

CAPITOL

NOTES

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ISBA's 2021 Legislative Staff

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**When you can't make them see the
light, make them feel the heat.**

--
Ronald Reagan

The End is Near

I know it doesn't feel like it, but I do think we are nearing the end of this session. Even though the legislature had a "deadline" for printing bills by March 8th, we have seen literally dozens of new bills introduced this week. There is another self-imposed deadline of hearing all bills by next Monday in order to have time to make it to both chambers. However, I suspect that deadline will come and go as well with still more bills being printed. I know you've heard me say this before but the longer they stay in town, the more likelihood that we will see numerous bad bills printed. While I truly do appreciate our citizen legislature, it is this time of year when I'm ready for them to go home.

There are a couple of reasons I think we are getting closer to the end. First, both chambers are meeting on the floor multiple times per day to work through the bills that have made it through committee and are now on the floor for a full vote. House Education is truly one of the only committees that is still meeting on a regular basis.

We are also hearing that behind-the-scenes negotiations between both chambers and the Governor have ramped up recently. Those negotiations are likely in relationship to the Governor's powers in an emergency. If they can all agree to that legislation, then we will likely see closure soon after that.

What is Still Left

- As noted above, they still need to decide how to deal with the Governor's emergency orders.
- In addition, they still have not passed any legislation that deals with tax relief – most notably property tax relief. We have seen numerous versions of some sort of tax relief. Most of those attempt to limit the ability of cities and counties to increase their budgets and none of them have made it very far.

- There are still several budgets that need to be set, including the K12 Budget. That budget is scheduled for Friday, March 12. It will be an important year for the budget because of the transfer of federal funds.
 - The old legislative theory is that once the Joint Finance Appropriations Committee sets its last budget, the legislature will complete their work within two weeks.

Critical Bills: All Hands on Deck! Two Voucher Bills

I know we told you about HB215 last week and the voucher portion of that bill. Because of some heat legislators were getting from the home school community, that bill will not move forward but has been replaced by another bill.

HB294 Vouchers, Strong Families, Strong Students Scholarship Program

The bill is still the same bill. It is still a voucher bill and will take dollars from the general fund and provide it directly to parents of students to pay for private school tuition. These amendments just make it clear that the home school community will not be impacted – just public schools. **We believe we may be having some impact, so keep up the good work!! Keep contacting your legislators.**

Believe it or not, the supporters of this bill are actually running television ads to support the passage of this bill. I saw one during the 10pm news on Friday night! I am saddened that the legislative process in Idaho has come to this. **Someone has to be paying for that, and I think we should all ask ourselves who that is and why they think this bill is so important in Idaho.**

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.** And, go figure, that is all the television commercial talks about. They did not once mention the voucher portion of the bill. I don’t know about you but I call that slick advertising.

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.

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

Or, as 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. It will be prorated based on the amount of time the student is not in the public school. Please note that the “average of the state funds appropriated” will be more or less depending on what your district/charter actually receives from the State. Your general fund distribution will then be reduced by that amount.

This bill will be heard **this morning** in House Education. Because of the timing, we are encouraging you to contact your House members first, and we will try our best to kill this on the floor of the House. **However, we are also encouraging you to contact your Senators as soon as possible and ask them to vote NO or hold HB293 in Committee.**

Education Bills Recently Introduced

HB66 Bond and Levy Disclosure: This bill was actually introduced some time ago. Quinn and I reported last week that we believed we had some to consensus on some amendments to the bill. As such, I testified in the Senate State Affairs Committee that we would support sending the bill to the amending order. However, when the sponsor of the bill shared the amendments with us, they were NOT what we had agreed to. Senate Leadership sits on this Committee, and they were very clear in their comments during the hearing that they did not want to do anything that would harm district's ability to run bonds and levies. As such, I have reached out to Senate Leadership and asked that they hold the bill on the amending order and not let it move forward. If we are successful, the outcome for us will be no change in the way we handle our bond and levy disclosure. **Unless the sponsor is willing to use the amended language that we previously agreed to, we will OPPOSE this bill.**

HB136 At Large Elections: This bill is also not new, but it will be of advantage to some of our very small districts, especially our elementary districts that only have three Board members. This legislation would allow political subdivisions of no more than 140 voters to request that the appropriate board of county commissioners allow at-large elections rather than by district, zone, or subdistrict. Please note that is optional. However, when the census data becomes available, you may want to consider this option if you fit into this category. **We support this legislation because it is local choice.**

HB281 Mask Mandate Pre-emption: Yet another bill that would remove the ability of a local school board or charter board to make a decision that they feel is best for their district/charter. It would completely remove local control related to masks. The purpose of this legislation is to prohibit the state of Idaho, a political subdivision, or an officer of the state from mandating the usage of a face mask, face shield, or other face covering for the purpose of preventing or slowing the spread of a contagious or an infectious disease; and definitions. **We OPPOSE this legislation on the simple grounds of local governance/control.**

HB292 Fire Alarms Electrical Inspections: This bill replaces HB201. We were opposed to the original bill because it would have removed any requirement to have fire alarms inspected in our school buildings. We partnered with some local Fire Chiefs on this one and were able to get the bill amended. A big thank you to President Elect, Jason Knopp, who is a Fire Captain. His knowledge, connections, and work on this bill were instrumental in getting the amendments we needed. We are not neutral on this bill.

HB298 Immunizations: Just when we thought we were going to have a year without an immunization bill, one was printed on Friday. To make it even worse, they sent the RS (routing slip because it didn't even have a bill number yet) straight to the floor without any ability for us to testify against the bill in committee. While it may seem like an innocuous bill, or "corrections" as the sponsor testified, it is not. This legislation requires school officials to notify parents or guardians of their right to vaccine exemptions. Exemptions for preschool through grade twelve students exist in Idaho code 39-4802. With the addition of this legislation, any notifications to parents or guardians regarding vaccinations must include a verbal description of their right to exempt their child. As you all know, we already do this and this legislation is unnecessary. **We OPPOSE this legislation.**

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 Senate Education Committee and is on the House Floor**

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 bill was pulled back to committee in Senate State Affairs is will likely not be heard again. However, the other bill related to guns on campus will not be heard in the Senate either. There will be no changes to guns on school campus this year.**

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 to your 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 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: We have drafted legislation (Senate Bill 1043) and secured a legislative sponsor. This bill has been amended and is now on the Senate Floor. **This bill passed the Senate and is awaiting a hearing in House Education.**

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

Status: This bill has passed the House and Senate Education Committee. It is now on the Senate Floor

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 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: 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

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	Senate Floor	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 amendments
HB67	School Closures, Infectious Diseases	Awaiting Gov's Signature	Support
HB69	Continuous Improvement Council	Replaced by new bill soon.	Support
HB72	Joint Lotteries	House State Affairs	Support
HB73	Local Government Uniform Reporting	Senate Floor	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	House Education	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	House Floor	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 Education	Support
HB247	In-Person Learning, Financial Penalty	House Education Replaced by HB293	OPPOSE
HB248	School Districts, Health Insurance	Senate Education	Support
HB249	Human Sexuality	House Floor	Neutral
HB250	Advanced Opportunities, Exams	House Amending Order	Neutral
HB264	Charter School Facilities Funding	House Floor	Support
HB265	School Bus Transportation Costs	House Floor	Support
HB280	Professional Endorsements	House Floor	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	House Education	OPPOSE
HB294	Strong Families, Strong Students Scholarship Program - Vouchers	House Floor	OPPOSE
HB298	Immunization	House Health and Welfare	OPPOSE
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
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 Business	Support
SB1043a	Student Discipline Decisions in Exec Session	House Education	Support
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	House Education	Support
SB1108a	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	House Education	Neutral
S1135	Guns in Schools, Local Control	Held in Senate State Affairs	Support

SB1117	Educator Loan Assistance	Held in Senate Education	Support
SCR101	Disaster Emergency Terminated	Senate State Affairs	Neutral
SCR103	Isolation Order, Terminated	Senate State Affairs	Neutral