

CAPITOL



By Quinn Perry, Policy & Government Affairs Director

The problem is not that school board members are some sort of money-grubbing, mischievous band of thieves trying to rob the taxpayers. The problem is that school districts have needs that are only fulfilled by asking property taxpayers for the money. Property taxes are on the rise not because school boards are putting one over on the voters. Property taxes are on the rise because the needs are growing and there are no other alternatives.

– Scott McIntosh, Opinion Editor for the Idaho Statesman

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NOT A LOT OF EDUCATION BILLS, BUT A LOT OF POLICY AFFECTING EDUCATION – CONTACT YOUR LAWMAKERS NOW

While we haven't seen more than a dozen bills come through the Education Committees, we're still seeing some of the most impactful legislation that has the potential for some significant negative consequences for school districts. On Monday, Rep. Wendy Horman (**R – LD 30, Idaho Falls**) and Sen. Lori Den Hartog (**R – LD22, Meridian**) introduced HB 393, which would remove the March and August election dates given to school districts during elections consolidation over a decade ago. Since it was printed, our office has received a ton of panicked calls and emails about the effect this could have on your school districts.

The reason behind the bill sponsors for the legislation is two-fold. First, Rep. Horman was contacted by a few of her constituents who felt they were never aware when a district had an election in March or August. Second, according to countywide data collected by the legislative library, voter turnout in some districts during their March or August elections was much lower than in May and November. While it is no secret that voters turn out in greater numbers for May and November elections – particularly for Presidential elections – we reject the notion that school districts choose the March or August dates to 'game the system' or take advantage of low-voter turnout. In fact, I have heard from many of you about the great lengths you go to in order to educate your patrons about your bond or levy election.

Since it has been introduced, however, there has been support for the concept of removing these election dates to temper 'out of control' property tax increases. The message gives us a great deal of concern, as it

gives us the perception their intention in removing the March and August elections is to increase the number of school ballot questions that fail.

Instead, this could cause a timing issue. The March date is needed for negotiation and budget setting purposes. 85-90% of all school district budgets are salaries and benefits. Districts can't negotiate with their teachers if they don't know whether or not the levy will pass. May levies are too late for negotiations because teacher contracts need to be issued no later than July 1. Districts must set their budgets, publish notice to their patrons, and submit their budget summary to the State no later than 14 days prior to the Board's July meeting. There is simply not enough time to do that after the May election.

The last thing to consider as you contact your lawmakers is that supplemental levies are truly operational funds. These levies go to staff salaries and benefits, specialized programs, literacy programs, technology, and other extremely important operations within the district. Combined with HB 347, which would only allow you to run one bond election per year *even* if you're near the supermajority threshold, could be extremely detrimental to school districts.

When you contact your lawmakers, please use examples of what your levies go toward, the efforts you undertook to promote your bond or levy election, and the potential impact to your district if these dates were to be removed.

HB 347 is awaiting a hearing in Senate State Affairs, and HB 393 is awaiting a hearing in House State Affairs. It is time to start contacting ALL lawmakers on this issue ASAP. You can view contact information here:

Senate Membership: <https://legislature.idaho.gov/senate/membership/>

House Membership: <https://legislature.idaho.gov/house/membership/>

RULES ARE FINALLY NEARING THE END OF THE TUNNEL

After a weird series of House Education committee meetings, we finally saw them take a vote on the administrative rule dockets that included content standards and teacher certification.

While it was a long debate and a few motions were made, the prevailing motion was to remove the Math, English Language Arts, and Science content standards entirely. Additionally, the committee removed some significant sections of teacher certification standards as well as review standards for alternative teacher preparation programs. Admittedly, we were not surprised by the removal of the Idaho Content Standards, but we were surprised by their attempts to meddle with teacher certification.

We suspect the teacher certification issue is related to some history between ABCTE (the most popular alternate route to certificate) and the State Department regarding their program review process.

Again, unless the House and Senate concur on the removal of these rule sections, the Idaho Content Standards and Teacher Certification standards will go into effect. This could possibly bring out some tension between the House and Senate, who have long disagreed about the proper procedure surrounding administrative rules.

We have been told that the Senate Education committee will review the Idaho Content Standards on Tuesday, so until then, we don't know the future of the Idaho Content Standards.

OTHER BILLS WE ARE WATCHING

Superintendent Evaluations

Senator Lent's Superintendent Evaluation legislation was sent to the floor of the Senate unanimously. The Idaho Association of School Administrators did testify on the bill, although they have remained neutral.

School Board Training: Senator Lent's school board training bill passed Senate Education unanimously on Thursday. ISBA did testify on the legislation, though the GAC voted to remain neutral. We truly believe that a route to being the most effective board member is through training. We also know our small, rural districts are concerned that it is already difficult enough to recruit board members to run and that required training could create an additional hurdle. To that point, ISBA is working on an online platform for training to make it is accessible to board members as possible.

Mandatory School Start Time

This bill states that no district or charter can start school any earlier than the first Tuesday after Labor Day. The testimony on the print hearing was about kids who are involved in county and state fairs and need to be out of school. This is obviously a local governance issue, and we will oppose it. We still haven't seen this come up for a hearing, but we suspect it will soon.

Newspaper Notices:

Rep. Dorothy Moon (**R – LD 8, Stanley**) introduced a bill that we've seen at the legislature a few times. It would allow legal notices to be published on the political subdivision's website in lieu of newspaper publications. ISBA had a resolution on this issue years ago, but it has never made it out of committee.

THE GOVERNOR IS EXCITED TO SEE YOU AT ISBA DAY ON THE HILL: FEBRUARY 17-18

Have you seen the personalized message from Governor Brad Little to all of you? You can view it here: https://www.youtube.com/watch?v=wIDR5wKlKw&feature=youtu.be&fbclid=IwAR04ZE9RyKXpDCmOC8gh7edQfIOYqethPOI5_n7jD_HFujGfyNcdUd2nhE

Day on the Hill begins next Monday, and it's not too late to register: <https://www.idsba.org/dayonthehill/>

ON THE LIGHTER SIDE

The Senate Agricultural Affairs committee printed a bill about repealing an obsolete section of code related to Hogs Running at Large. The bill removes an entire section of code related to "Taking up Trespassing Hogs", and the notice requirements of the same. I guess hogs running at large is NOT happening as frequently as it did 100+ years ago...

DON'T FORGET TO WATCH FOR FACEBOOK LIVE

In addition to our weekly Capitol Notes, we will be doing a weekly Facebook Live broadcast. It will be a quick, abbreviated version of Capitol Notes. So, if you don't have time to read all of this, please tune in live (or watch

a recording later!) of our quick recap on our Stand Up 4 Idaho Schools Facebook page:
<https://www.facebook.com/idahosba/>

ISBA LEGISLATION BASED ON RESOLUTIONS

Below is our progress on each of the ISBA Resolutions. Note that *italicized and bold language is an update from last week.*

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 can make some headway with a formation of a task force to study this issue.

Executive Session on Simple Majority (2019) – Completed

Status: This became law on July 1, 2019.

Funding for Full Day Kindergarten (2019) – Legislation Needed

Status: We have drafted legislation about this and it was a recommendation by Governor Little's Education Task Force. The good news is that he has asked for his literacy funding from last year, (which could be used for full-day kindergarten), to be ongoing. The bad news is that at this time, there has been little appetite to introduce legislation because of its high fiscal note.

Opposition to Public Funds Diverted to Private Schools (2019)

Status: This resolution does not require any legislation. We have heard that a Representative will be bringing legislation to create a full-blown tax credit program. 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: We have drafted legislation and secured sponsors for this legislation. However, after Quinn and Karen spoke with both of the Education Chairs, we are doubtful that this will move forward this year. We are hoping that we can get some support from the Governor's Office in years to come.

Recourse for Charter School Renewals (2019) – Complete

Status: The House and Senate Education Committees have adopted this rule and it will go into effect upon adjournment of the legislature.

Strategic Plans and Reporting Requirements (2019) – Complete

Status: The changes to this statute went into effect on July 1, 2019.

Threats on School Grounds (2019) – Complete

Status: This legislation passed last year. However, the Idaho Supreme Court struck down the entire statute to which we added our language as unconstitutional before the bill even went into effect. The Supreme Court's decision had an even larger impact on police officers in cases of domestic abuse of adults and children. They have introduced a joint resolution that would allow law enforcement to make a warrantless misdemeanor arrest based upon probable cause.

Local Control of Decision Making Regarding School Security (2020)

Status: This resolution does not require legislation. We do anticipate a bill to usurp local control of decision making regarding school security will surface at some point this session.

Updating § 33-802(5), Idaho Code to Extend School Levies (2020) - Legislation Needed

Status: This legislation has a bill sponsor and should be introduced once the committee completes their review of the administrative rules. *The bill sponsor is leery of introducing anything related to taxes this year, so we may need to wait until next year to attempt to get this done.*

40-50-60 Salary Allocation for Instructional & Pupil Service Staff (2020) – Legislation Needed

Status: Because this is legislation being brought forth by the Governor's staff, ISBA will support the legislation moving through and will send alerts for support.

Task Force on Property Tax Reform (2020)

Status: This resolution does not require legislation. ISBA will monitor all changes to property tax reform.

Revision of Idaho Code on Excision (2020) – Legislation Needed

Status: This legislation has been drafted, and we have secured a bill sponsor. Please watch for updates on this resolution.

Discussion of Sale of Public Property Within Executive Session (2020) – Legislation Needed

Status: This legislation has been drafted. *We are struggling to find a sponsor for this bill. All legislation needed to be presented to Legislative Services Office (LSO) by last Friday so we don't think this will move this year.*

Flexibility of Teaching Assignments (2020)

Status: After working to get this printed, we found that we needed to add some additional requirements to it in order to not conflict with IDEA or Title 1 funds. Instead, the Senate Education committee will review a "Teacher to New Endorsement" rule that could do nearly the same thing, but the teacher would be required to take a Praxis exam at some point during the year. We hope to get this bill fixed and moving next legislative session.

Aligning Idaho’s School Age & Accountability Requirements (2020) – Legislation Needed

Status: We have drafted this legislation and secured a legislative sponsor. Please watch for updates on this resolution.

Support for Idaho Science Content Standards (2020)

Status: There is no legislation needed for this resolution. ISBA will testify in support of Idaho’s Content Standards, including science.

K-12 Funding Formula Principles (2020)

Status: There is no legislation needed for this resolution. ISBA will use these principles as guidance if the Legislature continues to rewrite the school funding formula.

Increased Reimbursements for Driver Training Programs (2020) – Legislation Needed

Status: This legislation has been drafted, and a bill sponsor has been secured. ***This bill is on the Senate Floor 3rd reading calendar today! Please send emails to your senators for support.***

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 2020

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
HB 347	Limitations on Bond Elections	Passed House; headed to Senate State Affairs	OPPOSE
HB 355	Freeze on Property Tax Levies	Awaiting Hearing	<i>Reviewing</i>
HB 364	School Year Start Date	Awaiting Hearing	OPPOSE
HB 388	Advance Enrollment for Military Students	Awaiting Hearing	Neutral
HB 391	Update to Concussion and Head Injury Guidelines	Awaiting Hearing	<i>Reviewing</i>
HB 393	School Levy and Bond Election Date Removal	Awaiting Hearing	OPPOSE
HB 430	Public Employee Damages	Awaiting Hearing	Neutral
HB 439	Public Notices, Electronic	Awaiting Hearing	Support
HB 440	Discrimination in Hiring – Public Agencies	Awaiting Hearing	<i>Reviewing</i>
HB 445	Public Works, Contracts	Awaiting Hearing	<i>Reviewing</i>
HB 446	Professional Service Contracts	Awaiting Hearing	<i>Reviewing</i>
HB 447	Public Works, Cost Estimates	Awaiting Hearing	<i>Reviewing</i>
SB 1236	Educational Interpreters	Passed out of Committee, on the House Floor	Neutral
SB 1238	AP Government, Civics Test Requirement	Passed out of Senate, Awaiting House Committee Hearing	Neutral
SB 1239	Flexible Schedule, Elementary Students	Reprinted, Now SB 1293	Neutral
SB1278	Driver Education	Senate Floor	Support
SB1279	Superintendent Evaluations	Passed out of committee, on the Senate Floor	Neutral
SB 1285	School Boards, Training	Passed out of committee, on the Senate Floor	Neutral
SB 1293	Flexible Schedule, Elementary Students	Awaiting Hearing	Neutral
SCR 120	ISAT Alternatives	Awaiting Hearing	<i>Reviewing</i>
SCR122	High School Graduation Pathways	Awaiting Hearing	<i>Reviewing</i>
SCR122	Graduation Alternatives	Senate Floor	Neutral
SJR 103	Warrantless Misdemeanor Arrests Upon Probable Cause	Awaiting Hearing	Neutral