

CAPITOL

NOTES

A WEEKLY PUBLICATION OF THE IDAHO SCHOOL BOARDS ASSOCIATION • 2020 LEGISLATIVE SESSION

By Quinn Perry, Policy & Government Affairs Director

“As state elected leaders, our constitutional obligation to K-12 public education is clear. Article 9 Section 1 states it is our duty ‘to establish and maintain a general, uniform and thorough system of public, free common schools.’”

*-Governor Brad Little
2020 State of the State Address*

January 13, 2020
Issue 1

FIRST LEGISLATIVE SESSION OF A NEW DECADE

Welcome back to Capitol Notes. For those of you who are new to this publication, this is a weekly publication that Karen Echeverria, ISBA’s Executive Director, or I will write for you each week. It is a recap of what happened last week and what will be coming up this week.

In addition to our weekly Capitol Notes, we will be doing a weekly Facebook Live. It will be a quick and 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/>

STATE OF THE STATE

Governor Doubles down on Education Initiatives

The governor delivered his second State of the State to give the legislature and the public an outline of what he wants to see happen this legislative session. Once again, he came out strong for education and doubled down on seeing that the “Our Kids, Idaho’s Future” Task Force recommendations come to fruition. That said, given the limitations on the state’s revenue sources, it appears he’ll take it one thing at a time. Some notable items were his \$30 million ask to build out the career ladder so that it can adequately pay veteran instructional and pupil service staff, as well as the final \$7.7 million to fulfil his obligation of raising the minimum teacher pay to \$40,000. In addition, he asked for a \$3.2 million increase to make his historic investment in literacy support ongoing. Like before, the literacy dollars can be used to help ensure students are reading at grade level in a fashion decided at the local level, such as full-day kindergarten. Like Superintendent Ybarra, he also asked for a \$1 million increase to provide professional development and access to resources in order to identify and better serve students facing social and emotional challenges such as

traumas and mental illness. We recognize that not *all* of the recommendations of the task force were included in this State of the State address, but his continued effort to make education his top priority is something we should celebrate.

ADMINISTRATIVE RULES: UNMITIGATED CHAOS

I want to forewarn our members that this legislative session is likely to produce little legislation, due in part to the administrative rules process we will be undergoing. If you remember from last year, the legislature failed to reauthorize Idaho's administrative rules, causing the rules to expire on June 30. The Governor capitalized on this opportunity by asking his agencies to cut down on unnecessary regulation or remove antiquated sections of administrative rule. When the agency reintroduced them, it made every section of rule subject to review by the legislature. For those of us in education, everything from content standards to immunization requirements could change significantly this legislative session. Because this review process is unprecedented, it could take days or weeks – for all we know, even months – to complete. Because the committees were told that no bills may be introduced until rules review is complete, any bill we hope to pass this year will be faced with additional hurdles.

Speaking of rules - the House Education Committee is expected to review all of Idaho's content standards beginning this week, and there are ample efforts underway to remove content standards for Math, English Language Arts, and Science. Because the legislature's review process does not allow them to change or amend administrative rule, and only allows them to remove sections entirely, this could leave us in an interesting situation. Striking the content standards entirely could be disruptive to our schools – impacting everything from testing to curriculum. That said, the ISBA Government Affairs committee voted to support the reauthorization of the all administrative rules, including content standards.

We've also been told that remote testimony is likely to be available – so please watch for updates.

If you'd like to attend hearings on content standards and testify, the hearings are as follows (very subject to change – so watch for alerts!)

Content Standards on English Language Arts – Wednesday, January 15th likely at 9 a.m. – EW41

Content Standards on Math – Thursday, January 16th likely at 9 a.m. – EW41

Content Standards on Science – Monday, January 20th likely at 9 a.m. – EW41

OTHER THINGS TO LOOK OUT FOR

It could also be a big “defense” year for the ISBA. Here are some examples of things we've heard coming that could pose significant issues for school districts and charter schools:

Firearms in Schools: Almost identical to last year's legislation, this bill would allow anyone 21 and over to carry a firearm into K-12 public schools, and usurp all the authority of the local school board on this particular issue. Because we have a resolution related to this issue – and because it's a clear violation of our principle of local governance – ISBA is adamantly opposed to this legislation.

Immunizations: We have heard of efforts to strip requirements around immunization for school children and/or shifting the burden of exemption information disclosure onto the school district or charter school.

Property Taxes: While public schools (ie: school levies, bonds) have not been at the forefront of their discussions, we hear something could be coming about property taxes at many presentations by legislative leadership. There has not been much forecasting about what it would look like, but ISBA would oppose legislation that would create a shift in property taxes that has the potential to cause harm to school district budgets. By the time you're reading this, you've probably seen a proposal from Senator Jim Rice (**Leg. District 10, R – Caldwell**) [that would remove supplemental levies and add a one cent sales tax](#) – similar to what happened in the “special session” of 2006 when maintenance and operation levies were replaced with an increased sales tax. Needless to say, we'll be reviewing this heavily and will keep our members posted.

“In God We Trust”: There has been model legislation introduced in other states that would require school districts and charter schools to prominently place the words “In God We Trust” on school buildings, which sets schools and districts up for potential litigation. We've heard rumblings of this surfacing in Idaho, and would work with legal counsel to especially ensure that school districts would not have to pay for their own legal counsel if put into effect.

School Mascots: It hit nearly every news site last week that Rep. Christensen (**Leg. District 32, R – Ammon**) would like to create a new law that would require any board action on a school mascot to go to the district patrons for a vote. Later, the Representative pulled back and acknowledged that it would be a violation of local control.

Sex Education: Last year, Rep. Ehardt's (**Leg. District 33, R – Idaho Falls**) sex education bill contained an undefined term that would have created serious burden on school districts and charter schools to obtain “permission slips” from parents on a variety of subjects.

WHAT ABOUT THE SCHOOL FUNDING FORMULA?

Discussions about the school funding formula have quieted down significantly at the state house. We know of at least two – if not more – separate groups who are working on revisions to the school funding formula. We also know that the State Department of Education will soon be presenting the data collected as a result of HB 293 from last legislative session. ISBA has not been invited to review or weigh-in on drafts of the school funding formula at this time. If and when we do see a draft, we'll be using the K-12 Guiding Principles as adopted in Resolution No. 12.

ISBA LEGISLATION BASED ON RESOLUTIONS

Below is our progress on each of the ISBA Resolutions.

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 legislatures 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 from 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) – Nearly Complete

Status: The SBOE promulgated a rule over the interim and it will go before the legislature for review.

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, but the Idaho Supreme Court struck down the statute as unconstitutional before the bill even went into effect.

Local Control of Decision Making Regarding School Security (2020)

Status: This resolution does not require legislation. We do 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: This legislation has a bill sponsor and should get introduced once the committee completes their review of the administrative rules.

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 any and 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, and we’re meeting with a potential bill sponsor next week.

Flexibility of Misassignment in Teaching Assignments (2020)

Status: This resolution needs to be completed by administrative rule. We’ll be asking the State Board of Education to consider this once the legislature adjourns sine die.

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. ISBA still 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 principals 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. We anticipate it will be introduced once the committee finishes reviewing its administrative rules.

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
	No Bills Affecting Education		