers or “dials” that is being used – the wealth adjustment. The data they are using to calculate the adjustment does not work for Idaho and we would like to see it removed.

House Chair Clow indicated that it is now time for the education stakeholders to begin meeting and making adjustments to the bill. We already have one meeting scheduled to find a time that works for everyone. Once we find that time, we will likely meet several times a week to start making edits.

There are still those who think we can finish this work this legislative session and get a bill printed and passed by both chambers. I have my doubts and we would like to see this process significantly slowed down. As many presenters stated in their testimony, there is no need to hurry!! We have been living under the current formula since 1994 and we can live under it for a couple more years. In addition, we can then kick this work to the Governor's K12 Education Task Force.

In the meantime if you have suggestions, please send those to Quinn or me. Keep watching Capitol Notes and Facebook Live on Friday afternoons for further updates.

You can find a copy of the bill here:

<https://legislature.idaho.gov/wp-content/uploads/sessioninfo/2018/interim/PSFF%20Draft%20Legislation.pdf>

You can find a copy of the spreadsheet here:

<https://legislature.idaho.gov/sessioninfo/2018/interim/psff/>

It is the draft model dated February 1, 2019

MANY BILLS PRINTED THIS WEEK

As we expected, we are seeing a ton of bills printed. As a reminder, today, Monday, February 11, is the last day to print bills in any committee. Bills can still be printed in Privileged Committees, but we will see the number of bills being printed significantly reduced. There are a couple of bills we loved, several we hated, and some that won't matter. Here is a quick rundown.

Non-traditional Educator Prep (HB93)

This was proposed by Teach for America. This bill would allow school districts and charter schools to enter into agreements with nontraditional teacher preparation programs to help recruit, select, train, and retain teachers for hard to fill positions and make such programs eligible for state funding if they provide matching private dollars. Eligible programs must demonstrate that their teachers achieve above-average academic growth from students. It is interesting that this bill has no fiscal impact even though funding is needed to make it work. If the legislature chooses not to fund it, then this law will lay dormant. We are neutral on this bill.

Levy Election Disclosure (HB103)

If you remember, last year the legislature approved, and the Governor signed, a bill that sets out what must be printed on the ballot in relationship to bond elections. Now, when a taxing district authorizes a levy election, the ballot must include a disclosure statement indicating the estimated average annual cost to a property owner per \$100,000 of property value and the length of time the levy will be in effect. The county clerk will

make the calculation and include the financial information on the disclosure statement on the levy ballot. We are seeking further information before we take a position.

Firearm Safety on School Grounds (HB115)

This legislation stems from an ISBA resolution. Last year, the legislature updated §18-3302 to provide for a misdemeanor charge for willful threats of violence directed at schools, school venues, school buses, school staff, and/or students to include electronic means. This legislation would allow peace officers to place a person who willfully threatens violence at schools into custody for evaluation. It is important to note that if it is a misdemeanor violation, they are currently unable to do so. We support this bill.

Immunization Exemption Disclosure (not yet printed)

The sponsor of the bill, Priscilla Giddings, asked to provide comment on this legislation. It essentially says that if you are notifying parents that their students must be immunized, then you must also notify them that they can exempt their students. You must notify them of the same exemption in the same manner that you notified them of the requirement to immunize. In other words, if you tell them in person about the requirement you must tell them in person of the exemption. I am going to provide comments back to the drafter of the bill today that we would object to this language. While we appreciate the rights of parents, we are also responsible for the safety of all students. Those parents who really object to immunizations are already aware of the requirements. This would just allow those parents who have not followed through on all the requirements an easy out. In addition, it would be yet another paperwork nightmare.

School Improvement Plans (SB1057)

This legislation stems from an ISBA resolution and the SDE Red Tape Committee. This legislation seeks to eliminate duplicate reporting of student achievement data to the state. LEA school student achievement data is now reported in the State Department of Education's online school report card. There is no longer a need for the LEA's continuous improvement plans to include this data. The bill removes the individual metrics now required to be submitted as part of the continuous improvement plans. The continuous improvement plans would, instead, simply point to the LEA's report card. We support this bill.

Charter Administrator (SB1058)

This bill will likely sound familiar to you. It passed the legislature last year and was vetoed by the Governor. Unlike most states, Idaho requires charter school administrators to hold a traditional school administrator certificate. This lack of flexibility prevents some local boards of directors from hiring the administrator of their choice. This bill would create a new charter school administrator certificate as an alternative to traditional administrator certificates. Administrators would be eligible for a charter school administrator certificate if they (1) hold a bachelor's degree, (2) pass a criminal background check, (3) receive training on teacher evaluation, (4) demonstrate a charter school board of directors seeks to hire them and commits to overseeing their work, and (5) have a minimum amount of professional experience. This would not be a mandate on charter schools; charter school administrators could continue to hold a traditional administrator certificate or could hold a charter school administrator certificate. Because we have charter school members who want to see this legislation pass, we will remain neutral on this bill.

Mastery Based Education (SB1059)

The legislation removes the existing statutory cap on the mastery-based education initiative to allow additional LEAs to participate and be eligible to apply for a grant to support their transition to a mastery-based education model. The cap was put into place as the mastery initiative began in order to create an incubator cohort of schools. Since that time, the Idaho Mastery Education Network has developed to support the

incubator schools as they complete their design phase and move into implementation. The legislation recognizes the Idaho Mastery Education Network and its role in working with LEAs to identify barriers to implementing a mastery-based education model, make recommendations to the State Department of Education and the State Board of Education on how to scale and sustain mastery-based education, and further support Idaho's long-term transition to mastery education by encouraging incremental experimentation in schools. Additional LEAs have indicated interest in participating in the mastery-based education network. We are neutral on this bill

Early Graduation and Course Flexibility (SB1060)

The purpose of this bill is to give students an opportunity to demonstrate they have met the basic knowledge requirements of the State to 1.) receive a high school diploma without attending all "state required" classes that have been needed in the past or 2.) to have flexibility within their schedules to focus on Career and Technical Education (CTE) or elective programs. They would be required to take the Scholastic Aptitude Test (SAT), American College Testing (ACT) or other similar examinations identified by the State Board of Education (SBE). When a student demonstrates basic skills, which is defined as "college and career ready," they will be able to receive 1.) flexibility in their schedules; 2.) the ability to freely take post-secondary classes; or 3.) receive their accredited diploma and opt out of high school to further their educational or career goals. An estimated 600 students may take advantage of this opportunity. Of this total, 400 would most likely stay in school for the flexibility schedule and 200 students may choose to graduate early. A student who opts to stay in high school with flexibility will have their classes paid by the Advanced Opportunity program. A student who opts to graduate early will be provided funding to attend the Idaho institution of their choice. We are neutral on this bill.

Extended School Levies (SB1061)

The purpose of this bill is to make it easier for school districts that have passed a levy for at least seven (7) consecutive years to allow voters to extend the levy length from three (3) to ten (10) years without going back to the voters every year. We currently have this ability, but the levy must equal at least 20% of total general maintenance and operation fund. This bill removes that language. As a side note, this does not mean that you need to run a levy year for seven years, only that you have been authorized through an election. We will obviously support this bill.

Sex Education (no bill number yet)

This bill printed on Friday of last week but does not have a bill number yet. There seems to be some panic out there about what is being taught in schools related to sex education. There is a TON of misinformation. As you know, this is an incredibly sensitive topic for LEAs and parents. In any case, this bill will require parents to "opt-in" rather than "opt-out" of sex education classes. Once again, this will be a paperwork nightmare for school districts. In addition, if student/parents opt-out, LEAs will be required to provide some other kind of instruction. We will wait to see the fiscal note but there will be a cost to LEAs for this instruction.

Redistricting (HJR2)

This is a House Joint Resolution. It would require a constitutional amendment, so it is not a bill. It will take 2/3 of the House and 2/3 of the Senate to pass and would then be placed on the November 2021 ballot for a vote of the citizens. As you all know, every ten years, the United States conducts a census. While there are social reasons for the census, the main purpose is to determine populations in certain areas. One of the outcomes of the census is that each State then does a legislative redistricting. Our Constitution requires that legislative districts have similar populations. Currently, the Redistricting Reapportionment Committee consists

of three Republicans and Three Democrats chosen by their parties. This bill will add one more seat chosen by the Governor. As you can imagine, in Idaho, that means there will likely be four Republicans.

The reason for the bill is that during the last census, there was one proposal that the Supreme Court found invalid, and there were several fights before a plan that passed muster was accepted. It was a very long, difficult, and drawn-out process. The hearing on this Resolution was held two days after it was printed, and the Democrats on the committee objected to the short turn around. They felt many others would have been there to testify had there been more notice. And, of course, they objected to the content. In the end, the Democrats chose to leave the meeting rather than vote and it passed out of the Committee with all Republicans voting yes.

UPDATE ON SOME BILLS FROM LAST WEEK

Severance and PERSI Buyouts (HB41)

This legislation would have limited LEAs' ability to pay any sort of a severance package to employees. We had concerns about the definition of status and the fact that we have employees on contracts, which can make it difficult to let them go without buying out their contracts. This also included PERSI benefits. In addition, it is oftentimes less expensive and much more expedient for us to settle a dispute than it is to go through a full due process hearing. After talking with the Chair of the committee, we are hopeful that this bill will not be heard. He has not completely committed to us that he won't hear it, but he did hear our concerns.

Impact Fees on Charter Schools (HB91)

Taxing districts, which include district public schools, are not within the current definition of development in Idaho Code and therefore are not subject to development impact fees. This legislation changes the definition of the word "development" to exclude public charter schools. The purpose is to recognize that public charter schools are similar in purpose to district public schools and should also not be included within the definition of development under the act and, consequently, should not be subject to development impact fees. This proposal does not make public charter schools taxing districts. The proposed change places public charter schools on the same level as district public schools in relation to the assessment of a development impact fees. As a side note, we currently have a public charter school that is building a gymnasium for a cost of about \$250,000. The impact fees are being estimated at \$200,000. We support this bill.

FACEBOOK LIVE

I'd like to extend a quick shout out to everyone who has been watching Quinn and I live on Facebook every Friday at 2:15 p.m. MT. Again, these videos provide a brief summary of the week where you can join the video and ask us questions on the spot. You can watch us live on Fridays or watch previous videos here:

<https://www.facebook.com/StandUp4IdahoPublicSchools/>

ISBA LEGISLATION BASED ON RESOLUTIONS

Below is our progress on each of the ISBA Resolutions.

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: We are hoping to include language amendments in the Funding Formula bill when we begin negotiations.

Card Check for Negotiations (2018) – HB647

Status: This legislation passed last year and is now law.

CTE Teachers Experience Factor (2018) – Legislation Needed

Status: We are hoping to include language amendments in the Funding Formula bill if and when that surfaces.

Contracts for Teachers Holding an Interim Certification under an Alternate Route (2018) – Legislation Needed

Status: Although it passed the Senate unanimously, this legislation failed to pass the House Education committee last year. *After speaking with the school district that brought this legislation, we don't think we are going to be able to come to consensus on this bill.*

Move School Board Trustee Elections to November of Odd Years – (2018), SB1280

Status: This legislation passed and is now law.

Transportation Reimbursement (2018) – Legislation Needed

Status: This legislation needs a sponsor. However, there would be winners and losers under this legislation. We are asking to see if there would be any chance to refund the \$7.5 million that was removed during the recession. This is the only recession era cut that has not been restored. We are not hopeful that the funding will be available.

K-12 Funding Principles (2018)

Status: This resolution addresses the work of the Funding Formula Committee. Now that the Committee has finished their work, we will work closely with the House and Senate Education Chairs.

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

Status: We were unable to come to terms with the Press Club on this language last year. We will try again this year but are not hopeful.

Permissible Education Activities in School Bond and Levy Elections (2018) – HB620

Status: This legislation passed and is now law.

Salary Based Apportionment for Classified Salaries (2019) – Legislation Needed

Status: We have drafted legislation. The sponsoring districts are working to find a legislative sponsor. Because this legislation carries a very large fiscal note and because some legislators are working on the funding formula legislation, we are not sure if the Legislature will be willing to address this issue this year.

Reduce Super Majority on Facility Bonds (2019) – Legislation Needed

Status: We have drafted legislation. As usual, we don't expect to see any movement on this legislation this year. We are hoping to convince some legislators to put a group of people together to discuss this issue. We are hopeful that we make some headway with a task force discussion.

Executive Session on Simple Majority (2019) – Legislation Needed

Status: We have drafted legislation and secured a sponsor for it. *The sponsor has drafted the legislation and we hope to have it printed this week.*

Funding for Full Day Kindergarten (2019) – Legislation Needed

Status: We have drafted legislation. Rep. Paul Amador has agreed to sponsor the bill. We met with Chair Clow this week. We believe we will get a print hearing on this bill and hope that the Committee will agree to move it forward for a full hearing. It will NOT make it out of committee but we believe it is a good sign that the Chair is willing to have a hearing on the bill.

Opposition to Public Funds Diverted to Private Schools (2019)

Status: This resolution does not require any legislation. We are hearing that a Representative will be bringing full blown tax credit legislation. We are hopeful that we can keep it from moving forward again this year. We will be reaching out to you to contact your legislators on this issue when it comes forward.

Amending School Age Statute for Flexibility (2019) – Legislation Needed

Status: *After speaking with the Committee Chair this week, we were unsuccessful in convincing him to hear this bill. We will attempt to work on it next year.*

Recourse for Charter School Renewals (2019)

Status: After speaking with a representative from the State Board of Education, we believe that we can accomplish the tenets of this resolution through Administrative Rule. The SBOE will work on a rule after the legislation session and, if passed, it will go into effect in 2020.

Strategic Plans and Reporting Requirements (2019) – Legislation Needed

Status: *This bill has been printed and will likely be heard in Senate Education this week.*

Threats on School Grounds (2019) – Legislation Needed

Status: *This bill has been printed, although not without controversy. It will likely be heard this week, and we hope that we can get support from other groups interested in the bill.*

HOW TO CONTACT YOUR LEGISLATOR

Here is a link to the Idaho State Legislature page. It can help you find out who your legislators are and how to contact them: <https://legislature.idaho.gov/legislators/>

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 to committee meetings or watch debate in JFAC or on the floor of either chamber, the links to do so can be found at:

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

ISBA Bill Tracker 2019

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
HB41	Public Employees, Severance Pay	Awaiting hearing	Oppose
HB65	Administrative Rulemaking Overhaul	Awaiting hearing	Neutral
HB69	PERSI Employee Definition	Awaiting hearing	Oppose
HB91	Impact Fees for Charter Schools	Awaiting hearing	Support
HB93	Nontraditional Educator Preparation Program	Awaiting hearing	Neutral
HB103	Levy Elections Disclosure	Awaiting hearing	Neutral
HB115	Threats on School Grounds	Awaiting hearing	Support
HJR2	Redistricting Commission	Awaiting hearing	Neutral
SB1029	School Turnaround Act	Awaiting Hearing	Neutral
SB1030	School Boards, Organizational Meeting	Awaiting Hearing	Support
SB1057	School Improvement Plans	Awaiting Hearing	Support
SB1058	Charter School Administrators	Awaiting Hearing	Neutral
SB1059	Mastery Based Education	Awaiting Hearing	Neutral
SB1060	Flexible Schedule and Early Graduation	Awaiting Hearing	Neutral
SB1061	School Levies	Awaiting Hearing	Support