

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

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

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PLANNING, POLICY & GOVERNMENTAL AFFAIRS
JANUARY 26, 2009 MEETING

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 7th, 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.

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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.

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ATTACHMENTS

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

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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 care¹ 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 WWAMI², WICHE³, 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)

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

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

³ The Western Interstate Commission for Higher Education-Professional Student Exchange Program

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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.⁴
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)⁵ 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.

⁴ 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.

⁵ 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.

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Office of the President

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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

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.

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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.

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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.

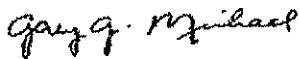
We have much appreciated the chance to participate in this process, and hope the State Board of Education's medical education subcommittee and other committees charged with looking at this issue will embrace the value and efficiencies derived from collaborative, cost-effective, strategic problem solving.

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.

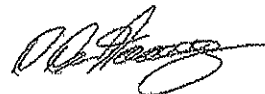
Respectfully submitted,



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.

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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	Email: dkthomas@lcsc.edu < mailto:dkthomas@lcsc.edu >
President	Phone: 208-792-2216
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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.

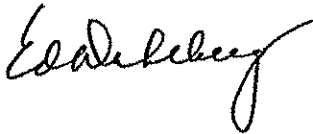
As Idaho's largest not-for-profit hospital system, we've given considerable thought to this vexing problem, its key causes, and potential solutions. We know that you and many others in our state are doing the same. We've examined this issue with the expertise of our own professionals and by seeking informed 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).

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 48th in the number of primary care physicians per 100,000 people,¹ making the national physician shortage more severe here than in most states. This shortage is particularly acute among primary care doctors² 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 32.³ The Treasure Valley alone has only 54% of the internists and 57% of the pediatricians needed to serve its population.⁴ 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.⁵

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?

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

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

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

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

⁵ 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.⁶ (More than 70% of the new family practice physicians St. Luke's recruited in 2008 completed their residencies in Idaho.⁷)

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:

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

⁷ 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 \$300,000.⁸ Other Idaho hospitals also provide financial support. By comparison, the state contributes approximately \$867,000 to the Family Medicine Residency⁹ and approximately 10% for the psychiatric residency (\$113,000 in 2009).¹⁰

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.¹¹

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

⁸ 2007 St. Luke's Community Benefit Report.

⁹ State contribution for FY2008, per Dr. Suzanne Allen at WWAMI

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

¹¹ "Medical Education in Idaho," pg. 3, March 2008, by Patricia Johnson.

PLANNING, POLICY & GOVERNMENTAL AFFAIRS
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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.

◇ ◇ ◇

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

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
JANUARY 26, 2009**

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

- 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
JANUARY 26, 2009**

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

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

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

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

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

PLANNING, POLICY & GOVERNMENTAL AFFAIRS

JANUARY 26, 2009

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 3rd and 4th year clinical education training in Idaho, under the leadership of UI WWAMI and UWSOM.
3. Study and develop a plan for delivering the 2nd 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
JANUARY 26, 2009

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.

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS
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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

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
Attachment 4 - RS 18284 – Inmate Education	Page 20
Attachment 5 - RS 18263 – Veterans	Page 22
Attachment 6 - RS 18278 – Motorcycle Training	Page 25
Attachment 7 - RS 18245C1 – Proprietary Schools	Page 31
Attachment 8 - RS 18240C1 – School Boundaries	Page 39
Attachment 9 - RS 18319 (draft) – School for the Deaf and Blind	Page 47

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

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
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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

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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 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 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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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

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

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
Agency: Division of Financial Management
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:

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

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

8 (c) Until September 1, 1998.

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

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

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

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

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

23 49-314. LOCAL EXAMINERS APPOINTED BY DEPARTMENT. (1) The department
24 shall appoint the sheriff in each county and may appoint any deputy sheriff, chief of police, or
25 other officials or private citizens whom the department deems qualified as examiners, who shall
26 be agents of the department and shall perform duties prescribed in this title.

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

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

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

36 (5) Agents of the department to administer skills tests for class D driver's license shall be
37 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

Name: Tracie Bent
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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~~ 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

STATEMENT OF PURPOSE

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

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

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 26th 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.

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JANUARY 26, 2009

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

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

IN THE _____

BILL NO. _____

BY _____

AN ACT

RELATING TO EDUCATION; AMENDING CHAPTER 16, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1620, IDAHO CODE, TO PROVIDE FOR KINDERGARTEN MASTERY, TO PROVIDE FOR DISTRIBUTION OF SCHOOL DISTRICT SHARE OF EDUCATIONAL 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 designated 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 achievement standards as provide for in subsection (1) of this section, the school district shall be entitled to include that child within the school district'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
JANUARY 26, 2009

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

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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

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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
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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 18th 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.

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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

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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:**

Educational Institutions	Agencies
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

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).

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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.

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 9th grade students graduating from high school.
 - *Benchmark:*
 - Increase the percentage of 9th 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.

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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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