

# CAPITOL

# NOTES

A WEEKLY PUBLICATION OF THE IDAHO SCHOOL BOARDS ASSOCIATION • 2021 LEGISLATIVE SESSION

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*ISBA's 2021 Legislative Staff*

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Issue 4

**“I had no idea that history was being made. I was just tired of giving up.”-  
Rosa Parks**

## ***Week Four – Dump Week***

We “fondly” ☺ call weeks four and five of the session “dump week”. Each year, the legislature sets a deadline by which bills must be introduced. There are exceptions to that rule because bills can be introduced in privileged committees after that timeframe. However, most bills are introduced by the deadline. That deadline this year is February 15. So, in week four and five, we usually see all the really bad bills that should never see the light of day. Thus, the term “dump”. This year is no different, and the dumping has begun. Here is what we have so far, but we expect a few more.

We have four critical bills below that we are asking that you reach out to your legislators about. They are the first three listed below.

**HB89 – Guns on School Campuses – Oppose** – We have the never-ending guns on school campuses bill. While slightly better than previous versions, it still removes the ability for the local school Board to make the decision as to whether or not guns should be allowed on school campuses. The bill does require that those carrying be identified to the principal and the superintendent but not the school Board. If it is an employee that is carrying, a photo of that employee must be shared with local law enforcement. They amended the bill in committee to allow that the employee would be free from liability unless there was willful, reckless, or wanton misconduct. However, the district would still need to defend that case. And finally, all “gun-free school” signs would need to be removed from campuses. **Call to Action – Please contact your House members, especially those on the House State Affairs Committee, and ask them to vote NO on HB89.**

**HB 66- Bond/Levy Disclosure – Oppose** – We have reported on this bill before as well, but it did pass the House Floor and is now on to the Senate State Affairs Committee. As such, we have a **Call**

**to Action on this bill as well. Please contact your Senators, especially those on the Senate State Affairs Committee, and ask them to vote NO on HB66.**

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. The language 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 passed the House Floor on Wednesday.

In case you would like to know how your Representative voted, here is final vote count. **If you find your lawmaker voted “nay” on HB66, there is an opportunity here to reach out to them and thank them for their vote**

| Voting on - H 66 |             |           | <u>AYE</u> | <u>NAY</u>   | <u>ABS</u> |
|------------------|-------------|-----------|------------|--------------|------------|
|                  |             |           | 46         | 24           | 0          |
| Adams            | Christensen | Giddings  | McCrostie  | Scott        |            |
| Addis            | Clow        | Green     | Mendive    | Shepherd     |            |
| Amador           | Crane       | Hanks     | Mitchell   | Skaug        |            |
| Andrus           | Davis       | Harris    | Monks      | Syme         |            |
| Armstrong        | DeMordaunt  | Hartgen   | Moon       | Toone        |            |
| Barbieri         | Dixon       | Holtzclaw | Moyle      | Troy         |            |
| Bedke            | Ehardt      | Horman    | Nash       | Vander Woude |            |
| Berch            | Erickson    | Kauffman  | Nate       | von Ehlinger |            |
| Blanksma         | Ferch       | Kerby     | Necochea   | Weber        |            |
| Boyle            | Furniss     | Kingsley  | Nichols    | Wisniewski   |            |
| Bundy            | Galloway    | Lickley   | Okuniewicz | Wood         |            |
| Cannon           | Gannon      | Manwaring | Palmer     | Yamamoto     |            |
| Chaney           | Gestrin     | Marshall  | Rubel      | Young        |            |
| Chew             | Gibbs       | Mathias   | Ruchti     | Youngblood   |            |

**No bill number yet – Remove the August Election Date** – This bill will print on Monday and receive a bill number then. Well, I wish I had more to say about this one but it will simply remove our ability to run an August Election Date. It is being run by the Secretary of State. The stated reason is that County Clerks have no time between the end of one election and the beginning of another. They need time to purge the vote polls etc. Well, I say, isn't that their job? **Call to Action – Please contact your House members especially those on the House State Affairs Committee.**

**HB90 (Formerly, HB65)– Monuments –Oppose** – This bill would remove your ability to change the name of a school or mascot that has some sort of historical background without coming back to the legislature and having them agree by concurrent resolution. This is a clear overreach of local control. We fail to understand what part of “governance closest to the people” does not seem to resonate with this legislature. We also fail to understand why anyone thinks a legislator in North Idaho is going to know what is best for a school district in southern or eastern Idaho. As you all know, we have had some contentious mascot name changes in the past couple of years. We understand that you work

closely with your patrons when making those decisions. We also know that you can never make everyone happy. You do the best you can with the information you have. After all, you are elected officials. Also, it is being reported that the bill may be unconstitutional. Article III, Section 19 of the Idaho Constitution entitled “Local or Special Laws Prohibited: directly forbids the legislature from passing any local laws in of the following areas...changing the names of persons or places.”

**SB1046 – Innovative Classroom Curriculum – Oppose** – Quinn reported on this bill last week, so this is just a quick update. This bill would allow a group of 24 students to use a curriculum for instruction that is not approved by the local school Board or charter school. In addition, the parents could essentially choose the teacher. However, the district/charter would be required to hire the teacher, supply the classroom, provide for any special education needs, transport students if it works with the school schedule, and offer food services. In other words, the district would supply everything but the curriculum and would have no oversight. This bill will be heard on Wednesday, February 10th.

**HB73 – Local Government Uniform Reporting – Support** – This bill will first create a committee that will establish what “uniform reporting” for all taxing districts will look like and then create a registry with the Idaho State Controller where all of the information will be stored. This bill won’t have a big impact on school districts and charters because of the amount of information you are already required to report and keep posted on your website. In addition, the State Board of Education will actually just transmit the data you already send to them through ISEE. The only thing you will need to do is to link to the new repository on the State Controllers’ website. The purpose of the uniform reporting is so that legislators will have the ability to compare apples to apples between like taxing districts. In other words, how is one county or city doing in relation to another county or city. The full implementation for this bill is scheduled for January 2025 and will cost \$1.5 million dollars ongoing to set up and operate each year. It will also require the hiring of three full time staff by the State Controller’s office.

**SB1052 – Flex Schedules, Elementary Students – Neutral** This bill will allow elementary school students who are academically advanced and meet certain requirements to have a flexible school schedule. A flexible schedule permits a student to have partial-day or full-day absences for the purpose of family activities, enrichment opportunities, and home-based educational activities. The flexible schedule must be agreed upon by the student's parents or guardians, teacher, and principal. A written agreement that details the responsibilities of parents or guardians, the student, and the school, such as expectations, attendance requirements, student performance, and testing, would be encouraged.

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

**HB67 – Infectious Disease – Support** – this bill essentially codifies what is currently occurring with Health Districts in that they are not closing school districts or charter schools. With this bill, the only entities that will be able to close schools are the Governor and the State Board of Education, and they can only do so only in consultation with the district/charter. This will be heard this morning in House Education.

**HB69 – Continuous Improvement Council – Support** – This legislation eliminates several non-value added activities associated with K-12 including several reports that you currently have to submit to the State Board of Education or the State Department of Education. However, it also establishes an advisory council, the purpose of which will be to study and discuss continuous improvement plans that each of you create in your district/charter and that have been submitted to the state. The council

has no authority over the plan, it is for information purposes only. They will check to see if each of you are meeting the goals set out in the plan.

**HB72 – Lottery – Support** - The Idaho Lottery is a member of the Multi-State Lottery Association (MUSL) and has an agreement to participate in the multi-state games such as Powerball, Mega Millions, Lucky for Life, Lotto America. The MUSL Powerball Game group has approved licensing the game in Australia and the United Kingdom beginning on August 23, 2021. Current Idaho Code allows only for participation in multi-jurisdictional games offered in the United States and Canada. This legislation amends Idaho law to allow for Idaho's continued participation. If this amendment is not approved, there will be a significant, ongoing negative fiscal impact to the Lottery and subsequently Public Schools. Average Powerball sales in Idaho are \$28,000,000 per year and the Lottery keeps 50% gross profit from sales on this game.

### ***Other Bills***

While not educational in nature, these bills might have an impact on education. The legislature continues to struggle with which bills, if any they can get passed related to emergency powers.

**HB53 – Electronic Notices, Public Agencies – Support** – In spite of heavy opposition from the newspaper industry, this bill has passed the House State Affairs Committee. If enacted, it would allow counties and other governmental entities to publish legal notices on their respective websites instead of in their newspaper of record. The sponsor of the bill is a former County Commissioner and understand the costs associated with newspaper publications. The newspaper industry is mounting strong opposition to the passage of the bill, arguing that allowing governments to publish legal notices on government websites instead of in newspapers will decrease transparency.

**SB1054 – Extreme Powers, Governor’s Order** – We will continue throughout the session to see these types of bills, including a new version that was introduced in the House on Friday. This one would clarify and limit the powers of the governor during episodes of extreme emergency. It provides limitations on the amount of time a governor may maintain a declaration of extreme peril without concurrence by the Legislature, protects Idaho workers as essential, reaffirms the Legislature’s authority to end emergency declarations and/or emergency regulations, prevents the suspension of the right to peaceable assembly and free exercise of religion, protects Idahoans’ right to bear arms during emergencies, and prohibits a governor from unilaterally altering or suspending Idaho Code.

**SB1048 – Taxing District Budgets – Oppose** – While this bill specifically excluded school districts, we are watching it closely. It will have a direct impact on our County, City, and Highway District partners. Capping their budgets are capped may have an indirect impact on districts and charters. For instance, they may be unable to provide us with resource officers.

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

**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. **This legislation was heard in Senate Education and passed to the floor.**

## ***A Few Other Things***

**Governor Moves Idaho Back to Stage 3** – Based on the latest Coronavirus numbers, which have been trending downward for the last month, the Governor moved Idaho back to Stage 3 this past week. **Stage 3 allows for meetings or groups of 50 or fewer people. That includes in your Board meeting rooms.** Even if you do allow for more people in your Board room, we do encourage you to assure that you are meeting any local ordinances on social distancing, mandatory masks, or even small numbers of people in a room.

**Keep it Local Idaho** - We have partnered with Association of Idaho Cities, Idaho Association of Counties, and Highway Districts to launch a campaign related to taxes and allowing local governing bodies to make those decisions on a local level. We have created some short videos that we began launching last week. We encourage you to go take a look at those on our Facebook page and to share them on your district or charter Facebook page as well as your personal pages if you're so inclined. <https://www.facebook.com/KeptItLocalIdaho>

### **Policy Briefs on Funding and Vouchers**

Below is a link to two policy briefs that were prepared by RISE, Treasure Valley Education Partnership, and Southern Idaho Conference (SIC) Superintendents. The briefs are related to School Vouchers and Funding. These briefs contain some great talking points that you can use when discussing these issues with your legislators. Below is a link to the briefs:

<https://risetvep.org/policy-forum>

**BSU Public Policy Survey** – Every year, BSU conducts a statewide public policy survey. This reports discussed how growth is our top concern and the impact growth is having on our state. The report also shows that over 771.9% of all respondents continue to agree that funding education is a top priority. If you would like to view the entire report, it can be found here:

[https://boisedev.com/news/2021/02/01/idaho-growth-survey/?fbclid=IwAR2Qw5hrLqDJ8D7K\\_dw5cfpZcwNI60sli9XC7b0OzQiYs4AWgsH1br1uTFk](https://boisedev.com/news/2021/02/01/idaho-growth-survey/?fbclid=IwAR2Qw5hrLqDJ8D7K_dw5cfpZcwNI60sli9XC7b0OzQiYs4AWgsH1br1uTFk)

## **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)**

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**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. This bill passed out of the Senate Education Committee unanimously and is on the Senate Floor.

### **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> |
|---------------|-------------------------------------------------|-----------------------------|-----------------|
| 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>  |
| <b>HB62</b>   | <b>Empower Parents –Education Savings Accts</b> | <b>Personal Bill</b>        | 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>  |
| HB72          | Joint Lotteries                                 | House State Affairs         | <b>Support</b>  |
| HB73          | Local Government Uniform Reporting              | House State Affairs         | <b>Support</b>  |
| HB89          | Guns on School Campus                           | House Floor                 | OPPOSE          |
| HCR1          | Disaster Declaration Ended                      | House State Affairs         | Neutral         |
| HCR2          | Gatherings, Group Size                          | Senate State Affairs        | Neutral         |
| HCR4          | Open Disaster Emergencies                       | House State Affairs         | Neutral         |

|               |                                                     |                                      |                |
|---------------|-----------------------------------------------------|--------------------------------------|----------------|
|               |                                                     |                                      |                |
| SB1002        | Emergency Disaster, funding retention               | Senate State Affairs                 | Neutral        |
| SB1006        | Literacy Achievement Act                            | Senate Floor                         | Neutral        |
| SB1007        | Salary Schedule, Definition                         | Senate Floor                         | Neutral        |
| SB1029        | 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> |
| <b>SB1043</b> | <b>Student Discipline Decisions in Exec Session</b> | <b>Senate Education</b>              | <b>Support</b> |
| SB1045        | Advanced Opportunities for Private School Students  | Senate Education                     | OPPOSE         |
| SB1046        | Innovative Classrooms                               | Senate Education                     | OPPOSE         |
| SB1048        | Cap on Taxing District Budgets                      | Senate Local Government and Taxation | Neutral        |
| SB1052        | Flex Schedules, Elementary Schools                  | Senate Education                     | Neutral        |
| SB1054        | Extreme Perils, Governor’s Orders                   | Senate State Affairs                 | Neutral        |
| SCR101        | Disaster Emergency Terminated                       | Senate State Affairs                 | Neutral        |
| SCR103        | Isolation Order, Terminated                         | Senate State Affairs                 | Neutral        |