

CAPITOL

NOTES

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

By Karen Echeverria, Executive Director



ISBA's 2021 Legislative Staff

**February 22, 2021
Issue 6**

"Civility costs nothing and buys everything."

- Lady Mary Wortley Montagu, 1756

Successful (Virtual) Day on the Hill

I think we are about half way through the session. The first estimates for the legislature to sine die and head home was 3/26. I usually add a week to that. Although, we have heard that the House wants to stay through April. They are hoping any stimulus funds that the Biden administration might send to states will be here by then and they can participate in deciding how and when to distribute those funds. Obviously, we hope that is just an ugly rumor and they will finish their work in late March or early April.

One of my biggest concerns is that the legislature has been saying that they continue to hear about the need for property tax relief for homeowners. Instead, we are seeing bills that will reduce the sales tax, income tax, and will phase out business personal property tax. These will all have enormous fiscal impacts to the general fund and to local levies. When that happens, there is only one place for school districts to turn for the revenue they need - homeowner property tax! I struggle to understand how any of these bills are helping homeowners. With that said, there is one bill below on this issue that we're asking for your help with.

Even though the main deadline for printing bills has passed, we continue to hear that there will be more education related legislation. These bills will need to be printed in a privileged committee – House Education. I wish I could tell you that these bills will be good for education but they will not be. So, stay tuned.

Speaking of ugly, that term definitely defines the last week. We saw several new bills get printed, all of which we are concerned about. We have listed and described the ones we think are most important. Some need your attention now, and we have listed those first. We will keep you updated

as we need your help with the others. **For now, we have a few urgent updates and calls to action:**

Note: The first two calls to action can be made in one call as they are both to the Senate State Affairs Committee

HB106 Remove the August Election Date – Oppose Despite excellent testimony from school leaders making their case on why this date is so critical, HB106 passed out of State Affairs and passed the House. It is being run by the Secretary of State. One stated reason for the bill is that county clerks have no time between the end of one election and the beginning of another to purge the voter rolls etc. As a reminder, when elections consolidation happened, county clerks received a significant sum of money to execute elections. **Call to Action: We are trying to kill this in Senate State Affairs. If your legislator is on the Senate State Affairs Committee, please reach out ASAP and ask for their no vote on this legislation. There are several pieces of legislation in this committee, so here is a direct link to their phone number and email.**

Sen. Patti Anne Lodge, Chair District 11 Statehouse (208) 332-1320 PALodge@senate.idaho.gov	Sen. Jim Guthrie, Vice Chair District 28 Statehouse (208) 332-1348 JGuthrie@senate.idaho.gov	Sen. Kelly Arthur Anthon District 27 Statehouse (208) 332-1327 KAnthon@senate.idaho.gov
Sen. Chuck Winder District 20 Statehouse (208) 332-1354 CWinder@senate.idaho.gov	Sen. Mark Harris District 32 Statehouse (208) 332-1429 MHarris@senate.idaho.gov	Sen. Abby Lee District 9 Statehouse (208) 332-1325 ALee@senate.idaho.gov
Sen. Lee Heider District 24 Statehouse (208) 332-1347 LHeider@senate.idaho.gov	Sen. Michelle Stennett District 26 Statehouse (208) 332-1353 MStennett@senate.idaho.gov	Sen. Grant Burgoyne District 16 Statehouse (208) 332-1409 GBurgoyne@senate.idaho.gov

HB 66 Bond/Levy Disclosure – Oppose or Send to the Amending Order – We met with Sen. Ricks – the Senate sponsor of this legislation and provided a possible solution to our concerns. It would be very similar to the current requirement that you include the costs per \$100,000 for the current levy on the ballot. This would also allow you to include the *current* costs per \$100,000 on the levy you *currently* collect. After several weeks of trying to come to consensus on amendments to this bill, we were unable to do so. **Please contact your Senate State Affairs Committee members (info above) and ask them to either vote NO on HB66 or send it to the amending order.**

HB122 (formerly HB89) Guns on School Campuses – OPPOSE – We expect this will be heard in the House State Affairs Committee sometime this week. This guns bill removes the ability for the local school Board to make the decision as to whether or not guns should be allowed on school campuses. **Call to Action – Please contact your House members, especially those on the House State Affairs Committee, and ask them to vote NO on HB122.**

RS28520 Relating to Firearms and Other Deadly Weapons – Support This Routing Slip (RS) is being printed on Monday morning and will receive a new bill number soon after that. The Idaho Association of School Administrators, with our assistance and encouragement, is running a guns on school campus bill. Senate State Affairs Chair Lodge will sponsor this bill. This bill leaves the decision up to the local board to decide if the district/charter will allow guns on campus. If the

district/charter does allow guns, this legislation sets out the parameters/policies that need to be in place in order to do so.

HB215 “Strong Families, Strong Students” Scholarship Program – OPPOSE This bill has two parts to it and is a wolf in sheep’s clothing. **Make no mistake about it, this is a voucher bill.** Part One is the Strong Students Grant Program which formalizes the Strong Families, Strong Students grant program to help parents meet their child’s unique educational needs. Under Part One, students at public schools, charter schools, private schools, or are home schooled will receive \$500 grants per student per year to pay for allowable education expenses. Grants are available first to families whose Adjusted Gross Income is below \$50,000 per year, then to families earning up to \$75,000 and then to everyone else for as long as the funding lasts for that year. **Part Two of this bill is the voucher part** and creates a program to provide scholarships for a limited number of students who have previously attended public schools but who subsequently chose a different option. Qualification standards are the same as for the grant program described above. Scholarships would be equal to 90 percent of the average amount of state funds appropriated per student during the prior fiscal year.

HB218 Business Personal Property Tax – OPPOSE This is also legislation that we have seen in years past, although it has been a few years. This particular piece would phase out all Business Personal Property Tax over a ten year period. This would have a devastating impact on the many school districts whose main base for their levy includes the tax on business personal property. **Please contact your House Revenue and Taxation Committee members.**

HB90 Monuments – OPPOSE As a reminder, this bill would remove your ability to change the name of a school or even a mascot that has a historical context. One major issue in this legislation is the ambiguity in the terms “historical,” “historical figure,” and “historical event.” Karen reported on the constitutional concerns last week, and the [Idaho Attorney General released an opinion that HB90 is likely unconstitutional and unenforceable.](#) **Contact Senate State Affairs and ask them to keep these decisions in the hands of the local communities that elect you to represent them, and vote “NO” on HB90.**

SB1046 Innovative Classroom Curriculum – OPPOSE After a long hearing where ISBA outlined our many concerns with the Innovative Classroom bill, this legislation was sent to the “14th Order” – which is the Senate’s Amending order. We have tried to offer amendments but have been unsuccessful so far. We remain hopeful that we can still provide amendments.

Education Bills Recently Introduced

H174 “Shall” to “May” Teacher Negotiations – Neutral This bill changes one long-standing term in the negotiations statute. Currently, districts “shall” negotiate with their local education agencies. This law would change that term to “may”. The Government Affairs Committee discussed that this is a local governance issue and that many of our districts would support this bill. At the same time, we have many districts who oppose the bill. Because of the strong division among our members, the GAC voted to remain neutral on this legislation.

HB172 Extended Learning Opportunities – Neutral This bill will allow students to earn credit for learning or work done outside of traditional classrooms. School boards will create policies that will determine how they will implement their own process for allowing students to apply for credit. Starting in the 2022-23 school year, high school students will also have an avenue to receive credit for prior knowledge. Once again, school boards will have the discretion to decide how to implement

their own policies and processes to allow students to “test out” or otherwise demonstrate that they have sufficient knowledge to get credit for a course.

HB175 In Person Learning – Neutral This is Superintendent Ybarra’s second attempt at requiring districts/charters to have some sort of in-person learning. We have submitted our concerns to Superintendent Ybarra on two occasions. However, our main concerns have not been addressed. With that said, under the current version of the bill, Superintendent Ybarra does believe that the bill provides wide latitude for districts/charters to determine if/when they will open for in-person learning. The House Education Committee held the bill for a time certain next week. I’m not sure if Superintendent Ybarra will attempt to bring the same bill back, will attempt to amend this one, or will attempt to bring a new bill.

SB1117 Educator Loan Assistance – Support We have seen this bill in years past but it never seems to get much traction. However, this bill establishes the Quality Educator Loan Assistance Program to provide loan repayment assistance in an effort to address the teacher shortage in Idaho. Because attracting Certified Instructional and Pupil Service Staff to work in rural school districts and communities with a high percentage of economically disadvantaged students is becoming increasingly difficult, this bill will provide additional incentive to keep qualified teachers in those communities.

SB1075 Kindergarten Jump Start – Support This bill would allow school districts and charter schools that offer a kindergarten readiness screener in the spring to be able to offer a 4-week “jump start” program for those students so long as the program includes parents and guardians. ISBA has been working on legislation that would allow a program like this at the discretion of the school board under Idaho’s school age statute. While it is our belief that the Legislature would *need* to amend that section of code for SB1075 to work, ISBA is in support of the concept.

HB111 Category Contracts, Teacher Certification – Support This legislation is based on an ISBA Resolution and clarifies some confusing language in the standard contract sections of code to state that that a person who has been utilizing a non-traditional route to their initial certification may not *exceed* a category 3 contract until they have completed the program, been issued their 5-year renewable certificate, and been issued a professional endorsement.

Other Bills

HB149 Coronavirus Liability Immunity – Support This legislation extends the ‘sunset’ date on HB6, which provided liability immunity with the exception of ‘willful or reckless’ behavior as it relates to coronavirus transmission. It originally was set to expire in July 1, 2021. The new legislation extends it to July 1, 2022.

H199 Sales & Income Tax Cuts – OPPOSE We are hearing that this bill is dead but will likely be replaced by another one. However, this bill would reduce the sales tax from 6% to 5.33% and would reduce all income tax brackets to 6.5% and removes the grocery tax credit. The total fiscal impact would be \$274 million. While we currently have a surplus that could fund this kind of a cut to the general fund, we are unclear where those funds would come from in future years. This could have a huge impact to the public education budget.

HB140 Political Subdivisions, Vaccine Discrimination – Neutral This legislation would specify that employers or companies that contract with the state of Idaho and any political subdivision in the state

shall not discriminate against unvaccinated persons. We have no idea how a district/charter would actually make this determination. While this bill passed out of committee, we are hopeful that it will not get much further. In addition, to our knowledge, no employee in Idaho is requiring their employees to be vaccinated as a condition of their employment.

HB201 Electrical Exemption – Neutral This is an interesting bill and comes from an issue that recently occurred in one of our member districts. The district contracted with Crane Alarm to install some upgraded fire alarm systems in some of their buildings. As is required, the City of Boise conducted an inspection and found that the installation was not up to code. In an apparent effort to prevent this from ever happening again, this legislation would provide an exemption to the inspection requirement for the installation or replacement of a fire alarm panel communication device. Moreton and Company believes that this would cause huge liability issues for any contractor who was building or upgrading a school and could cause a liability for the school. We believe our partners at the Associated General Contractors will work to kill this legislation.

Update on Important Issues from Last Week

S1043 Student Discipline in Executive Session (Support) – Possible Amendment: 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. **We were able to make amendments to this bill, which it is currently on the Senate Floor again. We are hopeful that it will pass and reach the House side.**

A Few Other Things

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/KeepItLocalIdaho>

Policy Briefs on Funding and Vouchers

In anticipation of having a voucher bill land on our lap any day, I'll keep re-sharing these briefs. 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>

ISBA LEGISLATION BASED ON RESOLUTIONS

Below is our progress on each of the ISBA Resolutions. If it's **bolded**, there is a new update.

Local Control of Decision Making Regarding School Security (2020)

Status: This resolution does not require legislation. We are using this legislation as our direction to oppose HB89.

Updating Section 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 (Senate Bill 1043) and secured a legislative sponsor. This bill has been amended and is now on the Senate Floor.

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

Status: We have drafted legislation (House Bill 111) and secured a legislative sponsor. It will be heard in House Education on February 22, 2021.

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

Status: We have drafted legislation (It is SB1116) and secured a legislative sponsor. This bill is being heard in Senate State Affairs on Monday morning.

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

Status: We have drafted legislation and secured a legislative sponsor. We may try to include language on this in SB1075.

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. The first piece of voucher legislation was printed last week. It is HB215.

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. We have heard that House Democratic Leadership has legislation and may try to get this printed this week.

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. We are watching the Joint Finance Appropriations calendars to see when this might be heard.

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

Bill #	TITLE	STATUS	POSITION
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	Pulled and replaced by HB220	Neutral
HB20	Property Tax/Medical Deduction	House Rev & Tax	Neutral
HB22	Public Charter School Funding	Died in committee	Neutral
HB53	Electronic Notices, Public Agencies	Died on House Floor	Support
HB62	Empower Parents –Education Savings Accts	Personal bill	OPPOSE
HB65	Monument & Memorials Protection	Replaced by HB90	OPPOSE
HB66	Bond/Levy Disclosure	Senate State Affairs	OPPOSE
HB67	School Closures, Infectious Diseases	Senate Floor	Support
HB69	Continuous Improvement Council	Replaced by new bill soon.	Support
HB72	Joint Lotteries	House State Affairs	Support
HB73	Local Government Uniform Reporting	House Floor	Reviewing
HB89	Guns on School Campus	Replaced by HB 122	OPPOSE
HB90	Monument & Memorials Protection	Senate State Affairs	OPPOSE
HB106	August Election Date Removal	Senate State Affairs	OPPOSE
HB111	School Employees, Category 3	House Education	Support
HB122	Guns on School Campus	House State Affairs	OPPOSE
HB140	Political Subdivisions, Vaccine Discrimination	House Floor	Neutral
HB149	Coronavirus Immunity, Sunset Extension	House Judiciary	Support
HB172	Extended Learning Opportunities	House Education	Neutral
HB174	“Shall” to “May” Teacher Negotiations	House Education	Neutral
HB175	In Person Learning	House Education	Neutral
HB199	Sales & Income Tax Cuts	House Rev and Tax	OPPOSE
HB201	Electrical Exemptions	House Business	Neutral
HB215	Strong Families, Strong Students, Scholarship Program	House Education	OPPOSE
HB218	Business Personal Property Tax	House Rev and Tax	OPPOSE
HB220	Abortions/No Public Dollars Used	House State Affairs	Neutral
HCR1	Disaster Declaration Ended	House State Affairs	Neutral
HCR2	Gatherings, Group Size	Senate State Affairs	Neutral
HCR4	Open Disaster Emergencies	House State Affairs	Neutral
HCR5	Gathering Prohibition, Null	Adopted by the House	Neutral
SB1002	Emergency Disaster, Funding Retention	Senate State Affairs	Neutral

SB1006	Literacy Achievement Act	House Education	Neutral
SB1007	Salary Schedule, Definition	House Education	Neutral
SB1029	Internet Sales Tax, General Fund	Personal bill	Support
SB1039	Workforce Readiness Diploma	House Amending Order	Neutral
SB1042a	Qualifications Based Services – Procurement	Senate Floor	Support
SB1043a	Student Discipline Decisions in Exec Session	Senate Floor	Support
SB1045	Advanced Opportunities for Private School Students	House Education	OPPOSE
SB1046	Innovative Classrooms	Amending Order	OPPOSE
SB1048	Cap on Taxing District Budgets	Replaced by SB1109	Neutral
SB1052	Flex Schedules, Elementary Schools	Held in Committee	Neutral
SB1054	Extreme Perils, Governor's Orders	Senate State Affairs	Neutral
SB1069	Absentee Ballot Clarification	House State Affairs	Neutral
SB1075	Kindergarten Jumpstart Program	Senate Floor	Support
SB1108	Cap on Taxing District Budgets	Senate Floor	<i>Reviewing</i>
SB1109	Workforce Development, Promise Mentor Program	Senate Floor	Neutral
SB1117	Educator Loan Assistance	Senate Education	Support
SCR101	Disaster Emergency Terminated	Senate State Affairs	Neutral
SCR103	Isolation Order, Terminated	Senate State Affairs	Neutral