



CAPITOL
NOTES
A WEEKLY PUBLICATION OF THE IDAHO SCHOOL BOARDS ASSOCIATION • 2022 LEGISLATIVE SESSION



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Welcome to the 5th issue of Capitol Notes. Monday is the 36th Legislative Day, which means it's the last day for non-privileged committees to introduce bills. For example, House Education is a privileged committee, but Senate Education is not. Soon, they'll start setting budgets and the race to adjournment will begin. We have a few new bills for your radar, and two critical calls to action! Please read through the bill analysis. We've highlighted areas that deserve your review!

Please contact us if you have any questions.

[SB 1290 Rural/High Need Incentive Program](#)

This legislation establishes a rural educator incentive program for high-need or rural districts/charters. It would provide a maximum amount of eligible funding that gradually increases for the number of years the educator stays in the high need or rural district/charter. Funds could be used for loan repayments, additional degrees, or other education costs. ISBA is in support of this legislation. Please contact the Senate Education committee to support this legislation. You can find their contact information [here](#).

[SB1291 – Charter Certificate Bill](#) Like House Bill 221 from last year, this allows local charter school boards to create a charter-specific teaching certificate. It requires that the candidate for this certificate hold a bachelor's degree and/or CTE certificate but would not require the individual to be participating in an alternate route to certification or using a traditional 4-year program. It is limited to charter schools, and only transferrable from charter to charter via MOU. It also allows the charter to create their own professional development to substitute for the State Board of Education. ISBA GAC members shared significant advantages of this legislation – especially for those who are struggling to find more CTE related positions – but also shared some concerns. We'll share those with the sponsors, but ultimately it is a local decision by the charter school's board.

[SB 1302 – Supplemental Levy Phase Out](#) Sen. Jim Rice introduced his legislation that would have an impact on traditional school districts. His legislation would allocate half a cent from Idaho's 6% sales tax to a new fund outside of the education budget and distribute the funds to school districts based on average daily attendance. It would also, however, phase out all supplemental levies over time and eventually prohibit school districts from running a supplemental levy once the amount of funds the school district receives is above that of their current supplemental levy collection. Anyone without a levy as of January 1 of this year would be prohibited from ever running a supplemental levy, though it would be beneficial to school districts without a property tax levy. **Don't panic.** In full disclosure, Sen. Rice met with ISBA over the winter and confirmed he wasn't planning to run the legislation but wants it out in the public for discussion. The message he wants to send to us is to open the dialogue about how to address Idaho's school tax levies and the impact it has on property owners. We're committed to having those discussions, but are opposed to removing a school district's ability to put a supplemental levy on a ballot and allowing their patrons to weigh in.

Personal privilege: regarding HB443 on Health Insurance, we inadvertently added language in our bill analysis to say that

all insurance companies were opposed, and that was not true. Both Blue Cross of Idaho and Pacific Source remained neutral. Regence and Select Health testified in opposition, along with the Idaho Freedom Foundation. We apologize for the error.

We have two calls to action this week – Bond Limitation Bill & Powerball!



HB512 – As a reminder, this would prohibit a school district from re-running a bond for 11 months after it fails to meet the supermajority requirement. It passed out of House State Affairs on Friday on nearly a party-line vote, only Rep. Furniss from Rigby joined the minority party to vote against it, naming the challenges school districts have. It was opposed by ISBA, IASA, and multiple general contractors I as well, who noted that school districts would be faced with significant disadvantages due to labor and inflation costs if they were forced to wait 11 months to re-run a bond. Please contact your House Member over the weekend, as the bill will likely be debated soon.

Powerball Funds: On Friday, the House State Affairs introduced a bill that would allow Idaho to remain in the multi-state lottery association. Without it, Idaho could no longer participate in the extremely popular Powerball program, which has brought in over a billion dollars to public schools in the form of bond/levy equalization and facilities upgrades in the last decade. Please use this link to share comments directly to House State Affairs members in support of maintaining Powerball: [Save Idaho's Powerball Game! \(saveidahopowerball.com\)](https://saveidahopowerball.com)

Need help navigating the Idaho Legislature? To stay up to date on what is happening in the 2022 Legislative Session [visit their website](#). **A few helpful links:**

Find your legislative representatives [here](#).

Find the House Committee Agendas [here](#).

Find the Senate Committee Agendas [here](#).

Color Coded Bill Key:

Pink: Bills that are urgent | **Green:** ISBA Sponsored Bill | **Yellow:** Monitoring - Impact | **Blue:** Monitoring - No Expected Impact

Tracking: Monitoring - No Expected Impact | **H 0592** | **Adds to existing law to establish the Idaho Workforce Housing Fund and to establish the Idaho Workforce Housing Advisory Commission.**

Introduced: 02/10/2022 | **Last Action:** Feb 10, 2022 - Introduced, read first time, referred to JRA for Printing

Our Position: Support

Staff Analysis:

ISBA Supports this legislation. This legislation would create an advisory commission who would be tasked with developing, implementing, and maintaining a statewide workforce housing plan. The fund would be created to accept funds appropriated by the legislature, and distribute funds according to the statewide workforce housing plan implemented by the Commission. We know that workforce housing is an issue deeply impacting school districts – in areas rural and urban. This is a step in the right direction to collaborate with other local governments and employers to be able to recruit and retain a workforce in Idaho's schools.

Tracking: Monitoring - Impact | **S 1291** | **Charter Certificate Bill - Amends existing law to provide alternative methods of obtaining certain certifications.**

Introduced: 02/10/2022 | **Last Action:** Feb 10, 2022 - Introduced; read first time; referred to JR for Printing

Our Position: Neutral

Staff Analysis:

ISBA is neutral on this legislation. Like House Bill 221 from last year, this allows local charter school boards to create a charter-specific certificate. Requirements are that you hold a bachelor's degree and/or CTE certificate, but you aren't required to be doing an alternate route to certification. It is only allowed at charter schools, and only transferrable from charter to charter via MOU. It also allows the charter to create their own professional development in substitute of the State Board of Education.

Tracking: Monitoring - Impact | [S 1290](#) | **Adds to existing law to establish the Rural and Underserved Educator Incentive Program.**

Introduced: 02/10/2022 | **Last Action:** Feb 10, 2022 - Introduced; read first time; referred to JR for Printing

Our Position: Support

Staff Analysis:

This bill has bi-partisan support and establishes a rural educator incentive program for high-need or rural districts/charters. It would provide a maximum amount of eligible funding that gradually increases for the number of years the educator stays in the high need or rural district/charter. Funds could be used for loan repayments, additional degrees, or other education costs. [Please contact the Senate Education committee to support this legislation.](#)

Tracking: Monitoring - Impact | [H 0571](#) | **Amends existing law to allow school buses to travel up to 70 miles per hour on the interstate.**

Introduced: 02/09/2022 | **Last Action:** Feb 10, 2022 - Reported Printed and Referred to Transportation & Defense

Our Position: Neutral

Staff Analysis:

This legislation would supercede Idaho's Standards for School Bus Drivers and allow them to drive 70 miles per hour on the interstate, instead of the 65 mile per hour rule currently.

Tracking: Monitoring - Impact | [H 0566](#) | **Amends existing law to revise the definition of "property or resources" to clarify their use by political parties.**

Introduced: 02/08/2022 | **Last Action:** Feb 09, 2022 - Reported Printed and Referred to State Affairs

Our Position: Neutral

Staff Analysis:

This legislation amends the "Public Integrity in Elections Act" to clarify that public property that during certain times and manners that are available to the general public may be used by a political, provided that the space is provided to all political parties in a fair and equal manner.

Tracking: Monitoring - Impact | [H 0555](#) | **Change to PERSI Contribution for School Employees - Amends, adds to, and repeals existing law to provide for the contribution rates and reemployment of school members.**

Introduced: 02/08/2022 | **Last Action:** Feb 09, 2022 - Reported Printed and Referred to Commerce & Human Resources

Our Position: Neutral

Staff Analysis:

After hearing a concern on the cost of Return to Work for certain school employees, PERSI is bringing this which creates a new class for school employees. It doesn't change the contribution rate, but it could allow the PERSI Board to consider a contribution rate. If approved, the PERSI board is prepared to reduce the general member rate but keep the teacher rate the same as it is today. It also allows ALL retired public employees to be eligible for Return to Work – meaning, retired city officials could work for schools without creating an issue on the PERSI fund and vice versa. If

passed, PERSI plans to provide a lot of information to you all via webinar and his roadshows.

Tracking: Monitoring - Impact | [S 1280](#) | **Amends and adds to existing law to establish programs for dyslexia.**

Introduced: 02/08/2022 | **Last Action:** Feb 09, 2022 - Reported Printed; referred to Education

Our Position: Neutral

Staff Analysis:

This legislation has the intended purposes of more readily identifying children who are living with dyslexia. It would first define dyslexia, and then align Idaho's Literacy Achievement and Accountability Act to be assessed for characteristics in dyslexia. It would also establish a list of evidence-based screening and intervention tools for schools to use, and assure educators are receiving professional development and technical assistance for better serving children with dyslexia.

Tracking: Monitoring - Impact | [H 0544](#) | **Amends existing law to provide for placement on the career ladder of certain staff for those previously certified out of state.**

Introduced: 02/07/2022 | **Last Action:** Feb 08, 2022 - Reported Printed and Referred to Education

Our Position:

Staff Analysis:

Tracking: Monitoring - No Expected Impact | [H 0533](#) | **Amends existing law to allow for certain employees to continue to receive master educator premiums.**

Introduced: 02/04/2022 | **Last Action:** Feb 10, 2022 - Reported out of Committee with Do Pass Recommendation, Filed for Second Reading

Our Position: Neutral

Staff Analysis:

This legislation creates a retroactive clause for approximately 23 school administrators who did the work and *received* the Master Educator Premium, but were ineligible to receive years two or three of the premium once they became an administrator. The Master Educator Premium program was phased out in 2020 when the Advanced Professional Rung was added to the career ladder. It's retroactive and has minimal impact. This legislation passed out of House Education and is on the House Floor.

Tracking: Monitoring - Impact | [H 0531](#) | **Adds to existing law to provide for the protection of certain monuments and memorials.**

Introduced: 02/04/2022 | **Last Action:** Feb 10, 2022 - Reported out of Committee with Do Pass Recommendation, Filed for Second Reading

Our Position: Oppose

Staff Analysis:

ISBA is opposed to this bill using the guiding principal of Local Governance, sometimes called Local Control. This legislation would say that no political subdivision can alter, relocate, or remove any historical monument or memorial without the two-thirds vote approval from the Idaho State Historical Society - including bridges, schools, parks, or any other public area. It also requires that the Governor, Speaker of the House, President Pro Tem, and Minority Leadership in the House and Senate to be notified, and it may require them to go before the House and Senate State Affairs committees in the legislature. While we do appreciate that this years' version does allow some exceptions for construction or repair, we believe that local school boards should have the authority to work with their community on these issues, and not rely on a supermajority vote of a non-elected body. **Who to contact:** [House State Affairs Committee](#).

Tracking: Monitoring - Impact | [S 1271](#) | **Paying Down Levies Bill - Amends and adds to existing law to provide for state support of discretionary spending by school districts.**

Introduced: 02/04/2022 | **Last Action:** Feb 07, 2022 - Reported Printed; referred to Education

Our Position: Support

Staff Analysis:

This bill would appropriate additional funds to schools on a per-student for discretionary purposes. However, if a school is collecting a levy, they would be required to use at least 75% of it to provide property tax relief. Everything else would be directed by the school board. ISBA has always advocated for more state support for school districts so there is less reliance on supplemental levies just to meet day-to-day operational needs. [Please contact the Senate Education committee to support this legislation.](#)

Tracking: Monitoring - Impact | [H 0514](#) | **Adds to existing law to establish provisions regarding the prohibition of mask mandates.**

Introduced: 02/02/2022 | **Last Action:** Feb 10, 2022 - Reported out of Committee with Do Pass Recommendation, Filed for Second Reading

Our Position: Oppose

Staff Analysis:

[ISBA is opposed to this legislation using the principle of Local Governance, sometimes known as Local Control.](#) This legislation would prevent any local government - including school districts and charter schools - from requiring facial coverings or masks. Just like the ISBA would oppose a bill that would mandate the school board to require masks, we are opposed to bills that take away a school board's authority to do so. We believe that local school boards should have the ability to make decisions on these issues the way that they and their community feel is best. **Who to contact:** House State Affairs Committee.

Tracking: Monitoring - Impact | [H 0512](#) | **Amends existing law to prohibit holding another bond election within 11 months of a failed bond election.**

Introduced: 02/02/2022 | **Last Action:** Feb 03, 2022 - Reported Printed and Referred to State Affairs

Our Position: Oppose

Staff Analysis:

[ISBA is opposed to this legislation and it requires a call to action!](#) Once again, the House State Affairs committee introduced a bill that would place limits on local officials from placing a failed bond question on the ballot again for 11 months. Our members have brought resolutions for over 2 decades to reduce the supermajority requirement on facility bonds – something that is increasingly more difficult to achieve. This impedes efforts even further. It also came the day after the Joint Legislative Oversight Committee released their report on school facilities – in which they reported many eye-opening findings in their analysis, including an estimation that it would take upwards of \$874 million to get Idaho's school buildings to "good" condition. **Call to Action: Please contact your House Member and ask them to vote "NO" on this legislation - it has the real and serious impact of impeding our already limited efforts on school facilities!**

Tracking: Monitoring - No Expected Impact | [S 1261](#) | **Adds to existing law to provide for the installation of adult content filters on tablets and smart phones.**

Introduced: 02/02/2022 | **Last Action:** Feb 03, 2022 - Reported Printed; referred to State Affairs

Our Position: Neutral

Staff Analysis:

This legislation would require manufacturers of "Internet Capable Devices" - including tablets, computers, and phones - to install and activate technology that enables parents to make filtering decisions for their children.

Tracking: Monitoring - Impact | [S 1255](#) | **Amends existing law to establish the Empowering Parents Grant Program, which provides funds to eligible students for certain education expenses.**

Introduced: 02/02/2022 | **Last Action:** Feb 10, 2022 - to House

Our Position: Support

Staff Analysis:

This bill replaces SB 1242, and ISBA is now in support of SB1255 - Empowering Parents. Last week, we met with the sponsors about our concerns with the first version. We are grateful that they were amenable to our concerns and amended the bill accordingly. Again, this is a grant program for low-income families to use towards eligible education expenses for their kids. There is an income threshold starting with \$60,000 for the first 30 days, \$75,000 for the next 30 days. The program is open to all households regardless of income after that. Each student would be eligible for a \$1,000 grant, and each family is capped at \$3,000 total. It passed the Senate and now heads to House Education for a hearing.

Tracking: Monitoring - Impact | [S 1238](#) | **Adds to existing law to establish the self-directed learner designation.**

Introduced: 01/26/2022 | **Last Action:** Feb 03, 2022 - Read First Time, Referred to Education

Our Position: Support

Staff Analysis:

ISBA supports this legislation, formerly known as SB 1226 This legislation - sponsored by Senate Education Chairman Sen. Steven Thayne (R- Emmett) - allows students to request and teachers to designate students as a .self-directed learner.. It's a mastery-type bill that says students can have more flexibility in their day to day schedule, but it would still require them to meet the school or district's graduation requirements. It provides a lot of latitude to teachers and districts to ensure this happens. The biggest piece is that students who are designated are still counted as a 1.0 Full Time Equivalent . so it has no impact on your budget. It passed the Senate, and passed out of House Education unanimously.

Tracking: Monitoring - Impact | [H 0461](#) | **Amends existing law to revise eligibility requirements for the Armed Forces and Public Safety Officer Scholarship.**

Introduced: 01/25/2022 | **Last Action:** Feb 10, 2022 - Introduced, read first time; referred to: Education

Our Position: Support

Staff Analysis:

This is a bipartisan bill that amends Idaho's scholarship for military families who has a parent or spouse die in combat to add that they can be eligible if their parent or spouse dies in training or in their line of service. The change stems from a recent tragedy where three members of Idaho's National Guard died in a Blackhawk helicopter exercise, and the bill sponsors realized that their children wouldn't be eligible for the scholarship because they didn't die in combat. **ISBA supports scholarship opportunities for all students and is in support of this legislation. It passed House Education and will be voted on by the House next week!**

Tracking: Monitoring - Impact | [H 0444](#) | **Amends 2021 session law to extend a sunset date to July 1, 2023.**

Introduced: 01/18/2022 | **Last Action:** Feb 10, 2022 - Reported out of Committee with Do Pass Recommendation; Filed for second reading

Our Position: Support

Staff Analysis:

ISBA Supports this legislation. It passed the House and Senate Committee, and is awaiting a full vote in the Senate. This legislation extends the "sunset" - also known as the 'repeal' date - of the Coronavirus Liability Immunity Act. It protects school districts and charter schools from litigation that arise out of COVID-19 infections. Since it's original passage during the Extraordinary Session of 2020, they have extended the sunset date at least once. This legislation extends it until July 1, 2023, extending it from July 1, 2022.

Tracking: Urgent | [H 0443](#) | **Adds to existing law to create the Public School Health Insurance Fund.**

Introduced: 01/18/2022 | **Last Action:** Feb 09, 2022 - Reported Signed by Governor on February 8, 2022 Session Law Chapter 3 Effective: 07/01/2022

Our Position: Support

Staff Analysis:

This bill passed the Senate overwhelmingly, and is now on the Governor's Desk! This legislation creates a dedicated fund for the purpose of funding the one-time amount required for public schools to buy in to the state's medical and dental insurance plan. The creation of the fund does not *require* school districts and charter schools to buy-in to the plan, but creates the necessary resources to do so if you choose. Schools and districts would have two-years to utilize these funds to join the state pool. This has broad support from the Education Stakeholder groups, and is a recommendation from Governor Little. It also has a strong list of bi-partisan co-sponsors. It was opposed by a few insurance companies and the Idaho Freedom Foundation. ISBA has long advocated for the resources necessary for schools to join the state insurance pool - and this would create the opportunity for you to do that. It does also phase out the leadership premium allocation, which we know many have liked. However, it has strong support to offset the loss of these funds with a larger increase in other areas of the public schools budget that can benefit *all* employees. **Please wait for more information from the Idaho Department of Administration for information on the State's health plan.**

Tracking: Monitoring - Impact | [H 0438](#) | **Amends existing law to revise provisions regarding filling vacant school trustee positions following a recall or resignation resulting from a recall petition.**

Introduced: 01/13/2022 | **Last Action:** Jan 14, 2022 - Reported Printed and Referred to State Affairs

Our Position: Neutral

Staff Analysis:

No update from last week. This concept - similar to HB350 from the 2021 Session - changes how vacancies are filled following a successful recall election or resignations following the filing of a recall petition. If there is an election date (using the 4 dates for school districts) within 85 days, the vacated seat will remain vacant unfilled until that election. If it is *within* 100 days of an election, the seat shall also remain vacant until the election, in which that newly elected trustee will serve the remainder of that zone's term (unless that zone was already up for re-election on that date, in which they'll fill out the next full term). If more than one trustee is recalled and the Board no longer has a quorum, the county commission will step-in to appoint only one member so that the Board can conduct it's business until the next election. If it's more than 100 days to the next election, the Board may appoint a temporary trustee until a new trustee is elected at the next possible election. **While we have concerns about the complications of this legislation, the ISBA GAC voted to remain neutral, as we believe that citizens *can* and *should* be involved in the process of electing trustees from their respective communities. In addition, school board members are one of the few - if not only - public bodies that appoints vacant seats themselves. If you want to express your thoughts or sign up to testify, contact: House State Affairs Committee.**

Tracking: Urgent | [H 0437](#) | **Adds to existing law to provide for the adoption of the content standards prepared by the 2020-2021 content standards review committees.**

Introduced: 01/13/2022 | **Last Action:** Jan 14, 2022 - Reported Printed and Referred to Education

Our Position: Oppose

Staff Analysis:

No update from last week. This legislation would force the State Board of Education - by July 1, 2022 - to adopt and incorporate the draft of the Idaho content stands for English Language Arts and Literacy, Math, and Science prepared by the 2020 - 2021 standards review committee which was completed July 13, 2021. It would also state that each school district and charter school boards have until June 30, 2024 to incorporate curricular materials that correspond with these new content standards. **Based on 2022 ISBA Resolution No. 5, the ISBA is opposed to this legislation.**

The ISBA is not opposed to a review and proposed revision of content standards, but without an independent review of the changes in the proposed revision, it could create fiscal instability and wreck havoc on our educators ability to implement the standards. Content standards drive everything at the local level from curricular materials adoption, to teacher professional development, and assessments. The ISBA respectfully requests a thorough analysis about what has changed within each content section, and once determined, requests an appropriate time frame and financial resources for school districts and charter schools to implement these new standards in a predictable and stable manner. **Who to contact: House Education Committee.**

Tracking: Urgent | [HCR 0027](#) | States findings of the Legislature and rejects certain rules of the State Board of Education relating to Idaho content standards.

Introduced: 01/13/2022 | **Last Action:** Jan 14, 2022 - Reported Printed and Referred to Education

Our Position: Oppose

Staff Analysis:

No update from last week. This concurrent resolution would reject - in their entirety - Idaho's content standards for English Language Arts, Math, and Science. It was introduced and is paired with HB437. **Based on 2022 ISBA Resolution No. 5, the ISBA is opposed to this rejection. The ISBA is not opposed to a review and proposed revision of content standards, but without an independent review of the changes in the proposed revisions, it could create fiscal instability and wreck havoc on our educators ability to implement the standards. Content standards drive everything at the local level from curricular materials adoption, to teacher professional development, and assessments. The ISBA respectfully requests a thorough analysis about what has changed within each content section, and once determined, requests an appropriate time frame and financial resources for school districts and charter schools to implement these new standards in a predictable and stable manner.** **Who to contact: House Education Committee.**

Tracking: Monitoring - Impact | [H 0436](#) | Amends existing law to revise the individual and corporate income tax rate and to provide for an income tax rebate.

Introduced: 01/12/2022 | **Last Action:** Feb 07, 2022 - Reported Signed by Governor on February 4, 2022 Session Law Chapter 1 Effective: Retroactive to 01/01/2022 SECTION 1 -3; 02/04/2022 SECTION 4

Our Position: Neutral

Staff Analysis:

This legislation consolidates the income tax brackets from five to four, lowers each rate, and makes it retroactive to January 1, 2022. Additionally, it lowers the income tax rates to 6% retroactively, and provides a one-time tax rebate of \$350 million, returning 12% of 2020 personal income tax - or \$75 for each taxpayer and dependent - whichever is greater. Because it has a possible impact to Idaho's general fund, ISBA is monitoring impact. However, we are neutral to the bill.

Please contact Misty, Quinn, or Catherine if you have any questions.

Thank you,

Your ISBA Legislative Team

