

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS
OCTOBER 9-10, 2008**

TAB	DESCRIPTION	ACTION
1	PRESIDENTS' COUNCIL REPORT	Informational Item
2	LEWIS-CLARK STATE COLLEGE ANNUAL REPORT	Informational Item
3	IDAHO STATE HISTORICAL SOCIETY ANNUAL REPORT	Informational Item
4	BOARD POLICY SECTION I.M. – ANNUAL PLANNING AND REPORTING – SECOND READING	Motion to Approve
5	BOARD POLICY SECTION III.P. – STUDENTS – 1ST READING	Motion to Approve
6	2009 LEGISLATION LANGUAGE	Motion to Approve

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SUBJECT

Presidents' Council Report

BACKGROUND/ DISCUSSION

Dr. Dene Thomas, President of the Lewis-Clark State College will be presenting on behalf of Dr. Jerry Beck, the current Chair of the Presidents' Council.

BOARD ACTION

This item is for informational purposes only. Any action will be at the Board's discretion.

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SUBJECT

Lewis-Clark State College Progress Report

BACKGROUND/DISCUSSION

Periodically, the institutions of higher education in the State of Idaho are requested to provide a progress report to the members of the State Board of Education. It has been one year since Lewis-Clark State College has supplied an overview of its status and accomplishments.

Dr. Dene Thomas, President of Lewis-Clark State College, will be in attendance at the meeting and will present a summary of the accomplishments and future goals of the university.

IMPACT

President Thomas' presentation will provide the State Board members and others with current status information about Lewis-Clark State College.

BOARD ACTION

This item is for informational purposes only. Any action will be at the Board's discretion.

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SUBJECT

Idaho State Historical Society (ISHS) Agency Report

BACKGROUND/DISCUSSION

In an effort to allow the agencies under the authority of the State Board of Education an opportunity to present to the State Board of Education on a more regular basis, one of the agencies will be making a presentation before the Board at each meeting. This report will be a progress report and an opportunity for the agency to supply an overview of its status and accomplishments.

Ms. Janet Gallimore, Executive Director, will be in attendance at the meeting and will present a summary of the accomplishments and future goals of ISHS.

IMPACT

Ms. Gallimore's presentation will provide the State Board members and others with current status information about ISHS.

BOARD ACTION

This item is for informational purposes only. Any action will be at the Board's discretion.

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SUBJECT

Second Reading – Board Policy Section I.M.

REFERENCE

August 2008

First Reading, Board Policy Section I.M approved

APPLICABLE STATUTE, RULE, OR POLICY

Idaho State Board of Education Governing Policies & Procedures, Section I.A.5.b., and I.M.

Section 67-1901 through 16-1905, Idaho Code.

BACKGROUND/DISCUSSION

The Board approved the first reading of policy changes to Section I.M. at its August 2008 regularly scheduled meeting. Since that time the board office has received no comments or concerns from the agencies or the institutions regarding the proposed changes. There have been no additional changes to the proposed policy since the first reading.

ATTACHMENTS

Attachment 1 – Policies & Procedures, Section I.M.

Page 3

STAFF COMMENTS AND RECOMMENDATIONS

Staff recommends approval of Board policy, section I.M.

BOARD ACTION

A motion to approve the second reading of the Idaho State Board of Education Governing Policies & Procedures, Section I.M.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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Idaho State Board of Education

GOVERNING POLICIES AND PROCEDURES

SECTION: I. GENERAL GOVERNING POLICIES AND PROCEDURES

SUBSECTION: M. Annual Planning and Reporting

~~March 2008~~ October 2008

M. Annual Planning and Reporting

This subsection shall apply to Boise State University, Idaho State University, Lewis-Clark State College, University of Idaho, North Idaho College, College of Southern Idaho, College of Western Idaho, Eastern Idaho Technical College, Division of Professional-Technical Education, Division of Vocational Rehabilitation, Idaho Public Television, School for the Deaf and the Blind, Idaho State Historical Society, and Idaho Commission for Libraries.

1. Strategic Plans

- a. ~~Boise State University, Idaho State University, Lewis-Clark State College, University of Idaho, North Idaho College, College of Southern Idaho, College of Western Idaho, Eastern Idaho Technical College, Division of Professional-Technical Education, Division of Vocational Rehabilitation, Idaho Educational Public Broadcasting System Television, and the School for the Deaf and the Blind~~ Each institution, agency, and school will develop and maintain five-year strategic plans.

(1) Institution, school, and agency strategic plans shall be aligned with the Board's strategic plan, be created in accordance with Board guidelines, and be consistent with assigned role and mission statements.

(2) Plans shall be updated annually and submitted to the Board for approval.

(3) Plans shall be submitted by the Board to the appropriate state administrative entity in order to meet the state's annual planning requirements.

- ~~b. The Idaho State Historical Society and Idaho Commission for Libraries are recognized as unique collaborators in the state education system and are encouraged to report annually to the Board in accordance with these guidelines.~~

eb. Format

Plans submitted to the Board annually should be as concise as possible and in accordance with a schedule and format established by the executive director.

Plans should contain:

- (1) A comprehensive mission and vision statement covering the major programs, functions and activities of the organization.

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- (2) General goals and objectives for the major programs, functions and activities of the organization, including a description of how they are to be achieved.
 - (a) Institutions (including Professional-Technical Education) and the School for the Deaf and the Blind should address, at a minimum, instructional issues (including accreditation and student issues), infrastructure issues (including personnel, finance, and facilities), advancement (including foundation activities), and the external environment served by the institution.
 - (b) Agencies should address, at a minimum, constituent issues and service delivery, infrastructure issues (including personnel, finance, and facilities), and advancement (if applicable).
- (3) Identification of key factors external to the organization that could significantly affect the achievement of the general goals and objectives.
- (4) A brief description of the evaluations or processes to be used in establishing or revising general goals and objectives in the future.

2. Performance Measures

Performance measures will be developed in conjunction with the Board's planning process and will be updated annually for Board approval. Performance Measures shall be submitted to the Board annually, and in accordance with a schedule and format established by the Executive Director. Performance measures will be used to measure results, ensure accountability, and encourage continuous improvement to meet goals and objectives.

- a. ~~Postsecondary institutions~~ The Office of the State Board of Education will develop a set of uniform performance measures for the institutions that will gauge progress in such areas as enrollment, retention, and graduation.
- b. Each institution, agency, and the school will develop unique measures tied to its strategic plan.

3. Progress Reports

Progress reports that include, but are not limited to, progress on the approved strategic plan, details of implementation, status of goals and objectives, and expanded information on points of interest and special appropriations will be provided to the Board at least once annually in accordance with a schedule and format established by the Executive Director.

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4. Statewide Reporting

Each institution, agency, and the school will provide to the Board, upon request or in accordance with a schedule and format established by the Executive Director, any data or report.

45. Self-Evaluation

Each year, the Board will conduct a self-evaluation in conjunction with annual strategic planning activities. The self-evaluation methodology will include a staff analysis of all institution, agency, and school annual performance reporting, and comments and suggestions solicited from Board constituency groups to include the Governor, the Legislature, agency heads, institution presidents and other stakeholders identified by the Board President. The Executive Committee of the Board will annually develop a tailored Board self-evaluation questionnaire for use by individual Board members and the Board collectively to evaluate their own performance. Annually, in conjunction with a regular or special meeting, the Board will discuss the key issues identified in the institution, agency and school performance reporting assessment, comments and suggestions received from constituency groups, and the self-evaluation questionnaire in order to further refine Board strategic goals, objectives and strategies for continuous improvement of Board governance and oversight. Self-evaluation results will be shared with constituent groups and should heavily influence strategic plan development.

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SUBJECT

First reading - Board Policy III.P.

APPLICABLE STATUTE, RULE, OR POLICY

Idaho State Board of Education Governing Policies & Procedures, Sections I.A.5. and III.P.7.

BACKGROUND / DISCUSSION

Current Board policy defines a "full-time" undergraduate student as any student carrying eight (8) or more credits (or equivalent in audit and zero-credit registrations) and graduate students on full appointments (instructional and graduate assistants), regardless of the number of credits for which they are registered. A review of policy history indicates that this definition has not been revised in well over 10 years.

The attached revision of Board policy will align the Board's definition of a full time student with Federal Financial Aid Guidelines and reduce confusion to students. This definition is also consistent with WICHE and other national definitions.

IMPACT

This revision will align the Board's definition of a full-time student so that it is consistent with the Federal Financial Aid definition, as well as with national standards. While the impact of these changes will increase the number of undergraduate credits from 8 to 12, in order to be considered a full-time student. This change will not limit the total number of credits that a student can take and will not impact the overload fee institutions can assess when students take a higher number of credits. The Federal definition of a full-time undergraduate student is already required for all federal reports, and therefore, this change will have no impact at the federal level.

ATTACHMENTS

Attachment 2 - Revised Governing Policy Section III.P.

Page 3

STAFF COMMENTS AND RECOMMENDATIONS

The revised policies will allow the institutions to consistently apply financial aid policies. CAAP and the VP's of Finance have both reviewed and approve the proposed change to the full-time student definition. If any additional comments or concerns are received they will be brought to the Board at the December meeting. Staff recommends approval.

BOARD ACTION

A motion to approve the first reading of the amendment to Board Policy III.P. 7. Definition of a full-time student.

Moved _____ Seconded _____ Carried Yes _____ No _____

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Idaho State Board of Education
GOVERNING POLICIES AND PROCEDURES

SECTION: III. POSTSECONDARY AFFAIRS

SUBSECTION: P. STUDENTS

~~August 2002~~ December 2008

P. Students

The following policies and procedures are applicable to or for any person designated as a student at an institution under governance of the Board. A "student" means any person duly admitted and regularly enrolled at an institution under governance of the Board as an undergraduate, graduate, or professional student, on a full-time or part-time basis, or who is admitted as a non-matriculated student on or off an institutional campus.

1. Nondiscrimination

It is the policy of the Board that institutions under its governance must provide equal educational opportunities, services, and benefits to students without regard to race, color, religion, sex, national origin, age, handicap, or veterans status, including disabled veterans and veterans of the Vietnam era in accordance with:

- a. Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d *et seq.*, which prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance.
- b. Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, which prohibits discrimination on the basis of handicap in programs and activities receiving federal financial assistance.
- c. Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 *et seq.*, which prohibits discrimination on the basis of sex in education programs and activities receiving federal financial assistance.
- d. The Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 *et seq.*, which prohibits discrimination on the basis of age in programs or activities receiving federal financial assistance.
- e. Chapter 59, Title 67, Idaho Code, and other applicable state and federal laws.

2. Sexual Harassment

Each institution must establish and maintain a positive learning environment for students that is fair, humane, and responsible. Sexual discrimination, including sexual harassment, is inimical to any institution.

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Sexual harassment violates state and federal laws and the Governing Policies and Procedures of the Board. "Sexual harassment" means an un-welcomed sexual advance, request for sexual favors, or behavior, oral statements, or physical conduct of a sexual nature when:

- a. submission to such conduct is made either explicitly or implicitly a term or condition of a student's grade, receipt of a grade, or status as a student;
- b. an individual student's submission to or rejection of such conduct is used as a basis for a decision affecting the student; or
- c. such conduct has the purpose or effect of substantially interfering with a student's learning or learning performance, or creating an intimidating, hostile, or offensive learning environment.

Each institution must develop and make public procedures providing for the prompt, confidential, and equitable resolution of student complaints alleging an act of sex-based discrimination, including sexual harassment.

3. Academic Freedom and Responsibility

Institutions of postsecondary education are conducted for the common good and not to further the interests of either the individual student or the institution as a whole. Academic freedom is fundamental for the protection of the rights of students in learning and carries with it responsibilities as well as rights.

Membership in an academic community imposes on students an obligation to respect the dignity of others, to acknowledge the right of others to express differing opinions, and to foster and defend intellectual honesty, freedom of inquiry and instruction, and free expression on and off the campus of an institution. Expression of dissent and attempts to produce change may not be carried out in ways which injure individuals, damage institutional facilities, disrupt classes, or interfere with institutional activities. Speakers on the campuses must not only be protected from violence but must also be given an opportunity to be heard. Those who seek to call attention to grievances must do so in ways that do not significantly impede the functioning of the institution.

Students are entitled to an atmosphere conducive to learning and to fair and even treatment in all aspects of student-teacher relationships. Teaching faculty may not refuse to enroll or teach a student because of the student's beliefs or the possible uses to which the student may put the knowledge gained from the course. Students must not be forced by the authority inherent in the instructional role to make personal or political choices.

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4. Catalog and Representational Statements

Each institution will publish its official catalogue and admissions, academic, and other policies and procedures which affect students. (See also "Roles and Missions," Section III, Subsection I-2.)

Each institutional catalogue must include the following statement:

Catalogues, bulletins, and course or fee schedules shall not be considered as binding contracts between [institution] and students. The [institution] reserves the right at any time, without advance notice, to: (a) withdraw or cancel classes, courses, and programs; (b) change fee schedules; (c) change the academic calendar; (d) change admission and registration requirements; (e) change the regulations and requirements governing instruction in and graduation from the institution and its various divisions; and (f) change any other regulations affecting students. Changes shall go into force whenever the proper authorities so determine and shall apply not only to prospective students but also to those who are matriculated at the time in [institution]. When economic and other conditions permit, the [institution] tries to provide advance notice of such changes. In particular, when an instructional program is to be withdrawn, the [institution] will make every reasonable effort to ensure that students who are within two (2) years of completing graduation requirements, and who are making normal progress toward completion of those requirements, will have the opportunity to complete the program which is to be withdrawn.

No employee, agent, or representative of an institution may make representations to, or enter into any agreement with, or act toward any student or person in a manner which is not in conformity with Board Governing Policies and Procedures or the approved policies and procedures of the institution.

5. Student Records

The collection, retention, use, and dissemination of student records is subject to the requirements of the Family Educational Rights and Privacy Act of 1974, as amended, and implementing regulations. Each institution will establish policies and procedures for maintenance of student records consistent with the act and implementing regulations and will establish and make public an appeals procedure which allows a student to contest or protest the content of any item contained in his or her institutional records.

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6. Residency Status - Procedure for Determination

Rules and procedures for the determination of residency status for purposes of paying nonresident tuition are found in the State Board of Education Rule Manual IDAPA 08.01.04.

7. Full-Time Students

~~For fee and tuition purposes, a "full-time student" means any student carrying eight (8) or more credits (or equivalent in audit and zero-credit registrations) and graduate students on full appointments (instructional and graduate assistants), regardless of the number of credits for which they are registered.~~

a. Undergraduate Student

For fee and tuition purposes, a "full-time" undergraduate student means any undergraduate student carrying twelve (12) or more credits (or equivalent in audit and zero-credit registrations).

ai. Student Body Officers and Appointees

For fee and tuition purposes, the president, vice president, and senators of the associated student body government are considered full-time students when carrying at least the following credit loads: (a) president, three (3) credits and (b) vice president and senators, six (6) credits.

bii. Editors

Editors of student-published newspapers are recognized as full-time students when carrying a three-credit load, and associate editors are recognized as full-time students when carrying a six-credit load.

b. Graduate Student

For fee and tuition purposes, a "full-time" graduate student means any graduate student carrying nine (9) or more credits, or any graduate student on a full appointment as an instructional or graduate assistant, regardless of the number of credits for which such instructional or graduate assistant is registered.

8. Student Governance

The students at each institution may establish a student government constitution for their own duly constituted organization, which must be consistent with Board Governing Policies and Procedures. Each student constitution must be reviewed and approved by the Chief Executive Officer. Any amendments to the student constitution must also be reviewed and approved by the Chief Executive Officer.

9. Student Financial Aid

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Each institution will establish policies and procedures necessary for the administration of student financial aid.

- a. Transfer of Delinquent National Direct Student Loans. (See Section V, Subsection P)
- b. Student Financial Aid Fraud

Each institution under governance of the Board should, as a matter of policy, initiate charges against individuals who fraudulently obtain or misrepresent themselves with respect to student financial aid.

10. Fees and Tuition

- a. Establishment

Policies and procedures for establishment of fees, tuition, and other charges are found in Section V, Subsection R, of the Governing Policies and Procedures.

- b. Refund of Fees

Each institution will develop and publish a schedule for refund of fees in the event a student withdraws in accordance with regulations governing withdrawal.

11. Student Employees

- a. Restrictions

No student employee may be assigned to duties which are for the benefit of personal and private gain, require partisan or nonpartisan political activities, or involve the construction, operation, or maintenance of any part of any facility which is used for sectarian instruction or religious worship. No supervisor may solicit or permit to be solicited from any student any fees, dues, compensation, commission, or gift or gratuity of any kind as a condition of or prerequisite for the student's employment.

- b. Policies and Procedures

Each institution will develop its own policies and procedures regarding student employment, including use of student employment as a part of financial assistance available to the student. Such policies and procedures must ensure that equal employment opportunity is offered without discrimination and that wage administration is conducted in a uniform manner. Such policies also must include a statement of benefits available to student employees, if appropriate.

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c. Graduate Assistants

Each institution is delegated the authority to appoint within the limitations of available resources graduate assistants in a number consistent with the mission of the institution. Graduate assistantships are established to supplement a graduate student's course of study, with employment appropriate to the student's academic pursuits.

Each institution will establish its own procedures for appointment of graduate assistants which will include (a) qualifications, (b) clear and detailed responsibilities in writing, and (c) maximum number of hours expected and wages for meeting those requirements.

Matriculation, activity, and facility fees for graduate assistants will be paid either by the student or by the department or academic unit on behalf of the student. Graduate students will be covered by appropriate insurance in accordance with institutional procedures for work-related illness or injury.

d. Hourly or Contractual Employment

Each institution may employ students on an hourly or contractual basis in accordance with the needs of the various departments or units, available funds, and rules of the Division of Human Resources (or the University of Idaho classified employee system) or federal guidelines when work-study funds are used.

12. Student Conduct, Rights, and Responsibilities

Each institution will establish and publish a statement of student rights and a code of student conduct. The code of conduct must include procedures by which a student charged with violating the code receives reasonable notice of the charge and is given an opportunity to be heard and present testimony in his or her defense. Such statements of rights and codes of conduct, and any subsequent amendments, are subject to review and approval of the chief executive officer.

Sections 33-3715 and 33-3716, Idaho Code, establish criminal penalties for conduct declared to be unlawful.

13. Student Services

Each institution will develop and publish a listing of services available to students, eligibility for such services, and costs or conditions, if any, of obtaining such services.

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14. Student Organizations

Each student government association is responsible, subject to the approval of the institution's chief executive officer, for establishing or terminating student organizations supported through allocation of revenues available to the association. Expenditures by or on behalf of such student organizations are subject to rules, policies, and procedures of the institution and the Board.

15. Student Publications and Broadcasts

Student publications and broadcasts are independent of the State Board of Education and the institutional administration. The institutional administration and the State Board of Education assume no responsibility for the content of any student publication or broadcast. The publishers or managers of the student publications or broadcasts are solely liable for the content.

16. Student Health Insurance (Effective July 1, 2003)

The Board's student health insurance policy is a minimum requirement. Each institution, at its discretion, may adopt policies and procedures more stringent than those provided herein.

a. Health Insurance Coverage Offered through the Institution

Each institution shall provide the opportunity for students to purchase health insurance. Institutions are encouraged to work together to provide the most cost effective coverage possible. Health insurance offered through the institution shall provide benefits in accordance with state and federal law.

b. Mandatory Student Health Insurance

Every full-fee paying student (as defined by each institution) attending classes in Idaho shall be covered by health insurance. Students shall purchase health insurance offered through the institution, or may instead, at the discretion of each institution, present evidence of health insurance coverage that is at least substantially equivalent to the health insurance coverage offered through the institution. Students without evidence of health insurance coverage shall be ineligible to enroll at the institution.

(1) Students presenting evidence of health insurance coverage not acquired through the institution shall provide at least the following information:

- (a) Name of health insurance carrier
- (b) Policy number

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- (c) Location of an employer, insurance company or agent who can verify coverage
- (2) Each institution shall monitor and enforce student compliance with this policy.
- (3) Each institution shall develop procedures that provide for termination of a student's registration if he or she is found to be out of compliance with this policy while enrolled at the institution. Each institution, at its discretion, may provide a student found to be out of compliance the opportunity to come into compliance before that student's registration is terminated, and may provide that a student be allowed to re-enroll upon meeting the conditions set forth herein, and any others as may be set forth by the institution.

17. Students Called to Active Military Duty

The Board strongly supports the men and women serving in the National Guard and in reserve components of the U.S. Armed Forces. The Board encourages its institutions to work with students who are called away to active military duty during the course of an academic term and provide solutions to best meet the student's current and future academic needs. The activated student, with the instructor's consent, may elect to have an instructor continue to work with them on an individual basis. Additionally, institutions are required to provide at least the following:

- a. The activated student may elect to completely withdraw. The standard withdrawal deadlines and limitations will not be applied. At the discretion of the institution, the student will receive a "W" on his or her transcript, or no indication of enrollment in the course(s).
- b. One hundred percent (100%) of the paid tuition and/or fees for the current term will be refunded, as well as a pro-rated refund for paid student housing fees, meal-plans, or any other additional fees. Provided, however, that if a student received financial aid, the institution will process that portion of the refund in accordance with each financial aid program.

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SUBJECT

Legislation for the 2009 Legislative Session

REFERENCE

June 2008

The Board approved Idea Forms for Legislation

BACKGROUND/DISCUSSION

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. Legislative Idea Forms were approved by the Board in June and submitted to DFM by August 1st. Legislative Proposals for DFM approved Legislative Idea forms were submitted September 19th.

Of the five Legislative Idea forms submitted, DFM has cleared the transfer of property legislation to advance to the legislature, has kept the proprietary school bonding, school district boundary notification, and Idaho Council for Technology in Learning (ICTL) legislation in the development stage and has disapproved IDVR's legislation regarding counselor student loan forgiveness.

IMPACT

If the Board approves the legislative language as submitted, staff will continue to work with the governor's office to move the legislation through the legislative process. If the Board does not approve the legislative language as submitted, staff will withdraw the requests and the legislation will not move forward.

ATTACHMENTS

Attachment 1 – Proprietary School Bonding – Leg Idea #501-01	Page 3
Attachment 2 – Transfer of Property-Leg Idea #501-02	
Attachment 3 – Boundary Change Reporting-Leg Idea #501-03	Page 10
Attachment 4 – IDVR Counselor Student Loan- Leg Idea #501-04	Page 12
Attachment 5 – Council for Technology in Learning- Leg Idea #501-05	Page 19

STAFF COMMENTS AND RECOMMENDATIONS

Staff recommends approval of the legislation as submitted.

BOARD ACTION

A motion to approve the legislation relating to proprietary school bonding, transfer of property, school district boundary change notification, and the Council for Technology in Learning as submitted, to direct the Executive Director to make revisions as necessary, and to continue with the Governor's legislative process.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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IN THE SENATE

SENATE BILL NO.

BY EDUCATION COMMITTEE

AN ACT RELATING TO

REGULATION OF PROPRIETARY SCHOOLS; AMENDING SECTION 33-2401, IDAHO CODE, TO PROVIDE DEFINITIONS AND TO REVISE DEFINITIONS; AMENDING SECTION 33-2404, IDAHO CODE, TO REDESIGNATE THE SECTION, TO PROVIDE FOR AN AGENT'S CERTIFICATE OF IDENTIFICATION, TO PROVIDE REQUIREMENTS FOR THE CERTIFICATE OF IDENTIFICATION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-2406, IDAHO CODE, RELATING TO A SURETY BOND; REPEALING SECTION 33-2407, IDAHO CODE, RELATING TO REQUIREMENTS FOR AND CONDITIONS FOR RECOVERY FROM THE STUDENT TUITION RECOVERY ACCOUNT; AND REPEALING SECTION 33-2408, IDAHO CODE, RELATING TO ASSESSMENT MECHANISMS FOR THE STUDENT TUITION RECOVERY ACCOUNT.

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

SECTION 1. That Section 33-2401, Idaho Code, be, and the same is hereby amended to read as follows:

33-2401. DEFINITIONS. For the purposes of chapter 24, title 33, Idaho Code, the following words have the following meanings:

(1) "Accredited" means that a postsecondary educational institution has been recognized or approved as meeting the standards established by an accrediting agency recognized by the board.

(2) "Agent" means any individual within the state of Idaho who solicits students for or on behalf of a proprietary school.

(3) "Agent's ~~permit~~" ~~means a nontransferable written document issued to an agent by the board.~~ **certificate of identification** means a nontransferable written document issued to an agent by the proprietary school that the agent represents.

(4) "Board" means the state board of education.

(5) "Course" means instruction imparted in a series of lessons or class meetings to meet an educational objective.

(6) "Course or courses of study" means either a single course or a set of related courses for which a student enrolls, either for academic credit or otherwise.

(7) "Degree" means **any writing or** any academic, ~~vocational, professional-technical or honorary title or designation, mark, appellation, series of letters, numbers or words such as, but not limited to, "bachelor's," "master's," "doctorate," "fellow," which signifies, purports, or is generally taken to signify satisfactory completion of the requirements of an academic, vocational, professional-technical, educational or professional~~

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~~program of study beyond the secondary school level or for a recognized title conferred for meritorious recognition and an associate of arts or associate of science degree awarded by a community college or other public or private postsecondary educational institution or other entity which may be used for any purpose whatsoever~~
title which contains, in any language, the word "associate", "bachelor", "baccalaureate", "master", or "doctor", or any abbreviation thereof, and which indicates or represents, or which is intended to indicate or represent, that the person named thereon, in the case of any writing, or the person it is awarded thereto, in the case of any academic title, is learned in or has satisfactorily completed a prescribed course of study in a particular field or that the person has demonstrated proficiency in any field of endeavor as a result of formal preparation or training.

(8) "Postsecondary educational institution" means an individual, or educational, business or other entity, whether legally constituted or otherwise, which maintains a presence within, or which operates or purports to operate, from a location within, the state of Idaho, and which provides **a course or courses of study** that lead to a degree, or which provides, offers or sells degrees.

(9) "Proprietary school" means an individual, or educational, business or other entity, whether legally constituted or otherwise, which maintains a presence within, or which operates or purports to operate, from a location within, the state of Idaho and which conducts, provides, offers or sells a course or courses of study, but which does not provide, offer or sell degrees.

SECTION 2. That Section 33-2402, Idaho Code, be, and the same is hereby amended to read as follows:

33-2402. REGISTRATION OF POSTSECONDARY EDUCATIONAL INSTITUTIONS.

(1) Unless exempted as provided herein, each postsecondary educational institution which maintains a presence within the state of Idaho, or which operates or purports to operate from a location within the state of Idaho, shall register annually with and hold a valid certificate of registration issued by the board. A public postsecondary educational institution or agency supported primarily by taxation from either the state of Idaho or a local source in Idaho shall not be required to register under this section. The board may exempt a nonprofit postsecondary educational institution from the registration requirement in accordance with standards and criteria established in rule by the board. The board may permit a postsecondary educational institution required to register under this section to instead register as a proprietary school under section 33-2403, Idaho Code, in accordance with standards and criteria established in rule by the board.

(2) The board shall prescribe by rule the procedure for registration, which shall include, but is not limited to, a description of each degree, course or ~~program~~ **courses of study**, for academic credit or otherwise, that a postsecondary educational institution intends to conduct, provide, offer or sell. Such rule shall also prescribe the standards and criteria to be utilized by the board for recognition of accreditation organizations.

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(3) The board may deny the registration of a postsecondary educational institution that does not meet accreditation requirements or other standards and criteria established in rule by the board. The administrative procedure act, chapter 52, title 67, Idaho Code, shall apply to any denial of registration under this section.

(4) The board shall assess an annual registration fee on each postsecondary educational institution required to be registered under this section ~~based on the respective degrees, courses or programs that each such post-secondary educational institution intends to conduct, provide, offer or sell, not to exceed one hundred dollars (\$100) for each degree, course or program~~ **as established in rule by the board.** Such annual registration fee shall be collected by the board and shall be dedicated for use by the board in connection with its responsibilities under this chapter.

SECTION 3. That Section 33-2403, Idaho Code, be, and the same is hereby amended to read as follows:

33-2403. REGISTRATION OF PROPRIETARY SCHOOLS. (1) Unless exempted as provided in subsection (4) of this section, each proprietary school which maintains a presence within the state of Idaho, or which operates or purports to operate from a location within the state of Idaho, shall register annually with and hold a valid certificate of registration issued by the board or its designee.

(2) The board shall prescribe by rule the procedure for registration, which shall include, but is not limited to, a description of each course or ~~program~~, **courses of study** for academic credit or otherwise, that a proprietary school intends to conduct, provide, offer or sell.

(3) The board may deny the registration of a proprietary school that does not meet the standards or criteria established in rule by the board. The administrative procedure act, chapter 52, title 67, Idaho Code, shall apply to any denial of registration under this section.

(4) The following individuals or entities are specifically exempt from the registration provisions required by this section:

(a) An individual or entity that offers instruction or training solely avocational or recreational in nature, as determined by the board.

(b) An individual or entity that offers courses recognized by the board which comply in whole or in part with the compulsory education law.

(c) An individual or entity that offers a course or courses of study sponsored by an employer for the training and preparation of its own employees, and for which no tuition fee is charged to the student.

(d) An individual or entity which is otherwise regulated, licensed or registered with another state agency pursuant to title 54, Idaho Code.

~~(e) Aviation school or instructors approved by and under the supervision of the federal aviation administration.~~

(f) An individual or entity that offers intensive review courses designed to prepare students for certified public accountancy tests, public accountancy tests, law school aptitude tests, bar examinations or medical college admissions tests, or similar instruction for test preparation.

(g) An individual or entity offering only workshops or seminars lasting no longer than three (3) calendar days.

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(h) A parochial or denominational institution providing instruction or training relating solely to religion and for which degrees are not granted.

(i) An individual or entity that offers postsecondary credit through a consortium of public and private colleges and universities under the auspices of the western governors.

(5) The board shall assess an annual registration fee on each proprietary school required to be registered under this section **as established in rule by the board**. ~~Such annual registration fee shall be composed of a fixed portion in an amount not to exceed one hundred dollars (\$100) for each proprietary school, and a variable portion based on the respective course or courses of study that each such proprietary school intends to conduct, provide, offer or sell, not to exceed one hundred dollars (\$100) for each course or courses of study.~~ Such annual registration fee shall be collected by the board **or its designee**, and shall be dedicated for use by the board in connection with its responsibilities under this chapter.

SECTION 4. That Section 33-2404, Idaho Code, be, and the same is hereby amended to read as follows:

33-2404. AGENT'S ~~PERMIT~~ CERTIFICATE OF IDENTIFICATION.

(1) No individual may act as an agent of a proprietary school required to be registered under the provisions of this chapter unless that individual holds a valid agent's ~~permit~~ **certificate of identification** issued by the ~~board and maintains at all times a surety bond as described in section 33-2406, Idaho Code~~ **proprietary school that the agent represents**. ~~The application for an agent's permit shall be furnished by the board and shall include the following: (1) A statement signed by the applicant that he or she has read the provisions of this chapter and the rules promulgated pursuant thereto. (2) An annual fee for each permit not to exceed fifty dollars (\$50.00). The board shall set by rule the amount of such annual agent's permit fee.~~

(2) ~~All agent's permits shall be renewed annually upon reapplication and proper qualifications~~ **Each agent's certificate of identification shall be reissued annually by the proprietary school that the agent represents** on the first day of July. If courses are solicited or sold by more than one (1) agent, a separate ~~permit~~ **certificate of identification** is required for each agent.

(3) The agent's ~~permit~~ **certificate of identification** shall consist of a pocket card and shall bear:

(a) ~~T~~he name and address of the agent;

(b) ~~T~~he name and address of the proprietary school, ~~and~~ **that the agent represents**;

(c) ~~A~~ statement that the bearer is an authorized agent of the proprietary school, and may solicit ~~and sell courses~~ **students** for the proprietary school.

(4) The agent shall surrender the agent's ~~permit~~ **certificate of identification** to the proprietary school upon termination of employment **or agency relationship**.

(5) An agent representing more than one (1) proprietary school shall obtain a separate agent's ~~permit~~ **certificate of identification** for each proprietary school represented.

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(6) ~~No individual shall be issued an agent's permit~~ Prior to issuing the agent a certificate of identification, the proprietary school shall complete a criminal history check that includes the state bureau of identification, federal bureau of investigation and statewide sex offender registry and other guidelines established in rule by the board for every agent having direct contact with minors. No agent shall be issued an agent's certificate of identification if he or she has been previously found in any judicial or administrative proceeding to have violated this chapter.

(7) An agent's ~~permit~~ certificate of identification shall be valid for the state's fiscal year in which it is issued, unless sooner revoked or suspended. ~~by the board for fraud or misrepresentation in connection with the solicitation for the sale of any course of study, for any violation of the provisions of this chapter or rules promulgated pursuant to this chapter, or for the existence of any condition in respect to the agent or the proprietary school he or she represents, which if in existence at the time the agent's permit was issued, would have been grounds for denial for the agent's permit.~~

(8) The agent shall carry the agent's ~~permit~~ certificate of identification with him or her for identification purposes when engaged in the solicitation ~~for the sale and the selling of courses of study~~ of students away from the premises of the proprietary school, and shall produce the ~~agent's permit~~ certificate of identification for inspection upon request. ~~The administrative procedure act, chapter 52, title 67, Idaho Code, shall apply to any denial of an agent's permit or proceeding to revoke or suspend an agent's permit of the board conducted pursuant to this section.~~

(9) The issuance of an agent's ~~permit~~ certificate of identification pursuant to this section shall not be interpreted as, and it shall be unlawful for any individual holding any agent's ~~permit~~ certificate of identification to expressly or impliedly represent by any means ~~whatever~~ whatsoever, that the board has made any evaluation, recognition, accreditation or endorsement of any proprietary school or of any course of study being offered ~~for sale~~ by the agent of any such proprietary school. Any oral or written statement, advertisement or solicitation by any proprietary school or agent which refers to the board shall state:

"(Name of school) is registered with the State Board of Education in accordance with Section 33-2403, Idaho Code."

(10) It shall be unlawful for any agent holding an agent's ~~permit~~ certificate of identification under the provisions of this section to expressly or impliedly represent, by any means whatsoever, that the issuance of the agent's ~~permit~~ certificate of identification constitutes an assurance by the board that any course of study being offered ~~for sale~~ by the agent or proprietary school will provide and require of the student a course of education or training necessary to reach a professional, educational, or vocational objective, or will result in employment or personal earning for the student, or that the board has made any evaluation, recognition, accreditation, or endorsement of any course of study being offered ~~for sale~~ by the agent or proprietary school.

(11) No agent shall make any untrue or misleading statement or engage in sales, collection, credit, or other practices of any type that are illegal, false, deceptive, misleading or unfair.

(12) The ~~board~~ proprietary school shall maintain records for five (5) years of each application for an agent's ~~permit, each bond~~ certificate of identification, and

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each issuance, denial, termination, suspension and revocation of an agent's *permit certificate of identification*.

(13) The proprietary school shall provide as part of the annual registration process the names and results of the criminal history check for each agent to whom it has issued a certificate of identification. The criminal history check will be valid for five (5) years.

(14) The board or a student may bring an action pursuant to the Idaho rules of civil procedure for an agent's violation of the provisions of this chapter or any rule promulgated pursuant to this chapter, or any fraud or misrepresentation. The court shall determine which party is the "prevailing party" and the prevailing party shall be entitled to the recovery of damages, reasonable attorney's fees and costs both at trial and on appeal.

(15) ~~Additionally, a~~Any agent who violates the provisions of this section is also guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding six (6) months, or by a fine not exceeding five thousand dollars (\$5,000), or both.

SECTION 5. That Section 33-2405, Idaho Code, be, and the same is hereby amended to read as follows:

33-2405. PURCHASE STATEMENT. At the time of depositing any moneys to purchase the product of any proprietary school, the proprietary school shall require the student to execute the following statement on an appropriate form which shall be maintained on record by the proprietary school in the individual student's file:

"I understand that (Name of proprietary school) is registered with the State Board of Education in accordance with Section 33-2403, Idaho Code. I also understand that the State Board of Education has not accredited or endorsed any course of study being offered by (Name of proprietary school), and that these courses ~~will~~ **may** not be accepted for transfer into any Idaho public postsecondary institution."

SECTION 6. That Section 33-2406, Idaho Code, be, and the same is hereby amended to read as follows:

33-2406. SURETY BOND. ~~As a condition of registration, a proprietary school shall obtain a~~ **As a condition of registration, a proprietary school shall obtain a** surety bond issued by an insurer duly authorized to do business in this state in favor of the state of Idaho for the indemnification of any student for any loss suffered as a result of ~~the occurrence, during the period of coverage, of any fraud or misrepresentation used in connection with the solicitation for the sale or the sale of any course of study~~ **a failure by such proprietary school to satisfy its obligations pursuant to the terms and conditions of any contract for tuition or other instructional fees entered into between the propriety school and a student,** or as a result of any violation of this chapter or the rules promulgated pursuant to this chapter ~~shall be required of an agent~~. The term of the bond shall extend over the period of ~~the permit~~. ~~The bond shall be supplied by the proprietary school~~ **registration, and shall be in such amount as is established in rule by the board.**

~~The bond shall provide for liability in the penal sum of one hundred thousand dollars (\$100,000) for a proprietary school with one hundred (100) or more students; fifty thousand~~

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~~dollars (\$50,000) for a proprietary school with fifty (50) to ninety-nine (99) students; twenty-five thousand dollars (\$25,000) for a proprietary school with less than fifty (50) students. Notwithstanding the above, for a proprietary school that submits evidence acceptable to the board that the total unearned tuition of the proprietary school will not exceed ten thousand dollars (\$10,000) at any given time during the period of registration, a bond in the penal sum of ten thousand dollars (\$10,000) may be provided, regardless of the number of students.~~

The board **or its designee** may submit a demand upon the surety on the bond on behalf of a student or students when it is reasonably believed that a loss has occurred due to ~~fraud or misrepresentation used in connection with the solicitation for the sale or the sale of any course of study~~ **a failure by such proprietary school to satisfy its obligations pursuant to the terms and conditions of any contract for tuition or other instructional fees entered into between the propriety school and a student**, or as a result of any violation of the provisions of this chapter or the rules promulgated pursuant to this chapter.

Neither the principal nor surety on the bond may terminate the coverage of the bond, except upon giving one hundred twenty (120) days' prior written notice to the board, ~~and contemporaneously surrendering all agents' permits.~~

~~—————Each proprietary school shall certify, at the time of registration, the number of students presently enrolled at the proprietary school and shall make available, upon request of the board, proof of enrollment numbers.~~

SECTION 7. That Section 33-2407, Idaho Code, be, and the same is hereby repealed.

SECTION 8. That Section 33-2408, Idaho Code, be, and the same is hereby repealed.

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IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO.

BY EDUCATION COMMITTEE

AN ACT RELATING TO

THE STATE BOARD OF EDUCATION; AMENDING SECTION 33-107, IDAHO CODE, TO PROVIDE FOR AUTHORITY OF THE STATE BOARD OF EDUCATION TO TRANSFER OR CONVEY TITLE, RIGHTS AND INTERESTS IN CERTAIN REAL AND PERSONAL PROPERTY.

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

Section 1. That Section 33-107, Idaho Code, be, and the same is hereby amended to read as follows:

33-107. GENERAL POWERS AND DUTIES OF THE STATE BOARD. The state board shall have power to:

- (1) Perform all duties prescribed for it by the school laws of the state;
- (2) Acquire, hold and dispose of title, rights and interests in real and personal property. **The state board shall have authority to transfer or convey title, rights and interests in real and personal property held by the state board or any entity of public postsecondary education supported in whole or in part by state funds to the government of the United States, any other agency or unit of the state of Idaho, any city, any county, any hospital district organized under chapter 13, title 39, Idaho Code, any school district in the state of Idaho, any library district, any community college district, or any recreation district, without any consideration or payment therefore when, in the judgment of the state board, it is in the best interest of the public that such transfer or conveyance be made and the governing bodies of the entities involved have approved the transfer or conveyance;**
- (3) Have general supervision, through its executive departments and offices, of all entities of public education supported in whole or in part by state funds;
- (4) Delegate to its executive secretary, to its executive officer, or to such other administrators as the board may appoint, such powers as said officers require to carry out the policies, orders and directives of the board;
- (5) Through its executive departments and offices:
 - (a) Enforce the school laws of the state,
 - (b) Study the educational conditions and needs of the state and recommend to the legislature needed changes in existing laws or additional legislation;
- (6) In addition to the powers conferred by chapter 24, title 33, Idaho Code:
 - (a) Maintain a register of postsecondary educational institutions approved to provide programs and courses that lead to a degree or which provide, offer and

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sell degrees in accordance with the procedures established in chapter 24, title 33, Idaho Code,

(b) Determine whether to accept academic credit at public postsecondary educational institutions in Idaho. Academic credit shall not be transferred into any Idaho public postsecondary institution from a postsecondary educational institution or other entity that is not accredited by an organization recognized by the board,

(c) Maintain a register of proprietary schools approved to conduct, provide, offer or sell a course or courses of study in accordance with the procedures established in chapter 24, title 33, Idaho Code;

(7) Prescribe the courses and programs of study to be offered at the public institutions of higher education, after consultation with the presidents of the affected institutions;

(8) Approve new courses and programs of study to be offered at community colleges organized pursuant to chapter 21, title 33, Idaho Code, when the courses or programs of study are academic in nature and the credits derived therefrom are intended to be transferable to other state institutions of higher education for credit toward a baccalaureate degree, and when the courses or programs of study have been authorized by the board of trustees of the community college.

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IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO.

BY EDUCATION COMMITTEE

AN ACT RELATING TO

THE PROCEDURES TAKEN BY THE STATE BOARD OF EDUCATION AFTER APPROVING CONSOLIDATION, DECONSOLIDATION, AND BOUNDARY CHANGE REQUESTS. AMENDING SECTION 33-307, IDAHO CODE, RELATING TO THE CORRECTION OR ALTERING OF SCHOOL DISTRICT BOUNDARIES; AMENDING SECTION 33-308, IDAHO CODE, RELATING TO THE EXCISION AND ANNEXATION OF TERRITORY; AMENDING SECTION 33-311, IDAHO CODE, RELATING TO THE PLAN OF CONSOLIDATION SUBMITTED TO ELECTORS; AMENDING SECTION 33-312, IDAHO CODE, RELATING TO THE DIVISION OF SCHOOL DISTRICT; AMENDING SECTION 33-407, IDAHO CODE, RELATING TO THE RETURN AND CANVASS OF ELECTIONS

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

SECTION 1. That Section 33-307, Idaho Code, be, and the same is hereby amended to read as follows:

33-307. CORRECTING OR ALTERING SCHOOL DISTRICT BOUNDARIES. (1) Whenever the state board of education shall find that **school district boundaries should be corrected or altered**, because of error in the legal description of the boundaries of any school district, or for any other reason, **including but not limited to**

(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 approval in any school election involving the excision and annexation of territory, or the consolidation of school districts, the division of a school district, or the lapse of a school district, then** 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,~~

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~~shall lie. **which shall notify the state tax commission and the county assessor and county recorder in accordance with the provisions of section 63-215, Idaho Code.**~~

~~(3) Within thirty (30) days of receipt of the order, the **state tax commission,** ~~the board of county commissioners~~ **and the county assessor** shall correct the legal description of the school district or districts, as the same may appear in ~~its~~ **their respective** records, ~~and immediately thereafter shall notify the state board of education that the county records have been corrected in accordance with the order of the said state board of education.~~ The state tax commission in accordance with the provisions of section 63-215, Idaho Code. The proposal shall become effective ~~state tax commission shall notify the board of trustees of the affected school district and at the same time the state board of education and the state tax commission shall also be notified in accordance with the provisions of section 63-215, Idaho Code.~~ **that the county records have been corrected as ordered and** ~~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.~~ **upon such notification, provided that in the case of either the consolidation or division of a school district, the proposal shall become effective the first day of July next following the date of the order.**~~

~~(4) **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.**~~

SECTION 2. That Section 33-308, Idaho Code, be, and the same is hereby amended to read as follows:

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 less than one (1) square mile and** 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.

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(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 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.

SECTION 3. That Section 33-311, Idaho Code, be, and the same is hereby amended to read as follows:

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

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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 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~~ make an appropriate 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, Idaho Code.**

SECTION 4. That Section 33-312, Idaho Code, be, and the same is hereby amended to read as follows:

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.

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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 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 make an appropriate 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, Idaho Code.**

SECTION 5. That Section 33-407, Idaho Code, be, and the same is hereby amended to read as follows:

33-407. RETURN AND CANVASS OF ELECTIONS. In any school election involving the excision and annexation of territory, or the consolidation of school districts, or the

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division of a school district, the board of county commissioners of the county in which the election is held, or, in the case of a joint school district, the board of county commissioners of the home county of the school district, shall constitute the board of canvassers. In all other school elections, the board of trustees of each school district shall act as the board of canvassers.

Following the close of the polls at the time stated in the notice of election, each board of election shall open the ballot boxes and compute the results in public view. Any ballot or part of a ballot from which it is impossible to determine the elector's choice shall be void and shall not be counted. In the event of a bond election or any other election requiring more than a simple majority conducted by a school district, any qualified elector casting such ballot or part of a ballot shall be deemed not to have voted at or participated in such bond election and the ballot or part of a ballot shall not be counted in determining the number of qualified electors voting at or participating in such elections. Within not more than three (3) days thereafter each board of election shall make return to the chairman of the board of canvassers. Said return shall include the computation of the results of the election and all ballots cast at the election, both those counted and those rejected.

At its next meeting after receiving all returns from the board or boards of election, the board of trustees or the board of county commissioners, when acting as a board of canvassers shall canvass all returns of the election. The board of canvassers shall examine and make a statement of the total number of votes cast for all candidates or questions that shall have been voted upon at the election. The statement shall set forth the names of the candidates or questions for which the votes have been cast. It shall also include the total number of votes cast for each candidate and/or the total number of affirmative and negative votes cast for any question voted upon at the election. The board of trustees of the school district, when acting as a board of canvassers, shall enter the results of the election as reflected in such a statement in the minutes of the board of trustees.

The board of county commissioners, when acting as a board of canvassers, shall canvass the returns and shall ~~give notice of the result of the election as reflected in such statement to the board of trustees of any school district involved in the election. If the proposals have been approved by the majority or majorities required by law, the board of county commissioners shall thereupon enter its order showing the proposals as having been approved, and shall also give notice of such approval to the board of county commissioners of any other county in which shall lie any part of the territory of any school district affected by the result of the election. The board of county commissioners of each county shall thereupon make appropriate corrections in the legal descriptions of any school district boundaries, within its county whenever the result of the election requires such correction.~~ **thereupon promptly notify the state board of education and the affected school districts of such results. Whenever the results requires the alteration of school district boundaries, 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 altered, as prescribed in section 33-307, Idaho Code.**

All returns of elections, including ballots cast thereat, shall be kept and retained by the clerk of the board of trustees, or by the clerk of the board of county

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commissioners, as the case may be, for not less than eight (8) months after the date of the election.

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IN THE SENATE

SENATE BILL NO.

BY EDUCATION COMMITTEE

AN ACT RELATING TO

IDAHO EDUCATIONAL TECHNOLOGY INITIATIVE, STATE COUNCIL FOR TECHNOLOGY; REPEALING SECTION 33-4804, IDAHO CODE, RELATING TO THE CREATIONS OF THE STATE COUNCIL FOR TECHNOLOGY AND LEARNING; REPEALING SECTION 33-4805, IDAHO CODE, RELATING TO THE RESPONSIBILITIES OF THE STATE COUNCIL FOR TECHNOLOGY AND LEARNING; AMENDING 33-4806, IDAHO CODE, TO ELIMINATE REFERENCE TO THE COUNCIL; AMENDING 33-4807, IDAHO CODE, RELATING TO REPORTING REQUIREMENTS; REPEALING SECTION 33-4809, IDAHO CODE, RELATING TO THE HIGHER EDUCATION INFORMATION TECHNOLOGY COMMITTEE; REPEALING SECTION 33-4810, IDAHO CODE, RELATING TO THE PUBLIC EDUCATION INFORMATION TECHNOLOGY COMMITTEE.

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

SECTION 1. That Section 33-4804, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Section 33-4805, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Section 33-4806, Idaho Code, be, and the same is hereby amended to read as follows:

33-48064. PUBLIC SCHOOL TECHNOLOGY GRANTS. There is hereby established the public school technology grant program **to be implemented by the state department of education**, which shall make available grants for schools to provide Idaho classrooms, including classrooms at the Idaho school for the deaf and blind, with the equipment and resources necessary to integrate information age technology with instruction and to further connect those classrooms with external telecommunications services. Grant applications shall include a project plan that describes proposed equipment and software purchases; how the proposed equipment and software will be used effectively in the classroom; provision for training teachers to make optimal use of the technology; **and** provision for local matching funds as prescribed ~~by the council; and other elements as prescribed by the council.~~

SECTION 4. That Section 33-4807, Idaho Code, be, and the same is hereby amended to read as follows:

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33-480~~75~~5. EVALUATIONS AND AUDITS. The legislative services office shall, from time to time as directed by the legislature, evaluate and audit the relative impact, costs and benefits of each of the educational technology programs conducted pursuant to this chapter. The state ~~board~~ department of education shall report to the legislature and the governor each year on or before October 1 as to the relative impact, cost and benefit of the educational technology program conducted pursuant to this chapter.

SECTION 5. That Section 33-4809, Idaho Code, be, and the same is hereby repealed.

SECTION 6. That Section 33-4810, Idaho Code, be, and the same is hereby repealed.