

Legislative Update

March 1, 2013

During the February monthly webinar, we received several questions about education-related legislation moving through the House and the Senate this Session. Because things are constantly changing, we thought it would be best to provide this written update on education-related bills and where they stand today. These bills are listed in order of when they were introduced. In the summary below we have included the bill's sponsor in parentheses for your information. More information on these bills, including the full text, statement of purpose, list of sponsors, and more recent status update, can be accessed online at <http://legislature.idaho.gov/legislation/2013/minidata.htm>.

- **HCR003- Cursive Writing (Rep. Bateman)**- *Adopted by full House of Representatives and the full Senate. Since it is a resolution, it does not need to head to the Governor for approval.* This resolution requests the State Board of Education promulgate administrative rule to provide that cursive handwriting be taught in elementary schools.
- **H65- FY2013 Public Schools Budget (Rep. DeMordaunt, Sen. Goedde)**- *Passed the full House of Representatives and sent to Senate Education Committee for consideration.* This legislation, also referred to as the "FY13 Fix-It Bill," addresses the over \$30 million appropriation problem that was created after the November 2012 referendum repeal of the Students Come First laws. It makes temporary changes to allow the state to distribute the funding for advanced classroom technology, professional development, dual credit, and math and science teachers for the remainder of fiscal year 2013. Under this legislation, public schools would receive all expected funds, based on the original FY2013 appropriation. This bill includes an emergency clause and would go into effect upon passage and approval. It also includes a sunset clause and would expire after June 30, 2013.
- **H163- Contract Return Date (ISBA)**- *Passed the full House of Representatives and Senate Education Committee. Sent to full Senate for consideration.* This legislation outlines the timeline for the return of teacher contracts and allows the contracts to be delivered electronically. This bill includes an emergency clause and would go into effect upon passage and approval. *This bill replaced H68.*
- **H164- Negotiations in Open Session/Last Best Offer (ISBA)**- *Printed and referred to the House Education Committee.* This legislation would require all negotiations be held in open, public meeting. It also allows a board of trustees to impose a last best offer if the two negotiating parties cannot reach an agreement. This bill includes an emergency clause and would go into effect upon passage and approval. *This bill replaces H67.*
- **H165- Reduction in Force (ISBA)**- *Printed and referred to the House Education Committee.* This legislation outlines the factors used in reduction in force, including individual performance, certification and endorsements, student and school needs, course offerings and shifting student populations. When all these factors are equal between two employees, the board of trustees may consider seniority in its decision. This bill includes an emergency clause and would go into effect upon passage and approval. *This bill replaces H69.*
- **H205- Repeal of education credit freeze (SDE).** *Passed the full House of Representatives and sent to Senate Education Committee for consideration.* This legislation unfreezes the frozen movement on the state's funding grid for educator salaries for those educators who earned additional college credits applicable to FY2011. This bill would become effective on July 1, 2013.
- **H206- Charter Schools Funding (SDE, Charter Commission)**- *Passed by the House Education Committee and sent to the full House of Representatives for consideration.* This legislation is the first of two pieces of legislation being brought forward by a group of stakeholders that met and examined Idaho's charter school laws from June 2012 through February 2013. The legislation would

require public charter schools to pay an authorizer fee and creates a state facilities funding stream for charter schools. This bill would become effective on July 1, 2013.

- **H218- School Bonds (Rep. Horman)-** *Printed and referred to House Education Committee.* This legislation would update, correct, and clarify law regarding schools bonds and limit bond amortization to no more than 30 years. This bill would become effective on July 1, 2013.
- **H221- Charter School Governance (ISBA, Idaho Charter School Network)-** *Passed the House Education Committee and sent to the full House of Representatives for consideration.* This is the second piece of legislation brought forward by a group of stakeholders that met and examined Idaho's charter school laws from June 2012 through February 2013. This legislation would eliminate notices of defect, require charters to be renewed every five years, create performance contracts for charter schools, create a process for district authorized charter schools to become LEAs, allow the State Department of Education to reduce the front-loading of charter school funding if the school is fiscally unsound, provide for procedures upon dissolution of a charter school, allow additional authorizers such as colleges and universities and 501(c)(3) organizations, and reform the Public Charter School Commission. This bill would become effective on July 1, 2013, with the exception of the portion that allows advanced payments for charters serving more grades/classes than the previous year, which would go into effect on June 1, 2014.
- **H224- Professional Personnel Contracts (SDE)-** *Passed the House Education Committee and sent to the full House of Representatives for consideration.* This legislation clarifies that the employment contracts signed by educators for the 2012-2013 school year will continue to be governed by the laws that existed at the time the contracts were entered into. This bill includes an emergency clause and would go into effect upon passage and approval. It also includes a sunset clause and would expire after July 1, 2015.
- **H225- 97% ADA Funding Protection (SDE)-** *Passed the House Education Committee and sent to the full House of Representatives for consideration.* This legislation clarifies which version of ADA funding protection is law. After the repeal of Students Come First, the Attorney General's office has written that the version established separately and more recently by H603 in 2012 takes precedence over the 2010 version of the statute. However, the published version of Idaho Code does not recognize the changes brought about by H603 in 2012, and shows the funding protection reverting to its 2010 version after the repeal. This legislation clarifies that the current version of the funding protection is the self-funded, 97% ADA funding protection passed in H603 in 2012. This bill includes an emergency clause and would go into effect upon passage and approval.
- **H226- Idaho Youth Challenge Funding (SDE)-** *Passed the House Education Committee and sent to the full House of Representatives for consideration.* This legislation provides a way to calculate support units for the Idaho Youth Challenge program. Under the state's current laws and rules, the State Department of Education would be unable to recognize all of the students who attend the program, due to its accelerated, cohort-based approach to education. This bill would become effective on July 1, 2013.
- **H227- Private School Scholarship Tax Credit (Sen. Nonini, Rep. Vander Woude)-** *Printed and referred to House Revenue and Taxation Committee.* This legislation would provide a tax credit to individuals and corporations that make donations to scholarship granting organizations. This bill would become effective on January 1, 2014.
- **S1005- Prohibition of Online Course Graduation Requirement (Sen. Durst)-** *Printed and referred to Senate Education Committee.* This legislation would prohibit the State Board of Education or State Department of Education from promulgating rules to require an online course graduation requirement. This bill would become effective on July 1, 2013.

- **S1028- Mastery Advancement Program (Sen. Thayne, Sen. Durst)-** *Passed both the full Senate and House of Representatives. Sent to Governor.* This legislation ends the pilot phase of the Mastery Advancement Pilot Program and makes the program permanent. This bill would become effective on July 1, 2013.
- **S1038- Denovo (ISBA)-** *Printed and referred to the Senate Education Committee.* This legislation would limit the appeal of a board of trustees' decision to district court to affirming or setting it aside and remanding the matter to the board of trustees. Currently, when a school district employee appeals a decision by the board of trustees to the district court, a new trial begins. Under this bill, the record from the board of trustee hearing would proceed to the district court, and the district court would either affirm the decision or remand it back to the board of trustees. This bill includes an emergency clause and would go into effect upon passage and approval.
- **S1054- "Atlas Shrugged" Graduation Requirement (Sen. Goedde)-** *Printed and referred to the Senate Education Committee.* This legislation would require students to read and pass an examination on the book "Atlas Shrugged." *Sen. Goedde said this bill will not be given a hearing.*
- **S1055- Budgets and Master Agreements Online (Sen. Goedde)-** *Passed Senate and sent to the House Education Committee.* This legislation reinstates the requirement for school budgets and master labor agreements to be posted on a district's website. This bill would become effective on July 1, 2013.
- **S1056- Minor Felons in Public Schools (Sen. Heider)-** *This legislation was pulled by the sponsor.* This legislation would deny enrollment to any pupil found guilty of a crime of violence or who was imprisoned for more than one year.
- **S1057- Kindergarten Teacher Visits (Sen. Thayne)-** *Passed the Senate Education Committee and sent to full Senate for consideration.* This legislation would facilitate kindergarten teachers visiting with parents to help strengthen the working relationship between the teacher, the parents or guardians, and the student. This bill would become effective on July 1, 2013.
- **S1085- School Counselors (Sen. Durst)-** *Printed and referred to Senate Education Committee.* This legislation would require one school counselor per 325 students. This bill would become effective on July 1, 2013.
- **S1086- Class Size (Sen. Durst)-** *Printed and referred to Senate Education Committee.* This legislation would establish a maximum number of students assigned to each teacher, with these limits being eighteen students per class for grades K through 3, twenty-two students per class for grades 4 through 8, and twenty-five for grades 9 through 12. This bill would become effective on July 1, 2013.
- **S1087- Driver's Licenses and Academic Progress (Sen. Goedde)-** *Did not pass Senate Education Committee.* This legislation would require driver's license applicants under the age of 18 to provide proof that they are making satisfactory academic progress. This bill would become effective on July 1, 2013.
- **S1088- Consolidation (Sen. Durst)-** *Printed and referred to Senate Education Committee.* This legislation provides for a protocol to identify districts that would see financial savings by consolidating services, as well as providing for incentives to encourage consolidation. This bill would become effective on July 1, 2013.
- **S1089- Early Retirement Incentive Program (Sen. Bayer, Sen. Fulcher)-** *Passed full Senate and sent to the House Education Committee for consideration.* This legislation repeals the Early Retirement Incentive Program for teachers. This bill includes an emergency clause and would go into effect upon passage and approval.
- **S1090- Financial Emergencies and Reduction in Force (IEA)-** *Printed and referred to the Senate Education Committee.* This legislation would lower the requirement for a local school district to

declare a financial emergency and requires that Reduction in Force (RIF) decisions not be made solely on seniority or contract status. The legislation also requires school districts to adopt policies establishing methods to recall individuals who have been part of a RIF. This bill would become effective on July 1, 2013.

- **S1091- IDLA/Online Course Portal/Dual Credit for Early Completers/8-in-6 (Sen. Thayn, Sen. Durst)-** *Passed Senate Education Committee and sent to the full Senate for consideration.* This legislation creates a stable, long-term funding formula for the Idaho Digital Learning Academy (IDLA), establishes a portal for online classes, reestablishes the dual credit for early completers program and makes technical changes to the 8-in-6 legislation. This bill would become effective on July 1, 2013.
- **S1092- Additional Funding for Math and Science (SDE)-** *Passed the full Senate and the House Education Committee. Sent to the full House of Representatives for consideration.* This legislation reinstates the funding for the state's increased high school graduation requirements for math and science courses. This bill would become effective on July 1, 2013.
- **S1093- Transportation (Sen. Goedde)-** *Passed the full Senate and sent to the House Education Committee.* This legislation codifies the Legislature's approach to budgeting for public school pupil transportation costs and discretionary funds, which has been in place for FY2011, FY2012, and FY2013. This bill would become effective on July 1, 2013.
- **S1094- Limiting Teacher Contracts to One Year (ISBA)-** *Printed and referred to Senate Education Committee.* This legislation would limit contracts in regard to salaries, benefits, and cost to the school district's budget to one year. This bill includes an emergency clause and would go into effect upon passage and approval. *This bill replaces S1037.*
- **S1095- Majority Representation in Negotiations (ISBA)-** *Printed and referred to Senate Education Committee.* This legislation would require local education organizations to provide proof of 50% plus one employee representation each year in order to negotiate. This bill includes an emergency clause and would go into effect upon passage and approval. *This bill replaces S1039.*
- **S1096- Reduction of Salary (ISBA, IASA)-** *Printed and referred to the Senate Education Committee.* This legislation would allow a board of trustees to change the length of term in a contract or reduce the salary of a certificated person whose contract would otherwise be automatically renewed. This bill includes an emergency clause and would go into effect upon passage and approval. *This bill replaces S1040.*
- **S1097- Out-of-State Students in Residential Facilities (SDE)-** *Amended in the Senate.* This legislation will prevent Idaho school districts from having to use Idaho taxpayer funds to educate out-of-state students who are placed in Idaho group homes. This bill would become effective on July 1, 2013.
- **S1098- Open Negotiations (IEA)-** *Passed the Senate Education Committee and full Senate. Sent to the House Education Committee.* This legislation provides for a negotiations process that is open to the public. This bill includes an emergency clause and would go into effect upon passage and approval.
- **S1124- Postsecondary Charter School Authorizers (Sen. Winder)-** *Printed and referred to the Senate Education Committee.* This legislation would authorize public postsecondary institutions to operate public charter high schools. This bill would become effective on July 1, 2013.
- **S1125- Northwest Children's Home (Sen. Winder)-** *Printed and referred to the Senate Education Committee.* This legislation would provide for the education of the students at the Northwest Children's Home through a memorandum of understanding between the Department of Juvenile Corrections, the Department of Health and Welfare, and the State Department of Education. This bill would become effective on July 1, 2013 and sunset on August 31, 2015.

- **S1133- School Security Plans (Sen. Hagedorn)-** *Referred to Senate Judiciary and Rules for printing.* This legislation would bring local school boards and local law enforcement together to create, then continuously measure and improve the effectiveness of the security and safety measures in public schools and transportation systems. This bill would become effective on July 1, 2013.

Here are answers to some Frequently Asked Questions we have been receiving about legislation this session:

Q: What is the status of the ISBA labor bills and likelihood they will pass?

A: Please note that the labor bills that the Idaho School Boards Association brought forward will likely be changing again. Representatives of ISBA have been meeting with the other education stakeholders and the education committee chairs. Karen Echeverria, the ISBA Executive Director, said in her Capitol Notes publication this week, *"This past week, we met two more times with the IEA, IASA, and the Education Chairs. We agreed to some additional changes to the language in the bills and plan to meet one more time this upcoming week. We are trying to find as much consensus with the bills as we possibly can... We will likely print yet another round of bills. These will be the last to be printed and will move forward quickly."*

Q: Is there a bill to provide relief for Use-It-or-Lose-It in FY2014, or does the SDE plan to introduce something?

A: To our knowledge, the representatives of the Idaho Association of School Administrators (IASA) have a use-it-or-lose-it bill draft and are taking the lead on that legislation. We encourage you to contact them with your questions or concerns.

Q: Can teachers who take the MTI course still earn transcribed credit?

A: No. This was part of Senate Bill 1184 and was repealed in November 2012 as part of Proposition 3. We have put together a [white paper](#) explaining transcribed credit and its history.