

**Legislative Affairs Committee Report  
January 5, 2000 Meeting / Teleconference Call  
9:30 AM (Mountain Time)**

**AGENDA**

<b>ITEM</b>			<b>PAGE</b>
<b>6.1</b>	Committee Action:	Minutes of the October 19, 1999 Meeting were approved as written	
<b>6.2</b>		Legislative Proposals on Scholarships a. Senator Lee b. Representative Robison	<b>2 – 10</b>
<b>6.3</b>		Legislative Proposal – Interim Committee on Teacher & Administrator Contract Law	<b>11 – 13</b>
<b>6.4</b>		Legislative Proposal – Weapons on School Grounds	<b>14 – 20</b>
<b>6.5</b>		Legislative Proposal – Construction / Renovation of State Facilities	<b>21 – 29</b>
<b>6.6</b>		Recommendations from Interim Committee on PERSI	<b>30 – 37</b>
<b>6.7</b>		Possible Legislative Proposals - Character Education	<b>38</b>
<b>6.8</b>		Possible Legislative Proposals - Community College Funding	<b>39</b>
<b>6.9</b>		Legislative Proposal – Separate Schools (SDE)	<b>40 – 51</b>
<b>6.10</b>		Governor’s Initiatives (Tom Morley)	<b>52</b>
<b>6.11</b>		Report and Recommendations from the Governor’s Committee on School Facilities	<b>52 – 60</b>
<b>6.12</b>		Other Legislative Items of Interest	<b>61 - 62</b>

## **ITEM 6.2      LEGISLATIVE PROPOSALS ON SCHOLARSHIPS**

### **Background:**

Last year, a Board sponsored committee worked with legislators to develop a scholarship legislative proposal. The proposal, sponsored by Senator Lee, would have established a statewide two-year scholarship program for Idaho high school graduates achieving a 3.0 or better GPA. The Board endorsed the proposal and while it easily moved through the House and Senate Education Committees and the Senate, it narrowly failed in the House (See Item 6.2A). Senator Lee has indicated that he will introduce the legislative proposal again this session, and has been working with Representative Ken Robison , who is also working on a scholarship proposal (Item 6.2B)

### **Discussion:**

Representative Robison was present at the meeting and expressed his intent for scholarship legislation is to encourage students to stay in school and continue on to postsecondary education. He cited the big difference between he and Senator Lee's proposal as the one point difference in GPA eligibility. Representative Robison reported that the problem with a straight B average is that there are students who are close to that who are still good candidates for the scholarship. He said that he and Senator Lee had not yet met regarding combining their efforts, but predicted that they may well get together.

Mike Killworth reported that Senator Lee is still interested in the tobacco money to help fund scholarships and that he has approached the institutions about offering matching funds for scholarships. Mr. Eaton reminded the Committee that the Board had endorsed Senator Lee's proposal last year, and suggested that the Committee could recommend the full Board endorse the scholarship notion, realizing that Senator Lee and Rep. Robison may combine their efforts into one proposal.

### **Committee Action:**

*It was moved by McGee, seconded by Howard, and carried to recommend the full Board endorse a legislative proposal that serves to create scholarship opportunities and encourages attendance at Idaho's public, postsecondary institutions.*

### **Board Action:**

**It was moved by \_\_\_\_\_ and carried to endorse / not endorse / endorse with comment a legislative proposal that serves to create scholarship opportunities, provides an incentive for achievement in high school, and encourages attendance at Idaho's public, postsecondary institutions.**

## **ITEM 6.2A**

*Note: This is last year's version of Senator Lee's bill. The Senator has indicated he may add an institutional matching fund requirement, may reduce the qualifying GPA to 2.75 and include a provision to qualify students who do not have a cumulative GPA (e.g., home schoolers)*

### **STATEMENT OF PURPOSE IDAHO PROMISE SCHOLARSHIPS**

The purpose of this amendment is three fold. First, it changes the name of the Idaho State Scholarship Program to the Idaho Promise Scholarship Program. Second, it will encourage a larger number of our high school graduates to continue their education by providing deserving students a scholarship to help defray education costs. Third, this legislation will provide a powerful incentive for high school students to finish high school and achieve good grades.

About 60 percent of Idaho's four-year college students incur debt to go to college, and the average debt load upon graduation is approximately \$15,000. The number of Idaho high school graduates enrolling in college each fall has been declining. Currently, only about 34 percent of high school graduates elect to continue their education the next academic year at a state public or private postsecondary institution. Thirteen percent of our high school graduates elect to continue their education out of state, so the total continuation rate of Idaho high school seniors is approximately 47 percent. The national average continuation rate for high school seniors is approximately 75 percent. Even though the resident fees to attend Idaho's public colleges are among the lowest in the nation, many of our students cannot afford to continue their education. The State stands to benefit greatly both socially and economically if more of our high school students are motivated to excel academically and to continue their education in an Idaho postsecondary institution.

In 1992, the State of Georgia enacted the Hope Scholarship Program, which provides tuition and fees for four years to qualified students. Many Georgians consider the Hope Scholarship one of the best and most successful policy initiatives in the state's history. The Idaho Promise Scholarship proposal is modest by comparison to the Georgia Hope Scholarship. Under the proposal, high school graduates with a GPA of 3.0 or better, if enrolled in a state public or private postsecondary institution within two years of graduation, would receive a scholarship for up to two years of schooling. The scholarship would only partially cover fees and other costs, but it will provide an important incentive for students to continue their education.

### **FISCAL NOTE**

There is no additional fiscal impact until the Category B Scholarship is funded. The future fiscal impact of this amended legislation will vary with the number of students eligible for Category B scholarships and electing to continue their education. About 16,500 seniors graduate from Idaho public and private high schools each year and nearly half have a 3.0 or better grade point average. If this legislative proposal is successful in motivating 60 percent of those students with a 3.0 or better average to continue their education at an Idaho public or private institution, approximately 4,950 students per year would be eligible for a scholarship. The award amount each year would be set by the State Board of Education and depend on the amount of public and private funding available. If, for example, this award is set at \$500 per semester (\$1000 per year) for the maximum two-year period, the cost would be \$4,950,000 in the first year and \$9,900,000 each year thereafter. A broadly based scholarship program of the type contained in this legislative proposal is a potential candidate for funding with Idaho Tobacco settlement funds.

LEGISLATURE OF THE STATE OF IDAHO  
Fifty-fifth Legislature First Regular Session – 1999  
IN THE SENATE  
SENATE BILL NO. 1237  
BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO COLLEGE SCHOLARSHIPS; AMENDING SECTION 33-4303, IDAHO CODE, TO PROVIDE THAT THE SCHOLARSHIP PROGRAM SHALL BE KNOWN AS THE "IDAHO PROMISE SCHOLARSHIP PROGRAM"; AMENDING SECTION 33-4305, IDAHO CODE, TO REVISE PURPOSES; AMENDING SECTION 33-4306, IDAHO CODE, TO FURTHER DEFINE TERMS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-4307, IDAHO CODE, TO PROVIDE ELIGIBILITY REQUIREMENTS FOR CATEGORY A AND CATEGORY B PARTICIPANTS, TO PROVIDE GRANT PROVISIONS FOR CATEGORY B PARTICIPANTS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-4308, IDAHO CODE, TO PROVIDE FOR THE MAXIMUM NUMBER OF GRANTS FOR CATEGORY A AND CATEGORY B STUDENTS; AMENDING SECTION 33-4309, IDAHO CODE, TO PROVIDE FOR CONTINUANCE IN THE CASE OF EXTREME HARDSHIP; AND AMENDING SECTION 33-4313, IDAHO CODE, TO EXPAND THE DUTIES OF THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO AND THE STATE BOARD OF EDUCATION REGARDING SCHOLARSHIPS AND TO MAKE TECHNICAL CORRECTIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-4303, Idaho Code, be, and the same is hereby amended to read as follows:

33-4303. SHORT TITLE. This act shall be known and cited as the "~~State of~~ Idaho **Promise** Scholarship Program."

SECTION 2. That Section 33-4305, Idaho Code, be, and the same is hereby amended to read as follows:

33-4305. PURPOSES. The purpose of this act is:

(1) To establish a state scholarship program for the most talented Idaho secondary school graduates, **consisting of category A students with outstanding academic qualifications and category B students who graduate with a 3.0 ("B") average or better and meeting any other criteria as may be established by the board of regents of the University of Idaho or the state board of education,** who will enroll in undergraduate nonreligious academic and vocational programs in eligible postsecondary institutions in the state; and

(2) To designate the state board of education and the board of regents of the University of Idaho as the administrative agency for the ~~state~~ **Idaho promise** scholarship program.

SECTION 3. That Section 33-4306, Idaho Code, be, and the same is hereby amended to read as follows:

33-4306. DEFINITIONS. As used in this act, unless the context otherwise requires:

(1) ~~"Eligible postsecondary institution" means an educational orga-~~

1 ~~nization within the state as follows:~~

2 ~~(a)~~ " Eligible p ~~P~~ublic post-  
3 secondary institution" means a public postsecondary organization governed or  
4 supervised by the state board of education, the board of regents of the Uni-  
5 versity of Idaho, a board of trustees of a ~~junior~~ community  
6 college established pursuant to the provisions of section 33-2106,  
7 Idaho Code, or the state board of vocational education.

8 ~~(b 2)~~ " ~~Independent~~ Eligible  
9 colleges and universities" means any accredited educa-  
10 tional organization which is operated privately and not for profit under the  
11 control of an independent board and not directly controlled or administered by  
12 a public or political subdivision.

13 ~~(2 3)~~ "Educational costs" means student costs  
14 for tuition, fees, room and board, or expenses related to reasonable  
15 commuting, books and such other expenses reasonably related to attendance at a  
16 postsecondary educational institution.

17 ~~(3 4)~~ "Resident student" means an individual as  
18 defined in section 33-3717 or 33-2110B, Idaho Code.

19 ~~(4 5)~~ "Full-time student" means an individual  
20 who is enrolled in and is carrying a sufficient number of credit hours, or  
21 their equivalent ~~to~~ to secure an individual's first  
22 degree, certificate, diploma, or less, toward which the individual is working  
23 in no more than the number of semesters, or equivalent, normally required by  
24 the postsecondary educational institution in the program in which the individ-  
25 ual is enrolled.

26 ~~(5 6)~~ "Undergraduate student" means an individ-  
27 ual who is enrolled in a postsecondary educational institution which leads to  
28 or is directly creditable toward the individual's first baccalaureate degree,  
29 certificate, diploma, or less; provided such baccalaureate degree, certifi-  
30 cate, diploma or less program requires at least six (6) months or equivalent  
31 of consecutive attendance. A student engaged in a four (4) year baccalaureate  
32 program shall not be terminated by having earned an intermediate degree, cer-  
33 tificate, or diploma.

34 ~~(6 7)~~ "Enrollment" means the establishment and  
35 maintenance of an individual's status as a student in a postsecondary educa-  
36 tional institution, regardless of the term used at the institution to describe  
37 such status.

38 ~~(7 8)~~ "Eligible category A student"  
39 means any graduate of an accredited secondary school in the state of Idaho who  
40 declares his intention to matriculate in an eligible public post-  
41 secondary institution or eligible independent college or university  
42 in the state of Idaho during the educational year immediately following  
43 such graduation.

44 (9) "Eligible category B student" means any graduate of an accred-  
45 ited secondary school in the state of Idaho who declares his intention to  
46 matriculate in a public postsecondary institution or eligible independent col-  
47 lege or university in the state of Idaho during two (2) educational years  
48 immediately following such graduation and qualifies as a resident student.  
49

50 ~~(8 10)~~ "Grant" means an award to an eligible stu-  
51 dent for matriculation in an eligible postsecondary institution in the state  
52 of Idaho.

53 ~~(9 11)~~ "Educational year" means the period from  
54 July 1 of a year through June 30 of the succeeding year.

55 ~~(10 2)~~ "Competitive examination" means standard-

1     ized examination(s) measuring achievement administered annually on a voluntary  
2     basis on a specified date and at specified locations announced publicly.

3     (1—~~1~~— 3 ) "High school record" ~~means~~  
4     for category A students will be defined by the state board of education  
5     and the board of regents of the University of Idaho and may include, but not  
6     be limited to, an individual's rank in his secondary school class  
7     , grade point average, and difficulty of course load taken as certi-  
8     fied by an official of such secondary school, and ~~an~~ the  
9     individual's secondary school deportment as evaluated by at least two  
10    (2) officials of such secondary school.

11    (14) "High school record" for category B students shall be defined  
12    by the state board of education and the board of regents of the University of  
13    Idaho and may include, but not be limited to, an individual's secondary school  
14    grade point average as certified by an official of such secondary school.  
15

16           SECTION 4. That Section 33-4307, Idaho Code, be, and the same is hereby  
17     amended to read as follows:

18           33-4307. ELIGIBILITY -- MAXIMUM AMOUNTS -- CONDITIONS. A grant may be  
19     awarded to an eligible student for matriculation at an eligible postsecondary  
20     educational institution in the state of Idaho if:

21       (1) The individual is accepted for enrollment as a full-time undergradu-  
22     ate student, as follows:

23       (a) In the case of an individual beginning his first year or freshman  
24     year of postsecondary education, he has satisfied requirements for admis-  
25     sion and has enrolled in an eligible postsecondary institution. Eli-  
26     gible category A and category B students may enroll in either a public  
27     postsecondary institution or an independent college or university in the  
28     state to be eligible for an award.

29       (b) In the case of an individual enrolled in an eligible postsecondary  
30     institution following the successful completion of the first term, he con-  
31     tinues to meet the requirements of this act and has maintained such high  
32     standards of performance as may be required. Provided that high academic  
33     standards are maintained in accordance with requirements of this chapter,  
34     a student continues to be eligible when transferring from one (1)  
35     major program to another.

36       (c) In the case of an individual transferring from one (1) eligible post-  
37     secondary institution in Idaho to another eligible postsecondary institu-  
38     tion in Idaho, he continues to meet the requirements of this act, is  
39     accepted at the eligible postsecondary institution to which he is trans-  
40     ferring, and has maintained such high standards of performance as may be  
41     required.

42     Category A and category B students may transfer to another eligible pub-  
43     lic postsecondary institution or an eligible independent college or univer-  
44     sity.

45       (2) The grant for category A students is ~~in amounts~~  
46     as follows:

47       (a) The grant payment to an individual per educational year for atten-  
48     dance on a full-time basis is not in excess of an amount determined annu-  
49     ally by the state board of education or in excess of the total educational  
50     costs as certified by an official of the eligible postsecondary institu-  
51     tion to be attended by the individual receiving the grant, whichever is  
52     less.

53       (b) The total grant payments over a period of six (6) years to an indi-

vidual may not exceed four (4) annual grants or the total educational costs for four (4) educational years completed as certified by an official of the eligible postsecondary institution or institutions attended by the individual receiving the grant, whichever is less.

(~~3~~ c) The individual receiving such a grant signs an affidavit stating that the grant will be used for educational costs only.

(~~4~~ d) The grant is awarded on the basis of extraordinary performance in standardized, unweighted competitive examination and high school record.

(~~5~~ e) The individual receiving the grant is not precluded from receiving other financial aids, awards, or scholarships, provided the total of the grant and such other financial aids, awards or scholarships does not exceed the total educational costs for attendance at an eligible postsecondary institution as certified by an official of the eligible postsecondary institution to be attended by the individual receiving the grant.

(~~6~~ f) Grant payments shall correspond to academic terms, semesters, quarters or equivalent time periods at an eligible postsecondary institution; in no instance may the entire amount of a grant for an educational year, as defined in section 33-4306(~~9~~ 11), Idaho Code, be paid to or on behalf of such student in advance.

(~~7~~ g) The individual has complied with such rules ~~and regulations~~ as may be necessary for the administration of this act.

(3) The grant for category B students is as follows:

(a) The grant payment to an individual per educational year for attendance on a full-time basis is not in excess of an amount determined annually by the state board of education.

(b) The total grant payments over a period of four (4) years to an individual may not exceed two (2) annual grants.

(c) The individual receiving such a grant signs an affidavit stating that the grant will be used for educational costs only.

(d) The grant is awarded on the basis of high school record and other criteria as may be established by the state board of education and the board of regents of the University of Idaho.

(e) The individual receiving the grant is not precluded from receiving other financial aids, awards or scholarships except that category A student award recipients are not eligible for category B awards.

(f) Grant payments shall correspond to academic terms, semesters, quarters or equivalent time periods at an eligible postsecondary institution; in no instance may the entire amount of a grant for an educational year, as defined in section 33-4306(11), Idaho Code, be paid to or on behalf of such student in advance.

(g) The individual has complied with such rules as may be necessary for the administration of this chapter.

1       SECTION 5. That Section 33-4308, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3       33-4308. MAXIMUM NUMBER OF GRANTS. (1) The total number of  
4 grants to eligible category A students shall not exceed one hun-  
5 dred (100) per year, nor a cumulative total number of grants of four hundred  
6 (400) outstanding at any given time .

7       (2) The total number of grants to category B students will be  
8 determined annually by the board of regents of the University of Idaho and the  
9 state board of education based on the number of eligible students, the indi-  
10 vidual award amount and availability of funds.

11       SECTION 6. That Section 33-4309, Idaho Code, be, and the same is hereby  
12 amended to read as follows:

13       33-4309. REMITTANCE IN CASE OF DISCONTINUED ATTENDANCE. A grant may be  
14 made annually for a period not to exceed an educational year. If the student  
15 discontinues attendance before the end of any semester, quarter, term, or  
16 equivalent, covered by the grant after receiving payment under this act, the  
17 eligible postsecondary institution shall remit, up to the amount of any pay-  
18 ments made under this grant, any prorated tuition, fees or room and board bal-  
19 ances to the state board of education and the board of regents of the Univer-  
20 sity of Idaho. The student shall be required to remit, up to the amount of any  
21 other reasonable grant balances, such grant balances to the state board of  
22 education and the board of regents of the University of Idaho. In the  
23 event of extreme hardship as determined by the board of regents of the Univer-  
24 sity of Idaho or the state board of education, a student may request waiver of  
25 remittance.

26       SECTION 7. That Section 33-4313, Idaho Code, be, and the same is hereby  
27 amended to read as follows:

28       33-4313. DUTIES OF BOARD. The state board of education and the board of  
29 regents of the University of Idaho shall be responsible for:

30       (1) Supervision of the issuance of public information concerning the pro-  
31 visions of this act.

32       (2) Determination of recipients of grants made pursuant to the provisions  
33 of this act.

34       (3) Adoption of rules ~~and regulations~~ necessary for process-  
35 ing and approving applications from students.

36       (4) Determination of the procedures for payment of grants to recipients.

37       (5) Maintenance of fiscal controls and fund accounting procedures as may  
38 be necessary to assure proper disbursement of funds.

39       (6) Submission of annual reports to the governor and legislature.

40       (7) Establishment of a reasonable and fair appeal procedure for those  
41 students and institutions who may have been adversely affected by the applica-  
42 tion procedures.

43       (8) Holding a public hearing, prior to the adoption of rules   ,  
44 ~~and regulations~~, for the purpose of providing interested  
45 parties with the opportunity of discussing such rules    ~~and~~  
46 ~~regulations.~~

47       (9) Acceptance of funds from public and private sources, and such  
48 funds are hereby perpetually appropriated to the board of regents of the Uni-  
49 versity of Idaho and the state board of education for expenditure consistent  
50 with the purposes of this chapter.



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(10) In the event funds from the master tobacco settlement agreement are used for category B scholarships, the board of regents of the University of Idaho and the state board of education are authorized to establish additional eligibility criteria for scholarship recipients.

## ITEM 6.2B

Representative Robison is working with Senator Lee and some of the provisions of Representative Robison's draft proposal may be included in Senator Lee's proposal.

### DRAFT

Be it enacted by the legislature of the state of Idaho:

SECTION 1. That Chapter 4;3, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-4316, Idaho Code, and to read as follows:

#### 33-4316. INCENTIVE SCHOLARSHIP PROGRAM

- (1) The purpose of this section is to establish a state scholarship program for Idaho secondary graduates, students who have completed a general equivalency diploma (GED) and home-school graduates who will enroll in undergraduate nonreligious academic and professional-technical programs in eligible postsecondary institutions in the state. This scholarship program shall not supercede existing state scholarships or at risk scholarships but shall be in addition to those programs.
- (2) The state board of education and the board of regents of the university of Idaho shall be the administrative agency for the Idaho Incentive Scholarship Program. To be eligible for a scholarship pursuant to this section, a student shall be a graduate of an accredited secondary school in Idaho or be the recipient of a general equivalency diploma (GED) in Idaho and shall have had a cumulative grade point average of 2.0 out of 4.0 or better; or having completed home schooling shall qualify for admittance to an eligible postsecondary institution. The student shall declare his or her intention to matriculate in an eligible postsecondary institution in the state of Idaho as that term is defined in section 33-4306, Idaho Code. The amount awarded shall be five hundred dollars (\$500) for the student's first term or semester and five hundred dollars (\$500) for the second term or semester upon completion of the first term or semester. Students will be given the option of applying the scholarship to fees or receiving payment so it can be used for other expenses. Scholarships shall be paid from the Idaho Incentive Scholarship fund which is hereby created. Moneys in the fund shall consist of appropriations, donation, grants or moneys from any other source. Moneys in the fund may be expended pursuant to appropriation and scholarships shall be awarded only to the extent that funds are available.
- (3) The state board of education and the board of regents of the university of Idaho may promulgate rules and prescribe necessary forms to implement the provisions of this section. Students graduating in calendar year 2001 and thereafter shall be eligible to receive scholarships from the Idaho Incentive Scholarship Fund.

SECTION 2. This act shall be in full force and effect on and after January 1, 2001.

### **ITEM 6.3      LEGISLATIVE PROPOSAL - INTERIM COMMITTEE ON TEACHER / ADMINISTRATOR CONTRACT LAW**

#### **Background:**

A Legislative Interim Committee on Teacher/Administrator Contract Law was established last session to undertake and complete a study of Idaho laws regarding teacher and administrator contract and evaluation processes and prepare legislation for modifications and improvements to the system. The Committee has met several times over the last few months and has agreed on draft legislation for introduction this session. (Item 6.3A)

#### **Discussion:**

Representative Tilman was at the Legislative Committee meeting to present this draft legislation. He explained that this change in Code deals only with those teachers within their first three years of employment with a district. He reported that the main changes include creating three categories of annual contracts, clarifying the probationary provision, changing the date of notification for future employment, giving districts the option to hire veteran teachers on a renewable contract status, and providing a formal process for peer review, mentoring etc. for beginning teachers. He alluded to the request for \$2 million to implement the changes and confirmed that if the dollars are not appropriated, the act will not go into effect.

Dr. Howard expressed concern over section (2)(b), which provides the State Department “approve” school district support programs. She stated that the Department could collect them, but did not feel they should pass judgement on them, leaving discretion to the local districts. She also clarified that the \$2 million appropriation to implement this law is over and above what is currently being requested for public school support. Representative Tilman responded by stating that the central approval and evaluation is needed to assure the support programs are adequate and meet the intent of the law. He also indicated that currently there is wide variation among districts in the quality of teacher support programs.

#### **Committee Action:**

*To agree by consensus to recommend the Board endorse the concept presented in the legislative proposal in Item 6.3A related to Teacher / Administrator Contracts.*

#### **Board Action:**

**It was moved by \_\_\_\_\_ and carried to endorse / not endorse / endorse with comment the concept presented in the legislative proposal in Item 6.3A related to Teacher / Administrator Contracts.**

## ITEM 6.3A

### AN ACT

RELATED TO ANNUAL CONTRACTS FOR CERTIFICATED SCHOOL DISTRICT EMPLOYEES;  
Be It Enacted by the Legislature of the State of Idaho:

Section 1. That Section 33-514, Idaho Code, be, and the same is hereby amended to read as follows:

#### 33-514. ISSUANCE OF ANNUAL CONTRACTS. – SUPPORT PROGRAMS – CATEGORIES OF CONTRACTS – OPTIONAL PLACEMENT.

- (1) The board of trustees shall establish criteria and procedures for the supervision and evaluation of certificated employees who are not employed on a renewable contract, as provided for in section 33-515, Idaho Code.
- (2) Each school district shall have a support program for certificated employees who are experiencing their first three (3) years with a district, under a category 1, 2, or 3 contract, providing support in the areas of: administrative and supervisory support, peer assistance, mentoring, and professional development. In developing support programs, nothing shall prevent districts from joining together to formulate a joint program applicable to each member district. Programs shall be submitted for approval to the state department of education in accordance with procedures established by the department. The state department of education is hereby authorized and directed to:
  - (a) Formulate basic guidelines which districts shall use as a model for developing district programs; and
  - (b) Approve school district support programs; and
  - (c) Establish procedures for districts to submit programs for approval, to provide for periodic review of previously approved programs, and to allow districts to amend previously approved programs.
- (3) There shall be three (3) categories of annual contracts available to local school districts under which to employ certificated personnel:
  - (a) A category 1 contract is a limited one-year contract as provided in section 33-514A, Idaho Code.
  - (b) A category 2 contract is for certificated personnel in the first and second years of continuous employment with the same school district. While employed under a category 2 contract, the employee shall be provided the services of the district support program referenced in subsection (2) of this section. Upon the decision by a local school board not to reemploy the person for the following year, the certificated employee shall be provided a written statement of reasons for non-reemployment by no later than May 25. No property rights shall attach to a category 2 contract and therefore the employee shall not be entitled to a review by the local board of the reasons or decision not to reemploy.
  - (c) A category 3 contract is for certificated personnel during the third year of continuous employment by the same school district. Such procedures shall require at least one (1) evaluation prior to the beginning of the second semester of the school year and the results of any such evaluation shall be made a matter of record in the employee's personnel file. When any such employee's work is found to be unsatisfactory a ~~reasonable~~ defined period of probation shall be established by the board ~~after which~~, but in no case shall a probationary period be less than eight (8) weeks. After the probationary period, action shall be taken by the board as to whether the employee is to be retained, immediately discharged, discharged upon termination of the current contract or reemployed at the end of the contract term under a continued probationary status. Notwithstanding the provisions of sections 67-2344 and 67-2345, Idaho Code, a decision to place certificated personnel on probationary status may be made in executive session and the employee shall not be named in the minutes of the meeting. A record of the decision shall be placed in the

employee's personnel file. This procedure shall not preclude recognition of unsatisfactory work at a subsequent evaluation and the establishment of a reasonable period of probation. In all instances, the employee shall be duly notified in writing of the areas of work which are deficient, including the conditions of probation. ~~Through the third year of continuous employment by the same school district, including any specially chartered district, each~~ **Each** such certificated employee **on a category 3 contract** shall be given notice, in writing, whether he or she will be reemployed for the next ensuing year. Such notice shall be given by the board of trustees no later than the **twenty-fifth** day of ~~June~~ **May** of each such year. If the board of trustees has decided not to reemploy the certificated employee, then the notice must contain a statement of reasons for such decision and the employee shall, upon request, be given the opportunity for an informal review of such decision by the board of trustees. **The parameters of an informal review shall be determined by the local board.**

- (4) School districts hiring an employee who has been on renewable contract status with another Idaho district or has out-of-state experience which would otherwise qualify the certificated employee for renewable contract status in Idaho, shall have the option to immediately grant renewable contract status, or to place the employee on a category 3 annual contract. Such employment on a category 3 contract under the provisions of this subsection may be for one (1), two (2), or three (3) years.**
- (5) There shall be a minimum of two (2) written evaluations in each of the annual contract years of employment, and at least one (1) evaluation shall be completed before January first of each year. The provisions of this subsection (5) shall not apply to employees on a category 1 contract.**

SECTION 2. That Section 33-514A, Idaho Code, be, and the same is hereby amended to read as follows: 33-514A. ISSUANCE OF LIMITED **CONTRACT – CATEGORY 1 CONTRACT**. After August 1, the board of trustees may exercise the option of employing certified personnel on a one (1) year limited contract, **which may also be referred to as a category 1 contract consistent with the provision of section 33-514, Idaho Code.** Such a contract is specifically offered for the limited duration of the ensuing school year, and no further notice is required by the district to terminate the contract at the conclusion of the contract year.

**SECTION 3: It is legislative intent that the fiscal year 2001 public school support bill contain additional funds for distribution by the superintendent of public instruction to the various school districts. The purpose of the funds is to provide for administrative and supervisory support, peer assistance, mentoring, and professional development support programs as required by Section 33-514, Idaho Code, as amended in Section 1 of this Act. It is recommended that \$2,000,000 be appropriated in fiscal year 2001 for development and operation of such support programs and that these funds be distributed to school districts pro rata based upon the number of certificated employees who are experiencing their first three years with the district under a category 1, 2, or 3 contract.**

SECTION 4. (1). If no appropriation is made by the 2000 Legislature for fiscal year 2001 for support programs in Section 33-514, Idaho Code, as amended in Section 1 of this Act, this Act shall be null, void, and of no force or effect.

(2) If an appropriation is made by the 2000 Legislature for fiscal year 2001, this Act shall have full force and effect on and after April 1, 2001.

## **ITEM 6.4 LEGISLATIVE PROPOSAL – WEAPONS ON SCHOOL GROUNDS**

### **Background:**

Last session, Representative Randy Hansen submitted legislation that would have amended existing criminal statutes to provide that both juveniles and adults are prohibited from carrying weapons on school grounds, providing certain exceptions for adults. The legislation was amended to provide an exception for students if their weapon was secured in a vehicle, and to those with concealed weapon permits, and it was ultimately vetoed.

Representative Hansen assembled interested parties from the fields of education, law enforcement and sporting/rifle associations in the interim and the group has agreed on draft legislation that Representative Hansen will introduce this session.

Currently, criminal statute in Idaho Code related to weapons on school grounds only applies to persons under the age of twenty-one, and to those with a concealed weapon. The draft legislation makes the following major changes:

- Application to all persons on school grounds, not just those under 21
- Application to any student from any school when at school sponsored events off school grounds
- Changes term “Carry” to “Possess” and provides a definition
- Applies federal definitions for firearm and deadly or dangerous weapon
- Provides for six clearly organized exceptions

### **Discussion:**

After several meetings that included Legislators Randy Hansen, Mike Moyle and Shirley McKague and representatives from the Idaho Education Association, Idaho Association of School Administrators, State Department of Education, Idaho Rifle & Pistol Association, National Rifle Association, and Department of Law Enforcement, the draft legislation (Item 6.4A) was agreed upon. Education’s initial proposal to Representative Hansen was to not allow any weapons on school grounds, with the only exception being for a peace officer. This legislative proposal obviously represents a compromise, among groups with fairly differing perspectives. In the end, the education representatives came away with the understanding that this proposal, although, not perfect or as restrictive as it could be, is better than the law that is currently on the books. The decision remaining is to either support this as a step in the right direction or propose something more restrictive.

Several questions were raised at the Committee meeting with regard to this legislation. Staff has compiled information in an attempt to answer those questions and clarify some issues, which can be found in following the draft legislation as Item 6.4B.

### **Committee Action:**

***Since the expanded information was not available at the Committee meeting, the Committee agreed by consensus to forward this item to the full Board for consideration and action without recommendation.***

### **Board Action:**

Representative Hansen has requested that the Board review the draft and if supportive, provide a letter of endorsement that he can present when introducing the legislation. The Board may wish to endorse the attached, provide suggestions for amendments, or provide a blanket statement regarding weapons on school grounds.

**It was moved by \_\_\_\_\_ and carried to endorse / not endorse / endorse with comment the draft legislation in Item 6.4A related to weapons on school grounds.**

## ITEM 6.4A

TITLE 18  
CRIMES AND PUNISHMENTS  
CHAPTER 33  
FIREARMS, EXPLOSIVES AND  
OTHER DEADLY WEAPONS

18-3302D. ~~CARRYING~~ **POSSESSING** WEAPONS OR FIREARMS ON SCHOOL PROPERTY.

(1)(a). It shall be unlawful and is a misdemeanor for any person ~~under the age of twenty one (21) to carry~~ **possess** a firearm, ~~dirk knife, bowie knife, dagger, metal knuckles~~ or other deadly or dangerous weapon ~~on or about his person~~ while on the property of a school or in those portions of any building, stadium or other structure on school grounds which were, at the time of the violation, being used for an activity sponsored by or through ~~such~~ a school in this state or while riding school provided transportation.

- (b) **The provisions of this section regarding the possession of a firearm or deadly or dangerous weapon on school property shall also apply to students of schools while attending or participating in any school sponsored activity, program or event regardless of location.**

~~Provisions of this section shall not apply to persons in private vehicles delivering children to and from school or school activities. Persons who are found guilty of violating the provisions of this section may be sentenced to a jail term of not more than one (1) year, or if a minor, not in excess of one hundred twenty (120) days in a juvenile detention facility, or fined an amount not in excess of one thousand dollars (\$1,000) or both. Additionally, the board of trustees of a school district shall expel any person violating the provisions of this section if the violator is a student. The school shall immediately suspend the student pursuant to the provisions of section 33-205, Idaho Code. If a violator is a student and under the age of eighteen (18), the court may place the violator on probation and suspend the juvenile detention or fine or both as long as the violator is enrolled in a program of study recognized by the court that, upon successful completion, will grant the violator a general equivalency diploma (GED) or a high school diploma or other educational program authorized by the court. Upon successful completion of the terms imposed by the court, the court shall discharge the offender from serving the remainder of the sentence. If the violator does not complete, is suspended from or otherwise withdraws from the program of study imposed by the court, the court, upon receiving such information, shall order the violator to commence serving the sentence provided for in this section.~~

- (2) **Definitions. As used in this section:**

(a) **“Firearm” means any firearm as defined in section 921 of title 18 of the United States Code.**

(b) **“Deadly or dangerous weapon” means any weapon defined in section 930, of title 18 of the United States Code.**

(c) "Minor" means a person under the age of eighteen (18) years.

(d) "Possess" means (1) to bring an object, or to cause it to be brought, onto the property of a public or private elementary or secondary school; or to exercise dominion and control over an object located anywhere on such property.

(e) "School" means any public or private elementary or secondary school.

(3) Right to search students or minors. For purposes of enforcing the provisions of this section, employees of a school district shall ~~be deemed to have the right to search all students or minors, including their belongings and lockers, that are reasonably believed to be in violation of the provisions of this section, or applicable school rule or district policy, regarding the carrying~~ **possessing** of a firearm, ~~dirk knife, bowie knife, dagger, metal knuckles or other deadly or dangerous weapon. A person shall not be deemed to be in violation of the provisions of this section if he is carrying a firearm as part of the requirements for a hunter safety course offered by or approved by the school district, or if the person is carrying a firearm while under the supervision of the school district or an employee thereof authorized to give such permission, or if the person is carrying the firearm pursuant to a requirement of law or in compliance with law.~~

~~(3) — As used in this section:~~

~~—(a) "Deadly or dangerous weapon" means any weapon as defined in federal law in section 921 of title 18 of the United States Code.~~

~~—(b) "Firearm" means a pistol, revolver or other firearm designed to be fired with the use of a single hand.~~

~~—(c) "Minor" means a person under the age of eighteen (18) years.~~

(4) The provisions of this section shall not apply to the following person:

(a) A peace officer;

(b) A person who lawfully possesses a firearm or deadly or dangerous weapon as an appropriate part of a program, event, activity, or other circumstance approved by the board of trustees or governing board.

(c) A person or persons complying with the provisions of section 19-202A, Idaho Code.

(d) Any adult over eighteen (18) years of age and not enrolled in a public or private elementary or secondary school who has lawful possession of a firearm or other deadly or dangerous weapon secured and locked in his vehicle in an unobtrusive, non-threatening manner.

(e) Persons who lawfully possess a firearm or other deadly or dangerous weapon in private vehicles delivering children to and from school or school activities.

(f) Notwithstanding Idaho Code 18-3302C, a person or an employee of the school or school district who is authorized to carry a firearm or other deadly or dangerous weapon with the permission of the board of trustees of the school district or the governing board.



**(5) Penalties. Persons who are found guilty of violating the provisions of this section may be sentenced to a jail term of not more than one (1) year or fined an amount not in excess of one thousand dollars (\$1000) or both. If a violator is a student under the age of eighteen (18), the court may place the violator on probation and suspend the juvenile detention or fine or both as long as the violator is enrolled in a program of study recognized by the court that upon successful completion, will grant the violator a general equivalency diploma (GED) or a high school diploma or other educational program authorized by the court. Upon successful completion of the terms imposed by the court, the court shall discharge the offender from serving the remainder of the sentence. If the violator does not complete, is suspended from, or otherwise withdraws from the program of study imposed by the court, the court, upon receiving such information, shall order the violator to commence serving the sentence provided for in this section.**

**SECTION 2. That section 18-3302C, Idaho Code, be, and the same is hereby amended to read as follows:**

18-3302C. PROHIBITED CONDUCT. Any person obtaining a license under the provisions of section 18-3302, Idaho Code, shall not:

- (1) Carry a concealed weapon in a courthouse, juvenile detention facility or jail, public or private school **except as provided in subsection (4) (f) of section 18-3302D, Idaho Code;** or
- (2) Provide information on the application for a permit to carry a concealed weapon knowing the same to be untrue. Any person violating the provision of this section shall be guilty of a misdemeanor.

SECTION 3. This act shall be in full force and effect on and after July 1, 2000.

## ITEM 6.4B

### CLARIFICATIONS FOR WEAPONS ON SCHOOL GROUNDS LEGISLATIVE PROPOSAL

#### **1. Why was the reference to the Gun Free Schools Act (GFSA) taken out of the current statute?**

The reference to the federal act was removed for two reasons: statutory organization and redundancy. Idaho Code § 18-3302D is a criminal statute, which independently characterizes conduct as criminal and sets penalties. Reference to a civil (non-criminal) statute such as the GFSA is a result of poor drafting because it improperly mixes the civil remedy (expulsion) with the criminal penalties of the statute. The language was redundant because the same language appears in Idaho Code § 33-205, which is a civil statute specifically addressing expulsion of students for bringing weapons on school property. Removing the language from 18-3302D has no effect on the enforceability of expulsion under 33-205, and does not put the state out of compliance with the GFSA because it is still covered under 33-205.

#### **2. Is there a double-jeopardy problem with a prosecution under 18-3302D and expulsion under 33-205?**

Neither prosecution and subsequent expulsion, nor expulsion prior to prosecution give rise to a double-jeopardy challenge. Prosecution under 18-3302D is a criminal proceeding under a specific statute, whereas expulsion under 33-205 is an administrative civil proceeding, and one does not bar the other. By way of example, the Idaho Supreme Court, in *State v. Talavera*, has determined that an administrative license suspension for refusing to take a breath test, a civil proceeding, does not bar prosecution for the underlying DUI charge, a criminal proceeding, or vice versa, even though the different actions arise from the same set of facts. The public's interests in each proceeding, as well as the person's rights, are sufficiently different under each make the prohibition against double jeopardy inapplicable.

#### **3. Exceptions d – f: allowing certain persons to possess weapons under certain circumstances**

**Exception (d)** is a compromise provision. The discussion that brought forth this provision primarily focused on the desire not to criminalize the behavior of an otherwise law-abiding person who enters school property to vote or engage in some other activity, and leaves a firearm in their vehicle. The keys to enforcement are the elements of "lawful possession," "locked and secured in his vehicle," and "unobtrusive, non-threatening manner."

"Lawful possession" denotes that the person is not otherwise prohibited, by reason of age, felony conviction, or other legal status (subject to domestic protection order, habitual drug user, mental incompetence, etc.). It also refers to the type of weapon and allowable method of storage. Rifles and shotguns are not subject to concealed weapons laws [Idaho Code § 18-3302(7)]. Handguns may be legally concealed in a motor vehicle if they are unloaded, and may be kept loaded if they are in plain view [Idaho Code § 18-3302(9)]. The prohibitions against unlawfully concealed weapons in a motor vehicle only apply when a person is in the motor vehicle; thus, on exiting a car, a person can take the weapon from plain view, conceal it, and leave the vehicle. When he returns, he must return the weapon to plain view.

“Locked and secured in his vehicle” obviously requires that the person lock the vehicle’s doors, but it is unclear whether the weapon must be secured – locked in a glove box or other container- or the vehicle must be secured (i.e., all windows closed).

The education representatives also expressed concern over the use of the word “unobtrusive” because of its potential ambiguity and because it may be akin to concealment. Representatives from law enforcement did not express great concern over enforcement of the provision. The context of this exception indicates it is designed to cover weapons in unoccupied vehicles, and prohibitions against concealed weapons are designed to apply only to a weapon “on or about the person” or when a person occupies a vehicle. Thus, there is no dilemma of being in violation of the concealed weapons law by complying with the requirement that a weapon be stored out of view.

Law enforcement representatives felt that “non-threatening manner” did not pose a difficulty in enforcement because they felt Idaho Code § 18-3303 (exhibition of a firearm in an rude, angry or threatening manner) satisfactorily defines what constitutes a “threatening” display of a weapon. Both law enforcement and firearms enthusiasts agreed that storing a rifle or shotgun in a gun rack would not violate this provision.

**Exception (e)** is designed to exempt from criminal charges the otherwise lawful behavior of a parent, neighbor, or other individual whose only purpose in being on school property is to drop off or pick up students. The weapon must be lawfully possessed by an individual for this exemption to apply. This provision is virtually identical to the exception that already exists. Law enforcement representatives felt there were no enforcement difficulties with this provision.

**Exception (f)** contains two material elements. It allows the local board of trustees to determine who may carry a weapon on school property, and, for persons so authorized who have concealed weapon permits, it exempts them from criminal charges under Idaho Code § 18-3302C, which prohibits persons with concealed weapons licenses from carrying weapons on school property. Another section of this bill correspondingly amends § 18-3302C to exempt from criminal charges persons authorized by the board of trustees to carry a concealed weapon on school property. This provision was inserted to allow private or volunteer security personnel, with the approval of the board of trustees, to carry weapons on school property. It was also inserted to allow, for example, the board of trustees to authorize an employee who is in reasonable fear of violence, such as a victim of domestic violence, to keep a weapon for protection. The provision allowing concealed carry by permittees was intended to reduce visibility of the weapon so students and personnel would not focus on it or attempt to touch an exposed weapon. Both Education and law enforcement representatives expressed reservations about this provision. Firearm enthusiasts who also reside in rural school districts supported the provision on the basis they often rely on non-law enforcement individuals for security purposes. This provision was accepted in compromise because it preserves local authority and provides for review on a case-by-case basis by the board of trustees, upon whose discretion the patrons rely to protect the best interests of the students and staff.

### **Federal Definitions**

**“Firearm”** means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not

include an antique firearm. (Any “destructive device” means any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or device similar to any of the devices described in the preceding clauses; any type of weapon {other than a shotgun or a shotgun shell which the Secretary finds is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one half-inch in diameter; and any combination of parts either designed or intended for use in converting any device into any destructive device described in subparagraph (A) or (B) and from which a destructive device may be readily assembled.

**“Dangerous weapon”** means a weapon , device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 1/2 inches in length.

## **ITEM 6.5      LEGISLATIVE PROPOSAL – CONSTRUCTION / RENOVATION OF STATE FACILITIES**

### **Background:**

Senator Bunderson has met with the Presidents of our public institutions and discussed options for financing or leasing (tantamount to purchase) new facilities. With only \$10-12 million going into the Permanent Building Fund each year, the Fund is unable to meet the facility building/renovation requirements of our postsecondary institutions and other state facilities needs. If the flow of funds could be increased (e.g. interest earned on tobacco settlement funds), the impact of leveraging would be even greater. Bond issues currently require a concurrent resolution of the legislature. Such a resolution may be sponsored this session, and if the Board concurs, would be supported by the colleges/universities.

### **Discussion:**

Additionally, Senator Bunderson was at the meeting and presented the following items of legislation that he is considering introducing this session to provide better planning/flexibility in the construction purchase/lease of state facilities.

- A new section would be added to Chapter 57, Title 67, Idaho Code to require state agencies to prepare and maintain a five year facility needs plan and report projected budget needs at their annual budget hearing. (see 6.5A)
- Title 67 would be amended to allow, during the interim between regular legislative sessions (in lieu of a concurrent resolution of the legislature), authority to provide a specific state facility if the Senate Pro-Tempore, the Speaker of the House, and the State Board of Examiners concur. (see 6.5B)
- A concurrent resolution would be introduced to authorize the State Department of Administration to identify leases of state buildings or facilities that would produce significant long-term savings if canceled and the State Building Authority either purchased the building or facility or provided another building or facility for the state agency. As in the above paragraph, if the Pro-Tempore, Speaker, and Board of Examiners all concur, they could proceed during an interim between regular legislative sessions. (see 6.5C)
- A new section would be added to Chapter 3, Title 58, Idaho Code to exempt state real estate from state surplus property law. Proceeds from the sale of surplus state real estate would first be available to the losing agency. (see 6.5D)
- A new section would be added to Title 58 to require the establishment of an integrated database and comprehensive geographic information system for all property and encumbrances owned by the state. (see 6.5E)

The Committee agreed with concerns expressed by Kevin Satterlee that inclusion of institutions in the definition of ‘state agency’ (last paragraph, Item 6.5D) would limit control over institutional property currently granted in statute to the Board and institutions. Senator Bunderson indicated willingness to exempt the institutions from the definition of ‘state agency’ in his legislative proposal.

John Franden explained a related issue, that the Idaho Housing and Finance Authority (IHFA) cannot issue bonds with payments being made from state funds, but they can have a foundation (non-profit) make the payments. However, as a matter of policy, the IHFA has been reluctant to do this. He continued that if a concurrent resolution allowing the IHFA to work with non-profit foundations in

issuing and financing bonds were passed, they may be more willing to work with the institutional foundations in issuing bonds.

Senator Bunderson clarified that the IHFA does, in current statute, have this power, but has been reluctant to use it. He stated that a concurrent resolution would mainly reiterate what the law already provides and should move through the Legislature easily.

Staff was directed to work with institutional representatives and the IHFA in drafting the aforementioned concurrent resolution for consideration by the Board and sponsored by Senator Bunderson. A draft of this resolution is being developed and will be forwarded under separate cover.

**Committee Action:**

*It was moved by McGee, seconded and carried to recommend the Board endorse the draft legislation shown in Item 6.5A, 6.5B, 6.5C, 6.5D, and 6.5E, with the caveat that the postsecondary institutions be exempted from the definition of state agency as shown in Item 6.5D. Motion carried 2-0, with Dr. Howard abstaining due to issues currently facing the Land Board, of which she is a member.*

**Board Action:**

- A. It was moved by \_\_\_\_\_ and carried to endorse / not endorse / endorse with comment the draft legislation shown in Item 6.5A, 6.5B, 6.5C, and 6.5E.
- B. It was moved by \_\_\_\_\_ and carried to endorse / not endorse / endorse with comment the draft legislation shown in Item 6.5D, with the caveat that the postsecondary institutions be exempted from the definition of state agency as shown.
- C. It was moved by \_\_\_\_\_, seconded by \_\_\_\_\_ and carried to endorse / not endorse / endorse with comment the draft concurrent resolution encouraging the IHFA to work with non-profit foundations in issuing bonds. (distributed separately)

**ITEM 6.5A**

**SEE HARDCOPY FOR DRAFT LEGISLATION**

**ITEM 6.5B**

**SEE HARDCOPY FOR DRAFT LEGISLATION**



**ITEM 6.5C**

**SEE HARDCOPY FOR DRAFT LEGISLATION**

**ITEM 6.5D**

**SEE HARDCOPY FOR DRAFT LEGISLATION**

**ITEM 6.5E**

**SEE HARDCOPY FOR DRAFT LEGISLATION**

**ITEM 6.5E**

**SEE HARDCOPY FOR DRAFT LEGISLATION**

**ITEM 6.5E**

**SEE HARDCOPY FOR DRAFT LEGISLATION**

## **ITEM 6.6 RECOMMENDATIONS FROM THE INTERIM COMMITTEE ON PERSI**

### **Background:**

A legislative interim committee was formed last session to undertake a complete study of the Public Employee Retirement System and options that could provide enhancements or alternatives to the existing provisions. The Public Employee Retirement System membership is just under 100,000, with the largest group of members being school district employees (28%). The Committee has held public hearings throughout the state, and has taken testimony and gathered information from interested employee groups, financial planners, and legislative and PERSI staff.

### **Discussion:**

Senator Bunderson was present at the meeting to discuss the Interim Committee's recommendations, which will include:

- A concurrent resolution stating the intent of the legislature to maintain a fully funded system at a 100% funded ratio with a stabilization reserve sufficient to absorb normal market fluctuations within one standard deviation without a contribution rate increase.
- Developing a defined contribution component that includes gain sharing, to kick in when PERSI is fully funded plus one standard deviation as determined by the PERSI Board. The gain share will be allocated according to the contribution balances of employers, employees and retirees.
- Changing the multiplier on the defined benefit plan (multiplier x months of service x base salary = retirement benefit) from 1.917 to 2.0 for general employees and 2.225 to 2.3 for police/firefighters.

Senator Bunderson also spoke to the attachments that appear in Item 6.6A, which include figures considered by the PERSI Interim Committee when making their decisions.

Marty Peterson noted that the institutions have been paying a percentage into PERSI based on employees that do not participate to help pay for the unfunded liability. He suggested that since the unfunded liability is no longer a problem, it may not be necessary for the institutions to contribute this percentage to PERSI. Senator Bunderson replied that Mr. Peterson's idea had merit and the policy requiring employer PERSI contributions for those under the ORP (not in PERSI) should be reviewed since PERSI no longer has an unfunded liability.

### **Committee Action:**

*The Legislative Committee, by consensus, supported the recommendations of the Interim Committee on PERSI in concept, and directed staff to work with institutional representatives to develop legislation to address the requirement that institutions pay into PERSI based on employees that do not participate in the plan. (Additional information on this item will be distributed under separate cover) for consideration and action at the January Board meeting, along with any legislative proposals related to the PERSI Interim Committee's recommendations.*

### **Board Action:**

- A. It was moved by \_\_\_\_\_, and carried to endorse / not endorse / endorse with comment the recommendations of the Interim Committee on PERSI.
- B. It was moved by \_\_\_\_\_, and carried to endorse / not endorse / endorse with comment the proposal to reduce or eliminate employer PERSI contributions for ORP employees when a PERSI unfunded liability does not exist.

**ITEM 6.6A**

**SEE HARDCOPY**

**ITEM 6.6A**

**SEE HARDCOPY**



**ITEM 6.6A**

**SEE HARDCOPY**

**ITEM 6.6A**

**SEE HARDCOPY**

**ITEM 6.6A**

**SEE HARDCOPY**

**ITEM 6.6A**

**SEE HARDCOPY**

**ITEM 6.6A**

**SEE HARDCOPY**

## **ITEM 6.7 POSSIBLE LEGISLATIVE PROPOSALS – CHARACTER EDUCATION**

### **Background:**

It is anticipated that Representative Tom Trail and Representative Max Mortensen may submit a legislative proposal on character education. Senator Mortensen has indicated it may reflect a measure introduced in Virginia in 1999 that

- provided school districts establish character education programs,
- provided that the state board of education
  - establish criteria for character education programs;
  - provide assistance to districts in implementation and with resources to ensure success of their programs;
  - identify and analyze effective character education programs and practices and collect and disseminate information regarding such programs and practices and potential funding and support sources;
  - provide resources supporting professional development for administrators and teachers in the delivery of any character education program; and
  - award funds, as appropriated for the purpose, to school boards in the form of grants for the implementation of innovative character education programs.

Representative Mortensen has agreed to keep staff informed of their proposal and has stated he welcomes input from the SBOE on this measure. It is possible a draft will be forwarded in time for consideration at the January Board meeting.

### **Discussion:**

Mr. Eaton suggested that Idaho Code already adequately addresses character education; that we focus on what already exists in Code, and not add requirements to the law unnecessarily.

### **Committee Action:**

***The Committee took no action, pending receipt of actual legislative proposals. Any proposals received will be forwarded under separate cover for consideration and action by the full Board at the January meeting.***

## **ITEM 6.8 POSSIBLE LEGISLATIVE PROPOSALS – COMMUNITY COLLEGE FUNDING**

### **Background:**

Representative Don Pischner and other state legislators from legislative districts containing community colleges may be seeking tax relief for their constituents who pay property taxes in support of a community college. While no specific proposal is yet available, two approaches are being discussed:

- Reduce the level of property tax support to each of the two community colleges replacing it with an increase in the state general fund appropriation. There would always remain some local property tax support to the schools.
- Provide people who pay property taxes in support on community colleges a state income tax credit for some or all of the property taxes paid to community colleges. The net effect is still a shift of the funding burden from property taxes to the state.

### **Discussion:**

Mr. Eaton explained that individuals in some counties with a community college are paying fairly large amounts in property taxes to subsidize the college. He stated that it would become more equitable if that amount was reduced; however, because there is realized benefit to having the colleges locally controlled, and there has to be a price for that, local property tax support should not be eliminated altogether.

Mr. Boyd reminded everyone that this is not a new issue, but has come up from time to time throughout the years, with governance being the key issue.

### **Committee Action:**

***The Committee took no action, pending receipt of actual legislative proposals. Any proposals received will be forwarded under separate cover for consideration and action by the full Board at the January meeting.***

## **ITEM 6.9      LEGISLATIVE PROPOSAL – SEPARATE SCHOOLS**

Dr. West presented Item 6.9A, which outlines the State Department of Education's suggestions to resolve funding issues related to overpayments to several school districts for separate schools not meeting the definition of separate schools as currently defined in Idaho Code. He reported that this suggestion was drafted with recommendations from Senator McLaughlin and Representative Kempton, who both reside in districts that would be affected. Representative Kempton is also interested in adding a 'hold harmless' agreement to the proposal since the last change to this statute precipitated the overpayment problem.

### **Committee Action:**

*By consensus, the Committee deferred action on this proposal in favor of discussion and action by the full Board.*

### **Board Action:**

**It was moved by \_\_\_\_\_, and carried to endorse / not endorse / endorse with comment the SDE legislative proposal for funding separate schools.**



**ITEM 6.9A**

**SEE HARDCOPY**

**ITEM 6.9A**

**SEE HARDCOPY**

**ITEM 6.9A**

**SEE HARDCOPY**

**ITEM 6.9A**

**SEE HARDCOPY**

**ITEM 6.9A**

**SEE HARDCOPY**

**ITEM 6.9A**

**SEE HARDCOPY**

**ITEM 6.9A**

**SEE HARDCOPY**

**ITEM 6.9A**

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**SEE HARDCOPY**

## **ITEM 6.10 GOVERNOR'S INITIATIVES**

Dr. Tom Morley was present at the meeting and spoke to the Committee about an initiative to create Internet courses for secondary students in Idaho. He reported that some districts are already offering them, as well as many other states. He expressed interest in taking a proactive approach and developing pilot courses with the help of the postsecondary institutions to offer to Idaho youth as a supplemental service to current programs, but certainly not as a replacement for traditional offerings.

The Governor's Office is also contemplating several legislative proposals this session that will impact education; however, in anticipation of the Governor's State of the State Address, Dr. Morley was not at liberty to discuss specifics at this time. He indicated a desire to work with Board members once the legislative proposals are drafted and ready for introduction, and may be in a position to provide more information at the January Board meeting.

### **Committee Action:**

*The Committee took no action, pending receipt of actual legislative proposals. Any proposals received will be forwarded under separate cover for consideration and action by the full Board at the January meeting.*

## **ITEM 6.11 REPORT AND RECOMMENDATIONS FROM THE GOVERNOR'S COMMITTEE ON SCHOOL FACILITIES**

To supplement information received from Mr. Terrell at the SBOE Videoconference in November, attached as Item 6.11A is the Final Report and Recommendations from the Governor's School Facilities Committee for your information.

As a reminder, at the November meeting the Board passed a motion to support efforts and legislation that would enable a local school district to fix any life and safety problems apparent in their school facilities. Should legislative proposals connected to the work of the Governor's Facilities Committee become available, they will be forwarded to the Board members under separate cover.

### **Committee Action:**

*By consensus, the Committee deferred discussion and possible action on the Governor's School Facilities Committee Report to the full Board.*

**ITEM 6.11A**

**SEE HARDCOPY**

**ITEM 6.11A**

**SEE HARDCOPY**

**ITEM 6.11A**

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**ITEM 6.11A**

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**ITEM 6.11A**

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**ITEM 6.11A**

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**ITEM 6.11A**

**SEE HARDCOPY**

**ITEM 6.11A**

**SEE HARDCOPY**

## **ITEM 6.12    OTHER LEGISLATIVE ITEMS OF INTEREST**

### **Background:**

Mike Rush reported that some school districts are concerned that the salary-based apportionment for teachers contained in Idaho Code is not equitable in its treatment of professional-technical teachers who hold the Occupational Specialist Certification. The salary-based apportionment begins with the baccalaureate degree and increases district salary allocations for teachers based on additional education, beyond the baccalaureate degree, and years of service; however, many professional-technical teachers, while fully certified, do not have baccalaureate degrees. Although districts create their own salary schedules, and generally include incentives based on years of service and additional education regardless of an employee's initial education level, the State Department of Education reimburses districts based on the schedule outlined in Idaho Code § 33-1004A, which does not account for teachers without baccalaureate degrees. Thus, for example, if a professional-technical teacher (without a baccalaureate degree) completed 12 credits of continuing education, the school district would likely compensate that individual based on the additional education plus the person's years of service, but the State would only reimburse the district based on years of service.

### **Discussion:**

The Division of Professional-Technical Education, working with the State Department of Education, has drafted proposed legislation to correct the problem (Item 6.12A). It suggests language be added to Idaho Code 33-1004A that provides for anyone holding the Occupational Specialist Certificate be treated as if they have a baccalaureate degree for purposes of the salary schedule.

### **Committee Action:**

*By consensus, the Committee deferred action pending the inclusion of the legislative proposal in the agenda and discussion/action by the full Board.*

### **Board Action:**

**It was moved by \_\_\_\_\_, seconded by \_\_\_\_\_ and carried to endorse / not endorse / endorse with comment the legislative proposal shown in Item 6.12A relating to Occupational Specialist Certificate holders and the state salary multiplier.**

## ITEM 6.12A

33-1004A. EXPERIENCE AND EDUCATION MULTIPLIER. Each instructional and administrative staff position shall be assigned an appropriate multiplier based upon the following table:

### EXPERIENCE AND EDUCATION

Years	BA	BA+12	BA+24	MA BA+36	MA+12 BA+48	MA+24 BA+60	MA+36 ES/DR
0	1.00000	1.03750	1.07640	1.11680	1.15870	1.20220	1.24730
1	1.03750	1.07640	1.11680	1.15870	1.20220	1.24730	1.29410
2	1.07640	1.11680	1.15870	1.20220	1.24730	1.29410	1.34260
3	1.11680	1.15870	1.20220	1.24730	1.29410	1.34260	1.39290
4	1.15870	1.20220	1.24730	1.29410	1.34260	1.39290	1.44510
5	1.20220	1.24730	1.29410	1.34260	1.39290	1.44510	1.49930
6	1.24730	1.29410	1.34260	1.39290	1.44510	1.49930	1.55550
7	1.29410	1.34260	1.39290	1.44510	1.49930	1.55550	1.61380
8	1.34260	1.39290	1.44510	1.49930	1.55550	1.61380	1.67430
9	1.39290	1.44510	1.49930	1.55550	1.61380	1.67430	1.73710
10	1.39290	1.49930	1.55550	1.61380	1.67430	1.73710	1.80220
11	1.39290	1.49930	1.55550	1.61380	1.73710	1.80220	1.86980
12	1.39290	1.49930	1.55550	1.61380	1.73710	1.86980	1.93990
13 or more	1.39290	1.49930	1.55550	1.61380	1.73710	1.86980	2.01260

In determining the experience factor, the actual years of teaching or administrative service in an accredited public school or in an accredited private or parochial school shall be credited.

In determining the education factor, only credits earned after initial certification, based upon a transcript on file with the teacher certification office of the state department of education, earned at an institution of higher education accredited by the state board of education or a regional accrediting association, shall be allowed. Instructional staff whose initial certificate is an occupational specialist certificate shall be treated as BA degree prepared instructional staff. Credits earned by such occupational specialist instructional staff after initial certification will be credited toward the education factor.