

# 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 1**

“I have the audacity to believe that peoples everywhere can have three meals a day for their bodies, education and culture for their minds, and dignity, equality, and freedom for their spirits.” -

**Rev. Dr. Martin Luther King, Jr.**

## **Welcome Back**

Welcome back to Capitol Notes. For those of you who are new to this publication, this is a weekly publication that one of ISBA's Legislative Staff will write during each week of the legislative session, giving a recap of what happened last week and what will be coming up this week surrounding the Idaho State Legislature. Many of you know that this will be Karen Echeverria's last legislative session with ISBA – making her 30<sup>th</sup> legislative session memorable albeit strange. With that, Misty Swanson will be taking on a larger role at the Statehouse and will author some editions of Capitol Notes. At the end of this letter, you will see an update on all ISBA Resolutions. We do already have at least one call to action, so make sure to check page four for that!

## **Atmosphere of the 2021 IDLEG**

The Governor delivered his third State of the State Address a bit differently this year due to the pandemic. It streamed live on Monday and still kicked off the start of the session. Already, we have seen a handful of legislation printed, and committees have begun reviewing administrative rules.

The pandemic – combined with the political unrest in Idaho and across the country – has definitely had an impact on how the policy arena will work this year. The halls of the Statehouse have been quiet, and many individuals, including ISBA staff, have made the tough decision to only go to the Statehouse when necessary. The health and safety protocols of the Statehouse include limited seating in committee rooms in order to

accommodate physical distancing between lawmakers, plexiglass that surrounds the lectern to prevent spray onto nearby lawmakers, and plenty of hand sanitizer. While there has been a city and county ordinance on facial coverings, those orders do *not* apply to State property. Additionally, there is a large presence of Idaho State Police officers throughout the halls and surrounding the building.

**Because the ability to advocate at the Statehouse will be limited this year, I want to take this moment to ask our members to watch closely for calls to action from ISBA.** I encourage you to reach out to your lawmakers now to establish relationships and offer yourself as a resource for education issues that go before them. We will not be able to pack committee rooms or take many of the normal steps that we have to advocate in the past. As always, if you need help with messaging for a particular piece of legislation, do not hesitate to reach out to Karen, Misty, or me.

Despite large technology upgrades to all of the committee rooms, it does not appear that all hearings will allow for remote testimony. In the Senate, it appears that the committee Chairs will largely allow for remote testimony. In the House, it is at the discretion of the Chair, and we have already heard that a few will **not** allow remote testimony. We are working to seek clarification on which committees will and will not. That said, the hearing rooms now include video, which makes meetings more interactive.

## **Governor's Budget Request**

By now, you may have heard about some confusion in the Governor's Budget Request for FY21 (the current year) and FY22. Part of the problem is that the Governor's plan on the 5% holdback did not go as planned. Early in the pandemic, his office convened a K12 Emergency Council, which includes regional Superintendents, Charter School Administrators, and members of the State Board of Education, State Department of Education, and stakeholder groups. That group provided thorough input on the areas which could be "held back" as a part of the FY21 Appropriation for Public Schools – which included a mixture of statutory and non-statutory line items totaling roughly \$98 million. This was an effort to provide transparency and ensure that school districts and charter schools could set their budgets with as much information as we could at the time, knowing that Congress was about to approve The CARES Act – which allocated roughly \$58 million to school districts and charter schools that could possibly fill some of those line items.

Meanwhile, schools were also provided \$99 million of Coronavirus Relief Funds (CRF) through the Governor's Coronavirus Financial Advisory Committee. Those funds, however, were to adhere to the U.S. Department of Treasury guidelines, and did not necessarily plug the "holes" that were left from the holdback in the spring.

During a Joint Finance and Appropriations Meeting in October of 2020, it became clear that the legislative members were not interested in following through on the Governor's 5% holdback plan—more on the dynamics between the legislative and executive branch later. In addition, they did not intend to suspend or amend language in the statutory line items – meaning only about \$47 of the \$99 million will ultimately be held back.

With that, the Governor will be asking the Joint Finance and Appropriations Committee to instead reduce discretionary spending by close to \$51 million. This means that in the February payment to your schools and districts, line items such as the 2% base salary increase for administration/classified staff, movement on the career ladder, and leadership premiums **will** be distributed and implemented as normal.

The idea is that the *new* stimulus package (which we call ESSER II), which totals nearly \$195 million, can backfill some of the discretionary funding that will be reduced, as it does have much broader uses than the CRF.

While we are all aware that this has come to a shock – particularly as we are already halfway through the fiscal year – everyone is doing everything in their power to ensure that none of this is disruptive to your ability to provide services to kids. There are a few critical things at play here:

- 1) In total, Idaho Schools have received close to \$620 million in federal funds – which is almost \$420 million more than anticipated. Many in the legislature feel like schools are trying to “double dip” by asking for more from the general fund. That excludes the \$21 million for testing and \$10 million for PPE.
- 2) In general, there is some work that ISBA (and frankly, all of us) will need to do to explain to lawmakers how operations for our public schools are going during this unprecedented time. There is an impression that because school buildings are closed or districts/schools that have opted to a hybrid learning model are seeing lower costs.
- 3) Because enrollment is down in many districts/schools, there is an impression that less funding is needed.

Meanwhile, we know that Idaho’s Surplus ended 2020 with close to a \$600 million surplus. **There is an advocacy opportunity here.** We are recommending that all school leaders contact their legislators to really give them a picture about the increase in costs for operating during a pandemic. Furthermore, unlike many states surrounding us, almost every brick-and-mortar School District and Charter School in this state are operating with some form of in-person learning. It is especially important that they understand this.

**Fiscal Year 22:** The Governor’s Budget requests for all state agencies were, on the whole, light this year, a decision made with the knowledge that we are not completely in the clear from this pandemic. A lot of the increase for the FY22 budget will be for the career ladder – in which almost all “cells” will see some type of increase – and totals a \$44 million increase. Additionally, the Governor is asking for \$20 million for summer literacy remediation.

Again – for those who may be new – this is a *recommendation* from the Executive Branch. In coming days, the Joint Finance & Appropriations Committee (JFAC) will review Superintendent Ybarra’s recommendation. JFAC typically lands somewhere between the two requests.

## **Hot Button Issues for the 2021 Session**

**Separation of Powers:** Tension has been boiling up between the Executive and Legislative branches since before the pandemic, but the pandemic has certainly exacerbated that tension. The first handful of bills printed so far would retract emergency declarations; limit the Governor’s power overall; and, in some cases, allow the legislature to call themselves into session. Additionally – despite an insurmountable amount of work that stakeholders have put into addressing spectators at athletics events – there are also efforts to lift the requirement on gatherings, including athletic events. While it appears that both bodies are working together, their proposals are slightly different. We are guessing that these discussions – and admittedly, arguments over the separation of powers in general – will be an ongoing theme this legislative session. Many of these would require constitutional amendments – which require 2/3rds of both the House and Senate and a simple majority approval of electors in the next General election.

**Property Taxes:** Undoubtedly, we will see legislation that will relate to property taxes. Over the summer and fall, ISBA and other local government agencies have worked to provide solutions to the legislature on addressing property taxes that do not inadvertently hinder our members' abilities to provide the critical services they are responsible for in their communities.

**School Voucher Programs:** Although we have heard of multiple groups working on legislation that would provide a school voucher, education savings account, or a "scholarship" program using public funds for students to attend private and parochial schools, we have not seen a draft. ISBA has been anticipating this to be a hot button issue since the U.S. Supreme Court issued the *Espinoza* decision earlier this summer, which made all State Constitution "Blaine Amendments" vulnerable. For those new to this issue, a Blaine Amendment (Article IX, Section V of the Idaho Constitution) prevents public dollars from going to private and parochial schools.

## **Call to Action – Oppose House Bill 2**

Not even one week in, we already have a piece of legislation that we would like you to reach out to your **House** members to discuss. [House Bill 2](#) – sponsored by Rep. Ron Nate (R – Leg. District 34, Rexburg) and Sen. Doug Ricks (R – Leg. District 34, Rexburg) is an expansion of the required disclosure language that school districts must include as ballot language when running a bond or levy. The current requirement is that you include the estimated average annual cost to the taxpayer in the levy per \$100,000 of value. When this came about in the 2019 session, we opposed the bill. Not because of the added desire for transparency – in which we have and always will support – but because it really only allowed for one *sided* transparency. For instance, in many cases, the levy you have on the ballot is replacing a levy because the current levy would expire and that is important information for the elector to know.

In the Senate State Affairs hearing on the 2019 bill, then Pro-Tem Brent Hill told ISBA that if county clerks would not allow us to add – within reason – some additional disclosure language, that he would work with ISBA to amend the statute. ISBA and other local government associations worked with Secretary of State Lawrence Denney and Attorney General Lawrence Wasden to ensure that school districts could provide some additional information on the ballot. That process has been in place for over a year, and it has worked seemingly well.

House Bill 2, however, would not allow **any** additional language added to disclosure and would further nullify the bond of levy election if it included anything further. To us, this is mandating *inaccurate* disclosure, by not allowing the local government to provide as much information to the elector as needed.

This could be in House State Affairs any moment, from which it will very likely pass onto the floor of the House – which is why we are encouraging you to contact the House State Affairs Committee *and* your legislators in the House of Representatives. (I have included a way to look up committee members and their contact information below).

## **New Education Committee Members & Contact Info**

Below are the members of the House & Senate Education Committees, as well as links to directories where you can find contact information. While there are new members on *all* of the committees – and ISBA engages with almost every single legislative committee – the Education committee is where most ISBA Resolutions become bills.

**House Education Committee:**

**\*denotes new member to the committee this year**

- Chair, Rep. Lance Clow – R, Leg. District 24, Twin Falls
- Vice Chair, Rep. Ryan Kerby – R, Leg. District 9, New Plymouth
- Rep. Judy Boyle – R, Leg. District 9, Midvale
- Rep. Ron Mendive – R, Leg. District 3, Coeur d’Alene
- Rep. Gayann DeMordaunt – R, Leg. District 14, Eagle
- Rep. Dorothy Moon – R, Leg. District 8, Stanley
- Rep. Barbara Ehardt – R, Leg. District 33, Idaho Falls
- Rep. Gary Marshall – R, Leg. District 30, Idaho Falls
- Rep. Tony Wisniewski – R, Leg. District 3, Post Falls
- \*Rep. Codi Galloway – R, Leg. District 15, Boise
- \*Rep. Charlie Shepherd – R, Leg. District 7, Pollock
- \*Rep. Julie Yamamoto – R, Leg. District 10, Caldwell
- Rep. John McCrostie – D, Leg. District 16, Garden City
- Rep. Steve Berch – D, Leg. District 15, Boise
- \*Rep. Sally Toone – D, Leg. District 26, Gooding

**Senate Education Committee:**

**\*denotes new member to the committee this year**

- Chair, Sen. Steven Thayn – R, Leg. District 8, Emmett
- Vice Chair, Sen. Carl Crabtree – R, Leg. District 7, Grangeville
- Sen. Lori Den Hartog – R, Leg. District 22, Meridian
- Sen. Jim Woodward – R, Leg. District 1, Sagle
- Sen. Dave Lent – R, Leg. District 33, Idaho Falls
- \*Sen. Dan Johnson – R, Leg. District 6, Lewiston
- \*Sen. Kevin Cook – R, Leg. District 30, Idaho Falls
- Sen. Janie Ward-Engelking – D, Leg. District 18, Boise
- \*Sen. David Nelson – D, Leg. District 5, Moscow

**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 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:** 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 to 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.

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

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

### **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 legislatures to put a group of people together to discuss this issue. We are hopeful that we can make some headway by forming of 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 stakeholders for more information.

## **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 based on 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                  | House State Affairs  | OPPOSE          |
| HCR1          | Disaster declaration ended            | House State Affairs  | Neutral         |
| HCR2          | Gatherings, Group Size                | House State Affairs  | Neutral         |
| S1002         | Emergency Disaster, funding retention | Senate State Affairs | Neutral         |
|               |                                       |                      |                 |
|               |                                       |                      |                 |