

CAPITOL

NOTES

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By Karen Echeverria, Executive Director and Misty Swanson, Chief Deputy



ISBA's 2021 Legislative Staff

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“They are playing politics and unfortunately the loser in this shameful game will be you, the Citizens of Idaho.”

Governor Brad Little, during his special announcement on Jan. 22, 2021

Week Two **By Misty Swanson**

Hello everyone! You may remember me from ISBA's Annual Convention or conducting a Superintendent Search, but you will start to see more of me on the legislative front. With Karen's retirement at the end of 2021, I am expanding my role at ISBA to include legislative advocacy. I am excited for the opportunity to represent your school districts and charter schools during the legislative session.

Here are a few updates from this past week:

Inauguration Day: I was pleasantly surprised to see Inauguration Day quiet and uneventful at the Idaho Statehouse. There were no protests and no disruption in the building. Karen, Quinn, and I spent some time in the Statehouse that day and were happy to see the quietness as well as important work being done by the legislature.

Remote Testimony: We know the importance of your ability to testify on topics critical to you and your district or school. While in-person testimony is not a possibility for everyone, there are some instances where remote testimony will be allowed. With that said, not all committees are allowing remote testimony. The House Education Committee is working on allowing remote testimony but it is not ready yet. Currently, the Senate Education Committee is allowing remote testimony. One very important thing to note: **you must sign up in advance to testify.** You will not be able to sign up once the meeting

is underway. For other committees throughout the building, it really depends on the committee and what they have decided to allow.

Here is how you can find committee agendas and see if you can testify remotely:

1. Find the committee that you are interested in on the legislature's website here: <https://legislature.idaho.gov/committees>.
2. If, for example, you'd like to attend Senate Education Committee, select the Senate tab, then scroll down to find the Senate Education Committee.
3. Find the agenda for the day you would like to testify. If testimony is allowed, there will be a link at the bottom of the page, "Registry to Testify".
4. By clicking that link, it will take you to this site: <https://legislature.idaho.gov/sessioninfo/2021/standingcommittees/sedu/#hcode-tab-style2public-testimony-registration>. There are some pieces of information that are required (i.e. name, email, address, etc.) and then you will be placed in line to provide testimony.
5. I have attended committee meetings where the committee heard testimony from people in-person, via phone, and via computer. So, be prepared to wait a few minutes for others to testify or to be called upon at any moment by the committee chair.

As Quinn noted last week, our ability to advocate at the Statehouse will be limited this year.

As such, we are asking 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. However, you can testify remotely and you can write or call your local legislator. As always, if you need help with messaging for a particular piece of legislation, do not hesitate to reach out to Karen, Quinn, or me.

Emergency Declarations Governor and Legislature Debate

By Karen Echeverria

In a surprise move on Friday, the Governor held a special announcement where he chastised the legislature for the efforts they have been taking to end his emergency orders related to the pandemic. He explained that without an emergency order in place, Idaho would be unable to access federal dollars that Idahoans had paid, and stands to lose resources such as access to COVID-19 vaccines. The Governor also asked Major General Garshak from the Idaho National Guard to speak. The General spoke about the work the Guard has done thus far and what they would be unable to do if the emergency orders were rescinded. Finally, former General Brad Richey, who now works for the Office of Emergency Management, testified to the Senate State Affairs Committee and also spoke about the ramifications if the emergency is rescinded.

As you can likely imagine, the House immediately responded after the Governor's press conference. They indicated that they are working to find solutions and asked that the Governor work with them.

I suspect that the House, Senate, and Governor will come to terms on some changes to the constitution and State laws that will limit the Governor's ability for future emergency. However, I also think that it will take most of the session to solve.

Athletic Attendance Order

Just prior to the Governor's press conference, the State Board of Education [issued new guidance on attendance at athletics](#). They, and the Governor, have been watching the data on the numbers and believe the move is warranted.

We realize this has been a moving target the past couple of weeks and making it hard for you to explain to your patrons, staff, and students. The order now allows 40% capacity of your gym and allows for your student body to attend the game. However, the student body does count in the 40%. There is also no further requirement that districts/charters sign an assurance page and there are no penalties if you don't comply.

We are hoping the numbers will continue to trend down and the Governor will be able to move us back to Stage 3 or 4 of his order sometime this spring.

Enrollment Rule

Late last week, the Senate Education Committee adopted the pending enrollment rule, with some language rejected. This rule would codify how school districts/charters will report enrollment based on HB293 from the 2019 legislative session. At this time, we do not believe the language they moved to reject will create a significant impact. Meanwhile, the House Education Committee did hear the enrollment rule, but has not yet taken action and is still holding the rule.

The rule the committees are currently reviewing is a *pending* rule. That means that it only takes one committee to approve it for the rule to go into effect. If you will remember, that is what occurred last year. The Senate was approving rules that the House had rejected. That angered them so they refused to extend any rules last year. The Governor was forced to issue temporary rules for all rules in the State. It was a difficult process but based on what we are seeing this year, it may happen again.

The State Board of Education (SBOE) similarly adopted a temporary rule in an attempt to assist school districts/charters during the pandemic. The temporary rule makes it much easier to count a student when using a hybrid model or online learning model, and is not subject to legislative review this session. We have seen confusion between the information between the pending rule (the one before the committee) and the temporary rule (the one that is not before the committee).

Literacy Legislation

The Senate Education Committee sent SB1006 to the floor with a do pass recommendation. For the most part, this bill moves language from one section of Idaho Code and creates a new section. However, the bill does add some language related to mandatory professional development for Board members to assure they understand the data they are viewing related to literacy plans.

Day on the Hill

By Misty Swanson

Day on the Hill is one of our most favorite events of the year; However, we won't be holding it in-person this year. With that said, we understand the importance of the event with the learning opportunities but also the great opportunity to connect with your local legislators. This year, we will be holding a one-day Day on the Hill on Monday, February 15th via Zoom.

We will be offering two workshops to expand your learning: 1. How to be the best advocate for your school district or charter school; and 2. Team Building in 2021: Working together through distance and difference to create student success. Plus, we'll be providing a presentation, specifically regarding ISBA topics, to the legislature during the lunch hour.

Just like the ISBA Convention, we are offering one, low-cost, registration fee for your entire board and administration team. We'll be sending out an email with more details really soon, so watch your inboxes as well as ISBA's Facebook page.

Policy Briefs

Below is a link to two policy briefs that were prepared by Rise, Treasure Valley Education Partnership and Southern Idaho Conference (SIC) Superintendents. They have been delivered to all legislators. The briefs are related to School Vouchers and Funding.

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

They do contain some great talking points on both issues that you can use when you are talking to your local legislators.

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 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 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

Bill #	TITLE	STATUS	POSITION
HB2	Bond/Levy Disclosure	Pulled and Replace by HB8	OPPOSE
HB4	Disasters/ Parental Rights	House Judiciary & Rules	Neutral
HB8	Bond/Levy Disclosure	House State Affairs	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 Education	Neutral
HCR1	Disaster declaration ended	House State Affairs	Neutral
HCR2	Gatherings, Group Size	House Floor	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
SCR101	Disaster Emergency Terminated	Senate State Affairs	Neutral