

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**JUNE 18, 2014**

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**SUBJECT**

Legislative Ideas - 2015 Legislative Session

**REFERENCE**

June 2010	The Board approved legislative ideas to be submitted through the Governors Executive Agency Legislation process.
June 2011	The Board approved legislative ideas to be submitted through the Governors Executive Agency Legislation process.
June 2012	The Board approved six (6) legislative ideas to be submitted through the Governors Executive Agency Legislation process.
June 2013	The Board approved eight (8) of ten (11) legislative ideas to be submitted through the Governors Executive Agency Legislation process.

**BACKGROUND/ DISCUSSION**

As an Executive Agency, the State Board of Education is required to submit electronically all Legislative Ideas to the Division of Financial Management (DFM) for the Governor's approval. The Board's approval of these Legislative Ideas is the first step in that process. If approved by the Board and the Governor, the actual legislative language will be brought back to the Board at the October Board meeting for final approval prior to submittal to the legislature for consideration during the 2014 Legislative Session.

The institutions and agencies were requested to submit legislative ideas for Board approval at the June Board meeting in March of this year. The Board office received three (3) legislative ideas from the institutions. Board staff has identified an additional six (6) potential pieces of legislation. A seventh legislative idea is being proposed as a place holder for any potential legislative changes that may be recommended by Taskforce for Improving Education.

The following are descriptive summaries of the ten (10) legislative ideas that are being proposed:

**1. 8 in 6 Program**

Statement of Purpose

Amend language in section 33-1628, Idaho Code to clarify that students attending Bureau of Indian Education (BIE) schools in Idaho may participate in the 8 in 6 Program as long as all other eligibility requirements are met. Currently the (BIE) oversees two schools in Idaho, the Shoshone-Bannock Jr./Sr. High School and the Coeur d' Alene Tribal School.

Fiscal Note

Due to the small number of schools the fiscal impact is anticipated to be minimal.

**2. Workforce Reporting**

Statement of Purpose

This legislative Idea would be developed in conjunction with the Department of Labor and would require employers to report occupancy codes and number of hours worked. Through the P-20 to Workforce SLDS education data may be matched with workforce data. Current research is limited by the level of detail of the workforce data. Should this legislation pass, Board staff would be able to report the number of students graduating from our public institutions who work in their specific field as well as determine if they are working full-time or part-time. Currently the data is limited to the Industry Code, this only allows us to determine if graduates are work at a company that that is in their field of study, and not if the actual position they hold is relevant to their degree or certificate.

Fiscal Note

To be determined

**3. State Residency for Tuition Purposes**

Statement of Purpose

Amend language in section 33-3717B, Idaho Code to streamline the process for determining residency for tuition purposes and to specify that all students who graduate from an Idaho High School and attend a public postsecondary institution within a specified timeframe would be eligible for in-state tuition. Additional changes may also need to be made to section 33-2110A, Idaho Code to assure alignment between the two sections of code. Streamline the residency determination process will allow for greater access to students as well as reduce the staff time necessary to make these determinations.

Fiscal Note

There will be no fiscal impact

**4. Nursing Education Program Approval**

Statement of Purpose

Amend language in section 54-1406, Idaho Code removing the requirement that the Board must approve in curriculum change in a nursing program (private or public) that may alter existing articulation agreements between educational institutions. The Board would continue to approve program changes at the public institution as specified in Board policy.

Fiscal Note

There will be no fiscal impact

**5. Charter School Financial Support**

Statement of Purpose

Idaho Code §33-5208(8) provides that: "Each public charter school shall pay an authorizer fee to its authorized chartering entity, to defray the actual documented cost of monitoring, evaluation and oversight, which, in the case of public charter schools authorized by the public charter school commission, shall include each school's proportional fee share of all moneys appropriated to the public charter school commission, plus fifteen percent (15%)" [emphasis added]. This past

Session there was legislative interest in appropriating General Funds to supplement the Public Charter School Commission's (PCSC) FY 2015 budget. However, since the authorizer fee is calculated off of "all moneys appropriated," an additional appropriation of General Funds would have also resulted in an increase in the authorizer fee the following year. The proposed legislation would amend the authorizer fee formula to include only those funds appropriated from the Public Charter School Authorizers fund rather than all appropriated moneys.

The proposed amendment would also change the authorizer fee payment deadline from February 15 to March 15. Data needed to calculate the fee are not typically available from the State Department of Education in time to invoice the schools and receive payment by February 15.

Fiscal Impact

These amendments in and of themselves have no fiscal impact.

**6. Proprietary School Registration**

Statement of Purpose

Amend language in section 33-2406, Idaho code exempting proprietary schools which do not collect any tuition or fees until after instruction has been provided from the surety bond requirement.

Fiscal Note

There will be no fiscal impact.

**7. Transfer of Surplus Property**

Statement of Purpose

Amend language to section 58-335, Idaho Code to include property owned by the State Board of Education to list of exempt property. This would clarify that the Board would not have to go through the Land Board process when disposing of surplus property. Section 33-107, Idaho Code already gives the Board the authority to "acquire, hold and dispose of title, rights and interests in real and personal property."

Fiscal Note

There will be no fiscal impact.

**8. Risk Management – Opt Out**

Statement of Purpose

Last year the Board ran legislation that would allow the institutions to opt-out of state administrative services. While the bill did not pass as a total package, there was some support for the individual components of the bill. This proposal would use the language developed as part of last year's University Administrative Flexibility bill regarding Risk Management and would allow the institutions to opt-out of state Risk Management.

Fiscal Note

To be determined.

**9. Human Resource Services – Opt Out**

Statement of Purpose

Last year the Board ran legislation that would allow the institutions to opt-out of state administrative services. While the bill did not pass as a total package, there was some support for the individual components of the bill. This proposal would use the language developed as part of last year's University Administrative Flexibility bill regarding State Human Resource Services and would allow the institutions to opt-out of these services.

Fiscal Note

To be determined.

**Governor's Task Force Recommendations**

**10. Foundation Program – State Aid – Certificated Staff Apportionment**

Statement of Purpose

Amendments would be made to the education support program in Title 33, Chapter 10 to establish a funding model for school districts for certificated staff that would be variable based on a three tiered system.

Fiscal Note

Initial estimated cost is approximately \$250 million. The current implementation plan envisions a 5-6 year phase-in of approximately \$40 million per year.

**11. Contract Category Timing**

Statement of Purpose

Align current Idaho Code regarding the timing of eligibility for teacher continuing contracts with timing for eligibility for tier 2 (professional tier) on the proposed tiered certification model.

Fiscal Note

To be determined

**12. Additional Legislative Ideas from Subcommittees**

Statement of Purpose

Place holder for additional legislative ideas developed by the subcommittees established to implement the recommendations of the Governor's Task Force.

Currently the subcommittees are exploring possible legislation on:

- Streamline and consolidation of advanced opportunities statute
- Modification to the strategic planning statute
- Consolidation of reporting requirements
- Funding model
- Counseling/Advising

Fiscal Note

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To be determined

**IMPACT**

Staff will continue to move the legislative ideas that the Board approves through the legislative process and will bring the legislative language back to the Board at the October meeting for approval. Legislative Ideas not approved will not be submitted to Division of Financial Management.

**STAFF COMMENTS AND RECOMMENDATIONS**

Legislative Ideas are required to be submitted to the Division of Financial Management (DFM) by August 3, 2014. During the process of working through legislative ideas, additional ideas of merit sometimes surface before the DFM submittal deadline. The Board has traditionally authorized the Executive Director to submit these ideas. Actual legislative language for all submitted Legislative Ideas will be brought back to the Board at the October Board meeting for final approval.

**BOARD ACTION**

I move to approve the legislative ideas as submitted and to authorize the Executive Director to submit these and additional proposals as necessary through the Governor's legislative process.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_