

CAPITOL

NOTES

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

By Quinn Perry, Policy & Government Affairs Director



ISBA's 2021 Legislative Staff

March 15, 2021
Issue 9

You can achieve anything you want in life if you have the encouragement to dream it, the intelligence to make a realistic plan, and the will to see that plan through to the end.

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Sidney A. Friedman

H331 - Funding for Full-Day Kindergarten

I'm starting out this issue by telling you about arguably the best bill of the 2021 legislative session – which is a bill that would fund kindergarten as an optional full-day program. ISBA Members have advocated for this for the last couple of years, and I will admit that I never thought it would see the light of day. It is sponsored by two ranking members of the Education Committees, Rep. Judy Boyle (R – Midvale) and Sen. Carl Crabtree (R – Grangeville), and is well received by parents, communities, taxpayers, the business community, and school leaders. **The bulk of the work is still ahead of us.** It will be heard on **Monday, March 15 at 8:30 a.m.** in House Education. After that, it will be incumbent upon all of us to reach out to lawmakers and express support for this concept. When you're reaching out to lawmakers, please share the following information:

- Whether or not you offer full day kindergarten, and why you do or do not;
- If you do offer it, please share how you are currently funding the program (tax levy, Title funds, tuition, grant program, etc.);
- If you do offer it, please share any impact on student achievement or literacy scores.

Again, it would still be optional to offer full-day kindergarten, and still optional for parents. Timing will be very critical on full-day kindergarten as the “race to spend the surplus” is on. Right now, the remaining proposals seem to be a tax cut, a transportation-funding package, and funding for full-day kindergarten. **We must tell lawmakers how impactful funding for full-day kindergarten is for our communities.**

Education Scholarship Account Hearing – Tuesday, 3/16

HB294 Vouchers, Strong Families, Strong Students Scholarship Program

This legislation passed after a long and contentious debate on the House Floor.

Voting on - H 294			AYE	NAY	ABS
			47	22	1
Adams	Christensen	Giddings	McCrostie	Scott	
Addis	Clow	Green	Mendive	Shepherd	
Amador	Crane	Hanks	Mitchell	Skaug	
Andrus	Davis	Harris	Monks	Syme	
Armstrong	DeMordaunt	Hartgen	Moon	Toone	
Barbieri	Dixon	Holtzclaw	Moyle	Troy	
Bedke	Ehardt	Horman	Nash	Vander Woude	
Berch	Erickson	Kauffman	Nate	von Ehlinger	
Blanksma	Ferch	Kerby	Necochea	Weber	
Boyle	Furniss	Kingsley	Nichols	Wisniewski	
Bundy	Galloway	Lickley	Okuniewicz	Wood	
Cannon	Gannon	Manwaring	Palmer	Yamamoto	
Chaney	Gestrin	Marshall	Rubel	Young	
Chew	Gibbs	Mathias	Ruchti	Youngblood	

If you see your lawmaker's name in red, be sure to thank them for voting against this legislation. **It's all hands on deck for the Senate Education Committee now.**

It will be heard on **Tuesday, March 16th at 3:00 p.m. MT.** If you would like to testify, remote testimony will be accepted.

Again, this bill has a good part – the continuation of the Governor's grant to low income families that provided them with dollars for use to purchase

necessary technology equipment and services. **ISBA supports the grant program in the bill.**

If you need talking points on why HB294 is bad for public education in Idaho, don't hesitate to reach out to us. Please watch [ISBA's Facebook Page](#) for information on HB294, and please share it.

More Weird News from the Week

HB293 Reimbursement to Parents if School is Not In-Person Full Time

This bill also passed off the House Floor and will be heard in Senate Education on Monday afternoon, March 15. Again, we call it, the "bullying schools into opening" bill. If it is at all possible, this voucher bill is even more egregious than the one I just described. This bill essentially tells school districts and charter schools that if they are not open in-person at least four days a week, then the parent can move the child to a private school and the State will pay them an average of the state funds appropriated per student during the previous year. If you have not listened to the testimony on this legislation, I recommend you do so. Click [this link](#), and go to "Download Audio/Video" from March 8th. **Please contact Senate Education TODAY and ask them to vote NO on HB293 and let school boards do their jobs.**

H122 – Guns in Schools, Remove School Board Authority

Again, this legislation would force school districts and charter schools to allow employees who possess an enhanced carry weapons permit to carry a firearm on school property. In fact, there is not even a requirement to notify the locally elected school board. All education groups, as well as the Idaho Sheriff's Association and the Idaho Chiefs of Police opposed it. While we are hopeful it will not get heard in the Senate, we're asking you to **contact Senate State Affairs and ask them to vote "NO" on HB122.** Ask them to keep the school board as the decider for who carries firearms on

Voting on - H 122			AYE	NAY	ABS
			52	18	0
Adams	Christensen	Giddings	McCrostie	Scott	
Addis	Clow	Green	Mendive	Shepherd	
Amador	Crane	Hanks	Mitchell	Skaug	
Andrus	Davis	Harris	Monks	Syme	
Armstrong	DeMordaunt	Hartgen	Moon	Toone	
Barbieri	Dixon	Holtzclaw	Moyle	Troy	
Bedke	Ehardt	Horman	Nash	Vander Woude	
Berch	Erickson	Kauffman	Nate	von Ehlinger	
Blanksma	Ferch	Kerby	Necochea	Weber	
Boyle	Furniss	Kingsley	Nichols	Wisniewski	
Bundy	Galloway	Lickley	Okuniewicz	Wood	
Cannon	Gannon	Manwaring	Palmer	Yamamoto	
Chaney	Gestrin	Marshall	Rubel	Young	
Chew	Gibbs	Mathias	Ruchti	Youngblood	

school property.

If you see your lawmakers name in red, please contact them and thank them for their vote against H122.

H72 – Joint Lotteries – SUPPORT
 This legislation would allow Idaho to keep its membership in the Multi-State Lottery Association – which has now expanded the Powerball to Australia and the United Kingdom. Without this

legislation, Idaho would no longer be able to offer a Powerball lottery system. Currently, Idaho receives an average of \$28 million per year from Powerball sales – 50% of which goes to supporting Idaho’s school facilities and Bond Levy equalization fund. There were concerns that if we continued to allow Powerball, that other countries may start having an influence over Idaho laws – such as our gun laws. Unless this bill is re-printed or revived, Idahoans will no longer be able to play Powerball after August 23, 2021. The State would have to make up the school funding loss as well. We are hopeful that the committee will see through the misinformation and pass this legislation so that schools are made whole.

Public Schools Budget Set (and Adjusted)

FY 2021: JFAC made the reduction to the discretionary amount for FY 2021 in order to fulfil the remainder of the 5% holdback – it reduced the discretionary amount to the tune of \$51 million. They also provided spending authority for ESSER II. There are some questions about the ESSER II set aside, though JFAC acknowledged the State Board would be providing a distribution to low (or no) Title I schools. They also approved the \$20 million toward the Governor’s K-4 early literacy efforts. We are still awaiting details on the structure and details of how this will work.

FY 2022: Next year’s K-12 budget followed the Governor’s recommendation, particularly in restoring the discretionary cut, which we know was a concern of many of you. Additionally, JFAC put federal funds toward line-item reductions in professional development, IT staffing, and technology. While we have questions about how that is going to work and are working through those details, the holdback amounts from FY21 were restored in the FY22 budget.

While we know congress has passed ESSER III – Idaho is estimated to receive approximately \$470 million for public schools – they have not yet approved spending authority on these funds. We anticipate that they will in the waning days of the session.

New Bills Introduced This Week

Unbelievably, they are still introducing new bills despite last Monday being the “transmittal” deadline by which bills needed to cross to the other side of the rotunda.

H321 – School Trustees, Recall – Reviewing
 Sponsored by Rep. Barbara Ehardt (R – Idaho Falls) this would change the current process for how

trustees are appointed when a recall – or a resignation due to recall – is filled. If a trustee is recalled or if they have resigned following the filing of a recall petition – then the seat would need to be filled by an election if it is within 45 days of an election date. If it's within 90 days of an election, then a trustee may be temporarily appointed but the appointee in that zone would have to run for the seat in the next election. If there were enough recalls/resignations to make gathering a quorum impossible, the bill would allow the county commissioners to appoint enough trustees to provide a quorum.

Again, it only applies to recalls or resignations due to recalls. All other vacancy appointments would follow the current process. **ISBA is still reviewing the impacts, and we do believe there are technical issues.** We are not opposed, because we do believe that school trustees are the only elected body that actually select their replacement.

H329 – School Clubs and Organizations – Neutral, with technical corrections

Also sponsored by Rep. Barbara Ehardt, HB329 would require that all schools/districts adopt policies and procedures for school clubs/organizations. It would require that sponsored clubs and organizations be formally approved by the school board, and require that school clubs/organizations be published, and that parents or legal guardians give or 'withhold' permission from students to participate in the club. We do have some small concerns about the administrative burden that this places on schools, and would appreciate clarification that only minor students need parental permission. Otherwise, most school districts/charter schools already do this, so we're not really sure this is necessary.

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 has passed the Senate, passed House Education unanimously, and is on the 3rd reading calendar in the House.**

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* move to a renewable contract until they have received their five-year renewable certificate. **This passed the House unanimously, the Senate Education committee unanimously, and is on the 3rd reading calendar in the Senate.**

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. **This passed the Senate, passed House Education unanimously, and is on the 3rd reading calendar in the House.**

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 HB122.

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: **SB1043aa is on 3rd reading in the House. Once passed, it will go to the Governor's desk.**

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

Status: HB111 is on 3rd reading in the Senate. Once passed, it will go to the Governor's desk.

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

Status: SB1116aa is on 3rd reading in the House. Once passed, it will go to the Governor's desk.

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

Status: We have drafted legislation and secured a legislative sponsor. While we supported a similar bill – S1075 – a school age change is unlikely to happen this year.

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 HB293 and HB294 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: H331 will be heard in House Education on Monday, 3/15 at 8:30a MT.

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: The Public Schools Budget was set on Friday, March 12, and the holdbacks were restored.

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
HB22a	Public Charter School Funding	Governor's Desk	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 Amending Order	OPPOSE, neutral with ISBA amendments
HB67	School Closures, Infectious Diseases	LAW	Support
HB69	Continuous Improvement Council	Replaced by new bill soon.	Support
HB72	Joint Lotteries	House State Affairs	Support
HB73	Local Government Uniform Reporting	Governor's Desk	Neutral
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	Senate Floor	Support
HB122	Guns on School Campus	House State Affairs	OPPOSE
HB140	Political Subdivisions, Vaccine Discrimination	Senate Commerce and HR	Neutral
HB149	Coronavirus Immunity, Sunset Extension	Senate Floor	Support
HB172	Extended Learning Opportunities	Senate Floor	Neutral
HB174	“Shall” to “May” Teacher Negotiations	Senate Education	Neutral
HB175	In Person Learning	Senate Education	Neutral
HB199	Sales & Income Tax Cuts	House Rev and Tax	OPPOSE
HB201	Electrical Exemptions	House Business replaced by HB292	Neutral
HB215	Strong Families, Strong Students, Scholarship Program	House Floor Replaced by HB294	OPPOSE
HB218	Business Personal Property Tax	House Rev and Tax	OPPOSE
HB220	Abortions/No Public Dollars Used	House State Affairs	Neutral
HB221	Teacher Certificates	Senate Education	Neutral

HB222	Continuous Improvement Plans	Senate Floor	Support
HB247	In-Person Learning, Financial Penalty	House Education Replaced by HB293	OPPOSE
HB248	School Districts, Health Insurance	Senate Education	Support
HB249	Human Sexuality	Senate Education	Neutral
HB250a	Advanced Opportunities, Exams	Senate Education	Neutral
HB264	Charter School Facilities Funding	Senate Education	Support
HB265	School Bus Transportation Costs	Senate Education	Support
HB280	Professional Endorsements	Senate Education	Neutral
HB281	Mask Mandate Pre-emption	House State Affairs	OPPOSE
HB292	Fire Alarms Electrical Inspections	House State Affairs	Neutral
HB293	Reimbursement to Parents if School is Not In-Person Full time - Vouchers	Senate Education	OPPOSE
HB294	Strong Families, Strong Students Scholarship Program - Vouchers	Senate Education	OPPOSE
HB298	Immunization Exemption Disclosure	Senate Health & Welfare	OPPOSE
H331	Funding for Full Day Kindergarten	House Education	Support
H321	School Trustee, Recall Vacancies	House State Affairs	<i>Reviewing</i>
H329	School Boards, School Clubs & Orgs	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	Senate State Affairs	Neutral
HCR15	Property Tax Study Committee	House Rev & Tax	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
SB1039a	Workforce Readiness Diploma	House Amending Order	Neutral
SB1042a	Qualifications Based Services – Procurement	House Floor	Support
SB1043a	Student Discipline Decisions in Exec Session	House Floor	Support
SB1045	Advanced Opportunities for Private School Students	House Floor	OPPOSE
SB1046a	Innovative Classrooms	House Floor	Neutral, with amend
SB1048	Cap on Taxing District Budgets	Replaced by SB1108	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	House Floor	Support
SB1108a	Cap on Taxing District Budgets	14 th Order	Neutral
SB1109	Workforce Development, Promise Mentor Program	Died on tie vote	Neutral
S1114	K-3 Technology Program	Senate Education	Neutral
S1115	Charter Commission Change	House Education	Neutral

S1116	Weapons, Expulsion	House Floor	Support
S1135	Guns in Schools, Local Control	Held in Senate State Affairs	Support
SB1117	Educator Loan Assistance	Held in Senate Education	Support
S1170	Taxing District Budgets Trailer	Senate Local Gov	Neutral
SCR101	Disaster Emergency Terminated	Senate State Affairs	Neutral
SCR103	Isolation Order, Terminated	Senate State Affairs	Neutral