

Subject: Year 2000 Legislative Mandates, Follow-up and Summary

Background/Discussion: This document provides a summary of the 2000 legislative session by broad category, with expanded information on mandates and follow-ups (assuming all identified items that passed the Legislature will become law). It is provided to aid the Board in reviewing the session, planning follow-up activities and preparing topics for discussion at the May Videoconference. This summary information is followed by a complete Legislative Update, which includes information and action on all legislative items tracked by Board staff this session.

2000 LEGISLATIVE SESSION

POSTSECONDARY EDUCATION

Scholarships – Senator Lee’s proposal, expanding the State of Idaho scholarship program and offering awards to Idaho secondary school graduates with a 3.0GPA, an ACT of 20 or those with a 2.5GPA or greater in a postsecondary institution, will go into effect on January 1, 2001. This legislation amended Idaho Code 33-4303 through 33-4313, which already contained provisions for the State of Idaho Scholarship Program. The bill renames the scholarship the Idaho Promise Scholarship Program and divides award amounts and eligibility criteria between category A and category B students. No dollars were appropriated for FY 2001 for category B students, however, funds were provided for scholarships for category A students in the amount of \$296,700.

- SBOE remains the administrative agency for the expanded scholarship program, with all of the same duties as prescribed by law for the previous State of Idaho Scholarship Program, but with additional duties related to the category B students as follows:
 - SBOE may establish other criteria in addition to the prescribed GPA or ACT requirements for eligibility.
 - SBOE will define what constitutes a “high school record” for student eligibility in either program, category A or category B.
 - SBOE will determine the amount of the scholarship and the number awarded annually for category B students based on the number of students eligible and the availability of funds.
 - SBOE may accept funds from public and private sources for expenditure on this program.
 - All eligible postsecondary institutions will report annually to the SBOE the number of students receiving scholarships and the number of awards that were matched by the institution.

Suggested Plan of Action:

Board staff along with staff from the postsecondary institutions will meet between now and the effective date and develop plans for administering the revised scholarship programs, make recommendations for necessary rule changes, and possibly work with legislators and others to identify possible funding sources for the category B awards.

Other successful measures:

- A college savings program was established that allows up to \$4000 per year tax deferred savings, with taxes being drawn at the beneficiary’s rate once the money is withdrawn. Also establishes an oversight Board that includes the State Superintendent of Public Instruction as a member.

- Idaho Code 67-6205 relating to the Idaho Housing and Finance Association was amended to clarify that non-profit foundations of the state colleges and universities qualify as the owner of non-profit facilities for purposes of obtaining IHFA financing.

Unsuccessful measures that may warrant follow-up:

Legislation that would have retained the authority established in the Idaho Admissions bill, that college and university endowment income be distributed to the SBOE outside of the appropriation process, was held in Senate State Affairs after overwhelmingly passing the House.

- **Kevin Satterlee has scheduled time with the Board to discuss this issue and follow up options.**

Several measures to lessen the property tax burden on community college districts, including one to establish an interim committee to study the funding strategies to community colleges versus the other public institutions were unsuccessful.

- **The SBOE may want to direct staff to research this issue, including funding options and governance questions, and be prepared to assist legislators with it in the future, as it is likely to come under consideration again next session.**

Legislation that would have provided the SBOE work cooperatively with the Department of Corrections in the determination and implementation of education for prisoners was held in the House.

- **Staff will provide information on the SBOE efforts already underway through the 70% Committee in the area of prison education to legislators, especially sponsors of this legislation.**

Legislation to cap the matriculation fees at the public, four-year college and universities at 3% failed in committee.

PUBLIC EMPLOYEE AND/OR AGENCY PROVISIONS

Legislation that provides no state agency, department or institution shall purchase, lease or otherwise procure real property to be used for office space or building lease that will require an appropriation by JFAC in current or future years without the consent of JFAC or sign off from the Governor, Pro Tem and Speaker in the interim was successful.

- **Staff will first determine whether this in fact applies to the postsecondary institutions.**
- **If it does, the SBOE may need to review current policies, procedures and practices related to property procurement and alter to be in compliance with the new statute.**

K-12 EDUCATION

Exiting Standards – The SBOE rules establishing state exiting standards were approved. Funds in the amount of \$500,000 were appropriated to develop the assessment mechanism.

- **Board and SDE staff, in conjunction with Exiting Standards Commissioners, have already begun working on a plan to develop the assessment mechanism.**

Hispanic and LEP Education – HCR 54 states findings of the Legislature in this area and directs the SBOE and the Superintendent of Public Instruction gather information on each school district's efforts to ensure that Hispanic and LEP students receive a thorough education and provide a report to the Legislature next session regarding the costs and effectiveness of each method in each district and make recommendations for improving the academic performance of these students.

Other successful measures – Several measures require follow up specifically by the State Department of Education, including:

- S 1372 addresses annual contracts for teachers and requires the SDE to formulate basic guidelines which districts shall use as a model for developing district programs to support teachers within their first three years of employment; to approve district support programs; and establish procedures for approval and periodic review of the programs.
- H 542 provides that the SDE will establish a system to obtain criminal background checks on employees or contractors for private and parochial schools.
- H 577 requires the SDE to develop a form for districts to use when requesting a waiver for school bus drivers with insulin-dependent diabetes mellitus.

School Facilities – Three items of legislation were enacted in response to the school facilities lawsuit.

H 668 creates a school safety and health revolving loan fund with the State Treasurer, establishes criteria that must be met in order to borrow from the fund, and provides repayment terms. Additionally, \$10 million was appropriated to start this fund.

- Requires that school districts conduct an annual, independent inspection of the district's school facilities to determine whether they comply with codes addressing health and safety standards for facilities, including, among other things, rules of the SBOE applicable to school facilities.
- Requires that unhealthy and unsafe conditions be abated, and that a report must be issued that identifies whether the conditions have or have not been abated. The SBOE, by rule, may provide that these reports are uniform.
- The State Treasurer may call on the assistance of the SBOE, among others, in reviewing applicants for loans and ensuring they meet the criteria set forth.

H 678 establishes an Idaho uniform school building safety code commission, which shall develop uniform safety code and provide for enforcement of the code.

- The Code Commission consists of nine members, including the State Superintendent of Public Instruction (SPI), and is created within the office of the SPI.
- The newly developed uniform code shall address elements of national codes identified in Idaho Code 39-4109 and SBOE rule 08.02.02.130. Until the new code is adopted, this SBOE rule and Idaho Code section shall serve as the interim Idaho uniform school building safety code.
- The administrator of the division of building safety, in cooperation with the Superintendent of Public Instruction shall enforce the provisions of the uniform code.
- The administrator may inspect all public school buildings for compliance with the uniform code and enforce violations. If an imminent safety hazard exists, this measure provides that the administrator may mandate school district action.
- If a district willfully violates the provisions of this legislation, the SPI with the concurrence of the SBOE, may withhold funds as necessary to address the identified safety hazard.

Suggested Plan of Action:

It is the opinion of OSBE staff that in order to maximize the benefit of these two legislative items, they need to be tied together to ensure, among other things, that the inspection required in H668 is in accordance with the uniform building code to be established by H678 and to provide that the inspection performed by the administrator identified in H678 can be used for the annual inspection required in H668.

This can be accomplished by SBOE rule. With the Board's permission, staff, in cooperation with the SPI and SDE, will begin drafting rules related to the

aforementioned, and will correspond with the bill sponsors to ensure that the intent of the rules match the intent and requirements of the new statutes. In summary, the SBOE can effectively integrate these differing statutes by rule to achieve the best results.

APPROPRIATIONS

Public Broadcasting -The IPTV appropriation is noteworthy for two reasons. First, the capital outlay amount of \$2,019,300 is significantly less than what was requested to begin the conversion to digital technology mandated by the federal government. It appears, however, that the dollar amount is adequate to at least start the digital conversion and meet minimum federal guidelines. Another significant aspect of the appropriations bill is the legislative intent language related to programming and accountability policies contained in Section 3:

- (3) It is the intent of the Legislature that the Idaho State Board of Education (SBOE) evaluate, establish and enforce fiscal, programming and accountability policies for the Idaho Educational Public Broadcasting System (IEPBS) that augment federal public broadcasting system policies or regulations. These Idaho policies are to include the following:
 - (a) No program shall be broadcast which promotes, supports or encourages violation of Idaho criminal statutes.
 - (b) The highest priority for IEPBS broadcasts shall be to select programs that encourage, support and strengthen: K-12 education, higher education, public safety, lifelong learning, cultural and family enrichment, character education and virtues resolved by the Legislature in March 1995 (H.C.R. No. 19), and in-depth news coverage, documentaries and information valuable for Idaho citizens.
 - (c) Any decision to broadcast programs expected to be of a controversial nature, including programming format, shall be monitored by SBOE as the Federal Communications Commission (FCC) license holder for IEPBS. The State Board of Education shall report to the Joint Finance Appropriations Committee during the 2001 legislative session on the adoption, implementation and effect of these and any related policies.

Even though it appears there may be significant political issues involved with the above intent language, the Board will need to determine how it will proceed to meet this legislative intent concerning IEPBS programming.

Additional intent language related to the SBOE as the FCC license holder and the digital conversion is as follows:

- (4) It is the intent of the Legislature that the Idaho State Board of Education, as the FCC license holder for the Idaho Educational Public Broadcasting System, provide the FCC with all required notifications that IEPBS will convert its analog broadcast systems to the FCC digital technological standards by May 1, 2003, as mandated by FCC regulations.
- (5) It is legislative intent that the Idaho State Board of Education and the Idaho Educational Public Broadcasting System pursue all viable public and private funding sources including capital fund-raising campaigns and actions that will maximize the funds or in-kind contributions needed to pay for the IEPBS conversion to the FCC digital broadcasting standards.

Suggested Plan of Action:

Begin a staff review of current IPTV programming policies and data, and wait for further direction from the Board.

All Other Appropriations -

AGENCY	AMOUNT	FTE LIMIT	LEGISLATIVE INTENT?	BILL #	EFFECTIVE DATE
Ag Research/Coop Ext.	\$ 28,313,100		No	H 721	7/1/00
Community Colleges	\$ 15,846,800		No	H 758	7/1/00
College & Universities	\$ 287,518,800		Yes*	H 755	7/1/00
Permanent Building Fund - (EITC, ISU, LCSC, UI, CSI, BSU, NIC, Hist Society)	\$12,800,000			H 773	Upon approval
Div. of Professional-Technical Education	\$ 50,506,900		Yes**	S 1260	7/1/00
Div. of Vocational Rehabilitation	\$ 16,732,200	142	No	S 1557	7/1/00
Health Education Programs	\$ 6,602,700	19.39	No	H 753	7/1/00
ICTL / SBOE - Teacher Training	\$ 500,000		Yes***	S 1275	7/1/00
Idaho Educational Public Broadcasting System	\$ 4,421,800	38	Yes (see above section)	H 768	7/1/00
Idaho State Historical Society	\$ 3,282,900	46.36	No	H 709	7/1/00
Supplemental - ISHS	\$646,000	Na	No	H 709	Upon approval
Idaho State Library	\$ 3,828,100	46	No	H 710	7/1/00
Idaho School for Deaf and Blind	\$ 7,210,600	122.52	No	S 1548	7/1/00
OSBOE	\$ 2,097,000	21	No	H 742	7/1/00
SBOE Special Programs	\$ 5,024,700	25.79	No	H 779	7/1/00
State Department of Education	\$123,966,200	113	Yes*****	S 1568	7/1/00
Public Schools	\$930,364,900		No	H 805	7/1/00

NOTES

*Colleges & Universities

<p>\$75,000 SBOE system-wide needs</p> <p>\$1,600,000 HERC</p> <p>\$1,750,000 ITIG grants / WGU</p>	<p>\$500,000 Idaho's Comprehensive Literacy Act (I.C. 33-1207A)</p> <p>\$1,300,000 governor's excellence initiative</p>
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**Professional-Technical Education

A cooperative service agency as provided in Section 33-317, Idaho Code, may qualify and function as a professional-technical school provided that the criteria outlined in Section 33-1002G, Idaho Code, and by the State Board for Professional-Technical Education for approval of professional-technical programs have been met.

***ICTL / SBOE - Teacher Training

ICTL should make a recommendation on the use and allocation of the funds, subject to review & approval by the SBOE

****State Department of Education

Includes \$100,000 for Exiting Standards Commission

Includes \$75,000 for Idaho Advanced Records System

Includes \$500,000 for Test Development – Exiting Standards

Includes \$500,000 for Adult Basic Education