

# CAPITOL

# NOTES

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By Quinn Perry, Policy & Government Affairs Director



*ISBA's 2021 Legislative Staff*

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"I am a member of an army of heroes.  
We wear invisible capes and are armed  
with love."

-Jorge Pullerio, Idaho's 2021 Teacher of the Year

## ***Week Three***

Somehow, it is almost Groundhog Day and we are already in the fourth week of the legislative session. Last week at the Idaho Legislature was "Education Week" – which meant the legislature saw presentations from all of Idaho's 4-year institutions and community colleges, as well as their budget presentations. Additionally, Superintendent Ybarra presented her public schools budget to the Joint-Finance and Appropriations Committee. Although she and the Governor's budget requests would be the smallest increase in public schools in a long time, both requests are just over the \$2 billion mark for the first time ever. Every agency was asked to provide a very light budget this year.

## ***A Familiar Face at IDLeg***



April being sworn in by House Speaker Scott Bedke.

Something exciting at the state house this week was our very own April Hoy, ISBA's Research and Policy Specialist, was called upon to serve as a substitute for Legislative District 17. She was sworn in on Monday and served the constituents of Boise on behalf of Rep. Sue Chew.

If you did not know, a lawmaker can nominate constituents from their districts to serve if they must be absent from the state house for a period of time. Representative Hoy was able to sit on the following committees: Commerce & Human Resources, Environment, Energy & Technology, and Health & Welfare. When April told us she was asked to serve in this capacity, we were elated for her. April's expertise is extremely valuable at ISBA, and we were excited that she was able to share her brilliance as one of Idaho's policy makers for one week.

## ***Education Bills Recently Introduced***

**S 1039 - CTE Diploma (Neutral):** Senate Bill 1039 would create an optional “Workforce Readiness Diploma” which would allow school districts and charter schools to create a specialty diploma for students who have successfully demonstrated a competency in CTE programs.

**S1043 – Student Discipline in Executive Session (Support):** Based on an ISBA Resolution, this legislation would grant authority to local school boards to take action on student disciplinary hearings in executive session, granting privacy to the student and their family.

**S1046 - Innovative Classrooms (Oppose):** This legislation would require school districts and charter schools to enter into an “innovative classroom” agreement within 60 days of a requesting party that includes at least 24 students. The requirements of the agreement include many things, though these were of particular concern for ISBA’s GAC:

- 1) It would require the district or school to accept an alternative curriculum and instructional materials that are **not** approved by the local school board;
- 2) The district/school must supply a teacher to support the class, but the teacher must be agreed upon by the school district/charter school **and** the parents of the students receiving instruction in the innovative classroom;
- 3) The district must provide a classroom, transportation (if it fits within the innovative classroom’s schedule), and outline which other services the innovative classroom has access to – such as the playground, cafeteria, or special education services;

We plan to meet with Chairman Thayn, the bill’s sponsor, to outline our concerns and see if we can come to consensus.

**S1045 - Advanced Opportunities for Private School Students (Oppose):** The Advanced Opportunities has been a wildly popular and successful program – so much that in recent years, the Legislature has had to pull funds from the Public Education Stabilization Fund (PESF) to cover the large numbers of students utilizing the program. This would create a separate, more limited program for students attending private and parochial schools. The fiscal note is estimated at \$750,000.

**HB65 – Monument Protection Act (Oppose):** This legislation, sponsored by 1<sup>st</sup> term lawmaker Rep. Doug Ockuiewicz of Hayden, ID would require both houses of the Idaho Legislature to pass a concurrent resolution before any local government – including a school district- could “relocate, remove, disturb, or alter” any historical monument or memorial that honors historical wars or Native American or African-American historical monuments. For example, it would have a significant impact on any school district who is working with their communities to move away from Native American names or caricatures as mascots. Similarly, if you have a school with a historical namesake that you were planning to rebuild or remodel, it would also require approval from the legislature.

**HB68 - School Closures, Infectious Diseases (Support):** This legislation essentially codifies the current practice and partnership between local public health districts and our public schools. It modifies language to say that the school board **may** close school if the board determines that conditions warrant such closure, based on consultation with public health officials. It also creates a new section of code that states that the only individuals who have the authority to close schools – besides the school board – are the Governor and the State Board of Education.

**HB69 - Continuous Improvement Council (Support):** This legislation intends to eliminate several required reports, and streamlines student achievement data into the Continuous Improvement Plan. It creates an “advisory council” which will give an opportunity for teachers, administrators, school board members, parents, lawmakers, and state agencies a chance to review the plans and discuss the ways in which the legislature can remove barriers to student achievement.

**Deadline for Personal Bills:** I always like to talk about this by the time we have hit the last week in January. You may see legislation on the website or down below listed as a personal bill. A personal bill is a “courtesy introduction” of legislation where a lawmaker could not get a bill printed through the committee process. Some of these will include things like creating Education Savings Accounts, moving the sales tax from internet sales to the general fund, or repealing Idaho’s “ban on banning bags”, a law which prevents a local government from a banning plastic bags. These bills are usually referred to a committee where they go to die for the session.

## ***Update on Important Issues from Last Week***

**HB 66- Bond/Levy Disclosure (Oppose):** Formerly House Bills 2 and 8, Representative Ron Nate has re-introduced his legislation that would require very narrow language on the ballot when a taxing district is running a bond or supplemental levy. It does not change the fact, however, that it would only allow for one sided-transparency and does not allow the school district to provide to the voter a simple, accurate statement such as an explanation that a current supplemental levy is set to expire. It was immediately sent to the 2<sup>nd</sup> Reading Calendar on the House Floor and is expected to receive a full vote on Tuesday or Wednesday. **Please contact your Representatives and ask them to vote NO on HB66.**

**Emergency Orders/Declarations:** After the Governor’s unusual special announcement two Fridays ago, the Senate ultimately killed its own resolution that would have ended Idaho’s emergency declaration. There are still resolutions moving that include lifting limitations on gatherings, limiting the Executive Branch’s power, etc. – but late last week, Deputy Attorney General Brian Kane [released an Attorney General Opinion](#) that essentially says that concurrent resolutions are **not** considered to have legal effect other than stating the policy preference of the Legislature, or the chamber that adopted it.” Undoubtedly, this fight in the legislature has yet to end.

## ***Legislation from Supt. Ybarra***

Since you may have read this in an [Idaho Education News article](#), we felt it was prudent to notify our members that Superintendent Ybarra has been working on legislation that would require schools to provide the option of in-person learning – even in times of state or local emergency – when health and safety measures can be met. While we sympathize whole-heartedly with the intent of the legislation, our legal counsel found several areas that gave us concern – including the impact on virtual charter schools, partnerships with Idaho Digital Learning Alliance, and the ability for local boards to make choices based on the conditions at hand. **One true theme of this legislative session is the urgent need to address anomalies that have arisen from this pandemic.** The reality is, however, that changing statute creates a ripple effect far beyond issues brought about by the coronavirus. That said, we are committed to working with the Superintendent to ease our concerns and move toward a solution.

# **ISBA LEGISLATION BASED ON RESOLUTIONS**

Below is our progress on each of the ISBA Resolutions.

## **Local Control of Decision Making Regarding School Security (2020)**

**Status:** This resolution does not require legislation. We anticipate a bill to usurp the 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:** We have drafted legislation but have been unable to secure a legislative sponsor at this point in time.

## **40-50-60 Salary Allocation for Instructional & Pupil Service Staff (2020)**

**Status: Complete.**

## **Task Force on Property Tax Reform (2020)**

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

## **Revision of Idaho Code on Excision (2020)**

**Status: Complete.**

## **Discussion of Sale of Public Property within Executive Session (2020) – Legislation Needed**

**Status:** We have drafted this legislation but have been unable to secure a legislative sponsor at this point in time.

## **Flexibility of Misassignment in Teaching Assignments (2020) – Legislation Needed**

**Status:** We have drafted this legislation but have been unable to secure a legislative sponsor at this point in time.

## **Aligning Idaho's School Age & Accountability Requirements (2020) – Legislation Needed**

**Status:** We have drafted this legislation but have been unable to secure a legislative sponsor at this point in time.

## **Support for Idaho Science Content Standards (2020)**

**Status:** There is no legislation needed for this resolution.

## **K-12 Funding Formula Principles (2020)**

**Status:** There is no legislation needed for this resolution. ISBA will use these principals if the legislature continues to rewrite the school funding formula.

### **Increased Reimbursements for Driver Training Programs (2020)**

**Status: Complete.**

### **Allowing for Decisions Regarding Student Hearings in Executive Session (2021)**

**Status:** We have drafted legislation and secured a legislative sponsor. It is Senate Bill 1043. Please contact the Senate Education committee and ask for their support on SB 1043.

### **Category Contracts on Non-Traditional Routes to Certification (2021)**

**Status:** We have drafted legislation and secured a legislative sponsor. It is set for introduction this week.

### **Amending Idaho Code 33-205: Denial of School Attendance (2021)**

**Status:** We have drafted legislation and secured a legislative sponsor.

### **Amending School Age Statute to Provide Flexibility for School Preparedness Programs (2021)**

**Status:** We have drafted legislation and secured a legislative sponsor.

### **Opposition to Diverting Public Dollars to Private or Parochial Schools, including School Vouchers, Tax Credits for Scholarship Donors, or Amending Article IX of Idaho Constitution (2021)**

**Status:** This resolution does not require legislation. We do anticipate many pieces of legislation that are related to this issue this session.

### **Reduce Super Majority on Facility Bonds (2021) – 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 by forming a task force to study this issue.

### **Administrative Leave with Pay (2021) – Legislation Needed**

**Status:** We have drafted legislation but have been unable to secure a legislative sponsor at this point in time.

### **Personnel Funding – Use it or Lose It (2021)**

**Status:** We have drafted legislation and secured a legislative sponsor. However, given the nature of this legislative session, the resolution sponsor has agreed to wait until the 2022 legislative session. We will continue to have discussions with lawmakers.

### **Funding for All Day Kindergarten (2021) – Legislation Needed**

**Status:** We have drafted legislation but have been unable to secure a legislative sponsor at this point in time.

## **Reclamation of Career Ladder Placement for Instructional and Pupil Service Staff (2021)**

**Status:** This resolution does not require legislation. It does appear that the career ladder will be implemented in both FY21 and continued for FY22.

## **Salary-Based Apportionment for Classified Employees (2021) – Legislation Needed**

**Status:** We have drafted legislation but have been unable to secure a legislative sponsor at this point in time.

## **Restoration of FY21 Funding Holdbacks (2021)**

**Status:** This resolution does not require legislation. Given the amount of federal funds flowing to Idaho Schools, we will have a difficult time convincing the legislature to backfill any holdbacks or reduction in FY21 spending.

## **Development Impact Fees for School Districts**

**Status:** We have drafted legislation and have secured at least one legislative sponsor. We are working to secure a legislative sponsor from the majority party, work on fiscal impacts, and gather more information from stakeholders.

## **How to Contact Your Legislator**

Here is a link to the Idaho State Legislature's 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 2021**

Bills highlighted in **purple** are related to ISBA Resolutions

Bills highlighted in **red** are dead

Bills highlighted in **green** have become law

<b>Bill #</b>	<b>TITLE</b>	<b>STATUS</b>	<b>POSITION</b>
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HB2	Bond/Levy Disclosure	Pulled and Replaced by HB8	OPPOSE
HB4	Disasters/ Parental Rights	House Judiciary & Rules	Neutral
HB8	Bond/Levy Disclosure	Pulled and replaced by HB66	OPPOSE
HB16	Emergency/Balance of Powers	House Floor	Neutral
HB17	Abortions/No Public Dollars Used	House State Affairs	Neutral
HB20	Property Tax/Medical Deduction	House Rev & Tax	Neutral
HB22	Public Charter School Funding	House Floor	Neutral
HB53	Electronic Notices, Public Agencies	House State Affairs	<b>Support</b>
HB62	Empower Parents –Education Savings Accts	Personal Bill	OPPOSE
HB65	Monument & Memorials Protection	House State Affairs	OPPOSE
HB66	Bond/Levy Disclosure	House Floor	OPPOSE
HB67	School Closures, Infectious Diseases	House Education	<b>Support</b>
HB69	Continuous Improvement Council	House Education	<b>Support</b>
HCR1	Disaster Declaration Ended	House State Affairs	Neutral
HCR2	Gatherings, Group Size	Senate State Affairs	Neutral
HCR4	Open Disaster Emergencies	House State Affairs	Neutral
S1002	Emergency Disaster, funding retention	Senate State Affairs	Neutral
S1006	Literacy Achievement Act	Senate Floor	Neutral
S1007	Salary Schedule, Definition	Senate Floor	Neutral
S1029	Internet Sales Tax, General Fund	Personal Bill	<b>Support</b>
SB1039	Workforce Readiness Diploma	Senate Floor	Neutral
SB1042	Qualifications Based Services – Procurement	Senate Commerce & Human Resources	<b>Support</b>
SB1043	Student Discipline Decisions in Exec Session	Senate Education	<b>Support</b>
SB1045	Advanced Opportunities for Private School Students	Senate Education	OPPOSE
SB1046	Innovative Classrooms	Senate Education	OPPOSE
SB1039	Workforce Readiness Diploma	Senate Education	Neutral
SCR101	Disaster Emergency Terminated	Senate State Affairs	Neutral
SCR103	Isolation Order, Terminated	Senate State Affairs	Neutral