

**STATE BOARD OF EDUCATION SPECIAL MEETING**  
**Wednesday, September 19<sup>th</sup>, 2007 – 10:00 a.m. MDT; 9:00 a.m. PDT**  
**Len B. Jordan Building**  
**650 W. State Street**  
**Suite 307**  
**Boise, Idaho**



Teleconference Number: (877)807-5706  
Participant Code: 450047

**EXECUTIVE SESSION (Closed to the Public).**

Pursuant to Idaho Code Section 67-2345(1), the State Board of Education may meet in executive session to discuss one or more of the following:

- (a) to consider hiring a public officer, employee, staff member or individual agent. This paragraph does not apply to filling a vacancy in an elective office;
- (b) to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against a public officer, employee, staff member or individual agent, or public school student;
- (c) to conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency;
- (d) to consider records that are exempt by law from public inspection;
- (f) to consider and advise its legal representatives in pending litigation or where there is a general public awareness of probable litigation.

EXECUTIVE SESSION ITEMS MAY BE DISCUSSED AND ACTED UPON, IF APPROPRIATE, IN OPEN SESSION.

**Wednesday, September 19<sup>th</sup>, 2007 – 10:00 MST**

**STATE BOARD OF EDUCATION**

1. Approval of 2008 Legislation
2. Waiver of IDAPA 08-0203-0111 (2<sup>nd</sup> grade ISAT testing)
3. Personnel – Appointment of Interim Executive Director

**OTHER / NEW BUSINESS**

**Wednesday, September 19<sup>th</sup>, 2007 – 11:00 MST**

**EXECUTIVE SESSION**

1. Litigation Issues

If auxiliary aids or services are needed for individuals with disabilities, please contact the Board office at 334-2270 no later than two days before the meeting. While the Board attempts to address items in the listed order, some items may be addressed by the Board prior to or after the order listed.

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**SUBJECT**

Legislation for the 2008 Legislative Session

**REFERENCE**

August 2007

The Board approved Idea Forms for Legislation

**APPLICABLE STATUTE, RULE, OR POLICY**

NA

**BACKGROUND**

As an agency of the Governor, the State Board of Education is required to submit all proposed legislation to the Division of Financial Management (DFM) for the Governor's approval by September 21, 2007. The Board approved Idea Forms for the attached legislation at their August Board meeting.

The Idea Forms were submitted to the DFM, whom approved six Idea Forms and rejected three. The three rejected Idea Forms are 1) State Requirements for Colleges and Universities from Boise State University and, 2) Postsecondary Education Projects from the University of Idaho, and 3) High Need Educator Stipend.

The University of Idaho also chose to remove one Idea Form from consideration by the Board. That legislation was the (ICLES). In conjunction with the DFM, UI determined that this legislation did not need approval through the Governor's office because it is a budget bill only.

Finally, the College of Southern Idaho and North Idaho College have also asked to have an additional piece of legislation considered that was not submitted to DFM as an Idea Form by the requested date. The College of Southern of Idaho spoke directly with Jane McClaran at DFM who authorized the late submittal of this legislation. That legislation is discussed in further detail below.

**DISCUSSION**

The following are descriptive summaries of the legislation being proposed:

**Clarify Procedures the Board Takes After Approving Consolidation, Deconsolidation, and Boundary Change Requests**

This legislation will provide for consistency in the procedures the State Board of Education must take after a proposal for district consolidation, deconsolidation, or boundary changes is approved by voters. Procedures presently outlined are varied, vague, and are not aligned to each other.

**Higher Education Residency Requirements**

The Office of Performance Evaluations (OPE) recommended that the legislature clarify the definition of higher education residency requirements. This legislation

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clarifies requirements for obtaining residency in Idaho for the purpose of qualifying for resident fees at the state's institutions of higher education.

**Student Vision Screening**

This legislation will provide for vision screening for all students grade 1, 2, 4, 6, 8, and for follow-up comprehensive exams for those students who are previously identified by the initial screening.

Vision screening is not consistent in all school districts across the state of Idaho. Not all children are screened and not all children are screened by qualified screeners.

The legislation will implement a structure to offer training to the screeners, screen children at consistent intervals, and screen children across the state of Idaho.

**Pure State Kidney Program**

The Division of Vocation Rehabilitation (VR) currently provides treatment for persons suffering from chronic renal diseases. They also extend financial assistance for medical, nursing, pharmaceutical, and technical service necessary to care for such diseases.

This legislation will allow VR to also pay insurance premiums and travel costs to and from dialysis when needed. Medicare and Medicaid funds would be utilized before state dollars are utilized.

**Distribution of Liquor Dispensary Funds to Community Colleges – (New Legislation)**

Section 23-404(b)(iii), Idaho Code allows for \$300,000 to be transferred annually to the community college account. Over the past 25 years, the College of Southern Idaho and North Idaho College have each received \$150,000 from this account. With addition of the College of Western Idaho, the fund will now be split equally between three community colleges rather than two. This will result in a loss of \$50,000 for CSI and a loss of \$50,000 for NIC.

This legislation will increase the amount to \$600,000.

This amount has not increased or been adjusted for inflation for approximately 25 years. It is a very stable revenue source for community colleges. The increased amount would provide each existing community college \$200,000 per year.

**Tuition at Community Colleges (from CSI and NIC)**

Currently Idaho Code 33-2110 limits the amount that community colleges can charge for tuition to \$1,250 per year. It also limits increases to 10% per year. CSI and NIC are approaching the annual limit with tuition and will have to freeze tuition if this limit is not increased. This current restriction will also prevent the College of Western Idaho from setting tuition charges above \$625 per semester.

This proposal would increase the charge for tuition to \$2,500 per year and would remove the allowable 10% per year increase.

### **The Following Pieces of Legislation Were Not Approved by DFM**

#### **State Requirements for Colleges and Universities (from BSU)**

This legislation does two things:

1. It brings consistency to the statute regarding which of Idaho's four-year higher educational institutions must utilize the services of the Department of Administration (Division of Public Works) for non-state funded construction and alteration & repair of buildings valued at over \$100,000;
2. It increases that delegation threshold to \$1.5 million to reflect the rapidly increasing cost of new construction and alteration & repair projects

Currently, the Department of Administration delegates to all state agencies the authority to undertake construction and alteration & repair projects valued at less than \$100,000.

For projects valued in excess of that amount, all state agencies except the University of Idaho must utilize the services of the Department of Administration (Division of Public Works). The UI is delegated the authority to manage their projects themselves while still being bound by State Board of Education oversight and all applicable state laws and rules.

This bill provides Idaho's other public, four-year institutions of higher education--Boise State University, Idaho State University, and Lewis-Clark State College--with the same delegated authority allowed the University of Idaho provided that the source of funding for the projects comes entirely from non-state sources.

- The State Board of Education's oversight authority for all higher education projects would not change under this bill.
- The four-year institutions would continue to be bound by all applicable laws and rules related to building projects.
- Any construction or alteration & repair project at BSU, ISU or LCSC receiving any state funding would not be affected by this change and would continue to be managed by the Department of Administration (Division of Public Works).

This bill also provides that BSU, ISU and LCSC can utilize the services of the Department of Administration (Division of Public Works) for non-state funded projects upon mutual written agreement between the institution and the department.

#### **Post-Secondary Education Projects (from UI)**

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The purpose of this legislation is to promote private giving for construction of higher education facilities in Idaho by providing for matching funds from the legislature.

**High Need Educator Stipend Program**

The purpose of this legislation is to increase the number of qualified educators who work in “high need” fields in Idaho’s public school system. “High need” fields would be determined annually by the Board. This proposal creates an on-the-job stipend program in which funds will be used to provide a stipend to educators who become employed in Idaho in “high need” areas.

At the end of each successfully completed year of “high need” area education employment, the educator would receive a maximum of 20% (\$5,000) per year for a total allowable stipend of \$20,000. The stipend is only available to new teachers entering a high need field or to current teachers who receive certification and begin teaching in a high need field.

Idaho’s school districts have been experiencing difficulty recruiting and retaining educators in various fields, especially math and science. This proposal would assist school districts by increasing the number of educators who are certified, and teach in these and other high need areas.

The proposal has a five-year sunset provision, and would continue only if the statute were specifically continued by the Legislature.

**IMPACT**

If the Board approves the legislative Idea Forms as submitted, staff will continue to move the legislation through the legislative process and will bring the legislative language and amendments to the Board at their October meeting.

If the Board does not approve the legislative Idea Forms as submitted, staff will withdraw the requests and the legislation will not move forward.

**ATTACHMENTS**

Attachment 1	Clarify Procedures the Board Takes After Approving Consolidation, Deconsolidation, and Boundary Change Requests	Page 6
Attachment 2	Higher Education Residency Requirements	Page 12
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Attachment 5	Distribution of Liquor Dispensary Funds to Community Colleges	Page 21
Attachment 6	Tuition at Community Colleges (from CSI and NIC)	Page 25
Attachment 7	State Requirements for Colleges and Universities (From BSU)	Page 28
Attachment 8	Post-Secondary Education Projects (from UI)	Page 32

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Attachment 9     High Need Educator Stipend Program

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**STAFF COMMENTS AND RECOMMENDATIONS**

Staff recommends approval of the legislation relating to clarifying procedures the Board takes after approving consolidation, deconsolidation, and boundary change requests, higher education residency requirements, student vision screening, the pure state kidney program, distribution of liquor dispensary funds to community colleges, and tuition at community colleges

Staff further recommends the Board carefully consider the legislation relating to state requirement for colleges and universities (from BSU), postsecondary education projects (from UI), and the high need educator stipend program.

**BOARD ACTION**

A motion to approve the legislation relating to clarifying procedures the Board takes after approving consolidation, deconsolidation, and boundary change requests, higher education residency requirements, student vision screening, the pure state kidney program, distribution of liquor dispensary funds to community colleges, and tuition at community colleges as submitted, and to direct staff to make revisions as necessary and to continue with the Governor's legislative process.

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

**STATEMENT OF PURPOSE**

This legislation will provide for consistency in the procedures the state board of education must take after a proposal for district consolidation, deconsolidation, or boundary changes is approved by voters. Procedures presently outlined are varied, vague, and are not aligned to each other.

**FISCAL NOTE**

There will be no fiscal impact to the state budget as a result of this clarification.

**CONTACT:**

Senator \_\_\_\_\_

Representative \_\_\_\_\_

Allison McClintick  
State Board of Education  
332-1596

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LEGISLATURE OF THE STATE OF IDAHO  
Fifty-ninth LegislatureSecond Regular Session - 2008

IN THE HOUSE OF REPRESENTATIVES

BILL NO.

BY HOUSE EDUCATION COMMITTEE

AN ACT

RELATING TO THE PROCEDURES TAKEN BY THE STATE BOARD OF EDUCATION  
AFTER APPROVING CONSOLIDATION, DECONSOLIDATION, AND  
BOUNDARY CHANGE REQUESTS.

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

SECTION 1. That chapter 3, title 33, Idaho Code, be, and the same is hereby amended to read as follows:

TITLE 33  
EDUCATION  
CHAPTER 3  
SCHOOL DISTRICTS

33-307. CORRECTING OR ALTERING SCHOOL DISTRICT BOUNDARIES. (1) Whenever the state board of education shall find that, because of error in the legal description of the boundaries of any school district, or for any other reason,

(a) any part of the area of the state is not included within the area of a school district,  
or

(b) is included in more than one (1) school district, or

(c) that any area of less than fifty (50) square miles in which no school is operated should be excised from the school district in which it lies and annexed to a contiguous school district when the interests of the school children residing in each of the affected districts of such areas will be served thereby,

the said state board of education shall make an appropriate order including an omitted area into any school district, or districts, or correcting or altering the boundaries of the districts, in such manner as, in its judgment, is just and proper.

(2) A copy of any such order shall be sent by the state board of education or its designee to the board of trustees of any school district affected by the order, and to the board of county commissioners of any county in which any such district, or part thereof, shall lie. Within thirty (30) days of receipt of the order, the board of county commissioners shall correct or alter the legal description of the school district or districts, as the same may appear in its records, and immediately thereafter shall notify the state board of education that the county records have been corrected or altered in accordance with the order of the said state board of education. The board of commissioners shall also notify the state tax commission ~~shall also be notified in~~



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accordance with the provisions of section 63-215, Idaho Code. The proposal shall become effective at the same time the state board of education and the state tax commission have been notified by the county commissioners that the county records have been corrected as ordered.

(3) The state board of education may promulgate rules to govern the procedures for correcting or altering school district boundaries, and may designate the Superintendent of Public Instruction to implement these procedures.

TITLE 33  
EDUCATION  
CHAPTER 3  
SCHOOL DISTRICTS

33-308. EXCISION AND ANNEXATION OF TERRITORY. (1) A board of trustees of any school district including a specially chartered school district, or one-fourth (1/4) or more of the school district electors, residing in an area of not more than fifty (50) square miles within which there is no schoolhouse or facility necessary for the operation of a school district, may petition in writing proposing the annexation of the area to another and contiguous school district.

(2) Such petition shall be in duplicate, one (1) copy of which shall be presented to the board of trustees of the district from which the area is proposed to be excised, and the other to the board of trustees of the district to which the area is proposed to be annexed. The petition shall contain:

- (a) The names and addresses of the petitioners;
- (b) A legal description of the area proposed to be excised from one district and annexed to another contiguous district;
- (c) Maps showing the boundaries of the districts as they presently appear and as they would appear should the excision and annexation be approved;
- (d) The names of the school districts from and to which the area is proposed to be excised, and annexed;
- (e) A description of reasons for which the petition is being submitted; and
- (f) An estimate of the number of children residing in the area described in the petition.

(3) The board of trustees of each school district, no later than ten (10) days after its first regular meeting held subsequent to receipt of the petition, shall transmit the petition, with recommendations, to the state board of education.

(4) The state board of education shall approve the proposal provided:

- (a) The excision and annexation is in the best interests of the children residing in the area described in the petition; and
- (b) The excision of the territory, as proposed, would not leave a school district with a bonded debt in excess of the limit then prescribed by law.

If either condition is not met, the state board shall disapprove the proposal. The approval or disapproval shall be expressed in writing to the board of trustees of each school district named in the petition.

(5) If the state board of education shall approve the proposal, it shall be submitted to the school district electors residing in the area described in the petition, at an election

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held in the manner provided in chapter 4, title 33, Idaho Code. Such election shall be held within sixty (60) days after the state board approves the proposal.

(6) At the election there shall be submitted to the electors having the qualifications of electors in a school district bond election and residing in the area proposed to be annexed:

(a) The question of whether the area described in the petition shall be excised from school district no. ( ) and annexed to contiguous school district no. ( ); and

(b) The question of assumption of the appropriate proportion of any bonded debt, and the interest thereon, of the proposed annexing school district.

(7) If a majority of the school district electors in the area described in the petition, voting in the election, shall vote in favor of the proposal to excise and annex the said area, and if in the area the electors voting on the question of the assumption of bonded debt and interest have approved such assumption by the proportion of votes cast as is required by section 3, article VIII, of the constitution of the state of Idaho, the proposal shall carry and be approved. Otherwise, it shall fail.

(8) If the proposal shall be approved by the electors in the manner prescribed, the board of canvassers shall thereupon promptly notify the state board of education and the affected school districts of such results. ~~†~~The state board of education shall make an appropriate order for the boundaries of the affected school districts to be altered~~;~~, and the legal descriptions of the school districts shall be ~~corrected~~altered, as prescribed in section 33-307(2), Idaho Code.

TITLE 33  
EDUCATION  
CHAPTER 3  
SCHOOL DISTRICTS

33-311. PLAN OF CONSOLIDATION SUBMITTED TO ELECTORS. The state board of education may approve or disapprove any plan proposing consolidation, and if it approves the same it shall give notice thereof to the board of trustees of each school district proposing to consolidate and to the board of county commissioners in each county in which the proposed consolidated district would lie. Notice to the board of county commissioners shall include the legal description of the boundaries of the proposed consolidated district and a brief statement of the approved proposal, and shall be accompanied by a map of the proposed consolidated district.

Not more than ten (10) days after receiving the notice from the state board of education, each board of county commissioners receiving such notice shall enter the order calling for an election on the question of approving or disapproving, and shall cause notice of such election to be posted and published. The notice shall be posted and published, the election shall be held and conducted and its results canvassed, in the manner and form of sections 33-401 through 33-406, Idaho Code.

If the qualified school electors of any one (1) district proposing to consolidate, and voting in the election, shall constitute a majority of all such electors voting in the entire area of the proposed consolidated district, the proposed consolidation shall not be approved unless a majority of such electors in such district, voting in the election, and a

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majority of such electors in each of the remaining districts, voting in the election, shall approve the proposed consolidation.

If the qualified school electors in no one (1) of the districts proposing to consolidate, and voting in the election, constitute a majority of all such electors voting in the entire area of the proposed consolidated district, the proposed consolidation shall not be approved unless a majority of all such electors in each district, voting in the election, shall approve the proposed consolidation.

In any plan of consolidation the existing bonded debt of any district or districts proposing to consolidate, shall not become the obligation of the proposed consolidated school district. The debt or debts shall remain an obligation of the property within the districts proposing the consolidation. Upon voter approval of the proposed consolidation, the districts proposing to consolidate shall become subdistricts of the new district as if they had been created under the provisions of section 33-351, Idaho Code. The subdistricts shall be called bond redemption subdistricts. The powers and duties of such bond redemption subdistricts shall not include authority to incur new indebtedness within the subdistricts.

When a consolidation is approved, as hereinabove prescribed, a new school district is thereby created. ~~and the board of county commissioners of any county in which the consolidated district lies~~ The board of canvassers shall promptly thereupon notify the state board of education and the affected school districts of such result. The state board of education shall enter its order showing the creation of the district and a legal description of its boundaries, and the legal descriptions of the affected school districts shall be altered, as prescribed in section 33-307(2), Idaho Code.

TITLE 33  
EDUCATION  
CHAPTER 3  
SCHOOL DISTRICTS

33-312. DIVISION OF SCHOOL DISTRICT. A school district may be divided so as to form not more than two (2) districts each of which must have continuous boundaries, in the manner hereinafter provided, except that any district which operates and maintains a secondary school or schools shall not be divided unless the two (2) districts created out of the division shall each operate and maintain a secondary school or schools immediately following such division.

A proposal to divide a school district may be initiated by its board of trustees and submitted to the state board of education. Such proposal shall contain all of the information required in a proposal to consolidate school districts as may be relevant to a proposal to divide a school district. It shall also show the manner in which it is proposed to divide or apportion the property and liabilities of the district, the names and numbers of the proposed new districts, and legal description of the proposed trustee zones.

Before submitting any proposal to divide a school district, the board of trustees shall hold a hearing or hearings on the proposal within the district. Notice of such hearing or hearings shall be posted by the clerk of the board of trustees in not less than three (3) public places within the district, one (1) of which places shall be at or near the main door

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of the administrative offices of the school district, for not less than ten (10) days before the date of such hearing or hearings.

The state board of education may approve or disapprove any such proposal submitted to it, and shall give notice thereof in the manner of a proposal to consolidate school districts; except, that the state board of education shall not approve any proposal which would result in a district to be created by the division having or assuming a bonded debt in an amount exceeding the limitations imposed by law, or which would leave the area of any city or village in more than one school district.

If the state board of education shall approve the proposal to divide the district, notice of the election shall be published, the election shall be held and conducted, and the ballots shall be canvassed, according to the provisions of sections 33-401--33-406. The division shall be approved only if a majority of all votes cast at said special election by the school district electors residing within the entire existing school district and voting in the election are in favor of the division of such district, and a majority of all votes cast at said special election by the qualified voters within that portion of the proposed new district having a minority of the number of qualified voters, such portion to be determined by the number of votes cast in each area which is a contemplated new district, are in favor of the division of the district, and upon such approval two (2) new school districts shall be thereby created. The organization and division of all school districts which have divided since June 30, 1963, are hereby validated.

If the division be approved, as herein provided, ~~the board of canvassers shall thereupon notify the state board of education and the trustees of the district which has been divided. The state board shall give notice to the board of county commissioners of any county in which the newly created districts may lie. two (2) new school districts are thereby created. The board of canvassers shall thereupon promptly notify the state board of education and the affected school districts of such result. The state board of education shall enter its order showing the creation of the districts and a legal description of the boundaries, and the legal descriptions of the affected school districts shall be altered, as prescribed in Section 33-307(2), Idaho Code.~~

**STATEMENT OF PURPOSE**

The Office of Performance Evaluations (OPE) recommended that the legislature clarify the definition of higher education residency requirements. This legislation clarifies and strengthens requirements for obtaining residency in Idaho for the purpose of qualifying for resident fees at the state's institutions of higher education.

**FISCAL NOTE**

There will be no fiscal impact to the general fund as a result of this clarification. However, it is not known if this amendment will have an impact on the number of out of state students who will attend higher education institutions. It may have a negative impact on institutional enrollments.

**CONTACT:**

Senator \_\_\_\_\_

Representative \_\_\_\_\_

Dana Kelly  
State Board of Education  
332-1574

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LEGISLATURE OF THE STATE OF IDAHO  
Fifty-ninth Legislature Second Regular Session - 2008

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO.

BY HOUDR EDUCATION COMMITTEE

AN ACT

RELATING TO OUT OF STATE TUITION CHARGED AT HIGHER EDUCATION  
INSTITUTIONS

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

SECTION 1. That Section 33-3717B, Idaho Code, be, and the same is hereby amended to read as follows:

33-3717B. RESIDENCY REQUIREMENTS. (1) For any public institution of higher education in Idaho, a "resident student" is:

(a) Any student who has one (1) or more parent or parents or court-appointed guardians who are domiciled in the state of Idaho and the parent, parents or guardians provide at least fifty percent (50%) of the student's support. ~~Domicile, in the case of a parent or guardian as used in this section~~ means that individual's true, fixed and permanent home and place of habitation. It is the place where that individual intends to remain, and to which that individual expects to return when that individual leaves without intending to establish a new domicile elsewhere. To qualify under this section, the parent, parents or guardians must have maintained a bona fide domicile in the state of Idaho for at least ~~one (1) year~~ twelve (12) months prior to the opening day of the term for which the student matriculates.

(b) Any student, who receives less than fifty percent (50%) of the student's support from a parent, parents or legal guardians and who are ~~not residents of this state for voting purposes, but which student~~ has continuously resided and maintained a bona fide domicile in the state of Idaho primarily for purposes other than educational for twelve (12) months next preceding the opening day of the term during which the student proposes to attend the college or university. ~~and who has in fact established a bona fide domicile in this state primarily for purposes other than educational.~~

(c) Subject to subsection (2) of this section, any student who is a graduate of an accredited secondary school in the state of Idaho, and who matriculates at a college or university in the state of Idaho during the term immediately following such graduation regardless of the residence of the student's parent or guardian.

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(d) The spouse of a person who is classified, or is eligible for classification, as a resident of the state of Idaho for the purposes of attending a college or university.

(e) A member of the armed forces of the United States, stationed in the state of Idaho on military orders.

(f) A student whose parent or guardian is a member of the armed forces and stationed in the state of Idaho on military orders and who receives fifty percent (50%) or more of support from parents or legal guardians. The student, while in continuous attendance, shall not lose that residence when the student's parent or guardian is transferred on military orders.

(g) A person separated, under honorable conditions, from the United States armed forces after at least two (2) years of service, who at the time of separation designates the state of Idaho as his intended domicile or who has Idaho as the home of record in service and enters a college or university in the state of Idaho within one (1) year of the date of separation.

(h) Any individual who has been domiciled in the state of Idaho, has qualified and would otherwise be qualified under the provisions of this statute and who is away from the state for a period of less than ~~one (1) calendar year~~ thirty (30) months and has not established legal residence elsewhere provided a twelve (12) month period of continuous residence has been established immediately prior to departure.

(i) A student who is a member of any of the following Idaho Native American Indian tribes, regardless of current domicile, shall be considered an Idaho state resident for purposes of fees or tuition at institutions of higher education: members of the following Idaho Native American Indian tribes, whose traditional and customary tribal boundaries included portions of the state of Idaho, or whose Indian tribe was granted reserved lands within the state of Idaho:

- (i) Coeur d'Alene tribe;
- (ii) Shoshone-Paiute tribes;
- (iii) Nez Perce tribe;
- (iv) Shoshone-Bannock tribes;
- (v) Kootenai tribe.

(2) A "nonresident student" shall mean any student who does not qualify as a "resident student" under the provisions of subsection (1) of this section, and shall include:

(a) A student attending an institution in this state with the aid of financial assistance provided by another state or governmental unit or agency thereof, such nonresidency continuing for one (1) year after the completion of the semester for which such assistance is last provided.

(b) A person who is not a citizen of the United States of America, who does not have permanent or temporary resident status or does not hold "refugee-parolee" or "conditional entrant" status with the United States immigration and naturalization service or is not otherwise permanently residing in the United States under color of the law and who does not also meet and comply with all applicable requirements of this section.

(3) The establishment of a new domicile in Idaho by a person formerly domiciled in another state has occurred if such person is physically present in Idaho primarily for purposes other than educational and can show satisfactory proof that such person is without a present intention to return to such other state or to acquire a

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domicile at some other place outside of Idaho. A student who is enrolled for more than eight (8) hours in any semester or quarter during a twelve (12) month period shall be presumed to be in Idaho for primarily educational purposes. Such period of enrollment shall not be counted toward the establishment of a bona fide domicile in the state unless the student proves, in fact, establishment of a bona fide domicile in this state primarily for purposes other than educational. Institutions determining whether a student is domiciled in the state of Idaho primarily for purposes other than educational shall consider, but shall not be limited to, the following factors:

(a) ~~Registration and payment of Idaho taxes or fees on a motor vehicle, mobile home, travel trailer, or other item of personal property for which state registration and the payment of a state tax or fee is required;~~ Any of the following prove the establishment and maintenance of a domicile in Idaho for purposes other than educational and support classification of a student as an Idaho resident:

(~~bi~~) Filing of Idaho state income tax returns covering a period of at least twelve (12) months before the term in which the student proposes to enroll as a resident;

(~~ej~~) Permanent full-time employment or the hourly equivalent thereof in the state of Idaho for at least twelve (12) months before the term in which the student proposes to enroll as a resident; or

(iii) Ownership by the student of the student's living quarters for at least twelve (12) months before the term in which the student proposes to enroll as a resident;

(b) The following factors lend support to domiciliary intent and their absence indicates a lack of domiciliary intent. By themselves, they do not constitute sufficient evidence of the establishment and maintenance of a domicile in Idaho for purposes other than educational:

(~~ei~~) Registration and payment of Idaho taxes or fees on a motor vehicle, mobile home, travel trailer, or other item of personal property for which state registration and the payment of a state tax or fee is required at least twelve (12) months before the term in which the student proposes to enroll as a resident;

(ii) Registration to vote for state elected officials in Idaho at a general election at least twelve (12) months before the term in which the student proposes to enroll as a resident;

(iii) Holding an Idaho driver's license at least twelve (12) months before the term in which the student proposes to enroll as a resident;

(iv) Evidence of abandonment or a previous domicile at least twelve (12) months before the term in which the student proposes to enroll as a resident;

(v) Presence of household goods in Idaho for at least twelve (12) months before the term in which the student proposes to enroll as a resident;

(vi) Establishment of accounts with Idaho financial institutions at least twelve (12) months before the term in which the student proposes to enroll as a resident;

(vii) Other similar factors indicating intent to be domiciled in Idaho and the maintenance of such domicile for at least twelve (12) months before the term in which the student proposes to enroll as a resident.

(4) The state board of education and the board of regents of the university of Idaho shall adopt uniform and standard rules applicable to all state colleges and universities now or hereafter established to determine resident status of any student and to establish procedures for review of that status.



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(5) Appeal from a final determination denying resident status may be initiated by the filing of an action in the district court of the county in which the affected college or university is located; an appeal from the district court shall lie as in all civil actions.

(6) Nothing contained herein shall prevent the state board of education and the board of regents of the university of Idaho from establishing quotas, standards for admission, standards for readmission, or other terms and requirements governing persons who are not residents for purposes of higher education.

(7) For students who apply for special graduate and professional programs including, but not limited to, the WAMI (Washington, Alaska, Montana, Idaho) regional medical program, the WICHE student exchange programs, Creighton university school of dental science, the university of Utah college of medicine, and the Washington, Oregon, Idaho (WOI) regional program in veterinary medical education, no applicant shall be certified or otherwise designated as a beneficiary of such special program who has not been a resident of the state of Idaho for at least ~~one (1) calendar year~~ twelve (12) months previous to the application date.

**STATEMENT OF PURPOSE**

The legislation will provide for vision screening for all students grade 1, 2, 4, 6, 8. Vision screening is not consistent in all school districts across the state of Idaho. Not all children are screened and not all children are screened by qualified screeners. The legislation will implement a structure to offer training to the screeners, screen children at consistent intervals, and screen children across the state of Idaho.

**FISCAL NOTE**

In order to provide vision screening for all students, there will be a \$300,000 cost to the state general fund.

**CONTACT:**

Senator \_\_\_\_\_  
Representative \_\_\_\_\_

Aylee Schaefer  
State Board of Education  
332-1596

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS**  
**SEPTEMBER 19, 2007**

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LEGISLATURE OF THE STATE OF IDAHO

Fifty-ninth Legislature

Second Regular Session - 2008

IN THE HOUSE OF REPRESENTATIVES

BILL NO.

BY THE HOUSE EDUCATION COMMITTEE

AN ACT

RELATING TO THE REQUIREMENT OF VISION SCREENING FOR ALL CHILDREN  
GRADES FIRST, SECOND, FOURTH, SIXTH AND EIGHTH.

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

SECTION 1. That chapter 48, title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as section 39-4805, Idaho Code, and to read as follows:

TITLE 39  
HEALTH AND SAFETY  
CHAPTER 48  
IMMUNIZATION AND VISION SCREENING

39-4805. VISION SCREENING REQUIRED. The board of trustees of each school district or local education agency, including public charter schools, shall provide eye and vision screening to all children in grades one (1), two (2), four (4), six (6), and eight (8). The board of trustees shall promptly notify the parent or guardian of a child who does not pass the eye and vision screening test, and encourage the parent or guardian to obtain for such child a comprehensive eye and vision examination conducted by a licensed optometrist or ophthalmologist.

**STATEMENT OF PURPOSE**

The Division of Vocation Rehabilitation (VR) currently provides treatment for persons suffering from chronic renal diseases. They also extend financial assistance for medical, nursing, pharmaceutical, and technical service necessary to care for such diseases.

This legislation will allow VR to also pay insurance premiums and travel costs to and from dialysis when needed. Medicare and Medicaid funds would be utilized before state dollars are utilized.

**FISCAL NOTE**

The Division of Vocational Rehabilitation expects that no additional general funds will be needed if the requested PSK changes are approved. The fiscal impact of discontinuing payment for services paid by Medicare and adding payments for transportation and insurance premiums will be zero.

**CONTACT:**

Senator \_\_\_\_\_  
Representative \_\_\_\_\_

Michael Graham, Administrator  
Division of Vocational Rehabilitation  
334-2632

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS**  
**SEPTEMBER 19, 2007**

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LEGISLATURE OF THE STATE OF IDAHO  
Fifty-ninth Legislature                      Second Regular Session - 2008

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO.

BY HOUSE EDUCATION COMMITTEE

AN ACT

RELATING TO TREATMENT FOR PERSONS SUFFERING FROM CHRONIC RENAL DISEASE

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

SECTION 1. That Section 33-2308, Idaho Code, be, and the same is hereby amended to read as follows:

33-2308. ESTABLISHMENT OF VOCATIONAL REHABILITATION PROGRAM TO PROVIDE TREATMENT TO PERSONS SUFFERING FROM CHRONIC RENAL DISEASES. The board for professional-technical education shall establish a vocational rehabilitation program to provide treatment to persons suffering from chronic renal diseases, including dialysis and other medical procedures and techniques which will have a lifesaving effect in the care and treatment of persons suffering from these diseases. The board shall extend financial assistance to persons suffering from chronic renal diseases to assist such persons in obtaining the medical, nursing, pharmaceutical, ~~and technical, and other~~ services necessary to care for such diseases, including financial assistance for the rental or purchase of home dialysis equipment and supplies, the payment of medical insurance premiums, and patient travel expenses. Provided, that the board shall not provide financial assistance to such persons for expenses that are covered by Medicare. The board shall promulgate rules that establish standards for determining eligibility for care and treatment under this program in order that treatment shall be provided to those who are financially unable to obtain such treatment without causing severe economic imbalance in the family economic unit. Such standards shall be established without reference to maximum or minimum income levels.

**STATEMENT OF PURPOSE**

Section 23-404(b)(iii), Idaho Code allows for \$300,000 to be transferred annually to the community college account. Over the past 25 years, the College of Southern Idaho and North Idaho College have each received \$150,000 from this account. With addition of the College of Western Idaho, the fund will now be split equally between three community colleges rather than two. This will result in a loss of \$50,000 for CSI and a loss of \$50,000 for NIC.

This legislation will increase the amount to \$600,000.

This amount has not increased or been adjusted for inflation for approximately 25 years. It is a very stable revenue source for community colleges. The increased amount would provide each existing community college \$200,000 per year.

**FISCAL NOTE**

\$300,000 additional dollars will be taken from the liquor fund. Each existing community college will receive \$200,000 per year.

**CONTACT:**

Senator \_\_\_\_\_

Representative \_\_\_\_\_

Mike Mason  
College of Southern Idaho

(208)736-3015

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS  
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LEGISLATURE OF THE STATE OF IDAHO

Fifty-ninth Legislature

Second Regular Session - 2008

IN THE HOUSE OF REPRESENTATIVES

BILL NO.

BY THE HOUSE EDUCATION COMMITTEE

AN ACT

RELATING TO THE AMOUNT OF LIQUOR DISPENSARY FUNDS DISTRIBUTED TO  
COMMUNITY COLLEGES

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

SECTION 1. That chapter 4, title 23, Idaho Code, be, and the same is hereby amended to read as follows:

TITLE 23  
ALCOHOLIC BEVERAGES  
CHAPTER 4  
LIQUOR FUND

23-404. DISTRIBUTION OF MONEYS IN LIQUOR ACCOUNT. (1) The moneys received into the liquor account shall be transferred or appropriated as follows:

(a) An amount of money equal to the actual cost of purchase of alcoholic liquor and payment of expenses of administration and operation of the dispensary, as determined by the superintendent and certified quarterly to the state controller, shall be transferred back to the dispensary; provided, that the amount so transferred back for administration and operation of the dispensary shall not exceed the amount authorized to be expended by regular appropriation authorization.

(b) From fiscal year 2006 through fiscal year 2009, forty percent (40%) of the balance remaining after transferring the amounts authorized by paragraph (a) of this subsection shall be transferred or appropriated pursuant to this paragraph (b). Beginning in fiscal year 2010 the percentage transferred pursuant to this paragraph (b) shall increase to forty-two percent (42%) with an increase of two percent (2%) for each subsequent fiscal year thereafter until fiscal year 2014 when such percentage shall be fifty percent (50%).

(i) For fiscal year 2006 and through fiscal year 2009, one million eight hundred thousand dollars (\$1,800,000) shall be appropriated and paid to the cities and counties as set forth in paragraphs (c)(i) and (c)(ii) of this subsection;

(ii) Two million eighty thousand dollars (\$2,080,000) shall be transferred annually to the substance abuse treatment fund, which is created in section 23-408, Idaho Code;

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**SEPTEMBER 19, 2007**

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(iii) ~~Three hundred thousand dollars (\$300,000)~~ six hundred thousand dollars (\$600,000) shall be transferred annually to the community college account, created by section 33-2139, Idaho Code;

(iv) One million two hundred thousand dollars (\$1,200,000) shall be transferred annually to the public school income fund, as defined in section 33-903, Idaho Code;

(v) Six hundred fifty thousand dollars (\$650,000) shall be transferred annually to the cooperative welfare account in the dedicated fund;

(vi) Six hundred eighty thousand dollars (\$680,000) shall be transferred annually to the drug court, mental health court and family court services fund; and

(vii) Four hundred forty thousand dollars (\$440,000) shall be transferred annually to the drug and mental health court supervision fund which is created in section 23-409, Idaho Code; and

(viii) The balance shall be transferred to the general fund.

(c) The remainder of the moneys received in the liquor account shall be appropriated and paid as follows:

(i) Forty percent (40%) of the balance remaining after the transfers authorized by paragraphs (a) and (b) of this subsection have been made is hereby appropriated to and shall be paid to the several counties. Each county shall be entitled to an amount in the proportion that liquor sales through the dispensary in that county during the state's previous fiscal year bear to total liquor sales through the dispensary in the state during the state's previous fiscal year, except that no county shall be entitled to an amount less than that county received in distributions from the liquor account during the state's fiscal year 1981.

(ii) Sixty percent (60%) of the balance remaining after the transfers authorized by paragraphs (a) and (b) of this subsection have been made is hereby appropriated to and shall be paid to the several cities as follows:

1. Ninety percent (90%) of the amount appropriated to the cities shall be distributed to those cities which have a liquor store or distribution station located within the corporate limits of the city. Each such city shall be entitled to an amount in the proportion that liquor sales through the dispensary in that city during the state's previous fiscal year bear to total liquor sales through the dispensary in the state during the state's previous fiscal year, except that no city shall be entitled to an amount less than that city received in distributions from the liquor account during the state's fiscal year 1981;

2. Ten percent (10%) of the amount appropriated to the cities shall be distributed to those cities which do not have a liquor store or distribution station located within the corporate limits of the city. Each such city shall be entitled to an amount in the proportion that that city's population bears to the population of all cities in the state which do not have a liquor store or distribution station located within the corporate limits of the city, except that no city shall be entitled to an amount less than that city received in distributions from the liquor account during the state's fiscal year 1981.

(2) All transfers and distributions shall be made periodically, but not less frequently than quarterly but, the apportionments made to any county or city, which may during the



**PLANNING, POLICY & GOVERNMENTAL AFFAIRS**  
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succeeding three (3) year period be found to have been in error either of computation or transmittal, shall be corrected during the fiscal year of discovery by a reduction of apportionments in the case of over-apportionment or by an increase of apportionments in the case of under-apportionment. The decision of the superintendent on entitlements of counties and cities shall be final, and shall not be subject to judicial review.

**STATEMENT OF PURPOSE**

Currently Idaho Code 33-2110 limits the amount that community colleges can charge for tuition to \$1,250 per year. CSI and NIC are approaching the annual limit with tuition and will have to freeze tuition if this limit is not increased. This current restriction will also prevent the College of Western Idaho from setting tuition charges above \$625 per semester.

This proposal would increase the charge for tuition to \$2,500 per.

**FISCAL NOTE**

No impact on the general fund.

**CONTACT:**

Senator \_\_\_\_\_  
Representative \_\_\_\_\_

Mike Mason  
College of Southern Idaho

(208)736-3015

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS**  
**SEPTEMBER 19, 2007**

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LEGISLATURE OF THE STATE OF IDAHO  
Fifty-ninth LegislatureSecond Regular Session - 2008

IN THE HOUSE OF REPRESENTATIVES

BILL NO.

BY THE HOUSE EDUCATION COMMITTEE

AN ACT

RELATING TO THE AMOUNT OF TUITION AND ANNUAL INCREASES ALLOWED  
BY COMMUNITY COLLEGES

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

SECTION 1. That chapter 21, title 33, Idaho Code, be, and the same is hereby amended to read as follows:

TITLE 33  
EDUCATION  
CHAPTER 21  
JUNIOR COLLEGES

33-2110. TUITION. (1) All students of a community college shall pay tuition that shall be fixed annually by the board of trustees not later than the 1st day of August of each year. The tuition for full-time students taking normal academic courses provided by the college, who are residents of the district, shall be fixed at not less than three hundred fifty dollars (\$350) per annum, and may be increased by increments of not more than ten percent (10%) per annum to a maximum tuition of ~~one thousand two hundred fifty dollars (\$1,250) per annum~~ two thousand five hundred dollars (\$2,500) per annum. ~~For all other students taking such courses t~~ The tuition shall be, as nearly as is practicable, the annual costs of all elements of providing the courses of instruction, including interest on general obligation bonds, teaching, administration, maintenance, operation and depreciation of equipment and buildings, supplies and fuel, and other ordinary and necessary expenses of operation incurred in providing courses by the community college, provided that the tuition of students residing outside the district but within the county or counties wherein the district is located shall be fixed after taking into account moneys received by the community college district from any funds allocated to the community college from the educational funds of the state of Idaho, other than allocations for professional-technical education; and provided that the tuition of students residing outside the district and the county but within the state of Idaho shall be fixed after taking into account moneys received from educational funds other than professional-technical moneys, as referred to in this chapter, from the state of Idaho. Receipt of moneys, as hereinbefore provided in this section, shall be based upon the receipts from the sources referred to during the fiscal year preceding the fixing of the tuition. A student in a community college shall not be deemed a resident of the district or

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS**  
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of the county or of the state of Idaho, unless that student is deemed a resident as defined by section 33-2110B, Idaho Code, for the district, county or state prior to the date of his first enrollment in the community college, and no student who was not a resident of the district, county or state shall gain residence while attending and enrolled in the community college. The residence of a minor shall be deemed to be the residence of his parents or parent or guardian. Tuition shall be payable in advance, but the board may, in its discretion, permit tuition to be paid in installments.

(2) The board of trustees shall also fix fees for laboratory and other special services provided by the community college and for special courses, including, but not limited to, night school, off-campus courses, summer school, professional-technical courses, as otherwise provided in this chapter, and other special instruction provided by the community college and nothing in this chapter shall be deemed to control the amount of tuition for special courses or fees for special services, as herein provided, but the same shall be, as nearly as reasonable, sufficient to cover the cost of all elements of providing courses as above defined.

(3) In this chapter, unless the context requires otherwise, the following definitions shall be uniformly applied. The application of these definitions shall be retroactive and prospective.

(a) "Fees" shall include all charges imposed by the governing body, to students, as a whole or individually, in excess of tuition. Student fees may be imposed for special courses, instruction, and service:

(i) "Special course or instruction fee" means those fees charged for any class or educational endeavor which shall have unique costs beyond a traditional college lecture class; for example, foreign language audio or visual instruction, specialized musical instruction, computer class, art class involving supplies or audiovisual equipment, professional-technical instruction, laboratory class, remedial instruction, team teaching, satellite transmissions, outside instructor, professionally assisted instruction, etc.

(ii) "Special service fee" means those fees charged for activity, benefit, or assistance offered to students which is beyond traditional classroom instruction; for example, student government support, providing of student health staff or facilities, student union support, intramural and intercollegiate athletics, recreational opportunities, financial aid services, graduation expense, automobile parking, student yearbook/publication, insurance, registration, noncapital library user fee, etc.

Fees shall not be imposed for any capital improvements except as specifically authorized in chapter 21, title 33, Idaho Code.

(b) "Tuition" shall mean a sum charged students for cost of college instruction and shall include costs associated with maintenance and operation of physical plant, student services and institutional support.

**STATEMENT OF PURPOSE**

This legislation does two things:

1. It brings consistency to the statute regarding which of Idaho's four-year higher educational institutions must utilize the services of the Department of Administration (Division of Public Works) for non-state funded construction and alteration & repair of buildings valued at over \$100,000;
2. It increases that delegation threshold to \$1.5 million to reflect the rapidly increasing cost of new construction and alteration & repair projects.

Currently, the Department of Administration delegates to all state agencies the authority to undertake construction and alteration & repair projects valued at less than \$100,000.

For projects valued in excess of that amount, all state agencies except the University of Idaho must utilize the services of the Department of Administration (Division of Public Works). The UI is delegated the authority to manage their projects themselves while still being bound by State Board of Education oversight and all applicable state laws and rules.

This bill provides Idaho's other public, four-year institutions of higher education--Boise State University, Idaho State University, and Lewis-Clark State College--with the same delegated authority allowed the University of Idaho provided that the source of funding for the projects comes entirely from non-state sources.

- The State Board of Education's oversight authority for all higher education projects would not change under this bill.
- The four-year institutions would continue to be bound by all applicable laws and rules related to building projects.
- Any construction or alteration & repair project at BSU, ISU or LCSC receiving any state funding would not be affected by this change and would continue to be managed by the Department of Administration (Division of Public Works).

This bill also provides that BSU, ISU and LCSC can utilize the services of the Department of Administration (Division of Public Works) for non-state funded projects upon mutual written agreement between the institution and the department.

**FISCAL NOTE**

Since this legislation would affect only projects built with non-state funds, it would not require new appropriated funding. By eliminating some inherent duplication in the current system used to manage and construct campus facilities, this bill is expected to reduce overall costs to the state and higher education institutions.

**CONTACT:**

Senator \_\_\_\_\_

Representative \_\_\_\_\_

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS**  
**SEPTEMBER 19, 2007**

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Ross Borden  
Boise State University  
426-4081

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS**  
**SEPTEMBER 19, 2007**

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LEGISLATURE OF THE STATE OF IDAHO  
Fifty-ninth LegislatureSecond Regular Session - 2008

IN THE HOUSE OF REPRESENTATIVES

A BILL

BY HOUSE STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO PUBLIC WORKS CONTRACTING; AMENDING SECTION 67-5711, IDAHO CODE, TO EXEMPT FROM THE PROVISION IDAHO STATE UNIVERSITY, BOISE STATE UNIVERSITY, AND LEWIS-CLARK STATE COLLEGE WHEN THE SOURCE OF FUNDS IS FROM NON STATE OF Idaho SOURCES.

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

SECTION 1. That Section 67-5711, Idaho Code, be, and the same is hereby amended to read as follows:

67-5711. CONSTRUCTION, ALTERATION, EQUIPPING, FURNISHING AND REPAIR OF PUBLIC BUILDINGS AND WORKS. The director of the department of administration, or his designee, of the state of Idaho, is authorized and empowered, subject to the approval of the permanent building fund advisory council, to provide or secure all plans and specifications for, to let all contracts for, and to have charge of and supervision of the construction, alteration, equipping and furnishing, repair, maintenance other than preventive maintenance of any and all buildings, improvements of public works of the state of Idaho, the cost of which construction, alteration, equipping and furnishing, repair, maintenance other than preventive maintenance exceeds the sum of one hundred thousand dollars (\$100,000) for labor, materials and equipment, which sum shall exclude design costs, bid advertising and related bidding expenses, provided, that the director or his designee, and permanent building fund advisory council shall, in the letting of contracts under this section, comply with the procedure for the calling of bids provided in section 67-5711C, Idaho Code; provided, however, that this section shall not apply to the construction, alteration, equipping or furnishing or repair or maintenance other than preventive maintenance of public buildings under the jurisdiction and control of the board of regents of the university of Idaho; nor shall this section apply to the construction, alteration, equipping or furnishing or repair or maintenance of buildings under the jurisdiction and control of the board of trustees of Boise State University, Idaho State University, and Lewis-Clark State College when such construction, alteration, equipping or furnishing or repair or maintenance is funded entirely by donations, gifts, non state of Idaho revenues received by the institution, funds received by the institution from the federal government or funds obtained by the institution under chapter 38, title 33, Idaho code or any combination thereof; or where the cost of which construction, alteration, equipping and furnishing, repair, or

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS**  
**SEPTEMBER 19, 2007**

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maintenance does not exceed the sum of one million five hundred thousand dollars (\$1,500,000) regardless of source of funds, provided further that this section may apply upon mutual written agreement between the director and the college or university president; provided further, that the bidding procedures required by this section and section 67-5711C, Idaho Code, shall not apply to performance contracts as provided in section 67-5711D, Idaho Code; provided further, that public works for the Idaho transportation department, the department of fish and game, the department of parks and recreation, and the department of lands, except for administrative office buildings and all associated improvements, are exempt from the provisions of this section that relate to the administration and review of such projects by the director of the department of administration or his designee and by the permanent building fund advisory council. This exemption shall not relieve the Idaho transportation department, the department of fish and game, the department of parks and recreation, and the department of lands in the letting of contracts for public works, from complying with the procedures of section 67-5711C, Idaho Code, related to the advertising and bidding for contracts. The permanent building fund advisory council may adopt rules consistent with existing law, including rules for a program of inspection and maintenance, to carry out the provisions of this chapter.



**STATEMENT OF PURPOSE**

The purpose of this legislation is to promote private giving for construction of higher education facilities in Idaho by providing for matching funds from the legislature.

**FISCAL NOTE**

The bill contemplates no adverse fiscal impact in that there is no requirement for legislative appropriation. When the legislature is able to appropriate funds, the overall fiscal impact is positive in that it will result in any state appropriated funds being leveraged 100% by private donations for use in constructing higher education facilities in Idaho.

**CONTACT**

Name: Martin L. Peterson  
Agency: University of Idaho  
Phone: (208)364-4033

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS**  
**SEPTEMBER 19, 2007**

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LEGISLATURE OF THE STATE OF IDAHO  
Fifty-ninth LegislatureSecond Regular Session - 2008

IN THE HOUSE OF REPRESENTATIVES

BILL NO.

BY THE HOUSE OF REPRESENTATIVES

AN ACT

RELATING TO HIGHER EDUCATION FACILITIES CONSTRUCTION; AMENDING CHAPTER 10, TITLE 57, IDAHO CODE, TO PROVIDE FOR A SHORT TITLE, TO PROVIDE A STATEMENT OF LEGISLATIVE INTENT, TO PROVIDE FOR THE CREATION OF A FUND WITHIN THE STATE TREASURY, TO PROVIDE FOR USES OF THE FUND, TO PROVIDE FOR A MATCHING REQUIREMENT, TO PROVIDE FOR RULES AND REGULATION, TO PROVIDE FOR APPROPRIATION – PURPOSE – LIMITATIONS AND CONDITIONS , TO PROVIDE FOR SEVERABILITY, AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 10, Title 57, Idaho Code, be, and the same is hereby amended by the addition thereto of NEW SECTIONS, to be known and designated as Sections 57-1001, 57-1002, 57-1003, 57-1004, 57-1005, 57-1006, 57-1007 and 57-1008, Idaho Code, and to read as follows:

57-1001. SHORT TITLE. This act shall be known as the “Higher Education Facilities Matching Fund Act

57-1002. LEGISLATIVE INTENT. The legislature recognizes that public higher education institutions require facilities that are appropriate to meet the needs of students, faculty and staff. Often, in addition to state funding sources, it is possible for public higher education institutions to obtain funds for facilities from additional sources, such as private individuals, businesses, foundations and other non-state public funding sources.

As a result, the legislature finds and declares that the interests of the public can often be served by encouraging funding partnerships between the state and other funding sources for the construction and renovation of public higher education facilities.

57-1003. CREATION OF THE HIGHER EDUCATION FACILITIES MATCHING FUND. There is hereby created in the state treasury, a higher education facilities matching fund.

57-1004. HIGHER EDUCATION FACILITIES MATCHING FUND – USE OF FUND. Such funds shall be deposited in the higher education facilities matching fund as may be appropriated from time-to-time by the legislature. All monies deposited in the

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS**  
**SEPTEMBER 19, 2007**

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higher education facilities matching fund shall be dedicated for the purpose of building needed structures, renovations and remodeling of existing structures at the state's institutions of higher education. The state treasurer shall invest idle moneys in the fund, and the interest earned on such investments shall be retained in the fund.

57-1005. MATCHING FUNDS REQUIRED. Prior to the transfer of any monies from the higher education facilities matching fund to individual projects, the sponsoring institution shall provide appropriate certification that an amount equivalent to fifty percent (50%) of the total cost of the project has been raised from other non-state sources and has been deposited in the financial accounts of the institution to be applied to the costs of the project.

57-1006. RULES AND REGULATIONS. Rules governing the use of monies from the higher education facilities matching fund shall be adopted by the permanent building fund advisory council, in consultation with the state board of education and the board of regents of the university of Idaho, including rules establishing a means for institutions to apply for monies from the fund and rules governing priorities for use of monies in the fund.

57-1007. APPROPRIATION – PURPOSE – LIMITATIONS AND CONDITIONS. All unencumbered and otherwise unappropriated funds now or hereafter placed in the higher education facilities matching fund are hereby perpetually appropriated to the permanent building fund advisory council and the division of public works, subject to the provisions of this chapter and chapter 57, title 67, Idaho Code.

57-1008. SEVERABILITY. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this act.

SECTION 2. An emergency existing thereof, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

**STATEMENT OF PURPOSE**

The purpose of this legislation is to increase the number of qualified educators who work in “high need” fields in Idaho’s public school system. “High need” fields would be determined annually by the Board. This proposal creates an on-the-job stipend program in which funds will be used to provide a stipend to educators who become employed in Idaho in “high need” areas.

At the end of each successfully completed year of “high need” area education employment, the educator would receive a maximum of 20% (\$5,000) per year for a total allowable stipend of \$20,000. The stipend is only available to new teachers entering a high need field or to current teachers who receive certification and begin teaching in a high need field.

Idaho’s school districts have been experiencing difficulty recruiting and retaining educators in various fields, especially math and science. This proposal would assist school districts by increasing the number of educators who are certified, and teach in these and other high need areas.

The proposal has a five-year sunset provision, and would continue only if the statute were specifically continued by the Legislature.

**FISCAL NOTE**

In the first year, the proposal would allow 100 eligible educators to receive up to \$5,000 per year (up to a total of \$20,000 per educator) to repay qualified educational loans. It is anticipated that 100 additional eligible educators would be added in years two through five, for a total of 500 educators.

The first year cost would be \$500,000, increasing by \$500,000 for each additional year, for a total of \$2.5 million in year 5.

It is the intention of the sponsor that annual appropriations for this program include carryover authority to allow for use in subsequent fiscal years.

A specific appropriation for this program will be requested during the 2007 legislative session if the enabling statute is approved by the House and Senate.

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS**  
**SEPTEMBER 19, 2007**

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LEGISLATURE OF THE STATE OF IDAHO  
Fifty-ninth LegislatureSecond Regular Session - 2008

IN THE HOUSE OF REPRESENTATIVES

BILL NO.

BY HOUSE EDUCATION COMMITTEE

AN ACT

RELATING TO STIPENDS FOR EDUCATORS WORKING IN HIGH NEED AREAS

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

SECTION 1. That chapter 12, 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 33-1281, Idaho Code, and to read as follows:

33-1281. "HIGH NEED" EDUCATOR STIPEND. (1) It is hereby declared that it is in the public interest to encourage and assist individuals to pursue a career as an educator in a "high need" field within the state of Idaho. It is the intent of the legislature to create a program in which funds shall be used to grant stipends to individuals who work in this state as "high need" educators.

(2) The state board of education shall determine annually the educator fields that shall be considered "high need" under this statute. The state board of education shall consider those educator fields that have been identified as most difficult to fill in the annual report provided by the state superintendent of public instruction. This determination shall be made by the state board of education by resolution at any regular or special meeting, and shall specify the educator fields that shall be considered "high need" for the next succeeding school year.

(3) Any individual who becomes newly certified to serve in a "high need" field in this state is eligible to apply to participate in this program. An individual already certified to serve in a "high need" field shall not be eligible. An educator must apply to the state board of education for participation in this program annually. Selection of educators for stipends shall be based on available funding, and such additional criteria as may be established in rule by the state board of education. In the event that there is not sufficient funding to provide financial stipends to all eligible educators, such criteria shall include a preference for applications that are received earliest in time at the state board of education during an application period.

(4) To be eligible for an initial financial stipend under this program, an educator must become newly certified in a "high need" field and agree to serve at least half-time in a "high need" field in a public school in this state for a full school year. Service in a "high need" field must occur during the school year for which such designation is made. An educator who fulfills this commitment in a "high need" field shall be eligible for an

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS**  
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initial stipend, and be eligible to apply for an annual renewal. The amount available to an individual educator who fulfills this service requirement shall be established annually by the state board of education, based on available funding for this program, and shall not exceed five thousand dollars (\$5,000) per educator for service during any one school year, or exceed a maximum amount of twenty thousand dollars (\$20,000) per educator for service during any consecutive five (5) year period. (5) The "high need" educator loan forgiveness program will be administered by the state board of education, which shall determine the eligibility for applicants. The state board of education shall adopt rules to implement this chapter, including rules relating to application forms, processes, payments, and deadlines.

(6) Unless extended by the legislature, this act shall be null, void and of no force and effect on and after July 1, 2014.

**STATE BOARD OF EDUCATION  
SEPTEMBER 19, 2007**

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**SUBJECT**

Waiver of Second Grade ISAT Tests

**APPLICABLE STATUTE, RULE, OR POLICY**

- Section 33-105 (1) Rules – Executive Department Idaho Code
- Section 33-1612 Thorough System of Public Schools Idaho Code
- IDAPA 08.02.01.001 Waivers

**BACKGROUND**

IDAPA 08.02.03.111.06 requires ISAT testing in second grade. Recent budgetary shortfalls have been resolved in part by negotiating with Data Recognition Corporation, Idaho's ISAT test vendor, not to test second grade students.

**DISCUSSION**

The second grade test was late in being started due to the initial contract focusing on federal compliance. In addition, an examination of test items previously developed revealed that there were no second grade test items aligned with second grade standards. This discovery led to additional work and test development before a second grade test could be delivered. Second grade test development was running approximately one year behind grades three through eight and ten. A field test of items was scheduled for November 2007.

**IMPACT**

Waiving the requirement for second grade tests will assure that compliance with current rules is maintained. This action will allow time for a more thorough review of the decision not to test second grade, and the rule can be changed in a more definitive way through the regular rule-making process.

**ATTACHMENTS**

N/A

**STAFF COMMENTS AND RECOMMENDATIONS**

Staff recommends that the Board waive the requirement for second grade ISAT testing.

**BOARD ACTION**

A motion to waive the requirement for second grade ISAT testing.

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

**STATE BOARD OF EDUCATION  
SEPTEMBER 19, 2007**

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**REFERENCE: APPLICABLE STATUTE, RULE, OR POLICY**

**TITLE 33 EDUCATION  
CHAPTER 1  
STATE BOARD OF EDUCATION**

33-105. RULES -- EXECUTIVE DEPARTMENT. (1) The state board shall have power to make rules for its own government and the government of its executive departments and offices; and, upon recommendations of its executive officers, to appoint to said departments and offices such specialists, clerks and other employees as the execution of duties may require, to fix their salaries and assign their duties.

**TITLE 33 EDUCATION  
CHAPTER 16  
COURSES OF INSTRUCTION**

33-1612. THOROUGH SYSTEM OF PUBLIC SCHOOLS. The constitution of the state of Idaho, section 1, article IX, charges the legislature with the duty to establish and maintain a general, uniform and thorough system of public, free common schools. In fulfillment of this duty, the people of the state of Idaho have long enjoyed the benefits of a public school system, supported by the legislature, which has recognized the value of education to the children of this state.

In continuing recognition of the fundamental duty established by the constitution, the legislature finds it in the public interest to define thoroughness and thereby establish the basic assumptions which govern provision of a thorough system of public schools.

A thorough system of public schools in Idaho is one in which:

1. A safe environment conducive to learning is provided;
2. Educators are empowered to maintain classroom discipline;
3. The basic values of honesty, self-discipline, unselfishness, respect for authority and the central importance of work are emphasized;
4. The skills necessary to communicate effectively are taught;
5. A basic curriculum necessary to enable students to enter academic or professional-technical postsecondary educational programs is provided;
6. The skills necessary for students to enter the work force are taught;
7. The students are introduced to current technology; and
8. The importance of students acquiring the skills to enable them to be responsible citizens of their homes, schools and communities is emphasized.

The state board shall adopt rules, pursuant to the provisions of chapter 52, title 67, Idaho Code, and section 33-105(3), Idaho Code, to establish a thorough system of public schools with uniformity as required by the constitution, but shall not otherwise impinge upon the authority of the board of trustees of the school districts. Authority to govern the school district, vested in the board of trustees of the school district, not delegated to the state board, is reserved to the board of trustees. Fulfillment of the expectations of a thorough system of public schools will continue to depend upon the vigilance of district patrons, the dedication of school trustees and educators, the responsiveness of state rules, and meaningful oversight by the legislature.

**IDAPA 08  
TITLE 02 CHAPTER 01  
08.02.01 - RULES GOVERNING ADMINISTRATION**

**001.WAIVERS.**

The State Board of Education may grant a waiver of any rule not required by state or federal law to any school district upon written request. The Board will not grant waivers of any rule required by state or federal law. State and federal law includes case law (including consent decrees), statutes, constitutions, and federal regulations. (4-1-97)



**STATE BOARD OF EDUCATION  
SEPTEMBER 19, 2007**

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**SUBJECT**

Appointment of Dr. Michael Rush as Interim Executive Director

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho State Board of Education Governing Policies & Procedures, Section VI.A.2

**ATTACHMENTS**

Attachment 1 – Applicable Policy VI.A.2

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**STAFF COMMENTS AND RECOMMENDATIONS**

Staff offers no comments or recommendations.

**BOARD ACTION**

A motion to appoint Dr. Michael Rush as the Interim Executive Director for the State Board of Education effective September 12th, 2007.

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

**Idaho State Board of Education**

**GOVERNING POLICIES AND PROCEDURES**

**SECTION: VI. OFFICE OF THE STATE BOARD OF EDUCATION**

**Subsection: A. Office of the State Board of Education**

**April 2002**

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**A. Office of the State Board of Education**

**1. Purpose**

The Office of the State Board of Education is established by Section 33-102A, Idaho Code, as an executive agency of the State Board of Education.

**2. Executive Director**

The Executive Director serves as executive officer of the Board, as chief administrative officer of the Office of the State Board of Education, and as chief executive officer of such federal or state programs as are directly vested in the State Board of Education. The Executive Director is appointed by and serves at the pleasure of the State Board of Education.