

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
OCTOBER 17, 2013

SUBJECT

Legislative Ideas - 2014 Legislative Session

The Board approved legislative ideas and authorized the Executive Director to submit additional ideas as necessary to the Governor's office through the Division of Financial Management at the June 2013 Board meeting. Each of the attached pieces of legislation have been submitted as legislative ideas and approved to move forward through the process by the Governor's Office.

The following are descriptive summaries of the legislative ideas that were proposed:

1. Board of Education Member Appointments

Statement of Purpose

Section 33-102, Idaho Code specifies that Board member appointments must be made on the first day of March and that the appointments must be confirmed by the Senate. Due to the timing of the appointments, and the other demands on the Governor and the legislature during this time frame, it is often difficult for an appointment to be made during this time frame. The result has been a break in service of Board members that were reappointed or vacant seats on the Board. The proposed change would amend section 33-102, Idaho Code to specify that the appointment must be made by the first day of January.

2. Residency Determination

Statement of Purpose

Section 33-3717B, Idaho Code specifies the residency requirements for any public institution of higher education in Idaho for the purposes of determining tuition rate. Section 33-2110B, Idaho Code specifies the residency requirements for community colleges. These two sections of code were in alignment at one time, with the exception of those categories of students that are only applicable at either the community colleges or the four year institutions. Change over the years has caused these two sections of code to be out of alignment. The proposed amendments would bring the two sections back into alignment for those sections should be applicable to all institutions. Additionally, changes are proposed to section 33-3717B, to remove the list of tribes whose "traditional and customary boundary" were within the state of Idaho and whose members are considered residents for tuition purposes. The Board would be required to maintain the list of tribes.

3. Registration of Postsecondary and Proprietary Schools

Statement of Purpose

Section 33-2406, Idaho Code specifies that as a condition of registration, a proprietary school must obtain a surety bond. Changes were made to this section of Code during the 2013 legislative session that would allow, under certain circumstances, proprietary schools to use alternate financial instruments, approved by the Board's Executive Director, as a means of satisfying this requirement. The proposed amendment would correct a technical error in the language that has been brought to our attention and remove the bond requirement for proprietary schools that meet the same accreditation requirements of degree granting postsecondary education institutions.

4. Postsecondary Enrollment

Statement of Purpose

Chapter 51, Title 33, Idaho Code outlines the options for secondary students to attend postsecondary institutions for either secondary credit, for postsecondary credit, or for dual credit and is the foundational statute that allows for secondary students to take dual credit courses. Proposed changes to this Chapter would eliminate the requirement that each individual school district have an MOU with the governing Board of each institution from which students take courses from as well as update terms used within the Chapter to better reflect the options student have today.

5. Liquor Funds Disbursement to Community Colleges

Statement of Purpose

This legislation would revise Idaho Code to provide that disbursement of liquor funds to the community colleges shall be authorized by the State Board of Education instead of the Liquor Division.

6. University Administrative Flexibility

Statement of Purpose

The purpose of this legislation is to provide efficiency and accountability in Idaho higher education and to provide additional flexibility to the four state institutions of higher education. This bill will provide increased flexibility to the state board to govern the state college and universities and allow the institutions to request permission from the Board to "opt out" of identified state services.

This bill also codifies the Supreme Court ruling of the independent legal status of the University of Idaho, Idaho State University, Lewis-Clark State College and Boise State University from *State v. Continental Casualty Company*, 121 Idaho 938, 829 P.2d 528 (1992), and clarifies existing statutes that already so state (such as Idaho Code §§ 33-2804, 33-3003, 33-3102, and 33-4005).

This legislation provides that the state board may allow college and universities to utilize state departments for services when it makes sense to do so and the State Board cannot allow the institutions to exit existing participation in those programs without providing at least 18 months' notice. If the institutions wish to

rejoin the programs for such services, then it will be via mutual written agreement and those agreements may be on a fee for services basis.

7. Charter School Commission

Statement of Purpose

Section 33-5213, Idaho Code establishes the Public Charter School Commission and designates the Executive Director of the State Board of Education to enforce the provisions of the Charter School laws and serve as the secretary to the commission. The proposed changes would move the Public Charter School Commission out from under the Board. The Charter Commission would become a self-governing agency, similar to the changes that were made when the Idaho Commission for Libraries and Idaho Historical Society were moved out from under the Board. This separation would address any potential conflicts that arise when the Board must hear appeals from schools authorized by the Commission.
