



Governor Brad Little

State Capitol :: Boise, Idaho 83720
(208) 334-2100 :: gov.idaho.gov

March 23, 2021

The Honorable Scott Bedke
Speaker of the House
Idaho Legislature
Boise, ID 83720

VIA HAND DELIVERY

Dear Mr. Speaker,

I hereby advise you that I have signed on March 23, 2021 and transmitted to the Office of the Secretary of State, with my signature, the following House Bill, to wit:

H 22a

within the time prescribed by law, the same having arrived in the Office of the Governor at the hour of 10:42 a.m. on March 17, 2021.

I have many concerns about the justification and process surrounding the passage of H 22a.

There is no doubt that the past 12 months have been extraordinary for our students and families. Parents looked for many different education options, including enrolling their students in virtual schools such as the two involved in this legislation.

The support unit cap for public charter schools in Section 33-5208, Idaho Code, has been in place since 2005. While these public charter schools can enroll additional students above the cap, the longstanding policy should have made clear that there would be no additional state support above the cap. These schools did not contact the State Department of Education before enrolling these additional students this past fall. Instead, their issue was discovered in January, halfway through the school year, with a request to retroactively change the K-12 school funding formula. This “ask for forgiveness rather than permission” approach invites others to make similar requests in the future.

Since the Legislature adopted this policy for this fiscal year, the Legislature should have passed a trailer bill appropriating the additional funds needed to cover the fiscal impact of H 22a in the K-12 budget, thereby preventing a hit on the Public Education Stabilization Fund (PESF).



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Instead, the Joint Committee drafted another bill directing a portion of the State Board of Education's 10-percent set aside from the Elementary and Secondary Schools Emergency Education Relief (ESSER) II—part of the December 2020 federal stimulus—to fund H 22a. This appropriation was made without the State Board's consideration or approval, and that bill potentially infringes on the State Board's authority to direct this set aside. Congress in federal law designates the Board's authority and discretion to use these funds.

Ultimately, another solution is needed. In signing this into law, I respectfully request the Legislature follow through on this policy change and fully fund this adjustment to the K-12 public school funding formula to prevent a hit to the PESF.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brad Little", is written over a faint, illegible background.

Brad Little
Governor of Idaho

Cc: Secretary of State