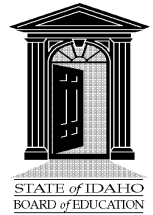


## STATE BOARD OF EDUCATION MEETING

January 26, 2009, 9:00 am MST  
JR Williams Building, East Conference Room  
700 W State St.  
Boise, Idaho



**Monday, January 26<sup>th</sup>, 2009, 9:00 am**

### **Audit Committee**

1. College and Universities – Annual Audit Reports – Moss Adams

### **Eastern Idaho Technical College Screening Committee Update**

### **Planning, Policy & Governmental Affairs Committee**

1. Medical Education Subcommittee Recommendations
2. Governor's Education Related Legislation
3. 2009 Legislative Issues
4. State Board of Education Strategic Plan
5. University of Idaho – Student Housing Update

### **Department of Education**

1. Cascade School District #422 Trustee Zone Change
2. Dual Credit Legislation
3. Teacher Evaluation Legislation
4. FY2010 Public Schools Budget Request

### **Instructional Research & Student Affairs Committee**

1. Accountability Workbook

### **BAHR – Section I – Human Resources**

1. Idaho State University – Appointment of the Provost and Vice President of Academic Affairs
2. Office of the State Board of Education – Appointment of the Chief Fiscal Officer

### **BAHR – Section II – Business Affairs**

1. Boise State University - Taco Bell Arena - Seating Replacement
2. Office of the State Board of Education – Withdrawal from the Interstate Compact for Education

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**AUDIT COMMITTEE  
JANUARY 26, 2009**

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**SUBJECT**

Presentation of annual financial audit of the Colleges and Universities by the Board's external auditor

**APPLICABLE STATUTE, RULE OR POLICY**

Idaho State Board of Education Bylaws, Section H.4.c.4.

**BACKGROUND/DISCUSSION**

The Board contracted with Moss Adams LLP, an independent certified public accounting firm, to conduct the annual financial audits of Boise State University, Idaho State University, University of Idaho, Lewis-Clark State College, and Eastern Idaho Technical College. FY 2008 is the fourth year that Moss Adams has conducted audits of the financial statements for the college and universities.

The audits are conducted in accordance with Generally Accepted Government Auditing Standards and include an auditor's opinion on the basic financial statements.

Along with this agenda item, Board members will receive for each institution the Independent Auditor's Report and Financial Statements for the Year Ended June 30, which also contains the Management's Discussion and Analysis.

**IMPACT**

The State Board of Education will be informed, via published documents and the Moss Adams presentation, of the financial report regarding the five noted institutions for state Fiscal Year 2008. Institutions that have been audited will also be made aware of their particular financial condition, and recommended changes to procedures regarding financial matters.

**STAFF COMMENTS AND RECOMMENDATIONS**

In January, Moss Adams conducted a preliminary review of the financial statements with members of the Audit Committee and Board staff.

The audited financial statements present the financial activity at each audited institution and include the following reports:

- Management's Discussion and Analysis
- Statement of Net Assets
- Statement of Revenues, Expenses and Changes in Net Assets
- Statement of Cash Flows
- Notes to the Financial Statements

While the Management's Discussion and Analysis and Notes to the Financial Statements help explain the financial activity and some trends, the audited financial statements do not attempt to measure the financial health of each institution. Training was provided to the Board and institution staff last year

**AUDIT COMMITTEE**  
**JANUARY 26, 2009**

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regarding financial ratios. Financial ratios have been developed by the Finance Committee and will be presented to the Board at the February meeting.

**BOARD ACTION**

A motion to accept from the Audit Committee the Fiscal Year 2008 financial audit reports for Boise State University, Idaho State University, University of Idaho, Lewis-Clark State College, and Eastern Idaho Technical College, as presented by Moss Adams LLP.

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



**STATE BOARD OF EDUCATION  
JANUARY 26, 2009**

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**SUBJECT**

Eastern Idaho Technical College President Screening Committee  
Recommendation

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho State Board of Education Governing Policies and Procedures, Section  
I.E.d.

**BACKGROUND/DISCUSSION**

The Eastern Idaho Technical College (EITC) President Screening Committee has completed the review process and is prepared to make a recommendation to the Board for the President's position.

**IMPACT**

Having this position filled on a permanent basis will provide for consistency in administration of day to day operations on campus allowing the institution to maximize its full potential in realizing its role and mission as set forth by the State Board of Education.

**BOARD ACTION**

A motion to accept the recommendation of the Eastern Idaho Technical College screening committee to appoint Burton Waite as the President, at an annual salary of \$115,000 effective immediately.

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

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**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS  
JANUARY 26, 2009**

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<b>TAB</b>	<b>DESCRIPTION</b>	<b>ACTION</b>
1	<b>MEDICAL EDUCATION STUDY – FINDINGS &amp; RECOMMENDATIONS</b>	Motion to Approve
2	<b>GOVERNOR’S OFFICE EDUCATION RELATED LEGISLATION</b>	Motion to Approve
3	<b>ADDITIONAL LEGISLATIVE ITEMS</b>	Motions to Approve
4	<b>2010-2014 STRATEGIC PLAN DIRECTION</b>	Information item
5	<b>UNIVERSITY OF IDAHO – STUDENT HOUSING REPORT</b>	Information item

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**PLANNING, POLICY & GOVERNMENTAL AFFAIRS**  
**JANUARY 26, 2009 MEETING**

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**SUBJECT**

Findings and Recommendations of the State Board of Education Medical Education Study Committee (MESC)

**BACKGROUND/DISCUSSION**

After the State Board of Education(SBOE) presentation to the Legislature (during the 2008 session) of the State funded medical education study report compiled by MGT of America, the Legislature asked the Board to further study the issues surrounding physician medical education and make a recommendation to the Legislature during the 2009 legislative session. To meet that requirement, the MESC was organized in the Fall of 2008 and consisted of six voting members (four are members of the State Board of Education and two are family practice physicians in Idaho). The Committee met four times (September 23, October 14, November 18, 2008 and January 7<sup>th</sup>, 2009) and their Report of Findings and Recommendations to the SBOE can be found in Attachment 1. It should also be noted that two other State Committees, the Governor's Select Committee for Healthcare and the Legislative Interim Committee for Medical Education have also been meeting to consider some of the same medical education issues and made their recommendations concerning the medical education of physicians shown in Attachment 2.

Goals and objectives of the MESC were as follows:

- Verify the existing and projected shortage of physicians (by medical specialty) in Idaho.
- Explore options for meeting the projected need for physicians to include an Idaho based medical education program, expansion of existing programs, other collaborative programs for medical education and various physician incentive programs for recruiting and retaining physicians (scholarships, loan repayment, service payback, etc.).
- Explore options for and the value of expanding existing graduate medical education (residency) programs in Idaho and/or the addition of new programs.
- Estimate the cost/benefit (return on investment) for each medical education option to include the potential for funding support from public and private sources.
- Develop a Committee report containing findings and recommendations to address the physician shortage issue (short-term and long-term) for consideration by the SBOE and submission to the Governor and the Legislature.

To gain an understanding of the issues surrounding medical education and collect needed information, the MESC scheduled numerous presentations from the various stakeholders. These included:

- Presentations by Idaho State University of its vision and financial analysis for establishing an MD program in Idaho based on the distributive model of medical education.

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS**  
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- Presentations by the University of Idaho and the University of Washington on their vision for expanding the number of Idaho sponsored seats to the WWAMI regional medical education program and expansion of the WWAMI program to a full four years of medical education based in Idaho.
- Presentations on the Boise State University/Family Medicine Residency of Idaho research study concerning the factors impacting recruiting and retention of rural Idaho physicians.
- Presentations by the Idaho Department of Labor on projections for the physician workforce over a 10 year period (2006-2016)
- Presentations by the Directors of Idaho's physician residency programs including cost factors and potential for expansion.
  - Boise VA Psychiatry Residency Track
  - Family Medicine Residency of Idaho
  - ISU Family Medicine Residency
  - Boise VA Internal Medicine Residency Track
- Expansion of biomedical research programs at the V.A. Medical Center and opportunities for collaboration with Idaho's three public universities.
- Proven effective physician recruiting and retention programs used by other states.
- Presentation by the Idaho Osteopathic Association on options for expanded DO medical education in Idaho.
- Presentation by the Idaho Hospital Association on their policy for expanded medical education.

In addition to the above listed presentations, the MESC also received and reviewed "White Papers" or written policy statements (See Attachment 3) on expanded medical education from the following:

- Chairman of the Senate Education Committee
- Office of the President, Boise State University
- The President, Lewis-Clark State College
- Saint Luke's Health System
- Saint Alphonsus Hospital
- The Dean, University of Washington School of Medicine
- Idaho Sponsored Students (73 of 114 students contributing) at the University of Utah and the University of Washington Schools of Medicine.
- The Idaho Business Coalition for Educational Excellence (IBCEE)
- Dr. Benjamin Call, MD
- The President, University of Idaho
- The Idaho Medical Association

**IMPACT**

Adoption of and funding the recommendations of the MESC would be a significant step toward solving the physician shortage problem in Idaho. It could also be an important stimulus to the State's economy.

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS  
JANUARY 26, 2009 MEETING**

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**ATTACHMENTS**

- |                                                                                                                                                    |        |
|----------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| Attachment 1 – Medical Education Study Committee<br>Report of Findings and Recommendations                                                         | Page 4 |
| Attachment 2 – Summary of the Recommendations of the<br>Legislative Interim Committee and the Governor's Select<br>Committee for Medical Education | Page 6 |
| Attachment 3 – White Papers received and reviewed by<br>the MESC                                                                                   | Page 7 |

**STAFF COMMENTS AND RECOMMENDATIONS**

A great deal of time, effort and thought was put into the medical education study, not only by the Committee itself, but by virtually all the stakeholder groups. The Staff recommends adoption by the full SBOE of the Committee's Report of Findings and Recommendations.

**BOARD ACTION**

A motion to approve the Report of Findings and Recommendations of the State Board of Education Medical Education Study Committee contained in Attachment 1 and to direct that the Report be forwarded to the Governor and the Legislature.

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

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS  
JANUARY 26, 2009 MEETING**

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**Attachment 1**

**State Board of Education Medical Education Study Committee  
Findings and Recommendations  
January 7, 2009 Meeting**

**Committee Findings**

1. Graduate Medical Education (Physician Residency) programs play a critical role in expanding the supply of physicians in a state. The location of a physician's residency is an important factor in determining the location of that physician's future practice. Idaho currently has three state supported residency programs, including only two family practice residencies.
2. There is a serious shortage of physicians in rural Idaho and of primary care<sup>1</sup> physicians throughout Idaho. This shortage is expected to worsen because of retirements, economic inequities and other factors.
3. Programs for attracting and retaining primary care and rural physicians in Idaho are inadequate.
4. Increased access to undergraduate (studying for an MD or DO) medical education is necessary to address the current and future shortage of physicians in Idaho. Ultimately, an Idaho-based medical program would provide significant benefit to the state.
5. Incentive programs for recruiting and retaining physicians that are applied close to the time physicians begin their medical practice are most effective.
6. Selection of medical students based on their proclivity to practice in rural areas is an important factor in recruiting physicians to rural areas.
7. The number of Idaho medical school graduates can be increased by expanding seats through WWAMI<sup>2</sup>, WICHE<sup>3</sup>, osteopathic schools, University of Utah and other programs.
8. The WWAMI program has been very successful in Idaho. A relatively high percentage of WWAMI students return to practice in Idaho and the WWAMI association has nurtured biomedical research opportunities in the State.
9. Current government reimbursement formulas tend to favor specialists to the disadvantage of primary care physicians and physicians practicing in rural Idaho.

**Committee Recommendations** (in order of priority - number 5 was added later and is not prioritized)

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<sup>1</sup> For the purposes of this report, all references to primary care include: family practice medicine, internal medicine, psychiatry and pediatric medicine.

<sup>2</sup> The University of Washington regional medical program conducted in collaboration with the states of Washington, Wyoming, Alaska, Montana and Idaho (WWAMI)

<sup>3</sup> The Western Interstate Commission for Higher Education-Professional Student Exchange Program



**PLANNING, POLICY & GOVERNMENTAL AFFAIRS**  
**JANUARY 26, 2009 MEETING**

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1. Expand the development of graduate medical education (residency programs) opportunities in the State of Idaho focusing on primary care and rural practice. In partnership with Idaho hospitals, the VA, Idaho doctors, private enterprise and Idaho's colleges and universities, the State of Idaho should promote and assist the funding of these programs.
2. Immediately increase the State funding support for Idaho WWAMI students to expand the number of seats from 20 per year to 40 per year (adding 10 per year over the next two years) and encourage the WWAMI program to establish the full four years of medical education opportunity in Idaho.
3. Expand the total number of medical seats for Idaho sponsored students to between 60 to 90 per year (an aggregate total of 240 to 360) as soon as practicable through partnerships with WWAMI, WICHE, University of Utah, osteopathic schools and other medical schools taking into consideration the following factors:
  - a. Quality
  - b. Return rate
  - c. Cost effectiveness
  - d. Retention
4. The State Board of Education will oversee an initiative to engage all stakeholder groups (ISU, UI, BSU, LCSC, University of Washington, VA Medical Center, the hospitals, and the Idaho Medical Association) to jointly develop a collaborative and comprehensive plan for establishment of a 4-year, Idaho based MD program.
5. That Idaho State University, WWAMI and any other model may, with non-state appropriated resources, develop a business plan for the delivery of a four-year medical education program in Idaho.<sup>4</sup>
6. Encourage medical school admission committees to use selection criteria for admission into Idaho sponsored medical seats which maximize potential for practice in primary care and rural areas.
7. Work with sponsored medical programs to insure that Idaho medical students participate in an Idaho rural rotation (clerkship) as part of their program.
8. Expand and enhance the current Idaho Rural Physician Incentive Program (RPIP)<sup>5</sup> to help recruit physicians to rural Idaho.
9. Consider providing a tax incentive for physicians practicing in rural Idaho.
10. Increase Medicaid reimbursement rates for primary care physicians.
11. Consider developing a pay-back provision for Idaho sponsored medical school seats.

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<sup>4</sup> This recommendation was not developed by the committee, but added afterwards at the request of a committee member. It is the same recommendation proposed by the Legislative Medical Education Committee.

<sup>5</sup> The RPIP is currently in Idaho statute and will begin dispersing funds to selected physicians in the near future.

**Attachment 2**

**Summary of the Recommendations of the Legislative Interim Committee for  
Medical Education and the Governor's Select Committee for Healthcare and the**

**Legislative Interim Committee Recommendations**

The Committee moved to adopt the three-prong approach for expanded medical education as adopted by the Idaho Medical Association

- Development of an Idaho-based 4-year program
- Expand and add to GME programs including family practice, internal, psychiatry, pediatrics, surgery and OB/GYN
- Expand state funded medical school seats at UW from 20 to 40 and UU from 8 to 16

The Committee recommended to the State Board of Education that they also adopt the same approach:

Proponents of the ISU MD proposal, 4-year WWAMI proposal and any other model may, with their own resources, develop a business plan for the delivery of a four-year medical education program in Idaho.

**Governor's Select Committee for Healthcare Recommendations**

The Committee recommends that we move forward with submitting business plan(s) to the LCME. Submitting the business plan(s) to LCME will allow Idaho to receive an unbiased opinion regarding an Idaho Medical School.

The Committee also recommends expanding the Medical Resident programs in Boise and Pocatello.

PLANNING, POLICY & GOVERNMENTAL AFFAIRS  
JANUARY 26, 2009



Office of the President

1910 University Dr. Boise, Idaho 83725-1000

Phone 208-426-1491  
Fax 208-426-3779  
www.boisestate.edu

September 12, 2008

MEMORANDUM

TO: Member of the Interim Legislative Committee on Medical Education

FROM: Bruce Newcomb, Boise State University

RE: Response to Request for Information on Existing Resources

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Earlier this month, President Vailas sent Boise State a request to help ISU "identify and assemble an inventory of assets available at our institutions that would support the establishment and operation of an Idaho Medical School using the distributive model approach." We have been asked to provide the preliminary information gathered to this Legislative Committee. It is attached.

It is important to note at the outset that Boise State University is not convinced that creating a medical school in Idaho using this approach is entirely workable. First, although we can look at each university and identify resources that may support a medical school, we want to be clear that these resources are not necessarily available for that use given that they are, at least in the case of Boise State University, currently being used to support undergraduate and graduate education programs that are also in demand. If these resources were to be redirected for use in medical education, we would need to replace them for purposes of serving current and future students in existing programs that would be impacted. In other words, the use of these resources is mutually exclusive and there would be additional costs involved to either create new resources for purposes of a medical school or to replace existing resources that may be usurped for that use.

Further, we do not believe that a rush to create a medical school using this model is the best solution to meet the needs of students and the population at this moment in time. In our internal deliberations, we have come to the conclusion that the resolution crafted by the Idaho Medical Association (IMA) and presented to the Legislative Interim Committee at the first meeting is the most reasonable and feasible approach.

We are in full agreement that Idaho's best option is continuing and enhancing our efforts with the WWAMI (Washington, Wyoming, Alaska, Montana and Idaho) program through the University of Washington Medical School (considered the number one medical school in the nation in Family Practice), which can result in an additional 20 seats for Idaho students, 10 of which could enroll as early as next fall. We also support an adjustment in the funding for the University of Utah to reflect the cost of educational needs in 2008.

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS**  
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If we do not look to these readily available, proven options, well-qualified Idaho students who apply for medical school through WWAMI or the University of Utah will continue to be denied admission due to the limited number of seats available. The data in this regard from WWAMI alone this past year is compelling.

- 69 students from the State of Idaho that met all entrance requirements were denied admission to the WWAMI Program for the 2008-2009 academic year simply because there were not enough classroom seats in the Idaho program.
- The average GPA for students who were admitted was 3.72. The average for the 69 who met requirements, but who were not admitted was 3.66, a difference of only .06.
- Of these 69 students who were denied admission, 16 of them were from rural Idaho, one was classified as American Indian, two as Hispanic and seven as "disadvantaged."

Not only do these citizens deserve access to affordable, high quality medical education, it is safe to presume that the state of Idaho would benefit in the long run from providing this education close to home and incentivizing them to practice here upon completion. Given the fact that one of the justifications for a new Idaho medical school is the need for rural physicians and that one of the most important determinants of placing a doctor in a rural area is his/her having come from a rural area, the most expedient way of increasing the number of rural physicians in Idaho is to increase the WWAMI slots and begin immediately accepting more students likely to practice in rural Idaho.


At the first meeting of this Committee, Matt Freeman provided data that clearly shows that Idaho is most likely to increase practicing physicians in our state in the short term through the WWAMI program. 50% of the Idaho students who have completed their medical education through WWAMI are now practicing in Idaho. The average goes up to 70% if you add in students from other surrounding states who complete their medical training through WWAMI and end up practicing in Idaho. This shows an exceptional return on our investment especially when compared to data from states with stand alone medical schools, where the national average for students who attend an in-state medical school and end up staying in that state to practice is only 39%. At that same meeting Matt Freeman pointed out that out of the ten states rated at the bottom of general primary family practice physician/patient ratio that eight had medical schools. We can only conclude that a medical school is not the panacea that one might assume.

Finally, since we know that another good predictor of where a physician will ultimately practice is where they do their residency, we are also supportive of expanding residency opportunities in Idaho. Our current data shows that 55% of students who come here to do their residency end up staying here to practice. We should consider developing programs that incorporate debt forgiveness for student loans as an incentive for students to practice in our state. We should also look at the federal program for the placement of medical residencies in Idaho and explore ways to enhance those placements.

In the long term, as our population grows, the IMA's recommendation that we look at the development of a four year medical program for Idaho is also valid. We would propose this be done through a consortium made up of Idaho's public universities and the Veteran's Administration in conjunction with the University of Washington. This consortium should be led by the University of Idaho, whose State Board of Education-provided mission includes medical education for Idaho.

In the last five years, state appropriations for higher education in Idaho have declined 11.7% per full-time student. In these difficult times of declining revenues, it is our strong recommendation that the approaches outlined here are the best and most cost-effective way to get the biggest bang for our taxpayer dollars for medical education without negatively impacting appropriations for other higher education endeavors.

# IBCEE

 Idaho Business Coalition  
for Education Excellence

P.O. Box 190163 Boise ID 83719

phone 208-489-3533  
fax 208-246-1770

December 12, 2008

Members of the Idaho State Board of Education Medical Education Study Committee and  
Members of the Legislative Interim Committee on Medical Education,

The Idaho Business Coalition for Education Excellence (IBCEE) appreciates the chance to provide input into the conversation regarding strategies for meeting Idaho's physician workforce shortage.

For the past several months, representatives of IBCEE's higher education committee have attended your meetings on medical education. As part of this process, we studied the MGT report, and reviewed white papers and presentations from the University of Idaho, WWAMI, Idaho State University, Boise State University, the Idaho Hospital Association, St. Luke's Health System, and St. Alphonsus Regional Medical Center, among others. We have also relied upon the insight, expertise and business acumen of our committee members.

As we conducted our deliberations, we have been struck by several factors. First is the need for stakeholder and hospital agreement around problem identification. Various solutions have been put forth, yet there seems to be lack of agreement about the fundamental challenge. IBCEE sees the challenge as overcoming the current and projected shortage of primary care physicians practicing in Idaho, and would like to see this universally accepted as the starting point for future discussion and decision-making.

The second involves the anticipated length of time it would take to overcome Idaho's primary care physician shortage through organic growth, especially in light of the disproportionate need. The MGT study says, "The time required to establish a medical education program and to train physicians for the workforce is significant. A decision made now to expand medical education would not have significant impact on the workforce for a decade or more." Idaho clearly has a short-term need with which to contend, and as such, IBCEE supports the following short-term strategies:

- Aggressive pursuit of additional medical school seats for qualified students through WWAMI, University of Utah, or any other cost-effective, high quality means.
- Increase the number of in-state residencies for students willing to practice primary care medicine in Idaho where needed.
- Expand the use of incentives for those who wish to practice primary care in Idaho.

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS**  
**JANUARY 26, 2009**

We are fully aware of the State's fiscal situation, yet feel that investment in these short-term, cost-effective strategies provides a much needed stop-gap measure until a long-term game plan is in place. This brings us to our third issue.

There is a crying need for a collaborative process involving all stakeholders -- universities, medical community, policy leaders, etc. -- working together to assess the facts and figures, and develop a single, comprehensive business plan for realizing an adequate primary care physician workforce in Idaho.

In the absence of such a plan, IBCEE will not be inclined to weigh in on individual programs or plans that -- while they may have merit on their own -- do not address the problem in a comprehensive, inclusionary fashion.

As this business plan is being developed, the IBCEE higher education committee feels strongly that the following items be addressed:

- Expanded support for Idaho-based primary care residency programs.
- Expanded use of incentive programs to facilitate recruitment and retention.
- Strong cost/benefit analysis of alternatives and preferred alternative.
- Feasibility analysis for options and recommendations.
- Impact of economic developmental benefits on the State and the opportunity for increased State revenue from outside sources.
- Financial plan that demonstrates ongoing funding mechanism and sustainability strategies.
- Realization of fully integrated service delivery models and acknowledgement of the supporting role of nurses/nursing programs, telemedicine, and the like.

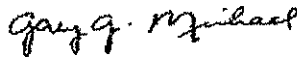
We have much appreciated the chance to participate in this process, and hope the State Board of Education's medical education subcommittee and other committees charged with looking at this issue will embrace the value and efficiencies derived from collaborative, cost-effective, strategic problem solving.

Please let us know if you have questions, or need clarification. We look forward to our continued participation in this process and to realizing the day when every Idahoan -- rural or urban -- has access to a high quality primary care physician close to home.

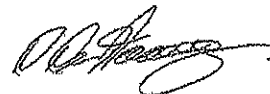
*Respectfully submitted,*



Arthur F. (Skip)  
Oppenheimer  
Chairman, IBCEE  
Chairman/CEO,  
Oppenheimer Companies



Gary Michael  
Co-Chair, Higher  
Education Committee  
Retired CEO,  
Albertsons, Inc



Dean Haagenson  
Co-Chair, Higher  
Education Committee  
CEO, Contractors  
Northwest, Inc.

PLANNING, POLICY & GOVERNMENTAL AFFAIRS  
JANUARY 26, 2009

June Boucher

From: Dene K. Thomas [DKThomas@lcsc.edu]  
Sent: Wednesday, December 03, 2008 8:13 AM  
To: June Boucher  
Subject: FW: White Paper on Medical Education in Idaho

Milford--per your request for a short white paper:

Medical Education in Idaho:

The evidence is clear that Idaho needs more medical care--physicians as well as mid-level practitioners, and the alternatives the SBOE Committee on Medical Education has explored are all worthy possibilities. The issue is one of what we should do immediately and what should remain for a long-term possibility.

Immediately:

1. Increase the seats in WWAMI. Idaho should not give up a highly-rated, successful program with an above average return of physicians to Idaho. Exploration of a pay-back program could further increase the return of physicians.
2. Increase the seats in the residency programs in Idaho. Evidence of physicians practicing in the state where they completed their residency is clear.
3. Maintain the seats at the University of Utah.
4. Explore ways to increase the use of nurse practitioners, midwives, and physician assistants, and to ease their entry into medical service in Idaho.

Long-Term:

1. Continue to explore the University of Washington's willingness to set up an Idaho branch.
2. Continue to allow for the possibility of an Idaho medical school, dependent on the success of the increase in WWAMI and the increase in the Idaho residency programs in providing more family practitioners in Idaho as well as on the return of the national and state economy to the point where the considerable extra cost of start-up and continuation of an Idaho medical school is feasible.
3. Increase the infrastructure needed to educate and train midlevel practitioners in Idaho.

=====

Dene Kay Thomas  
President

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<<https://pine.lcsc.edu/exchweb/bin/redir.asp?URL=http://www.lcsc.edu/president>>

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PLANNING, POLICY & GOVERNMENTAL AFFAIRS  
JANUARY 26, 2009

St. Luke's Health System has developed the enclosed issue paper, which briefly addresses Idaho's serious and growing shortage of primary care physicians. If left unresolved, this complex challenge poses increasingly grave implications for every Idahoan interested in the safety, quality, cost, and availability of essential health care services.

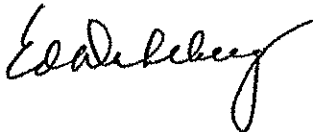
As Idaho's largest not-for-profit hospital system, we've given considerable thought to this vexing problem, its key causes, and potential solutions. We know that you and many others in our state are doing the same. We've examined this issue with the expertise of our own professionals and by seeking informed perspectives from outside experts. (Most of these resources are footnoted in our attached paper.) We believe this position paper concisely puts forth a clear explanation of the problem, and some perspective on what is required to develop practical solutions.

Governor Otter and others have called for establishing a new medical school in Idaho to help increase the supply of qualified primary care physicians practicing here. This idea has merit and should be thoroughly investigated to ensure its feasibility as a part of the solution longer term. In the short run, we must motivate more medical students and practicing physicians to choose primary care medicine over specialties. At the same time, we must increase the number of seats available to Idaho students at existing medical schools in other states while increasing the number of primary care medical residencies in our state.

We're confident that working together all of us with a vested interest in reversing the shortage of primary care physicians in our state will find practical ways to ensure Idaho has the type of physicians it needs, practicing where they're needed.

If you would like to discuss this issue further, please don't hesitate to contact Jeff Cilek at (208) 381-4883 ([cilekj@slrhc.org](mailto:cilekj@slrhc.org)).

Sincerely,



Ed Dahlberg  
President & CEO  
St. Luke's Health System

cc: Jeff Cilek, Vice President, External/Government Relations





## Public Issue Perspectives

### Physician Shortage in Idaho

*NOTE: This paper was reviewed or approved by the Medical Staff leadership and governing boards from St. Luke's Boise/Meridian, St. Luke's Wood River, and St. Luke's Magic Valley. Subsequently, it was adopted as an official position by the board of St. Luke's Health System.*

#### Framing the Issue

Idaho ranks 48<sup>th</sup> in the number of primary care physicians per 100,000 people,<sup>1</sup> making the national physician shortage more severe here than in most states. This shortage is particularly acute among primary care doctors<sup>2</sup> willing to live and practice in the state's rural communities.

For example, Idaho has 16 internists per 100,000 people compared with a national average of 40. Our state has fewer than eight pediatricians per 100,000 people compared with a national average of nearly 20. We fare better today with family medicine physicians, as Idaho has more than 42 per 100,000 people compared with a national average of 32.<sup>3</sup> The Treasure Valley alone has only 54% of the internists and 57% of the pediatricians needed to serve its population.<sup>4</sup> These shortages are expected to dramatically increase in the next few years.

The physician shortage in Idaho is made all the worse by the growing number of physicians nearing traditional retirement age. In Idaho, roughly 21% of active physicians are age 60 or older.<sup>5</sup>

Much of the recent debate over Idaho's physician shortage has centered on how to increase the number of physicians practicing in the state, particularly in rural communities. Some think the primary solution is to increase the number of seats available for Idaho students at established medical schools in the Northwest through existing affiliations, and by expanding such associations to other reputable medical schools like the Oregon Health and Science University. Others believe the answer primarily lies in establishing Idaho's own medical school. Some advise a combination. Most call for increasing in-state medical residencies no matter where physicians attend medical school.

These approaches have varying degrees of merit, but by themselves do not address the two most fundamental questions underlying this issue:

1. How can we sufficiently increase the number of primary care physicians practicing in Idaho in the most effective, timely manner?

<sup>1</sup> Association of American Medical Colleges (AAMC), 2007 State Physician Workforce Data Book, Nov. 2007, pg. 10.

<sup>2</sup> Primary care includes internal medicine, family medicine, pediatrics, general surgery, and obstetrics/gynecology.

<sup>3</sup> AAMC national data, per Dr. Suzanne Allen at WWAMI's Boise office; confirmed with her via e-mail on 10-15-08.

<sup>4</sup> St. Luke's Boise/Meridian Service Area Physician Needs Analysis – Camden Recommendations, CY 2008-2011.

<sup>5</sup> AAMC 2007 State Physician Workforce Data Book, Nov. 2007, pg. 16.

*Issue: Physician Shortage in Idaho (cont'd)*

2. How do we motivate these physicians to practice in the areas of our state where they are needed most? More doctors willing to practice in Idaho won't help to the degree necessary unless they are motivated to practice the type of medicine that is in short and dwindling supply, and to practice it in the communities where needed.

**Choosing What Type of Medicine to Practice**

For some time, the vast majority of medical students nationwide have been rejecting primary care disciplines in favor of more attractive medical specialties. Compared to primary medicine, specialty fields often offer physicians more alluring benefits including: higher salaries and other income-producing opportunities; regular business hours that allow physicians a more appealing lifestyle; fewer patients, and patients whose cases are less complex and time-consuming; less paperwork; and the opportunity to live in urban settings many find more desirable.

**Choosing Where to Practice**

For physicians overall, studies clearly demonstrate that when it comes to where doctors choose to practice, where they completed their residencies matters more than where they attended medical school. It is during their residencies that most physicians begin building a patient base, creating important professional relationships, and laying down roots in the community.

On average, two-thirds (66%) of physicians in the U.S. who both graduate from medical school and complete their medical residencies in the same state stay in that state to practice. However, among physicians who graduate from medical school in one state and complete their residencies in another, place of residency is a stronger determinant of where they practice than location of their medical school. Nationally, 39% of these medical school graduates on average remain in their school's state to practice, while 47% stay in the state where they completed their residencies.<sup>6</sup> (More than 70% of the new family practice physicians St. Luke's recruited in 2008 completed their residencies in Idaho.<sup>7</sup>)

Successfully addressing Idaho's primary care physician shortage requires devising a comprehensive strategy that recognizes these realities and focuses finite resources in the state in ways most likely to achieve the desired outcomes in the shortest time possible. Failure to act has very real consequences already being felt around the state. As doctor-to-patient ratios worsen, patients have to wait longer and longer to see a primary care physician, if they can get in at all. Such delays undermine preventive medicine and miss opportunities for early detection and treatment of ailments, resulting in the higher costs often associated with treating medical conditions in their later stages.

**St. Luke's Position**

**The Best Remedy Available**

St. Luke's believes that pursuing a four-pronged strategy – the first three of which reflect recommendations from the Governor's Health Care Summit in August 2007 – offers the greatest opportunity to address Idaho's pressing shortage of primary care physicians:

<sup>6</sup> AAMC 2007 State Physician Workforce Data Book, Nov. 2007, pgs. 30, 34, & 36.

<sup>7</sup> 10 of 14 recruited, cited on pg. 9 of Dahlberg's 9-15 presentation, "Physician Recruitment & Retention in Idaho."

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*Issue: Physician Shortage in Idaho (cont'd)*

1. *Increase the number of in-state residencies for students willing to practice primary care medicine in Idaho where needed.*

We agree with the Summit recommendation calling for increasing Idaho residencies in family medicine, internal medicine, pediatrics, obstetrics/gynecology, and general surgery. St. Luke's Health System and Saint Alphonsus Regional Medical Center each provide approximately \$1.4 million annually to the Family Medicine Residency of Idaho and support a newly created psychiatric residency with an additional \$300,000.<sup>8</sup> Other Idaho hospitals also provide financial support. By comparison, the state contributes approximately \$867,000 to the Family Medicine Residency<sup>9</sup> and approximately 10% for the psychiatric residency (\$113,000 in 2009).<sup>10</sup>

We also benefit from the internal medicine residency at the Boise VA Medical Center. We estimate that creating additional or new residency positions in just three primary care disciplines (e.g., internal medicine, pediatrics, and family medicine) would cost St. Luke's \$5 million to \$10 million in direct expenditures plus 1-2 times as much in lost productivity of involved physicians and nurses. Given our existing commitment and future needs and those of other Idaho hospitals, the state and other affected parties must be willing to share these expenses and significantly contribute toward the costs of these much needed additional primary care medical residencies.<sup>11</sup>

2. *Increase the number of seats for qualified students at medical schools where Idaho has existing relationships – Washington and Utah – and at other schools in the region where new relationships could be established such as in Oregon or Nevada.*

Increasing medical school seats through existing relationships is the quickest, most efficient way to address Idaho students' access and admission to medical schools. Increasing the number of these seats requires building on existing medical school relationships while expanding such relationships to other medical schools. Idaho currently has 28 medical school seats at the University of Washington (through WWAMI) and the University of Utah with the capacity and demand to accommodate 60 seats. In addition, we estimate Idaho could add seats at other medical schools such as the University of Nevada and Oregon Health and Science University.

3. *Thoughtfully explore the realities of establishing a new medical school in Idaho using a business-plan approach involving all the stakeholders required to objectively consider and analyze the potential including universities, physicians, hospitals, and state representatives.*

Evaluating the potential for a medical school should be carefully and impartially considered before significant commitments are made. Establishing a new medical school with the resources and

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<sup>8</sup> 2007 St. Luke's Community Benefit Report.

<sup>9</sup> State contribution for FY2008, per Dr. Suzanne Allen at WWAMI

<sup>10</sup> St. Alphonsus Perspectives "Medical Education in Idaho" present to Idaho Legislature, September 15, 2008

<sup>11</sup> "Medical Education in Idaho," pg. 3, March 2008, by Patricia Johnson.

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*Issue: Physician Shortage in Idaho (cont'd)*

reputation to attract quality medical faculty and students is a costly and complex undertaking that will most likely take more time and money than funding Idaho's expanded use of existing medical schools in the region. Most importantly, establishing an in-state medical school provides no guarantee that such a substantial investment will address the state's physician shortage soon. Clearly, this evaluation should consider alternatives to the traditional medical school.

4. *Offer additional financial and life-style incentives to a greater number of qualified medical students who wish to practice primary care disciplines in our state.*

This essential strategic element requires changing the playing field where we can. If the state increases the number of residencies and increases the availability of medical school to qualified students, the state should also search for incentives to keep those individuals practicing primary care in Idaho. Some have suggested tuition debt relief for primary care residents who remain to practice in Idaho where needed for a minimum number of years. Perhaps this debt relief should be increased for Idaho students who both attend an Idaho-affiliated medical school and return to Idaho for their residencies. Other suggestions include increasing compensation for primary care physicians, reducing their patient and corresponding administrative workloads, and offering these physicians various tax and reimbursement incentives. Most important is considering a reimbursement system that encourages primary care physicians to practice in rural communities. This complex issue requires pragmatic action by government, third party, and other payers.

**Facing the Challenge Together**

Idaho's physician shortage has serious repercussions for virtually everyone living in our state. Therefore, it is only fitting that finding and funding cost-effective and timely solutions to this challenge be a collaborative effort shared by a wide array of stakeholders, including providers, universities, the state and federal government, and third party payers. All interested parties must work together closely in one well coordinated effort.

St. Luke's remains committed to continuing to play an integral role in realistically addressing the state's shortage of primary care physicians. We view such participation as a critical component of our community service mission.

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Contacts: <b>Jeff Cilek</b> (cilekj@slrnc.org) at 381-4883, or <b>Beth Toal</b> (toalb@slrnc.org) at 381-2002.
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**Mike Killworth**

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**From:** Joyce McRoberts [jmcroberts@gov.idaho.gov]

**Sent:** Mon 12/29/2008 3:59 PM

**To:** Mike Rush; milford@debestplumbing.com

**Cc:** Mike Killworth; Jason Kreizenbeck

**Subject:** Medical School Recommendation

**Attachments:**

The GSCOHC recommends that we move forward with submitting business plan(s) to the Accrediting Board (LCME) and expanding the Medical Resident programs in Boise and Pocatello.

By submitting the business plan (s) to LMCE it will allow Idaho to receive an unbiased opinion regarding an Idaho Medical School.

Thank you

Joyce McRoberts

## Medical Education in Idaho: Saint Alphonsus Perspectives

### **Saint Alphonsus' Current Support of Medical Education Efforts**

Current and looming shortages of primary care physicians, nurses and other allied health professions pose a significant threat to an adequate supply of health care for Idaho's growing and aging population. Saint Alphonsus has partnered with other hospitals and institutions of higher learning to bolster the healthcare workforce to meet future needs. Saint Alphonsus support and contributions toward medical education include the following:

- Family Medicine Residency of Idaho (WWAMI): Saint Alphonsus provides approximately \$1.4 million in annual financial and in-kind support
- Psychiatric Residency (WWAMI): Saint Alphonsus initiated discussions to create this much-needed residency since the entire state of Idaho is a Health Professional Shortage Area for Psychiatry. Saint Alphonsus, St. Luke's and Boise VA Medical Center committed to contribute over \$300,000 annually toward operating costs, with the State of Idaho contributing approximately \$113,000 annually. This program just launched in Summer 2008 and there are Psychiatry residents now in Boise seeing patients.
- Dental Residency (ISU): Saint Alphonsus provided over \$252,000 in support last year.
- Nursing Education: SARMC is contributing \$1 million over 10 years to expand BSU's nursing building, also contributing approximately \$72,000/year to support nursing programs at BSU, NNU and ISU
- Saint Alphonsus is an important clinical site for Idaho's Universities and a multitude of health science programs. In FY08, Saint Alphonsus was a clinical training site for 641 health occupations students including CNAs, LPNs, RNs, high school student interns, EMTs and paramedics. In addition, Saint Alphonsus is a key clinical training site for radiology, pharmacy, physical therapy and health information management students from Idaho universities.

### **Recruitment/Retention of Physicians**

According to a 2005 physician needs assessment by AmeriMed Consulting, Saint Alphonsus needs to recruit 83 physicians within our primary service area to serve the growing population (27 primary care, 10 hospital based, 32 medical specialties, and 14 surgical specialties). Notably, these projections do not account for any physician retirement, so actual needs are higher. Total estimated cost to recruit all 83 physicians was \$8.3 million). Average cost to recruit a primary care physician is \$85,000 – average cost to recruit a specialist is \$110,000.

Over the past two years, a total of 24 physicians have been recruited to Saint Alphonsus, including 3 new trauma surgeons. Included in the above total, Saint Alphonsus has recruited approximately 16 new primary care physicians (internal medicine, family practice, pediatrics and OB) in the past year and lost four. Recruiting and retaining primary care physicians to meet community need remains a top priority for Saint Alphonsus.

There is a severe shortage of internists whose practices often include seniors. Saint Alphonsus is aggressively recruiting internists, but in the meantime, one of our top priorities is exploring a possible senior specific clinic using midlevel providers with support from internal medicine specialists.

### **Suggested Actions**

Saint Alphonsus supports the following immediate actions to increase Idaho's supply of primary care physicians:

- Increase residency capacity to accommodate more family medicine residents, and explore developing an internal medicine residency program in Idaho (critically needed)
- Purchase additional seats in neighboring states' medical schools (WWAMI, Utah, Nevada, Oregon), and consider developing a "payback" policy that would require medical students funded by Idaho to practice for 3-5 years in Idaho after they complete their residency training or pay back the amount of tuition assistance they received from the state
- Consider tax incentive for physicians in needed specialties (family medicine, internal medicine, etc.) to relocate to Idaho, similar to tax incentives provided to other businesses to start up in Idaho

Saint Alphonsus has not yet taken a position regarding the proposals for development of an in-state medical school, as comprehensive business plans have not yet been developed. Key considerations will include adequate and sustainable funding plans and faculty availability.

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS  
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**IDAHO MEDICAL ASSOCIATION HOUSE OF DELEGATES**

**AUGUST 8 - 10, 2008**

RESOLUTION 01 (08)

SUBJECT: IDAHO-BASED FOUR-YEAR MEDICAL SCHOOL  
AUTHOR: BENJAMIN CALL, MD  
SPONSORED BY: SOUTHEASTERN IDAHO DISTRICT MEDICAL SOCIETY

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- 1 WHEREAS, The Idaho Medical Association Board of Trustees (IMA Board)  
2 supports the MGT of America, Inc. Medical Education Study Final  
3 Report (MGT Report) as a high quality and credible report; and  
4  
5 WHEREAS, The IMA Board supports immediate planning for a collaborative  
6 strategic process for establishing an Idaho-based four-year medical  
7 school model; and  
8  
9 WHEREAS, The President of the IMA or his designee has been appointed an  
10 ex-officio member of a study committee authorized by Senate  
11 Concurrent Resolution (SCR) 135 to undertake and complete a  
12 study of medical education needs in Idaho; and  
13  
14 WHEREAS, The scope and purpose of the SCR 135 study committee is to:  
15 a) Review and consider the findings of the MGT Report;  
16 b) Identify gaps in the MGT Report and determine if and how  
17 those gaps should be filled;

**ADOPTED AS AMENDED**

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS  
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RES 01 (08)  
Page 2

- 1 c) Complete and validate an Idaho inventory of medical education  
2 assets existing in Idaho;  
3 d) Evaluate future medical professional needs in Idaho; and  
4 e) Initiate a state plan for medical education that includes expanded  
5 opportunities at both the undergraduate and graduate levels; and  
6

7 WHEREAS, The study committee authorized by SCR 135 shall report its  
8 findings, recommendations, and proposed legislation, if any, to the  
9 2009 Legislature; and  
10

11 WHEREAS, The MGT Report described three models of undergraduate medical  
12 education (New Distributive Model, Expanded Medical Education  
13 Contract Programs, and New Joint Medical School) and found  
14 each worthy of further consideration; and  
15

16 WHEREAS, The IMA Board has moved to support immediate expansion of  
17 medical student seats within existing contracts with suggested  
18 expansion parameters of the University of Utah School of  
19 Medicine from eight to twelve seats and the University of  
20 Washington School of Medicine from twenty to forty seats, and  
21 that this support extend into actions taken during the discussion of  
22 the MGT Report; therefore be it

**ADOPTED AS AMENDED**



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RES 01 (08)

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- 1   RESOLVED, That the Idaho Medical Association actively support and participate with  
2                   the study committee commissioned by Senate Concurrent Resolution 135  
3                   in its charge to:
- 4                   a) Review and consider the findings of the MGT Report;  
5                   b) Identify gaps in the MGT report and determine if and how those gaps  
6                   should be filled;  
7                   c) Complete and validate an Idaho inventory of medical education assets  
8                   existing in Idaho;  
9                   d) Evaluate future medical professional needs in Idaho; and  
10                  e) Initiate a state plan for medical education that includes expanded  
11                  opportunities at both the undergraduate and graduate levels; and be it  
12                  further  
13
- 14   RESOLVED, That the Idaho Medical Association publish on its website the complete  
15                   text of the Medical Education Study Final Report by MGT of America,  
16                   Inc. and the findings, recommendations, and proposed legislation, if any,  
17                   of the study committee commissioned by Senate Concurrent Resolution  
18                   135.  
19
- 20   RESOLVED, That the Idaho Medical Association support open discussion and  
21                   consideration, without prejudice, of the three models of undergraduate  
22                   medical education described in the MGT Report; and be it further  
23

**ADOPTED AS AMENDED**

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RES 01 (08)  
Page 4

1     RESOLVED, That the Idaho Medical Association establish as its policy, active advocacy  
2                     for development of an Idaho-based four-year medical education program;  
3                     and be it further

4  
5     RESOLVED, That the clinical training sites that exist in Idaho and our region are vital  
6                     and be built upon, supported, and expanded to maximize clinical education  
7                     and quality medical student training during the third and fourth years of  
8                     medical education.

9  
10    RESOLVED, That the IMA establish as its priorities for medical education in Idaho the  
11                    following:

- 12  
13                    1.) Development of an Idaho-based four-year medical education program.  
14                    2.) Immediate expansion of, and addition to, current graduate medical  
15                    education programs to include family medicine, internal medicine,  
16                    psychiatry, pediatrics, surgery, and obstetrics/gynecology.  
17                    3.) Expansion of state funded medical school seats at University of  
18                    Washington from 20 to 40 and University of Utah from 8 to 16 as an  
19                    interim measure.

20  
21    IMA POLICY:     Supports immediate planning for a collaborative strategic process  
22                     for establishing an Idaho-based four-year medical school model.

23  
24    FISCAL NOTE:    None.

**ADOPTED AS AMENDED**

# PLANNING, POLICY & GOVERNMENTAL AFFAIRS

## JANUARY 26, 2009

January 7, 2009

### University of Idaho-WWAMI Expansion White Paper

The University of Idaho has a proud 36 year history of delivering medical education in Idaho, as a part of its unique statewide mission assigned by the State Board of Education: *"The University is also responsible for regional medical and veterinary medical education programs in which the state of Idaho participates."* (Institutional role and missions for the University of Idaho). Through a long-term partnership with the University of Washington School of Medicine (UWSOM), the #1 primary care medical school in the nation for the past 15 years, Idaho medical students complete their first year of training on the UI Moscow campus, travel to Seattle for their hospital-based second year of training, and then are able to return to Idaho to complete their third and fourth years of required clinical medical education in Boise and other regions throughout the state.

This partnership has resulted in 451 Idaho medical graduates to date, 50% of whom have returned to Idaho to practice as physicians. This is a highly successful result, given that the national average of returning physicians for all U.S. medical schools is only 39%. When you add the benefit of being part of the WWAMI (Washington, Wyoming, Alaska, Montana, & Idaho) regional program and how that introduces other WWAMI students to Idaho who later establish practice in our state, Idaho's return on investment increases to 75%, or 338 practicing WWAMI physicians in Idaho.

Our UI-WWAMI research partnership with University of Washington School of Medicine (also the #1 public medical school in the nation for total research dollars awarded – over 1 billion dollars in 2007) contributes substantially to the economic engine in Idaho. UI-WWAMI faculty generate \$11 million dollars of NIH research grant funding annually. WWAMI-supported NIH funding in the state of Idaho is already greater than fourteen medical schools in the U.S., including North Dakota, Creighton, and Florida State universities. In addition, 57% of the annual state WWAMI contract for medical education is now spent in Idaho. In FY2008, that amounted to an additional \$1.6M in economic stimulus support. Compared to the national average for \$2.30 for state medical schools, the Idaho WWAMI program generates over \$5 of economic contributions for every State dollar of funding received.

Idaho's WWAMI program has a well established, state-wide network of physicians, clinics, and hospitals. Currently, there are 331 WWAMI-affiliated doctors throughout Idaho, including family physicians, internists, OB/Gyn doctors, pediatricians, psychiatrists, and surgeons. The WWAMI partnership with UW has resulted in the development and expansion of residency training in Idaho (graduate medical education - GME), including the Internal Medicine residency at the VA in Boise, the new Psychiatry residency in partnership with Idaho hospitals and UWSOM, the two WWAMI-affiliated Family Medicine Residencies in Boise and Pocatello, and specialized residency or fellowship training in pediatrics and pulmonary medicine in Idaho. All of these programs are either WWAMI-affiliated Idaho programs or University of Washington School of Medicine Graduate Medical Education (GME) programs with Idaho-based training rotations. Close linkage between graduate medical education programs and a top-ranked medical school is a critical factor associated with recruiting high-quality residents to maintain quality residency programs.

The new Idaho Medical Education Study (MGT feasibility study) offers three alternatives for expanding undergraduate medical education in Idaho, and a fourth recommendation to invest in an expansion of graduate (residency) medical education in the state. The University of Idaho and WWAMI believe there is another, better undergraduate medical education option, a combination of options 2 and 3: the expansion of the UI-WWAMI medical education program to develop all four years of medical education in Idaho under University of Idaho leadership and the continuing accreditation and partnership with UWSOM, with additional academic affiliations

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and partnerships with BSU, ISU, the Boise VA, and other Idaho hospitals. Such a distributed, regional branch campus model builds on the strengths and quality of our existing program while building new partnerships, and is far more cost-effective in addressing Idaho's needs for more physicians than creating a new medical school. Cost-effectiveness and return on investment are important considerations. At the University of Idaho, we have developed a leading biomedical and life sciences faculty that provide instruction to medical students, undergraduate students, and lead the state in competing for millions of dollars in NIH and other federal funding. By expanding to add the use of UI's established research and teaching center in Boise and the academic and research partnerships available with BSU and ISU, UI-WWAMI would build upon its successful track record in delivering medical education in Idaho and upon its network of established WWAMI-affiliated training sites throughout the state. The cost of alternative approaches to medical education beyond this UI-WWAMI distributed model would be high: Florida State University's estimated cost for state support of their new med school is \$38 million per year in operating costs, after spending \$150 million in capital and start up costs since 2001.

The University of Idaho, in partnership with UW School of Medicine, is ready to lead medical education to the next level in Idaho, and offers the following vision and plan to help address the physician workforce and medical education needs of Idaho over the next decade.

Beginning in 2009, initiate the planning and development of a new model for consolidating all four years of medical education in Idaho, under the leadership of the University of Idaho and in partnership with UWSOM and its accreditation:

1. Plan a step-wise increase in Idaho WWAMI student and corresponding funding requests to implement an expansion of the entering class of Idaho medical students to at least 40 UI-WWAMI students over the next 3-5 years.
2. Expand the delivery of the 3<sup>rd</sup> and 4<sup>th</sup> year clinical education training in Idaho, under the leadership of UI WWAMI and UWSOM.
3. Study and develop a plan for delivering the 2<sup>nd</sup> year of medical education in Boise, through the WWAMI program offices at the UI Boise Center and new academic affiliations with both BSU and ISU faculties, the Boise VA, and local hospitals and physicians.
4. Expand residency programs throughout the state, building on the existing UWSOM and WWAMI networks. Fund and establish a WWAMI GME office in Boise, to support existing residency programs and to develop new residency training programs between Idaho's regional medical centers and UWSOM's extensive network of residency and fellowship programs.

UI-WWAMI is deeply embedded in Idaho's educational system and in the medical communities throughout Idaho, working to augment premedical programs, to create highly integrated educational opportunities for medical students, to expand outstanding graduate medical education initiatives and residencies, and to initiate research collaborations that yield significant discovery and economic development for Idaho. The WWAMI program has been recognized repeatedly as one of the highest quality, most cost-effective medical education programs in the nation. UI and WWAMI are ready to build upon this base of experience and excellence by addressing the physician workforce challenges that have been identified in the State Board's Medical Education Study. The UI-WWAMI brand of medical education brings together the best of two state's leading universities to meet the medical school needs of Idaho.

Steven Daley-Laursen, President

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS**  
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Mr. Chairman - You asked that I put my thoughts in print concerning the future of medical education in Idaho. I will preface those remarks with the statement that, in the face of our current fiscal situation, I believe little can be done in the next year toward expansion of opportunities to enhance our corps of physicians. Below, you will find what I will call my findings followed by my conclusions.

**Findings**

1. Idaho has a shortage of physicians, particularly in the rural areas of our state and that shortage will be exacerbated with the pending retirement of a number of age eligible doctors.
2. Idaho has established a loan forgiveness program which will start in FY2010 and the rules for that program must be broadcast as soon as possible or we will lose the opportunity for the first class of eligible doctors to enter the program.
3. Idaho has significant shortages in occupations such as nursing as well as doctors.
4. Idaho currently has only two family practice residency programs and location of residency is an important factor in location of a future practice. We must expand residency positions prior to implementation of any other program to increase medical education.
5. The WWAMI program has been extremely successful in Idaho. Not only has it contributed a high percentage return of participants but the WWAMI association has nurtured biomedical research opportunities in the tens of millions of dollars. Biomedical research at the U of I has better NIH funding than 14 medical schools across our country.
6. The Boise VA facilities present a significant opportunity to advance medical education parlaying federal dollars and should be cultured.
7. The current proposal for establishing a medical school at Idaho State University does not contain the detail for evaluation of one time and ongoing costs to support such a program (see conclusions below).
8. Current reimbursement formulas tend to favor specialists and efforts need to be made to enhance income opportunities for general practitioners by encouraging health insurance carriers to work toward that end in contracting with Idaho physicians and by setting conversion factors in the workers compensation arena.

**Conclusions**

I am ordering my conclusions sequentially. The first conclusion being the most viable and the most fiscally prudent.

1. In partnership with Idaho hospitals, the VA, and Idaho doctors, the state must find a way to expand the family medicine residency opportunities in Idaho by 40 positions. The focus, where possible, should be rural family medicine.
2. Expansion of WWAMI seats from 20 to 40.

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**3. Addressing four year medical opportunities in Idaho:**

a. Ask WWAMI for take the next step in their proposal to provide the 2nd year in state education which would allow Idaho students a four year in state program. This next step should identifying classroom space and clinical partners in the Boise area.

b. Remembering my first tenant about funding, ISU should seek private funding to support generation of the next step in planning and, if that step shows that costs of such a program cannot be born by Idaho taxpayers, ISU should accept those findings and shelf the plan until such time in the future that Idaho's population can support such a facility.

I am sure I have missed points I should have made but this is a first draft for whatever use you find for it.

John Goedde

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS**  
**JANUARY 26, 2009**

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**SUBJECT**

Governor's Office Education Related Legislation

**BACKGROUND/DISCUSSION**

The Governor's Office will be proposing a number of pieces of legislation that will impact the State Board of Education this legislative session. Below is a brief summary of each piece as provided by the Governor's Office. Included in the summary information is RS18245C1 – Proprietary Schools and RS 18240C1 – School Boundaries. These two pieces of legislation have been previously approved by the Board. The Proprietary Schools legislation has had non-substantive wording changes and the addition of a cap of \$5,000 on the registration fee that were not in the original version approved by the Board. The changes to the School Boundaries legislation is the specification that the superintendent of public instruction shall be responsible for issuing the order of boundary changes rather than the State Board of Education, and that the Department rather than the Board or it's designee is responsible for initiating the notification process. The State Board of Education will still make the determination whether an alteration or correction is necessary.

**IMPACT**

Removal of these statutory responsibilities is designed to allow the Board to focus on higher education governance, providing general supervision, governance and control of Idaho's public education system and setting statewide policy regarding educational issues. The Governor's Budget Recommendation will require the Board office to transfer three (3) full time GEARUP staff and four (4) full time Assessment staff positions and the associated funding for these programs to the Department of Education

**ATTACHMENTS**

Attachment 1 – Governors Education Package as submitted	Page 3
Attachment 1 – RS18274C1 – Idaho Commission for Libraries	Page 5
Attachment 2 – RS18272C1 – State Historical Society	Page 9
Attachment 3 - RS 18280C1 – Vocational Rehabilitation	Page 15
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Attachment 7 - RS 18245C1 – Proprietary Schools	Page 31
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**STAFF COMMENTS AND RECOMMENDATIONS**

The Governor's Office has worked collaboratively with Board staff, the Department of Education, the Commission for Libraries, and the Historical Society to develop the proposed legislation.

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS**  
**JANUARY 26, 2009**

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**BOARD ACTION**

A motion to support the Governor's proposed Education Reorganization Legislation and to direct the Executive Director to work with the Governor's staff to make any additional revisions as necessary.

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



**Governor's Education Reorganization Package**

The Governor's reorganization package incorporates a comprehensive approach to clarifying areas of responsibility and lines of authority.

The primary focus of the reorganization package is returning the Board's operation to that envisioned by the State Constitution – as a policy setting body, not an agency mired in the operation of multiple program areas. Passage of this legislation will result in a Board focused on oversight, higher education, and the big issues facing the educational community on a statewide basis. While retaining its primary oversight authority, the Board will be less distracted by many of the day-to-day operations of individual agencies it now oversees.

The reorganization package consists of the following pieces of legislation:

**RS 18274C1 – Idaho Commission for Libraries**

This bill moves the Commission from the Office of the State Board of Education to the Department of Self-Governing Agencies.

**RS 18272C1 – State Historical Society**

This bill moves the Society from the Office of the State Board of Education to the Department of Self-Governing Agencies.

**RS 18280C1 – Vocational Rehabilitation**

This bill moves the Division of Vocational Rehabilitation from the Office of the State Board of Education to the Department of Labor.

**RS 18284 – Inmate Education**

This bill moves the responsibility for education of inmates under the responsibility of the Department of Correction from the Office of the State Board of Education to the Division of Professional-Technical Education.

**RS 18263 – Veterans**

This bill moves the responsibility for veteran education benefits from the Division of Professional-Technical Education to the Division of Veterans Services.

**RS 18278 – Motorcycle Training**

This bill moves the responsibility for motorcycle training from the Department of Education to Idaho State University.

**RS 18245C1 – Proprietary Schools** (Previously submitted by the Board)

This bill addresses significant shortcomings in the current statute regarding for-profit institutions.

**RS 18240C1 – School Boundaries** (Previously submitted by the Board)

This bill provides consistency in procedures when proposals are made to modify school district boundaries.

**RS 18319 (draft) – School for the Deaf and Blind**

This bill establishes the Idaho Bureau of Educational Services for the Deaf and the Blind and creates a Board of Directors to supervise the delivery of services to all of the state's deaf and blind students wherever they reside. The bill enclosed is in draft form.

The legislative package outlined above is accompanied by significant changes in the budgets associated with these and other functions of the Board of Education. The Governor's FY 2010 Budget Recommendation accounts for each legislative change and also includes the following:

**Gear Up**

The Governor's FY 2010 Budget Recommendation shifts responsibility for this federally funded operation to the Department of Education.

**Assessment**

The Governor's FY 2010 Budget Recommendation shifts responsibility for all assessment activities to the Department of Education while leaving Accountability functions associated with the test results with the Board of Education.

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS  
JANUARY 26, 2009**

**STATEMENT OF PURPOSE**

RS 18274C1

The purpose of this bill is to move the Idaho Commission for Libraries from the Office of the State Board of Education to the Department of Self-Governing Agencies, where the Commission will operate under its own Board of Trustees. The bill provides for the appointment of Commissioners, establishes terms and geographic representation requirements, and permits the Governor to remove a board member for cause. The Board of Trustees is accountable for the agency's operation.

**FISCAL NOTE**

There is no fiscal impact to the General Fund

**CONTACT**

Name: Wayne Hammon  
Agency: Division of Financial Management  
Phone: 334-3900

Name: Ann Joslin  
Agency: Idaho Commission for Libraries  
Phone: 334-2150

STATEMENT OF PURPOSE/FISCAL NOTE

Bill No.



## LEGISLATURE OF THE STATE OF IDAHO



Sixtieth Legislature

First Regular Session - 2009

IN THE \_\_\_\_\_

BILL NO. \_\_\_\_\_

BY \_\_\_\_\_

## AN ACT

RELATING TO THE COMMISSION FOR LIBRARIES; AMENDING SECTION 67-2601, IDAHO CODE, TO PROVIDE THAT THE BOARD OF LIBRARY COMMISSIONERS IS WITHIN THE DEPARTMENT OF SELF-GOVERNING AGENCIES AND TO PROVIDE CORRECT TERMINOLOGY; AND AMENDING SECTION 33-2502, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE APPOINTMENT, REMOVAL AND TERMS OF THE BOARD OF LIBRARY COMMISSIONERS AND TO REVISE TERMINOLOGY.

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

SECTION 1. That Section 67-2601, Idaho Code, be, and the same is hereby amended to read as follows:

67-2601. DEPARTMENT CREATED – ORGANIZATION – DIRECTOR – BUREAU OF OCCUPATIONAL LICENSES CREATED. (1) There is hereby created the department of self-governing agencies. The department shall, for the purposes of section 20, article IV of the constitution of the state of Idaho, be an executive department of the state government.

(2) The department shall consist of the following:

(a) Agricultural commodity commissions: Idaho apple commission, as provided by chapter 36, title 22, Idaho Code; Idaho bean commission, as provided by chapter 29, title 22, Idaho Code; Idaho beef council, as provided by chapter 29, title 25, Idaho Code; Idaho cherry commission, as provided by chapter 37, title 22, Idaho Code; Idaho dairy products commission, as provided by chapter 31, title 25, Idaho Code; Idaho pea and lentil commission, as provided by chapter 35, title 22, Idaho Code; Idaho potato commission, as provided by chapter 12, title 22, Idaho Code; the Idaho wheat commission, as provided by chapter 33, title 22, Idaho Code; and the Idaho aquaculture commission, as provided by chapter 44, title 22, Idaho Code.

(b) Professional and occupational licensing boards: Idaho state board of certified public accountancy, as provided by chapter 2, title 54, Idaho Code; board of acupuncture, as provided by chapter 47, title 54, Idaho Code; board of architectural examiners, as provided by chapter 3, title 54, Idaho Code; office of the state athletic director, as provided by chapter 4, title 54, Idaho Code; board of barber examiners, as provided by chapter 5, title 54, Idaho Code; board of commissioners of the Idaho state bar, as provided by chapter 4, title 3, Idaho Code; board of chiropractic physicians, as provided by chapter 7, title 54, Idaho Code; Idaho board of cosmetology, as provided by chapter 8, title 54, Idaho Code; Idaho counselor licensing board, as provided by chapter 34, title 54, Idaho Code; state board of dentistry, as provided by chapter 9, title 54, Idaho Code; state board of dentistry, as provided by chapter 33, title 54, Idaho Code; state board of engineering examiners, as provided by chapter 12, title 54, Idaho Code; state board for registration of professional geologists, as provided by chapter 28, title 54, Idaho Code;

speech and hearing services licensure board, as provided by chapter 29, title 54, Idaho Code; Idaho physical therapy licensure board, as provided by chapter 22, title 54, Idaho Code; Idaho state board of landscape architects, as provided by chapter 30, title 54, Idaho Code; liquefied petroleum gas safety board, as provided by chapter 53, title 54, Idaho Code; state board of medicine, as provided by chapter 18, title 54, Idaho Code; state board of morticians, as provided by chapter 11, title 54, Idaho Code; board of naturopathic medical examiners, as provided by chapter 51, title 54, Idaho Code; board of nurses, as provided by chapter 14, title 54, Idaho Code; board of examiners of nursing home administrators, as provided by chapter 16, title 54, Idaho Code; state board of optometry, as provided by chapter 15, title 54, Idaho Code; Idaho outfitters and guides board, as provided by chapter 21, title 36, Idaho Code; board of pharmacy, as provided by chapter 17, title 54, Idaho Code; state board of podiatry, as provided by chapter 6, title 54, Idaho Code; Idaho state board of psychologist examiners, as provided by chapter 23, title 54, Idaho Code; Idaho real estate commission, as provided by chapter 20, title 54, Idaho Code; real estate appraiser board, as provided by chapter 41, title 54, Idaho Code; board of social work examiners, as provided by chapter 32, title 54, Idaho Code; the board of veterinary medicine, as provided by chapter 21, title 54, Idaho Code; the board of examiners of residential care facility administrators, as provided by chapter 42, title 54, Idaho Code; and the board of drinking water and wastewater professionals, as provided by chapter 24, title 54, Idaho Code.

(c) The board of examiners, pursuant to section 67-2001, Idaho Code.

(d) The division of building safety: building code board, chapter 41, title 39, Idaho Code; ~~manufactured home advisory~~ housing board, chapter 21, title 44, Idaho Code; electrical board, chapter 10, title 54, Idaho Code; public works contractors license board, chapter 19, title 54, Idaho Code; plumbing board, chapter 26, title 54, Idaho Code; public works construction management, chapter 45, title 54, Idaho Code; the heating, ventilation and air conditioning board, chapter 50, title 54, Idaho Code; and modular buildings advisory board, chapter 43, title 39, Idaho Code.

(e) The division of veterans services to be headed by a division administrator who shall be a nonclassified employee exempt from the provisions of chapter 53, title 67, Idaho Code. The administrator of the division shall administer the provisions of chapter 2, title 65, Idaho Code, and chapter 9, title 66, Idaho Code, with the advice of the veterans affairs commission established under chapter 2, title 65, Idaho Code, and shall perform such additional duties as are imposed upon him by law.

(f) The board of library commissioners, pursuant to section 33-2502, Idaho Code.

(3) The bureau of occupational licenses is hereby created within the department of self-governing agencies.

SECTION 2. That Section 33-2502, Idaho Code, be, and the same is hereby amended to read as follows:

33-2502. BOARD OF LIBRARY COMMISSIONERS - ~~MEMBERSHIP~~  
~~APPOINTMENT, REMOVAL AND TERMS~~ - OFFICERS - MEETINGS -  
~~COMPENSATION. The Idaho commission for libraries shall be governed by the board of~~  
~~library commissioners. The board of library commissioners shall, for the purposes of section~~  
~~20, article IV of the constitution of the state of Idaho, be maintained within the office of~~  
~~the state board of education~~ department of self-governing agencies and shall consist of five

1 (5) commissioners appointed by the ~~state board of education~~ governor. The board shall  
2 nominate to the governor qualified candidates to fill any board vacancy. The governor shall  
3 consider geographic representation when selecting board commissioners by appointing one  
4 (1) board commissioner from the northern part of the state, one (1) board commissioner from  
5 the eastern part of the state, one (1) board commissioner from the southwestern part of the  
6 state and one (1) board commissioner from each of the two (2) congressional districts. The  
7 state board of education shall annually appoint one (1) commissioner for a term of five (5)  
8 years Appointments are for five (5) year terms and commissioners may serve more than one  
9 (1) term. At the end of a term, the commissioner shall continue to serve until a successor is  
10 appointed and qualifies. A vacancy on the board of library commissioners shall be filled in the  
11 same manner as regular appointments and shall be for the unexpired portion of the term. The  
12 governor may remove board commissioners for cause including, but not limited to, frequent  
13 absences from board meetings. The board of library commissioners shall annually elect a  
14 chairman, vice chairman and other officers as it deems reasonably necessary. The board of  
15 library commissioners shall meet at least twice each year. Commissioners shall be compensated  
16 as provided by section 59-509(n), Idaho Code.

PLANNING, POLICY & GOVERNMENTAL AFFAIRS  
JANUARY 26, 2009

STATEMENT OF PURPOSE

RS 18272C1

The purpose of this bill is to move the State Historical Society from the Office of the State Board of Education to the Department of Self-Governing Agencies. The State Historical Society operates under the direction of its own Board of Trustees which is accountable for the agency's operation. The bill also provides a revised declaration of policy and technical updates.

FISCAL NOTE

There is no fiscal impact to the General Fund

CONTACT

Name: Wayne Hammon  
Agency: Division of Financial Management  
Phone: 334-3900

Name: Janet Gallimore  
Agency: Idaho Historical Society  
Phone: 334-2682



Sixtieth Legislature

## LEGISLATURE OF THE STATE OF IDAHO



First Regular Session - 2009

IN THE \_\_\_\_\_

BILL NO. \_\_\_\_\_

BY \_\_\_\_\_

## AN ACT

RELATING TO THE STATE HISTORICAL SOCIETY; AMENDING SECTION 67-2601, IDAHO CODE, TO PROVIDE THAT THE IDAHO STATE HISTORICAL SOCIETY IS WITHIN THE DEPARTMENT OF SELF-GOVERNING AGENCIES; AMENDING CHAPTER 41, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-4111, IDAHO CODE, TO PROVIDE A DECLARATION OF POLICY; AMENDING CHAPTER 41, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-4112, IDAHO CODE, TO DEFINE TERMS; AMENDING SECTION 67-4123, IDAHO CODE, TO REVISE A PROVISION RELATING TO THE STATE HISTORICAL SOCIETY AND ITS BOARD OF TRUSTEES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-4124, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE APPOINTMENT AND TERMS OF BOARD MEMBERS AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 33-3901, IDAHO CODE, TO REVISE A PROVISION RELATING TO THE IDAHO ARCHAEOLOGICAL SURVEY AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 33-3902, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AND AMENDING SECTION 33-3904, IDAHO CODE, TO REVISE A PROVISION RELATING TO CERTAIN REPORTING PROCEDURES.

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

SECTION 1. That Section 67-2601, Idaho Code, be, and the same is hereby amended to read as follows:

67-2601. DEPARTMENT CREATED – ORGANIZATION – DIRECTOR – BUREAU OF OCCUPATIONAL LICENSES CREATED. (1) There is hereby created the department of self-governing agencies. The department shall, for the purposes of section 20, article IV of the constitution of the state of Idaho, be an executive department of the state government.

(2) The department shall consist of the following:

(a) Agricultural commodity commissions: Idaho apple commission, as provided by chapter 36, title 22, Idaho Code; Idaho bean commission, as provided by chapter 29, title 22, Idaho Code; Idaho beef council, as provided by chapter 29, title 25, Idaho Code; Idaho cherry commission, as provided by chapter 37, title 22, Idaho Code; Idaho dairy products commission, as provided by chapter 31, title 25, Idaho Code; Idaho pea and lentil commission, as provided by chapter 35, title 22, Idaho Code; Idaho potato commission, as provided by chapter 12, title 22, Idaho Code; the Idaho wheat commission, as provided by chapter 33, title 22, Idaho Code; and the Idaho aquaculture commission, as provided by chapter 44, title 22, Idaho Code.

(b) Professional and occupational licensing boards: Idaho state board of certified public accountancy, as provided by chapter 2, title 54, Idaho Code; board of acupuncture, as provided by chapter 47, title 54, Idaho Code; board of architectural examiners, as





provided by chapter 3, title 54, Idaho Code; office of the state athletic director, as provided by chapter 4, title 54, Idaho Code; board of barber examiners, as provided by chapter 5, title 54, Idaho Code; board of commissioners of the Idaho state bar, as provided by chapter 4, title 3, Idaho Code; board of chiropractic physicians, as provided by chapter 7, title 54, Idaho Code; Idaho board of cosmetology, as provided by chapter 8, title 54, Idaho Code; Idaho counselor licensing board, as provided by chapter 34, title 54, Idaho Code; state board of dentistry, as provided by chapter 9, title 54, Idaho Code; state board of denturistry, as provided by chapter 33, title 54, Idaho Code; state board of engineering examiners, as provided by chapter 12, title 54, Idaho Code; state board for registration of professional geologists, as provided by chapter 28, title 54, Idaho Code; speech and hearing services licensure board, as provided by chapter 29, title 54, Idaho Code; Idaho physical therapy licensure board, as provided by chapter 22, title 54, Idaho Code; Idaho state board of landscape architects, as provided by chapter 30, title 54, Idaho Code; liquefied petroleum gas safety board, as provided by chapter 53, title 54, Idaho Code; state board of medicine, as provided by chapter 18, title 54, Idaho Code; state board of morticians, as provided by chapter 11, title 54, Idaho Code; board of naturopathic medical examiners, as provided by chapter 51, title 54, Idaho Code; board of nurses, as provided by chapter 14, title 54, Idaho Code; board of examiners of nursing home administrators, as provided by chapter 16, title 54, Idaho Code; state board of optometry, as provided by chapter 15, title 54, Idaho Code; Idaho outfitters and guides board, as provided by chapter 21, title 36, Idaho Code; board of pharmacy, as provided by chapter 17, title 54, Idaho Code; state board of podiatry, as provided by chapter 6, title 54, Idaho Code; Idaho state board of psychologist examiners, as provided by chapter 23, title 54, Idaho Code; Idaho real estate commission, as provided by chapter 20, title 54, Idaho Code; real estate appraiser board, as provided by chapter 41, title 54, Idaho Code; board of social work examiners, as provided by chapter 32, title 54, Idaho Code; the board of veterinary medicine, as provided by chapter 21, title 54, Idaho Code; the board of examiners of residential care facility administrators, as provided by chapter 42, title 54, Idaho Code; and the board of drinking water and wastewater professionals, as provided by chapter 24, title 54, Idaho Code.

(c) The board of examiners, pursuant to section 67-2001, Idaho Code.

(d) The division of building safety: building code board, chapter 41, title 39, Idaho Code; manufactured home advisory board, chapter 21, title 44, Idaho Code; electrical board, chapter 10, title 54, Idaho Code; public works contractors board, chapter 19, title 54, Idaho Code; plumbing board, chapter 26, title 54, Idaho Code; public works construction management, chapter 45, title 54, Idaho Code; the heating, ventilation and air conditioning board, chapter 50, title 54, Idaho Code; and modular buildings, chapter 43, title 39, Idaho Code.

(e) The division of veterans services to be headed by a division administrator who shall be a nonclassified employee exempt from the provisions of chapter 53, title 67, Idaho Code. The administrator of the division shall administer the provisions of chapter 2, title 65, Idaho Code, and chapter 9, title 66, Idaho Code, with the advice of the veterans affairs commission established under chapter 2, title 65, Idaho Code, and shall perform such additional duties as are imposed upon him by law.

(f) The Idaho state historical society, pursuant to section 67-4123, Idaho Code.

(3) The bureau of occupational licenses is hereby created within the department of self-governing agencies.

SECTION 2. That Chapter 41, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-4111, Idaho Code, and to read as follows:

67-4111. DECLARATION OF POLICY. (1) The citizens of the state of Idaho have an ongoing appreciation, pride and interest in the history of Idaho and the preservation of Idaho's historic resources. There is a need to enhance the cultural environment of the state of Idaho. Industry, commerce, agriculture and quality of life will be enhanced by the preservation of Idaho's cultural and historic resources and the connection to place.

(2) It is hereby declared to be the policy of the state of Idaho to encourage the preservation of our cultural and historic resources and to assist the society in joining with all persons and institutions concerned with the history of Idaho to ensure that cultural and historic resources are recognized and fostered and will add value to and play a significant role in the welfare and educational experience of Idaho's citizens.

SECTION 3. That Chapter 41, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-4112, Idaho Code, and to read as follows:

67-4112. DEFINITIONS. As used in this chapter:

(1) "Board" means the board of trustees of the Idaho state historical society.

(2) "Historical record" means any record, artifact, object, historical or archaeological site or structure, document, evidence or public or private writing pursuant to the provisions of title 9, Idaho Code, relevant to the history of the state of Idaho.

(3) "Idaho state historical society" and "society" mean the educational institution pursuant to chapter 41, title 67, Idaho Code.

SECTION 4. That Section 67-4123, Idaho Code, be, and the same is hereby amended to read as follows:

67-4123. STATE HISTORICAL SOCIETY – GOVERNED BY BOARD OF TRUSTEES. The Idaho ~~S~~state ~~H~~historical ~~S~~society, hereinafter referred to as the society, shall be governed by a board of trustees. The society and its board of trustees, shall, for the purposes of section 20, article IV, of the constitution of the state of Idaho, be within the ~~office of the state board of education~~ department of self-governing agencies. The board shall be responsible for administering the powers and duties required to preserve and protect any historical record of the history and culture of Idaho.

SECTION 5. That Section 67-4124, Idaho Code, be, and the same is hereby amended to read as follows:

67-4124. BOARD OF TRUSTEES – QUALIFICATIONS, APPOINTMENT AND TERMS OF MEMBERS. The board of trustees shall consist of seven (7) members to be appointed by the ~~state board of education~~ governor. The members of the board shall be chosen with due regard to their knowledge, competence, experience and interest in the fields related to

1 the preservation and promotion of Idaho history. The ~~state board of education~~ governor shall  
2 consider geographic representation when selecting board members by appointing one (1) trustee  
3 from each of the seven (7) judicial districts as set forth in chapter 8, title 1, Idaho Code. All  
4 appointees shall be chosen solely on the basis of their qualifications. The board shall provide  
5 the governor with a list of nominated qualified candidates to fill any board vacancy.

6 All members of the board ~~of trustees~~ shall serve for a specific term. Upon expiration  
7 of the terms of members serving on the board ~~of trustees~~ on the effective date of this act, the  
8 ~~board~~ governor shall appoint members for a term of six (6) years, except appointments for the  
9 unexpired portion of a term. No member shall serve more than two (2) consecutive full terms.

10 SECTION 6. That Section 33-3901, Idaho Code, be, and the same is hereby amended to  
11 read as follows:

12 33-3901. IDAHO ARCHAEOLOGICAL SURVEY CREATED - PURPOSE -  
13 DEFINITION - ADVISORY BOARD. (1) There is hereby created the Idaho archaeological  
14 survey, to be administered as a special cooperative program under the authority of the ~~Idaho~~  
15 ~~state board of education~~ board of trustees of the Idaho state historical society and the board of  
16 regents of the university of Idaho. It is the policy of the state of Idaho that the archaeological  
17 resources recovered from within the state, and their associated documentation, be accorded  
18 long-term curation within the state to ensure their continued accessibility by the educational  
19 programs of the state universities and for the public benefit of the citizens of the state of Idaho.  
20 It is a policy of the state of Idaho that archaeological inventories conducted within the state  
21 be documented in a comprehensive database accessible by educational programs and for other  
22 public purposes consistent with the protection of these resources. The survey shall be the lead  
23 state entity for the compilation, coordination, preservation and dissemination of archaeological  
24 survey data and long-term curation of collections for Idaho. This information is to be acquired  
25 through field and laboratory investigations by the staff of the survey and through cooperative  
26 programs with other governmental and private agencies, including the educational programs at  
27 the state universities which recover, use and care for archaeological materials. Nothing in this  
28 chapter shall limit the established role of the state universities in archaeological research and  
29 educational programs using archaeological materials.

30 (2) For the purposes of this chapter "archaeological resources" refer to both cultural  
31 remains and associated environmental materials recovered by archaeological studies and to sites  
32 on the landscape containing materials potentially supportive of anthropological or historical  
33 archaeological studies.

34 (3) There is hereby established an advisory board for the survey which shall consist of  
35 the following members: the Idaho state archaeologist, who shall be director of the survey and  
36 nonvoting chairman of the advisory board, the academic vice presidents of the university of  
37 Idaho, Idaho state university and Boise state university or their designated representatives; the  
38 governor of the state of Idaho or his designated representative; and a member of the public  
39 who shall be elected by a majority vote of the advisory board and who shall serve for a term  
40 of two (2) years. Should a vacancy occur in the public member position, the advisory board  
41 shall appoint a replacement to serve the remainder of the term. Members of the advisory board  
42 shall be compensated as provided in section 59-509(b), Idaho Code, which compensation shall  
43 be paid from the archaeological survey account created in section 33-3905, Idaho Code. A  
44 quorum of the advisory board shall be required to be present to conduct business.



1 SECTION 7. That Section 33-3902, Idaho Code, be, and the same is hereby amended to  
2 read as follows:

3 33-3902. MEETINGS – OFFICE – STATE ARCHAEOLOGIST. The advisory board  
4 shall hold annual meetings at the Idaho state historical society, the university of Idaho, Idaho  
5 state university or Boise state university on the first Monday of June of each year and shall  
6 hold such other meetings as it may deem necessary. The chief office of the survey and the  
7 office of its secretary shall be maintained at the Idaho state historical society. The professional  
8 archaeologist holding the position of state archaeologist in the Idaho state historical society is  
9 designated director of the survey.

10 SECTION 8. That Section 33-3904, Idaho Code, be, and the same is hereby amended to  
11 read as follows:

12 33-3904. REPORTS. The Idaho archaeological survey shall annually, on or before the  
13 first day of January, make to the governor of the state and to the ~~executive director of the~~  
14 ~~Idaho state board of education~~ board of trustees of the Idaho state historical society and the  
15 board of regents of the university of Idaho a report detailing major events during the preceding  
16 year concerning the archaeological resources of the state, a report of its expenditures and of the  
17 work of the survey during the preceding year, and budget requests for the following year; and it  
18 shall make a similar report of its doings and its expenditures to the state legislature through the  
19 legislative council.

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS**  
**JANUARY 26, 2009**

STATEMENT OF PURPOSE

RS 18280C1

The purpose of this bill is to move the Idaho Division of Vocational Rehabilitation from the Office of the State Board of Education to the Department of Labor, where the Division's work can be integrated with similar activities undertaken by the Department. It is believed that by joining all of these activities together in one Department the state will be able to provide better service to those individuals in need of vocational training. This legislation will improve the efficiency of state government by eliminating the need to have the State Board of Education provide oversight to programs not directly connected to its constitutional responsibilities.

FISCAL NOTE

There is no anticipated fiscal impact to the state General Fund.

CONTACT

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Name: Tracie Bent  
Agency: Office of the State Board of Education  
Phone: (208) 332-1582

STATEMENT OF PURPOSE/FISCAL NOTE

Bill No.



Sixtieth Legislature

LEGISLATURE OF THE STATE OF IDAHO



First Regular Session - 2009

IN THE \_\_\_\_\_

BILL NO. \_\_\_\_\_

BY \_\_\_\_\_

## AN ACT

RELATING TO VOCATIONAL REHABILITATION; AMENDING SECTION 33-2211, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE POWERS OF THE STATE BOARD FOR PROFESSIONAL-TECHNICAL EDUCATION; REPEALING CHAPTER 23, TITLE 33, IDAHO CODE, RELATING TO VOCATIONAL REHABILITATION AND FEDERAL AID; AMENDING TITLE 44, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 28, TITLE 44, IDAHO CODE, TO PROVIDE FOR ACCEPTANCE OF CERTAIN FEDERAL ACTS, TO PROVIDE FOR CUSTODY AND DISBURSEMENT OF CERTAIN FUNDS, TO PROVIDE FOR POWERS OF THE DEPARTMENT, TO PROVIDE FOR A PLAN OF COOPERATION, TO PROVIDE FOR RECEIPT AND DISPOSITION OF GIFTS AND DONATIONS, TO PROVIDE FOR AN ANNUAL REPORT, TO PROVIDE LEGISLATIVE INTENT RELATING TO THE CARE OF CERTAIN PERSONS SUFFERING FROM CHRONIC RENAL DISEASES, TO PROVIDE FOR THE ESTABLISHMENT OF A VOCATIONAL REHABILITATION PROGRAM, TO PROVIDE FOR TREATMENT TO CERTAIN PERSONS SUFFERING FROM CHRONIC RENAL DISEASES AND TO PROVIDE FOR DEPARTMENT OPERATIONS.

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

SECTION 1. That Section 33-2211, Idaho Code, be, and the same is hereby amended to read as follows:

33-2211. POWERS OF STATE BOARD FOR PROFESSIONAL-TECHNICAL EDUCATION. The state board for professional-technical education shall have the power:

1. To adopt rules for its own government, the government of the Eastern Idaho Technical College and any professional-technical ~~or vocational rehabilitation~~ program, including programs under chapters 22 ~~and 23~~, title 33, Idaho Code;

2. To employ professional and nonprofessional persons and to prescribe their qualifications;

3. To acquire and hold, and to dispose of, real and personal property, and to construct, repair, remodel and remove buildings;

4. To contract for the acquisition, purchase or repair of buildings, in the manner prescribed for trustees of school districts;

5. To dispose of real and personal property in the manner prescribed for trustees of school districts;

6. To convey and transfer real property of the college upon which no buildings used for instruction are situated, to nonprofit corporations, school districts, community college housing commissions, counties or municipalities, with or without consideration; to rent real or personal property for the use of the college, its students or faculty, for such terms as may be determined by the state board for professional-technical education; and to lease real or personal property of

1 the college not actually in use for instructional purposes on such terms as may be determined  
2 by the state board for professional-technical education;

3 7. To acquire, hold, and dispose of, water rights;

4 8. To accept grants or gifts of money, materials, or property of any kind from any  
5 governmental agency, or from any person, firm, or association, on such terms as may be  
6 determined by the grantor;

7 9. To cooperate with any governmental agency, or any person, firm or association in the  
8 conduct of any educational program; to accept grants from any source for the conduct of such  
9 program, and to conduct such program on, or off, campus;

10 10. To employ a president of the college and, with his advice, to appoint such assistants,  
11 instructors, specialists and other employees as are required for the operation of the college; to  
12 fix salaries and prescribe duties; and to remove the president or other employees in accordance  
13 with the policies and rules of the state board of education;

14 11. With the advice of the president, to prescribe the courses and programs of study,  
15 the requirements for admission, the time and standards for completion of such courses and  
16 programs, and to grant certificates or associate of applied science degrees for those students  
17 entitled thereto;

18 12. To employ architects or engineers in planning the construction, remodeling or repair  
19 of any building or property and, whenever no other agency is designated by law so to do, to let  
20 contracts for such construction, remodeling or repair and to supervise the work thereof;

21 13. To have at all times, general supervision and control of all property, real and personal,  
22 appertaining to the college, and to insure the same.

23 SECTION 2. That Chapter 23, Title 33, Idaho Code, be, and the same is hereby repealed.

24 SECTION 3. That Title 44, Idaho Code, be, and the same is hereby amended by the  
25 addition thereto of a NEW CHAPTER, to be known and designated as Chapter 28, Title 44,  
26 Idaho Code, and to read as follows:

27 CHAPTER 28

28 VOCATIONAL REHABILITATION – FEDERAL AID

29 44-2801. ACCEPTANCE OF FEDERAL ACTS. The state of Idaho hereby renews its  
30 acceptance of the provisions and benefits of the act of congress, entitled "An act to provide  
31 for the promotion of vocational rehabilitation of persons with disabilities, other than those who  
32 are legally blind, and their return to employment," and further accepts "The Rehabilitation Act  
33 of 1973," P.L. 93-112, 93rd congress, and "The Rehabilitation Act Amendments of 1998," P.L.  
34 105-220, 105th congress, and will observe and comply with all requirements of such acts.

35 44-2802. CUSTODY AND DISBURSEMENT OF FUNDS. The state treasurer  
36 is hereby designated and appointed custodian of all moneys received by the state from  
37 appropriations made by the congress of the United States for the vocational rehabilitation of  
38 persons with disabilities, other than those who are legally blind, and is authorized to receive  
39 and provide for the proper custody of the same and to make disbursements therefrom upon the  
40 order of the state department herein designated.

1 44-2803. POWERS OF DEPARTMENT IN CARRYING OUT PROVISIONS. (1) The  
2 state department of labor is hereby designated as the state entity for the purpose of providing  
3 for the vocational rehabilitation of persons with disabilities, other than those who are legally  
4 blind, and is empowered and directed to cooperate in the administration of said act of congress;  
5 to prescribe and provide such courses of vocational services as may be necessary for the  
6 vocational rehabilitation of persons with disabilities, other than those who are legally blind, and  
7 provide for the supervision of such services; to appoint such assistants as may be necessary  
8 to administer this act and said act of congress in this state; to fix the compensation of such  
9 assistants and to direct the disbursement and administer the use of funds provided by the  
10 federal government and the state of Idaho for the vocational rehabilitation of such persons.

11 (2) In order to provide vocational rehabilitation services the department may enter into,  
12 or authorize a state vocational rehabilitation agency over which it has oversight to enter into,  
13 agreements with any person, corporation or association, approved by the department director to  
14 provide such services.

15 (3) Any person, corporation or association may make application to the department for  
16 approval and certification to provide vocational rehabilitation services. The department may  
17 either grant or deny certification or revoke certification previously granted after investigation  
18 of the applicant, in accordance with standards as set forth in rules promulgated by the  
19 department, and consistent with national accreditation bodies. The department may authorize a  
20 state vocational rehabilitation agency over which it has oversight to provide the approvals or  
21 certifications described in this subsection.

22 44-2804. PLAN OF COOPERATION. It shall be the duty of the department to  
23 cooperate with the appropriate state agencies to formulate a plan of cooperation in accordance  
24 with the provisions of this chapter and said act of congress.

25 44-2805. GIFTS AND DONATIONS - RECEIPT AND DISPOSITION. The  
26 department designated to cooperate in the administration of the federal act is hereby authorized  
27 and empowered to receive such gifts and donations, either from public or private sources, as  
28 may be offered unconditionally or under such conditions related to the vocational rehabilitation  
29 of persons with disabilities, other than those who are legally blind, as in the judgment of the  
30 department are proper and consistent with the provisions of sections 33-2301 through 33-2306,  
31 Idaho Code. All the moneys received as gifts or donations shall be deposited in the state  
32 treasury and shall constitute a permanent fund to be called the special fund for the vocational  
33 rehabilitation of disabled persons, to be used by the department to defray the expenses of  
34 vocational rehabilitation in special cases, including the payment of necessary expenses of  
35 persons undergoing services. A full report of all gifts and donations offered and accepted,  
36 together with the names of the donors and the respective amounts contributed by each, and all  
37 disbursements therefrom shall be submitted annually to the governor of the state and to the  
38 governor and legislature biennially by the department.

39 44-2806. REPORT OF DEPARTMENT. The department shall make annually to the  
40 governor and legislature a report of all moneys expended for the vocational rehabilitation of  
41 persons with disabilities, other than those who are legally blind, both from state and federal  
42 funds.



1 44-2807. CARE OF PERSONS SUFFERING FROM RENAL DISEASES —  
2 LEGISLATIVE INTENT. It is the intent of the legislature to ensure the establishment of a  
3 program for the care and treatment of persons suffering from chronic renal diseases. This  
4 program shall assist persons suffering from chronic renal diseases who require lifesaving  
5 care and treatment for such renal disease, but who are unable to pay for such services on a  
6 continuing basis.

7 44-2808. ESTABLISHMENT OF VOCATIONAL REHABILITATION PROGRAM  
8 TO PROVIDE TREATMENT TO PERSONS SUFFERING FROM CHRONIC RENAL  
9 DISEASES. The department shall establish a vocational rehabilitation program to provide  
10 treatment to persons suffering from chronic renal diseases, including dialysis and other medical  
11 procedures and techniques which will have a lifesaving effect in the care and treatment of  
12 persons suffering from these diseases. When no other option is available, the department  
13 shall extend financial assistance to persons suffering from chronic renal diseases to assist  
14 such persons in obtaining the medical, nursing, pharmaceutical, technical and other services  
15 necessary to care for such diseases, including financial assistance for the rental or purchase of  
16 home dialysis equipment and supplies, the payment of medical insurance premiums and patient  
17 travel expenses. Provided that the department shall not provide financial assistance to such  
18 persons for expenses that are covered by medicare. The department shall promulgate rules that  
19 establish standards for determining eligibility for care and treatment under this program in order  
20 that treatment shall be provided to those who are financially unable to obtain such treatment.

21 44-2809. DEPARTMENT OPERATIONS. The director of the department shall make  
22 every effort to coordinate the delivery of services and programs authorized in this chapter with  
23 the delivery of the department's other services and programs and shall eliminate duplication  
24 wherever possible.

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS**  
**JANUARY 26, 2009**

STATEMENT OF PURPOSE

RS 18284

This legislation will designate the state board for professional-technical education, in cooperation with the state board of corrections as the responsible entities in the education of prisoners who are under the jurisdiction of the department of corrections. The division of professional-technical education is currently responsible for the curriculum development of professional-technical education and statewide leadership and coordination for professional-technical education. The proposed designation is in alignment with the board for professional-technical education's mission.

FISCAL NOTE

There will be no fiscal impact from this legislation.

CONTACT

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Name: Mike Rush  
Agency: Office of the State Board of Education  
Phone: (208)332-1565

STATEMENT OF PURPOSE/FISCAL NOTE

Bill No.



Sixtieth Legislature

LEGISLATURE OF THE STATE OF IDAHO



First Regular Session - 2009

IN THE \_\_\_\_\_

BILL NO. \_\_\_\_\_

BY \_\_\_\_\_

## AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-123, IDAHO CODE, TO  
PROVIDE THAT THE STATE BOARD FOR PROFESSIONAL-TECHNICAL  
EDUCATION SHALL PREPARE CERTAIN COURSES FOR PRISONERS HELD  
UNDER THE JURISDICTION OF THE DEPARTMENT OF CORRECTION.

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

SECTION 1. That Section 33-123, Idaho Code, be, and the same is hereby amended to  
read as follows:

33-123. EDUCATION FOR INMATES UNDER JURISDICTION OF DEPARTMENT  
OF CORRECTION. The state board for professional-technical education, in cooperation  
with the state board of correction, shall have prepared suitable courses of study, including  
professional-technical training, for prisoners held under the jurisdiction of the department of  
correction, and the state board of correction shall make arrangements carrying into effect all  
provisions for the education of prisoners who are under the jurisdiction of the department  
of correction to the extent possible within the limits of moneys appropriated by the state  
legislature. Such educational opportunities shall be limited to those inmates who have a need,  
such need to be determined by the staff of the department of correction, and can benefit from  
training, and those inmates whose degree of custody classification allows participation in the  
classroom environment provided.

PLANNING, POLICY & GOVERNMENTAL AFFAIRS  
JANUARY 26, 2009

STATEMENT OF PURPOSE

RS 18263

The United States Department of Veterans Affairs offers a program for certification and supervision of education and training opportunities for veterans. This program is currently administered by the State Department of Education. The State Department of Education and the Idaho Division of Veterans Services desire to move the program to the Idaho Division of Veterans Services. The transfer will provide a more efficient use of state resources due to the existing expertise within the Division of Veterans Services. The transfer will also allow the Division of Veterans Services to provide a single access point to veterans seeking state services.

FISCAL NOTE

The United States Department of Veterans Affairs reimburses salaries and certain costs incurred by the state agency operating the program. The reimbursement will continue to be received to pay these costs. The Division of Veterans Services expects the transfer to be fiscally neutral and will use existing staff and equipment where possible.

CONTACT

Name: David Brasuell  
Agency: Veteran Services  
Phone: 334-3513



Sixtieth Legislature

## LEGISLATURE OF THE STATE OF IDAHO



First Regular Session - 2009

IN THE \_\_\_\_\_

BILL NO. \_\_\_\_\_

BY \_\_\_\_\_

## AN ACT

RELATING TO VETERANS SERVICES; AMENDING SECTION 65-202, IDAHO CODE,  
TO PROVIDE THE ADMINISTRATOR OF VETERANS SERVICES ADDITIONAL  
POWER AND AUTHORITY AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 65-202, Idaho Code, be, and the same is hereby amended to read as follows:

65-202. POWERS AND DUTIES. The administrator of the division of veterans services shall have full power and authority on behalf of the state of Idaho, in recognition of the services rendered by veterans of the armed forces of the United States, to:

(1) Oversee the management and operation of the veterans homes in the state and the state veterans cemetery, and provide care to veterans of the armed forces of the United States under such rules as the administrator may, from time to time, adopt.

(2) Extend financial relief and assistance to disabled or destitute wartime veterans and to those dependent upon such disabled or destitute wartime veterans as the commission shall determine to be reasonably required under such rules as the administrator may, from time to time, adopt.

(3) Collect benefits paid by the United States department of veterans affairs for burial and plot allowance for persons interred at the state veterans cemetery.

(4) Prescribe, with the approval of the commission, the qualifications of all personnel in accordance with the Idaho personnel system law. The administrators in charge of state veterans homes, the office of veterans advocacy, and the state veterans cemetery, shall be considered nonclassified exempt employees pursuant to the provisions of chapter 53, title 67, Idaho Code, and shall serve at the pleasure of the administrator of the division of veterans services.

(5) Accept gifts, grants, contributions and bequests of funds, and personal property to the state of Idaho for the benefit of veterans of the armed forces of the United States.

(6) Enter into contracts, within the limit of funds available therefor, acquire services and personal property, and do and perform any acts that may be necessary in the administration of services to veterans of the armed forces of the United States.

(7) Administer, with the advice and approval of the commission, moneys in the veterans cemetery maintenance fund established in section 65-107, Idaho Code.

(8) Establish by rule charges related to interment, disinterment and reinterment in the state veterans cemetery and the administrator is hereby directed to cause such charges to be deposited in the veterans cemetery maintenance fund established in section 65-107, Idaho Code.

(9) In his discretion, assume control of the cremated remains of deceased persons qualified for interment in the state veterans cemetery, apply for burial and plot allowance benefits paid by the United States department of veterans affairs for such deceased persons

1 and inter in the state veterans cemetery the cremated remains of deceased persons qualified for  
2 interment in the state veterans cemetery.

3 (10) Administer programs offered by the United States department of veterans affairs for  
4 the certification and supervision of educational and training opportunities for veterans.

PLANNING, POLICY & GOVERNMENTAL AFFAIRS  
JANUARY 26, 2009

STATEMENT OF PURPOSE

RS 18278

The purpose of this legislation is to transfer the Skills Training Advantage for Riders (STAR) motorcycle training program from the State Department of Education to Idaho State University. The program's current placement with the department is a less than optimal mission fit, since the department's core mission pertains to K-12 student populations, while most of the STAR program's students are adults. As a result, the actual operation of the program has been delegated by the department to a public university, leaving the department in a "middleman" role, standing between where the program's funding is raised, and where it is spent. This legislation will improve the efficiency of state government by eliminating the department's superfluous role, and assigning the program directly to Idaho State University.

FISCAL NOTE

There is no fiscal impact.

CONTACT

Name: Wayne Hamann  
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Phone: 334-3900

Name: Jason Kreizenbeck  
Agency: Office of the Governor  
Phone: 334-2100

STATEMENT OF PURPOSE/FISCAL NOTE  
**PPGA**

Bill No.  
**TAB 2 Page 25**



LEGISLATURE OF THE STATE OF IDAHO



Sixtieth Legislature

First Regular Session - 2009

IN THE \_\_\_\_\_

BILL NO. \_\_\_\_\_

BY \_\_\_\_\_

AN ACT

RELATING TO THE MOTORCYCLE TRAINING PROGRAM; AMENDING SECTION 33-4901, IDAHO CODE, TO REPLACE THE DEPARTMENT OF EDUCATION WITH IDAHO STATE UNIVERSITY; AMENDING SECTION 33-4902, IDAHO CODE, TO REPLACE THE DEPARTMENT OF EDUCATION WITH IDAHO STATE UNIVERSITY AND TO REPLACE THE SUPERINTENDENT OF PUBLIC INSTRUCTION WITH THE PRESIDENT OF IDAHO STATE UNIVERSITY; AMENDING SECTION 33-4903, IDAHO CODE, TO REPLACE THE DEPARTMENT OF EDUCATION WITH IDAHO STATE UNIVERSITY; AMENDING SECTION 33-4904, IDAHO CODE, TO REPLACE THE DEPARTMENT OF EDUCATION WITH IDAHO STATE UNIVERSITY; AMENDING SECTION 33-4905, IDAHO CODE, TO REPLACE THE SUPERINTENDENT OF PUBLIC INSTRUCTION WITH THE PRESIDENT OF IDAHO STATE UNIVERSITY; AMENDING SECTION 33-4906, IDAHO CODE, TO REPLACE THE DEPARTMENT OF EDUCATION WITH IDAHO STATE UNIVERSITY; AMENDING SECTION 49-304, IDAHO CODE, TO REPLACE THE DEPARTMENT OF EDUCATION WITH IDAHO STATE UNIVERSITY; AMENDING SECTION 49-313, IDAHO CODE, TO REPLACE THE DEPARTMENT OF EDUCATION WITH IDAHO STATE UNIVERSITY; AND AMENDING SECTION 49-314, IDAHO CODE, TO REPLACE THE DEPARTMENT OF EDUCATION WITH IDAHO STATE UNIVERSITY AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 33-4901, Idaho Code, be, and the same is hereby amended to read as follows:

33-4901. COOPERATION ~~BETWEEN DEPARTMENTS~~. In conjunction with its supervision of traffic on public highways, the Idaho transportation department is directed to cooperate with ~~the department of education~~ Idaho state university in its establishment of a motorcycle rider safety program for the state of Idaho.

SECTION 2. That Section 33-4902, Idaho Code, be, and the same is hereby amended to read as follows:

33-4902. MOTORCYCLE SAFETY PROGRAM. (1) ~~The department of education~~ Idaho state university shall develop standards for, establish and administer the Idaho motorcycle safety program.

(2) ~~The department of education~~ Idaho state university shall establish standards for the motorcycle rider training course, including standards for course curriculum and student evaluation and testing, and shall meet or exceed established national standards for motorcycle rider training courses in effect as of September 1, 1994.



(3) The program shall include activities to increase motorcyclists' alcohol and drug effects awareness, motorcycle rider improvement efforts, program promotion activities, and other efforts to enhance motorcycle safety through education, including enhancement of public awareness of motorcycles.

(4) ~~The superintendent of public instruction~~ president of Idaho state university shall appoint a program coordinator to oversee and direct the program.

(5) ~~The department of education~~ Idaho state university shall establish standards for the training and approval of motorcycle rider training instructors and skills examiners which shall meet or exceed established national standards for such instructors and skills examiners in effect as of September 1, 1994.

SECTION 3. That Section 33-4903, Idaho Code, be, and the same is hereby amended to read as follows:

33-4903. IMPLEMENTING AUTHORITY. (1) ~~The department of education~~ Idaho state university shall adopt rules which are necessary to carry out the motorcycle safety program.

(2) ~~The department of education~~ Idaho state university may enter into contracts with public or private entities for course delivery and for the provision of services or materials necessary for administration and implementation of the program.

(3) ~~The department of education~~ Idaho state university may offer motorcycle rider training courses directly and may approve courses offered by public or private entities as authorized program courses if they are administered and taught in full compliance with standards established for the state program.

(4) ~~The department of education~~ Idaho state university may establish reasonable enrollment fees to be charged for persons who participate in a motorcycle rider training course.

(5) ~~The department of education~~ Idaho state university may utilize available program funds to defray expenses in offering motorcycle rider training courses and may reimburse entities which offer approved courses for the expenses incurred in offering the courses in order to minimize any course enrollment fee charged to the students.

SECTION 4. That Section 33-4904, Idaho Code, be, and the same is hereby amended to read as follows:

33-4904. MOTORCYCLE SAFETY PROGRAM FUND. (1) The motorcycle safety program fund is established in the state treasury and appropriated on a continual basis to ~~the department of education~~ Idaho state university which shall administer the moneys. Money in the fund shall only be used for administration and implementation of the program, including reimbursement of entities which offer approved motorcycle rider training courses.

(2) At the end of each fiscal year, moneys remaining in the motorcycle safety program fund shall be retained in said fund and shall not revert to any other general fund. The interest and income earned on money in the fund, after deducting any applicable charges, shall be credited to and remain in the motorcycle safety program fund.

(3) Revenue credited to the fund shall include one dollar (\$1.00) of each fee for a class A, B, C or D driver's license as provided in section 49-306, Idaho Code.

(4) Revenue credited to the fund shall include amounts collected for each motorcycle safety program fee imposed pursuant to section 49-453, Idaho Code.

1 SECTION 5. That Section 33-4905, Idaho Code, be, and the same is hereby amended to  
2 read as follows:

3 33-4905. ADVISORY COMMITTEE. The ~~superintendent of public instruction~~  
4 president of Idaho state university shall establish a program advisory committee consisting of  
5 five (5) persons representing various interests in motorcycle safety including, but not limited  
6 to, motorcycle riding enthusiasts, dealers and law enforcement personnel. Committee members  
7 shall advise the program coordinator in developing, establishing and maintaining the program.  
8 The committee shall monitor program implementation and report to the ~~superintendent~~  
9 president as necessary with recommendations. Members of the committee shall serve without  
10 compensation but may be reimbursed for their reasonable expenses while engaged in committee  
11 business.

12 SECTION 6. That Section 33-4906, Idaho Code, be, and the same is hereby amended to  
13 read as follows:

14 33-4906. ANNUAL REPORT ON THE PROGRAM. ~~The department of education~~  
15 Idaho state university shall prepare a public report annually. The report shall be completed  
16 with the assistance of the program coordinator and the program advisory committee. The  
17 report shall include the number and location of various courses offered, the number of  
18 instructors approved, the number of students trained in various courses, other information about  
19 program implementation as deemed appropriate, and an assessment of the overall impact of the  
20 program on motorcycle safety in the state. The report shall also provide a complete accounting  
21 of revenue receipts of the motorcycle safety program fund and of all moneys expended under  
22 the program.

23 SECTION 7. That Section 49-304, Idaho Code, be, and the same is hereby amended to  
24 read as follows:

25 49-304. MOTORCYCLE ENDORSEMENT. The department shall issue a motorcycle  
26 "M" endorsement on a driver's license to applicants who complete the requirements to operate  
27 a motorcycle.

28 (1) No person may operate a motorcycle upon a highway without a motorcycle "M"  
29 endorsement on a valid driver's license.

30 (2) Any person who applies for a driver's license or renewal of a license may also  
31 apply for a motorcycle "M" endorsement. The requirements for obtaining a motorcycle "M"  
32 endorsement are:

33 (a) The applicant shall be tested by written examination for his knowledge of safe  
34 motorcycle operating practices and traffic laws specific to the operation of motorcycles  
35 upon payment of the fee specified in section 49-306, Idaho Code.

36 (b) Upon successful completion of the knowledge test and upon payment of the  
37 fee required for an "M" endorsement, the applicant shall obtain a motorcycle "M"  
38 endorsement on his driver's license.

39 (3) No person under the age of twenty-one (21) years may apply for or obtain a  
40 motorcycle "M" endorsement on his driver's license unless he has successfully completed a  
41 motorcycle rider training course approved under the provisions of chapter 49, title 33, Idaho  
42 Code, in addition to satisfying the requirements specified in subsection (2) of this section. The

provisions of this subsection shall not be effective unless and until the motorcycle rider training course is fully implemented by ~~the department of education~~ Idaho state university.

(4) Any person who applies for a motorcycle endorsement on a driver's license, in addition to the requirements specified in subsection (2) of this section, may also be required to pass the motorcycle "M" skills test before he can obtain the motorcycle "M" endorsement.

(5) The operation of a motorcycle upon a highway by any person who has failed to obtain a motorcycle "M" endorsement as provided in this section shall constitute an infraction.

SECTION 8. That Section 49-313, Idaho Code, be, and the same is hereby amended to read as follows:

49-313. EXAMINATION OF APPLICANTS. (1) The sheriff, his deputy or authorized agents of the department shall examine every applicant for an instruction permit, restricted school attendance driving permit, seasonal driver's license, or a driver's license or a motorcycle endorsement, except as otherwise provided by law. The examination shall include a test of the applicant's eyesight, his ability to read and understand highway signs regulating, warning, and directing traffic. A skills test shall be required for an applicant who has not been previously licensed for the class of license requested, or who holds a license issued by another country unless a reciprocal agreement is in force. However, a skills test may be required for any and all other applicants at the discretion of the examiner or department for a class A, B, C or D driver's license or a motorcycle endorsement. In addition, the applicant's knowledge of traffic laws of this state and when a motorcycle endorsement is applied for, the applicant's knowledge of safe motorcycle operating practices and traffic laws specifically relating to motorcycle operation shall be tested by a written examination, except as provided in section 49-319, Idaho Code. At the discretion of the examiner, the prescribed written examination may be conducted orally.

(2) The knowledge and skills examinations for applicants for driver's licenses in class A, B or C shall be conducted in compliance with 49 CFR part 383.

(3) The skills test for a class A, B, C or D driver's license or for any endorsement shall be given by the department or its authorized agents. The skills examiner for a motorcycle endorsement shall be certified by ~~the department of education~~ Idaho state university.

(4) The department shall not issue the following endorsements except as provided:

(a) A tank, double/triple trailer, or hazardous material endorsement unless the applicant, in addition to all other applicable qualifications, has passed an appropriate knowledge test.

(b) A passenger endorsement unless the applicant, in addition to all other applicable qualifications, has passed an appropriate knowledge and skills test.

(c) A school bus endorsement unless the applicant, in addition to all other applicable qualifications, has passed appropriate knowledge and skills tests. Until September 30, 2005, the department may waive the school bus endorsement skills test requirement if the applicant meets the conditions set forth in accordance with 49 CFR part 383.123.

(5) Any person failing to pass a knowledge or skills test for a class A, B, C or D driver's license, or a knowledge test for a seasonal driver's license, or any endorsement may not retake the test within three (3) business days of the failure.

(6) Any person retaking a knowledge or skills test for a driver's license shall pay the appropriate testing fee as specified in section 49-306, Idaho Code.

(7) The motorcycle skills test for a motorcycle endorsement shall be waived by the department:

(a) On and after September 1, 1998, if the applicant presents satisfactory evidence of successful completion of a recognized motorcycle rider training course approved by ~~the department of education~~ Idaho state university;

(b) On and after September 1, 1998, if the applicant presents evidence of a motorcycle endorsement on his current license by a state or province which requires a motorcycle skills test equivalent to that required by Idaho law as determined by ~~the department of education~~ Idaho state university;

(c) Until September 1, 1998.

(8) At the discretion of the department, an alternate skills test for the motorcycle endorsement may be administered when the endorsement is for operation of a three-wheeled motorcycle only.

(9) The department or its authorized agents may refuse to give an applicant a skills test if there are reasonable grounds to believe that the safety of the applicant, public, or the examiner would be jeopardized by doing so. Reasonable grounds would include, but not be limited to, the applicant's inability to pass the eye test, written tests, or a statement by a licensed physician stating the applicant is not physically able to drive a motor vehicle.

(10) The department or its authorized agents may deny issuance or renewal of a driver's license or endorsement to any applicant who does not meet the licensing requirements for the class of driver's license or endorsement being renewed or issued.

(11) Skills examinations for seasonal driver's licenses shall be waived.

SECTION 9. That Section 49-314, Idaho Code, be, and the same is hereby amended to read as follows:

49-314. LOCAL EXAMINERS APPOINTED BY DEPARTMENT. (1) The department shall appoint the sheriff in each county and may appoint any deputy sheriff, chief of police, or other officials or private citizens whom the department deems qualified as examiners, who shall be agents of the department and shall perform duties prescribed in this title.

(2) The department shall appoint at least one (1) employee in the department who shall be skilled and highly qualified in the method of giving driver's license examinations, who shall have authority, and it shall be this person's duty to instruct the examiners appointed by the department in the method of giving driver's license examinations and acquaint them with the use of equipment and forms needed in examining applicants for licensure.

(3) Agents of the department appointed to administer skill tests for class A, B or C driver's licenses must be certified according to 49 CFR part 383.

(4) Agents of the department appointed to administer the skills test for a motorcycle endorsement shall be certified by ~~the department of education~~ Idaho state university.

(5) Agents of the department to administer skills tests for class D driver's license shall be certified by the department.

PLANNING, POLICY & GOVERNMENTAL AFFAIRS  
JANUARY 26, 2009

STATEMENT OF PURPOSE

RS 18245C1

This legislation will revise the current criteria and process for school surety bonding and student tuition recovery funding. These changes are necessary to ensure against loss of tuition previously collected, so that appropriate student reimbursement can be made in the event of a school closure or default. The new language will be easier for students and school administrators to understand and for the state staff to manage and implement. No change to the current staffing level or appropriated funding will be required.

FISCAL NOTE

There is no anticipated fiscal impact to the state General Fund.

CONTACT

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Phone: (208)332-1582

PLANNING, POLICY & GOVERNMENTAL AFFAIRS  
JANUARY 26, 2009

RS18245C1



Sixtieth Legislature

LEGISLATURE OF THE STATE OF IDAHO



First Regular Session - 2009

IN THE \_\_\_\_\_

BILL NO. \_\_\_\_\_

BY \_\_\_\_\_

AN ACT

RELATING TO THE STATE BOARD OF EDUCATION AND PROPRIETARY SCHOOLS;  
AMENDING THE HEADING FOR CHAPTER 24, TITLE 33, IDAHO CODE, TO  
INCLUDE POSTSECONDARY SCHOOLS; AMENDING SECTION 33-2401, IDAHO  
CODE, TO REVISE DEFINITIONS; AMENDING SECTION 33-2402, IDAHO  
CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO REVISE PROVISIONS  
RELATING TO CERTAIN ANNUAL REGISTRATION FEES; AMENDING SECTION  
33-2403, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY, TO REVISE  
PROVISIONS RELATING TO EXEMPTIONS AND TO REVISE PROVISIONS  
RELATING TO CERTAIN ANNUAL REGISTRATION FEES; AMENDING SECTION  
33-2404, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY, TO REVISE  
PROVISIONS RELATING TO ISSUANCE OF CERTAIN CERTIFICATES, TO REVISE  
PROVISIONS RELATING TO REISSUE OF CERTAIN CERTIFICATES, TO PROVIDE  
FOR INFORMATION ON CERTIFICATES OF IDENTIFICATION, TO PROVIDE  
FOR CRIMINAL HISTORY CHECKS PRIOR TO ISSUANCE OF CERTIFICATES  
OF IDENTIFICATION, TO REVISE PROVISIONS RELATING TO VALIDITY OF  
CERTIFICATES OF IDENTIFICATION, TO PROVIDE THAT CERTAIN AGENTS  
CARRY CERTIFICATES OF CERTIFICATION FOR IDENTIFICATION PURPOSES  
IN CERTAIN CIRCUMSTANCES, TO PROVIDE THAT PROPRIETARY SCHOOLS  
MAINTAIN CERTAIN RECORDS, TO PROVIDE THAT PROPRIETARY SCHOOLS  
PROVIDE CERTAIN CRIMINAL HISTORY CHECK INFORMATION FOR CERTAIN  
AGENTS AS PART OF THE ANNUAL REGISTRATION PROCESS AND TO MAKE  
CODIFIER'S CORRECTIONS; AMENDING SECTION 33-2405, IDAHO CODE,  
TO REVISE TERMS OF A PURCHASE STATEMENT; AMENDING SECTION  
33-2406, IDAHO CODE, TO PROVIDE THAT PROPRIETARY SCHOOLS OBTAIN A  
SURETY BOND AS A CONDITION OF REGISTRATION, TO REVISE PROVISIONS  
RELATING TO THE INDEMNIFICATION OF CERTAIN STUDENTS, TO REVISE  
TERMS OF SUCH BOND AND TO REVISE PROVISIONS RELATING TO A  
DEMAND UPON THE SURETY SUBMITTED BY THE BOARD OR ITS DESIGNEE;  
REPEALING SECTION 33-2407, IDAHO CODE, RELATING TO THE STUDENT  
TUITION RECOVERY ACCOUNT; AND REPEALING SECTION 33-2408, IDAHO  
CODE, RELATING TO ASSESSMENT OF THE STUDENT TUITION RECOVERY  
ACCOUNT.

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

SECTION 1. That the Heading for Chapter 24, Title 33, Idaho Code, be, and the same is  
hereby amended to read as follows:

CHAPTER 24  
POSTSECONDARY AND PROPRIETARY SCHOOLS

SECTION 2. 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 written 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," or "fellow," which signifies, purports, or is generally taken to signify satisfactory completion of the requirements of an academic, vocational, professional technical, educational or professional 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 or programs 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 3. That Section 33-2402, Idaho Code, be, and the same is hereby amended to read as follows:



1 33-2402. REGISTRATION OF POSTSECONDARY EDUCATIONAL  
2 INSTITUTIONS. (1) Unless exempted as provided herein, each postsecondary educational  
3 institution which maintains a presence within the state of Idaho, or which operates or purports  
4 to operate from a location within the state of Idaho, shall register annually with and hold  
5 a valid certificate of registration issued by the board. A public postsecondary educational  
6 institution or agency supported primarily by taxation from either the state of Idaho or a  
7 local source in Idaho shall not be required to register under this section. The board may  
8 exempt a nonprofit postsecondary educational institution from the registration requirement in  
9 accordance with standards and criteria established in rule by the board. The board may permit  
10 a postsecondary educational institution required to register under this section to instead register  
11 as a proprietary school under section 33-2403, Idaho Code, in accordance with standards and  
12 criteria established in rule by the board.

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

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

22 (4) The board shall assess an annual registration fee on each postsecondary educational  
23 institution required to be registered under this section ~~based on the respective degrees, courses~~  
24 ~~or programs that each such postsecondary educational institution intends to conduct, provide,~~  
25 ~~offer or sell, not to exceed one hundred dollars (\$100) for each degree, course or program as~~  
26 established in rule by the board. Such annual registration fee shall not exceed five thousand  
27 dollars (\$5,000) and shall be collected by the board and shall be dedicated for use by the board  
28 in connection with its responsibilities under this chapter.

29 SECTION 4. That Section 33-2403, Idaho Code, be, and the same is hereby amended to  
30 read as follows:

31 33-2403. REGISTRATION OF PROPRIETARY SCHOOLS. (1) Unless exempted as  
32 provided in subsection (4) of this section, each proprietary school which maintains a presence  
33 within the state of Idaho, or which operates or purports to operate from a location within the  
34 state of Idaho, shall register annually with and hold a valid certificate of registration issued by  
35 the board or its designee.

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

39 (3) The board may deny the registration of a proprietary school that does not meet the  
40 standards or criteria established in rule by the board. The administrative procedure act, chapter  
41 52, title 67, Idaho Code, shall apply to any denial of registration under this section.

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

44 (a) An individual or entity that offers instruction or training solely avocational or  
45 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.

~~(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 not exceed five thousand dollars (\$5,000) and 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 5. That Section 33-2404, Idaho Code, be, and the same is hereby amended to read as follows:

33-2404. AGENT'S PERMIT. (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.~~

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) The name and address of the agent;

(b) The 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.

(6) ~~No individual shall be issued an agent's permit~~ For every agent who will have unsupervised contact with minors, prior to issuing the agent a certificate of identification the proprietary school shall complete a criminal history check on the agent for particular criminal offenses, and in accordance with other guidelines, established in rule by the board. No agent shall be issued an agent's certificate of identification if he or she is found to have been convicted of any of the offenses identified in board rule, or 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

1 in employment or personal earning for the student, or that the board has made any evaluation,  
2 recognition, accreditation, or endorsement of any course of study being offered ~~for sale~~ by the  
3 agent or proprietary school.

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

7 (12) The ~~board~~ proprietary school shall maintain records for five (5) years of each  
8 application for an agent's ~~permit, each bond~~ certificate of identification, and each issuance,  
9 denial, termination, suspension and revocation of an agent's ~~permit~~ certificate of identification.

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

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

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

21 SECTION 6. That Section 33-2405, Idaho Code, be, and the same is hereby amended to  
22 read as follows:

23 33-2405. PURCHASE STATEMENT. At the time of depositing any moneys to purchase  
24 the product of any proprietary school, the proprietary school shall require the student to execute  
25 the following statement on an appropriate form which shall be maintained on record by the  
26 proprietary school in the individual student's file:

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

32 SECTION 7. That Section 33-2406, Idaho Code, be, and the same is hereby amended to  
33 read as follows:

34 33-2406. SURETY BOND. As a condition of registration, a proprietary school shall  
35 obtain a surety bond issued by an insurer duly authorized to do business in this state in favor  
36 of the state of Idaho for the indemnification of any student for any loss suffered as a result  
37 of the occurrence, during the period of coverage, of any fraud or misrepresentation used in  
38 connection with the solicitation for the sale or the sale of any course of study a failure by such  
39 proprietary school to satisfy its obligations pursuant to the terms and conditions of any contract  
40 for tuition or other instructional fees entered into between the propriety school and a student,  
41 or as a result of any violation of this chapter or the rules promulgated pursuant to this chapter  
42 shall be required of an agent. The term of the bond shall extend over the period of ~~the permit~~.

1 ~~The bond shall be supplied by the proprietary school registration, and shall be in such amount~~  
2 ~~as is established in rule by the board.~~

3 ~~The bond shall provide for liability in the penal sum of one hundred thousand dollars~~  
4 ~~(\$100,000) for a proprietary school with one hundred (100) or more students; fifty thousand~~  
5 ~~dollars (\$50,000) for a proprietary school with fifty (50) to ninety nine (99) students;~~  
6 ~~twenty five thousand dollars (\$25,000) for a proprietary school with less than fifty (50)~~  
7 ~~students. Notwithstanding the above, for a proprietary school that submits evidence acceptable~~  
8 ~~to the board that the total unearned tuition of the proprietary school will not exceed ten~~  
9 ~~thousand dollars (\$10,000) at any given time during the period of registration, a bond in the~~  
10 ~~penal sum of ten thousand dollars (\$10,000) may be provided, regardless of the number of~~  
11 ~~students.~~

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

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

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

25 SECTION 8. That Sections 33-2407 and 33-2408, Idaho Code, be, and the same are  
26 hereby repealed.

PLANNING, POLICY & GOVERNMENTAL AFFAIRS  
JANUARY 26, 2009

STATEMENT OF PURPOSE

RS 18240C1

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 from this legislation.

CONTACT

Name: Tracie Bent  
Agency: Office of the State Board of Education  
Phone: (208)332-1582



Sixtieth Legislature

## LEGISLATURE OF THE STATE OF IDAHO



First Regular Session - 2009

IN THE \_\_\_\_\_

BILL NO. \_\_\_\_\_

BY \_\_\_\_\_

## AN ACT

RELATING TO THE STATE BOARD OF EDUCATION; AMENDING SECTION 33-307, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE CORRECTION OR ALTERATION OF SCHOOL DISTRICT BOUNDARIES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-308, IDAHO CODE, TO REVISE PROVISIONS RELATING TO SCHOOL DISTRICTS AND THE EXCISION AND ANNEXATION OF TERRITORY; AMENDING SECTION 33-311, IDAHO CODE, RELATING TO CONSOLIDATION, TO PROVIDE FOR CERTAIN NOTIFICATION BY THE BOARD OF CANVASSERS AND TO PROVIDE THAT THE STATE BOARD OF EDUCATION SHALL ALTER LEGAL DESCRIPTIONS OF AFFECTED SCHOOL DISTRICTS; AMENDING SECTION 33-312, IDAHO CODE, TO REVISE PROVISIONS RELATING TO DIVISION OF SCHOOL DISTRICTS AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 33-407, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN ELECTIONS AND REVISION OF SCHOOL DISTRICT BOUNDARIES.

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) ~~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~~ superintendent of public instruction 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~~ department 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~~

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

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

15 (4) The state board of education may promulgate rules to govern the procedures for  
16 correcting or altering school district boundaries, and may designate the superintendent of public  
17 instruction to implement these procedures.

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

20 33-308. EXCISION AND ANNEXATION OF TERRITORY. (1) A board of trustees of  
21 any school district including a specially chartered school district, or one-fourth (1/4) or more of  
22 the school district electors, residing in an area of not less than one (1) square mile and not more  
23 than fifty (50) square miles within which there is no schoolhouse or facility necessary for the  
24 operation of a school district, may petition in writing proposing the annexation of the area to  
25 another and contiguous school district.

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

- 30 (a) The names and addresses of the petitioners;  
31 (b) A legal description of the area proposed to be excised from one district and annexed  
32 to another contiguous district;  
33 (c) Maps showing the boundaries of the districts as they presently appear and as they  
34 would appear should the excision and annexation be approved;  
35 (d) The names of the school districts from and to which the area is proposed to be  
36 excised, and annexed;  
37 (e) A description of reasons for which the petition is being submitted; and  
38 (f) An estimate of the number of children residing in the area described in the petition.  
39 (3) The board of trustees of each school district, no later than ten (10) days after its  
40 first regular meeting held subsequent to receipt of the petition, shall transmit the petition, with  
41 recommendations, to the state ~~board~~ department of education.

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

- 43 (a) The excision and annexation is in the best interests of the children residing in the area  
44 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 department of education and the affected school districts of such results. The state board of education superintendent of public instruction 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 ~~# the department of education~~ 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 department~~ 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



1 the proposed consolidated district, the proposed consolidation shall not be approved unless  
2 a majority of such electors in such district, voting in the election, and a majority of such  
3 electors in each of the remaining districts, voting in the election, shall approve the proposed  
4 consolidation.

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

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

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

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

27 33-312. DIVISION OF SCHOOL DISTRICT. A school district may be divided so as to  
28 form not more than two (2) districts each of which must have continuous boundaries, in the  
29 manner hereinafter provided, except that any district which operates and maintains a secondary  
30 school or schools shall not be divided unless the two (2) districts created out of the division  
31 shall each operate and maintain a secondary school or schools immediately following such  
32 division.

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

39 Before submitting any proposal to divide a school district, the board of trustees shall  
40 hold a hearing or hearings on the proposal within the district. Notice of such hearing or  
41 hearings shall be posted by the clerk of the board of trustees in not less than three (3) public  
42 places within the district, one (1) of which places shall be at or near the main door of the  
43 administrative offices of the school district, for not less than ten (10) days before the date of  
44 such hearing or hearings.

1 The state board of education may approve or disapprove any such proposal submitted  
2 to it, and the department of education shall give notice thereof in the manner of a proposal  
3 to consolidate school districts; except, that the state board of education shall not approve any  
4 proposal which would result in a district to be created by the division having or assuming a  
5 bonded debt in an amount exceeding the limitations imposed by law, or which would leave the  
6 area of any city or village in more than one (1) school district.

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

19 If the division be approved, as herein provided, ~~the board of canvassers shall thereupon~~  
20 ~~notify the state board of education and the trustees of the district which has been divided. The~~  
21 ~~state board shall give notice to the board of county commissioners of any county in which~~  
22 ~~the newly created districts may lie two (2) new school districts are thereby created. The~~  
23 board of canvassers shall thereupon promptly notify the state department of education and the  
24 affected school districts of such result. The superintendent of public instruction shall make an  
25 appropriate order showing the creation of the districts and a legal description of the boundaries,  
26 and the legal descriptions of the affected school districts shall be altered, as prescribed in  
27 section 33-307, Idaho Code.

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

30 33-407. RETURN AND CANVASS OF ELECTIONS. In any school election involving  
31 the excision and annexation of territory, or the consolidation of school districts, or the division  
32 of a school district, the board of county commissioners of the county in which the election  
33 is held, or, in the case of a joint school district, the board of county commissioners of the  
34 home county of the school district, shall constitute the board of canvassers. In all other school  
35 elections, the board of trustees of each school district shall act as the board of canvassers.

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

1 shall include the computation of the results of the election and all ballots cast at the election,  
2 both those counted and those rejected.

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

13 The board of county commissioners, when acting as a board of canvassers, shall canvass  
14 the returns and shall ~~give notice of the result of the election as reflected in such statement to~~  
15 ~~the board of trustees of any school district involved in the election. If the proposals have been~~  
16 ~~approved by the majority or majorities required by law, the board of county commissioners~~  
17 ~~shall thereupon enter its order showing the proposals as having been approved, and shall also~~  
18 ~~give notice of such approval to the board of county commissioners of any other county in~~  
19 ~~which shall lie any part of the territory of any school district affected by the result of the~~  
20 ~~election. The board of county commissioners of each county shall thereupon make appropriate~~  
21 ~~corrections in the legal descriptions of any school district boundaries, within its county~~  
22 ~~whenever the result of the election requires such correction thereupon promptly notify the state~~  
23 department of education and the affected school districts of such results. Whenever the results  
24 require the alteration of school district boundaries, the superintendent of public instruction shall  
25 make an appropriate order for the boundaries of the affected school districts to be altered, and  
26 the legal descriptions of the school districts shall be altered, as prescribed in section 33-307,  
27 Idaho Code.

28 All returns of elections, including ballots cast thereat, shall be kept and retained by the  
29 clerk of the board of trustees, or by the clerk of the board of county commissioners, as the case  
30 may be, for not less than eight (8) months after the date of the election.

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS  
JANUARY 26, 2009**

STATEMENT OF PURPOSE

RS 18319

The purpose of this bill is to provide for improved educational opportunities for deaf and blind students across the state. It replaces the current "School for the Deaf and Blind" with the newly created "Idaho Bureau of Educational Services for the Deaf and the Blind" and creates a Board of Directors to govern the Bureau's activities. The Bureau will be charged with working with school districts across the entire state to ensure the delivery of services to students in need and may operate a residency program. While the Bureau remains under the authority of the State Board of Education, this bill removes the State Board from the day-to-day program operations.

FISCAL NOTE

There is no anticipated fiscal impact to the state General Fund.

CONTACT

Name: Wayne Hammon  
Agency: Division of Financial Management  
Phone: (208)334-3900

Name: Tracie Bent  
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Phone: (208)332-1582

STATEMENT OF PURPOSE/FISCAL NOTE

**PPGA**

Bill No.

**TAB 2 Page 46**

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS**  
**JANUARY 26, 2009**

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STATEMENT OF PURPOSE/FISCAL NOTE

**PPGA**

Bill No.

**TAB 2 Page 47**

LEGISLATURE OF THE STATE OF IDAHO  
Sixtieth Legislature

LEGISLATURE OF THE STATE OF IDAHO

First Regular Session - 2009

IN THE \_\_\_\_\_

BILL NO. \_\_\_\_\_

BY \_\_\_\_\_

## AN ACT

RELATING TO THE IDAHO BUREAU OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND; REPEALING CHAPTER 34, TITLE 33, IDAHO CODE, RELATING TO THE IDAHO SCHOOL FOR THE DEAF AND THE BLIND; AMENDING TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 34, TITLE 33, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE DEFINITIONS, TO ESTABLISH THE IDAHO BUREAU OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND, TO PROVIDE A GOAL, TO PROVIDE FOR A BOARD OF DIRECTORS, TO PROVIDE FOR DUTIES AND POWERS OF THE BOARD OF DIRECTORS, TO PROVIDE FOR A GOVERNMENTAL ENTITY, TO PROVIDE FOR APPLICATION OF CERTAIN PROVISIONS OF IDAHO CODE, TO PROVIDE THAT THE BUREAU SHALL SECURE CERTAIN INSURANCE, TO PROHIBIT CERTAIN ACTS, TO ESTABLISH A TRUST FUND, TO PROVIDE FOR CONTINUOUS APPROPRIATIONS, TO PROVIDE FOR AN ANNUAL BUDGET MEETING, TO PROVIDE FOR SUBMISSION OF AN ANNUAL BUDGET, TO PROVIDE FOR THE PROMULGATION OF RULES, TO PROVIDE FOR CERTAIN REPORTS RELATING TO DEAF AND BLIND PUPILS, TO PROVIDE FOR THE ACQUISITION OF AND TITLE TO PROPERTY AND TO PROVIDE FOR THE TRANSFER OF CERTAIN SICK LEAVE.

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

SECTION 1. That Chapter 34, Title 33, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 34, Title 33, Idaho Code, and to read as follows:

## CHAPTER 34

IDAHO BUREAU OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND  
ACT OF 2009

33-3401. SHORT TITLE. This chapter shall be known and may be cited as the "Idaho Bureau of Educational Services for the Deaf and the Blind Act of 2009."

33-3402. DEFINITIONS. As used in this chapter:

(1) "Blind or visually impaired" means impacted by an impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness.

(2) "Board of directors" also referred to in this chapter as "the board" means the board of directors of the Idaho bureau of educational services for the deaf and the blind as such board is established in section 33-3404, Idaho Code.

(3) "Bureau" means the Idaho bureau of educational services for the deaf and the blind as created in section 33-3403, Idaho Code.

(4) "Child" means an individual less than eighteen (18) years of age who qualifies for educational services under this chapter.

(5) "Deaf or hard of hearing" means impacted by an impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance, or impacted by a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification that adversely affects a child's educational performance.

(6) "Idaho school for the deaf and the blind" means the campus program used to provide residential and day campus instruction and services to deaf or hard of hearing and blind or visually impaired students.

(7) "Outreach services" means off-campus statewide supplemental services provided by the Idaho bureau of educational services for the deaf and the blind to school districts, students and families.

(8) "Sensory impairment" means an impairment of vision or hearing, or both.

(9) "Specialized/certified personnel" means all personnel nationally certified and/or certified by the state of Idaho as required by applicable law to provide services and instruction to students who are deaf or hard of hearing and/or blind or visually impaired, including, but not limited to, certified teachers of the deaf, certified teachers of the visually impaired, certified interpreters, certified orientation and mobility specialists, speech language pathologists, and certified low vision therapists.

(10) "State board" means the Idaho state board of education.

(11) "Student" means an individual who is deaf or hard of hearing and/or blind or visually impaired and who qualifies for educational services provided for in this chapter.

(12) "Supplemental services" means services provided to deaf or hard of hearing and/or blind or visually impaired students and their families, in addition to and in support of services the student may receive from his or her school district. Such services may include assessment, consultation and direct instruction.

33-3403. BUREAU OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND ESTABLISHED – GOAL. (1) There is hereby established the Idaho bureau of educational services for the deaf and the blind, a provider of supplemental services for students who are deaf or hard of hearing and/or blind or visually impaired. The Idaho bureau of educational services for the deaf and the blind may operate a school for the deaf and the blind at which it shall provide residential and day campus programs. The Idaho bureau of educational services for the deaf and the blind may also operate an outreach program intended to provide services to students outside the campus area, as well as early intervention and family consultation. The Idaho bureau of educational services for the deaf and the blind, as provided for in this chapter, shall be considered part of the department of education in reference to section 20, article IV, of the constitution of the state of Idaho, and section 67-2402, Idaho Code.

(2) The goal of the Idaho bureau of educational services for the deaf and the blind is to assist school districts in providing accessibility, quality and equity to students in the state with sensory impairments through a continuum of service and placement options.

33-3404. BOARD OF DIRECTORS. (1) The Idaho bureau of educational services for the deaf and the blind shall be governed by a board of directors which shall be responsible for development and oversight.

(2) The board of directors shall be comprised of eight (8) members as follows:

(a) Two (2) members shall be specialized/certified personnel, each appointed by the governor to a three (3) year term. One (1) specialized/certified member shall be specialized/certified in the area of deaf or hard of hearing education or related services; and one (1) specialized/certified member shall be specialized/certified in the area of blind or visually impaired education or related services;

(b) Two (2) members shall be directors of special education, each appointed by the governor to a three (3) year term;

(c) Two (2) members shall be citizens at-large appointed by the governor, each to a term of three (3) years;

(d) One (1) member shall be a member of the state board of education, who is not the state superintendent of public instruction, appointed by the state board to a three (3) year term, provided that the term coincides with the individual's term on the state board; and

(e) The state superintendent of public instruction shall be chair of the board and shall serve concurrently with the term of office to which the state superintendent is elected.

(3) For purposes of establishing staggered terms of office, the initial term of office for the specialized/certified personnel position representing deaf or hard of hearing education or related services shall be one (1) year, and thereafter shall be three (3) years. The initial term of office for the specialized/certified personnel position representing blind or visually impaired education or related services shall be two (2) years, and thereafter shall be three (3) years. The initial term of office for one (1) director of special education position shall be two (2) years and thereafter shall be three (3) years, and the initial term of office for the other director of special education position shall be three (3) years and thereafter shall be three (3) years. The initial term of office for one (1) member at-large shall be one (1) year and thereafter shall be three (3) years, and the term of office for the other member at-large shall be three (3) years.

(4) No voting member shall serve for more than two (2) consecutive full terms. Members of the board who are appointed to fill vacancies that occur prior to the expiration of a former member's full term shall serve the unexpired portion of such term.

33-3405. DUTIES AND POWERS OF THE BOARD OF DIRECTORS. The board of directors for the Idaho bureau of educational services for the deaf and the blind shall have the following powers and duties:

(1) Recommend policies to be established by rule of the state board of education for effecting the purposes of this chapter.

(2) Operate a school for the deaf and the blind, including but not limited to:

(a) Employ a superintendent and, with his or her advice, appoint such assistants, instructors, specialists and other employees as are required for the operation of the school; and remove the superintendent or other employees as necessary;



(b) With the advice of the superintendent, prescribe the course of study, the textbooks to be used; and for those pupils who complete the requirements for grade twelve (12), the time and standard of graduation;

(c) Upon advice and recommendation from the superintendent that any pupil has ceased to make progress, or is no longer being benefited by the school's services, approve release of such pupil from the school and/or discontinue school services;

(d) Maintain general supervision and control of all property, real and personal, appertaining to the school, and to ensure the same;

(e) Employ architects or engineers as necessary in planning the construction, remodeling or repair of any building and, whenever no other agency is designated so to do, to let contracts for such construction, remodeling or repair and to supervise the work thereof; and

(f) Provide for the conveyance of pupils to and from the school.

(3) Employ or contract with outreach and other staff as necessary. The Idaho bureau of educational services for the deaf and the blind shall be exempt from the provisions of sections 33-513, 33-514, 33-514A, 33-515 and 33-515A, Idaho Code, and shall be exempt from chapter 53, title 67, Idaho Code. At the discretion of the board, all employees of the Idaho bureau of educational services for the deaf and the blind or a school for the deaf and the blind eligible for benefits may be permitted to elect to receive their salary on a year-round basis. Such a payment schedule shall not be considered a guarantee of employment.

(4) Purchase such supplies and equipment as are necessary to implement the provisions of this chapter, which purchases shall be exempt from the purchasing laws in chapter 57, title 67, Idaho Code.

(5) Enter into contracts with any other governmental or public agency whereby the bureau agrees to render services to or for such agency in exchange for a charge reasonably calculated to cover the costs of rendering such service.

(6) Accept, receive and utilize any gifts, grants or funds and personal and real property that may be donated to it for the fulfillment of the purposes outlined in this chapter.

(7) Obtain and maintain facilities to house operations of outreach or supplemental services as needed.

(8) Manage the moneys disbursed to the bureau from any and all sources.

(9) Acquire, by purchase, exchange, or lease any property which in the judgment of the board is needed for the operation of the Idaho bureau of educational services for the deaf and the blind, including a school for the deaf and the blind, and to dispose of, by sale or exchange, any property which in the judgment of the board is not needed for the operation of the same.

33-3406. GOVERNMENTAL ENTITY – LIABILITY – INSURANCE. (1) The Idaho bureau of educational services for the deaf and the blind shall be a governmental entity as provided in section 33-5502, Idaho Code. For the purposes of section 59-1302(15), Idaho Code, the Idaho bureau of educational services for the deaf and the blind created pursuant to this chapter shall be deemed a governmental entity. Pursuant to the provisions of section 63-3622O, Idaho Code, sales to or purchases by the Idaho bureau of educational services for the deaf and the blind are exempt from payment of the sales and use tax. The Idaho bureau of educational services for the deaf and the blind, its employees and its board of directors are subject to the following provisions in the same manner as a traditional public school and the board of trustees of a school district:

1 (a) Sections 18-1351 through 18-1362, Idaho Code, on bribery and corrupt influence,  
2 except as provided by section 33-5204A(2), Idaho Code;

3 (b) Chapter 2, title 59, Idaho Code, on prohibitions against contracts with officers;

4 (c) Chapter 7, title 59, Idaho Code, on ethics in government;

5 (d) Chapter 23, title 67, Idaho Code, on open public meetings;

6 (e) Chapter 3, title 9, Idaho Code, on disclosure of public records;

7 (f) Section 33-1216, Idaho Code, on sick and other leave;

8 (g) Section 33-1217, Idaho Code, on accumulation of unused sick leave;

9 (h) Section 33-1218, Idaho Code, on sick leave in excess of statutory minimum amounts;  
10 and

11 (i) Section 33-1228, Idaho Code, on severance allowance at retirement.

12 (2) The Idaho bureau of educational services for the deaf and the blind may sue or be  
13 sued, purchase, receive, hold and convey real and personal property for school purposes, and its  
14 employees, directors and officers shall enjoy the same immunities as employees, directors and  
15 officers of traditional public school districts and other public schools, including those provided  
16 by chapter 9, title 6, Idaho Code.

17 (3) The Idaho bureau of educational services for the deaf and the blind shall secure  
18 insurance for liability and property loss.

19 (4) It shall be unlawful for:

20 (a) Any director to have pecuniary interest directly or indirectly in any contract or other  
21 transaction pertaining to the maintenance or conduct of the Idaho bureau of educational  
22 services for the deaf and the blind, or to accept any reward or compensation for services  
23 rendered as a director except as may be otherwise provided in this subsection (4). The  
24 board of directors of the Idaho bureau of educational services for the deaf and the blind  
25 may accept and award contracts involving the Idaho bureau of educational services for  
26 the deaf and the blind to businesses in which the director or a person related to him  
27 by blood or marriage within the second degree of consanguinity has a direct or indirect  
28 interest, provided that the procedures set forth in section 18-1361 or 18-1361A, Idaho  
29 Code, are followed. The receiving, soliciting or acceptance of moneys of the Idaho  
30 bureau of educational services for the deaf and the blind for deposit in any bank or trust  
31 company, or the lending of moneys by any bank or trust company to the Idaho bureau  
32 of educational services for the deaf and the blind, shall not be deemed to be a contract  
33 pertaining to the maintenance or conduct of the Idaho bureau of educational services  
34 for the deaf and the blind within the meaning of this section; nor shall the payment of  
35 compensation by the Idaho bureau of educational services for the deaf and the blind board  
36 of directors to any bank or trust company for services rendered in the transaction of any  
37 banking business with the Idaho bureau of educational services for the deaf and the blind  
38 board of directors be deemed the payment of any reward or compensation to any officer  
39 or director of any such bank or trust company within the meaning of this section.

40 (b) The board of directors of the Idaho bureau of educational services for the deaf and  
41 the blind to enter into or execute any contract with the spouse of any member of such  
42 board, the terms of which said contract require, or shall require, the payment or delivery  
43 of any Idaho bureau of educational services for the deaf and the blind funds, moneys or  
44 property to such spouse, except as provided in section 18-1361 or 18-1361A, Idaho Code.

45 (5) When any relative of any director, or relative of the spouse of a director related  
46 by affinity or consanguinity within the second degree, is to be considered for employment in

1 the Idaho bureau of educational services for the deaf and the blind, such director shall abstain  
2 from voting in the election of such relative, and shall be absent from the meeting while such  
3 employment is being considered and determined.

4 33-3407. EXPENDITURES – BUDGET – FUNDING. (1) There is hereby created in  
5 the state treasury the Idaho bureau of educational services for the deaf and the blind trust fund,  
6 which is hereby continuously appropriated to the Idaho bureau of educational services for the  
7 deaf and the blind. The fund shall consist of appropriations, fees, grants, gifts or moneys from  
8 any other source. The state treasurer shall invest all idle moneys in the fund and interest earned  
9 on such investments shall be retained by the fund.

10 (2) On or before the first Monday in July, there shall be held at the time and place  
11 determined by the Idaho bureau of educational services for the deaf and the blind board,  
12 a budget meeting and public hearing upon the proposed budget of the Idaho bureau of  
13 educational services for the deaf and the blind. Notice of the budget meeting and public  
14 hearing shall be posted at least ten (10) full days prior to the date of the meeting in at least one  
15 (1) conspicuous place to be determined by the Idaho bureau of educational services for the deaf  
16 and the blind board of directors. The place, hour and day of the hearing shall be specified in  
17 the notice, as well as the place where such budget may be examined prior to the hearing. On  
18 or before the first Monday in July a budget for the Idaho bureau of educational services for the  
19 deaf and the blind shall be agreed upon and approved by the majority of the Idaho bureau of  
20 educational services for the deaf and the blind board of directors.

21 (3) The Idaho bureau of educational services for the deaf and the blind shall submit  
22 its annual appropriation request to the state superintendent of public instruction, by no later  
23 than the first day of August, for the superintendent's review, approval, and inclusion in the  
24 budget request of the educational support program/division of children's programs. The state  
25 superintendent of public instruction shall disburse any funds appropriated to the Idaho bureau  
26 of educational services for the deaf and the blind trust fund. The Idaho bureau of educational  
27 services for the deaf and the blind board of directors shall use such moneys to provide  
28 supplemental services to deaf or hard of hearing and blind or visually impaired students in the  
29 state of Idaho.

30 33-3408. RULES. The state board of education is authorized to, with the advice and  
31 recommendation of the board of directors, promulgate rules to implement the provisions of this  
32 chapter.

33 33-3409. REPORTING DEAF AND BLIND PUPILS. On or before the first day of  
34 February, in each year, the clerk of each school district, including elementary school districts,  
35 charter schools designated by the state board of education to be identified as a local education  
36 agency (LEA) pursuant to section 33-5203, Idaho Code, and especially chartered school  
37 districts shall report the number of deaf and blind pupils, as defined in section 33-3407, Idaho  
38 Code, attending the school or schools of the district, and any such person, not a pupil in the  
39 school, of whom he may have knowledge. Such report shall be made to the Idaho bureau of  
40 educational services for the deaf and the blind, upon forms approved by the state board of  
41 education.

42 33-3410. ACQUISITION OF AND TITLE TO PROPERTY. All rights and title to  
43 property, real and personal, belonging to the state of Idaho and vested in the Idaho state board



1 of education for use as a school for the deaf and the blind shall remain with the Idaho state  
2 board of education.

3 33-3411. SICK LEAVE TRANSFERRED FOR EMPLOYEES OF IDAHO SCHOOL  
4 FOR THE DEAF AND THE BLIND TO IDAHO BUREAU OF EDUCATIONAL SERVICES  
5 FOR THE DEAF AND THE BLIND. Notwithstanding any other provision of law to the  
6 contrary, any employee of the Idaho school for the deaf and the blind who has accrued sick  
7 leave pursuant to section 67-5333, Idaho Code, and who, on or before September 1, 2009, is  
8 transferred to or otherwise becomes an eligible employee of the Idaho bureau of educational  
9 services for the deaf and the blind shall be credited by the Idaho bureau of educational services  
10 for the deaf and the blind with the amount of sick leave accrued and unused at the time of  
11 transfer. After such transfer, the use of such sick leave and the accrual of additional sick leave  
12 shall be governed by the laws, rules and policies applicable to the Idaho bureau of educational  
13 services for the deaf and the blind.

**SUBJECT**

Additional Legislative Issues

**BACKGROUND/ DISCUSSION**

As of the printing of this agenda three additional education related pieces of legislation and one concurrent resolution have been brought forward to the Board office. Additionally, there is an issue with the residency legislation enacted during the 2008 legislative session.

**A. Kindergarten Mastery – Distribution of Education Support Program Allowance**

The purpose of this legislation to provide for an assessment of kindergarten mastery as well as the use of students who have passed the assessment in the school districts average daily attendance determination. As attachment 1 you will find a letter from Representative Thayne describing the intended purpose of the legislation as well as the proposed draft language for the legislation. This item is for informational purposes only. Any action will be at the Board's discretion.

**B. Exemption of Section 18-1359, Idaho Code**

The purpose of this legislation is to allow the hiring by an Idaho public institution of higher education of persons related by blood or marriage within the second degree of the President of such institution by exempting any such hire from Section 18-1359, subsections (1)(d) and (1)(e), Idaho Code. A draft of this legislation can be found under attachment 3. This item is for informational purposes only. Any action will be at the Board's discretion.

**C. Optional Retirement Plan – Deferred Compensation**

The purpose of this legislation is to allow the Board to establish deferred compensation plans for certain employees of the Idaho's public institutions of higher education. Board staff is requesting the Board direct staff to continue work on this legislation and with the Governor's office approval find a sponsor to carry the legislation for the current legislative session.

**D. Concurrent Resolution – Research Dairy**

A concurrent resolution is necessary to authorize the Building Authority to work with and enter into contract with the University of Idaho, either for itself or in conjunction with the Department of Agriculture and the Land Board, for financing and development of the Research Dairy Project. Attachment 4 is a draft of the proposed language for the concurrent resolution. The University of Idaho is requesting approval to continue with the process of finalizing the language and bringing the resolution forward during the 2009 legislative session.

**E. Residency Determination for Tuition Purposes**

During the 2008 legislative session, statutory changes were made to section 33-3717B, Idaho code in response to the Office of Performance Evaluation's recommendation regarding the determination of residency status at Idaho's

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS**  
**JANUARY 26, 2008**

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public institutions of higher education. As a result of revisions to Idaho Code specifying that students who do not receive at least 50% of their support from their Idaho resident parents must establish Idaho residency in their own right, such students who leave the state to attend school and then choose to return to the state to continue their education (as in a graduate level degree may) not be considered resident students because they cannot meet the "continuous resident" requirement. This issue has been brought up during the rules hearings in both the Senate and House as a concern. This item is for informational purposes only. Any action will be at the Board's discretion.

**ATTACHMENTS**

Attachment 1	DRPAP397 – Proposed Legislation Kindergarten Mastery	Page 3
Attachment 2	Draft Institution President Spouse Employment	Page 6
Attachment 3	Draft Deferred Compensation Plan	Page 8
Attachment 3	Draft Concurrent Resolution – Research Dairy	Page 10

**BOARD ACTION**

**Item C.**

A motion to authorize Board staff to continue work on legislation allowing for the establishment of a deferred compensation plan for certain employees of Idaho's public postsecondary institutions, and to approve the draft legislation submitted, pending further review on the question of whether specific legislation authorizing such deferred compensation plans is necessary. The Executive Director may make revisions as necessary to comply with applicable tax laws. Board staff will continue to coordinate with the Governor's legislative process with respect to this legislation.

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

**Item D.**

A motion authorizing the University of Idaho to submit a concurrent resolution to authorize the Building Authority to work with and enter into contract with the University of Idaho, either for itself or in conjunction with the Department of Agriculture and the Land Board, for financing and development of the Research Dairy Project as long as such contracting to be done is in compliance with the policies of the State Board of Education and that neither the Building Authority nor the University of Idaho move beyond the approved planning phase without any such agreements being approved by the State Board of Education.

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

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS**  
**JANUARY 26, 2009**

Nov. 21, 08

Mr. Milford Terrell, President  
Idaho State Board of Education  
P.O. Box 83720  
Boise, Idaho 83720-0037

Dear President Terrell:

You are probably aware that there is considerable nationwide interest on the subject of early childhood education. You are probably also aware that Dr. Geoffrey Black wrote a study about pre-k in Idaho. I have had the opportunity to read the report as well as many other reports and articles on the topic. I find they all suffer from the same problems which I will list in a moment.

On the 26<sup>th</sup> of November, I had the pleasure of discussing pre-k and other early childhood education issues with Dr. Black at Leadership Boise. Dr. Black and I agreed on most of the points that I explained that day and will list below. Dr. Black agreed that increasing parental involvement was critical. Some of the points were:

1. The most successful children usually have strong relationships with their parents or at least one parent.
2. Early childhood education is important.
3. The most cost effective and successful early childhood education is delivered by interested parents.
4. Pre-k is too late to stimulate early development of the brain. Most early brain development starts to take place before birth, then increases until age 2 or 3, and starts to decline by age 4.
5. Pre-k and other early childhood education programs usually have a state employee work directly with the child and parental input is often limited.
6. "The most successful early childhood programs appear to be those that cultivate both cognitive and noncognitive skills and that engage families in stimulating learning at home." Ben Bernanke before the Greater Omaha Chamber of Commerce, Feb. 6, 2007
7. The Abecedarian Project and the Perry Preschool are the two studies that are most often associated with pre-k economic projections. However, both of these studies dealt with high risk children and were very expensive. The children from neither study were able to catch up to children from healthy families.
8. It appears that what Idaho needs to do is to increase the number of healthy families that have parents that work with their children.

Finally, the estimate of \$17 million to provide services to children at risk, I believe is understated by a factor of 2 to 4. The cost would be much closer to \$60 million for a couple of reasons. First, more and more parents would want to access these services. Currently, kindergarten is not required, but 90 percent of all children go to kindergarten. There would be continual pressure to increase pre-k for all who wanted it. Second, the cost would be similar to kindergarten or about \$4500 per year.

PLANNING, POLICY & GOVERNMENTAL AFFAIRS  
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I find it interesting that the same arguments used in the late 60s and early 70s to justify kindergarten are being used to justify pre-kindergarten. Higher graduation rates, lower crime rates, lower pregnancy rates etc. These predictions have not come to fruition. In many cases, the reverse has occurred.


Because early childhood education is important and the best form of early childhood education is delivered by a loving parent; I suggest a different approach. Reward parents that bring their children to school ready to learn. It is time that we respect and honor parents; especially mothers for the work that they do.

One proposal would work like this.

- If a child does not attend a public kindergarten
- If a child can pass the post-kindergarten test
- Then, pay the parent  $\frac{1}{2}$  of what the state would have paid the school district
- The school district would get  $\frac{1}{4}$  of the amount to administer the test and to provide support and training to the parents.

The result would be an increase in the number of involved parents and the development of an early parent-teacher-child partnership that would carry over into subsequent years of school. The more we can tap into the resource of parental support, the better the school system will be. Costs will decline and success will increase.

Sincerely,



Rep. Steven Thayn  
Emmett, Idaho  
208 365-8656

Cc: Members of the Board of Education  
Members of the Senate Education Committee  
Members of the House Education Committee  
Superintendent Tom Luna



JANUARY 25, 2009

DRPAP026

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 LEGISLATURE OF THE STATE OF IDAHO  
 Sixtieth Legislature First Regular Session - 2009  
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IN THE \_\_\_\_\_

BILL NO. \_\_\_\_\_

BY \_\_\_\_\_

AN ACT

RELATING TO EDUCATION; AMENDING CHAPTER 16, TITLE 33, IDAHO CODE, BY THE AD-  
 DITION OF A NEW SECTION 33-1620, IDAHO CODE, TO PROVIDE FOR KINDERGARTEN  
 MASTERY, TO PROVIDE FOR DISTRIBUTION OF SCHOOL DISTRICT SHARE OF EDUCA-  
 TIONAL SUPPORT ALLOWANCE AND TO STATE LEGISLATIVE INTENT.

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

SECTION 1. That Chapter 16, Title 33, Idaho Code, be, and the same is  
 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
 ignated as Section 33-1620, Idaho Code, and to read as follows:

33-1620. KINDERGARTEN MASTERY - DISTRIBUTION OF EDUCATION SUPPORT  
 PROGRAM ALLOWANCE - LEGISLATIVE INTENT. (1) Prior to enrolling in a child  
 in an established public kindergarten program, a parent or guardian of the  
 child may request that the school district administer a test to the child to  
 determine whether the child can demonstrate the achievement standards for  
 the kindergarten program as determined by the state board. A child who is  
 able to demonstrate the achievement standards for the kindergarten program  
 shall be eligible to enroll in the school district's first grade.

(2) For each child who can demonstrate mastery of the kindergarten achieve-  
 ment standards as provide for in subsection (1) of this section, the school  
 district shall be entitled to include that child within the school dis-  
 trict's kindergarten average daily attendance in determining the school  
 district's allowance for the educational support program as provided for  
 in section 33-1002, Idaho Code. One half (1/2) of the school district's  
 allowance for educational support attributable for such child shall be paid  
 the parent or guardian of the child. The school district shall retain one  
 quarter (1/4) of the school district's allowance for the educational support  
 program attributable to the child and one quarter (1/4) of said amount  
 shall be remitted to the state board. and paid into the public education  
 stabilization fund.

(3) The legislative intent of this section is to encourage parental and  
 guardian involvement in the early childhood education of children.

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS**  
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TITLE 18  
CRIMES AND PUNISHMENTS  
CHAPTER 13  
BRIBERY AND CORRUPTION

18-1359.USING PUBLIC POSITION FOR PERSONAL GAIN. (1) No public servant shall:

(a) Without the specific authorization of the governmental entity for which he serves, use public funds or property to obtain a pecuniary benefit for himself.

(b) Solicit, accept or receive a pecuniary benefit as payment for services, advice, assistance or conduct customarily exercised in the course of his official duties. This prohibition shall not include trivial benefits not to exceed a value of fifty dollars (\$50.00) incidental to personal, professional or business contacts and involving no substantial risk of undermining official impartiality.

(c) Use or disclose confidential information gained in the course of or by reason of his official position or activities in any manner with the intent to obtain a pecuniary benefit for himself or any other person or entity in whose welfare he is interested or with the intent to harm the governmental entity for which he serves.

(d) Be interested in any contract made by him in his official capacity, or by any body or board of which he is a member, except as provided in section [18-1361](#), Idaho Code.

(e) Appoint or vote for the appointment of any person related to him by blood or marriage within the second degree, to any clerkship, office, position, employment or duty, when the salary, wages, pay or compensation of such appointee is to be paid out of public funds or fees of office, or appoint or furnish employment to any person whose salary, wages, pay or compensation is to be paid out of public funds or fees of office, and who is related by either blood or marriage within the second degree to any other public servant when such appointment is made on the agreement or promise of such other public servant or any other public servant to appoint or furnish employment to anyone so related to the public servant making or voting for such appointment. Any public servant who pays out of any public funds under his control or who draws or authorizes the drawing of any warrant or authority for the payment out of any public fund of the salary, wages, pay, or compensation of any such ineligible person, knowing him to be ineligible, is guilty of a misdemeanor and shall be punished as provided in this chapter.

(f) Unless specifically authorized by another provision of law, commit any act prohibited of members of the legislature or any officer or employee of any branch of the state government by section [67-5726](#), Idaho Code, violations of which are subject to penalties as provided in section [67-5734](#), Idaho Code, which prohibition and penalties shall be deemed to extend to all public servants pursuant to the provisions of this section.

(2) No person related to any member of the legislature by blood or marriage within the second degree shall be appointed to any clerkship, office, position, employment or duty within the legislative branch of government or otherwise be employed by the legislative

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS**  
**JANUARY 26, 2009**

branch of government when the salary, wages, pay or compensation of such appointee or employee is to be paid out of public funds.

(3) No person related to a mayor or member of a city council by blood or marriage within the second degree shall be appointed to any clerkship, office, position, employment or duty with the mayor's or city council's city when the salary, wages, pay or compensation of such appointee or employee is to be paid out of public funds.

(4) No person related to a county commissioner by blood or marriage within the second degree shall be appointed to any clerkship, office, position, employment or duty with the commissioner's county when the salary, wages, pay or compensation of such appointee or employee is to be paid out of public funds.

(5) (a) An employee of a governmental entity holding a position prior to the election of a local government official, who is related within the second degree, shall be entitled to retain his or her position and receive general pay increases, step increases, cost of living increases, and/or other across the board increases in salary or merit increases, benefits and bonuses or promotions.

(b) Nothing in this section shall be construed as creating any property rights in the position held by an employee subject to this section, and all authority in regard to disciplinary action, transfer, dismissal, demotion or termination shall continue to apply to the employee.

(6) The prohibitions contained within this section shall not include conduct defined by the provisions of section [59-703](#)(4), Idaho Code.

(7) The prohibitions within this section and section [18-1356](#), Idaho Code, as it applies to part-time public servants, do not include those actions or conduct involving the public servant's business, profession or occupation and unrelated to the public servant's official conduct, and do not apply to a pecuniary benefit received in the normal course of a legislator's business, profession or occupation and unrelated to any bill, legislation, proceeding or official transaction.

(8) The prohibitions within subsections (1)(d) and (1)(e) in this section do not apply to prohibit the employment, by an Idaho public institution of higher education, of a person related by blood or marriage within the second degree to the president of that institution.



Sixtieth Legislature

LEGISLATURE OF THE STATE OF IDAHO



First Regular Session - 2009

IN THE \_\_\_\_\_

BILL NO. \_\_\_\_\_

BY \_\_\_\_\_

AN ACT

RELATING TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO; AMENDING CHAPTER 1, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-107C, IDAHO CODE, TO PROVIDE THAT THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO MAY ESTABLISH RETIREMENT PLANS FOR EMPLOYEES OF COLLEGES, UNIVERSITIES AND THE STATE BOARD OF EDUCATION.

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

SECTION 1. That Chapter 1, 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 33-107C, Idaho Code, and to read as follows:

33-107C. BOARD MAY ESTABLISH RETIREMENT PLANS. (1) The state board of education and the board of regents of the university of Idaho may establish one (1) or more tax qualified retirement plans under section 401(a) of the Internal Revenue Code of 1986, as amended, including, but not limited to, "excess benefit arrangements" within the meaning of section 415(m) of the Internal Revenue Code, and non-tax qualified retirement plans for members of the teaching staff and officers of the university of Idaho, Idaho state university, Boise state university, Lewis-Clark state college and the state board of education who are hired on or after July 1, 1993, as described in this section; provided, however, that no such employee shall be eligible to participate in an optional retirement program unless he would otherwise be eligible for membership in the public employee retirement system of Idaho.

(2) All qualified retirement funds established under this section shall comply with the applicable contribution and benefit limitations imposed in section 415 of the Internal Revenue Code of 1986, as amended, for tax qualified plans under section 401(a) of the Internal Revenue Code.

(3) If any benefit payable by a tax qualified retirement fund subject to this section exceeds the applicable benefit limits set by section 415 of the Internal Revenue Code of 1986, as amended, for tax qualified plans under section 401(a) of the Internal Revenue Code, the excess shall be payable only from an excess benefit fund established by the board under this section in accordance with federal law.

(4) The state board of education and the board of regents of the university of Idaho may establish an excess benefit fund subject to this section that has any member eligible to receive a benefit that exceeds the applicable benefit limits set in section 415 of the Internal Revenue Code of 1986, as amended, for tax qualified plans under section 401(a) of the Internal Revenue Code. Amounts shall be credited to the excess benefit fund, and payments for excess benefits made from the excess benefit fund, in a manner consistent with the applicable federal law.

1       (5) The board of education and the board of regents of the university of Idaho may  
2 establish such additional tax qualified and non-tax qualified retirement plans that in the  
3 judgment and discretion of the state board of education and the board of regents of the  
4 university of Idaho shall be necessary to assist the university of Idaho, Idaho state university,  
5 Boise state university, Lewis-Clark state college and the state board of education to compete in  
6 attracting and retaining select management and highly compensated individuals by providing  
7 a means by which compensation otherwise payable to such select management and highly  
8 compensated individuals can be tax deferred until retirement.

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS  
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**A CONCURRENT RESOLUTION  
STATING FINDINGS OF THE LEGISLATURE AND PROVIDING APPROVAL FOR  
THE UNIVERSITY OF IDAHO TO ENTER INTO AGREEMENTS WITH THE IDAHO  
STATE BUILDING AUTHORITY TO FINANCE AND DEVELOP FACILITIES TO BE  
KNOWN AS THE CENTER FOR LIVESTOCK AND ENVIRONMENTAL STUDIES.**

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

WHEREAS, in 2007 the legislature appropriated funds to the Idaho Department of Public Works for the University of Idaho Center for Livestock and Environmental Studies (now called the Idaho National Center for Livestock and Environmental Studies), subject to certain contingencies; and

WHEREAS, in 2008 the Legislature recognized that the contingencies had been met; and

WHEREAS, the Idaho National Center for Livestock and Environmental Studies will consist of a full scale operating dairy and beef feedlot providing a research platform for the University of Idaho, as well as a companion laboratory facility to be used jointly by the University of Idaho Caine Veterinary Teaching Center and by the Idaho Department of Agriculture for animal diagnostics, and;

WHEREAS, the Idaho National Center for Livestock and Environmental Studies is to be developed for the University of Idaho, acting in conjunction with the Idaho Department of Agriculture and the State Board of Land Commissioners (Land Board), utilizing a combination of (a) funds appropriated by the Legislature in 2007, (b) funds to be provided by the Idaho Dairy Industry, and (c) proceeds to be realized from future exchanges and sales of lands and improvements held in the Agriculture College Endowment and lands and improvements currently held by the University of Idaho and occupied by the University of Idaho Caine Veterinary Teaching Center, and;

WHEREAS, the Legislature has found that it is in the public interest and to the economic benefit of the state of Idaho to provide for adequate governmental facilities through the Idaho State Building Authority, pursuant to Section 67-6404, Idaho Code and;

WHEREAS, it is in the best interest of the state for the Idaho State Building Authority to finance and provide for development of all or portions of the Idaho National Center for Livestock and Environmental Studies for the University of Idaho, the Agriculture College Endowment, and the Idaho Department of Agriculture.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature hereby authorizes and provides approval

for the University of Idaho, for itself or in conjunction with the State Board of Land Commissioners on behalf of the Agriculture College Endowment, and the Idaho Department of Agriculture to enter into such agreements with the Idaho State Building Authority, under such terms and conditions as may be reasonable and necessary, to provide for the financing and development of the Idaho National Center for Livestock and Environmental Studies as described above, such contracting to be done in compliance with the policies of the State Board of Education and Board of Regents of the University of Idaho.

BE IT FURTHER RESOLVED that this resolution constitutes authorization to enter into such agreements pursuant to and in accordance with the provisions of Section 67-6410, Idaho Code.

BE IT FURTHER RESOLVED that this resolution constitutes authorization for the Idaho Department of Public Works to release to the Idaho State Building Authority, the funds in the amount of ten million (\$10,000,000) dollars appropriated by the Legislature in 2007 for the Idaho National Center for Livestock and Environmental Studies to be utilized for development of the Center pursuant to the terms of the agreements reached between the University of Idaho and the Idaho State Building Authority.

## **Statement of Purpose / Fiscal Impact**

### **Statement of Purpose**

**RS\*\*\*\*\***

This resolution provides authorization for the University of Idaho, for itself or in conjunction with the State Board of Land Commissioners, and Department of Agriculture to enter into agreements with the Idaho State Building Authority to finance, acquire and develop, the Idaho National Center for Livestock and Environmental Studies, including a companion joint laboratory facility, in accordance with Section 67-6410, Idaho Code. The Center and joint lab facility will enhance the University's research capabilities in the dairy and cattle feeding sectors of the State's agricultural economy, and will allow for a synergistic combination of the animal diagnostic needs of the State Department of Agriculture with the University's Caine Veterinary Teaching Center.

### **Fiscal Note**

This resolution authorizes the University of Idaho, for itself or in conjunction with the State Board of Land Commissioners, and Department of Agriculture to enter into agreements with the Idaho Building Authority to acquire, finance and develop the Center and its facilities at an estimated construction cost of approximately \$37 million. Funds from the 2007 Legislature's \$10 million appropriation to the Building Fund Advisory Council for the Center shall be applied together with financing to be provided by the Idaho State Building Authority. The Idaho State Building Authority will be paid from annual rents derived from the joint lab facility and revenues

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS**  
**JANUARY 26, 2009**

from the operating dairy and feedlot until such time as future exchanges and sales of real estate in the Agriculture College Endowment and other lands and improvements owned by the University of Idaho are sufficient to acquire the entire facilities from the Authority.

Contact: \*\*\*\*\*

Statement of Purpose/Fiscal Note

Bill No.



**PLANNING, POLICY & GOVERNMENTAL AFFAIRS**  
**JANUARY 26, 2008**

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**SUBJECT**

Idaho State Board of Education 2010-2014 Strategic Plan Direction

**REFERENCE**

March 27, 2008

April 17, 2008

Board reviewed initial Strategic Plan proposal

Board approved the 2009-2013 Strategic Plan  
and Planning Calendar

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho State Board of Education Governing Policies & Procedures, Section I.M.1.  
Section 67-1903, Idaho Code.

**BACKGROUND/ DISCUSSION**

Section 67-1903, Idaho Code requires each state agency to submit an updated strategic plan each year to the Department of Financial Management (DFM), including the general format in which it must be submitted. Once the Board has approved its strategic plan the agencies and institutions must, then update/develop their individual strategic plans in alignment with the Board's plan. As part of the process of developing the Board's strategic plan Board staff have pulled together a workgroup consisting of representatives from each of the Board's institution's and agencies. This group met on December 18<sup>th</sup> to begin the process. As a result of this meeting, Board staff is proposing the following new Board Vision, Mission Statement, and overriding Goals.

**VISION STATEMENT:**

A well-educated Idaho.

**MISSION STATEMENT:**

To provide leadership, set policy, and advocate for transforming Idaho's educational system to improve the quality of life and enhance global competitiveness.

**GOALS:**

- **Quality** – Set policy and advocate for continuous improvement of the quality of Idaho's educational system.
- **Access** – Set policy and advocate for improving access for individuals of all ages, abilities, and economic means to Idaho's educational system.
- **Efficiency** – Set policy and advocate for effective and efficient use of resources in delivery of Idaho's educational system.

Additionally the workgroup has broken up into subgroups to continue work on Objectives, Performance Measures, and Benchmarks.

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS**  
**JANUARY 26, 2008**

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Staff is asking at this time that the Board provided feedback on the proposed Vision, Mission Statement, and Goals as well as any additional priorities they would like staff to pursue in the development of the Boards strategic plan.

The final plan will be brought forward to the Board for final approval at the February 2009 Board meeting.

**IMPACT**

Once approved the Board's strategic plan will help direct Board staff and Board governed agencies and institutions during the next five (5) years, as well as provide significant guidance and direction for planning and budget development.

**ATTACHMENTS**

Attachment 1 – 2009 – 2013 Board Strategic Plan

Page 3

**BOARD ACTION**

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

**Idaho State Board of Education Strategic Plan  
2009-2013**

**Vision:**

The State Board of Education envisions an accessible, seamless public education system that provides for an intelligent and well-informed citizenry, contributes to the overall economy, and improves the general quality of life in Idaho.

**Mission:**

The Idaho educational system, consisting of the diverse agencies, institutions, school districts, and charter schools governed by the Board, delivers public primary, secondary, and postsecondary education, training, rehabilitation, outreach, information, and research services throughout the state. These public organizations collaborate to provide educational programs and services that are high quality, readily accessible, relevant to the needs of the state, and delivered in the most efficient manner. In recognition that economic growth, mobility, and social justice sustain Idaho's democratic ideals, the State Board of Education endeavors to ensure our citizens are informed and educated in order to achieve a higher quality of life and effectively participate in a democratic society.

**Authority and Scope:**

The Idaho Constitution provides that the general supervision of the state educational institutions and public school system of the State of Idaho shall be vested in a state board of education. Pursuant to Idaho Code, the State Board of Education is charged to provide for the general supervision, governance and control of all state educational institutions, to wit: Boise State University, Lewis-Clark State College, the School for the Deaf and the Blind and any other state educational institution which may hereafter be founded, and for the general supervision, governance and control of the public school systems, including public community colleges. The State Board of education shall be known as the State Board of Education and Board of Regents of the University of Idaho.

**State Board of Education Governed  
Agencies and Institutions:**

<b>Educational Institutions</b>	<b>Agencies</b>
Idaho Public School System	State Department of Education
Idaho State University	Division of Professional-Technical Education
University of Idaho	Division of Vocational Rehabilitation
Boise State University	School for the Deaf and the Blind
Lewis-Clark State College	Office of the State Board of Education
Eastern Idaho Technical College	Idaho Public Broadcasting System
College of Southern Idaho*	Idaho State Historical Society**
College of Northern Idaho*	Commission for Libraries**
College of Western Idaho*	
*Also have separate, locally elected oversight boards	**Also have separate oversight boards appointed by the State Board of Education

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS**  
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**Goal I: Quality – Sustain and continuously improve the quality of Idaho’s public education, training, rehabilitation, and information/research programs and services.**

Objectives for quality:

1. Continue developing a career continuum and compensation system for all teachers, faculty, and staff that rewards knowledge, skills and productivity; and promotes recruiting, hiring, and retention.
  - *Performance Measure:*
    - Board governed agency and institution personnel total compensation as a percent of peer organizations.
  - *Benchmark:*
    - Teachers, faculty, and staff should enjoy good working conditions and be compensated at levels comparable (90-100 percent) to peer public and private organizations (normalized by the Consumer Price Index and location).
2. Strive for continuous improvement and increased level of public confidence in the education system through performance-based assessments and accountability, and monitoring of accreditation processes.
  - *Performance Measure:*
    - The number of schools and districts meeting or exceeding Adequate Yearly Progress (AYP) each year.
  - *Benchmark:*
    - Number of schools and districts meeting or exceeding AYP each year to 100% by 2013.
  - *Performance Measure:*
    - Schools, institutions, and agencies accreditation results.
  - *Benchmark:*
    - Schools, institutions, and agencies meet or exceed accreditation standards.
3. Increase the availability of highly qualified teachers, especially in high need areas.
  - *Performance Measure:*
    - Number of Idaho teachers who are certified each year by specialty.
  - *Benchmark:*
    - Numbers of certified teachers are adequate to meet demand.
4. Enhance the State’s infrastructure and capacity for biomedical research through collaborative efforts between our three public universities and the Veterans Affairs Medical Center (VAMC) Biomedical Research Expansion Initiative.
  - *Performance Measure:*
    - Total dollar amount of grants for biomedical research (funded externally from state resources).

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS**  
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- Number of biomedical researchers being trained and number of researchers engaged in biomedical research at the VAMC facility.
  - *Benchmark:*
    - Total dollar value of biomedical research grant funding (external of state resources) increases.
- 5. Improve the service delivery model for infants, toddlers, children, and youth who are blind, visually impaired, deaf, or hard of hearing, including those with additional disabilities or deafblindness.
  - *Performance Measure:*
    - Satisfaction of parents of infants, toddlers, children, and youth who are blind, visually impaired, deaf, or hard of hearing, including those with additional disabilities or deafblindness.
  - *Benchmark:*
    - The number of parents of infants, toddlers, children, and youth satisfied with services in the state will be at least 90%.
- 6. Continuously evaluate and make additions as necessary to service delivery models for transition age youth and adults with disabilities.
  - *Performance Measure:*
    - The number of eligible transitioning youth and adults who have become successfully employed.
  - *Benchmark:*
    - The number of youth and adults successfully employed will be equal to or greater than the preceding year.
- 7. Support and enhance the state's infrastructure and capacity for advanced energy studies through collaborative efforts between our three public universities and the Idaho National Laboratory at the Center for Advanced Energy Studies.
  - *Performance Measure:*
    - Total dollar amount of grants for advanced energy studies (funded externally from state resources).
  - *Benchmark:*
    - Total dollar value of advanced energy studies grant funding (external of state resources) increases.
- 8. Foster an academic environment that encourages and enables cooperative (public/private partnerships) efforts to engage in relevant research.
  - *Performance Measure:*
    - External funding for research per faculty FTE.
  - *Benchmark:*
    - External funding for research per faculty FTE is equivalent to peer institutions.

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS**  
**JANUARY 26, 2008**

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**Goal II: Access – Continuously improve access for individuals of all ages, abilities, and economic means to the public education system, training, rehabilitation, and information/research programs and services.**

Objectives for access:

1. Increase participation of secondary students in advanced opportunities programs for receiving postsecondary credits (Advanced Placement Courses, dual credit, Tech-Prep, and International Baccalaureate).
  - *Performance Measure:*
    - Number of schools/districts offering advanced opportunities in each program and the total number of students enrolled in each program.
  - *Benchmark:*
    - One hundred percent of secondary schools offer advanced opportunities.
    - Students enrolled in advanced opportunities programs will increase.
2. Maintain and increase high school graduation rates, especially for minority students.
  - *Performance Measure:*
    - Percentage of 9<sup>th</sup> grade students graduating from high school.
  - *Benchmark:*
    - Increase the percentage of 9<sup>th</sup> grade students graduating from high school.
3. Increase student access to educational opportunities by reducing barriers to efficient transfer of credit and student status.
  - *Performance Measure:*
    - Number of transfer students, average number of credit hours requested for transfer, and average number of credit hours (as a percent total requested) accepted for transfer by the institution.
  - *Benchmark:*
    - At least 90% of credits requested will transfer for students (with two or less years of postsecondary education) when transferring from one of Idaho's regionally accredited postsecondary institutions to another Idaho regionally accredited postsecondary institution.
4. Increase access to postsecondary education by improving students' ability to pay for educational costs.
  - *Performance Measure:*
    - The percent of educational costs covered by loans.
  - *Benchmark:*
    - The percent of expenses paid by loans will decrease.
5. Improve the rate of high school graduates advancing to postsecondary education.
  - *Performance Measure:*

- Number of high school graduates (as a percent of total graduates) advancing to postsecondary education.
- *Benchmark:*
  - At least 50% of high school graduates will register as full-time or part-time postsecondary students after graduating high school.
- 6. Increase student access to relevant medical education programs (nursing, physician assistant, health technicians, and physicians).
  - *Performance Measure:*
    - Number of nurses, physician assistants, health technicians, and physicians per 100K of Idaho's population.
  - *Benchmark:*
    - Number of nurses, physician assistants, health technicians, and physicians (per 100K of Idaho's general population) will increase each year until comparing favorably with other states in the Northwest.

**Goal III: Efficiency – Deliver educational, training, rehabilitation and information/research programs and services through the public education system in a manner which makes effective and efficient use of resources.**

Objectives for efficiency:

1. Improve the quality and efficiency of data collection and reporting for informed decision-making.
  - *Performance Measure:*
    - Adequacy and scope of data collection systems.
  - *Benchmark:*
    - Number of systems developed and implemented.
2. Improve the postsecondary program completion rate.
  - *Performance Measure:*
    - Number of full-time, first-time students from the cohort of new first year students who complete their programs within 1½ times the normal program length.
  - *Benchmark:*
    - Number of first year students who complete their program will be equivalent to the top 30% of the institutions' peers.
3. Develop the most efficient and cost effective delivery system for adequately meeting the needs of infants, toddlers, children, and youth who are blind, visually impaired, deaf, or hard of hearing, including those with additional disabilities or deafblindness.
  - *Performance Measure:*
    - Cost, proximity, and adequacy of services provided.
  - *Benchmark:*
    - Services meet delivery standards and are efficient compared to similar delivery services in other states.

4. Improve the use of postsecondary educational resources.
  - *Performance Measure:*
    - The program cost per credit hour.
  - *Benchmark:*
    - Cost per credit hour will be consistent with institutional best practices.
5. Improve Board of Education policy pertaining to higher education tuition waivers to ensure the most efficient use of educational resources.
  - *Performance Measure:*
    - Enrollment as a percentage of capacity.
  - *Benchmark:*
    - Use of tuition waivers will maximize use of institutional resources.

### **Key External Factors**

#### **(beyond control of the State Board of Education):**

##### **Funding:**

Most State Board of Education strategic goals and objectives assume on-going and sometimes significant additional levels of State legislative appropriations. Availability of state revenues (for appropriation), gubernatorial, and legislative support for some Board initiatives can be uncertain.

##### **Legislation/Rules:**

Beyond funding considerations, many education policies are embedded in state statute or rule and not under Board control. Changes to statute and rule desired by the Board of Education are accomplished according to state guidelines. Rules require public notice and opportunity for comment, gubernatorial support, and adoption by the Legislature. Proposed legislation must be supported by the Governor, gain approval in the germane legislative committees and pass both houses of the Legislature.

##### **School Boards:**

The Board of Education establishes rules and standards for all Idaho public K-12 education, but Idaho provides for "local control of school districts." Elected school boards have wide discretion in hiring teachers and staff, school construction and maintenance, and the daily operations of the public schools.

##### **Federal Government:**

A great deal of educational funding for Idaho public schools is provided by the federal government. Funding is often tied to specific federal programs and objectives, and therefore can greatly influence education policy in the State.



**PLANNING, POLICY & GOVERNMENTAL AFFAIRS**  
**JANUARY 26, 2009**

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**SUBJECT**

University of Idaho Student Housing Report

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho State Board of Education Governing Policies & Procedures, Section I.M

**BACKGROUND/DISCUSSION**

President Terrell has requested the University of Idaho give the Board a brief report on their student housing.

**ATTACHMENTS**

Attachment 1 – Letter to the Legislator

Page 3

**BOARD ACTION**

*If a motion is required*, it should be very specific. A motion to approve the  
This item is for informational purposes only. Any action will be at the Board's  
discretion.

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January 16, 2009

Dear Legislator,

You may be aware of an article published this week in the *Lewiston Tribune* concerning the University of Idaho's intention to offer a co-ed housing option in the fall. This is similar to options available at Eastern Washington University, Boise State University and Oregon State University. I write to let you know that the article contained inaccuracies and misrepresented the university's intent and purpose in this offering. I write to clarify the facts.

University Housing will offer a co-ed option for interested upper-class men and women to reside in the same "suite-style" apartment in one 70-bed facility next year. "Suite-style" apartments mean that men and women would each be assigned to their own secure rooms, but share a common area space much like a traditional co-ed floor anywhere throughout our housing system. Let me be clear: students will have their own private room and will only share lounge space and kitchen facilities. It is no different than staying in a hotel room that shares a common lobby.

Our intent is to offer an alternative living option for older students who may feel more comfortable with this living option because they are simply more comfortable with members of the opposite sex. As educators, we also believe this is an opportunity for students to continue to learn how to effectively foster positive relationships with the opposite sex.

We immediately sent a letter to the *Lewiston Tribune* correcting the facts they reported in error. We regret that the news report you may have read caused confusion or concern.

As the University of Idaho implements its program in the fall, we will apply best practices from regional, like-minded institutions as we implement our co-ed housing option.

I hope this letter addresses your concerns.

Sincerely,

Bruce Pitman  
Vice Provost for Student Affairs and Dean of Students

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**STATE DEPARTMENT OF EDUCATION  
JANUARY 26, 2009**

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<b>TAB</b>	<b>DESCRIPTION</b>	<b>ACTION</b>
<b>1</b>	<b>CASCADE SCHOOL DISTRICT #422 TRUSTEE ZONE CHANGE</b>	Motion to Approve
<b>2</b>	<b>DUAL CREDIT LEGISLATION</b>	Information Item
<b>3</b>	<b>TEACHER EVALUATION LEGISLATION</b>	Information Item
<b>4</b>	<b>PUBLIC SCHOOLS BUDGET</b>	Information Item

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**STATE DEPARTMENT OF EDUCATION  
JANUARY 26, 2009**

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**SUBJECT**

Adjusted Trustee Zones for Cascade School District

**APPLICABLE STATUTE, RULE, OR POLICY**

Section 33-313, Idaho Code

**BACKGROUND/DISCUSSION**

Section 33-313, Idaho Code prescribes the procedure for adjusting trustee zones for school districts. The Cascade School District Board of Trustees has submitted the required documents and prepared a proposal which is submitted to the State Board of Education. The responsibility of the State Board of Education is to approve or disapprove the proposal for the adjusted trustee zones. Cascade School District received a petition signed by more than 50 school electors to initiate a proposal to change the boundary between Zones III & V. The petition was initiated in order to fill a vacancy on their board of trustees for Zone V; accordingly, Cascade School District has prepared the proposal and is requesting an adjustment to their trustee zones. As explained in the petition to change trustee zone boundary, Zone V's seat is vacant and the Board of Trustees has had no success in finding someone who was willing to run for that seat at election time or who is willing to fill the vacancy. The populations of the zones will not be markedly affected, and no one living in the current zone boundaries has come forward to fill the vacancy.

**ATTACHMENTS**

Attachment 1 – Letter from Cascade School District	Page 3
Attachment 2 – Petition to Change Trustee Zone Boundary	Page 5
Attachment 3 – Legal Description and Details of Proposed Trustee Zones	Page 11
Attachment 4 – Map of Proposed Trustee Zones	Page 19
Attachment 5 – Population Data for Newly Defined Zones	Page 25

**BOARD ACTION**

A motion to approve the adjusted trustee zones for the Cascade School District as submitted.

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

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**STATE DEPARTMENT OF EDUCATION  
JANUARY 26, 2009**

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## *Cascade Public Schools*

**Vic Koshuta**  
Superintendent

District No. 422  
209 N School St/P.O. Box 291  
Cascade, Idaho 83611-0291  
Valley County

**Anne Stilwill**  
Elementary School Principal  
Director of Special Education

**Bev Davenport**  
Counselor

Telephone: (208) 382-4227  
Fax: (208) 382-3797  
[www.cascadeschools.org](http://www.cascadeschools.org)

**Pai Sartori**  
Jr./Sr. High School Principal  
Director of Athletics

TO: Members of the State Board of Education  
FROM: Vic Koshuta, Superintendent *V. Koshuta*  
SUBJECT: Request to redefine and change trustee zones per I.C. 33-313  
DATE: 10/23/08

At its monthly meeting held on October 15, 2008, the Cascade School District #422 Board of Trustees received and accepted a petition signed by over fifty (50) school electors residing in the district requesting the District redefine and change its trustee zone descriptions.

The proposal submitted by the community is attached.

Idaho Code 33-313 requires that within one hundred twenty (120) days following the receipt of the petition, the board of trustees shall prepare a proposal for a change which will equalize the population in each zone. The proposal shall include a legal description of each trustee zone as the same would appear as proposed, a map of the district showing how each trustee zone would then appear, and the approximate population each would then have.

The following proposal does not alter the make-up of the current board or the approximate population each zone would have or will have in the future. It does allow the District to better meet the needs and wants of its constituents.

Attachment #1 – Zone descriptions of each zone.

Attachment #2 - Map of the district showing how each trustee zone would appear.

Attachment #3 - The approximate population each zone would have.

Attachment #4 - A copy of the petitions with signatures.

The Cascade School District #422 School Board is in support of this petition and thanks you for your consideration in this matter and awaits your decision.

*Raising the Bar from Great to Greater*

The mission of Cascade School District #422 is to inspire all students to reach their maximum potential, become lifelong learners, and to be contributing, responsible citizens.

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**STATE DEPARTMENT OF EDUCATION  
JANUARY 26, 2009**

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**RECEIVED**  
OCT 15 2008

**PETITION TO CHANGE TRUSTEE ZONE BOUNDARY**

BY: *JS*  
*Ed Clark*

We, the undersigned, hereby petition the Cascade School District School Board to change the boundary of Trustee Zone V. The request is brought forth to the Board based upon the fact that Zone V's seat on the Board has been vacant and the Board has had no success in finding someone who was willing to run for that seat at election time or who is willing to fill the vacancy. The change in this boundary will allow for a quality and qualified interested individual to fill the vacancy. Furthermore, the change will account for no more than possibly four (4) voters since it encompasses only two (2) lots with houses on both lots.

The proposed change in the boundary description for Zone 5 is attached. Adjacent Zone descriptions will be edited as such.

My signature below confirms that I am a qualified elector who resides in the Cascade School District 422, Cascade, ID.

Printed Name	Signature	Address
Mark Loseke	<i>Mark Loseke</i>	206 S. School St.
Sterling Hill	<i>Sterling Hill</i>	402 S. Front
Mark Leis	<i>Mark Leis</i>	901 Divot Cr.
Michael K. Dimmitt	<i>Michael K. Dimmitt</i>	406 PEARSON LOOP
Anthony J. Foust	<i>Anthony J. Foust</i>	9 East Prospectors Dr.
David J. Marbo	<i>David J. Marbo</i>	125 Bogie Dr
MARK BINGMAN	<i>Mark Bingman</i>	314 PATTERSON AVE
Chris Davis	<i>Chris Davis</i>	508 N. Idaho

**STATE DEPARTMENT OF EDUCATION  
JANUARY 26, 2009**

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JAN 29 2009

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Bot Clerk

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Printed Name	Signature	Address
TERI COOMBS	<i>Teri</i>	PO BOX 927 CASCADE
Bill Behnke	<i>W Behnke</i>	PO Box 756 Cascade Id
Lisa Lambirth	<i>L Lambirth</i>	175 Summit Dr, Cascade
<del>Jacqueline Banbury</del>	<del>Jacqueline Banbury</del>	<del>180 Ruffalo Lane Cascade</del>
Arlene K Kropp	<i>Arlene K Kropp</i>	PO Box 52, Cascade, ID
MALINDA HENDERSON	<i>M Henderson</i>	P.O. BOX 63, CASCADE, ID
Bey Hartwig	<i>Bey Hartwig</i>	P.O. Box 615 Cascade ID.
Pamela Redmon	<i>Pamela Redmon</i>	PO BOX 948 Cascade Id
Heather Hartwig	<i>Heather Hartwig</i>	PO. box 615 cascade id
LINDA GUEST	<i>Linda Guest</i>	BOX 877 Cascade
Laticia Bolen	<i>Laticia Bolen</i>	16 GOSLIN LN Box 64 Cascade, ID
Rorie Snapp	<i>Rorie Snapp</i>	422 S. Front PT. BOX 892 Cascade

**STATE DEPARTMENT OF EDUCATION  
JANUARY 26, 2009**

**RECEIVED**  
OCT 15 2008

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Printed Name	Signature	Address
Eugene Novotny	<i>Eugene Novotny</i>	126 Boque Ln, CASCADE
AL SARTORI	<i>Al Sartori</i>	505 JEFFREY CASCADE
Roni Rankin	<i>Roni Rankin</i>	11945 Smalley Rd.
Clinton Kennedy	<i>Clinton Kennedy</i>	510 N. Hillcrest/Cascade
Cory Kennedy	<i>Cory Kennedy</i>	302 N. Van Wyck Cascade
<del>Wendy EVELAND</del> <i>MATT RIVER</i>	<i>Wendy EVELAND</i>	204 W. River/Cascade
Jenna A Behrke	<i>Jenna Behrke</i>	126 Par Drive/Cascade
John Wheeler	<i>John Wheeler</i>	10700 Hwy 55
Amanda Boxleitner	<i>Amanda Boxleitner</i>	304 Hatfield Dr. / Cascade
Wendy EVELAND	<i>Wendy EVELAND</i>	108 S. School St. / Cascade
Julie Tomlinson	<i>Julie Tomlinson</i>	372 Little Pearsol Rd / Cascade
BILL J. WHEELER	<i>Bill J. Wheeler</i>	10700 Hwy 55 / CASCADE

**STATE DEPARTMENT OF EDUCATION  
JANUARY 26, 2009**

**RECEIVED**  
OCT 15 2008

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The proposed change in the boundary description for Zone 5 is attached. Adjacent Zone descriptions will be edited as such.

My signature below confirms that I am a qualified elector who resides in the Cascade School District 422, Cascade, ID.

Printed Name	Signature	Address
Nichole Scott	Nichole Scott	197 Pole Cat Ridge Rd Cascade, Id
Sandra POMEROY	Sandra Pomeroy	11051 Twin View Cascade
Heather Perkins	Heather Perkins	533 Caberton Rd Cascade
Estelle M. Ward	Estelle M. Ward	38 Pine Cone Ln, Cascade
Gale Amundson	Gale Amundson	505 N. IDAHO St. Cascade
Annette Derrick	Annette Derrick	677 Joes Rd Cascade, Id 83611
Robert W. Fodrea	Robert W. Fodrea	10545 Skyline Dr. Rd P.O. Box 135 Cascade ID 83611
Lorraine Klein	Lorraine Klein	201 S Hillcrest ID 83611
Sherrri Schrader	Sherrri Schrader	213 S Front St. 83611
WESLEY CORNWELL	Wesley Cornell	191 DUFFER LANE
Deborah L. Weeks	Deborah L. Weeks	305 Hatfield Dr.
Amy SSA D. RITCH	Amy Ritch	302 N. Van Wyck

**STATE DEPARTMENT OF EDUCATION  
JANUARY 26, 2009**

**RECEIVED**  
OCT 15 2008

**PETITION TO CHANGE TRUSTEE ZONE BOUNDARY**

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Ed Clerk

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The proposed change in the boundary description for Zone 5 is attached. Adjacent Zone descriptions will be edited as such.

My signature below confirms that I am a qualified elector who resides in the Cascade School District 422, Cascade, ID.

Printed Name	Signature	Address
Diana L. Julian	<i>Diana L Julian</i>	516 Old St. Hwy
Tami L. Mack	<i>Tami L Mack</i>	23 Nugget Ave
Michael Bedell	<i>M Bedell</i>	114 Gardner Pl
Joyce Novotny	<i>Joyce Novotny</i>	126 Bogie
Thorothy Grimaud	<i>Thorothy Grimaud</i>	347 Lone Pine Ave
Candace Gregory	<i>Candace Gregory</i>	39 Atkin Lane
Louis Crabb	<i>Louis Crabb</i>	307 E PINE
Cheryl Bracht	<i>Cheryl Bracht</i>	114 Gardner Pl
Lori Emerson	<i>Lori Emerson</i>	335 Warm Lake Rd.
Brenda Raiser	<i>Brenda Raiser</i>	106 N. Id. Street
MIKE ANDREAS	<i>Mike Krebs</i>	1850 Sterling Dr. Cascade
Penny Burkson	<i>Penny Burkson</i>	102 N. Van Wyck

**STATE DEPARTMENT OF EDUCATION  
JANUARY 26, 2009**

RECEIVED  
OCT 15 2008  
JS  
Ed Link

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The proposed change in the boundary description for Zone 5 is attached. Adjacent Zone descriptions will be edited as such.

My signature below confirms that I am a qualified elector who resides in the Cascade School District 422, Cascade, ID.

Printed Name	Signature	Address
Susan Powell	<i>Susan Powell</i>	716 Wain LK Rd. Cascade
Jodi Andrews	<i>Jodi Andrews</i>	1350 Sterling Dr. Cascade ID
Adele Grefznd	<i>Adele Grefznd</i>	231 Polcat Rd Cascade ID
Archie N. Banbury	<i>Archie N Banbury</i>	180 DUKKERS LAKE Cascade ID 83611
Katie Duffee	<i>Katie Duffee</i>	1267 Laurel Dr. Cascade ID 83611
Cynda Herrick	<i>Cynda Herrick</i>	307 N. VanWyck
Shirley St. Linnell	<i>Shirley Stillinell</i>	11774 Twin View Rd
CAROL ARNOLD	<i>Carol Arnold</i>	617 Dam Road
Mike Arnold	<i>Mike Arnold</i>	535 C. Burton Road Box 61 Cascade,
Ray Cooper	<i>Ray Cooper</i>	8 May Rd.
Rachel Smith	<i>Rachel Smith</i>	514 Sawyer St
Ray Arnold	<i>Ray P Arnold</i>	514 Sawyer St R-2



STATE DEPARTMENT OF EDUCATION  
JANUARY 26, 2009

Lot B description:

**FODREA LAND SURVEYS**  
P.O. BOX 188, CASCADE, IDAHO 83611  
PHONE (208) 383-4902

0.31 Acres

A parcel of land located in the SE1/4 of Section 26, T. 14 N., R. 1 E., S. 2 E., City of Cascade, Valley County, Idaho being more particularly described as follows:

Commencing at the southeast corner of said Section 26, a found brass cap monument, C.P.M. 99670, corner records of said Valley County; Thence a bearing of N 50° 11' 56" W, a distance of 1085.37 feet to a found 1/2 inch rebar marking the southeast corner of a parcel of land described by Warranty Deed Inst. 78625, records of said Valley County; Thence a bearing of N 0° 35' 28" W, a distance of 125.11 feet (record North) on the east boundary of said parcel of land described by Warranty Deed Inst. 78625 to a set 5/8 inch rebar being the TRUE POINT OF BEGINNING.

Thence a bearing of N 0° 35' 28" W, a distance of 19.19 feet (record North) on said east boundary of said parcel of land described by Warranty Deed Inst. 78625 to a set 5/8 inch rebar on the southwest right-of-way boundary of Patterson Avenue (formerly Old Van Wyck Road); Thence a bearing of N 49° 15' 24" W, a distance of 208.34 feet (record N 48° 40' W, 233.8') on said southwest right-of-way boundary to a set 5/8 inch rebar on the east right-of-way boundary of Gardner Street (formerly Cemetery Road); Thence a bearing of S 0° 48' 54" E, a distance of 79.91 feet (record South) on said east right-of-way boundary to a set 5/8 inch rebar; Thence a bearing of S 0° 35' 28" E, a distance of 75.21 feet (record South) on said east right-of-way boundary to a set 5/8 inch rebar; Thence a bearing of S 89° 58' 47" E, a distance of 156.13 feet to the POINT OF BEGINNING.

Said described parcel of land contains 0.31 acres, more-or-less, together with and subject to rights-of-way and easements of record and/or use.



**STATE DEPARTMENT OF EDUCATION  
JANUARY 26, 2009**

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SEP. 11. 2008 11:22AM RYANVILLE NO. 8/39 P. 2

**Cascade School District No. 422**

**THE BOARD OF TRUSTEES**

**1020**

**ZONE 1**

**General Description:** The area east of State Highway 55, between Pearsol Creek and the Clear Creek Road.

**Legal Description:**

Beginning at the point at which Pearsol Creek departs the eastern boundary of the City of Cascade to the east

Easterly along Pearsol Creek to its confluence with Little Pearsol Creek

Northeasterly on Little Pearsol Creek to Warm Lake Road

Northeasterly on Warm Lake Road to National Forest Developed Road 433 (Horsethief Road)

Continuing along NFDR 433 as it meanders first easterly and then southerly a distance of about 10 miles to NFDR 406

Continuing southerly along NFDR 406, paralleling an unnamed creek, to the point where it crosses NFDR 409, that point being just north of the confluence of the unnamed creek with Clear Creek

Southwest on NFDR 409 to Clear Creek Road

Southwest and then northwest in a stair step fashion on Clear Creek Road to State Highway 55

Southwest on State Highway 55 to the point where it crosses the North Fork of the Payette River at Rainbow Bridge

North on the North Fork of the Payette River to the point where the south arm of Big Creek departs to the east

Southeasterly on the south arm of Big Creek and following an unnamed drainage ditch to State Highway 55

North on State Highway 55 to its intersection with Pearsol Creek and the point of beginning

1020-1

**STATE DEPARTMENT OF EDUCATION  
JANUARY 26, 2009**

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**ZONE 2**

**General Description:** The northern end of the city limits; north of Mill Street, between Main Street and School Street and north of Old State Highway.

**Legal Description:**

Beginning along the westernmost city limits of the City of Cascade at the point where the city limits depart north from the bank of the Cascade Reservoir

Following the city limits first north a short distance then east then north then east then south to State Highway 55

Southwest then southeast on State Highway 55 as it becomes Main Street in the City of Cascade to Mill Street

West on Mill Street to Idaho Street

Northwest on Idaho Street to Kerby Street

West on Kerby Street to School Street

Northwest on School Street to Spring Street

West on Spring Street to Van Wyck Street

Northwest on Van Wyck Street to Patterson Street

East on Patterson Street to Heritage Street

Northwest on Heritage Street to Old State Highway

Southwest then northwest along Old State Highway extending in a westerly direction to the western city limit of the City of Cascade, that point being within the Cascade Reservoir

Northerly on the city limits to the beginning

1020-2

**STATE DEPARTMENT OF EDUCATION  
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**ZONE 3**

The western and southern portion of the city limits: south of the Old State Highway Road and west and south of School Street and Mill Street, excluding lots A and B between Patterson Drive and Gardner Place as noted and attached.

**\*\* From that intersection of Lake Cascade shoreline and Old State Highway Road (near City boatramp) proceed in an easterly direction on Old State Highway Road to Patterson Drive;**

**thence southeasterly on Patterson Drive to the centerline of Gardner Place;**

**thence southerly on the center line of Gardner Place to a point perpendicular to the southwest corner of Lot B, whose legal description is attached;**

**thence easterly to the southeast corner of Lot B;**

**thence northerly to the northeast corner of Lot A, whose description is attached;**

**thence northeasterly in a line perpendicular to centerline of Patterson Drive to a point 30 feet prior to the hydrographic divide;**

**thence northwesterly on the centerline of Patterson Drive to its intersection with Old Highway Road.**

thence southeasterly along Old State Highway Road and then northeasterly on Old State Highway Road to Heritage Street.

thence southeast on Heritage Street to Patterson Street

thence west on Patterson Street to Van Wyck Street

thence southeast on Van Wyck Street to Spring Street

thence east on Spring Street to School Street

thence southeast on School Street to Kerby Street

thence east on Kerby Street to Idaho Street

thence southeast on Idaho Street to Mill Street

thence east on Mill Street to Main Street

thence southeast on Main Street and State Highway 55, following the eastern boundary of the city limits of the City of Cascade

**STATE DEPARTMENT OF EDUCATION**  
**JANUARY 26, 2009**

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thence southeasterly along the city limits to its southernmost point, and then following the southern city limits first in a northwesterly direction and then in a generally northern and western direction to Cascade Reservoir, proceeding north and easterly along the edge of the Cascade Reservoir to the beginning point

**STATE DEPARTMENT OF EDUCATION  
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**ZONE 4**

**General Description:** The area east of State Highway 55 from the northern to the southern borders of the District, including the eastern portions of the city limits, excluding the area included in Zone 1 (South of Pearsol Creek to north of Clear Creek Road.)

**Legal Description:**

Beginning along the northern district boundary at its intersection with State Highway 55

Following the district boundary east to the Valley County boundary, and then south along the eastern portion of the district and county, then west along the southern portion of the district and county to the point of intersection with the North Fork of the Payette River

North on the North Fork of the Payette River to the point where State Highway 55 intersects with the river at Rainbow Bridge

North on State Highway 55 to Clear Creek Road

East then south in a stair step fashion along Clear Creek Road, and continuing on Clear Creek Road in a northeasterly direction to its intersection with NFDR 409

Northeast on NFDR 409 to its intersection with NFDR 406

North on NFDR 406 to where it intersects with NFDR 433 (Horsethief Road)

Northerly and westerly along NFDR 433 (Horsethief Road) to Warm Lake Road

Southwest on Warm Lake Road to Little Pearsol Creek

West on Little Pearsol Creek to the point where it intersects Pearsol Creek.

West on Pearsol Creek to its intersection with State Highway 55

Northwest and then northerly on State Highway 55, along Main Street through the City of Cascade, to the beginning point of the northern district boundary

**STATE DEPARTMENT OF EDUCATION  
JANUARY 26, 2009**

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**ZONE 5**

**General Description:** The area west of State Highway 55, excluding a major portion of the city limits, except for the two (2) lots referred to in the description below, as well as the area south of Big Creek included in Zone 1.

Beginning at the point where the northern district boundary departs the Adams-Valley County line

East on the northern district boundary to State Highway 55, crossing in a straight line the Cascade Reservoir

South on State Highway 55 to its intersection with the northern city limits of the City of Cascade and then westerly along the northern city limits to the Cascade Reservoir

**\*\*Follow the shoreline of Cascade Reservoir to the intersection with Old State Highway Road. From that intersection of Lake Cascade shoreline and Old State Highway Road (near City boatramp) proceed in an easterly direction on Old State Highway Road to Patterson Drive;**

**thence in a southeasterly direction to a point 30 feet beyond the hydrographic divide;**

**thence, perpendicular to the southwesterly right of way to the NE corner of Lot A, whose legal description is attached;**

**thence, southerly to the SE corner of Lot B, whose legal description is attached;**

**thence, westerly to the centerline of Gardner Place;**

**thence, northerly to the centerline of Patterson Drive.**

**Thence, northwesterly on Patterson drive to Old State Highway Road.**

**Thence westerly on Old State Hwy. Road to the shoreline of Cascade Reservoir at the point the boundary departed from the shoreline in the description above marked with an \*\*.**

**Follow the shoreline of Cascade Reservoir to the southern end of the golf course.**

Then beginning at the southern end of the golf course easterly along said southern city limits to State Highway 55

South on State Highway 55 to the unnamed ditch to its confluence with the south arm of Big Creek

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West on the south arm of Big Creek to its confluence with the North Fork of the Payette River

South on the North Fork of the Payette River to the southern district boundary

West along the southern district boundary as it meanders around the southeastern portion of the district in a westerly direction toward the Gen-Valley County line.

Continuing along the district boundary and the Gem-Valley county line northerly and continuing along the Adams-Valley county line to the beginning.

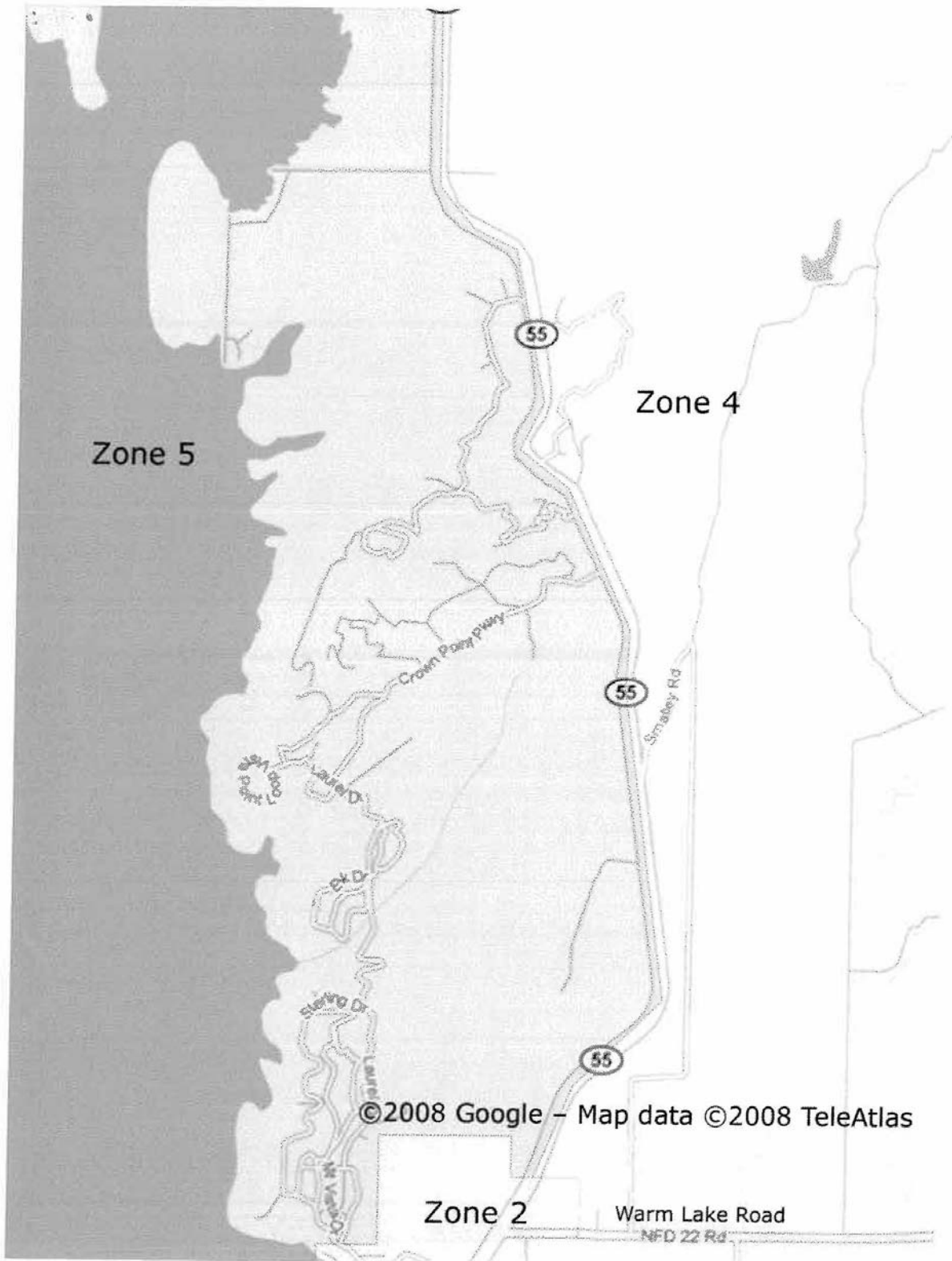
Lot A description:

A parcel of land located in the SE1/4 of Section 26, T. 14 N., R. 3 E., B.M., City of Cascade, Valley County, Idaho being more particularly described as follows:

Commencing at the southeast corner of said Section 26, a found brass cap monument, C.P.F. 99670, corner records of said Valley County; Thence a bearing of N 50° 11' 56" W, a distance of 1085.37 feet to a found 1/2 inch rebar marking the southeast corner of a parcel of land described by Warranty Deed Inst. 78625, records of said Valley County being the TRUE POINT OF BEGINNING.

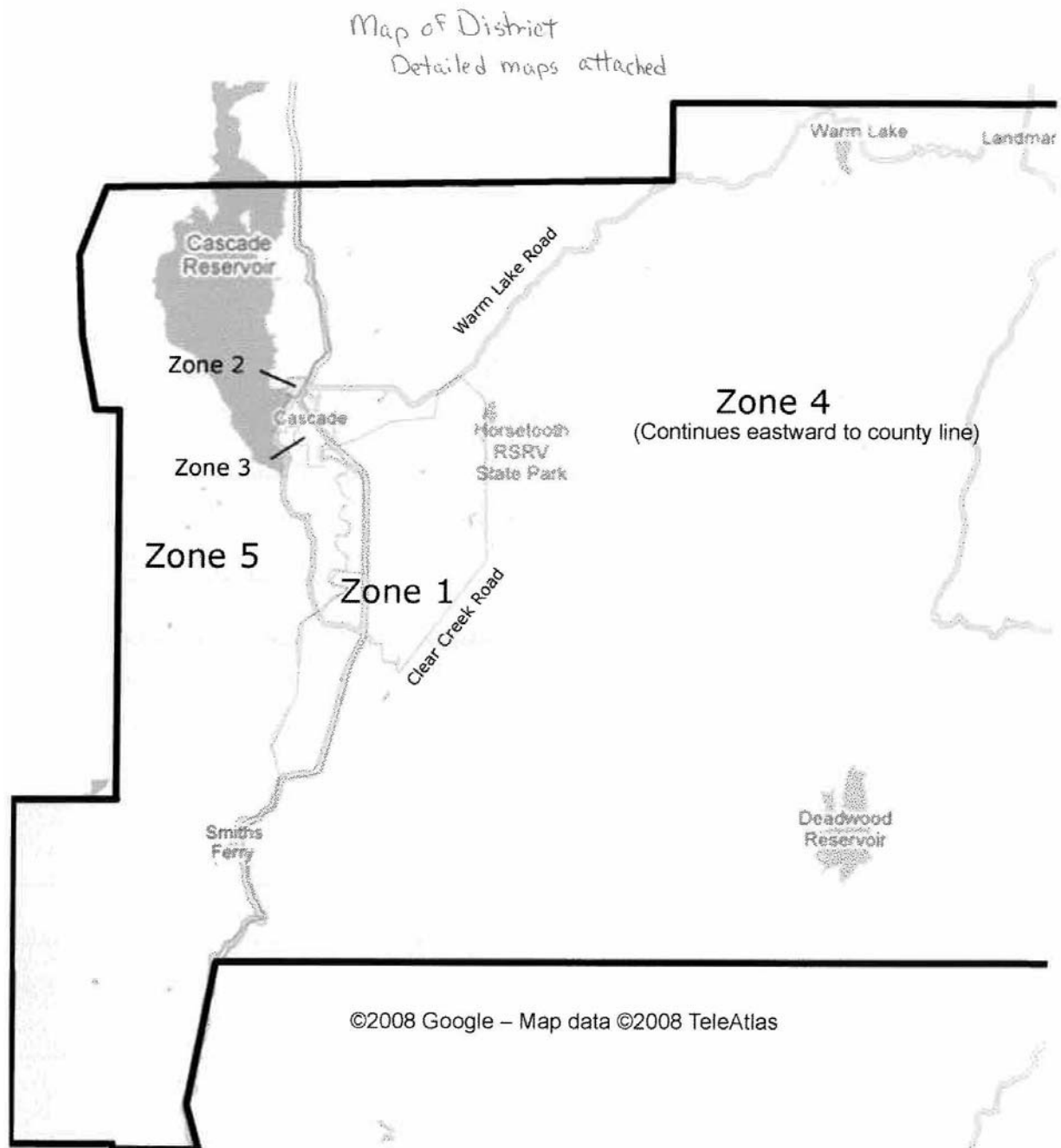
Thence a bearing of N 0° 35' 28" W, a distance of 125.33 feet (record North) on the east boundary of said parcel of land described by Warranty Deed Inst. 78625 to a set 5/8 inch rebar; Thence a bearing of N 89° 58' 47" W, a distance of 156.13 feet to a set 5/8 inch rebar on the east right-of-way boundary of Gardner Street (formerly Cemetery Road); Thence a bearing of S 0° 35' 28" E, a distance of 125.33 feet (record South) on said east right-of-way boundary to a found 1/2 inch rebar; Thence a bearing of S 89° 58' 47" E, a distance of 156.13 feet (record East, 156') to the POINT OF BEGINNING.

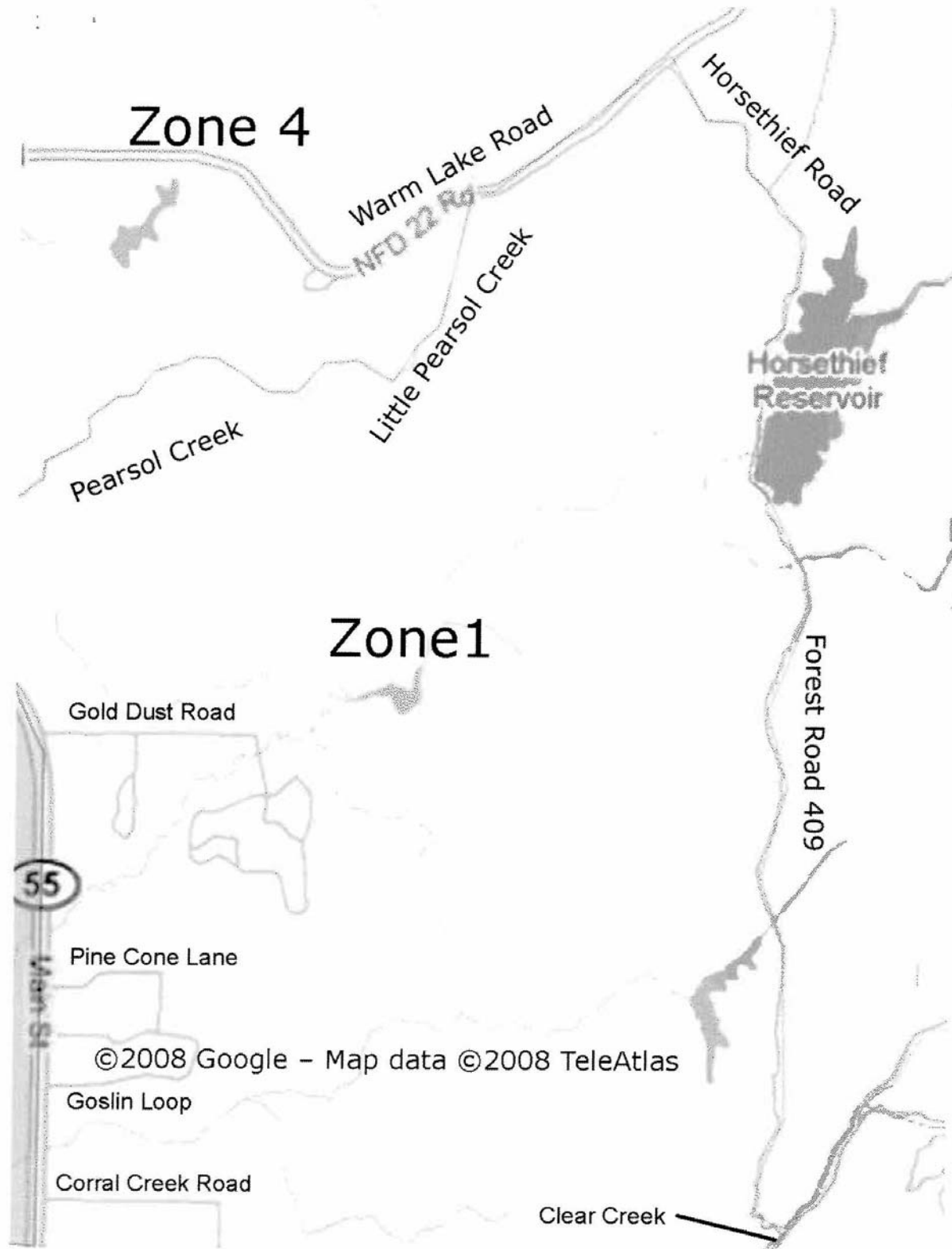


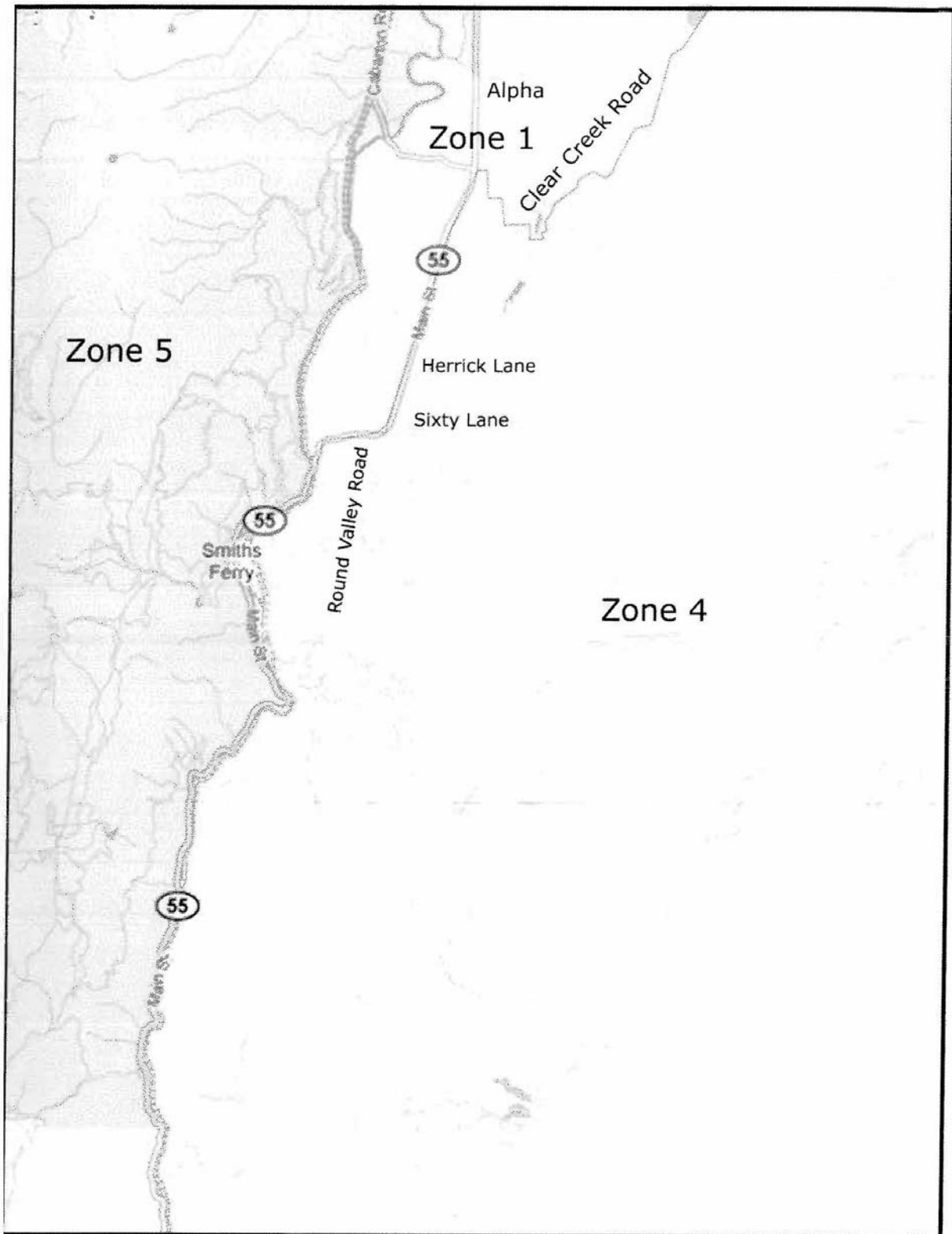


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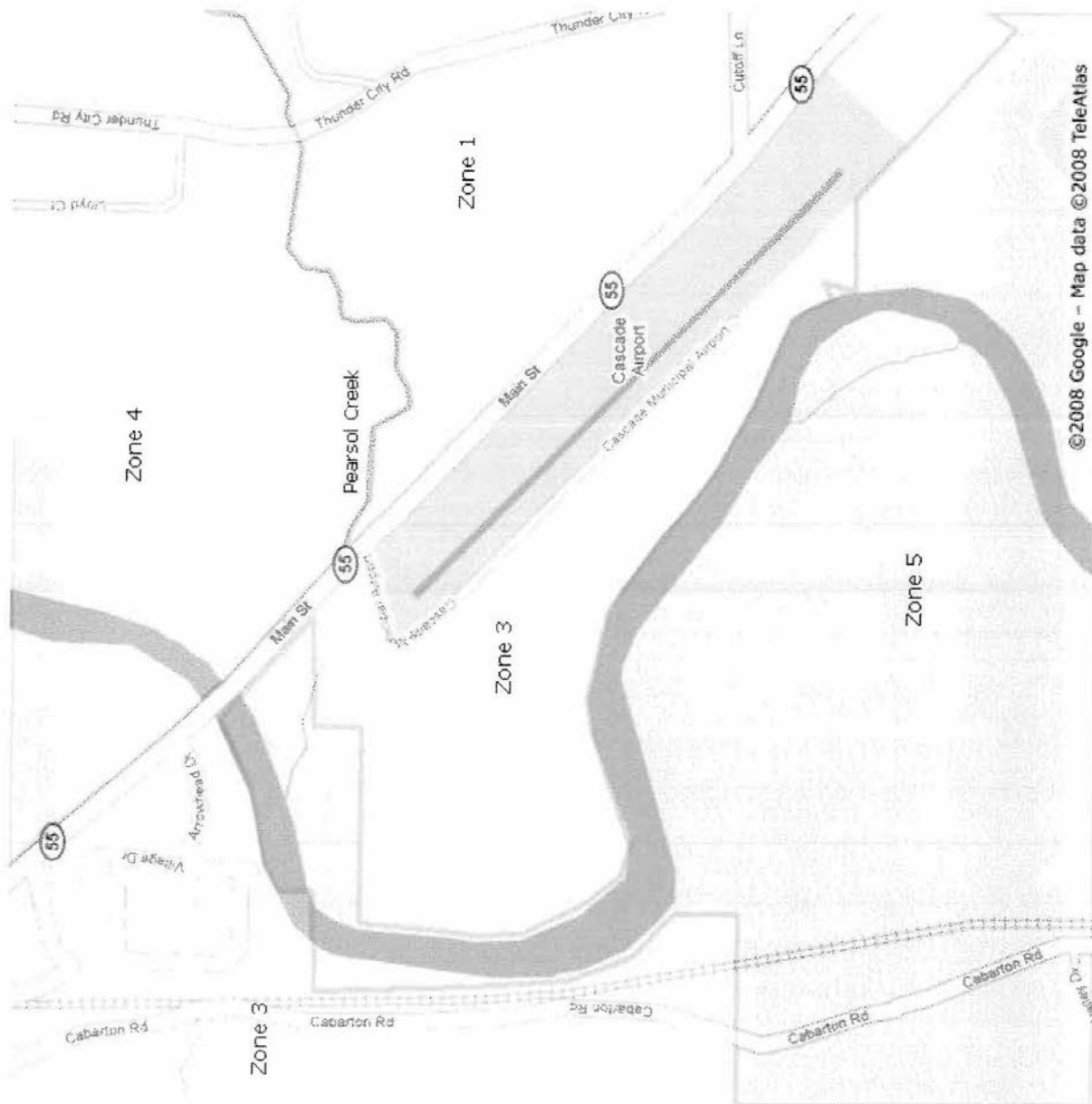
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**SDE**





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Cascade School District #422  
Change in trustee zone request  
Population Data for Newly defined zones  
November 3, 2008

Trustee Zone #	Total Population
1	447
2	415
3	432
4	446
5	460
Total	2200

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**SUBJECT**

Dual Credit Task Force Recommendations for Statute and Rule Changes

**REFERENCE**

12/4/2008

Presented the recommendations of the Dual Credit Task Force to the State Board in a brief presentation.

**APPLICABLE STATUTE, RULE, OR POLICY**

Section 33-1002, Idaho Code; Section 33-5102, Idaho Code; Section 33-5108, Idaho Code; Section 33-5109, Idaho Code; Section 33-5110, Idaho Code

**BACKGROUND/DISCUSSION**

The Fiscal Year 2009 public schools budget included \$50,000 for the development of the Dual Credit Task Force. The task force began meeting in July 2008 with the charge:

- to study and develop a plan for implementing concurrent secondary/postsecondary courses offered to qualifying eleventh-grade and twelfth-grade students in Idaho's public high schools.
- to develop a statewide, unified plan for delivering concurrent college credit coursework to high school students.

The final recommendations being presented by the Dual Credit Task Force include the proposal for a statewide dual credit fee reimbursement that will be presented to the Legislature and Governor in January 2009. In the current draft of the proposal, the state would pay the actual cost per credit, up to a maximum of \$50 per credit. Any cost per credit in excess of \$50 per credit would be the responsibility of the student. The state would pay for a maximum of three credits per semester and six credits per school year for eligible 11th and 12th grade students.

**IMPACT**

In the current draft of the legislation, the statewide dual credit fee reimbursement proposal would not go into effect until the Legislature approved funding for the program.

**ATTACHMENTS**

Attachment 1 – Proposed Dual Credit Legislation

Page 3

**STAFF COMMENTS AND RECOMMENDATIONS**

The proposed legislation has been reviewed by CAAP. The following comments reflect points of concern by the Provosts and Vice Presidents. The comments below had been submitted to the Department of Education for consideration, but were not included in the Department's latest draft of the Dual Credit legislation.

Dual Credit (concurrent enrollment) is a function of postsecondary institutions. College courses are provided to the high school students to begin their college

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experience, while completing high school. This provides an incentive to continue their education beyond high school. Governance of all dual credit, college courses resides with the post secondary institutions due to accreditation and academic governance. Oversight of those college courses must remain with the State Board of Education.

*33-5102. Definitions. Eligible Institution means .... Add: Accredited institutions should be recognized by CHEA and a regional accrediting body recognized by the US Department of Education.*

*33-5108. Courses According to Agreements. "A School Board may make such agreements with any eligible postsecondary institution, ~~without regard to geographic proximity.~~" Delete reference to geographic areas. The postsecondary institutions have the responsibility to coordinate service to the citizens of Idaho.*

**BOARD ACTION**

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

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**Dual Credit Legislation Draft**

SECTION 1. That Section 33-1002, Idaho Code, be, and the same is hereby amended to read as follows:

33-1002. EDUCATIONAL SUPPORT PROGRAM. The educational support program is calculated as follows:

(1) State Educational Support Funds. Add the state appropriation, including the moneys available in the public school income fund, together with all miscellaneous revenues to determine the total state funds.

(2) From the total state funds subtract the following amounts needed for state support of special programs provided by a school district:

(a) Pupil tuition-equivalency allowances as provided in section 33-1002B, Idaho Code;

(b) Transportation support program as provided in section 33-1006, Idaho Code;

(c) Feasibility studies allowance as provided in section 33-1007A, Idaho Code;

(d) The approved costs for border district allowance, provided in section 33-1403, Idaho Code, as determined by the state superintendent of public

instruction;

(e) The approved costs for exceptional child approved contract allowance,

provided in subsection 2. of section 33-2004, Idaho Code, as determined by

the state superintendent of public instruction;

(f) Certain expectant and delivered mothers allowance as provided in section 33-2006, Idaho Code;

(g) Salary-based apportionment calculated as provided in sections 33-1004 through 33-1004F, Idaho Code;

(h) Unemployment insurance benefit payments according to the provisions of section 72-1349A, Idaho Code;

(i) For expenditure as provided by the public school technology program;

(j) For employee severance payments as provided in section 33-521, Idaho Code;

(k) For distributions to the Idaho digital learning academy as provided in section 33-1020, Idaho Code;

(l) Beginning in the first fiscal year in which an appropriation for such program is made, to defray the cost of dual credit courses as provided in section 33-5110, Idaho Code;

~~(lm)~~ For the support of provisions that provide a safe environment conducive to student learning and maintain classroom discipline, an allocation of \$300 per support unit; and

~~(mn)~~ Any additional amounts as required by statute to effect administrative adjustments or as specifically required by the provisions of any bill of appropriation;

to secure the total educational support distribution funds.

(3) Average Daily Attendance. The total state average daily attendance shall be the sum of the average daily attendance of all of the school districts of the state. The state board of education shall establish rules setting forth the procedure to determine average daily attendance and the time

for, and method of, submission of such report. Average daily attendance calculation shall be carried out to the nearest hundredth. Computation of average daily attendance shall also be governed by the provisions of section 33-1003A, Idaho Code.

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(4) Support Units. The total state support units shall be determined by using the tables set out hereafter called computation of kindergarten support units, computation of elementary support units, computation of secondary support units, computation of exceptional education support units, and computation of alternative school secondary support units. The sum of all of the total support units of all school districts of the state shall be the total state support units.

COMPUTATION OF KINDERGARTEN SUPPORT UNITS

Average Daily

Attendance	Attendance Divisor	Units Allowed
41 or more	40.....	1 or more as computed
31 - 40.99 ADA....	-.....	1
26 - 30.99 ADA....	-.....	.85
21 - 25.99 ADA....	-.....	.75
16 - 20.99 ADA....	-.....	.6
8 - 15.99 ADA....	-.....	.5
1 - 7.99 ADA....	-.....	count as elementary

COMPUTATION OF ELEMENTARY SUPPORT UNITS

Average Daily

Attendance	Attendance Divisor	Minimum Units Allowed
300 or more ADA.....		15
..23...grades 4,5 & 6....		
..22...grades 1,2 & 3....1994-95		
..21...grades 1,2 & 3....1995-96		
..20...grades 1,2 & 3....1996-97		
and each year thereafter.		
160 to 299.99 ADA... 20.....		8.4
110 to 159.99 ADA... 19.....		6.8
71.1 to 109.99 ADA... 16.....		4.7
51.7 to 71.0 ADA... 15.....		4.0
33.6 to 51.6 ADA... 13.....		2.8
16.6 to 33.5 ADA... 12.....		1.4
1.0 to 16.5 ADA... n/a.....		1.0

COMPUTATION OF SECONDARY SUPPORT UNITS

Average Daily

Attendance	Attendance Divisor	Minimum Units Allowed
750 or more	18.5.....	47
400 - 749.99 ADA....	16.....	28
300 - 399.99 ADA....	14.5.....	22
200 - 299.99 ADA....	13.5.....	17
100 - 199.99 ADA....	12.....	9
99.99 or fewer	Units allowed as follows:	
Grades 7-12	.....	8
Grades 9-12	.....	6
Grades 7- 9	.....	1 per 14 ADA
Grades 7- 8	.....	1 per 16 ADA

COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

Average Daily

Attendance	Attendance Divisor	Minimum Units Allowed
14 or more	14.5.....	1 or more as computed
12 - 13.99....	-.....	1
8 - 11.99....	-.....	.75
4 - 7.99....	-.....	.5
1 - 3.99....	-.....	.25

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COMPUTATION OF ALTERNATIVE SCHOOL SECONDARY SUPPORT UNITS		
Pupils in Attendance	Attendance Divisor	Minimum Units Allowed
12 or more.....	12.....	1 or more as computed

In applying these tables to any given separate attendance unit, no school district shall receive less total money than it would receive if it had a lesser average daily attendance in such separate attendance unit. In applying the kindergarten table to a kindergarten program of less days than a full school year, the support unit allowance shall be in ratio to the number of days of a full school year. The tables for exceptional education and alternative school secondary support units shall be applicable only for programs approved by the state department of education following rules established by the state board of education. Moneys generated from computation of support units for alternative schools shall be utilized for alternative school programs. School district administrative and facility costs may be included as part of the alternative school expenditures.

(5) State Distribution Factor per Support Unit. Divide educational support program distribution funds, after subtracting the amounts necessary to pay the obligations specified in subsection (2) of this section, by the total state support units to secure the state distribution factor per support unit.

(6) District Support Units. The number of support units for each school district in the state shall be determined as follows:

(a) (i) Divide the actual average daily attendance, excluding students approved for inclusion in the exceptional child educational program, for the administrative schools and each of the separate schools and attendance units by the appropriate divisor from the tables of support units in this section, then add the quotients to obtain the district's support units allowance for regular students, kindergarten through grade 12 including alternative school secondary students. Calculations in application of this subsection shall be carried out to the nearest tenth.

(ii) Divide the combined totals of the average daily attendance of all preschool, handicapped, kindergarten, elementary, secondary and juvenile detention center students approved for inclusion in the exceptional child program of the district by the appropriate divisor from the table for computation of exceptional education support units to obtain the number of support units allowed for the district's approved exceptional child program. Calculations for this subsection shall be carried out to the nearest tenth when more than one (1) unit is allowed.

(iii) The total number of support units of the district shall be the sum of the total support units for regular students, subsection (6)(a)(i) of this section, and the support units allowance for the approved exceptional child program, subsection (6)(a)(ii) of this section.

(b) Total District Allowance Educational Program. Multiply the district's total number of support units, carried out to the nearest tenth, by the state distribution factor per support unit and to this product add the approved amount of programs of the district provided in subsection (2) of this section to secure the district's total allowance for the educational support program.

(c) District Share. The district's share of state apportionment is the amount of the total district allowance, subsection (6)(b) of this section.

(d) Adjustment of District Share. The contract salary of every

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noncertificated teacher shall be subtracted from the district's share as calculated from the provisions of subsection (6)(c) of this section.

(7) Property Tax Computation Ratio. In order to receive state funds pursuant to this section a charter district shall utilize a school maintenance and operation property tax computation ratio for the purpose of calculating its maintenance and operation levy, that is no greater than that which it utilized in tax year 1994, less four-tenths of one percent (.4%). As used herein, the term "property tax computation ratio" shall mean a ratio determined by dividing the district's certified property tax maintenance and operation budget by the actual or adjusted market value for assessment purposes as such values existed on December 31, 1993. Such maintenance and operation levy shall be based on the property tax computation ratio multiplied by the actual or adjusted market value for assessment purposes as such values existed on December 31 of the prior calendar year.

SECTION 2. That Section 33-5102, Idaho Code, be, and the same is hereby amended to read as follows:

33-5102. DEFINITIONS. As used in this chapter:

(1) "Course" means a course of instruction or a program of instruction.

(2) "Dual Credit" means a course in which the student simultaneously earns both secondary and postsecondary credit.

(23) "Eligible institution" means an Idaho public postsecondary institution; a private two-year trade and technical school accredited by a reputable accrediting association; or a private, residential, two-year or four-year liberal arts, degree-granting college or university located in Idaho.

SECTION 3. That Section 33-5108, Idaho Code, be, and the same is hereby amended to read as follows:

33-5108. COURSES ACCORDING TO AGREEMENTS. An eligible pupil may enroll in a nonsectarian course taught by a secondary teacher or a postsecondary faculty member and offered at a secondary school, or another location, according to an agreement between a school board and the governing body of an eligible public postsecondary system or an eligible private postsecondary institution. A school board may make such agreements with any eligible postsecondary institution, without regard to geographic proximity. All provisions of this section shall apply to a pupil, school board, school district and the governing body of a postsecondary institution, except as otherwise provided.

SECTION 4. That Section 33-5110, Idaho Code, be, and the same is hereby amended to read as follows:

33-5110. FINANCIAL ARRANGEMENTS. (1) For a pupil enrolled in a course under the provisions of this chapter, the school district or other individuals or entities may make payments or partial payments according to the provisions of this section for courses that were taken for secondary credit, or for costs not covered by payments made pursuant to subsection (3) of this section.

(2) The school district superintendent shall not make payments to a postsecondary institution for a course taken for postsecondary credit only. The district superintendent shall not make payments to a postsecondary institution for a course from which a student officially withdraws during the first fourteen (14) days of the semester or for courses for audit.

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(3) Beginning in the first fiscal year in which funds are appropriated for such purpose, funds shall be distributed from monies appropriated for the educational support program to postsecondary institutions offering dual credit courses pursuant to this chapter, to defray the cost of per credit hour charges, based on the following limitations and eligibility criteria:

- (a) The amount distributed per credit hour shall equal the actual amount charged by the postsecondary institution, up to a maximum of fifty dollars (\$50) per credit hour. The state board of education and state department of education shall review this amount periodically, and make a joint recommendation to the legislature regarding necessary adjustments.
- (b) Funds for no more than three (3) credit hours shall be distributed per individual student, per semester.
- (c) Funds for no more than six (6) credit hours shall be distributed per individual student, per academic year.
- (d) For the purposes of this chapter, the summer shall be considered a separate semester, and part of the subsequent school year.
- (e) Any student failing to achieve a grade of "C" or better in their most recent dual credit course funded pursuant to this subsection shall be ineligible for future funding, until the student has successfully achieved a grade of "C" or better in a subsequent dual credit course in which the per credit hour costs were not paid pursuant to this subsection.
- (f) The student for whom the distribution is made must be eligible for dual credit courses under the provisions of this chapter.
- (g) The state department of education shall prescribe a schedule for distributions to postsecondary institutions made pursuant to this subsection, and may require secondary and postsecondary institutions to submit information to the department for the proper administration of said distributions.
- (h) The limit on the number of credit hours funded for an individual student, pursuant to this subsection, does not impose or imply any limit in the number of additional dual credit courses in which a student may enroll.

(4) A postsecondary institution may withhold any compensation it is providing for a secondary instructor teaching a dual credit class at a secondary campus location, if said instructor fails to attend in-service training that the postsecondary institution may require.

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**SUBJECT**

Teacher Evaluation Task Force Recommendations for Statute and Rule Changes

**REFERENCE**

12/4/2008

Presented the recommendations of the Teacher Evaluation Task Force to the State Board in a brief presentation.

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho Administrative code, IDAPA 08.02.02 – Section 120, Local District Evaluation Policy  
Section 33-514, Idaho Code  
Section 33-514A, Idaho Code  
Section 33-515, Idaho Code

**BACKGROUND/DISCUSSION**

The Fiscal Year 2009 public schools budget included \$50,000 for the research and development of the Teacher Evaluation Task Force. The task force began meeting in May 2008 with the charge of “developing minimum statewide standards for a fair, thorough, consistent and efficient system for evaluating teacher performance in Idaho.”

The scope of work for the task force was focused on examining and reviewing:

- Current Idaho law relating to teacher performance evaluations,
- Teacher evaluation models from around Idaho that were considered highly effective,
- The role of higher education in developing and training Idaho's teachers and administrators,
- National trends and practices in teacher supervision and evaluation.

The final recommendations being presented by the Teacher Evaluation Task Force include changes to State Statute and Idaho Administrative Code.

**IMPACT**

Changes may result in a reallocation of resources for some school districts and the State Department of Education. The primary source of funds will be Federal Title IIA dollars and some state dollars for trainings and professional development.

**ATTACHMENTS**

Attachment 1 – Teacher Performance Evaluation Legislative Report      Page 3

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**BOARD ACTION**

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

Office of the  
State Department  
of Education

**DRAFT**

**Public  
School Information**

# **Idaho Teacher Performance Evaluation Task Force**

**2009  
Legislative  
Report**

*Contact:*  
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*Deputy Superintendent, School Support Services*  
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## **Idaho Teacher Evaluation Task Force**

### **EXECUTIVE SUMMARY**

The Fiscal Year 2009 public schools budget included \$50,000 for the research and development of the Teacher Evaluation Task Force (See Addendum A: Fiscal Year 2009 Appropriation). The task force is comprised of key stakeholders from around the state who share in the desire to improve education in Idaho by adopting a consistent set of statewide standards for teacher evaluation (See Addendum B: Teacher Performance Evaluation Task Force Members). The task force began meeting in May 2008 with the charge of “developing minimum statewide standards for a fair, thorough, consistent and efficient system for evaluating teacher performance in Idaho.”

The scope of work for the task force was focused on examining and reviewing:

- Current Idaho law relating to teacher performance evaluations,
- Teacher evaluation models from around Idaho that were considered highly effective,
- The role of higher education in developing and training Idaho’s teachers and administrators,
- National trends and practices in teacher supervision and evaluation.

The following report highlights the work completed by the Teacher Performance Evaluation Task Force, including an overview of the goals, progress to date, key findings and recommendations for minimum statewide standards for teacher evaluation in Idaho.

### **OVERVIEW**

#### ***Vision Statement:***

To adopt a statewide research-based framework for a teacher evaluation system from which individual school districts will implement a fair, objective, reliable, valid and transparent evaluation process.

#### ***Goals:***

Develop a teacher evaluation system that:

- Impacts teacher performance
- Incorporates multiple measurements of effectiveness and achievement
- Communicates clearly defined expectations
- Enhances and improves student learning
- Is universally applicable – equality and consistency for large and small across the state
- Has flexibility for unique situations within districts
- Is fair and consistent
- Includes formative and summative evaluations

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- Includes self-evaluation/reflection

***Progress:***

The Teacher Performance Evaluation Task Force met seven times in person and once via conference call and Web from May 21, 2008 through January 8, 2009. The financial resources appropriated to the State Department of Education for the Teacher Performance Evaluation Task Force were primarily utilized for committee members' travel and associated costs. Other expenditures incurred by the task force included regional public meetings, administrative operating costs and consultant fees. Of the original \$50,000 allocated, a balance of \$9,395.14 remains as of January 1, 2008.

Although the task force discussed and debated pay-for-performance at several meetings, the task force members ultimately decided the scope of their work as defined by the legislature did not include tying standards for teacher evaluation to teacher performance pay. In reviewing the charge established by House Bill 669 that created the Teacher Performance Evaluation Task Force, the members of the task force believed that their sole mission was "to develop minimum standards for a fair, thorough, consistent and efficient system for evaluating teacher performance in Idaho."

To this end, the task force examined Idaho Code and Administrative Rules that govern teacher performance evaluations in Idaho to assist them in understanding where the gaps and inconsistencies existed in the system. They also invited faculty from Idaho's institutions of higher education to participate in a panel discussion focusing on administrator preparation programs and the standards that are being utilized to train Idaho's teachers.

In an attempt to understand the current practices in teacher performance evaluations around Idaho, the task force invited several school districts from across the state to present their teacher evaluation models. Those districts included Nampa School District, Castleford School District, Bonneville School District, Middleton School District, Meridian School District, Boise School District, Blaine County School District, and the Jordan School District in Utah. During these presentations, the task force members examined the advantages and disadvantages of each model and looked for common threads among the evaluation systems in an effort to develop statewide standards.

One of the most common threads was the use of Charlotte Danielson's Framework for Teaching domains and components of instruction. Dr. Danielson is a nationally recognized expert on school improvement and has authored numerous publications for the Association for Supervision and Curriculum Development. An educational consultant based in Princeton, New Jersey, she has worked at all levels of education. Much of Danielson's work has focused on teacher quality and evaluation, performance assessment, and professional development. Danielson developed the Framework for Teaching as a guide to help teachers become more effective and help them focus on areas in which they could improve. The framework groups teachers' responsibilities into

four major areas, which are clearly defined, and then further divided into components that highlight the practice of effective teaching.

In an attempt to gain a better understanding of Danielson's work, Danielson presented a two-day training for task force members where she walked the task force through the different elements and stages of evaluation and facilitated task force discussions in the following areas:

- State control versus local control in an evaluation model,
- The balance between student achievement and teacher performance in an evaluation system,
- Necessary guidelines and distinctions between evaluation of new and veteran teachers,
- Professional growth and improved practice.

***Key Findings:***

1. Idaho has a lack of consistency, reliability and validity in measuring teacher performance. Both the standards and procedures by which teachers are being evaluated were found to lack consistency from one district to the next and often within a district from one school to another.
2. Many teachers have expressed concerns about the quality, fairness, consistency and reliability of teacher evaluation systems currently being used across the state.
3. Idaho has a number of school districts that have spent considerable resources to create robust research based teacher performance evaluation models that have been developed with all stakeholders involved.
4. Administrator preparation programs located within Idaho's institutions of higher education must focus on more adequately preparing administrators for the supervision and evaluation of teachers in a purposeful, consistent way.
5. According to a survey conducted by the Idaho Education Association with a 77% response rate, a majority of Idaho's school districts are utilizing a teacher performance evaluation model that is based on Charlotte Danielson's Framework for teaching domains and components of instruction.
6. Idaho's Core Teaching Standards, which are used to train pre-service teachers and key to the ongoing professional development for practicing teachers are clearly aligned with Charlotte Danielson's Framework for teaching domains and components of instruction.

***Recommendations:***

The Teacher Performance Evaluation Task force recommends the following actions to the Superintendent of Public Instruction, the Idaho Legislature, and the Governor:

1. As minimum standards for research based teacher evaluation in all Idaho schools and districts, the task force recommends adopting the Charlotte Danielson Framework for Teaching domains and components of instruction.
  - a. The domains and components include:
    - i. **Domain 1 – Planning and Preparation**
      - 1a: Demonstrating Knowledge of Content and Pedagogy
      - 1b: Demonstrating Knowledge of Students
      - 1c: Setting Instructional Goals
      - 1d: Demonstrating Knowledge of Resources
      - 1e: Designing Coherent Instruction
      - 1f: Assessing Student Learning
    - ii. **Domain 2 – Learning Environment**
      - 2a: Creating an Environment of Respect and Rapport
      - 2b: Establishing a Culture for Learning
      - 2c: Managing Classroom Procedures
      - 2d. Managing Student Behavior
      - 2e: Organizing Physical Space
    - iii. **Domain 3 – Instruction and Use of Assessment**
      - 3a: Communicating Clearly and Accurately
      - 3b: Using Questioning and Discussion Techniques
      - 3c: Engaging Students in Learning
      - 3d: Providing Feedback to Students
      - 3e: Demonstrating Flexibility and Responsiveness
      - 3f: Use Assessment to Inform Instruction and Improve Student Achievement
    - iv. **Domain 4 – Professional Responsibilities**
      - 4a: Reflecting on Teaching
      - 4b: Maintaining Accurate Records
      - 4c: Communicating with Families
      - 4d: Contributing to the School and District
      - 4e: Growing and Developing Professionally
      - 4f: Showing Professionalism
  -
2. The task force recommends Idaho Code be amended to require that category one contract teachers be included in the evaluation process (See Addendum C: State Statute 33-514).

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3. The task force recommends that the language addressing the requirements for evaluation of category two contract teachers be clarified in Idaho Code (See Addendum C: State Statute 33-514).
4. The task force recommends that the language utilized in Idaho Code and Administrative Rule be amended so that all language is consistent and will prevent confusion (See Addendums C, D, E and F).
5. Amend Administrative Rule 08.02.02.120 Local District Evaluation Policy to include the following (See Addendum F: State Board Rule 08.02.120):
  - a. Districts must adopt or develop a research based teacher evaluation model that is aligned to state minimum standards based on Charlotte Danielson's Framework for Teaching domains and components of instruction
  - b. Each school district or public charter school's evaluation model must include:
    - i. A plan for ongoing training and professional development for evaluators/administrators and teachers on the district's evaluation standards, tool and process.
    - ii. A plan for funding ongoing training and professional development for administrators in evaluation
    - iii. A plan for collecting and using data gathered from the evaluation tool that will be used to inform and support continued professional development of both administrators and teachers.
    - iv. A plan for how evaluations will be used to identify proficiency and define a process that identifies and assists teachers in need of improvement
    - v. A plan for including all stakeholders, including teachers, board members and administrators, in the development and ongoing review of their teacher evaluation plan.
6. Adopt the following timeline for implementation of the new Idaho teacher performance evaluation standards:
  - a. January 2009: Teacher Performance Evaluation Task Force will present recommendations to the Office of the Governor and members of the Idaho Legislature.
  - b. Spring 2009: The Legislature will address any statutory changes during the 2009 session, and corresponding administrative rule changes will be addressed after the Legislative session.
  - c. Summer 2009: The Idaho State Department of Education will begin offering trainings and technical assistance on teacher performance evaluation standards. These trainings will be part of the technical assistance provided by the State Department of Education designed to assist school districts in the implementation of their new evaluation models (See Addendum G: State Department of Education Technical Assistance).



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- d. 2009-2010 school year: Districts will work with educational stakeholders to develop evaluation models.
- e. February 2010: Districts must submit their proposed models to the state for approval. The district's model must be signed by representatives from the Board of Trustees, administrators and teachers.
- f. Fall 2010: At a minimum, districts must begin piloting their approved Teacher Performance Evaluations:
  - i. Districts will be required to submit an interim progress report to the State Department of Education regarding the implementation of their plans.
  - ii. There will be a waiver process for districts that show evidence of progress but need additional time before piloting.
- g. Fall 2011: Full implementation of the teacher evaluation model.

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**ADDENDUM A**

**Fiscal Year 2009 Appropriation:**  
HOUSE BILL NO. 669

40           SECTION 9. Of the moneys appropriated in Section 3 of this act, up to  
41   \$50,000 may be expended by the Superintendent of Public Instruction to defray  
42   the costs associated with a Teacher Performance Evaluation Task Force. The  
43   Superintendent of Public Instruction shall appoint, convene and provide  
44   administrative support for said task force. The task force shall include the  
45   following members:  
46           (1) Three superintendents, principals or public charter school directors;  
47           (2) Three members of school district boards of trustees or public charter  
48           school boards of directors;  
49           (3) Three classroom teachers, at least two of whom must be members  
50           of teacher associations.  
51   The charge of this task force is to develop minimum standards for a fair,  
52   thorough, consistent and efficient system for evaluating teacher performance in  
53   Idaho, and to present its written recommendations to the Governor, State Board  
54   of Education, and the standing Education Committees of the Idaho Legislature by  
1   no later than January 30, 2009.

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**ADDENDUM B**

**Teacher Performance Evaluation  
Task Force Members**

Representative	Liz Chavez	Idaho House of Representatives, District 7
Head of School	Cody Claver	Idaho Virtual Academy
CEO, MED Management	Reed DeMourdant	Eagle
Special Assistant	Clete Edmunson	Office of the Governor
Chairman, Senate Education Committee	John Goedde	Idaho State Senate, District 4
Dean, College of Education	Jann Hill	Lewis and Clark State College
School Board Trustee	Wendy Horman	Bonneville School District
Teacher	Nancy Larsen	Couer d'Alene Charter Academy
School Board Turstee	Mark Moorer	Potlatch School District
Parent	Maria Nate	Rexburg
Teacher	Mikki Nuckols	Bonneville School District
Chairman, House Education Committee	Bob Nonini	Idaho House of Representatives, District 5
President, Oppenheimer Development	Skip Oppenheimer	Boise
Principal	Karen Pyron	Butte County School District
Superintendent	Roger Quarles	Caldwell School District
Parent, PTA	Suzette Robinson	Blackfoot
Teacher	Dan Sakota	Madison School District
Post-Secondary/School Board Trustee	Larry Thurgood	BYU-Idaho
School Board Trustee	Mike Vuittonet	Meridian School District
Teacher	Jena Wilcox	Pocatello School District
Superintendent/Principal	Andy Wiseman	Castleford School District
President, Idaho Education Association	Sherri Wood	Idaho Education Association

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Superintendent of Public Instruction	Tom Luna	State Department of Education
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## ADDENDUM C

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

(1) The board of trustees shall establish criteria and procedures for the supervision and evaluation of certificated employees who are not employed on a renewable contract, as provided for in section 33-515, Idaho Code.

(2) There shall be three (3) categories of annual contracts available to local school districts under which to employ certificated personnel:

(a) A category 1 contract is a limited one-year contract as provided in section 33-514A, Idaho Code.

(b) A category 2 contract is for certificated personnel in the first and second years of continuous employment with the same school district. Upon the decision by a local school board not to reemploy the person for the following year, the certificated employee shall be provided a written statement of reasons for non-reemployment by no later than May 25. No property rights shall attach to a category 2 contract and therefore the employee shall not be entitled to a review by the local board of the reasons or decision not to reemploy.

(c) A category 3 contract is for certificated personnel during the third year of continuous employment by the same school district. District procedures shall require at least one (1) evaluation prior to the beginning of the second semester of the school year and the results of any such evaluation shall be made a matter of record in the employee's personnel file. When any such employee's work is found to be unsatisfactory a defined period of probation shall be established by the board, but in no case shall a probationary period be less than eight (8) weeks. After the probationary period, action shall be taken by the board as to whether the employee is to be retained, immediately discharged, discharged upon termination of the current contract or reemployed at the end of the contract term under a continued probationary status. Notwithstanding the provisions of sections 67-2344 and 67-2345, Idaho Code, a decision to place certificated personnel on probationary status may be made in executive session and the employee shall not be named in the minutes of the meeting. A record of the decision shall be placed in the employee's personnel file. This procedure shall not preclude recognition of unsatisfactory work at a subsequent evaluation and the establishment of a reasonable period of probation. In all instances, the employee shall be duly notified in writing of the areas of work which are deficient, including the conditions of probation. Each such certificated employee on a category 3 contract shall be given notice, in writing, whether he or she will be reemployed for the next ensuing year. Such notice shall be given by the board of trustees no later than the twenty-fifth day of May of each such year. If the board of trustees has decided not to reemploy the certificated employee, then the notice must contain a statement of reasons for such decision and the

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employee shall, upon request, be given the opportunity for an informal review of such decision by the board of trustees. The parameters of an informal review shall be determined by the local board.

(3) School districts hiring an employee who has been on renewable contract status with another Idaho district or has out-of-state experience which would otherwise qualify the certificated employee for renewable contract status in Idaho, shall have the option to immediately grant renewable contract status, or to place the employee on a category 3 annual contract. Such employment on a category 3 contract under the provisions of this subsection may be for one (1), two (2) or three (3) years.

(4) There shall be a minimum of two (2) written evaluations in each of the annual contract years of employment, and at least one (1) evaluation shall be completed before January 1 of each year. ~~The provisions of this subsection (4) shall not apply to employees on a category 1 contract.~~

**ADDENDUM D**

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

## **ADDENDUM E**

**33-515. ISSUANCE OF RENEWABLE CONTRACTS.** During the third full year of continuous employment by the same school district, including any specially chartered district, each certificated employee named in subsection (16) of section 33-1001, Idaho Code, and each school nurse and school librarian shall be evaluated for a renewable contract and shall, upon having been offered a contract for the next ensuing year, having given notice of acceptance of renewal and upon signing a contract for a fourth full year, be placed on a renewable contract status with said school district subject to the provisions included in this chapter.

After the third full year of employment and at least once annually, the performance of each such certificated employee, school nurse, or school librarian shall be evaluated according to criteria and procedures established by the board of trustees in accordance with general guidelines approved by the state board of education. Except as otherwise provided, that person shall have the right to automatic renewal of contract by giving notice, in writing, of acceptance of renewal. Such notice shall be given to the board of trustees of the school district then employing such person not later than the first day of June preceding the expiration of the term of the current contract. Except as otherwise provided by this paragraph, the board of trustees shall notify each person entitled to be employed on a renewable contract of the requirement that such person must give the notice hereinabove and that failure to do so may be interpreted by the board as a declination of the right to automatic renewal or the offer of another contract. Such notification shall be made, in writing, not later than the fifteenth day of May, in each year, except to those persons to whom the board, prior to said date, has sent proposed contracts for the next ensuing year, or to whom the board has given the notice required by this section.

Any contract automatically renewed under the provisions of this section shall be for the same length as the term stated in the current contract and at a salary no lower than that specified therein, to which shall be added such increments as may be determined by the statutory or regulatory rights of such employee by reason of training, service, or performance.

Nothing herein shall prevent the board of trustees from offering a renewed contract increasing the salary of any certificated person, or from reassigning an administrative employee to a nonadministrative position with appropriate reduction of salary from the preexisting salary level. In the event the board of trustees reassigns an administrative employee to a nonadministrative position, the board shall give written notice to the employee which contains a statement of the reasons for the reassignment. The employee, upon written request to the board, shall be entitled to an informal review of that decision. The process and procedure for the informal review shall be determined by the local board of trustees.

Before a board of trustees can determine not to renew for reasons of an unsatisfactory report of the performance of any certificated person whose contract would otherwise be automatically renewed, or to renew the contract of any such person at a reduced salary, such person shall be entitled to a reasonable period of probation. This period of probation shall be preceded by a written notice from the board of trustees with reasons for such probationary period and with provisions for adequate supervision



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and evaluation of the person's performance during the probationary period. Such period of probation shall not affect the person's renewable contract status. Consideration of probationary status for certificated personnel is consideration of the status of an employee within the meaning of section 67-2345, Idaho Code, and may be held in executive session. If the consideration results in probationary status, the individual on probation shall not be named in the minutes of the meeting. A record of the decision shall be placed in the teacher's personnel file.

If the board of trustees takes action to immediately discharge or discharge upon termination of the current contract a certificated person whose contract would otherwise be automatically renewed, or to renew the contract of any such person at a reduced salary, the action of the board shall be consistent with the procedures specified in section 33-513(5), Idaho Code, and furthermore, the board shall notify the employee in writing whether there is just and reasonable cause not to renew the contract or to reduce the salary of the affected employee, and if so, what reasons it relied upon in that determination.

If the board of trustees, for reasons other than unsatisfactory service, for the ensuing contract year, determines to change the length of the term stated in the current contract, reduce the salary or not renew the contract of a certificated person whose contract would otherwise be automatically renewed, nothing herein shall require a probationary period.

## ADDENDUM F

### **08.02.02.120. LOCAL DISTRICT EVALUATION POLICY.**

Each school district board of trustees will develop and adopt policies for teacher performance evaluation in which criteria and procedures for the evaluation of certificated personnel are research based and aligned to Charlotte Danielson's Framework for Teaching domains and components of instruction ~~are established~~. The process of developing criteria and procedures for certificated personnel evaluation will allow opportunities for input from those affected by the evaluation; i.e., trustees, administrators and teachers. The evaluation policy will be a matter of public record and communicated to the certificated personnel for whom it is written. (4-1-97)

01. Standards. Each district evaluation model will be aligned to state minimum standards that are based on Charlotte Danielson's Framework for Teaching domains and components of instruction.

a. Those domains and components include:

i. Domain 1 – Planning and Preparation:

(1) Demonstrating Knowledge of Content and Pedagogy

(2) Demonstrating Knowledge of Students

(3) Setting Instructional Goals

(4) Demonstrating Knowledge of Resources

(5) Designing Coherent Instruction

(6) Assessing Student Learning

ii. Domain 2 – Learning Environment

(1) Creating an Environment of Respect and Rapport

(2) Establishing a Culture for Learning

(3) Managing Classroom Procedures

(4) Managing Student Behavior

(5) Organizing Physical Space

iii. Domain 3 – Instruction and Use of Assessment

- (1) Communicating Clearly and Accurately
- (2) Using Questioning and Discussion Techniques
- (3) Engaging Students in Learning
- (4) Providing Feedback to Students
- (5) Demonstrating Flexibility and Responsiveness
- (6) Use Assessment to Inform Instruction and Improve Student Achievement

iv. Domain 4 – Professional Responsibilities

- (1) Reflecting on Teaching
- (2) Maintaining Accurate Records
- (3) Communicating with Families
- (4) Contributing to the School and District
- (5) Growing and Developing Professionally
- (6) Showing Professionalism

04. 02. Participants. Each district evaluation policy will include provisions for evaluating all certificated employees identified in Section 33-1001, Idaho Code, Subsection 13, and each school nurse and librarian (Section 33-515, Idaho Code). Policies for evaluating certificated employees should identify the differences, if any, in the conduct of evaluations for nonrenewable contract personnel and renewable contract personnel. (4-1-97)

02. 03. Evaluation Policy - Content. Local school district policies will include, at a minimum, the following information:  
(4-1-97)

a. Purpose -- statements that identify the purpose or purposes for which the evaluation is being conducted; e.g., individual instructional improvement, personnel decisions. (4-1-97)

b. Evaluation criteria -- statements of the general criteria upon which certificated personnel will be evaluated. (4-1-97)

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c. Evaluator -- identification of the individuals responsible for appraising or evaluating certificated personnel performance. The individuals assigned this responsibility should have received training in evaluation.

(4-1-97)

d. Sources of data -- description of the sources of data used in conducting certificated personnel evaluations. For classroom teaching personnel, classroom observation should be included as one (1) source of data.

(4-1-97)

e. Procedure -- description of the procedure used in the conduct of certificated personnel evaluations.

(4-1-97)

f. Communication of results -- the method by which certificated personnel are informed of the results of evaluation.

(4-1-97)

g. Personnel actions -- the action, if any, available to the school district as a result of the evaluation and the procedures for implementing these actions; e.g., job status change. Note: in the event the action taken as a result of evaluation is to not renew an individual's contract or to renew an individual's contract at a reduced rate, school districts should take proper steps to follow the procedures outlined in Sections 33-513 through 33-515, Idaho Code in order to assure the due process rights of all personnel.

(4-1-97)

h. Appeal -- the procedure available to the individual for appeal or rebuttal when disagreement exists regarding the results of certificated personnel evaluations. (4-1-97)

i. Remediation -- the procedure available to provide remediation in those instances where remediation is determined to be an appropriate course of action.

(4-1-97)

j. Monitoring and evaluation. -- A description of the method used to monitor and evaluate the district's personnel evaluation system.

(4-1-97)

k. Professional development and training -- a plan for ongoing training for evaluators/administrators and teachers on the districts evaluation standards, tool and process.

l. Funding -- a plan for funding ongoing training and professional development for administrators in evaluation.

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m. Collecting and using data -- a plan for collecting and using data gathered from the evaluation tool that will be used to inform professional development.

n. A plan for how evaluations will be used to identify proficiency and define a process that identifies and assists teachers in need of improvement.

o. A plan for including all stakeholders including, but not limited to, teachers, board members and administrators in the development and ongoing review of their teacher evaluation plan.

~~03.~~ 04. Evaluation Policy - Frequency of Evaluation. The evaluation policy should include a provision for evaluating all certificated personnel on a fair and consistent basis. At a minimum, the policy must provide standards for evaluating the following personnel: (4-1-97)

a. First-, second-, and third-year nonrenewable contract personnel will be evaluated at least once prior to the beginning of the second semester of the school year. (4-1-97)

b. All renewable contract personnel will be evaluated at least once annually. (4-1-97)

~~04.~~ 05. Evaluation Policy - Personnel Records. Permanent records of each certificated personnel evaluation will be maintained in the employee's personnel file. All evaluation records will be kept confidential within the parameters identified in federal and state regulations regarding the right to privacy (Section 33-518, Idaho Code). (4-1-97)

## **Addendum G**

### **Technical Assistance Provided by the State Department of Education**

- The State Department of Education will provide regional trainings on the Charlotte Danielson Framework by utilizing existing state and federal dollars to fund the trainings.
- The State Department of Education will establish a web site with links to sample state-approved district evaluation models that can be utilized by districts as they work to develop their own model. The website will also contain sample evaluation tools and rubrics.
- State Department of Education will review each district's Teacher Evaluation Model for approval or recommendations for change. These plans will be reviewed by State Department of Education staff that will be trained to evaluate plans for compliance. Districts whose plans are not approved will have the ability to appeal that decision by filing a rejoinder.

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**SUBJECT**

Public Schools FY 2010 Budget Discussion

**REFERENCE**

10/9-10/2008

Presented the FY 2010 Public Schools Budget Request

**BACKGROUND/DISCUSSION**

Superintendent Tom Luna submitted his FY2010 budget to the Division of Financial Management September 1, 2008. Since that time, the state of Idaho has experienced unprecedented drops in revenue. State agencies have experienced a four percent holdback. Public schools, thanks to the Public School Stabilization Fund (PSSF) have been spared holdbacks. Currently, \$60.7 million has been withdrawn from the fund leaving approximately \$54 million remaining.

**IMPACT**

Public schools will no longer be held harmless due to the economic situation in the state. Governor C.L. "Butch" Otter recommends cutting public education by 5.3 percent. Superintendent Luna will submit a revised budget request to the Joint Finance Committee January 29.

Superintendent Luna has solicited ideas from a variety of stakeholders as to potential cuts. The State has made tremendous progress in the last two years, and Superintendent Luna wants to ensure cuts are made with the effect of student achievement in mind.

The Superintendent would like to update the Board on his discussions with stakeholders and receive feedback on the Board's ideas for the public school budget.

**ATTACHMENTS**

Attachment 1 – FY 2010 Public Schools Budget

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**BOARD ACTION**

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

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Public School Support  
Administration

	FTP	Personnel Costs	Operating Expenditures	Capital Outlay	Trustee/ Ben Payments	Lump Sum	Total Gov Rec
<b>Description:</b> The Administration Division provides for the costs of local school district administration. These include the costs of superintendents, deputy superintendents, principals, and assistant principals.							
<b>FY 2009 Original Appropriation</b>							
3.00 FY 2009 Original Appropriation: HB 668							
General	0.00	0	0	0	0	85,391,500	85,391,500
Federal	0.00	0	0	0	0	2,150,300	2,150,300
<b>Total</b>	<b>0.00</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>87,541,800</b>	<b>87,541,800</b>
<b>FY 2009 Total Appropriation</b>							
General	0.00	0	0	0	0	85,391,500	85,391,500
Federal	0.00	0	0	0	0	2,150,300	2,150,300
<b>Total</b>	<b>0.00</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>87,541,800</b>	<b>87,541,800</b>
<b>FY 2009 Estimated Expenditures</b>							
General	0.00	0	0	0	0	85,391,500	85,391,500
Federal	0.00	0	0	0	0	2,150,300	2,150,300
<b>Total</b>	<b>0.00</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>87,541,800</b>	<b>87,541,800</b>
<b>Base Adjustments</b>							
8.31 Transfer Between Programs: This decision unit transfers spending authority for federal funds from Administration and Teachers to Operations and Children's Programs to better assign funds to expenditures and program needs.							
Federal	0.00	0	0	0	0	(2,150,300)	(2,150,300)
<b>Total</b>	<b>0.00</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>(2,150,300)</b>	<b>(2,150,300)</b>
8.59 FY 2010 Base Reduction: This decision unit reflects an ongoing General Fund base reduction needed to balance the state budget. This reduction represents a decrease to the FY 2010 General Fund ongoing appropriation of 5.64% and approximately 4.3% statewide. After the Governor's recommended funding of support unit growth in DU 10.71, the overall reduction is 4.2%. The Governor recommends specific program reductions to meet this base reduction be identified by the Superintendent of Public Instruction.							
General	0.00	0	0	0	0	(4,816,600)	(4,816,600)
<b>Total</b>	<b>0.00</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>(4,816,600)</b>	<b>(4,816,600)</b>
<b>FY 2010 Base</b>							
General	0.00	0	0	0	0	80,574,900	80,574,900
Federal	0.00	0	0	0	0	0	0
<b>Total</b>	<b>0.00</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>80,574,900</b>	<b>80,574,900</b>
<b>Program Maintenance</b>							
10.61 Salary Multiplier: While increasing salaries for state workers continues to be a priority for the Governor, the current economic situation does not provide the funds to recommend an increase in FY 2010. When economic conditions improve, the Governor will once again seek to improve compensation for all state and employees.							
General	0.00	0	0	0	0	0	0
<b>Total</b>	<b>0.00</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

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Public School Support  
Facilities

	FTP	Personnel Costs	Operating Expenditures	Capital Outlay	Trustee/ Ben Payments	Lump Sum	Total Gov Rec
10.72 Nondiscretionary Adjustments: The Governor recommends funding estimated growth in eligible local school district bonds that will apply for assistance from the Bond Levy Equalization Program.							
General	0.00	0	0	0	0	1,400,000	1,400,000
<b>Total</b>	<b>0.00</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,400,000</b>	<b>1,400,000</b>
<b>FY 2010 Total Maintenance</b>							
General	0.00	0	0	0	0	18,667,800	18,667,800
Dedicated	0.00	0	0	0	0	19,025,000	19,025,000
<b>Total</b>	<b>0.00</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>37,692,800</b>	<b>37,692,800</b>
<b>Line Items</b>							
12.01 Safe School Study: Due to severe budget constraints, the Governor does not recommend additional funding for the Safe School Study.							
General	0.00	0	0	0	0	0	0
<b>Total</b>	<b>0.00</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
12.02 Bond Levy Equalization: The Governor recommends funding for the Bond Levy Equalization Program from the Public Schools Facilities Cooperative Fund in FY 2010. \$16,500,000 is included in base funding for the Bond Levy Equalization program.							
General	0.00	0	0	0	0	(16,500,000)	(16,500,000)
Dedicated	0.00	0	0	0	0	16,500,000	16,500,000
<b>Total</b>	<b>0.00</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>FY 2010 Gov's Recommendation</b>							
General	0.00	0	0	0	0	2,167,800	2,167,800
Dedicated	0.00	0	0	0	0	35,525,000	35,525,000
<b>Total</b>	<b>0.00</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>37,692,800</b>	<b>37,692,800</b>

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Public School Support  
Administration

	FTP	Personnel Costs	Operating Expenditures	Capital Outlay	Trustee/ Ben Payments	Lump Sum	Total Gov Rec
10.71 Nondiscretionary Adjustments: This decision unit provides additional funding for anticipated support unit growth in FY 2010. Support unit growth is estimated to increase from 13,970 to 14,110. The Mid-term Support Unit Increase is due to an estimated increase in student enrollment increasing the demand for additional staff. Salaries for the additional staff equals \$725,645 and state paid employee benefits total \$128,055.							
General	0.00	0	0	0	0	853,700	853,700
Total	0.00	0	0	0	0	853,700	853,700
<b>FY 2010 Total Maintenance</b>							
General	0.00	0	0	0	0	81,428,600	81,428,600
Federal	0.00	0	0	0	0	0	0
Total	0.00	0	0	0	0	81,428,600	81,428,600
<b>FY 2010 Gov's Recommendation</b>							
General	0.00	0	0	0	0	81,428,600	81,428,600
Federal	0.00	0	0	0	0	0	0
Total	0.00	0	0	0	0	81,428,600	81,428,600

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Public School Support  
Teachers

	FTP	Personnel Costs	Operating Expenditures	Capital Outlay	Trustee/ Ben Payments	Lump Sum	Total Gov Rec
<b>Description:</b> The Division of Teachers provides for the cost of instructional services in Idaho's school districts and charter schools.							
<b>FY 2009 Original Appropriation</b>							
3.00 FY 2009 Original Appropriation: HB 669							
General	17,660.57	0	0	0	0	746,380,700	746,380,700
Federal	49.26	0	0	0	0	70,693,800	70,693,800
<b>Total</b>	<b>17,709.83</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>817,074,500</b>	<b>817,074,500</b>
<b>FY 2009 Total Appropriation</b>							
General	17,660.57	0	0	0	0	746,380,700	746,380,700
Federal	49.26	0	0	0	0	70,693,800	70,693,800
<b>Total</b>	<b>17,709.83</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>817,074,500</b>	<b>817,074,500</b>
<b>FY 2009 Estimated Expenditures</b>							
General	17,660.57	0	0	0	0	746,380,700	746,380,700
Federal	49.26	0	0	0	0	70,693,800	70,693,800
<b>Total</b>	<b>17,709.83</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>817,074,500</b>	<b>817,074,500</b>
<b>Base Adjustments</b>							
8.31 Transfer Between Programs: This decision unit transfers spending authority for federal funds from Administration and Teachers to Operations and Children's Programs to better assign funds to expenditures and program needs.							
Federal	0.00	0	0	0	0	(40,693,800)	(40,693,800)
<b>Total</b>	<b>0.00</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>(40,693,800)</b>	<b>(40,693,800)</b>
8.41 Removal of One-Time Expenditures: This decision unit removes one-time funding for the Teacher Evaluation Task Force.							
General	0.00	0	0	0	0	(50,000)	(50,000)
<b>Total</b>	<b>0.00</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>(50,000)</b>	<b>(50,000)</b>
8.59 FY 2010 Base Reduction: This decision unit reflects an ongoing General Fund base reduction needed to balance the state budget. This reduction represents a decrease to the FY 2010 General Fund ongoing appropriation of 5.64% and approximately 4.3% statewide. After the Governor's recommended funding of support unit growth in DU 10.71, the overall reduction is 4.2%. The Governor recommends specific program reductions to meet this base reduction be identified by the Superintendent of Public Instruction.							
General	0.00	0	0	0	0	(42,097,400)	(42,097,400)
<b>Total</b>	<b>0.00</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>(42,097,400)</b>	<b>(42,097,400)</b>
<b>FY 2010 Base</b>							
General	17,660.57	0	0	0	0	704,233,300	704,233,300
Federal	49.26	0	0	0	0	30,000,000	30,000,000
<b>Total</b>	<b>17,709.83</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>734,233,300</b>	<b>734,233,300</b>
<b>Program Maintenance</b>							
10.61 Salary Multiplier: While increasing salaries for state workers continues to be a priority for the Governor, the current economic situation does not provide the funds to recommend an increase in FY 2010. When economic conditions improve, the Governor will once again seek to improve compensation for all state employees.							
General	0.00	0	0	0	0	0	0
<b>Total</b>	<b>0.00</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**STATE DEPARTMENT OF EDUCATION  
JANUARY 26, 2009**

Public School Support  
Teachers

	FTP	Personnel Costs	Operating Expenditures	Capital Outlay	Trustee/ Ben Payments	Lump Sum	Total Gov Rec
10.71 Nondiscretionary Adjustments: This decision unit provides additional funding for anticipated support unit growth in FY 2010. Support unit growth is estimated to increase from 13,970 to 14,110. The Mid-term Support Unit increase is due to an estimated increase in student enrollment increasing the demand for additional staff. Salaries for the additional staff equals \$6,208,485 and state paid employee benefits total \$1,095,615.							
General	0.00	0	0	0	0	7,304,100	7,304,100
Total	0.00	0	0	0	0	7,304,100	7,304,100

**FY 2010 Total Maintenance**

General	17,660.57	0	0	0	0	711,537,400	711,537,400
Federal	49.26	0	0	0	0	30,000,000	30,000,000
Total	17,709.83	0	0	0	0	741,537,400	741,537,400

**Line Items**

12.01 Teacher Salary Increase: The Governor does not recommend an additional increase in the base salary for teachers. The economic condition of the state does not support additional funding.

General	0.00	0	0	0	0	0	0
Total	0.00	0	0	0	0	0	0

12.02 Classroom Supplies: The Governor recommends fully funding Classroom Supplies to accommodate the growth in teacher FTPs from 15,370 to 15,620. The distribution per FTP is \$350, totaling \$87,500. Due to the limited availability of funds, the Governor does not recommend new funding for classroom supplies for libraries. Should funding be available in the future, proposals to expand distributions to libraries will be considered.

General	0.00	0	0	0	0	87,500	87,500
Dedicated	0.00	0	0	0	0	0	0
Total	0.00	0	0	0	0	87,500	87,500

12.03 Gifted / Talented: The Governor appreciates the importance of Gifted & Talented programs in schools, but the funding is not available to support increased funding at this time. However, the Governor would consider such a line item when economic conditions improve.

General	0.00	0	0	0	0	0	0
Total	0.00	0	0	0	0	0	0

**FY 2010 Gov's Recommendation**

General	17,660.57	0	0	0	0	711,624,900	711,624,900
Dedicated	0.00	0	0	0	0	0	0
Federal	49.26	0	0	0	0	30,000,000	30,000,000
Total	17,709.83	0	0	0	0	741,624,900	741,624,900



**STATE DEPARTMENT OF EDUCATION  
JANUARY 26, 2009**

Public School Support  
Operations

	FTP	Personnel Costs	Operating Expenditures	Capital Outlay	Trustee/ Ben Payments	Lump Sum	Total Gov Rec
<b>Description:</b> The Operations Division provides for all costs of non-certified staff working in local school districts as well as costs for materials and supplies and transportation necessary to allow the local school district to educate Idaho's children.							
<b>FY 2009 Original Appropriation</b>							
3.00 FY 2009 Original Appropriation: HB 670							
General	0.00	0	0	0	0	539,844,200	539,844,200
Dedicated	0.00	0	0	0	0	36,955,700	36,955,700
Federal	0.00	0	0	0	0	13,589,800	13,589,800
Other	5,886.85	0	0	0	0	196,000,000	196,000,000
<b>Total</b>	<b>5,886.85</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>786,389,700</b>	<b>786,389,700</b>
<b>Appropriation Adjustments</b>							
4.51 Governor's Holdback: This decision unit reflects the first round of ongoing General Fund holdback amounts. This reduction represents an overall decrease to the FY 2009 General Fund ongoing appropriation of 1%. The combination of this decision unit and DU 4.52 equates to a total reduction of 4% as authorized by Executive Order 2008-05.							
General	0.00	0	0	0	0	(14,182,900)	(14,182,900)
Dedicated	0.00	0	0	0	0	14,182,900	14,182,900
<b>Total</b>	<b>0.00</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
4.52 Governor's Holdback: This decision unit reflects the second round of ongoing General Fund holdback amounts. This reduction represents an overall decrease to the FY 2009 General Fund ongoing appropriation of 3%. The combination of this decision unit and DU 4.51 equates to a total reduction of 4% as authorized by Executive Order 2008-05.							
General	0.00	0	0	0	0	(46,521,300)	(46,521,300)
Dedicated	0.00	0	0	0	0	46,521,300	46,521,300
<b>Total</b>	<b>0.00</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>FY 2009 Total Appropriation</b>							
General	0.00	0	0	0	0	479,140,000	479,140,000
Dedicated	0.00	0	0	0	0	97,659,900	97,659,900
Federal	0.00	0	0	0	0	13,589,800	13,589,800
Other	5,886.85	0	0	0	0	196,000,000	196,000,000
<b>Total</b>	<b>5,886.85</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>786,389,700</b>	<b>786,389,700</b>
<b>FY 2009 Estimated Expenditures</b>							
General	0.00	0	0	0	0	479,140,000	479,140,000
Dedicated	0.00	0	0	0	0	97,659,900	97,659,900
Federal	0.00	0	0	0	0	13,589,800	13,589,800
Other	5,886.85	0	0	0	0	196,000,000	196,000,000
<b>Total</b>	<b>5,886.85</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>786,389,700</b>	<b>786,389,700</b>
<b>Base Adjustments</b>							
8.31 Transfer Between Programs: This decision unit transfers spending authority for federal funds from Administration and Teachers to Operations and Children's Programs to better assign funds to expenditures and program needs.							
Federal	0.00	0	0	0	0	767,200	767,200
<b>Total</b>	<b>0.00</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>767,200</b>	<b>767,200</b>

**STATE DEPARTMENT OF EDUCATION  
JANUARY 26, 2009**

Public School Support  
Operations

	FTP	Personnel Costs	Operating Expenditures	Capital Outlay	Trustee/ Ben Payments	Lump Sum	Total Gov Rec
8.41 Removal of One-Time Expenditures: This decision unit removes one-time funding and spending authority for the Rural School Initiative and the distribution of the Agriculture Property Tax Replacement.							
General	0.00	0	0	0	0	(50,000)	(50,000)
Dedicated	0.00	0	0	0	0	(2,262,800)	(2,262,800)
<b>Total</b>	<b>0.00</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>(2,312,800)</b>	<b>(2,312,800)</b>
8.42 Removal of One-Time Expenditures: This decision unit removes a one-time fund shift from the General Fund to the Public Education Stabilization Fund the accommodate the Governor's Holdback							
Dedicated	0.00	0	0	0	0	(60,704,200)	(60,704,200)
<b>Total</b>	<b>0.00</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>(60,704,200)</b>	<b>(60,704,200)</b>
8.59 FY 2010 Base Reduction: This decision unit reflects an ongoing General Fund base reduction needed to balance the state budget. This reduction represents a decrease to the FY 2010 General Fund ongoing appropriation of 5.64% and approximately 4.3% statewide. After the Governor's recommended funding of support unit growth in DU 10.71, the overall reduction is 4.2%. The Governor recommends specific program reductions to meet this base reduction be identified by the Superintendent of Public Instruction.							
General	0.00	0	0	0	0	(30,447,600)	(30,447,600)
<b>Total</b>	<b>0.00</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>(30,447,600)</b>	<b>(30,447,600)</b>
8.91 Other Adjustments: This decision unit restores the General Fund reduction to base that was implemented as part of the Governor's holdback.							
General	0.00	0	0	0	0	60,704,200	60,704,200
<b>Total</b>	<b>0.00</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>60,704,200</b>	<b>60,704,200</b>
<b>FY 2010 Base</b>							
General	0.00	0	0	0	0	509,346,600	509,346,600
Dedicated	0.00	0	0	0	0	34,692,900	34,692,900
Federal	0.00	0	0	0	0	14,357,000	14,357,000
Other	5,886.85	0	0	0	0	196,000,000	196,000,000
<b>Total</b>	<b>5,886.85</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>754,396,500</b>	<b>754,396,500</b>
<b>Program Maintenance</b>							
10.61 Salary Multiplier: While increasing salaries for state workers continues to be a priority for the Governor, the current economic situation does not provide the funds to recommend an increase in FY 2010. When economic conditions improve, the Governor will once again seek to improve compensation for all state employees.							
General	0.00	0	0	0	0	0	0
<b>Total</b>	<b>0.00</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
10.71 Nondiscretionary Adjustments: This decision unit provides additional funding to anticipated support unit growth in FY 2010. Support unit growth is estimated to increase from 13,970 to 14,110. The Mid-term Support Unit increase is due to an estimated increase in student enrollment increasing the need for additional staff. Salaries for the additional staff equals \$1,128,800 and state paid employee benefits total \$199,200.							
General	0.00	0	0	0	0	1,328,000	1,328,000
<b>Total</b>	<b>0.00</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,328,000</b>	<b>1,328,000</b>
10.72 Nondiscretionary Adjustments: The Governor recommends funding for increased pupil transportation costs. The increase is based on estimated reimbursable expenses due to increased student enrollment and operational costs. The state reimburses school districts for eligible pupil transportation costs according to a formula outlined in statute.							
General	0.00	0	0	0	0	5,923,900	5,923,900
<b>Total</b>	<b>0.00</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5,923,900</b>	<b>5,923,900</b>

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FY 2010 Executive Budget Detail

**STATE DEPARTMENT OF EDUCATION  
JANUARY 26, 2009**

Public School Support  
Operations

	FTP	Personnel Costs	Operating Expenditures	Capital Outlay	Trustee/ Ben Payments	Lump Sum	Total Gov Rec
10.73 Nondiscretionary Adjustments: The Governor recommends additional funding and spending authority for growth in the survey of best 28 weeks 13,900 to 14,040.							
General	0.00	0	0	0	0	1,997,900	1,997,900
Dedicated	0.00	0	0	0	0	1,599,500	1,599,500
<b>Total</b>	<b>0.00</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3,597,400</b>	<b>3,597,400</b>
10.74 Nondiscretionary Adjustments: The Governor recommends additional spending authority for an increased revenue stream from local school property taxes. This does not include plant facilities and bonds.							
Other	0.00	0	0	0	0	39,000,000	39,000,000
<b>Total</b>	<b>0.00</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>39,000,000</b>	<b>39,000,000</b>
<b>FY 2010 Total Maintenance</b>							
General	0.00	0	0	0	0	518,596,400	518,596,400
Dedicated	0.00	0	0	0	0	36,292,400	36,292,400
Federal	0.00	0	0	0	0	14,357,000	14,357,000
Other	5,886.85	0	0	0	0	235,000,000	235,000,000
<b>Total</b>	<b>5,886.85</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>804,245,800</b>	<b>804,245,800</b>
<b>Line Items</b>							
12.01 Super Classified: The Governor does not recommend additional funding for a higher salary multiplier for designated classified employees due to limited availability of funds. The Governor recognizes the importance of this issue, and would review and consider similar requests carefully in future years should additional General Fund monies be available.							
General	0.00	0	0	0	0	0	0
<b>Total</b>	<b>0.00</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
12.02 Distribution Factor (Discretionary Funds): The Governor does not recommend additional discretionary state funding for school districts. There are not adequate General Fund monies to support additional funding at this time.							
General	0.00	0	0	0	0	0	0
<b>Total</b>	<b>0.00</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
12.03 Agriculture Replacement: The Governor recommends additional spending authority to facilitate a gradual phase-out of the Maintenance & Operations portion of the property tax on agricultural equipment. The FY 2010 budget reflects a distribution that represents 40% of the funding provided prior to the 2007 Legislative session. This schedule was outlined in Section 5 of SB 1217 in the 2007 Legislative session.							
Dedicated	0.00	0	0	0	0	1,508,500	1,508,500
<b>Total</b>	<b>0.00</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,508,500</b>	<b>1,508,500</b>
<b>FY 2010 Gov's Recommendation</b>							
General	0.00	0	0	0	0	518,596,400	518,596,400
Dedicated	0.00	0	0	0	0	37,800,900	37,800,900
Federal	0.00	0	0	0	0	14,357,000	14,357,000
Other	5,886.85	0	0	0	0	235,000,000	235,000,000
<b>Total</b>	<b>5,886.85</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>805,754,300</b>	<b>805,754,300</b>



**STATE DEPARTMENT OF EDUCATION  
JANUARY 26, 2009**

Public School Support  
Children's Programs

	FTP	Personnel Costs	Operating Expenditures	Capital Outlay	Trustee/ Ben Payments	Lump Sum	Total Gov Rec
<b>Description:</b> The Children's Program Division provides funding for specialized programs needed to provide a quality educational experience to a divergent population. Programs include Limited English Proficiency and Gifted and Talented student education.							
<b>FY 2009 Original Appropriation</b>							
3.00 FY 2009 Original Appropriation: HB 672							
General	0.00	0	0	0	0	28,526,300	28,526,300
Dedicated	0.00	0	0	0	0	7,000,000	7,000,000
Federal	0.00	0	0	0	0	134,923,100	134,923,100
<b>Total</b>	<b>0.00</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>170,449,400</b>	<b>170,449,400</b>
<b>FY 2009 Total Appropriation</b>							
General	0.00	0	0	0	0	28,526,300	28,526,300
Dedicated	0.00	0	0	0	0	7,000,000	7,000,000
Federal	0.00	0	0	0	0	134,923,100	134,923,100
<b>Total</b>	<b>0.00</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>170,449,400</b>	<b>170,449,400</b>
<b>FY 2009 Estimated Expenditures</b>							
General	0.00	0	0	0	0	28,526,300	28,526,300
Dedicated	0.00	0	0	0	0	7,000,000	7,000,000
Federal	0.00	0	0	0	0	134,923,100	134,923,100
<b>Total</b>	<b>0.00</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>170,449,400</b>	<b>170,449,400</b>
<b>Base Adjustments</b>							
8.31 Transfer Between Programs: This decision unit transfers spending authority for federal funds from Administration and Teachers to Operations and Children's Programs to better assign funds to expenditures and program needs.							
Federal	0.00	0	0	0	0	42,076,900	42,076,900
<b>Total</b>	<b>0.00</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>42,076,900</b>	<b>42,076,900</b>
8.41 Removal of One-Time Expenditures: This decision unit removes one-time funding for dual credit class development.							
General	0.00	0	0	0	0	(50,000)	(50,000)
<b>Total</b>	<b>0.00</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>(50,000)</b>	<b>(50,000)</b>
8.59 FY 2010 Base Reduction: This decision unit reflects an ongoing General Fund base reduction needed to balance the state budget. This reduction represents a decrease to the FY 2010 General Fund ongoing appropriation of 5.64% and approximately 4.3% statewide. After the Governor's recommended funding of support unit growth in DU 10.71, the overall reduction is 4.2%. The Governor recommends specific program reductions to meet this base reduction be identified by the Superintendent of Public Instruction.							
General	0.00	0	0	0	0	(1,606,200)	(1,606,200)
<b>Total</b>	<b>0.00</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>(1,606,200)</b>	<b>(1,606,200)</b>
<b>FY 2010 Base</b>							
General	0.00	0	0	0	0	26,870,100	26,870,100
Dedicated	0.00	0	0	0	0	7,000,000	7,000,000
Federal	0.00	0	0	0	0	177,000,000	177,000,000
<b>Total</b>	<b>0.00</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>210,870,100</b>	<b>210,870,100</b>

Lloyd Knight

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FY 2010 Executive Budget Detail

**STATE DEPARTMENT OF EDUCATION  
JANUARY 26, 2009**

Public School Support  
Children's Programs

	FTP	Personnel Costs	Operating Expenditures	Capital Outlay	Trustee/ Ben Payments	Lump Sum	Total Gov Rec
<b>Program Maintenance</b>							
10.71 Nondiscretionary Adjustments: The Governor recommends increased funding for the Idaho Digital Learning Academy to adjust for an estimated increase in student enrollment from 6,100 to 10,200 for FY 2010.							
General	0.00	0	0	0	0	2,070,500	2,070,500
<b>Total</b>	<b>0.00</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2,070,500</b>	<b>2,070,500</b>
<b>FY 2010 Total Maintenance</b>							
General	0.00	0	0	0	0	28,940,600	28,940,600
Dedicated	0.00	0	0	0	0	7,000,000	7,000,000
Federal	0.00	0	0	0	0	177,000,000	177,000,000
<b>Total</b>	<b>0.00</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>212,940,600</b>	<b>212,940,600</b>
<b>Line Items</b>							
12.01 Dual Credit: While the Governor supports the efforts of Dual Credit programs, General Fund monies are insufficient to provide funding in FY 2010.							
General	0.00	0	0	0	0	0	0
<b>Total</b>	<b>0.00</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
12.02 Math Initiative: Due to severe budget constraints, the Governor does not recommend additional funding for the Math Initiative.							
General	0.00	0	0	0	0	0	0
<b>Total</b>	<b>0.00</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>FY 2010 Gov's Recommendation</b>							
General	0.00	0	0	0	0	28,940,600	28,940,600
Dedicated	0.00	0	0	0	0	7,000,000	7,000,000
Federal	0.00	0	0	0	0	177,000,000	177,000,000
<b>Total</b>	<b>0.00</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>212,940,600</b>	<b>212,940,600</b>

**INSTRUCTION, RESEARCH, AND STUDENT AFFAIRS**  
**JANUARY 26, 2009**

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**SUBJECT**

Approval of the Idaho Accountability Workbook

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho Administrative Code IDAPA 08.02.03 - Section 112, Accountability  
No Child Left Behind Act of 2001. Title IX, Part C, Section 9302 of the  
Elementary and Secondary Education Act (Public Law 107-110)  
Consolidated State Application Accountability Workbook

**BACKGROUND/DISCUSSION**

The No Child Left Behind Act of 2001 requires an overall accountability plan summarizing the implementation status for required elements of the Idaho accountability system. The Consolidated State Application Accountability Workbook (CSAAW) was first submitted in 2003. Contents included in the CSAAW are cited in Idaho Administrative Code 08.02.03 Rules Governing Thoroughness. The plan is reviewed annually by Board staff. Amendments are submitted each March and approved by the U.S. Department of Education (USDE).

The Board last approved amendments to the Accountability Workbook in June 2008. Additional amendments were recently completed that include deletions of historical references that are now irrelevant, clarifications of current policy and the addition of Appendix A: Adequate Yearly Progress Accountability Procedures for Idaho Local Education Agencies & Schools (Approved by the State Board of Education June 2004, Revised January 2008). The addition of Appendix A brings clarity and coherence to the accountability process for all Idaho schools and districts.

In October, the Office of the State Board (OSBE) invited 18 representative stakeholders to attend a two-day meeting to review the Accountability Workbook. William Erpenbach, Ph.D. served as the facilitator. This advisory group made recommendations for amendments and editorial changes. Three policies were clarified and rewritten based on stakeholder input for better understanding in the field. The three policy changes are described as amendments below. All of the amendments have been thoroughly reviewed by the staff of the State Department of Education (SDE) and the staff at the Office of the State Board.

**The three amendments are as follows:**

1. Chart 2 LEA and School Sanctions  
Addition: Include SDE Adequate Yearly Progress Accountability Procedures for Idaho Local Agencies and School as Appendix A of the Accountability Workbook.  
Clarification: Direct non-Title I schools to the SDE procedures document for offering Supplemental Services.

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2. Change: Include retesting 11<sup>th</sup> and 12<sup>th</sup> grade students in the high school AYP calculations.
3. Addition: The use of attendance rate as an option for the third indicator; target at 93% attendance rate.

**Additional Editorial Corrections and Clarifications**

In addition, several editorial corrections were made to update the Accountability Workbook and included as track changes for Board review.

**IMPACT**

The impact of amendment 1 is that districts will have full access to available flexibility to provide Supplemental Services for Title I schools and non-Title I schools. Adding SDE procedures document will clarify the existing flexibility for non-Title I schools that are currently underutilized. All schools will be accountable for AYP, posted on Board Website each August, and required to offer choice when they are identified as missing AYP for two consecutive years. The requirement of Supplemental Services, required for Title I schools, may be addressed differently for non-Title I schools. While schools will still be required to offer additional support to underperforming students, schools will have more options available. This amendment does not change current policy or practice, but will clarify existing policy and inform stakeholders about options in non-Title I schools.

The impact of amendment 2 is that more high schools will make AYP. High schools will be given full credit for all students who reach proficiency and identification for not meeting AYP will decrease. While we currently calculate AYP on 10<sup>th</sup> grade only, and give no credit for 11<sup>th</sup> and 12<sup>th</sup> grade students who take and pass the ISAT, this amendment moves us to a calculation for AYP at 12<sup>th</sup> grade in the next two years. This will be a fairer representation of the work that schools are currently doing to help students achieve proficiency and a motivation to provide support to retesting 11<sup>th</sup> and 12<sup>th</sup> grade students as they attempt to pass the ISAT for graduation.

The impact of amendment 3 is more flexibility for elementary and middle schools to make AYP. Identification for not making AYP will decrease. AYP is based on reading proficiency and math proficiency and a third indicator, an option provided at the district level for elementary and middle schools. NCLB requires that high schools use graduation rate as the third indicator. Currently, elementary and middle schools choose from:

- 1) Percent proficient in language usage.
- 2) Moving a percentage of students from basic and below basic to proficient.
- 3) Moving a percentage of students from proficient to advanced.

This amendment adds another third indicator option:

- 4) Attendance rate. Idaho is requesting that the goal for student attendance rate be set at 93%. The November attendance report to the SDE will be

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the figure used for this calculation. This goal is in line with other approved States' goals. An improvement in attendance rate is a viable way to make a positive impact on student achievement.

**ATTACHMENTS**

Attachment 1 Consolidated State Application Accountability  
Workbook

Page 5

**STAFF COMMENTS AND RECOMMENDATIONS**

Staff recommends that all four amendments, as well as the many editorial changes and clarifications, be approved. These changes are the result of significant input from stakeholders, including superintendents and principals from all six regions, Idaho Association of School Administrators (IASA), Idaho Education Association (IEA), Idaho School Boards Association (ISBA), and State Department of Education (SDE) with guidance from a national expert. This document has been thoroughly reviewed by Board staff and SDE staff.

**BOARD ACTION**

A motion to approve the proposed amendments to the State of Idaho Consolidated State Application Accountability Workbook.

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

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# State of Idaho

## *Consolidated State Application Accountability Workbook*

~~for~~For State Grants under Title IX, Part C, Section 9302 of the Elementary and Secondary Education Act (Public Law 107-110)

U. S. Department of Education  
Office of Elementary and Secondary Education  
Washington, D.C. 20202



Idaho State Board of Education  
650 West State Street  
Boise, Idaho 83720-0037  
Approved in February 2008  
(updated ~~July~~October 12, 2008)  
(updated December 18, 2008)

## PART I: Summary of Required Elements for the State Accountability Systems

### Summary of Implementation Status for Required Elements of State Accountability Systems

Status	Idaho Statewide Assessment and Accountability Plan Element		Page
Principle 1: All Schools			
F	1.1	Accountability system includes <i>all schools and districts in the state</i> .	1
F	1.2	Accountability system holds <i>all schools to the same criteria</i> .	2
F	1.3	Accountability system incorporates the <i>academic achievement standards</i> .	4
F	1.4	Accountability system provides <i>information in a timely manner</i> .	7
F	1.5	Accountability system includes <i>report cards</i> .	8
F	1.6	Accountability system includes <i>rewards and sanctions</i> .	13
Principle 2: All Students			
F	2.1	The accountability system includes <i>all students</i> .	<del>45</del> <u>16</u>
F	2.2	The accountability system has a consistent definition of full academic year.	<del>47</del> <u>18</u>
F	2.3	The accountability system properly includes <i>mobile students</i> .	<del>48</del> <u>19</u>
Principle 3: Method of AYP Determinations			
F	3.1	Accountability system expects <i>all student subgroups, public schools, and LEAs to reach proficiency by 2013-14</i> .	<del>49</del> <u>20</u>
F	3.2	Accountability system has a method for determining whether <i>student subgroups, public schools, and LEAs made Adequate Yearly Progress</i> .	<del>24</del> <u>23</u>
F	3.2a	Accountability system establishes a <i>starting point</i> .	<del>24</del> <u>25</u>
F	3.2b	Accountability system establishes <i>statewide annual measurable objectives</i> .	<del>26</del> <u>27</u>
F	3.2c	Accountability system establishes <i>intermediate goals</i> .	<del>27</del> <u>28</u>
Principle 4: Annual Decisions			
F	4.1	The accountability system <i>determines annually the progress</i> of schools and districts.	<del>28</del> <u>29</u>

#### STATUS Legend

F – Final state policy

P – Proposed policy, awaiting Idaho State Board of Education approval

W – Working to formulate policy



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Status	State Accountability System Element	Page
<b><u>Principle 5: Subgroup Accountability</u></b>		
F	5.1 The accountability system <i>includes all the required student subgroups.</i>	<del>30</del> <u>31</u>
F	5.2 The accountability system <i>holds schools and LEAs accountable for the progress of student subgroups.</i>	<del>32</del> <u>33</u>
F	5.3 The accountability system includes <i>students with disabilities.</i>	<del>33</del> <u>34</u>
F	5.4 The accountability system includes <i>limited English proficient students.</i>	<u>35</u>
F	5.5 The State has determined the minimum number of students sufficient to yield statistically reliable information for each purpose for which disaggregated data are used.	<del>36</del> <u>37</u>
F	5.6 The State has strategies to protect the privacy of individual students in reporting achievement results and in determining whether schools and LEAs are making adequate yearly progress on the basis of disaggregated subgroups.	<del>38</del> <u>39</u>
<b><u>Principle 6: Based on Academic Assessments</u></b>		
F	6.1 Accountability Plan is based primarily on academic assessments.	<del>39</del> <u>40</u>
<b><u>Principle 7: Additional Indicators</u></b>		
F	7.1 Accountability system includes <i>graduation rate for high schools.</i>	<del>41</del> <u>42</u>
F	7.2 Accountability system includes an <i>additional academic indicator for elementary and middle schools.</i>	<del>44</del> <u>45</u>
F	7.3 Additional indicators are valid and reliable.	<del>46</del> <u>47</u>
<b><u>Principle 8: Separate Decisions for Reading and Mathematics</u></b>		
F	8.1 Accountability system holds students, schools and districts separately accountable for <i>reading and mathematics.</i>	<del>47</del> <u>48</u>
<b><u>Principle 9 Plan Validity and Reliability</u></b>		
F	9.1 Accountability system produces <i>reliable decisions.</i>	<del>48</del> <u>49</u>
F	9.2 Accountability system produces <i>valid decisions.</i>	<del>49</del> <u>50</u>
F	9.3 State has a plan for addressing changes in assessment and student population.	<del>50</del> <u>51</u>
<b><u>Principle 10: Participation Rate</u></b>		
F	10.1 Accountability system has a means for calculating the <i>rate of participation</i> in the statewide assessment.	<del>51</del> <u>52</u>
F	10.2 Accountability system has a means for <i>applying the 95% assessment criteria to student subgroups and small schools.</i>	<del>52</del> <u>53</u>
<b><u>Appendix A : Adequate Yearly Progress Accountability Procedures</u></b>		<u>54</u>

**STATUS Legend**  
F – Final policy

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**P** – Proposed Policy, awaiting Idaho State Board of Education approval  
**W** – Working to formulate policy

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**LEGEND**

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Assessment	Reference to both the Idaho Standards Achievement Tests and the Idaho Alternative Assessment Test
ADA	Average Daily Attendance
AYP	Adequate Yearly Progress
Board	Idaho State Board of Education
ELP	Education Learning Plan (for LEP students)
FERPA	Family Educational Rights and Privacy Act
IDAPA	Rules adopted under the Idaho Administrative Procedures Act; rules are enforceable as law in the state.
Indicators	Assessment, participation rate, graduation rate, proficiency rate, additional academic indicator
IDEA	Individuals with Disabilities Education Act
IEP	Individualized Education Plan (for special education students)
ISDE	Idaho State Department of Education
LEA	Local Education Agency (local school district)
LEP	Limited English Proficiency
NCES	National Center for Educational Statistics
NCLB	No Child Left Behind Act of 2001
NWEA	Northwest Evaluation Association
NWREL	Northwest Regional Education Laboratory
Plan	Idaho Statewide Assessment and Accountability Plan
SEA	State Education Agency

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**PART II: State Response and activities for Meeting State Accountability System Requirements**

**PRINCIPLE 1. A single statewide Accountability System applied to all public schools and LEAs.**

**1.1 How does the State Accountability System include every public school and LEA in the State?**

Each Idaho public school and Local Education Agency (LEA) is required to make Adequate Yearly Progress (AYP) and is included in the Idaho Statewide Assessment and Accountability Plan (Plan). The requirement to participate is specified in the Board approved Plan incorporated into Idaho Administrative Code (IDAPA) 08.02.03. AYP determinations for all public schools and districts have been made since summer 2003 based on the spring Idaho Standards Achievement Tests (ISAT) test scores.

For the purpose of determining AYP, Idaho public schools are defined as those elementary and secondary schools established and maintained at public expense through the total basic foundation program/state aid formula described in Idaho Code §33-1002 and governed by the Idaho State Board of Education described in Idaho Code §33-116. Schools will receive an AYP determination. Programs not accredited will be included with the sponsoring accredited school. For the purposes of AYP determination, an elementary school is one that has a grade configuration that may include grades K-4 but does not contain grade 8 or higher. A middle school is a school that does not meet the definition of an elementary school and contains grade 8 but does not contain grade 12. A high school is any school that contains grade 12. The LEA is defined as the local school district or a public charter school designated as an LEA.

The accountability of public schools without grades assessed by this system (i.e., K-2 schools) will be based on the third grade test scores of the students who previously attended the associated feeder school.

Within Idaho there are approximately 51 small schools that do not have a total of 34 students in the tested class levels. For those small schools, the Board and the Idaho State Department of Education (ISDE) will determine AYP using the total subgroup only and averaging the current year's Idaho State Achievement Test (ISAT) test scores plus scores from the previous two years and comparing the results to the current year's scores. The highest score will be used to determine the school's AYP. This approach rewards schools and districts for efforts that result in strong single year achievement gains and minimizes the potential for inaccurately inferring that a school or district has failed to make standards.

**Evidence:**

Idaho Code §§33-116 and 33-1002

Idaho Administrative Code (IDAPA) 08.02.03

**1.2 How are all public schools and LEAs held to the same criteria when making an AYP determination?**

The baseline for AYP was calculated using scores from the spring 2003 administration of the ISAT. Achievement tests for reading/language arts and mathematics for grades 4, 8, and 10 were introduced in Spring 2003. Achievement tests for grades 3 and 7 were added in 2004. Tests for grades 5 and 6 followed in 2005. The system of assessment is defined in IDAPA 08.02.03.111, Rules Governing Thoroughness, State Board of Education.

The rule includes the state content assessments in the required subjects, participation rate requirements, a graduation rate for high schools, and a third indicator for elementary and middle schools. Under direction of the Board, ISDE uses the Plan to identify schools in need of improvement. In terms of accountability, the Board-approved Plan leads to AYP determination based on:

- An incremental increase of students in the aggregate and each subgroup scoring at proficiency. Scores from the spring 2003 ISAT test determined the baseline.
- A minimum of ninety-five percent (95%) of all students and each subgroup at the time of test-taking participating in the statewide assessment (ISAT and the Alternate Assessment or a three-year average of rates of participation.)
- A student performance rate for elementary and middle schools determined by the Board that indicates improvement by students over the rate from the preceding year or meeting the annual target on the state language usage test. See Section 7.2.
- The Board has adopted a student graduation rate target of 90% by 2012-13 for high schools with an annual rate improvement from present through 2013.  
~~Capability to disaggregate graduation rate begins for the 2006-2007 school year as a part of AYP determinations in 2008.~~

All Idaho public schools and LEAs are systematically judged on the basis of the same criteria when making an AYP determination.

For the purpose of determining AYP, Idaho public schools are defined as those elementary and secondary schools established and maintained at public expense through the total basic foundation program/state aid formula described in Idaho Code §33-1002 and governed by the Idaho State Board of Education (Idaho Code §33-116). For the purposes of AYP determination, an elementary school is one that has a grade configuration that may include grades K-4 but does not contain grade 8 or higher. A middle school is a school that does not meet the definition of an elementary school and contains grade 8 but does not contain grade 12. A high school is any school that contains grade 12. The LEA is defined as the local school district or public charter school designated as an LEA.

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The accountability of public schools without grades assessed by this system (i.e., K-2 schools) will be based on the third grade test scores of the students who previously attended that feeder school.

All students with disabilities in Idaho public schools as defined under Section 602(3) of the Individuals with Disabilities Education Act (IDEA) will participate in the Plan. The Individualized Education Program (IEP) team will determine how students with disabilities will participate in the Plan. The Idaho Alternate Assessment ~~–(approved following peer review in 2006)~~ yields reading and mathematics assessment results for inclusion in AYP determination.

Students' scores from the Idaho Alternate Assessment are aggregated with those from the ISAT for all students and each subgroup. See Section 5.3 for a description of the process that was developed to aggregate the scores from the Idaho Alternate Assessment with those from the ISAT for the school, LEA, and state results.

Idaho has identified four performance levels (See Section 1.3) for the ISAT. ISAT is comprised of custom-developed, computer-adaptive assessments that include multiple measures in the areas of reading and mathematics. The ISAT tests were first administered in grades 4, 8, and 10 in 2003. By the 2004-2005 school year Idaho was testing in grades 3 through 8 and in grade 10. For purposes of determining AYP, only the grade-level tests are used.

All of the required subgroups, including students with disabilities and LEP students, who are enrolled in a public school for a full academic year will be included in the performance measures that determine AYP status of schools. LEP students who are enrolled in their first 12 months of school in the United States may take the English Proficiency test in lieu of the reading/language arts ISAT but will be required to take the math, and science in grades offered, ISAT with accommodations or adaptations as determined by their English Learning Plan (ELP). These students are included in the participation rates but not in the proficiency calculations for their first administration of the ISAT as allowed by federal flexibility.

**Evidence:**

Idaho Code §§33-116 and 33-1002  
IDAPA 08.02.03

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**1.3 Does the State have, at a minimum, a definition of *basic, proficient, and advanced* student achievement levels in reading/language arts and mathematics?**

Idaho has defined four levels of student achievement for the ISAT: Advanced, Proficient\*\*, Basic, and Below Basic. A general description of each of the levels is listed below:

- **Advanced** Student demonstrates thorough knowledge and mastery of skills that allows him/her to function independently above his/her current educational level.
- **Proficient** Student demonstrates thorough knowledge and mastery of skills that allows him/her to function independently on all major concepts and skills at his/her educational level.
- **Basic** Student demonstrates basic knowledge and skills usage but cannot operate independently on concepts and skills at his/her educational level. Requires remediation and assistance to complete tasks without significant errors.
- **Below Basic** Student demonstrates a significant lack of knowledge and skills and is unable to complete basic skills or knowledge sets without significant remediation.

All of the ISAT assessments are aligned to the content standards ~~For~~for the content standards in reading, mathematics, and science performance level descriptors by subject by grade have been developed to describe what students know and are able to do at each of the four proficiency levels in each subject in each grade. Reading and mathematics tests are given in grades 3-8 and 10. Science is tested in grades 5, 7, and 10. The science test was piloted in 2005 and 2006; the test was delivered in 2007, and cut scores were set based on that administration. The science test is fully a part of the ISAT for 2007 going forward, but science scores are not a factor in AYP determinations.

Achievement standards (cut scores) for each performance level at each grade level have been set and approved by the Board. These scores are applied uniformly for all students in all public schools. Complete language of the performance level descriptors can be found at <http://www.boardofed.idaho.gov/saa/achievement.asp>.

**Approved by the State Board of Education May 30, 2007**

	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 9	Grade 10
Reading								
Advanced	208 and up	214 and up	219 and up	223 and up	227 and up	229 and up	232 and up	235 and up
Proficient	192-207	198-213	204-218	208-222	212-226	214-228	217-231	220-234

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Basic	187-191	193-197	197-203	201-207	204-211	207-213	209-216	211-219
Below Basic	186 and below	192 and below	196 and below	200 and below	203 and below	206 and below	208 and below	210 and below
<b>Math</b>								
Advanced	204 and up	216 and up	224 and up	231 and up	237 and up	243 and up	247 and up	251 and up
Proficient	190-203	201-215	211-223	218-230	223-236	229-242	233-246	238-250
Basic	181-189	193-200	202-210	209-217	215-222	220-228	226-232	230-237
Below Basic	180 and below	192 and below	201 and below	208 and below	214 and below	219 and below	225 and below	229 and below
	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 9	Grade 10
<b>Language Usage</b>								
Advanced	207 and up	216 and up	222 and up	227 and up	232 and up	236 and up	239 and up	242 and up
Proficient	196-206	203-215	209-221	214-226	218-231	221-235	224-238	226-241
Basic	188-195	195-202	201-208	206-213	209-217	213-220	216-223	218-225
Below Basic	187 and below	194 and below	200 and below	205 and below	208 and below	212 and below	215 and below	217 and below
<b>Science</b>								
Advanced			216 and up		219 and up			230 and up
Proficient			206-215		213-218			219-229
Basic			194-205		206-212			213-218
Below Basic			193 and below		205 and below			212 and below

**\*\*Idaho has set the proficient level to meet the proficient level specified in *No Child Left Behind*.**



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**Evidence:**

Idaho State Board of Education action May 2007  
IDAPA 08.02.03.111

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**1.4 How does the State provide accountability and adequate yearly decisions and information in a timely manner?**

Idaho will provide decisions about AYP in time for LEAs to implement the required provisions of *No Child Left Behind* before the beginning of the subsequent academic year.

For the purpose of determining AYP, the State Board will ensure that results of the state academic assessment will be available to the LEAs in a timely manner. (See Chart 1-~~4~~)

**Chart 1. Timeline**

Timeline	Activity
Mid-April to Mid-May Test Administration Window (annually)	Statewide assessment administration
Throughout the testing window (annually)	Collection of information on students enrolled for full academic year
Approximately one month from Assessment Administration	Assessment vendor required to provide assessment results to the Board
June (annually)	Schools receive aggregate assessment results
Late June-early July (annually)	Schools are notified of preliminary AYP status
<del>14 days prior to</del> Before the first day of school	LEA notification to parents regarding school choice and supplemental services
No later than thirty days after preliminary identification of schools/LEAs not meeting AYP (annually)	School/LEA appeals process ends Challenged agency renders final determination in response to appeal

AYP determinations are final at the close of the appeals window. When schools and districts receive preliminary determinations and make the decision they will not be challenging the determination, they then know what the final determination will be and can immediately prepare and issue the required notifications.

**Evidence:**

IDAPA 08.02.03.112

**1.5 Does the Idaho State Accountability System produce an annual State Report Card?**

Yes. The Idaho State Board of Education produces an annual School Report Card that includes the required state information and also information on every LEA and school. LEAs are required to complete LEA report cards and ensure school-level report cards are produced. To aid LEAs and schools, the Board provides templates to assist in meeting the required report card elements.

The state releases accountability reports, assessment data, graduation, and other information as it becomes available for the state, districts, and schools and then incorporates that information into the single State Report Card format in the fall of each year.

The State and LEA School Report Cards include the required assessment, accountability, and teacher quality data as outlined below:

**Assessment Data**

The State School Report Card includes detailed assessment reports for the state, all LEAs, and all schools from the Idaho Standards Achievement Tests (ISAT) in reading, math, and language taken by students each spring.

The state phased in its assessments required under the Elementary and Secondary Education Act (ESEA) over a three year period. The 2004-05 Report Cards includes the full range of assessments in grades 3-8 and 10<sup>th</sup> grade. The 2007-08 Report Card will include results from the science assessment.

The assessment reports are different from the accountability reports in several ways:

1. The minimum “n” for reporting results is 10 for all students and subgroups.
2. The reports are by grade level.
3. The reports include all students tested, not just those enrolled for a full academic year.

For each grade and subject tested, the State School Report Card includes --

1. Information on the percentage of students tested. This information is disaggregated by the following subgroups:

- All Students
- Major Racial & Ethnic groups
- Students with Disabilities
- Limited English Proficient
- Economically Disadvantaged
- Migrant

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Gender

2. Information on student achievement at each proficiency level. In Idaho, the proficiency levels are: advanced, proficient, basic, below basic; the data is disaggregated by the following subgroups:

All Students  
Major Racial & Ethnic groups  
Students with Disabilities  
Limited English Proficient  
Economically Disadvantaged  
Migrant  
Gender

3. The assessment data include the most recent 2-year trend data in student achievement for each subject and for each grade it is available.

### Accountability Data

The state Report Card includes required accountability data for the state, its LEAs, and all schools, including a comparison between student achievement levels and the state's annual measurable objectives in reading and math, and data on student performance on the state's additional academic indicators used in making adequate yearly progress (AYP) determinations, and information on districts and schools making AYP.

Specifically, the State Report Card includes:

1. A comparison between the actual achievement levels and the State's annual measurable objectives in reading and mathematics for the following subgroups:

All Students  
Major Racial & Ethnic Groups  
Students with Disabilities  
Limited English Proficient  
Economically Disadvantaged

2. A comparison between the actual participation rate and the State's annual measurable objective of 95 percent tested for the following subgroups:

All Students  
Major Racial & Ethnic Groups  
Students with Disabilities  
Limited English Proficient  
Economically Disadvantaged

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3. Information on the third academic indicator used by the State for AYP determinations. (See Sections 7.1 and 7.2 for descriptions.) The information is disaggregated for the following groups:

All Students  
Major Racial & Ethnic Groups  
Students with Disabilities  
Limited English Proficient  
Economically Disadvantaged

The state reports aggregate graduation and drop out rates for the State, its LEAs that graduate students, and all high schools. Beginning with the 2006-2007 school year the department reports disaggregated information for the following groups:

All Students  
Major Racial & Ethnic Groups  
Students with Disabilities  
Limited English Proficient  
Economically Disadvantaged

4. The State Report Card also includes the following accountability information:
- Adequate Yearly Progress determinations for each LEA and school.
  - A list of schools identified for improvement and the sanctions each faces
  - A list of LEAs identified for improvement and the sanctions each faces
5. The state Report Card goes beyond the federal requirements and includes important student safety information for the state, its LEAs and all schools. Those indicators include the number of incidents of:
- Substance (Tobacco, Alcohol, Other Drugs) Distribution, Use, and Possession on campuses
  - In-School and Out-of-School Suspensions
  - Truancies, Expulsions, and Fights on campuses
  - Insubordination, Harassment, Bullying, and Vandalism on campuses
  - Weapons, and non-firearm weapons on campuses
  - Data on violent crimes that committed on their campuses used to identify “persistently dangerous” schools.

### Teacher Quality Data

The Idaho State Report Card includes Teacher Quality Data in three areas:

1. The professional qualifications of all public elementary and secondary school teachers in the State, as defined by the State;

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2. The percentage of all public elementary and secondary school teachers teaching with emergency or provisional credentials; and
3. The percentage of classes in the State taught by highly qualified teachers (as the term is defined in Section 9101(23) of the ESEA), percentage of classes in the State not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools which (for this purpose) means schools in the top quartile of poverty and the bottom quartile of poverty in the State.

## Dissemination

### State dissemination

The SBOE produces its State School Report Card as an interactive web-based version, which is posted on the ISDE website. Results from the National Assessment of Educational Progress (NAEP) are reported ~~as applicable to reflect results from Idaho participation in NAEP administrations.~~

The State School Report Card web version is available in Spanish.

### LEA dissemination

The State Board of Education publishes web-based assessment and accountability reports for each LEA and every school and also provides templates to assist districts in meeting the federal reporting requirements.

The templates available for LEA and school use are available at:  
<http://www.sde.idaho.gov/AYP/default.asp> and include:

#### District Report Card Templates

Cover Page (Word)  
AYP Indicator Report (WORD)  
AYP Assessment Report (EXCEL)

#### Elementary Report Card Templates

Cover Page (Word)  
AYP Indicator Report (WORD)  
AYP Assessment Report (EXCEL)

#### Middle/Junior High Report Card Templates

Cover Page (Word)  
AYP Indicator Report (WORD)  
AYP Assessment Report (EXCEL)

**High School Report Card Templates**

Cover Page (WORD)

AYP Indicator Report (WORD)

AYP Assessment Report (EXCEL)

The report card requirement for LEAs and schools also has been incorporated into the state's accreditation system and is monitored through that program starting with the 2004-05 data.

**Evidence:** The Idaho State Report Card with accountability and assessment information for the state, its LEAs, and all schools is available at <http://www.sde.idaho.gov/ipd/reportcard/SchoolReportCard.asp>.

The requirement for LEA and school report cards is identified in the accreditation procedures provided to districts and schools in Fall 2005 and available at: <http://www.sde.idaho.gov/accreditation/docs/Comparison.pdf>

**1.6 How does the State Accountability System include rewards and sanctions for public schools and LEAs?**

Idaho developed annual measurable objectives determined by the computations for AYP during the transition period of 2002-03. Beginning in 2002-2003, Idaho administered the ISAT assessments to determine AYP for Idaho school systems. The system of assessment is defined in IDAPA 08.02.03.111, Rules Governing Thoroughness, State Board of Education.

Idaho's current Statewide Assessment and Accountability Plan is reflected in a state accountability system that includes rewards and sanctions for public schools and LEAs. The Board approved the plan in 2003 and the State Legislature approved it in 2004. The plan prescribes consequences for schools/LEAs that do not meet accreditation standards. These consequences range from development of a School Improvement Plan to possible state takeover of the school or LEA. In addition, all Idaho Title I public schools and Idaho Title 1 districts are subject to the requirements of Section 1116 of NCLB. (See Chart 2: Idaho School and LEA Sanctions)

All Idaho schools will follow the State Department of Education Procedures for School Improvement



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**Chart 2: Idaho School and LEA Sanctions**

Not Meeting AYP <del>After</del>	Schools	LEAs
Year 1 & 2	Identified as not achieving AYP	Identified as not achieving AYP
Year 3	School Improvement <ul style="list-style-type: none"> <li>• Technical Assistance from LEA</li> <li>• Choice</li> <li>• <u>Develop and Implement an Intervention School Improvement Planning Plan</u></li> <li>• Supplemental Services for eligible students in reading and math if choice not available</li> </ul>	LEA Improvement <ul style="list-style-type: none"> <li>• Technical Assistance from SDE</li> <li>• Develop <u>and implement</u> an Intervention Improvement Plan</li> </ul>
Year 4	School Improvement <ul style="list-style-type: none"> <li>• Technical Assistance from LEA</li> <li>• Choice</li> <li>• Supplemental Services</li> <li>• <del>Previous year sanctions plus</del> <u>Implementation of Implement</u> Intervention School Improvement Plan</li> </ul>	LEA Improvement <ul style="list-style-type: none"> <li>• Technical Assistance from SDE</li> <li>• Implement the Intervention Improvement Plan</li> </ul>
Year 5	<del>School Improvement</del> <del>• Previous year sanctions plus</del> Corrective Action <ul style="list-style-type: none"> <li>• <u>Choice</u></li> <li>• <u>Supplemental Services</u></li> <li>• <u>Technical Assistance from LEA</u></li> <li>• <u>Implement Corrective Action</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Corrective Action</u> <del>Planning</del></li> <li>• <u>Technical Assistance from SDE</u></li> <li>• <u>Implement Corrective Action</u></li> </ul>
Year 6	School Improvement <ul style="list-style-type: none"> <li>• <del>Continue previous sanctions</del></li> <li>• <u>Choice</u></li> <li>• <u>Supplemental Services</u></li> <li>• Develop a Restructuring Plan</li> </ul>	Corrective Action <del>Implementation</del> <ul style="list-style-type: none"> <li>• <u>Technical Assistance from SDE</u></li> <li>• <u>Implement Corrective Action</u></li> </ul>
Year 7	School Improvement <ul style="list-style-type: none"> <li>• <del>Continue previous sanctions</del></li> <li>• <u>Choice</u></li> <li>• <u>Supplemental Services</u></li> <li>• Implement Alternative Governance</li> </ul>	

Title I schools and non- Title I schools are served under the Idaho State Department of Education Procedures for Schools in Improvement. (Appendix A) The plan requires a differentiated level of participation based on the year. The plan requires that schools offer tutoring services to student in underperforming subpopulations, school improvement planning and implementation, participation in SDE training and professional development and reporting.

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Note: For non-Title 1 schools identified for School Improvement (year 3, 4, 5, 6 & 7), see page 11 of Appendix A for alternate options for offering Supplemental Services.

## Rewards

**Distinguished Schools.** The State Board of Education may recognize as “Distinguished Schools,” the top five percent (5%) of schools exceeding the Idaho Adequate Yearly Progress (AYP) intermediate targets listed in Subsection 112.02 and significantly reducing the gaps between subgroups listed in Subsection 112.03.d.

**Additional Yearly Growth (AYG) Award.** Schools demonstrating improved proficiency levels of subpopulations or in the aggregate by greater than ten percent (10%) will be considered to have achieved AYG. The school must have achieved Adequate Yearly Progress (AYP) to be eligible for this award.

## Evidence:

IDAPA 08.02.03, Section 113

Board action, revised January 2008

Idaho Request for Proposal for Supplemental Services Providers  
State of Idaho - Approved List of Supplemental Services Providers  
State Board approved Accountability Procedures

**PRINCIPLE 2. All students are included in the State Accountability System.**

**2.1 How does the State Accountability System include all students in the State?**

All Idaho public schools and LEAs are systematically judged on the basis of the same criteria when making an AYP determination using data collected through the test enrollment process by the technical vendor overseen by ISBE.

The state contractor will use a web-based data collection system to collect data for all subpopulations included in NCLB requirements. This data will be included in reports prepared by the current vendor, Data Recognition Corporation, and the Bureau of Technology Services, to create reports for the schools, LEAs, and state for AYP determination.

For the purpose of determining AYP, Idaho public schools are defined as those elementary and secondary schools established and maintained at public expense through the total basic foundation program/state aid formula outlined in Idaho Code §33-1002 and governed by the Idaho State Board of Education (Idaho Code §33-116). For the purposes of AYP determination, an elementary school is one that has a grade configuration that may include grades K-4 but does not contain grade 8 or higher. A middle school is a school that does not meet the definition of an elementary school and contains grade 8 but does not contain grade 12. A high school is any school that contains grade 12. The LEA is defined as the local school district or a public charter school designated as an LEA.

The accountability of public schools without grades assessed (i.e., K-2 schools) will be based on the third grade test scores of the students who previously attended the associated feeder school.

All Idaho school students with disabilities as defined under section 602(3) of the Individuals with Disabilities Education Act (IDEA) amendments of 1997 and Board policy will participate in the Plan. The Individualized Education Program (IEP) team will determine how students with disabilities will participate in the Plan (i.e., ISAT or Idaho Alternate Assessment Program) as defined in Board policy. For testing purposes, those students who have been exited from a special education program will be coded SPEX1 and SPEX2 for first and second year of exited status. The Idaho Alternate Assessment will yield reading and mathematics assessment results for inclusion in AYP determination.

Idaho's assessment window includes five calendar weeks. The first four weeks of the testing window are considered the test administration window and the fifth week is considered the make-up window.

All LEP students in Idaho public schools are required to participate in the Plan. LEP, when used with reference to individuals, denotes:

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- Individuals whose native language is a language other than English.
- Individuals who come from environments where a language other than English is dominant.
- Individuals who are American Indian and Alaskan natives and who come from environments where a language other than English has had a significant impact on their level of English language proficiency, and who, by reason thereof, have sufficient difficulty speaking, reading, writing, or understanding the English language to deny such individuals the opportunity to learn successfully in classrooms, where the language of instruction is English.

For accountability purposes, all LEP students are included. LEP students, who receive a score in the low range on the State Board of Education approved language acquisition proficiency test and have an Education Learning Plan (ELP), shall be given the ISAT with accommodations or adaptations as outlined in the ELP. For AYP purposes students can be categorized as LEP students for two (2) years after testing proficient on the language proficiency test and exiting the LEP program. However, exited LEP students are not included in the LEP subgroup when the number of LEP students in the subgroup already meets the minimum “n” size of 34. For testing purposes, exited LEP students will be coded LEPX1 and LEPX2 for first and second year of exited and monitored status. LEP students who do not have an ELP or a language acquisition score will be given the regular ISAT without accommodations or adaptations. LEP students who are enrolled in their first year of school in the United States may take the English Proficiency test in lieu of the reading/language usage ISAT but will still be required to take the math, and science in grades offered, ISAT with accommodations or adaptations as determined by the ELP and language proficiency score. Their participation will count positively in the 95% participation requirement for both the reading and math assessment. However, neither the math nor reading scores will be counted in the proficiency calculations. For testing purposes, first year LEP students will be coded as LEP1.

All of the required subgroups, including students with disabilities and LEP students within the flexibility parameters allowed by the US Education Department, who are enrolled in an Idaho public school for a full academic year, will be included in the performance level measures that determine AYP and accountability status of schools.

**Evidence:**

Idaho Code §§33-116 and 33-1002  
IDAPA 08.02.03

## 2.2 How does the State define “full academic year” for identifying students in AYP decisions?

As defined in Board Rule, the following students are to be included in the Plan through the completion of a full academic year.

### For inclusion in AYP determination

~~A student who is enrolled continuously in the same public school from the end of the first eight (8) weeks or fifty-six (56) calendar days of the school year through the spring testing administration period will be included in the calculation to determine if the school achieved AYP.~~ A student is continuously enrolled if s/he has not transferred or dropped-out of the public school. Students who are serving suspensions/expulsions are still considered to be enrolled students. Expulsion policies in Idaho are used at the district level; students expelled at one school do not typically re-enroll at another school within the same district. A student who is enrolled continuously in the LEA from the end of the first eight (8) weeks or fifty-six (56) calendar days of the school year through the spring testing administration period will be included when determining if the LEA has achieved AYP. A student who is enrolled continuously in a public school within Idaho from the end of the first eight (8) weeks or fifty-six (56) calendar days of the school year through the spring testing administration period will be included when determining if the state has achieved AYP.

### **Evidence:**

IDAPA 08.02.03, Section 112.03

**2.3 How does the State determine which students have attended the same public school and/or LEA for a full academic year?**

The following definition of students to be included in the Plan through the completion of a full academic year has been developed by a statewide citizen committee appointed by the Board and will be included in the Plan.

For inclusion in AYP determination

All of the following student subgroups are held accountable to the AYP indicators:

- A student who is enrolled continuously in the same public school from the end of the first eight (8) weeks or fifty-six (56) calendar days of the school year through the spring testing administration period will be included in the calculation to determine if the school achieved AYP. A student is continuously enrolled if he/she has not transferred or dropped-out of the public school. Students who are serving suspensions are still considered to be enrolled students. Students who are expelled but return to another school in the same district are considered continuously enrolled to determine the district AYP.
- A student who is enrolled continuously in the LEA from the end of the first eight (8) weeks or fifty-six (56) calendar days of the school year through the spring testing administration period will be included in the calculation to determine if the LEA achieved AYP.
- A student who is enrolled continuously in the state from the end of the first eight (8) weeks or fifty-six (56) calendar days of the school year through the spring testing administration period will be included in the calculation to determine if the state achieved AYP.

**Evidence:**

IDAPA 08.02.03

**PRINCIPLE 3. State definition of AYP is based on expectations for growth in student achievement that is continuous and substantial, such that all students are proficient in reading and mathematics by no later than 2013-2014.**

**3.1 How does the state's definition of Adequate Yearly Progress require all students to be proficient in reading and mathematics by the 2013-2014 school year?**

Idaho's definition of AYP requires all students to be proficient in reading and mathematics by the end of the 2013-2014 school year. It also requires all students and each subgroup to be held accountable to meet all of the academic indicators used to measure AYP (percent proficient in reading and mathematics; percent of participation in the assessments). Graduation rate for secondary schools and an additional academic indicator for elementary and middle schools will also be used to determine if a school has made AYP. (See Chart 3-1) For 2007-2008 disaggregation of high school graduation rate will be available for use in safe harbor calculations.

High school students take the ISAT in grade 10. The online test is presented multiple times each year for the purpose of meeting the graduation requirements. If a student meets the proficiency requirement in an administration prior to the spring assessment, that student will be counted as meeting standard for purposes of calculating AYP. ~~Students in 11<sup>th</sup> and 12<sup>th</sup> grade taking retest opportunities will not be counted for any AYP calculation.~~

The mathematics, reading, language usage, and science assessments for high school (grades 10-12) are based on Idaho content standards for 10<sup>th</sup> grade. Beginning in spring 2009, Idaho will use a status model and will report results for high school students based on the student's highest score achieved on the NCLB-required assessments for four content areas regardless of the grade in which the student took the test. In 2009, scores will be reported as of the end of grade 11; in 2010 and subsequent years; scores will be reported as of the end of grade 12.

This policy ensured that high schools are held accountable for the performance of high school students in Reading and Mathematics regardless of when the students took the assessments for the first time. High schools, school systems, and the State are held accountable for student progress towards annual proficiency targets with an end goal of 100% proficiency by 2013-14.

**Chart 3. Accountability Subgroups and Academic Indicators**

	Academic Indicators		Participation Rate		Graduation / Additional Academic Indicator *
	Reading % Meeting Standard	Mathematics % Meeting Standard	Reading	Mathematics	
All Students					
Economically Disadvantaged					

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American Indian/Alaskan Native					
Asian					
Black/African American					
Native Hawaiian/Other Pacific Islander					
White					
Hispanic or Latino Ethnicity					
Students with Disabilities					
LEP Students					

- \* The school and LEA will not be required to disaggregate graduation rate and the additional academic indicator data into the subgroups for accountability unless the school and LEA are using the "Safe Harbor" provision to achieve AYP.

All subgroups identified in Chart 3 will be held accountable for the academic indicators of reading and mathematics participation rate. Disaggregation of the graduation rate for 2006-2007 will be available for AYP determination in the 2007-2008 school year. Idaho used spring 2002-2003 ISAT scores as the baseline for calculating AYP. A timeline was established for public schools to reach the goal of 100% of students proficient in reading and mathematics by the end of the 2012-13 school year. Annual intermediate goals were established beginning in the 2004-05 school year with subsequent goals in 2006-07, 2008-09 and 2010-11 to assure increases in the percent of students proficient in reading and mathematics.

The first increase occurred in 2004-05, followed by incremental increases to assure that Idaho public schools and LEAs meet the goal of 100% proficiency in 2013-14. Setting 2004-05 as the date for the first expected increase corresponds with the expected impact of current state interventions at the elementary level using research-based reading strategies and professional development initiatives.

	2002-03 2003-04	2004-05 2005-06	2006-07 2007-08 2008-09	2009-10 2010-11	2011-12 2012-13	2013-14
Reading	66%	72%	78%	85%	92%	100%
Math	51%	60%	70%	80%	90%	100%
Language Usage	66%	72%	78%	85%	92%	100%



Idaho Peer Review for 2006 required significant changes in the ISAT. As such, revised proficiency level descriptors were developed in March 07. Based on revised PLDs and Spring 07 student data, performance standards were reset in May 2007.

In 2008, Idaho requested an exception to the previously set ~~AMAOs~~ Annual Measurable Objectives (AMOs). The significant changes including a new vendor, aligned items, revised performance level descriptors and resetting of performance standards have disrupted the process of holding schools and districts accountable. Maintaining 2006-2008 proficiency targets for an additional year, through 2009, will bring stability to the system and still allow Idaho to reach 100% by 2014 as required by NCLB.

GROWTH OBJECTIVE ("Safe Harbor" Provision)

If any student subgroups do not meet or exceed the Idaho's annual measurable objectives, the public school or LEA may be considered to have achieved AYP if the percent of students in the non-proficient subgroup:

1. Decreased by 10% from the preceding school year on the reading and mathematics indicators, as applicable,
2. Made progress ~~on one or more of~~ toward the other ~~indicators~~ applicable indicator, or is at/above the target goal for that indicator, and
3. Attained a 95% participation rate

**Evidence:**

~~IDAPA 08.02.03, section 112~~

Board action August 2006

Board ~~Information~~ information February 28, 2008

Board approval January 2009 (expected)

### **3.2 How does the State Accountability System determine whether each student subgroup, public school, and LEA achieves AYP?**

The Plan bases the annual determination of whether each subgroup, public school, and LEA achieves AYP on the achievement of all students, including the following subgroups:

1. Economically disadvantaged
2. Racial/ethnic
3. Students with disabilities
4. Limited English Proficient

Idaho's AYP calculation also incorporates additional academic indicators of graduation rate (for secondary schools) and for elementary and middle schools beginning in the 2004-2005 school year the third indicator described in Section 7.2. Disaggregation of the 2006-2007 graduation rate will be available for AYP determinations in 2007-2008. (See Chart 4-))

(NOTE: For accountability purposes, the requirement to disaggregate graduation rate and growth index data into the subgroups is effective on when the public school or LEA must use the "Safe Harbor" provision to achieve AYP.)

Idaho will use a decreasing trend calculation under the "Safe Harbor" provision to identify schools that failed to achieve AYP by the method outlined in Chart 4. An Idaho public school or LEA may be considered to have achieved AYP if the percent of students in the non-proficient subgroup:

Part 1: Decreased by 10% from the preceding school year,

Part 2: Made progress on the additional academic indicators, or is at/above the target for that academic indicator, and

Part 3: Attained a 95% participation rate

An LEA is identified for improvement when it misses AYP in the same subject and same grade span for two consecutive years, or misses the other academic indicator in the same grade span for two consecutive years.

~~Beginning in 2002-2003 Idaho introduced the ISAT in grades 4, 8, and 10. With this phased-in introduction, many subgroups did not appear to have missed a target in reading or math because there were less than 34 students (see section 5.5). With the introduction of more grades, more subgroups now have 34 or more students. To avoid~~

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~~the over-identification of schools and districts in “need of improvement,” Idaho will apply safe harbor (the reduction of not proficient students by 10%) to subgroups’ results from 2003 even when the “n” is less than 34.~~

~~Idaho will apply safe harbor as follows:~~

- The safe harbor formula used is  

$$\frac{\% \text{ of not proficient students, year 1} - \% \text{ of not proficient students, year 2}}{\% \text{ of not proficient students, year 1}}$$
- ~~• Idaho will use the % of not proficient students in year 1 even when “n” is less than 34~~
- ~~• The “n” for year 2 data must be equal to or greater than 34~~

Completion of the introduction of the ISAT in grades 3-8 and 10 significantly reduced the use of data from groups less than 34 to apply Part 1 of safe harbor.

**Chart 4. “Safe Harbor” Provision for AYP Determination with Accountability Subgroups and Indicators**

	Academic Indicators		Participation Rate		Graduation / Additional Academic Indicator*
	Reading % Meeting Standard	Mathematics % Meeting Standard	Reading	Mathematics	
	Decrease by 10% that percent of students not proficient from the preceding year in the school	Decrease by 10% that percent of students not proficient from the preceding year in the school	Attained a 95% Participation Rate	Attained a 95% Participation Rate	Meets or shows progress toward this indicator by that subgroup
All Students					
Economically Disadvantaged					
American Indian/Alaskan Native					
Asian					
Black/African American					
Native Hawaiian/Other Pacific Islander					
White					
Hispanic or Latino Ethnicity					
Students with Disabilities					
LEP Students					

\* The requirement to disaggregate graduation rate and additional academic indicator data into the subgroups for accountability is effective only when the public school and LEA must use the “Safe Harbor” provision to achieve AYP.

The state contractor, now Data Recognition Corporation, will employ its current web-based system to collect and report data for all subgroups.

**Evidence:**

Board action August 15, 2003  
IDAPA 08.02.03, §114.07

### 3.2a What is the State's starting point for calculating Adequate Yearly Progress?

Idaho used student scores from the Spring 2002-2003 school year ISAT test for the starting point to calculate AYP. Based on those scores, Idaho set separate starting points for reading and mathematics for public schools with the goal of having a common starting point statewide for all public schools with similar grade configurations based on the ISAT. These averages were used to determine intermediate goals and annual measurable objectives.

- The vendor assigns proficiency levels based on achievement standards approved by the State Board (see section 1.3). The State Board contracts with the vendor to report proficiency levels on individual student, school, district, and state reports.

Idaho Peer Review for 2006 required significant changes in the ISAT. As such, revised proficiency level descriptors were developed in March 07. Based on revised PLDs and Spring 07 student data, performance standards were reset in May 2007.

#### Calculating the Starting Point for AYP

Because it provided the higher starting point of two options, the following method was used for establishing the starting point for AYP.

- Rank all Idaho public schools in order according to the percent of students who scored at the proficient level or above in reading in Spring 2003. The same process was used to calculate the starting point for mathematics. (In Steps 1 through 5, references are made to Chart 5, Example A, found on the following page.)
  1. In a chart similar to Example A, record the total students in the enrollment records for each school after they have been ordered based on the percent of students who scored at the proficient level or above.
  2. Beginning with the school with the smallest percent of proficient students in reading, calculate the cumulative enrollment. Referring to Example A, the cumulative enrollment for School X is 397 {200 (School Z) + 65 (School Y) + 132 (School X)}.
  3. Multiply the total student enrollment for Idaho public schools (top cumulative enrollment number) by 20 percent (.20) to find 20 percent of the total student enrollment. In the example, 20 percent of 1619 is 323.8. Rounding yields 324.
  4. Count up from the school with the smallest percent of students proficient in reading to identify the public schools whose combined school populations represent 20 percent of the total student enrollment (cumulative enrollment). From Example A, 20 percent of the total student enrollment is 324. To reach

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this number, the student populations from School X, School Y, and School Z are combined.

5. Use the percent of students who scored at the proficient level in reading and mathematics from the public schools identified in Step 4. This percent is the minimum starting point for reading and mathematics. In Chart 5, Example A, the minimum starting point is 30 percent (the percent of proficient students at School X).

**Chart 5. Example**

School Name	Percent of Students Proficient in Reading and Math	Total students in enrollment records	Cumulative enrollment
School A	54 %	235	1619 (1384 + 235)
School B	40 %	400	1384 (984 + 400)
School W	38 %	587	984 (397 + 587)
School X	30 %	132	397 (265 + 132)
School Y	29 %	65	265 (200 + 65)
School Z	20 %	200	200

**Evidence:**

IDAPA 08.02.03, Section 112

Board action, August 15, 2003

Board ~~Action~~action, May 30, 2007

### 3.2b What are the State's annual measurable objectives for determining Adequate Yearly Progress?

Idaho has established annual measurable objectives/intermediate goals for reading and mathematics. These goals/objectives will identify a single percent of students who must meet or exceed the proficient level of performance on the ISAT and the Idaho Alternate Assessment.

Idaho has set annual measurable objectives/intermediate goals separately for reading and mathematics. Beginning in 2003-2004 the annual intermediate goals/objectives will be used to determine AYP and serve as a guide to public schools in reaching the target goal by the end of the 2012-13 school year. The goals/objectives are the same for all public schools and LEAs for each grade configuration. The goals/objectives may be the same for more than one year. Idaho has set the goals/objectives and will use them to determine AYP for each public school and LEA by each student subgroup through 2012-13. (Refer to Section 3.1.)

	2002-03 2003-04	2004-05 2005-06	2006-07 2007-08 2008-2009	2009-10 2010-11	2011-12 2012-13	2013-14
Reading	66%	72%	78%	85%	92%	100%
Math	51%	60%	70%	80%	90%	100%
Language Usage	66%	72%	78%	85%	92%	100%

#### Evidence:

Board action, August 15, 2003  
Board Information, February 21, 2008

**3.2c What are the State's intermediate goals for determining Adequate Yearly Progress?**

Idaho has set intermediate goals that will be applied to all school configurations (elementary, middle, and high school) by allowing multiple years at a specific target level. These targets lead to the ultimate goal of having 100% of students proficient in 2013-14. See chart in Section 3.2b ~~(Previous page)~~.

Idaho Peer Review for 2006 required significant changes in the ISAT. As such, revised proficiency level descriptors were developed in March 2007. Based on revised PLDs and Spring 07 student data, performance standards were reset in May 2007. Idaho has revised the ~~AMAQAMO~~ progression, maintaining 2006-2008 goals for an additional year.

**Evidence:**

Board action, August 2006  
Board Information, 2006



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**PRINCIPLE 4. State makes annual decisions about the achievement of all public schools and LEAs.**

**4.1 How does the State Accountability System make an annual determination of whether each public school and LEA in the State makes AYP?**

Idaho makes annual determinations of AYP for all public schools and LEAs. Idaho Code requires that ISDE publish an annual report of school, LEA, and state performance. Idaho Code § 33-4502 and IDAPA 08.02.03, Section 112, require annual decisions before the beginning of each school year regarding school performance.

Information used for AYP determination includes:

- The proficiency status of each student tested in the state based on the assessment results for the student. (Each student will have a total mathematics and a reading score and students' proficiency will be determined for each test as provided by the testing company contracted to score and report test results.)
- Whether each student has completed a full academic year at the school, LEA, or state level as determined by a comparison of the roster of students enrolled from the end of the first eight weeks or fifty-six (56) calendar days of the school year who were continuously enrolled through the spring testing window. A student is continuously enrolled if he/she has not transferred or dropped-out of the public school. Students who are serving suspensions are still considered to be enrolled students. ~~Students who~~ Expulsion policies in Idaho are used at the district level; students expelled but return to at one school do not typically re-enroll at another school in within the same district are considered continuously enrolled to determine the district AYP.
- The number of students enrolled for a full academic year determined by comparing the number of continuously enrolled students with the number of tested students.
- The percent of students enrolled for a full academic year.
- The graduation rate for public high schools as determined by the formula indicated in Section 7.1 with information coming from the current Tenth Month Enrollment Report (June) and prior year dropout reports (by student)
- Performance on the additional academic indicators: See Section 7.2 for description of the third academic indicator for public elementary and middle schools.

Disaggregated test results, percent tested, and a third academic indicator and for elementary and middle schools the academic indicator described in Section 7.2 across all required subgroups. Disaggregation of the 2006-2007 graduation rate will be available for AYP determinations in 2007-2008.

All required subgroups are identified based on subgroup membership indicated in the March testing collection. Idaho will notify schools and LEAs of any subgroup that initially does not achieve AYP in one year on any indicator (i.e., reading, mathematics, participation rate, additional academic indicator, or graduation rate).

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Each school, LEA, and sub-group will be required to meet the AMO's and the intermediate goals. Each school and LEA, including all subgroups, will be required to meet the 95% assessment participation rate indicator.

An LEA is identified for improvement when it misses AYP in the same subject and same grade span for two consecutive years, or misses the other academic indicator in the same grade span for two consecutive years. This language compares to model 3 of Attachment A of Assistant Secretary Harry Johnson's March 7, 2006, letter to states. No change is being made in the process already used; only the clarification language is being added.

Public schools will be accountable for all students who have been enrolled in the school for a full academic year. The LEA is accountable for all students who have been enrolled for a full academic year in that LEA. The State Education Agency (SEA) is accountable for all students who have been enrolled for a full academic year in state schools. (See Section 2.2-~~7~~)

The decision about whether a school has achieved AYP is the responsibility of the State Board of Education. All accountability decisions will be based on the information collected by the ~~state contractor~~test vendor, using the following electronic collections:

- Enrollment of Students at the end of the first eight weeks or fifty-six calendar days of the school year
- ~~Class Roster~~Student Enrollment File (SEF)
- Tenth Month Enrollment Report (June)
- Total Year Student Registration Record
- Assessment Results by Student

The State Department of Education receives student data from the vendor in an SQL table. Calculations for AYP are done using additional information listed above. The appeals site for AYP is maintained at ISDE and approval and denials are determined by the Office of the State Board.

#### Evidence:

Idaho State Code § 33-4502  
IDAPA 08.02.03  
Board action, August 15, 2003

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**PRINCIPLE 5. All public schools and LEAs are held accountable for the achievement of individual subgroups.**

**5.1 How does the definition of Adequate Yearly Progress include all the required student subgroups?**

Idaho's definition of AYP includes measuring and reporting the achievement of subgroups of students by the indicators and subgroups that appear in Chart 6 (Accountability Subgroups and Academic Indicators). Currently, Idaho reports LEA and state performance by the required student subgroups. The Idaho Report Card can be viewed at ISDE's website. Districts create Reports Cards for individual schools within their respective districts. Reports Cards are available to the public from each LEA.

**Chart 6. Accountability Subgroups and Academic Indicators**

	Academic Indicators		Participation Rate		Graduation/Additional Academic Indicator*
	Reading % Meeting Standard	Mathematics % Meeting Standard	Reading	Mathematics	
All Students					
Economically Disadvantaged					
American Indian/Alaskan Native					
Asian					
Black/African American					
Native Hawaiian/Other Pacific Islander					
White					
Hispanic or Latino Ethnicity					
Students with Disabilities					
LEP Students					

\* The school/LEA will not be required to disaggregate graduation rate and additional academic indicator data into the subgroups for accountability unless the school/LEA is using the "Safe Harbor" provision to achieve AYP.

Idaho's definition of AYP requires all student subgroups to be proficient in reading and mathematics by the end of the 2012-13 school year. (See Section 3.1~~1~~)

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**Evidence:**

Idaho Report Card

<http://www.sde.idaho.gov/ipd/reportcard/SchoolReportCard.asp>

IDAPA 08.02.03

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**5.2 How are public schools and LEAs held accountable for the progress of student subgroups in the determination of Adequate Yearly Progress?**

Data Recognition Corporation, Idaho's assessment contractor, collects all data on all student subgroups. ~~This~~These data ~~is~~are then provided to ~~the state~~ISDE and used to match student enrollment data with test results and other indicators to determine AYP for all required subgroups. School determinations of AYP are computed in this system. Each subgroup within the school or LEA must meet the objective for each indicator (assessment proficiency rate and participation rate) in order to achieve AYP.

Idaho uses a uniform averaging procedure across grade levels in a school, LEA, or state to produce a single assessment score for reading and a single assessment score for mathematics. Test results in 2003 provided starting points for determining intermediate goals and annual measurable objectives for schools at those grade configurations. (See Section 3.1) Additionally, Idaho applies the 95% participation rate to student subgroups.

For AYP determination, the additional academic indicator calculation is used for accountability at the school/LEA levels, but is not calculated for each subgroup. However, for schools/LEAs that must use the "Safe Harbor" provision to achieve AYP the academic indicator must then be met by the subgroup(s) that failed to achieve AYP on the assessment scores.

Idaho will notify public schools and LEAs of any subgroup that does not achieve AYP in one year on any indicator (i.e., reading, mathematics, participation rate, additional academic indicator, or graduation rate). However, if that school/LEA successfully achieves AYP for that same indicator the following year, that school and LEA will be considered to have achieved the AYP standard and will not be identified as a school in need of improvement. This approach will reduce the error of false identification of schools in need of improvement based on that standard.

The Idaho Report Card will chart the progress of all groups of students and the status of each group in relation to annual measurable objectives based on the percent of students at the proficient level for reading, mathematics, the participation rate, and additional academic indicators. ISDE will provide the participating school, LEA, and state with the annual Report Card by the end of September with results.

**Evidence:**

IDAPA 08.02.03

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**5.3 How are students with disabilities included in the State's definition of Adequate Yearly Progress?**

Students with disabilities, as defined under Section 602(3) of IDEA and State Board policy are required to participate in all statewide achievement tests in Idaho. For AYP purposes, Board policy also stipulates that students with disabilities who have been enrolled in a public school for a full academic year will be included in the accountability formula. Students with disabilities must participate either in the ISAT, with or without accommodations and adaptations, or in the Idaho Alternate Assessment (IAA). The participation and proficiency results for the students with disabilities will be included in all AYP determinations.

~~Idaho~~The Office of the State Board notifies schools and LEAs of the AYP status for the student with disabilities subgroup on each indicator (i.e., reading and mathematics proficiency and participation rates, graduation rate, or the performance rate on the additional academic indicator). ~~If a school and/or LEA successfully achieves AYP for that same indicator the following year, that school and/or LEA will be considered to have achieved the AYP standard and will not be identified for school improvement based on the AYP standard.~~

The IAA is for special education students with significant disabilities, whose cognitive impairment may prevent them from attaining grade-level knowledge and skills, even with effective instruction and modifications. The IEP team determines whether a student is eligible to take an alternate assessment by using the state guidelines. The IAA is aligned to extended knowledge and skills, which are aligned to the Idaho Achievement Standards. Extended knowledge and skills differ in complexity and scope from the general education knowledge and skills. The IAA has a clearly defined scoring criteria and procedure and a reporting format that identifies the same performance levels as students taking the ISAT. All students taking the IAA are included in the calculations of adequate yearly progress (AYP) as either proficient (and above) or not yet proficient at the school, LEA and state level in reading and math and participation rates. The percent of students in the Alternate Assessment to ISAT will not exceed 1% of all students in the grades assessed at the LEA and the state levels. If it is projected that an LEA may exceed the 1% cap due to unusual circumstances, the LEA must use the state appeal process for approval.

~~As in 2006-2007, for calculating AYP for 2007-2008 Idaho will again take advantage of the additional flexibility offered for students with disabilities. Using the federal guidelines (May 10, 2005) for a transition option number 1, a proxy equivalent to two percent of the total number of students assessed will be calculated to allow an additional credit to schools or districts that miss the Adequate Yearly Progress (AYP) targets solely because of students with disabilities. This proxy percentage will be applied uniformly to all relevant schools and districts. 19 points were added in the two previous years, and in 2007 five districts and 19 schools benefited.~~

Idaho is participating with five other states in an EAG: CAAVS grant to develop a 2% assessment. This work will continue into 2009-10 school year.

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For testing purposes, those students who have been exited from a special education program will be coded SPEX1 and SPEX2 for first and second year of exited status.

**Evidence:**

IDAPA 08.02.03

<http://www.sde.state.id.us/SpecialEd/AltAssessment/iaamanual.pdf>

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**5.4 How are students with limited English proficiency included in the State's definition of Adequate Yearly Progress?**

All LEP students in Idaho public schools are required to participate in the Plan using appropriate accommodations and modifications. LEP, when used with reference to individuals, represents:

- Individuals whose native language is a language other than English.
- Individuals who come from environments where a language other than English is dominant.
- Individuals who are American Indian and Alaskan natives and who come from environments where a language other than English has had a significant impact on their level of English language proficiency, and who, by reason thereof, have sufficient difficulty speaking, reading, writing, or understanding the English language to deny such individuals the opportunity to learn successfully in classrooms, where the language of instruction is English.

~~The following language is from IDAPA 08.02.03: "Limited English Proficient (LEP) students, as defined in Subsection 112.03.d.iv., who receive a score in the low range on the State Board of Education approved language acquisition proficiency test and have an Education Learning Plan (ELP), shall be given the ISAT with accommodations or adaptations as outlined in the ELP. For AYP purposes students can be categorized as LEP students for two (2) years after testing proficient on the language proficiency test and exiting the LEP program. However, exited LEP students are not included in the LEP subgroup when the number of LEP students in the subgroup already meets the minimum "n" size of 34. For testing purposes, exited LEP students will be coded LEPX1 and LEPX2 for first and second year of exited and monitored status.~~ LEP students who do not have an ELP or a language acquisition score will be given the regular ISAT without accommodations or adaptations. LEP students who are enrolled in their first year of school in the United States may take the English Proficiency test in lieu of the reading/language usage ISAT but will still be required to take the math, and science in grades offered, ISAT with accommodations or adaptations as determined by the ELP and language proficiency score. Their participation will count positively in the 95% participation requirement for both the reading and math assessment. However, neither the math nor reading scores will be counted in the proficiency calculations." For testing purposes, first year LEP students will be coded as LEP1.

All of the required subgroups, including LEP students as described above, who are enrolled in an Idaho public school for a full academic year, will be included in the performance level measures that determine AYP and accountability status of schools, and the approval status of schools, LEAs, and the state.



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Idaho will notify schools and LEAs of the LEP subgroup that initially does not achieve AYP in one year on any indicator (i.e., reading, mathematics, participation rate, additional academic indicator, or graduation rate).

Board rule addresses the participation of LEP students and also outlines the criteria that a school-based team must evaluate each individual LEP student to determine the appropriate participation in the ISAT. LEAs may approve assessment with accommodations and modifications on a case-by-case basis for individual students.

For an LEP student who is also identified as a student with disabilities under IDEA, the IEP team will determine whether the student participates in the ISAT or meets the criteria for the Idaho Alternate Assessment.

**Evidence:**

IDAPA 08.02.03, §§111.04 and 112

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**5.5 What is the State's definition of the minimum number of students in a subgroup required for reporting purposes? For accountability purposes?**

Reporting Purposes

ISDE's minimum "n" for reporting is 10 students. Idaho Report Card does not report student data for less than 10 students. However, if the minimum "n" is not met, scores are rolled into the district level. In addition, when the cell being reported is greater than 95% or less than 5%, only the symbols >95% or < 5% will be reported. This will further reduce the possibility of inadvertently identifying information about individual students.

Board rule outlines the achievement performance measures for reporting the school's total students and each subgroup (migrant students, student gender, students with disabilities, LEP students, economically disadvantaged students, race/ethnicity to include American Indian/Alaskan Native, Asian, Black/African American, Native Hawaiian/Other Pacific Islander, White, and Hispanic or Latino Ethnicity), which contains 10 or more students.

Accountability Purposes

ISDE's minimum "n" for accountability is 34 students. The minimum "n" of 34 will apply to ISAT, including Idaho Alternative Assessment test scores. Idaho examined the impact of the various "n" values that are statistically defensible for making valid and reliable AYP decisions. The "n" value of 34 provides confidence intervals of .05 and a power of .80, both of which are statistically acceptable.

For a comparative perspective, the following chart shows the impact of various "n" values on the number of schools that would be excluded at each value.

Fall Enrollment	Number of Schools	Elementary	Alternative/ Secondary	Exceptional Child
≤ 50	66	29	27	2
≤ 40	60	27	23	2
≤ 34	51	25	17	2

As the chart illustrates an "n" of 34 includes 15 schools in the calculation that would not be reported with an "n" of 50. Idaho has a very homogeneous student population. Approximately 86% of students are White, 11% are Hispanic or Latino ethnicity, and 3% is identified as Black/African American, Asian, or American Indian/Alaskan Native.

With an "n" greater than 34 the probability is high that whole subgroups of the population would be excluded from performance calculations. Idaho will use grouping techniques consistent with federal guidelines to group students across grade-level averaging to reach reportable student numbers.

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~~Beginning in 2002-2003 Idaho introduced the ISAT in grades 4, 8, and 10. With this phased-in introduction, many subgroups did not appear to have missed a target in reading or math because there were less than 34 students (see section 5.5). With the introduction of more grades, more subgroups now have 34 or more students. To avoid the over-identification of schools and districts in “need of improvement,” Idaho will apply safe harbor (the reduction of not proficient students by 10%) to subgroups’ results from 2003 even when the “n” is less than 34.~~

- ~~• The safe harbor formula used is~~

$$\frac{\% \text{ of not proficient students, year 1} - \% \text{ of not proficient students, year 2}}{\% \text{ of not proficient students, year 1}}$$

- ~~• Idaho will use the % of not proficient students in year 1 even when “n” is less than 34~~

- ~~• The “n” for year 2 data must be equal to or greater than 34~~

~~Completion of the introduction of the ISAT in grades 3-8 and 10 reduced the use of data from groups less than 34 to apply Part 1 of safe harbor.~~

Board policy outlines the achievement performance level measures for accountability as the “school’s total students and each subgroup (students with disabilities, Limited English Proficient, economically disadvantaged, and racial/ethnic to include American Indian/Alaskan Native, Asian, Black/African American, Native Hawaiian/Other Pacific Islander, White, and Hispanic or Latino Ethnicity) that contains 34 or more students.”

**Evidence:**

IDAPA 08.02.03

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**5.6 How does the State Accountability System protect the privacy of students when reporting results and when determining AYP?**

Idaho uses a minimum “n” of 10 for reporting of school and LEA results. This minimum is ~~acceptable for~~consistent with requirements of the Family Educational Rights and Privacy Act (FERPA) requirements. Additionally, the Board policy assures the privacy rights of all students.

Individual student results are not public record. In order to assure that individual students cannot be identified, school results are not publicly reported or displayed when the number of students in a subgroup is less than 10- or whenever the reported results would make it possible to determine the performance of individuals such as all students in the group falling into the same performance level. Asterisks will be used on the Idaho Report Card when data ~~has been~~are suppressed.

Results greater than 95% will be reported as “> 95%” and results less than 5% will be reported as “< 5%” in order to prevent reporting information that would violate the privacy of individual students.

**Evidence:**

IDAPA 08.02.03, §111.05

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**PRINCIPLE 6.** State definition of AYP is based primarily on the State's academic assessments.

**6.1 How is the State's definition of Adequate Yearly Progress based primarily on academic assessments?**

Idaho's definition for AYP is based primarily on reading and mathematics assessments for all student subgroups. The 2002-2003 test results served as the baseline data years for the assessment indicators.

To achieve AYP, all student subgroups are required to meet the state's definition of proficient for reading and mathematics by the 2012-13 school year. Beginning in the 2004-05 school year, each school and LEA was required to increase the percent of students at the proficient level in that school or LEA consistent with intermediate annual measurable achievement objectives that were originally based on 2002-2003 baseline data.

The assessments that will be used to determine AYP calculations for schools and LEAs in Idaho are designated by "X" and on the following chart:

**Chart 7. Idaho's Accountability Assessments**

Grade	ISAT & IAA		*Science
	Reading	Mathematics	
K			
1			
2			
3	X	X	
4	X	X	
5	X	X	X
6	X	X	
7	X	X	X
8	X	X	
9			
10	X	X	X
11			
12			

\*Science will be *reported only* as required for 2008.

The same performance level standards are applied to public schools and LEAs, disaggregating the data into the federally-defined subgroups to determine the minimum percent of students at or above the state's identified proficient performance level for the respective grade spans using the starting point calculations outlined in section 3.2b and Chart 5. These calculations first identified the percent of students achieving AYP for 2003-04; determined AYP intermediate goals/annual objectives based on state performance through 2012-14; and determined annual growth objectives based on school performance up to 2012-14.

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In addition to meeting the 95% assessment participation rate, the graduation rate will be used as the additional indicator for public high schools. ~~Disaggregation of the graduation rate for 2006-2007 will be available for AYP determination in the 2007-2008 school year. Beginning in 2004-2005 the third indicator as described in Section 7.2 will be used for elementary and middle public schools for determining AYP.~~

**Evidence:**

IDAPA 08.02.03

Board action, January 26, 2004

~~IDAPA 08.02.03~~

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**PRINCIPLE 7.** State definition of AYP includes graduation rates for public high schools and an additional indicator selected by the state for public middle and public elementary schools (such as alternative performance measure rates).

**7.1 What is Idaho's definition for public school graduation rate?**

For Idaho, the graduation rate has been measured through AYP determinations made in 2007 using the number of students who graduate from a public high school with a regular diploma (not including a GED or any other diploma not fully aligned with the state's academic standards) in five years. Idaho includes in the graduation rate the number of students with disabilities who are entitled to services up to the age of 21 where the Individual Education Plan warrants the additional time to meet graduation requirements. The number of high school graduates and dropouts by grade has been reported to ISDE for the last five years.

The graduation rate formula beginning in fall 2008 data collection and used in the calculation for the class of 2007 in AYP determination for the State of Idaho for 2008 uses a denominator of current year graduates, plus current year 12<sup>th</sup> grade dropouts, plus prior year 11<sup>th</sup> grade dropouts, plus two years prior 10<sup>th</sup> grade dropouts, plus three years prior 9<sup>th</sup> grade dropouts.

$$\frac{A}{A+B+C+D+E} = \text{Graduation Rate}$$

A = Current Year Graduates  
B = Current Year 12<sup>th</sup> Grade Dropouts  
C = Prior Year 11<sup>th</sup> Grade Dropouts  
D = Two Years Prior 10<sup>th</sup> Grade Dropouts  
E = Three Years Prior 9<sup>th</sup> Grade Dropouts

Idaho uses the formula for graduation rate from the National Center for Educational Statistics (NCES). Graduation rate (G) is defined by NCES as the proportion of students that begin in ninth grade and go on to complete twelfth grade with a diploma. Idaho includes students who complete high school under the IEP exception. A General Education Development (GED) certificate does not meet requirements that are comparable for receipt of a regular high school diploma.

$$G = c_{st}^{long} = \frac{g_{st}}{g_{st} + d_{st}^{12} + d_{s(t-1)}^{11} + d_{s(t-2)}^{10} + d_{s(t-3)}^9}$$

Where  
G = graduation rate.

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- $c_{st}^{\text{long}}$  = four-year completion rate for state  $s$  at year  $t$ .  
 $g_{st}$  = number of high school completers at year  $t$ .  
 $d_{st}^{12}$  = number of grade 12 dropouts at year  $t$ .  
 $d_{s(t-1)}^{11}$  = number of grade 11 dropouts at year  $t-1$ .  
 $d_{s(t-2)}^{10}$  = number of grade 10 dropouts at year  $t-2$ .  
 $d_{s(t-3)}^9$  = number of grade 9 dropouts at year  $t-3$ .

The Board established the graduation rate standard of 90%. Schools will be considered as having achieved AYP if they meet or exceed the standard or if they have made improvement toward the standard.

Idaho will first determine whether each school met the 90% target or improved its graduation rate over the previous year.

~~All schools with over 100 in the graduating cohort will continue to have AYP determined by this formula.~~

~~Schools with graduating cohorts from 35-100 will have graduation rates calculated to determine whether they have improved or reached 90%. A three year rolling average of graduation rates will be applied to calculate AYP when they fail to meet 90%.~~

The High School ISAT is first administered at grade 10. Proficient student scores will be banked. Non-proficient students will be re-tested in grades 11 and 12. AYP calculation will be made at the 11<sup>th</sup> grade cohort in 2009 and 12<sup>th</sup> grade cohort in 2010. Proficiency on the High School ISAT is a requirement for high school graduation in Idaho.

Graduation rates will use a rolling average, averaged over a two or three year period to determine if the requirement has been met.

For small schools below the minimum “n” (with 34 or fewer students in the cohort, Idaho will conduct a small school review by:

- First determining whether the school has met the 90% target or improved its graduation rate over the previous year.
- Second, a three year rolling average of graduation rates will be applied to calculate AYP when they fail to meet 90%.
- Finally, AYP determination will be based on whether the school lost no more than 1 student per year.

For subgroups with less than 10, the 90% or improvement rule will be applied at the LEA and state levels.



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For AYP determination, the graduation rate calculation will be used for accountability at the school/LEA levels, but will not be calculated for each subgroup. However, for schools/LEAs that must use the "Safe Harbor" provision to achieve AYP for the achievement indicator, the graduation rate standard must then be met by the subgroup(s) that failed to achieve AYP on the assessment standards.

While the state has been able to calculate the graduation rate for the student population as a whole, in order to provide for disaggregation of data by subgroups Idaho implemented in the fall 2008 collection detailed data that will allow the calculation of subgroup graduation rates for "Safe Harbor" determinations for the 2007 graduating class, which will be reported in 2008 AYP determinations.

The formula for calculating the graduation rate ~~for the class of 2007~~ will be based on four year completers and will be used in the AYP calculation ~~for 2008~~. With the implementation of a unique student identifier within the next year districts within Idaho will be better able to track transfers of students within the state.

**Evidence:**

Board action October 2, 2003  
IDAPA 08.02.03

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**7.2 What is the State's additional academic indicator for public elementary schools and public middle schools for the definition of AYP?**

The Idaho State Board of Education approved beginning in the 2004-2005 school year an additional academic indicator for elementary and middle schools. Districts may choose among the following three options:

- Meet or exceed previous Language Usage ISAT proficiency rates, or
  - Reduce the percentage of students that score at the below basic level on the reading and math ISAT, or
  - Increase the percentage of students that score at the advanced level on the reading and math ISAT.
- Meet, exceed, or show progress towards, the average annual attendance rate of 93% as reported on the First Quarterly Reporting Period, November of each school year.

The guidelines for the Language Usage proficiency rates will be the same as for the previous two years. Schools/districts and any applicable subgroup using safe harbor must do one of the following to meet the Language Usage goal:

1. Maintain the percent of proficient or advanced students from the previous year, or
2. Increase the percent proficient or advanced students from previous year, or
3. Achieve a proficiency rate at or above 7678% (this target is set to increase as does the percentage expected for the reading/language artsusage assessment—see 3.1).

In addition, the guidelines below apply to increasing the percent of advanced in reading and math or decreasing the percent of below basic in reading and math:

1. Increase in percent of advanced is an average of the percent of increase in reading and the increase in math delineated by the following formulas:
  - a) Formula for increase of advanced percent: ((Percent of advanced students in reading year 2 – percent of advanced students in reading year 1) + (Percent of advanced students in math year 2 – percent of advanced students in math year 1)) / 2
  - b) Formula for decrease of below basic percent: ((Percent of below basic students in reading year 1 – percent of below basic students in reading year 2) + (Percent of below basic students in math year 1 – percent of below basic students in math year 2)) / 2
2. Districts must maintain the previous year's level or make progress in either the percent of advanced or percent of below basic students to have achieved the goal.

The following are general guidelines for all threefour options:

1. Selection of an option is in force for a minimum of one year. Districts may change their selection annually by written notification to the Office of the State Board of Education by September 15<sup>th</sup> of each year. The selection will remain in effect unless notification is received by this date.

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2. Districts must select a choice that will be applied to all schools within that district, including charter schools. Charter schools not chartered by a district will make a decision as an LEA.

LEA choices must be made at the beginning of the school year. The language usage option was assigned to LEAs that did not make the cut off date for the 2004-2005 school year.

These gains are measured by performance on the ISAT tests, eliminating the need for an additional statewide test. The language usage test is an academic test that is developed and maintained according to the same technical standards as the mathematics, reading, and science tests that are components of the ISAT.

For the AYP determination, the additional academic indicator calculation will be used for accountability at the school/LEA levels, but will not be calculated for each subgroup. However, for schools/LEAs that must use the "Safe Harbor" provision to achieve AYP for the achievement indicator, the additional academic indicator standard must then be met by the subgroup(s) that failed to achieve AYP on the assessment standards.

**Evidence:**

Board action, January 26, 2004

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**7.3 Are the State's academic indicators valid and reliable?**

Idaho has defined academic indicators that are valid and reliable as demonstrated by the use of clear definitions (e.g., United States Department of Education-recommended calculation formulas) for data elements and the statewide collection and analysis of data by the Board and ISDE. The Board and ISDE review data submitted by LEAs, including school/LEA graduation and additional academic indicators, and publishes the information in school/LEA/state Report Cards. All This includes the monitoring of databases are monitored to verify the accuracy of data.

Idaho's graduation rate calculation is consistent with the NCES calculation (See Section 7.1) with the exception that Idaho includes a provision that for students with disabilities who meet the criteria established on his or her IEP that specifically address completion of the student's secondary program more than four years can be taken to graduate. The same flexibility is allowed for LEP students with an ELP plan.

Idaho has contracted with outside vendors to conduct independent reliability and validity studies of ISAT reading, mathematics, language usage, and science assessments. Educators from each part of the state will be involved in ongoing item writing and test development to provide test items for each testing session. Alignment study results will be used to guide the items writing sessions and assure that alignment is maintained. The alternate assessment has been independently analyzed to assure validity, reliability, and alignment.

**Evidence:**

Idaho State Department of Education website for Idaho Report Card  
<http://www.sde.idaho.gov/ipd/reportcard/SchoolReportCard.asp>

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**PRINCIPLE 8. AYP is based on reading/language arts and mathematics achievement objectives.**

**8.1 Does the state measure achievement in reading/language arts and mathematics separately for determining AYP?**

For accountability purposes, using the ISAT, achievement in reading and mathematics are measured separately. For Idaho students with significant cognitive impairment, the Idaho Alternate Assessment (IAA) is used to assess students for accountability. (See Chart 3 in Section 3.1) During the 2002–03 academic year, Idaho implemented the ISAT assessment program on a statewide basis.

~~The starting points for all student groups were calculated using data from all Idaho public schools.~~

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**PRINCIPLE 9. State Accountability System is statistically valid and reliable.**

**9.1 How do AYP determinations meet the State's standard for acceptable reliability?**

Idaho will provide a process that creates evidence that AYP determinations are reliable. The reliability of the Plan determinations will be assured through:

- Uniform averaging of proficiency categories across grade levels within the school and LEA to produce a single school or LEA score.
- 2002-03 scores were used as baseline for determining starting point. Idaho has established the trajectory of intermediate goals and annual objectives beginning in 2004-2005.
- Statistical tests to support the minimum "n" decision.
- A minimum subgroup size of 34 is being used for accountability.
- External review for content standards alignment.
- Third party independent alignment studies for Mathematics, Science and Reading were completed in May 2007 and for Language Usage in January 2008. Note: Language Usage was delayed until Idaho's item bank was sufficient. All four alignment studies are available at <http://www.boardofed.idaho.gov/saa/Technical-Reports.asp>.
- "Safe Harbor" provision and evidence that this rule increases reliability of decisions about schools.

Note: Validity, reliability and alignment studies for the IAA will be available in fall 2009. IAA is currently under revision.

**Evidence:**

Assessment Data analysis from ISAT

Technical Reports: ISAT

<http://www.boardofed.idaho.gov/saa/Technical-Reports.asp>

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**9.2 What is the State's process for making valid AYP determinations?**

Idaho's Plan is designed for construct validity and ongoing analysis of results.

Reliable assessments aligned with content standards will result in accurate identification of schools and LEAs in need of improvement. Accurate data collection and reporting will support the inferences drawn from the System. Schools and LEAs will have access to an appeals procedure following preliminary identification.

In order to increase the validity of accountability decisions, Board policy includes the following Appeals Process:

1. The Idaho State Board of Education, with the assistance of the Idaho State Department of Education, determines preliminary identification of all schools and LEAs that have not met AYP according to the state criteria. The LEA will notify all schools ~~who~~that are identified for school improvement.
2. Within 30 days of preliminary identification, the agency (LEA/school) reviews its data and may challenge its identification. The agency (LEA/school) not meeting AYP may appeal its status and provide evidence to support the challenge to the agency making the identification (Idaho Board of Education or LEA).
3. No later than thirty days after preliminary identification, the identifying agency reviews the appeal and makes a final determination of identification for school improvement.

A valid and reliable accountability system has been designed for the ISAT assessment program that includes the requirements of NCLB. The new accountability system will be designed to create the most advantageous balance of 1) reliable results, 2) public confidence in the results, 3) including all public schools in the accountability formula, and 4) capacity building and development of resources to serve Idaho students and schools.

As the Idaho Accountability System is revised, Idaho will regularly examine the validity and reliability of the data related to the determination of AYP and decision consistency for holding public schools and LEAs accountable within this system. Updated analysis and reporting of decision consistency will be shared with the public at appropriate intervals.

**Evidence:**

IDAPA 08.02.03

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**9.3 How has the State planned for incorporating into its definition of AYP anticipated changes in assessment?**

~~Idaho used the ISAT on-grade-level tests and the Plan as the basis for development of annual measurable objectives determined by the computations for AYP during the transition period of 2002-03. Scores derived from the annual spring administration of the ISAT will be used to determine AYP for Idaho schools.~~

The current ISAT was first developed for the spring 2007 administration. The development of test forms for subsequent administrations will be carefully linked and equated to previous administrations meeting current Standards for Education and Psychological Testing, AERA. Current technical reports are available at the State Board website.

ISAT is delivered primarily on the computer. Idaho provides accommodated versions of the assessment including pencil/paper, large print ~~and~~, Braille ~~and~~ audio for students requiring these accommodations. Online administration of the test increases accuracy and reliability of test results. New assessments that are implemented as part of the Plan will employ similar computer technology to assure consistent accuracy and reliability.

Note: The IAA is currently under revision. Technical reports will be available in fall 2009.

**Evidence:**

IDAPA 08.02.03

Technical Reports: ISAT

<http://www.boardofed.idaho.gov/saa/Technical-Reports.asp>



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**PRINCIPLE 10.** In order for a public school or LEA to make AYP, the State ensures that it assessed at least 95 percent of the students enrolled in each subgroup.

**10.1 What is the State's method for calculating participation rates in the state assessments for use in Adequate Yearly Progress determinations?**

NCLB requires that a **minimum** of 95% of students enrolled in public schools as well as 95% of students in **each** subpopulation take the test. The 95% minimum precludes public schools from shielding low-scoring students in subpopulations from AYP accountability. Failure to include 95% of students automatically identifies the school as not having achieved AYP. The 95% determination is made by dividing the number of students assessed on the Spring ISAT by the number of students reported on the class roster files:

$$\frac{T}{E} \geq .95$$

Where

T = number of students tested.

E = number of enrolled students reported for the March Average Daily Attendance reporting period in the designated grade levels.

Invalid tests are included in the denominator, but not in the numerator.

The state uses standard rounding rules in these calculations.

In 2004 Idaho added to Board Rule the provision to use an average of the most recent three years to determine whether an LEA meets or exceeds the 95% requirement.

IDAPA 08.02.03, Rules Governing Thoroughness, in section 03(b)1 states:

If a school district does not meet the ninety-five percent (95%) participation target for the current year, the participation rate can be calculated by the most ~~current~~ three recent two (2) year or the most recent (3) year average of participation.

This change is in accord with the 2004 policy decision of the U.S. Department of Education.

**Evidence:**

IDAPA 08.02.03

## **10.2 What is the State's policy for determining when the 95% assessed requirement should be applied?**

For determining AYP, Idaho will apply the 95% of total enrollment participation requirement for grades tested for all schools and subgroups unless the subgroup has less than the minimum "n." For subgroups less than the minimum "n," the 95% assessed requirement will be applied at the LEA and state levels.

Failure to include ninety-five percent (95%) of all students and ninety-five percent (95%) of students in designated subgroups automatically identifies the school as not having achieved AYP. The ninety-five percent (95%) determination is made by dividing the number of students assessed on the spring ISAT by the number of students reported on the class roster file for the spring ISAT.

- 1) If a school district does not meet the ninety-five percent (95%) participation target for the current year, the participation rate will be calculated by a three (3) year average of participation.
- 2) Students who are absent for the entire state-approved testing window because of a significant medical emergency are exempt from taking the ISAT if such circumstances prohibit them from participating.

For groups of ten (10) or more students, absences for the state assessment may not exceed five percent (5%) of the current enrollment or two (2) students, whichever is greater. Groups of less than ten (10) students will not have a participation determination.

### **Evidence:**

| IDAPA 08.02.03

**APPENDIX A**

**Adequate Yearly Progress  
Accountability Procedures**

**for**

**Idaho Local Education Agencies & Schools**

**Approved by the State Board of Education June 2004**

**Revised June 2006**

**Revised January 2008**

**Revised January 2009**

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**INTRODUCTION**

State Board of Education administrative rules and federal law establish sanctions or consequences for schools and local education agencies (LEAs) that do not make Adequate Yearly Progress (AYP). Part I of this document details the sanctions and procedures for schools. Part II details the sanctions and procedures for LEAs.

**PART I: SCHOOL PROCEDURES**

Sanctions begin when a school fails to make AYP for two consecutive years. The sanctions become progressively more severe over the following five years if the school continues to fail to make AYP.

<u>Not Meeting AYP</u>	<u>Schools</u>	<u>LEAs</u>
<u>Year 1 &amp; 2</u>	<u>Identified as not achieving AYP</u>	<u>Identified as not achieving AYP</u>
<u>Year 3</u>	<u>School Improvement</u> <ul style="list-style-type: none"> <li><u>Technical Assistance from LEA</u></li> <li><u>Choice</u></li> <li><u>Develop and Implement an Intervention School Improvement Plan</u></li> <li><u>Supplemental Services for eligible students in reading and math if choice not available</u></li> </ul>	<u>LEA Improvement</u> <ul style="list-style-type: none"> <li><u>Technical Assistance from SDE</u></li> <li><u>Develop and implement an Intervention Improvement Plan</u></li> </ul>
<u>Year 4</u>	<u>School Improvement</u> <ul style="list-style-type: none"> <li><u>Technical Assistance from LEA</u></li> <li><u>Choice</u></li> <li><u>Supplemental Services</u></li> <li><u>Implement Intervention School Improvement Plan</u></li> </ul>	<u>LEA Improvement</u> <ul style="list-style-type: none"> <li><u>Technical Assistance from SDE</u></li> <li><u>Implement the Intervention Improvement Plan</u></li> </ul>
<u>Year 5</u>	<u>Corrective Action</u> <ul style="list-style-type: none"> <li><u>Choice</u></li> <li><u>Supplemental Services</u></li> <li><u>Technical Assistance from LEA</u></li> <li><u>Implement Corrective Action</u></li> </ul>	<ul style="list-style-type: none"> <li><u>Corrective Action</u></li> <li><u>Technical Assistance from SDE</u></li> <li><u>Implement Corrective Action</u></li> </ul>
<u>Year 6</u>	<u>School Improvement</u> <ul style="list-style-type: none"> <li><u>Choice</u></li> <li><u>Supplemental Services</u></li> <li><u>Develop a Restructuring Plan</u></li> </ul>	<u>Corrective Action</u> <ul style="list-style-type: none"> <li><u>Technical Assistance from SDE</u></li> <li><u>Implement Corrective Action</u></li> </ul>
<u>Year 7</u>	<u>School Improvement</u> <ul style="list-style-type: none"> <li><u>Choice</u></li> <li><u>Supplemental Services</u></li> <li><u>Implement Alternative Governance</u></li> </ul>	

Note: For non-Title 1 schools identified for School Improvement (year 3, 4, 5, 6 & 7), see page 11 for alternate options for offering Supplemental Services.

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An LEA, also called a school district or LEA charter school, must follow specific procedures to implement these sanctions when one or more of its schools consistently fail to make AYP. Procedures for each sanction and state support are detailed in the following sections:

- Section I Technical Assistance
- Section II School Choice
- Section III School Improvement Plans
- Section IV Supplemental Services
- Section V Corrective Action
- Section VI Restructuring

**Section I. Technical Assistance**

Although technical assistance is listed with the consequences of not making AYP, it is not a sanction. Technical assistance is practical advice offered by an external source that addresses specific areas of improvement.

Federal law places the primary responsibility for providing technical assistance to schools with the LEA. The State Department of Education (SDE) also plays a significant role in the improvement process. Both federal law and State Board rule require the SDE to provide support to LEAs and schools (technical assistance, consultation, etc.) in the planning and implementation of school improvement.

Below are requirements identified in federal law for the LEA and the state with regard to providing technical assistance. Each sanction or consequence also identifies specific technical assistance procedures for the LEA.

**LEA**

The LEA is required to provide technical assistance to its schools that fail to make AYP and are identified for improvement. Although the LEA must ensure its schools receive technical assistance, federal law allows the LEA to use other agencies to provide the direct services. Other acceptable technical assistance providers may include:

- the State Department of Education,
- an institution of higher education,
- a private, not-for-profit or for-profit organization,
- an educational service agency, or
- another entity with experience in helping schools improve academic achievement.

Additional resources may be found on the State Department of Education's website at <http://www.sde.idaho.gov>.

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**State Support**

Federal law sets specific technical assistance responsibilities for the state. States are to do the following:

1. Reserve and allocate Title I Part A funds for school improvement activities.
2. Create and sustain a statewide system of support that provides technical assistance to schools and LEAs identified for improvement.

The central focus of the statewide system of support and improvement is utilizing external teams of skillful and experienced individuals and professionals to assist schools and LEAs. Federal law also details the roles and responsibilities of these groups as follows:

1. A team is a group of skillful and experienced individuals charged with providing struggling schools with practical, applicable and helpful assistance in order to increase the opportunity for all students to meet the state's academic content and student academic achievement standards.
2. Each team must be comprised of individuals who are knowledgeable about scientifically based research and practice and its potential for improving teaching and learning. In addition, team members should be familiar with a wide variety of school reform initiatives, such as school wide programs, comprehensive school reform, and other means of improving educational opportunities for low-achieving students.
3. Typically, teams will include some or all of the following:
  - a. Highly qualified or distinguished teachers, principals, and district level personnel;
  - b. Pupil services personnel;
  - c. Parents;
  - d. Representatives of institutions of higher education;
  - e. Representatives of educational laboratories or regional technical assistance centers;
  - f. Representatives of external consultant groups; or
  - g. Other individuals that the state, in consultation with the LEA, may deem appropriate.

An extensive knowledge base, wide-ranging experience, and credibility are essential qualifications for team members.

4. The team's responsibility is to assist the school in strengthening its instructional

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program to improve student achievement. Specifically, the team must do the following:

- a. Review and analyze all facets of the school's operation, including the design and operation of the instructional program, using the findings from this review to help the school develop recommendations for improved student performance.
- b. Collaborate with school staff, LEA staff, and parents to design, implement and monitor an improvement, corrective action or restructuring plan that can be expected to help the school meet its improvement goals if implemented.
- c. Monitor the implementation of the intervention school improvement plan and request additional assistance from the LEA or the state as needed by the school or the team.
- d. Provide feedback at least twice a year to the LEA, and to the state when appropriate, about the effectiveness of the personnel assigned to the school.
- e. The overall charge of the team is to help the school create and implement a coherent, efficient and practical plan for improvement. Effective team members will possess the knowledge, skills, experience and interpersonal skills that will enable them to address problems.

The state also must draw on the expertise of other entities to provide assistance as needed, such as institutions of higher education, educational service agencies or other local consortia, or private providers of scientifically based technical assistance. To the extent practicable, the statewide support system must work with and receive assistance from the comprehensive regional technical assistance centers and regional educational laboratories funded under the Elementary and Secondary Education Act (ESEA), or other providers of technical assistance.

In addition the state must monitor the efforts of LEAs to assist their schools identified for improvement. Federal law directs the state to do the following:

1. Make technical assistance available to schools identified for school improvement, corrective action or restructuring.
2. If the state determines that a LEA failed to carry out its responsibilities, take such corrective actions as the state determines to be appropriate and in compliance with state law.
3. Ensure that academic assessment results under this part are provided to schools before any identification of a school may take place under this subsection.
4. For LEAs or schools identified for improvement under this subsection, notify the U.S. Secretary of Education of major factors that were brought to the attention of the state

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that have significantly affected student academic achievement.

## **Section II. School Choice**

Below are the School Choice procedures that must be followed by an LEA when one or more of its schools fail to make AYP for two or more years. Choice must be offered until the school meets AYP for two consecutive years or is restructured.

### **The LEA must do the following:**

1. Create a choice policy or revise an existing choice or open enrollment policy (Idaho Code 33-1402) to include choices for students enrolled in schools identified for improvement. The policy should include:
  - a. Parental notification of choices as soon as possible after identification and no later than 14 days prior to the start of the school year;
  - b. Procedures for parents to sign up their child for transfer;
  - c. Transportation options;
  - d. Criteria to be used for priority rankings if needed;
  - e. Schools available for transfer; and
  - f. Agreements with other LEAs to accept transfer students.
2. For each of its schools not making AYP for two or more years, advise parents of the school's improvement status and offer choices as soon as possible after identification and no later than the first day of school. The notice should accomplish the following:
  - a. Inform parents that their child is eligible to attend another public school due to the identification of the current school as in need of improvement.
  - b. Identify each public school, which may include charter schools, that the parent can select.
  - c. Include information on the academic achievement of the schools that the parent may select.
3. Report to the State Department of Education the number of students using the choice.

### **State Support**

The State Department of Education will provide technical assistance to the LEA upon request. Technical assistance may include providing sample letters to parents, sample policies and other services.

## **Section III. School Improvement Plan**

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All Idaho LEAs and their schools have a strategic plan or a continuous school improvement plan. This sanction refers to a section of that plan that addresses the specific reading and math problems identified through AYP monitoring.

**Procedures**

Below are the procedures that must be followed by a LEA when schools do not make AYP for two or more years.

**The LEA must do the following:**

1. Provide direct technical assistance or provide for other agencies to provide technical assistance to all its identified schools in creating a two-year school improvement plan. Technical assistance should include the following:
  - a. School improvement planning and implementation;
  - b. Data analysis;
  - c. Identification and implementation of effective, scientifically based instructional strategies;
  - d. Professional development; and
  - e. Budget analysis.
2. Ensure that each school identified for improvement completes, within 90 days of its identification, a two-year school improvement plan for LEA review. Improvement plans must:
  - a. Focus on reading and/or math deficiencies in participation or proficiency.
  - b. Identify scientifically based teaching strategies.
  - c. Outline professional development.
  - d. Include parental involvement.
  - e. Identify technical assistance needs.
  - f. Establish measurable goals.
  - g. Define implementation responsibilities for the school and the LEA.
3. Create a process for peer review of the plan.
4. Give final approval within 45 days of receiving the plan.
5. Work with the State Department of Education to identify a school team to assist schools identified for improvement.
6. Ensure that the plan is implemented as soon as possible after approval and no later than the beginning of the following school year.

**State Support**

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The SDE will provide technical assistance to the LEA upon request. Technical assistance may include the following:

1. Reviewing and analyzing all facets of the school's operation, including the design and operation of the instructional program;
2. Assisting with writing the plan;
3. Reviewing the Mentoring Program;
4. Identifying a team to advise the school;
5. Offering regional workshops; and
6. Providing feedback at least twice a year to the LEA.

**Section IV. Supplemental Services**

Students from low-income families who are attending schools that have been identified as needing improvement may be eligible to receive outside tutoring or academic assistance. Parents can choose the appropriate services for their child from a list of state-approved providers. The LEA will purchase the services with funds identified for this use.

**Procedures**

Below are the supplemental services procedures that must be followed by a LEA when one or more of its schools fails to make AYP for three or more consecutive years. Supplemental services must be offered until the school meets AYP for two consecutive years or is restructured. Requirements of this program vary depending upon whether the school receives Title I funds.

**For Title I schools, the LEA must do the following:**

1. Notify parents about the availability of services, at least annually. The notice must:
  - a. Identify each approved service provider within the LEA and LEA charter school, in its general geographic location or accessible through technology such as distance learning.
  - b. Describe the services, qualifications and evidence of effectiveness for each

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- provider.
- c. Describe the procedures and timelines that parents must follow in selecting a provider to serve their child.
- d. Be easily understandable; in a uniform format, including alternate formats upon request; and, to the extent practicable, in a language the parents can understand.
2. Help parents choose a provider, if requested.
3. Determine which students should receive services if not all students can be served based on eligibility criteria. If the LEA anticipates that it will not have sufficient funds to serve all students eligible to receive services, include in the notice information on how it will set priorities in order to determine which eligible students do receive services.
4. Protect the privacy of students who receive supplemental educational services.
5. Enter into an agreement with a provider selected by parents of an eligible student. The agreement must include the following:
- a. Specific achievement goals for the student, which must be developed in consultation with the student's parents;
  - b. A description of how the student's progress will be measured and how the student's parents and teachers will be regularly informed of that progress;
  - c. A timetable for improving the student's achievement;
  - d. A provision for termination of the agreement if the provider fails to meet student progress goals and timetables;
  - e. Provisions governing payment for the services, which may include provisions addressing missed sessions;
  - f. A provision prohibiting the provider from disclosing to the public the identity of any student eligible for or receiving supplemental educational services without the written permission of the student's parents; and
  - g. An assurance that supplemental educational services will be provided consistent with applicable health, safety and civil rights laws.
6. Assist the state in identifying potential providers within the LEA and LEA charter school.
7. Report to the State Department of Education the number of students using the supplemental services option.
8. Provide the information the state needs to monitor the quality and effectiveness of the services offered by providers.

**For non-Title I schools, the LEA must do the following:**

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1. Follow the same procedures outlined in the previous section for Title I schools using state approved supplemental service providers; **OR**
2. Meet the intent of the State Board of Education rule by offering eligible students access to:
  - a. Computerized remediation programs such as Idaho Plato Learning Network (I-PLN);
  - b. Remedial classes through the Idaho Digital Learning Academy;
  - c. After-school academic programs; or
  - d. Other district-sponsored remedial or tutoring services.

Districts using option #2 must notify parents of the choices available to students in non-Title I schools. The notification should:

- a. Describe the services available to eligible students;
  - b. Describe the procedures and timelines that parents must follow in selecting a provider to serve their child;
  - c. Be easily understandable; in a uniform format, including alternate formats, upon request; and, to the extent practicable, in a language the parents can understand; and
  - d. If the LEA anticipates that it will not have sufficient funds to serve all students eligible to receive services, include in the notice information on how it will set priorities in order to determine which eligible students do receive services.
3. Report to the State Department of Education the number of students using the supplemental services option.
  4. Provide the information the state needs to monitor the quality and effectiveness of the services offered by providers.

**State Support**

The state has a number of responsibilities in ensuring that eligible students receive additional academic assistance. The State Department of Education will do the following:

1. Consult with parents, teachers, LEAs and LEA charter schools, and interested members of the public to identify supplemental educational service providers so that parents have choices.
2. Provide and disseminate broadly, through an annual notice to potential providers, the process for obtaining approval to be a provider of supplemental educational services.
3. Develop and apply objective criteria for approving potential providers.
4. Maintain an updated list of approved providers.

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5. Give school districts a list of available approved providers in their general geographic locations.

**Section V. Corrective Action**

This stage requires an LEA to ensure that each school identified for corrective action makes substantive change. This is a process of immediate planning and implementation. If the school continues to fail to meet AYP, the school also must begin planning to restructure.

**Procedures**

Below are the Corrective Action procedures that must be followed by the LEA when one or more of its schools fails to make AYP for four and five consecutive years. Schools may choose to submit restructuring plans for approval prior to Year 5.

**The LEA must do the following:**

1. Ensure that each school identified for corrective action continues to offer choice and supplemental services.
2. Continue to provide technical assistance to schools identified for corrective action.
3. Enroll schools in the state sponsored technical assistance program **and/or** take **one** of the following actions as soon as possible, no later than the beginning of the following school year:
  - a. Provide for all relevant staff appropriate, scientifically research-based professional development that is likely to improve academic achievement of low-performing students.
  - b. Institute a new curriculum grounded in scientifically based research and provide appropriate professional development to support its implementation.
  - c. Extend the length of the school year or school day in a substantive amount to improve instruction and increase student learning.
  - d. Replace the school staff who are deemed relevant to the school not making AYP.
  - e. Significantly decrease management authority at the school.
  - f. Restructure the internal organization of the school.
  - g. Appoint one or more external experts to advise the school
    - (1) how to revise and strengthen the improvement plan it created while in school improvement status, and
    - (2) how to address the specific issues underlying the school's continued inability to make AYP.
4. In the fifth year of failing to make AYP, plan for restructuring if the school does

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not met AYP by the end of the year.

5. In the fifth year of failing to make AYP, provide teachers and parents with notification, opportunity to comment and participation in the development of the school's restructuring plan.

**State Support**

The State Department of Education will continue to provide technical assistance and monitor the identified corrective actions.

**Section VI. Restructuring**

This is the last of the sanctions identified for a school and results in a change in governance and operation of the school. Restructuring is a two-year process directed by the LEA. When complete, the restructured school no longer is required to offer choice or supplemental services and is considered in its first year of AYP monitoring.

**Procedures**

Below are the restructuring procedures that must be followed prior to the beginning of the school year by a LEA when one or more of its schools does not make AYP for four and five years.

1. Continue to plan for restructuring if the school does not meet AYP by the end of the year.
2. Continue to provide teachers and parents with notification, opportunity to comment, and participation in the development of the school's restructuring plan.
3. Prepare a restructuring plan to implement at least one of the following actions:
  - a. Replace all or most of the school staff.
  - b. Enter into a contract with an entity, such as a private management company, with a demonstrated record of effectiveness, to aid in the operation of the school as a public school.
  - c. Turn the operation of the school over to the state education agency.
  - d. Re-open the school as a public charter school.
  - e. Implement any other major restructuring of the school's governance that is consistent with the principles of restructuring as set forth in the Idaho State Department of Education's Restructuring Rubric for Idaho Local Education Agencies and Schools.
4. State Department of Education reviews and makes recommendations to the State Board of Education.
5. State Board of Education will determine if the school remains in restructuring or

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begins as a new school.

6. Begin implementing the restructuring plan no later than the first day of the upcoming school year.

**State Support**

The State Department of Education will continue to provide technical assistance in addition to coordinating efforts with the LEA and its team to implement the restructuring plan.

**PART II: LOCAL EDUCATION AGENCY PROCEDURES**

State Board of Education rules and federal law establish sanctions or consequences for LEAs that do not make AYP. Sanctions begin when a LEA fails to make AYP for two consecutive years. The sanctions become progressively more severe over the following five years if the LEA continues to fail to make AYP.

<u>Not Meeting AYP</u>	<u>Schools</u>	<u>LEAs</u>
<u>Year 1 &amp; 2</u>	<u>Identified as not achieving AYP</u>	<u>Identified as not achieving AYP</u>
<u>Year 3</u>	<u>School Improvement</u> <ul style="list-style-type: none"> <li><u>Technical Assistance from LEA</u></li> <li><u>Choice</u></li> <li><u>Develop and Implement an Intervention School Improvement Plan</u></li> <li><u>Supplemental Services for eligible students in reading and math if choice not available</u></li> </ul>	<u>LEA Improvement</u> <ul style="list-style-type: none"> <li><u>Technical Assistance from SDE</u></li> <li><u>Develop and implement an Intervention Improvement Plan</u></li> </ul>
<u>Year 4</u>	<u>School Improvement</u> <ul style="list-style-type: none"> <li><u>Technical Assistance from LEA</u></li> <li><u>Choice</u></li> <li><u>Supplemental Services</u></li> <li><u>Implement Intervention School Improvement Plan</u></li> </ul>	<u>LEA Improvement</u> <ul style="list-style-type: none"> <li><u>Technical Assistance from SDE</u></li> <li><u>Implement the Intervention Improvement Plan</u></li> </ul>
<u>Year 5</u>	<u>Corrective Action</u> <ul style="list-style-type: none"> <li><u>Choice</u></li> <li><u>Supplemental Services</u></li> <li><u>Technical Assistance from LEA</u></li> <li><u>Implement Corrective Action</u></li> </ul>	<ul style="list-style-type: none"> <li><u>Corrective Action</u></li> <li><u>Technical Assistance from SDE</u></li> <li><u>Implement Corrective Action</u></li> </ul>
<u>Year 6</u>	<u>School Improvement</u> <ul style="list-style-type: none"> <li><u>Choice</u></li> <li><u>Supplemental Services</u></li> <li><u>Develop a Restructuring Plan</u></li> </ul>	<u>Corrective Action</u> <ul style="list-style-type: none"> <li><u>Technical Assistance from SDE</u></li> <li><u>Implement Corrective Action</u></li> </ul>
<u>Year 7</u>	<u>School Improvement</u> <ul style="list-style-type: none"> <li><u>Choice</u></li> <li><u>Supplemental Services</u></li> <li><u>Implement Alternative Governance</u></li> </ul>	

Note: For non-Title 1 schools identified for School Improvement (year 3, 4, 5, 6 & 7), see page 11 for alternate options for offering Supplemental Services.

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An LEA, also called a school district or LEA charter school, must follow specific procedures to implement these sanctions when the LEA has failed to make AYP for two or more consecutive years. Procedures for each sanction and state support are detailed in the following sections:

- Section I Technical Assistance
- Section II LEA Improvement Plan
- Section III LEA Corrective Action Plan

**Section I. Technical Assistance**

Although technical assistance is listed with the consequences of not making AYP, it is not a sanction. Technical assistance is practical advice offered by an external source that addresses specific areas of improvement. The purposes of state technical assistance are to help the LEA:

1. Develop and implement its required plan; and
2. Work more effectively with its schools identified for improvement.

**Section II. Local Education Agency Improvement Plan**

All Idaho LEAs have a strategic plan for their programs and schools. This sanction refers to an addition to the plan that addresses the specific problems identified through AYP monitoring.

**Procedures**

Below are the procedures that must be followed by the LEA when it does not make AYP for two or more years. LEAs may choose to submit corrective action plans for approval prior to Year 5.

**The LEA must do the following:**

1. Develop or revise an improvement plan, no later than three months after the identification. In developing or revising this plan, the LEA must consult with parents, school staff, and others. The plan must:
  - a. Address the fundamental teaching and learning needs of schools in the LEA, especially the academic problems of low-achieving students.
  - b. Define specific measurable achievement goals and targets for each of the student subgroups whose disaggregated results are included in the state's definition of AYP.
  - c. Incorporate strategies grounded in scientifically based research that will strengthen instruction in core academic subjects.
  - d. Include, as appropriate, student learning activities before school, after school, during the summer and during any extension of the school year.

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**Consolidated State Application - Accountability Workbook**

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e. Provide for high-quality professional development for instructional staff that focuses primarily on improved instruction in the areas identified as needs improvement.

f. Include strategies to promote effective parental involvement in the schools served by the LEA.

2. Implement its improvement plan, whether new or revised, no later than the beginning of the subsequent school year.

### **State Support**

When a LEA is identified for improvement, federal law also requires the state to take specific actions. The state must do the following:

1. Promptly notify the parents of each student enrolled in the schools served by that LEA. In the notification, the state must explain the reasons for the identification and how parents can participate in improving the LEA.

2. Promptly notify parents of its action in clear and non-technical language, providing information in a uniform format and in alternative formats upon request. When practicable, the state must convey this information to limited English proficient parents in written translations that they can understand. If that is not practicable, the information must be provided in oral translations for these parents.

3. Broadly disseminate findings.

### **Section III. Corrective Action**

Corrective action is the collective name given to steps taken by the state that substantially and directly respond to serious instructional, managerial and organizational problems in the LEA that jeopardize the likelihood that students will achieve proficiency in the core academic subjects of reading and mathematics.

The state may choose to delay LEA identification for corrective action if the LEA makes AYP for one year. Otherwise, only extreme circumstances justify a delay, such as a natural disaster, precipitous and unforeseen decline in the financial resources of the LEA or other exceptional or uncontrollable circumstances. In any case, if the state chooses to delay identification, it may do so for only one year and in subsequent years must apply appropriate sanctions as if the delay never occurred.

### **Procedures**

Federal law requires the state to take specific steps when a LEA does not make AYP for three or more years.

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**The state must do the following:**

1. Continue to ensure that the LEA is provided with technical assistance.
2. Provide the LEA with a public hearing no later than 45 days after the state decision.
3. Take at least **one** of the following corrective actions, as consistent with state law:
  - a. Defer programmatic funds or reduce administrative funds.
  - b. Institute and fully implement a new curriculum based on state and local content and academic achievement standards that includes appropriate, scientifically research-based professional development for all relevant staff.
  - c. Replace LEA personnel who are relevant to the inability of the LEA to make adequate progress.
  - d. Remove individual schools from the jurisdiction of the LEA and arrange for their public governance and supervision.
  - e. Appoint a receiver or trustee to administer the affairs of the LEA in place of the superintendent and school board.
  - f. Abolish or restructure the LEA.

In conjunction with at least one of the actions on this list, the state may also authorize parents to transfer their child from a school operated by the LEA to a higher-performing public school operated by another LEA that is not identified for improvement or corrective action. If it offers this option, the state must also provide transportation or provide for the cost of transportation to the other school in another LEA.

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<b>TAB</b>	<b>DESCRIPTION</b>	<b>ACTION</b>
<b>1</b>	<b>IDAHO STATE UNIVERSITY</b> Appointment of the Provost and Vice President for Academic Affairs	Motion to approve
<b>2</b>	<b>OFFICE OF THE STATE BOARD OF EDUCATION</b> Appointment of the Chief Fiscal Officer	Motion to approve

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**IDAHO STATE UNIVERSITY**

**SUBJECT**

Appointment for the Provost and Vice President for Academic Affairs at a salary above the CUPA median

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho State Board of Education Governing Policies & Procedures, Section II. F.2.b.

**BACKGROUND / DISCUSSION**

Idaho State University requests approval of the appointment of Dr. Gary A. Olson as the new Provost and Vice President for Academic Affairs at a salary of \$195,000, which is \$5,581 above the median CUPA salary for this position. This appointment includes a concurrent tenured appointment as a Professor in the Department of English, College of Arts and Sciences.

**IMPACT**

This appointment is subject to State Board approval. The initial appointment of this employee is requested at a salary that exceeds the median rate for such positions at public doctoral research institutions such as ISU as established by the College and University Professional Association for Human Resources (CUPA), or its equivalent.

**STAFF COMMENTS AND RECOMMENDATIONS**

A single search was conducted concluding with the negotiated salary of \$195,000. The candidate had sought a salary in excess of \$200,000.

According to the fall 2007 College and University Professional Association for Human Resources (CUPA-HR) survey, the average salary for a Chief Academic Officer and Provost at a Public Doctoral Research University is \$192,610. The median salary is \$189,419. The institution has recruited an outstanding candidate and points out that the CUPA average is a year old. The non-classified staff at Idaho State University are paid approximately 95% of the CUPA median. Staff makes no recommendation.

**BOARD ACTION**

A motion to approve the appointment of Dr. Gary A. Olson to the position of Provost and Vice President for Academic Affairs, at an annual salary of \$195,000.00.

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

**BUSINESS AFFAIRS AND HUMAN RESOURCES**  
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**EMPLOYMENT OF PROVOST AND VICE PRESIDENT—SALARY LEVEL HIGHER THAN THE CUPA MEDIAN, REQUIRING STATE BOARD OF EDUCATION APPROVAL**

Dr. Gary A. Olson	Provost and Vice President for Academic Affairs
FTE	1.0
Term	12 month
Effective Date	no later than July 1, 2009
Salary	\$195,000
Funding Source	Appropriated Funds
Area/Department of Assignment	Academic Affairs
Duties and Responsibilities	Provide leadership and overall direction for all academic affairs at ISU.
Justification of Salary Level	Salary is comparable to other salary levels for similar positions in higher education institutions. This is a highly competitive market. The 2007-08 CUPA median salary for public doctoral research institutions such as ISU is \$189,419.



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**SUBJECT**

Hiring of a Chief Fiscal Officer by the Office of the State Board of Education (OSBE)

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho State Board of Education Governing Policies and Procedures, Section II.B.3.b.

**BACKGROUND/DISCUSSION**

Board Policy II.B.3.b. requires Board approval for any positions hired at a rate of 75% or greater of the Chief Executive Officers salary. The Office of the State Board of Education has recruited Steve Allison who has accepted the offer based on Board approval.

The Chief Fiscal Officer is a key position in the Office of the State Board of Education and been vacant since July 2007.

**IMPACT**

Having this position filled will allow the Board staff to provide the State Board and the institutions with critical information, planning and coordination related to the financial function of institutions and agencies. The annual salary based on Board approval will be \$104,000.

**BOARD ACTION**

A motion to approve the request by the Office of the State Board of Education to hire Steve Allison as Chief Fiscal Officer at a salary of \$104,000.

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

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<b>TAB</b>	<b>DESCRIPTION</b>	<b>ACTION</b>
<b>1</b>	<b>BOISE STATE UNIVERSITY</b> Taco Bell Arena – Seat Replacement	Motion to approve
<b>2</b>	<b>OFFICE OF THE STATE BOARD OF EDUCATION</b> Withdrawal from the Interstate Compact for Education	Information item

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**BOISE STATE UNIVERSITY**

**SUBJECT**

Request to replace retractable platform seating in the Taco Bell Arena

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho State Board of Education Governing Policies & Procedures, Section V.K.2.

**BACKGROUND/DISCUSSION**

Taco Bell Arena opened in 1982 with its current retractable platform seating. Twenty six years of high frequency use and normal wear and tear have pushed these seats beyond their useful life. The State of Idaho Division of Building Safety has determined that the current seating is no longer compliant with safety code related to hand and guardrails. Because the seating is no longer supported by the manufacturer, replacement parts would have to be custom manufactured at a cost premium. Consequently, it is more practical to replace the seating than to attempt to repair it.

In addition to meeting current safety standards, new seating will also enhance the competitive posture of the arena by providing additional seating and more flexible seating arrangements. More and more event promoters are requesting unique stage and seating configurations which are not feasible with the current Arena configuration. New seating will allow the Arena to be more responsive to promoter needs, and will increase floor seating capacity up to 12% (100 seats), depending upon the final product selected through the design and bid process.

**IMPACT**

The total projected cost will not exceed \$925,000 (see attached project budget worksheet). The source of funding will be bond proceeds from the February 2009 bond sale. It is estimated the work will be completed by August 2009. A formal bid process will occur through the Department of Administration, Division of Public Works. No appropriated funds will be used for this project.

**ATTACHMENTS**

Attachment 1 – Project Budget Worksheet

Page 3

Attachment 2 – Capital Project Tracking Sheet

Page 4

**STAFF COMMENTS AND RECOMMENDATIONS**

Boise State University will be coming to the Board in February to approve a bond issuance that will cover this project and the Center for Environmental Science and Economic Development building. If the interest rate were to change between now and bond issuance, the university would request the same amount of proceeds, including \$925,000 for this project, to fund the two projects,

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however, the amount of debt service could change compared to current estimates.

Staff recommends approval.

**BOARD ACTION**

A motion to approve Boise State University's request to replace the platform seating in the Taco Bell Arena at a cost not to exceed \$925,000, to be paid from bond proceeds from the February 2009 bond sale. The University may not proceed with construction of this project prior to Board approval to issue debt.

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

## Architectural & Engineering Services - Boise State University

### PROJECT BUDGET (DPW)

Project Number:	DPW Project Number TBD		
Project Title:	Taco Bell Arena - Retractable Platform Seating, Replacement		
Fund Source No:	Account No.	Amount:	Dept. ID No.
Permanent Building Funds			
Gift Funds			
Future Bond Proceeds	TBD	925,000	TBD
<b>Total Project Funding</b>		<b>925,000</b>	
Bond Reserves			
Start FAC Bond Fund			
<b>Total Project + Reserve Funds</b>		<b>925,000</b>	
Revised:			
Date:	12-18-08 Budget		

Category	Budget	Budget	Budget
	12/18/08	MM-DD-YY	MM-DD-YY
(AE) AE Fees Basic (7.5%)	51,334		
(AE) Miscellaneous	5,000		
(AR) AE Reimbursable			
(AR) Document Reproduction			
(CM) Construction Manager			
(MT) Manager Reimbursables			
(CS) AE Consultant Fees			
(CR) AE Consultant Reimbursable			
(TC) Testing & Inspection			
(CC) Construction Contract 1 (Existing Seating)	587,453		
(CC) Construction Contract 2 (Add 1 Row Seating)	97,000		
(CO) Construction Contingency (DPW 5%)	68,445		
(EQ) Equipment			
(M1) Miscellaneous-Commissioning			
(M2) Miscellaneous-Test and Balance (In M/P?)			
(M2) Miscellaneous (Identify)			
(CY) Project Contingency (5%)	34,223		
(PC) Plan Check Fees	13,000		
(AD) AE Advertising	100		
(SS) Survey-Topo-Legal Desc			
(SI) Geotech Investigation			
<b>Subtotal DPW SETUP COSTS</b>	<b>\$856,555</b>	<b>\$0</b>	<b>\$0</b>
Legal-License-Vacations & R-O-W			
Insurance (BR) <25 M in Gen Ins Policy above add rider			
Entitlements			
Utility Sewer-Water-Electrical-Gas-Phone/Data			
ACHD - Traffic Study Etc			
AES Project Management (0.025%) (50/50 Dsgn vs CA)			
Locks			
I.T. (Telephone & Data)			
Miscellaneous (Identify)			
<b>Subtotal BSU SOFT COSTS</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>TOTAL PROJECT BUDGET (DPW SETUP+BSU Soft)</b>	<b>\$856,555</b>	<b>\$0</b>	<b>\$0</b>
<b>Reserved Funds Outside Project Budget (if applicable)</b>			
Bidding Contingency (10% of Construction)	68,445		
FF&E (Estimated 5% of Construction Costs)			
<b>Force To Balance</b>			
<b>Subtotal BSU RESERVE</b>	<b>\$68,445</b>	<b>\$0</b>	<b>\$0</b>
<b>TOTAL PROJECT (DPW+BSU SOFT+BSU RESERVE)</b>	<b>\$925,000</b>	<b>\$0</b>	<b>\$0</b>

**Approved:**
 Stacy Pearson, V.P. Finance & Administration  
 (Signature needed for over \$250,000)

Date

**Approved:**
 James Maguire, A.V.P. Campus Planning & Facilities  
 (Signature needed for over \$50,000)

Date

**Approved:**
 Wendel Bigham, Director  
 Architectural & Engineering Services

Date

**Prepared By:**

Attached: Funding Authorization Letter, Concept Schedule

Date

**Office of the Idaho State Board of Education**  
**Capital Project Tracking Sheet**  
Jan-09

## History Narrative

1 <b>Institution/Agency:</b>	Boise State University	<b>Project:</b>	Taco Bell Arena Seating Replacement
2 <b>Project Description:</b>	The purpose of this project is to replace the original platform seating system in the Taco Bell Arena. Replacement of this system will address several safety, efficiency and economic issues. This project also has the potential to increase the platform seating by up to 12%.		
3 <b>Project Use:</b>	Taco Bell Arena is used for numerous academic, athletic and cultural events		
4 <b>Project Size:</b>	Up to 951 seats (851 replacement of old and the possibility of 100 net new seats)		

6		Sources of Funds				Use of Funds			
7					Total	Use of Funds			Total
8		PBF	ISBA	Other *	Sources	Planning	Const	Other	Uses
9	Initial Cost of Project	\$ -	\$ -	\$ 925,000	\$ 925,000	\$ 25,000	\$ 856,555	\$ 43,445	\$ 925,000
10									
11									
12									
13									
14									
15									
16									
17									
18									
19									
20									
21									
22	Total Project Costs	\$ -	\$ -	\$ 925,000	\$ 925,000	\$ 25,000	\$ 856,555	\$ 43,445	\$ 925,000

[illegible]



**BUSINESS AFFAIRS AND HUMAN RESOURCES**  
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**SUBJECT**

Withdrawal from the Interstate Compact for Education

**APPLICABLE STATUTE, RULE, OR POLICY**

Section 33-4101, Idaho Code

**BACKGROUND/DISCUSSION**

Section 33-4101, Idaho Code, enacted the Interstate Compact for Education in 1967 which was established by the Education Commission of the States (ECS). The purpose of the compact is to establish and maintain close cooperation and understanding among executive, legislative, professional, educational and lay leadership on a nationwide basis at the state and local levels.

The Idaho commission consists of seven members representing each party state. The members shall be the governor; two shall be of the state legislature selected by its respective houses; and four shall be appointed by and serve at the pleasure of the governor. The current members besides the Governor include:

John W. Goedde, Senate Education Committee Chair  
Bob Nonini, House Education Committee Chair  
John Andreason, Senator  
Tom Luna, Superintendent of Public Instruction  
Mike Rush, Executive Director of the Idaho State Board of Education  
David H. Hawk, Director – J.R. Simplot Company  
Clete Edmunson, Governor's Education Policy Advisor

Responsibility for annual dues were shifted from the Department of Education to the Office of the State Board of Education (OSBE) in 1998 without an increase in appropriation. Combined with the base reductions included in the Governor's recommendation, OSBE does not have the funds to continue paying for membership in the Compact. The OSBE FY 2010 budget request included a line item for \$60,500 to fund the annual dues. The Governor's Recommendation did not include this line item and proposes the commencement of the one year formal notification process to withdraw from ECS membership.

Under Article VIII.D. of Idaho Code 33-4101, a state may withdraw from the compact by enacting a statute repealing the law, but no such withdrawal shall take effect until one year after the governor of the withdrawing state has given notice in writing of the withdrawal to the governors of all other party states. Currently, all states but Washington are members of ECS.

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**IMPACT**

If the legislature does not appropriate funds for ongoing membership in the compact, staff recommends proposing legislation repealing Section 33-4101, Idaho Code. The governor could give written notice of the withdrawal to the other party states by fiscal year end June 30, 2009. The withdrawal would take effect one year after such notice which would be during the FY 2010 fiscal year. OSBE has paid for the FY 2009 dues, and the FY 2010 dues are in the FY 2009 budget to be prepaid on June 30, 2009. Therefore, the withdrawal would eliminate the need for the dues in FY 2011.

**ATTACHMENTS**

Attachment 1 – Section 33-4101, Idaho Code

Page 3

**STAFF COMMENTS AND RECOMMENDATIONS**

Staff will work with the Governor's office to facilitate the steps for ending membership if funds are not appropriated.

**BOARD ACTION**

This is an information item only. Any action is at the Board's discretion.

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TITLE 33  
EDUCATION  
CHAPTER 41

INTERSTATE COMPACTS

33-4101.INTERSTATE COMPACT FOR EDUCATION ENACTED INTO LAW. The Interstate Compact for Education established by the Education Commission of the States is hereby enacted into law and entered into with all other jurisdictions legally joining therein, in the form substantially as follows:

INTERSTATE COMPACT FOR EDUCATION

ARTICLE I--PURPOSE AND POLICY

A. It is the purpose of this compact to:

1. Establish and maintain close cooperation and understanding among executive, legislative, professional, educational and lay leadership on a nationwide basis at the state and local levels.

2. Provide a forum for the discussion, development, crystallization and recommendation of public policy alternatives in the field of education.

3. Provide a clearing house of information on matters relating to educational problems and how they are being met in different places throughout the nation, so that the executive and legislative branches of state government and of local communities may have ready access to the experience and records of the entire country, and so that both lay and professional groups in the field of education may have additional avenues for the sharing of experience and the interchange of ideas in the formation of public policy in education.

4. Facilitate the improvement of state and local educational systems so that all of them will be able to meet adequate and desirable goals in a society which requires continuous qualitative and quantitative advance in educational opportunities, methods and facilities.

B. It is the policy of this compact to encourage and promote local and state initiative in the development, maintenance, improvement and administration of educational systems and institutions in a manner which will accord with the needs and advantages of diversity among localities and states.

C. The party states recognize that each of them has an interest in the quality and quantity of education furnished in each of the other states, as well as in the excellence of its own educational systems and institutions, because of the highly mobile character of individuals within the nation, and because the products and services contributing to the health, welfare and economic advancement of each state are supplied in significant part by persons educated in other states.

ARTICLE II--STATE DEFINED

As used in this compact, "state" means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

ARTICLE III--THE COMMISSION

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A. The Education Commission of the States, hereinafter called "the commission," is hereby established. The commission shall consist of seven members representing each party state. One of such members shall be the governor; two shall be members of the state legislature selected by its respective houses and serving in such manner as the legislature may determine; and four shall be appointed by and serve at the pleasure of the governor, unless the laws of the state otherwise provide. If the laws of a state prevent legislators from serving on the commission, six members shall be appointed and serve at the pleasure of the governor, unless the laws of the state otherwise provide. In addition to any other principles or requirements which a state may establish for the appointment and service of its members of the commission, the guiding principle for the composition of the membership on the commission from each party state shall be that the members representing such state shall, by virtue of their training, experience, knowledge or affiliations be in a position collectively to reflect broadly the interests of the state government, higher education, the state education system, local education, lay and professional, public and non-public educational leadership. Of those appointees, one shall be the head of a state agency or institution, designated by the governor, having responsibility for one or more programs of public education. In addition to the members of the commission representing the party states, there may be not to exceed ten non-voting commissioners selected by the steering committee for terms of one year. Such commissioners shall represent leading national organizations of professional educators or persons concerned with educational administration.

B. The members of the commission shall be entitled to one vote each on the commission. No action of the commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the commission are cast in favor thereof. Action of the commission shall be only at a meeting at which a majority of the commissioners are present. The commission shall meet at least once a year. In its bylaws, and subject to such directions and limitations as may be contained therein, the commission may delegate the exercise of any of its powers to the steering committee or the executive director, except for the power to approve budgets or requests for appropriations, the power to make policy recommendations pursuant to Article IV and adoption of the annual report pursuant to Article III (J).

C. The commission shall have a seal.

D. The commission shall elect annually, from among its members a chairman, who shall be a governor, a vice chairman and a treasurer. The commission shall provide for the appointment of an executive director. Such executive director shall serve at the pleasure of the commission, and together with the treasurer and such other personnel as the commission may deem appropriate shall be bonded in such amount as the commission shall determine. The executive director shall be secretary.

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E. Irrespective of the civil service, personnel or other merit system laws of any of the party states, the executive director subject to the approval of the steering committee shall appoint, remove or discharge such personnel as may be necessary for the performance of the functions of the commission, and shall fix the duties and compensation of such personnel. The commission in its bylaws shall provide for the personnel policies and programs of the commission.

F. The commission may borrow, accept or contract for the services of personnel from any party jurisdiction, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of two or more of the party jurisdictions or their subdivisions.

G. The commission may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any state, the United States, or any other governmental agency, or from any person, firm, association, foundation, or corporation, and may receive, utilize and dispose of the same. Any donation or grant accepted by the commission pursuant to this paragraph or services borrowed pursuant to paragraph (F) of this Article shall be reported in the annual report of the commission. Such report shall include the nature, amount and conditions, if any, of the donation, grant, or services borrowed, and the identity of the donor or lender.

H. The commission may establish and maintain such facilities as may be necessary for the transacting of its business. The commission may acquire, hold, and convey real and personal property and any interest therein.

I. The commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The commission shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the party states.

J. The commission annually shall make to the governor and legislature of each party state a report covering the activities of the commission for the preceding year. The commission may make such additional reports as it may deem desirable.

**ARTICLE IV--POWERS**

In addition to authority conferred on the commission by other provisions of the compact, the commission shall have authority to:

1. Collect, correlate, analyze and interpret information and data concerning educational needs and resources.

2. Encourage and foster research in all aspects of education, but with special reference to the desirable scope of instruction, organization, administration, and instructional methods and standards employed or suitable for employment in public educational systems.

3. Develop proposals for adequate financing of education as a whole and at each of its many levels.

4. Conduct or participate in research of the types referred to in this Article in any instance where the commission finds that such

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research is necessary for the advancement of the purposes and policies of this compact, utilizing fully the resources of national associations, regional compact organizations for higher education, and other agencies and institutions, both public and private.

5. Formulate suggested policies and plans for the improvement of public education as a whole, or for any segment thereof, and make recommendations with respect thereto available to the appropriate governmental units, agencies and public officials.

6. Do such other things as may be necessary or incidental to the administration of any of its authority or functions pursuant to this compact.

**ARTICLE V--COOPERATION WITH FEDERAL GOVERNMENT**

A. If the laws of the United States specifically so provide, or if administrative provision is made therefor within the federal government, the United States may be represented on the commission by not to exceed ten representatives. Any such representative or representatives of the United States shall be appointed and serve in such manner as may be provided by or pursuant to federal law, and may be drawn from any one or more branches of the federal government, but no such representative shall have a vote on the commission.

B. The commission may provide information and make recommendations to any executive or legislative agency or officer of the federal government concerning the common educational policies of the states, and may advise with any such agencies or officers concerning any matter of mutual interest.

**ARTICLE VI--COMMITTEES**

A. To assist in the expeditious conduct of its business when the full commission is not meeting, the commission shall elect a steering committee of thirty-two members which, subject to the provisions of this compact and consistent with the policies of the commission, shall be constituted and function as provided in the bylaws of the commission. One-fourth of the voting membership of the steering committee shall consist of governors, one-fourth shall consist of legislators, and the remainder shall consist of other members of the commission. A federal representative on the commission may serve with the steering committee, but without vote. The voting members of the steering committee shall serve for terms of two years, except that members elected to the first steering committee of the commission shall be elected as follows: sixteen for one year and sixteen for two years. The chairman, vice chairman, and treasurer of the commission shall be members of the steering committee and, anything in this paragraph to the contrary notwithstanding, shall serve during their continuance in these offices. Vacancies in the steering committee shall not affect its authority to act, but the commission at its next regularly ensuing meeting following the occurrence of any vacancy shall fill it for the unexpired term. No person shall serve more than two terms as a member of the steering committee; provided that service for a partial term of one year or less shall not be counted toward the two term limitation.

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B. The commission may establish advisory and technical committees composed of state, local, and federal officials, and private persons to advise it with respect to any one or more of its functions. Any advisory or technical committee may, on request of the states concerned, be established to consider any matter of special concern to two or more of the party states.

C. The commission may establish such additional committees as its bylaws may provide.

**ARTICLE VII--FINANCE**

A. The commission shall advise the governor or designated officer or officers of each party state of its budget and estimated expenditures for such period as may be required by the laws of that party state. Each of the commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states.

B. The total amount of appropriation requests under any budget shall be apportioned among the party states. In making such apportionment, the commission shall devise and employ a formula which takes equitable account of the populations and per capita income levels of the party states.

C. The commission shall not pledge the credit of any party states. The commission may meet any of its obligations in whole or in part with funds available to it pursuant to Article III (G) of this compact, provided that the commission takes specific action setting aside such funds prior to incurring an obligation to be met in whole or in part in such manner. Except where the commission makes use of funds available to it pursuant to Article III (G) thereof, the commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

D. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established by its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a qualified public accountant, and the report of the audit shall be included in and become part of the annual reports of the commission.

E. The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the commission.

F. Nothing contained herein shall be construed to prevent commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the commission.

**ARTICLE VIII--ELIGIBLE PARTIES; ENTRY INTO  
AND WITHDRAWAL**

A. This compact shall have as eligible parties all states, territories, and possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico. In respect of any such jurisdiction not having a governor, the term, "governor," as used in

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this compact, shall mean the closest equivalent official of such jurisdiction.

B. Any state or other eligible jurisdiction may enter into this compact and it shall become binding thereon when it has adopted the same: provided that in order to enter into initial effect, adoption by at least ten eligible party jurisdictions shall be required.

C. Adoption of the compact may be either by enactment thereof or by adherence thereto by the governor; provided that in the absence of enactment, adherence by the governor shall be sufficient to make his state a party only until December 31, 1967. During any period when a state is participating in this compact through gubernatorial action, the governor shall appoint those persons who, in addition to himself, shall serve as the members of the commission from his state, and shall provide to the commission an equitable share of the financial support of the commission from any source available to him.

D. Except for a withdrawal effective on December 31, 1967 in accordance with paragraph C of this Article, any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the governor of the withdrawing state has given notice in writing of the withdrawal to the governors of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

**ARTICLE IX--CONSTRUCTION AND SEVERABILITY**

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any state or of the United States, or the application thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the state affected as to all severable matters.