

# CAPITOL

# NOTES

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ISBA's 2021 Legislative Staff

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"Out of the public school grows the  
greatness of a nation."

- Mark Twain

## ***Public Schools Week: Why We Fight for Public Education***

As we head into March, it is good for me – and, hopefully for all of you – to remember why we *fight* so hard for public education and the students that we serve. Sometimes, it really does feel like a fight. Recently, someone criticized an email I sent urging a call to action on House Bill 215 – The Voucher Bill – and claimed that fighting *for* public schools was a 'liberal' view. Proponents of HB 215 take to social media and use the term "Fund Students, Not Systems" – and simultaneously criticize every move that school leaders make. Earlier this week, a prominent House Chairman looked me straight in the face and said that most of the legislature would prefer to "*get rid of school boards entirely.*" **This is the narrative for many in the State House:** The narrative that somehow, the Legislature knows best – more than all locally elected officials who govern our schools, our cities, and our counties. That our public schools are merely "a cog in the machine", as if you were not providing more than just an education – but are providers of health care, medical referrals, food services and more to students. In addition, that defending our public school system, it is somehow divisive political rhetoric.

Year after year, Education is a top-ranked priority for nearly every citizen on all parts of the political spectrum – both in Idaho and across the country. I challenge you to read almost any political candidate's website or social media page; Education is usually listed as their top priority. We do not do this work to benefit *systems*; We create and support the systems to benefit students. All students – no matter what. A dream of mine, that I know is shared by many of you, is for Idaho's school children to be provided with the support, knowledge, and skills that will allow each of them to pursue the life they dream of, to become more fully themselves, to understand what it means to be a human in this world. Public schools have lifted up millions upon millions of students and have benefited this nation as a whole. **That is why we do this work.**

## ***Critical Bills: All Hands on Deck!***

**HB215 “Strong Families, Strong Students” Scholarship Program – OPPOSE.** This will be voted on by the House as soon as this morning and is expected to pass. It is time to start contacting the Senate. As Karen mentioned last week, HB 215 starts as a program that would provide grants directly to families, but it is ultimately a creative way to funnel taxpayer dollars to private schools by allowing those grant dollars to go to private school tuition. Later, it would also create an “Education Scholarship Account” for the same purpose. The bill sponsors came straight out of the gate in the House Education hearing to claim that it is *not* a voucher bill – yet most people who testified in support alluded to attending a private or parochial school and how the bill would support their ability to do so. The sponsors claim it would not take a single penny away from public education, and flaunted the millions in COVID relief money that public schools have received (without mentioning the increased costs of operating during a pandemic,, nor did they mention the millions of dollars that numerous Idaho private schools received in programs like the Paycheck Protection Program). **ISBA supports the grant program in the bill, with the exception of allowing their use for tuition.** Public and private students alike should be able to receive grants for certain eligible expenses. It is unconscionable to us, however, to divert taxpayer funds to private institutions – especially as we watch 45 districts asking their taxpayers to cover up to \$298 million in supplemental levies and bonds to make up for the ways that they are lacking in state support. **To keep Capitol Notes short, we have included talking points attached to the same email.** [Please share our video on social media, too.](#)

### **H122 – Guns in K12 Schools – Oppose**

Despite a competing bill in the Senate that keeps local school boards as the sole decider of who is authorized to carry firearms in K-12 schools, we anticipate that this version will get a hearing soon in House State Affairs. As a reminder, this would allow “school employees,” defined broadly, to carry firearms on your school campuses if they possess an enhanced carry weapons permit. Here are some folks that we feel are critical to contact:

Rep. Brent Crane, Chair <a href="mailto:bcrane@house.idaho.gov">bcrane@house.idaho.gov</a> 208-332-1145	Rep. Rod Furniss <a href="mailto:rfurniss@house.idaho.gov">rfurniss@house.idaho.gov</a> 208-589-1100	Rep. Randy Armstrong <a href="mailto:rarmstrong@house.idaho.gov">rarmstrong@house.idaho.gov</a> 208-251-8157
Rep. Kevin Andrus <a href="mailto:kandrus@house.idaho.gov">kandrus@house.idaho.gov</a> 208-240-0201	Rep. Bruce Skaug <a href="mailto:bskaug@house.idaho.gov">bskaug@house.idaho.gov</a> 208-466-0030	Rep. James Holtzclaw <a href="mailto:jholtzclaw@house.idaho.gov">jholtzclaw@house.idaho.gov</a> 208-284-9542

## ***Some Bright Spots for the Week***

**HB 66 Bond/Levy Disclosure – We have reached an agreement on amendments.** I’d like to give kudos to Sen. Doug Ricks, who pulled me aside late last week to let me know that he is willing to agree to our amendments on HB66. It will include additional clarifying language on levies, and they will amend the bill to remove bond disclosure at this time, meaning the *current* law on bond disclosure will remain in place. Sen. Ricks has asked us to try and work over the interim on how to provide more transparency on bond questions, and we will agree to do so.

**Full Day Kindergarten** – There are bi-partisan efforts underway to introduce legislation that would fund full day kindergarten for school districts and charter schools. Offering kindergarten – including only offering it half day – would remain optional. In my opinion, this could be the best legislation of the entire session if passed. I have sent a survey to Superintendents and Charter Administrators to collect data for bill sponsors. **While we do not have a bill yet – I recommend contacting your legislators to talk about full day kindergarten.** Talk about whether or not you offer it, how you pay for it if you do, and the impact it has or could have on your community.

#### **SB1046 Innovative Classroom Curriculum – Moved to Neutral**

The Idaho Senate went into the 14<sup>th</sup> Order – its amending order – and amended SB1046 to be an optional program. That means, if parents of 24 students and/or 1 certificated teacher approach the district about starting an innovative classroom using an alternative curriculum, it would not force the school district to enter into an agreement to implement it, but would rather be a tool in guiding those discussions.

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

#### **H221 – Local Education Agency Certificates – Neutral**

This legislation would allow each school district and charter school to create their own teaching certificate. The criteria to qualify would be a bachelor's degree and required mentoring provided by the school district or charter school. The employee would not be able to move past an "R3" on the teacher allocation, and it would not be transferrable to any other school district or charter school. The Idaho Education Association vociferously opposed it, and state agencies have raised some concerns as well. On one hand, there are ample opportunities for individuals to utilize the existing programs for alternate routes to certification. On the other, we know a teacher shortage is looming over an already-existing retention problem. Because of that, ISBA's GAC voted to stay neutral.

#### **H248 School Employees on State Health Insurance Pool – Support**

This legislation comes from Rep. Rod Furniss, who has taken on the monumental task of figuring out how to move school employees to the State's health insurance plan. The proposal would make it optional for the school district or charter school to join the pool. If your school district or charter school joined the state pool, you would be required to stay in the plan for at least two years. You would also have to "freeze" teacher salary allocations from the state in order to cover the employee contributions – though, there is evidence that the premium savings may increase take-home pay for employees and lower deductibles. It would include dental, vision, and basic life insurance. Karen will tell you how many times a lawmaker has tried to do this –and this does appear to be as close as it has ever been! It is not clear whether the legislature would keep the increase in discretionary funds, which have typically been allocated to cover the cost of health insurance.

#### **HB247 - In Person Learning – Financial Penalty – Oppose**

This legislation, sponsored by freshman lawmaker Rep. Codi Galloway is the "shake the cages" bill to send a message about school re-opening. The bill would allow parents to withdraw a prorated amount of per-pupil funding from the State to either pay for private school or provide homeschool if a school district or charter school is not offering full time, in-person instruction for a minimum of four days a week (excluding holidays, etc.). We are not quite sure how far this legislation will go, but we are prepared to testify against it to talk about the nuances of school re-opening, and remind the committee that over 130 school districts and charter schools have re-opened full time, and many others are very close to being at a full level of operation.

## **HB249 – Sexuality Education – Neutral, but with some concerns;**

This legislation is similar to sexuality education bills that we have seen from Rep. Barbara Ehardt in the past. I want to give her credit, because she has gone out of her way to define what we have told her is a very ambiguous term of “sexuality.” This legislation would keep the sex education opt-out in place, but would require permission from parents for any “presentation, story time, discussion, or reading assignment” that is **not** sex education, but would include any instruction that focuses on human sexuality, topics of sex, gender identity, sexual orientation, eroticism, sexual pleasure, or sexual intimacy. We do have concerns that it could conflict with other federal requirements – such as the new Title IX Regulations on Sexual Harassment Reporting.

## ***Update on ISBA Bills***

**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 passed the Senate and is expected to be heard by the House in coming days.**

**HB111 – Category Contracts on Non-Traditional Routes (Support):** This legislation clarifies that instructional staff who are still seeking their initial certification through a non-traditional route and/or alternative authorization program *cannot* exceed to a renewable contract until they have received their five-year renewable certificate. **This passed the house late last week unanimously, and will be heard in the Senate in the coming days.**

**SB1116 – Weapons, Denial of Attendance (Support):** This is based on an ISBA resolution that seeks to amend Idaho’s denial of school attendance code so that school boards have the latitude to not automatically expel children who bring non-deadly weapons to school. **It needed to be amended in order to capture the full intent and will likely be voted on by the full Senate any day now.**

## ***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 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:* This legislation has passed the House and will be heard in Senate Education on Wednesday, March 3<sup>rd</sup>.

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

*Status:* We have drafted legislation this bill (SB1116) and secured a legislative sponsor. It is currently on the Senate floor.

**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. All hands on deck – contact legislators about HB 215 NOW.

**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 heard that bi-partisan legislators are preparing to introduce this in committee – please watch for updates.

## 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

<b>Bill #</b>	<b>TITLE</b>	<b>STATUS</b>	<b>POSITION</b>
<b>HB2</b>	<b>Bond/Levy Disclosure</b>	<b>Pulled and replaced by HB8</b>	<b>OPPOSE</b>
HB4	Disasters/ Parental Rights	House Judiciary & Rules	Neutral
<b>HB8</b>	<b>Bond/Levy Disclosure</b>	<b>Pulled and replaced by HB66</b>	<b>OPPOSE</b>
HB16	Emergency/Balance of Powers	House Floor	Neutral
<b>HB17</b>	<b>Abortions/No Public Dollars Used</b>	<b>Pulled and replaced by HB220</b>	<b>Neutral</b>
HB20	Property Tax/Medical Deduction	House Rev & Tax	Neutral
<b>HB22</b>	<b>Public Charter School Funding</b>	<b>Died in committee</b>	<b>Neutral</b>
<b>HB53</b>	<b>Electronic Notices, Public Agencies</b>	<b>Died on House Floor</b>	<b>Support</b>
<b>HB62</b>	<b>Empower Parents –Education Savings Accts</b>	<b>Personal bill</b>	OPPOSE
<b>HB65</b>	<b>Monument &amp; Memorials Protection</b>	<b>Replaced by HB90</b>	<b>OPPOSE</b>
HB66	Bond/Levy Disclosure	Senate State Affairs	OPPOSE, neutral with amendments
HB67	School Closures, Infectious Diseases	Senate Floor	<b>Support</b>
<b>HB69</b>	<b>Continuous Improvement Council</b>	<b>Replaced by new bill soon.</b>	<b>Support</b>
HB72	Joint Lotteries	House State Affairs	<b>Support</b>
HB73	Local Government Uniform Reporting	House Floor	<i>Reviewing</i>
<b>HB89</b>	<b>Guns on School Campus</b>	<b>Replaced by HB 122</b>	<b>OPPOSE</b>
HB90	Monument & Memorials Protection	Senate State Affairs	OPPOSE
HB106	August Election Date Removal	Senate State Affairs	OPPOSE
<b>HB111</b>	<b>School Employees, Category 3</b>	<b>House Education</b>	<b>Support</b>
HB122	Guns on School Campus	House State Affairs	OPPOSE
HB140	Political Subdivisions, Vaccine Discrimination	House Floor	Neutral
HB149	Coronavirus Immunity, Sunset Extension	House Floor	<b>Support</b>
HB172	Extended Learning Opportunities	House Floor	Neutral
HB174	“Shall” to “May” Teacher Negotiations	House Education	Neutral
HB175	In Person Learning	House Floor	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 Floor	OPPOSE
HB218	Business Personal Property Tax	House Rev and Tax	OPPOSE
HB220	Abortions/No Public Dollars Used	House State Affairs	Neutral
HB247	In-Person Learning, Financial Penalty	House Education	OPPOSE
HB248	School Districts, Health Insurance	House Education	<b>Support</b>
HB249	Human Sexuality	House Education	Neutral
H250	Advanced Opportunities, Exams	House Education	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	<b>Support</b>
SB1039	Workforce Readiness Diploma	House Amending Order	Neutral
SB1042a	Qualifications Based Services – Procurement	House Business	<b>Support</b>
SB1043a	Student Discipline Decisions in Exec Session	House Education	<b>Support</b>
SB1045	Advanced Opportunities for Private School Students	House Education	OPPOSE
SB1046	Innovative Classrooms	Amending Order	Neutral, with amend
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	<b>Support</b>
SB1108	Cap on Taxing District Budgets	Senate Floor	<i>Reviewing</i>
SB1109	Workforce Development, Promise Mentor Program	Died on tie vote	Neutral
S1114	K-3 Technology Program	Senate Education	Neutral
S1115	Charter Commission Change	Senate Floor	Neutral
S1135	Guns in Schools, Local Control	Senate State Affairs	<b>Support</b>
SB1117	Educator Loan Assistance	Senate Education	Support
SCR101	Disaster Emergency Terminated	Senate State Affairs	Neutral
SCR103	Isolation Order, Terminated	Senate State Affairs	Neutral