

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
SEPTEMBER 23, 2016

SUBJECT

Legislation – 2017 Session

REFERENCE

June 2016 The Board approved 28 legislative ideas to be submitted through the Governor’s Executive Agency Legislation process for the 2017 Session and authorized the Executive Director to identify additional potential legislation for submittal.

BACKGROUND/ DISCUSSION

The Board approved legislative ideas and authorized the Executive Director to submit additional ideas identified by Board staff to the Governor’s Office through the Executive Agency Legislative process at the June 2016 Board meeting. The attached legislation summaries have been submitted as legislative ideas and have now been approved by the Governor’s Office to move forward through the legislative process for the 2017 Legislative Session. The next step in this process is this final approval by the Board. The legislation that is approved at this time will be submitted to the Division of Financial Management and then the Legislative Service Office. As part of this final processes, staff will work with the Governor’s Office, Legislators, and other education stakeholders to make final amendments to the actual language in conformance with the policy direction approved by the Board. Those items not approved by the Board at this time will be pulled and will not move forward through the process.

The Board initially approved twenty-eight (28) legislative ideas. Six (6) additional legislative ideas were identified by Board staff and authorized by the Executive Director for consideration. Of the thirty-four (34) total legislative ideas, four (4) legislative ideas were contingent on feedback from legislators who were involved in the original bill’s creating the section of Idaho Code and were pulled based on feedback from these legislators, one (1) was withdrawn based on work with the Bureau of Occupational Licensing and was determined to no longer be necessary. There are twenty-nine (29) legislative ideas remaining for consideration. Of these twenty-nine (29) legislative ideas, twenty-five (25) have been approved to move forward to the next step in the process, reconsideration by the Board.

ATTACHMENT

Attachment 1 – Legislative Summaries	Page 3
Attachment 2 - Draft Legislative Language	Page 12

IMPACT

Any legislation not approved by the Board will be withdrawn from the Executive Agency legislative process. The Board office will continue to work with the Governor’s Office, the Division of Financial Management and Legislative Services Offices (LSO) to finalize approved legislation prior to the start of the 2017 legislative session.

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STAFF COMMENTS AND RECOMMENDATIONS

The legislation approved by the Board at this stage will be resubmitted to the Governor's Office and the Division of Financial Management. Following review by the Governor's Office the legislation will then be submitted to the Legislative Services Office; following review by the Legislative Services Office the legislation will be turned into Bill's (RS's) and then submitted to the legislature. During any one of these stages additional technical changes to legislation may be necessary.

Board approval of the Concurrent Resolution (501-30) at this time will allow for the resolution to start it's movement through the legislative process, however, final submittal of this resolution to the 2017 Legislature will be contingent on the conditions discussed at the August 2016 Board meeting being met.

Staff recommends approval.

BOARD ACTION

I move to approve the proposed legislation in substantial conformance to the form provided and to authorize the Executive Director to make additional changes as necessary as the legislation moves forward through the legislative process.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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Approved at the June 2016 Board meeting:

Statement of Purpose – School Attendance (501-01)

Section 33-208, Idaho Code specifies that it is not mandatory for students to attend kindergarten while Section 33-202, Idaho Code contains language regarding the age range for compulsory school attendance. The proposed legislation would combine the two sections and update language for consistency. The purpose of the change is to help individuals to find the information eliminate confusion parents have had on how the two sections work together.

Fiscal Note

There would be no fiscal impact from the proposed legislation.

Statement of Purpose – School Building Use – Repeal (501-03)

Section 33-602, Idaho Code authorizes school buildings or vacant land owned by a school district to be used as a community center or for other public purposes. School districts already have this ability through their management of the school district and the school districts assets making it unnecessary to specifically authorize it through this statute. The proposed legislation would repeal the section of Idaho Code.

Fiscal Note

There would be no fiscal impact from the proposed legislation.

Statement of Purpose – Renewable Energy – Repeal (501-04)

Section 33-604 and 33-605, Idaho Code, authorizes school Boards of Trustees to develop, build, and maintain systems for collecting renewable energy and to then sell excess energy that had been collected. Boards of Trustees have the ability to authorize the development of renewable energy sources for school district use through their management of the school district, additionally, it has become common practice for individuals who have developed such systems to sell back excess energy if the power companies are interested. It has been determined that these sections of code are no longer necessary, the proposed legislation would repeal Sections 33-604 and 605, Idaho Code and remove the reference to these section in Section 33-1102, Idaho Code.

Fiscal Note

There would be no fiscal impact from the proposed legislation.

Statement of Purpose – Certificates Grandfathered – Repeal (501-05)

Section 33-1206, Idaho Code grandfathered in teaching certificates that were valid and in good standing prior to September 1st, 1947, and provided some protection for individuals who held a valid certificate issued after August 31st, 1947, subject to any amendments to certification regulations that the Board may adopt after that date. It has been determined that this section is no longer needed. The proposed legislation would repeal this section of code.

Fiscal Note

There would be no fiscal impact from the proposed legislation.

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Statement of Purpose – School Safety Patrols (501-06)

Title 33, Chapter 18 (School Safety Patrols) authorizes Boards of Trustees to appoint school safety patrols from the student body for directing traffic at school crossings and makes it unlawful for drivers to disregard the reasonable directions from these individuals. Much of the language in this Chapter is outdated. Additionally, Boards of Trustees have the ability to create safety patrols without this specific authority through their responsibility for the management of the school district. The proposed legislation would repeal the Chapter and move the language specific to the disobeying school safety patrol directions to Chapter 6, Title 49 (Rules of the Road, Motor Vehicles), which already contains language pertaining to school zones. If approved Board staff will work with law enforcement on moving the applicable language to Title 49.

Fiscal Note

There would be no fiscal impact from the proposed legislation.

Statement of Purpose – Fraternities and Secret Societies (501-07)

Chapter 19, Title 33 prohibits the creation of fraternities, sororities, or secret societies in public schools and makes it unlawful to establish a fraternity, sorority or other secret society whose membership is comprised in whole or in part of pupils enrolled in the public elementary or secondary schools or to solicit students to become a member of such organization. Much of the language in this chapter is antiquated and outdated, additionally, federal regulations prohibit the discrimination of students, which historically the types of groups this chapter was targeted at did, making this chapter no longer necessary. The proposed legislation would repeal this chapter of Idaho Code.

Fiscal Note

There would be no fiscal impact from the proposed legislation.

Statement of Purpose – Expectant Mothers – Repeal (501-08)

Section 33-2006, Idaho Code, requires school districts to educate expectant mothers. The section of code is outdated and no longer necessary. School districts are required to educate students residing within the school district's boundaries (with few exceptions), there is no exception for expectant for delivered mothers, therefore regardless of a student's parental responsibilities or their expectation of these responsibilities the student is required to be educated. The proposed legislation would repeal this section of code.

Fiscal Note

There would be no fiscal impact from the proposed legislation.

Statement of Purpose – Technology Grant Program (501-09)

Chapter 48, Title 33, Idaho Code sets out the provisions for the Public School Technology Grant program. This program provided grants to schools to provide equipment and resources necessary to integrate technology with instruction and was enacted in 1994. Since that time, these grants have been funded at various levels cumulating in the Technology Pilot Grant funding in FY14 and FY15. The Task Force recommended ending the Technology Pilot Grant program and providing the funding directly to school districts. In FY16 and FY17, funding appropriated for technology was distributed directly to school districts rather than through a grant process. The proposed legislation would remove the

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references to the grant program while keeping the general statements and requirements regarding the use of technology in our school in place and specify requirements for technology plans that previously were required by the grant program.

Fiscal Note

There would be no fiscal impact from the proposed legislation.

Statement of Purpose – Student Work Age (501-10)

Section 44-1302, Idaho Code prohibits students under the age of sixteen (16) from being employed while their local school district is in session “unless he can read at sight and write legibly simple sentences in the English language...” The language in this section is outdated and does not take into account the various modes and alternative schedules for instructions our public school students now have available to them. The proposed legislation would repeal this section of code. Board staff will work with the Department of Labor to assure repealing this section has no impact on other labor laws regarding the requirements or restriction for employee underage children.

Fiscal Note

There would be no fiscal impact from the proposed legislation.

Statement of Purpose – School District Report Card – Repeal (501-11)

Section 33-4501, Idaho Code, was enacted in 1990 and sets out the requirements for a statewide school accountability report card as well as the minimum measures that would be contained in it. This requirement is separate from the federal accountability requirements and had been co-opted by the federal reporting in recent years. School districts did not understand that even with the federal accountability reporting requirements the statutory requirements also had to be included in their report cards, resulting in many of the required measures being dropped off the school district report cards. The Task Force subcommittee recommended the state accountability system be re-evaluated and updated with the end result being a single accountability system. Statewide accountability indicators are specified in Idaho Administrative Code, additionally with the creation of the continuous improvement plan reporting in Section 33-320, Idaho Code, this section creates unnecessary duplication. The proposed legislation would repeal this section of code.

Fiscal Note

There would be no fiscal impact from the proposed legislation.

Statement of Purpose – Charter Commission Appointments (501-13)

Section 33-5213, Idaho Code establishes the Public Charter School Commission including provisions regarding appointment to the commission and terms for said appointments. The proposed legislation would provide clarifying language regarding the terms of appointment and the rotation for the appointment of members. Originally, all members were appointed by the Governor. In 2013, appointments were changed so that they are made by the Governor, Speaker of the House, and the President Pro Tempore of the Senate. The rotation of these appointments resulting in three members in a row being appointed by the Governor, until all positions appointed prior to 2013 have been

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reappointed or new members have been appointed. Following this schedule each member is then reappointed by the same appointing authority that originally appointed them. This process has caused some confusion and the Board has been asked to amend the section to clarify the order of appointments.

Fiscal Note

There would be no fiscal impact from the proposed legislation.

Statement of Purpose – PERS Provisions – Retire in Place and Return to Work (501-14)

As part of the work being done on addressing some of our teacher shortage areas the inability to hire recently retired teachers has been identified as a barrier, specifically the restriction on re-employing an individual within ninety (90) days from their retirement date. The proposed legislation would remove barriers to re-employing retired teachers to allow them to return to work. These individuals typically serve on a part-time bases, teaching one or two classes a day or working in a mentoring capacity. If approved by the Board, Board staff will continue to work with the Public Employee Retirement System (PERS) to develop the legislation to assure there were no unintended consequences. The specific changes would reduce the required age for retiring “in-place” to 62 (from 65) and would reduce the required break in service for those who do not retire in place from 90 days to 30 days and would impact all eligible public employees. Board staff have had initial meetings with PERS Director and they are supportive of the changes. PERS has identified some of the same issues the Board has identified in the recruitment of teachers in the recruitment of other public service positions in our rural communities.

Fiscal Note

There would be no fiscal impact from the proposed legislation.

Statement of Purpose – Instructional Staff Definition, Technical Corrections (501-15)

Section 33-1001, Idaho Code, contains the definitions that are used throughout Chapter 10, Title 33. This includes the definition of pupil services staff and instructional staff, as well the other terms used in the career ladder. The proposed amendment would provide technical changes to the definition of instructional staff to make it clear that certificated teachers working in a mentoring capacity still fall within the definition. These individuals currently are within this classification, however, we have received questions asking for verification of this fact. The proposed amendments would clarify who is included in the definition of Instructional Staff and make additional technical corrections.

Fiscal Note

There would be no fiscal impact from the proposed legislation.

Statement of Purpose – Master Teacher Premium/Pupil Service Staff (501-16)

During the 2015 Legislative Session the legislature requested the Board add pupil service staff to the career ladder and the Master Teacher Premium provisions. During the 2016 Legislative Session pupil service staff were added to the career ladder. This legislation would amend Section 33-1004I, Idaho Code, making pupil service staff eligible for the Master Teacher Premium. This change was not made during the 2016 Legislative Session to allow time for the Master Teacher Premium requirements to be developed. The Board approved the process for instructional staff to show mastery of instructional

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techniques at the May 2016 Board meeting. Allowing pupil service staff to be eligible for the Master Teacher Premium is consistent with the subcommittee recommendation adopted by the Board at a September 2015 Special Board meeting. Approval of the legislation by the 2017 legislature may make it necessary to amend provisions of the Master Teacher Premium portfolio's approved by the Board to allow for the types or groups of students that pupil service staff work with.

Fiscal Note

The fiscal impact would be variable based on the number of pupil service staff that were eligible and chose to apply for the premium.

Statement of Purpose – Literacy Preservice Assessment (501-18)

Section 33-1207A, Idaho Code, provides for provision that require teacher preparation programs to be responsible for a preservice assessment for all kindergarten through grade 12 preservice teachers that measures teaching skills and knowledge congruent with current research on reading practices. The proposed legislation would update the language to allow for multiple measures, in alignment with best practices, for the demonstration of these skills rather than a single assessment.

Fiscal Note

There would be no fiscal impact from the proposed legislation.

Statement of Purpose – Dual Enrollment Between Public Schools (501-20)

Section 33-203, Idaho Code requires school districts to allow students who are enrolled in a non-public school or a public charter school to be dually enrolled in the school district. This is typically done if a student is attending a school that does not have an elective program such as band or athletic program that the student is attending. The enrollment is restricted to a school district whose attendance zone the student resides in. There has been some confusion if this also applies to other charter schools whose attendance area the student resides in. The proposed amendments would clarify that the provisions apply to all public schools including charter schools and would specify that these students are not calculated in the charter schools cap and that this provision cannot be used to circumvent the charter schools lottery process.

Fiscal Note

There would be no fiscal impact from the proposed legislation.

Statement of Purpose – Data Privacy (501-21)

Section 33-133, Idaho Code, specifies student data privacy requirements. Proposed amendments would provide clarification regarding the definition of personally identifiable student data and the combination of data elements that allows for the student to be identified as opposed to data elements that, when used as a standalone data set, cannot be tied back to a student, amend terms used in Section 33-120, Idaho Code to make them consistent with terms used in Section 33-133, Idaho Code and make additional technical corrections.

Fiscal Note

There would be no fiscal impact from the proposed legislation.

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Statement of Purpose – Dual Credit Term Update (501-22)

Section 33-5109, Idaho Code, authorizes students to enroll in dual credit courses, regardless of whether or not they are participating in an advanced opportunities program funded by the state. Originally enacted in 1997, and last amended in 1998, this section did not consider students taking credits other than academic credits and uses the term “academic” credit in discussing the credits allowed. The proposed legislation would make a technical amendment to specify that the credits could be academic or career technical as applicable to the course being completed.

Fiscal Note

There would be no fiscal impact from the proposed legislation.

Statement of Purpose – Community College Upper Division Curriculum (501-23)

Sections 33-2107A through 33-2107B, Idaho Code authorize community colleges to offer third and fourth year college curriculum contingent to specific provisions being met and State Board of Education approval. These sections of code were enacted in 1965 and much of the language contained therein is outdated. Proposed amendments would update the language in Section 33-2107C, Idaho Code, specifying the district used for determining the market value of taxable property and population necessary to provide upper division courses are both the taxing district rather than the county the community college is located in.

Fiscal Note

There would be no fiscal impact from the proposed legislation.

Authorization by Executive Director for consideration:

Statement of Purpose – Advanced Opportunities Focus (501-25)

Amend Section 33-4602, Idaho Code would make technical correction and limit payment of dual credit courses to either general education courses or those courses that are part of an academic plan that lead to a certificate or degree. The proposed amendment would require state funds being used to pay for dual credit courses be more targeted and students participating in this type of advanced opportunity be more strategic in their course choices. The end result of the change would result in a more meaningful program that will help students exiting high to be further along the path toward a certificate or degree.

Fiscal Note

The proposed changes may limit the current dual credit courses that are being paid for by the state.

Statement of Purpose – WICHE – Technical Corrections (501-26)

Amend Section 33-3601, Idaho Code, providing technical corrections updating the reference to the Territories of Alaska and Hawaii to include them in the list of states.

Fiscal Note

There would be no fiscal impact from the proposed legislation.

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Statement of Purpose – Seed Certification (501-27)

Amend Sections 22-1505, Idaho Code directing the rules to be promulgated by the Idaho Department of Agriculture in consultation with the Idaho agricultural experiment station in the College of Agriculture of the University of Idaho. The proposed change would allow the administrative rules to be promulgated through the Department of Agriculture rather than going through the regents of the University of Idaho. If approved, staff will work with the University's College of Agriculture and the State Department of Agriculture to finalize the legislative changes.

Fiscal Note

There would be no fiscal impact from the proposed legislation.

Statement of Purpose – Accurate Reporting of Information (501-28)

Amend Section 33-1004B, Idaho Code, Career Ladder, to provide provisions should an administrator intentionally misreport data to the state, including staff evaluation ratings.

Fiscal Note

There would be no fiscal impact from the proposed legislation.

Statement of Purpose – Residential School – Technical Corrections (501-29)

Amend Section 39-1207, Idaho Code to update the language regarding secondary school accreditation. Section 39-1207, Idaho Code pertain to the Child Care Licensing Reform Act. Currently Section 39-1207, Idaho Code contains technical errors regarding the process for accrediting secondary schools. Additionally, this section put's accredited residential schools under the jurisdiction of the State Board and Department of Education. The technical errors were discovered when the Board office was contacted by a residential school looking for information, since that time we have also been contacted by the Department of Health and Welfare regarding amendments to this section. If approved by the Board, Board staff with work with the Department of Health and Welfare to finalize language for this legislation.

Fiscal Note

There would be no fiscal impact from the proposed legislation.

Statement of Purpose – Concurrent Resolution, Cybercore and Collaborative Computing Center (501-30)

This concurrent resolution authorizes the Idaho State Board of Education to enter into agreements with the Idaho State Building Authority to provide financing and construction management for the expansion of the Idaho National Laboratory Cybercore and Collaborative Computing Center facilities. These two new facilities would house cybersecurity and super-computer research activities which have outgrown the existing facilities at the Lab. Bond proceeds would cover site preparation and construction of the new buildings on State Board of Education property and acquisition, if needed, of adjacent property currently owned by the Idaho State University Foundation. Following completion of construction, the new Cybercore and Collaborative Computing Center facilities would be leased by the State Building Authority to the State Board of Education, which, in turn, would sub-lease the facilities to the Idaho National Laboratory. The new facilities will provide outstanding opportunities for Idaho's research universities to carry out their

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missions; engage Idaho students in leading-edge education, research, and intern activities; and bolster economic development for Idaho as it collaborates with the Idaho National Lab to address the nation's cyber-security and advanced computing priorities. In addition to the significant economic benefits of the project for the State and the positive impact on national security, the project will provide immediate and continuing benefits to student learning and institutional research efforts. Upon payoff of bond debt, lease payments from the Idaho National Laboratory would revert directly to the State Board of Education. This initiative is a follow-on effort to successful project which led to Idaho's Center for Advanced Energy Studies (CAES) initiative, and it takes advantage of the State Building Authority's expertise and successful track record in financing and managing major state construction projects.

Fiscal Note

The estimated construction cost of the two approximately 100,000 square foot facilities is \$90,000,000 with a maximum limit for each of the facilities established at \$50,000,000 by Federal regulations. Land acquisition costs, if necessary, are included within these cost estimates. The lease arrangements will be triple-net, with all costs of debt payment, operations, and maintenance borne by the Idaho National Laboratory (INL). The facilities will be located on approximately 60 acres of property near INL, with the two new buildings situated in close proximity to the CAES facility and functionally-related INL and State Board of Education facilities. Initial design efforts for the facilities are underway. Ground-breaking and construction would begin in the spring or early summer of 2017, with total construction time estimated at fifteen months. Options currently being explored for financing of the project range from 12 years to 20 years. Maximum monthly lease payments, planned at \$375,000 or less, cover all financing and normal operational costs. Any extraordinary future maintenance or facility reconfiguration costs would be borne entirely by the INL, outside of scheduled lease payments. The State Board of Education, as sponsor of the project, will provide no state dollars for design, construction, financing, or operations of the facilities, until such time as the bonds are fully-paid off, and ownership of the facilities and continuing lease payments revert to the Board of Education to support system-wide education and research needs.

REJECTED – not moving forward through the process

Statement of Purpose - Health Insurance (501-12)

The purpose of this legislation was to provide a means for school districts to provide health insurance coverage for their staff that would leverage the combined buying power of the school districts through the use of the Idaho School District Council. The Idaho School District Council is a cooperative service agency formed for the purpose of providing educational services more economically through cooperatives with two or more member districts, enter into contracts to employ specialized personnel and/or purchase materials or services including life, dental and supplemental health insurance, and study issues and develop recommendation on issues of mutual concern. Administration costs for the council are covered by annual membership dues and contract provisions. It was determined at this time that this concept should be address by the Legislators, Interim Committee on Public School Funding.

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Fiscal Note

The fiscal impact will be developed based on the actual provisions of the legislation. The intent is to provide a cost savings to the school districts as a whole.

Statement of Purpose – Professional Employees – Board of Education (501-17)

Section 67-5303, Idaho Code, provides for the application of the state personnel system on certain employees. Section 67-5303(j) defines those position that are part of our public educational system that are non-classified employees. The current language in this section includes a definition of “officer” that includes pay grade and Hay Points that are not in alignment with Idaho’s current pay grades. The proposed legislation would update the definition to be in alignment with Idaho’s current pay grades. The Division of Human Resources (DHR) is proposing amendments to this and other section based on changes to the Fair Labor Standards Act. Board staff will work with DHR to include amendments to Section 67-5303(j) as their legislation moves forward.

Fiscal Note

There would be no fiscal impact from the proposed legislation.

Statement of Purpose – Literacy Intervention Funding Offset (501-19)

During the 2016 Legislative Session, the Board was asked to look at possible amendments to the funding formula for literacy intervention funds. There were concerns that funding based on the number of students who were not proficient would be a perverse incentive and encourage school districts to underperform. Staff are working on possible scenarios for Board consideration. Due to the timing of submittal of legislative ideas this item is a placeholder.

Fiscal Note

The fiscal impact would be dependent on the final mechanism that is chosen.

Statement of Purpose – CTE Incentive Funding (501-24)

The proposed legislation creates a new section of Idaho Code to provide incentive funding for Career Technical Education (CTE) secondary programs in the five CTE education program of: Business Management and Marketing, Engineering and Technology, Family and Consumer Sciences, Health Professions, and Skilled and Technical Sciences. This legislation would expand incentive funding opportunities currently available only for Agricultural and Natural Resources education programs pursuant to section 33-1629.

Under the proposed legislation, the Division would provide incentive-based funding to both high performing programs and those programs in need of additional support and technical assistance. This performance-based approach would more clearly demonstrate the return on investment provided by career technical education and hold CTE programs more accountable for producing results. The performance measures and procedures for CTE program incentive-based funding would be established by the Idaho Division of Career Technical Education and approved by the State Board of Education.

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Fiscal Note

The fiscal impact for FY2018 would be \$415,350 to the General Fund. Of that total, \$75,000 would be used to develop performance measures and a data reporting system, \$325,000 would be awarded to the five programs areas, and \$15,350 would cover 25 percent of a requested Grants Operations Analyst position. The requested position is a full-time position, the remaining 75 percent of this position would be used to oversee the incentive funding for Agricultural and Natural Resources education programs as outlined in section 33-1629.

Rejection of this legislative idea was based on higher career technical funding priorities and the fiscal impact of the legislation.

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LEGISLATION (501-01):

LEGISLATURE OF THE STATE OF IDAHO
Sixty-fourth Legislature

First Regular Session - 2017

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

SECTION 1. That Section 33-202, Idaho Code, be, and the same is hereby amended to read as follows:

33-202. SCHOOL ATTENDANCE COMPULSORY. (1) The parent or guardian of any child resident in this state who has attained the age of seven (7) years at the time of the commencement of school in his district, but not the age of sixteen (16) years, shall cause the child to be instructed in subjects commonly and usually taught in the public schools of the state of Idaho. To accomplish this, a parent or guardian shall either cause the child to be privately instructed by, or at the direction of, his parent or guardian; or enrolled in a public school or public charter school, including an on-line or virtual charter school or private or parochial school during a period in each year equal to that in which the public schools are in session; there to conform to the attendance policies and regulations established by the board of trustees, or other governing body, operating the school attended.

(2) It shall not be compulsory for individual school districts to establish a kindergarten program; and it shall not be mandatory for a child who is eligible by age for attendance to enroll in an established public kindergarten.

SECTION 2. That Section 33-208, Idaho Code, be, and the same is hereby repealed.

Language being repealed:

~~33-208. KINDERGARTENS AND CHILD ATTENDANCE NOT COMPULSORY. It shall not be compulsory for individual school districts to establish a kindergarten program; and it shall not be mandatory for a child who is eligible by age for attendance to enroll in an established public kindergarten.~~

LEGISLATION (501-03):

LEGISLATURE OF THE STATE OF IDAHO
Sixty-fourth Legislature

First Regular Session - 2017

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

SECTION 1. That Section 33-602, Idaho Code, be, and the same is hereby repealed.

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Language being repealed:

~~33-602. USE OF SCHOOL PROPERTY OR BUILDINGS FOR SENIOR CITIZEN CENTERS. The board of trustees of each school district shall have the power and ability to authorize the use of any school building or real property for the operation of a senior citizen center and to establish a policy of charges, if any, to be made for such use with a group of senior citizens certified by the Idaho office [commission] on aging as being representative of senior citizens and resulting from the group having received older Americans act or state of Idaho senior services act moneys.~~

LEGISLATION (501-04):

LEGISLATURE OF THE STATE OF IDAHO
Sixty-fourth Legislature

First Regular Session - 2017

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

SECTION 1. That Sections 33-604 and 33-605, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Section 33-1102, Idaho Code, be, and the same is hereby amended to read as follows:

33-1102. PURPOSES FOR WHICH BONDS MAY BE ISSUED. The purposes for which bonds may be issued shall be: To acquire, purchase or improve a school site or school sites; to build a schoolhouse or schoolhouses or other building or buildings; to demolish or remove school buildings; to add to, remodel or repair any existing building; to furnish and equip any building or buildings, including all lighting, heating, ventilation and sanitation facilities and appliances necessary to maintain and operate the buildings of the district; to purchase school buses and to acquire, develop or renovate school facilities to establish, create and develop renewable energy systems ~~as described in section [33-604](#), Idaho Code.~~ The provisions of section [33-906](#), Idaho Code, shall not apply to bonds or portions of bonds issued to acquire, develop or renovate school energy systems ~~as authorized in section [33-604](#), Idaho Code,~~ when the school district begins to sell thermal energy for revenue ~~as authorized in section [33-605](#), Idaho Code.~~

Language being repealed:

~~33-604. RENEWABLE THERMAL ENERGY. The board of trustees of each school district is empowered to establish, create, develop, own, maintain, operate and contract for the establishment, creation, development, ownership, maintenance and operation of thermal heating and cooling energy generation and distribution systems, including hot or chilled water systems, where thermal energy is generated from biomass, geothermal or solar renewable energy.~~

~~33-605. SALES OF EXCESS ENERGY. The board of trustees of a school district which operates an energy system as described in section [33-604](#), Idaho Code, may use,~~

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~~sell or exchange excess thermal hot or chilled water not needed by the school district subject to the following conditions:~~

~~(1) Revenues from the sale of energy as described in section [33-604](#), Idaho Code, shall be used for the benefit of the school district.~~

~~(2) Sale of energy as described in section [33-604](#), Idaho Code, shall be pursuant to a school district written contract approved by resolution of the board of trustees of the school district, which resolution shall be forwarded to the state department of education.~~

LEGISLATION (501-05):

LEGISLATURE OF THE STATE OF IDAHO
Sixty-fourth Legislature

First Regular Session - 2017

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

SECTION 1. That Section 33-1206, Idaho Code, be, and the same is hereby repealed.

Language being repealed:

~~33-1206. VALIDITY OF EXISTING CERTIFICATES. All certificates valid for use in Idaho on the 31st day of August, 1947, and not subsequently lapsed or revoked, shall in all respects remain valid under the laws and regulations and upon the conditions applicable thereto when first issued.~~

~~Nothing herein contained shall abridge the rights inuring to the holder of any valid certificate, issued after the 31st day of August, 1947, as the same exist at the time of the enactment of this act, subject to the right of the state board of education to adopt or amend any regulation pertaining to conditions upon which certificates may be used or renewed.~~

LEGISLATION (501-06):

LEGISLATURE OF THE STATE OF IDAHO
Sixty-fourth Legislature

First Regular Session - 2017

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

SECTION 1. That Chapter 18, Title 33, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 6, Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 49-675, Idaho Code, and to read as follows:

49-675. FAILURE TO OBEY SCHOOL SAFETY PATROL MEMBER UNLAWFUL. (1) It shall be unlawful for the operator of any vehicle to fail to stop his

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vehicle when directed so to do by a member of a school safety patrol while in the performance of his duty and wearing the appropriate insignia designated them as a school safety officer; and it shall further be unlawful for the operator of any vehicle to disregard any other reasonable directions of a member of the school safety patrol while properly identified and performing his duties as such.

(2) A member of the school safety patrol while on duty may properly report to any peace officer any violation of the foregoing paragraph by the operator of any vehicle.

Language being repealed:

~~33-1801. SCHOOL SAFETY PATROLS. The board of trustees of any school district, including chartered school districts, or other officer or board performing like functions with respect to any private or parochial school or schools, may authorize its administrative officers to create, maintain and supervise a school safety patrol or patrols, and to establish regulations for the management and conduct thereof not inconsistent with this act. Such administrative officers may cause to be appointed from the student body of any such school, students who shall be known as members of such school safety patrol, and who shall serve without compensation and at the pleasure of the authority making the appointment.~~

~~The members of such school safety patrol shall wear a badge or other appropriate insignia marked "school patrol" when in performance of their duties, and they may display "stop" or other proper traffic directional signs or signals at school crossings or other points where school children are crossing or about to cross a public street or highway, but members of the school patrol shall be subordinate to and obey the orders of any peace officer present and having jurisdiction.~~

~~33-1802. PURCHASE OF UNIFORMS, EQUIPMENT, INSURANCE. Any school district maintaining any school patrol may purchase uniforms and other appropriate insignia, traffic signs, or other materials, all to be used by members of such school safety patrol while in the performance of their duties. Such school districts may pay for the uniforms and equipment mentioned above out of the funds of the district.~~

~~Boards of trustees are authorized to purchase life and accident, or casualty, insurance covering members of the school safety patrol while engaged in the performance of their duties, and indemnifying the district, and its officers, and any employees who direct or supervise the school safety patrol, according to the provisions of chapter 35 of [title 41](#).~~

~~33-1803. FAILURE TO OBEY SAFETY PATROL MEMBER UNLAWFUL. It shall be unlawful for the operator of any vehicle to fail to stop his vehicle when directed so to do by a member of a school safety patrol while in the performance of his duty and wearing the appropriate insignia; and it shall further be unlawful for the operator of any vehicle to disregard any other reasonable directions of a member of the school safety patrol while properly identified and performing his duties as such.~~

~~A member of the school safety patrol while on duty may properly report to any peace officer any violation of the foregoing paragraph by the operator of any vehicle.~~

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LEGISLATION (501-07):

LEGISLATURE OF THE STATE OF IDAHO
Sixty-fourth Legislature

First Regular Session - 2017

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

SECTION 1. That Chapter 19, Title 33, Idaho Code, be, and the same is hereby repealed.

Language being repealed:

~~33-1901. FRATERNITIES, SORORITIES, AND SECRET SOCIETIES PROHIBITED IN ELEMENTARY AND SECONDARY SCHOOLS. It shall be unlawful for any person, group or organization to establish a fraternity, sorority or other secret society whose membership is comprised in whole or in part of pupils enrolled in the public elementary or secondary schools of the state, or to solicit a pupil in any such school to become a member of such organization; and no pupil enrolled in the public elementary or secondary schools shall be or become a member, or pledge himself to become a member of any such organization.~~

~~33-1902. FRATERNITY, SORORITY OR SECRET SOCIETY DEFINED -- EXCEPTIONS. For the purpose of the preceding section a fraternity, sorority or secret society shall be interpreted as any organization the active membership of which is comprised in whole or in part of pupils enrolled in public elementary or secondary schools, and which exists or perpetuates itself wholly or partly by selecting members on the basis of the decision of its membership rather than upon the basis of the right of any pupil, qualified by the rules and regulations of the school, to be a member. The definition shall not be construed to include organizations institutionally sponsored by agencies of public welfare, such as the Boy Scouts of America, Girl Scouts of America, Campfire Girls, DeMolay, the YMCA and YWCA, and similar organizations.~~

~~33-1903. ENFORCEMENT. The board of trustees of any school district is authorized to enforce the provisions of sections [33-1901](#) through [33-1902](#) by withdrawal of the rights and privileges of the school, denial of graduation, deprivation of credit, suspension or expulsion of any pupil found to be in violation of the provisions of said sections.~~

LEGISLATION (501-08):

LEGISLATURE OF THE STATE OF IDAHO
Sixty-fourth Legislature

First Regular Session - 2017

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

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SECTION 1. That Section 33-2006, Idaho Code, be, and the same is hereby repealed.

Language being repealed:

~~33-2006. EDUCATION OF CERTAIN EXPECTANT OR DELIVERED MOTHERS. Every public school district in this state within which is located a state licensed or state sponsored system of care for expectant or delivered mothers shall provide, subject to rules and regulations of the state board of education, instruction in accredited courses, by a qualified instructor, for expectant and delivered mothers under twenty-one (21) years of age, who are enrolled for care by such systems of care, and shall, upon satisfactory completion of required public school courses or correspondence courses from a state institution of higher learning in Idaho, issue credits or a diploma evidencing such achievement.~~

LEGISLATION (501-09):

LEGISLATURE OF THE STATE OF IDAHO
Sixty-fourth Legislature

First Regular Session - 2017

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

SECTION 1. That Section 33-4801, Idaho Code, be, and the same is hereby amended to read as follows:

33-4801. SHORT TITLE. This chapter shall be known and may be cited as the "Idaho Educational Technology Initiative of 1994."

SECTION 2. That Section 33-4804, Idaho Code, be, and the same is hereby amended to read as follows:

33-4804. PUBLIC SCHOOL TECHNOLOGY GRANTS PROGRAM. (1) There is hereby established the public school technology grant program, to be implemented by the state department of education, which shall make available grants funding for schools to provide Idaho classrooms, including classrooms at the Idaho bureau of educational services for the deaf and the blind, with the equipment and resources necessary to integrate information age technology with instruction and to further connect those classrooms with external telecommunications services. Grant applications Each school district and public charter school shall submit to the state department of education a technology plan for improving student academic achievement through the effective use of advanced technology in the classrooms, such plans shall include a project plan that describes proposed a needs assessment, goals and objectives, timeline for achieving goals and objectives, projections for equipment and software purchases including time frames for the replacement or upgrading of such equipment and software; how the proposed equipment and software will be used effectively in the classroom; and provisions for training staff, including administrators and teachers instructional staff to make optimal use of the technology in instruction.

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(2) The technology plan shall cover a period of not less than four (4) years, and shall be reviewed annually and updated as needed. Updated technology plans shall be resubmitted to the state department of education.

LEGISLATION (501-10):

LEGISLATURE OF THE STATE OF IDAHO
Sixty-fourth Legislature

First Regular Session - 2017

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

SECTION 1. That Section 44-1302, Idaho Code, be, and the same is hereby repealed.

Language being repealed:

~~44-1302. Children under sixteen -- Educational requirements. No minor who is under sixteen (16) years of age shall be employed or permitted to work at any gainful occupation during the hours that the public schools of the school district in which he resides are in session, unless he can read at sight and write legibly simple sentences in the English language, and has received instructions in spelling, English grammar and geography and is familiar with the fundamental operations of arithmetic up to and including fractions, or has similar attainments in another language.~~

LEGISLATION (501-11):

LEGISLATURE OF THE STATE OF IDAHO
Sixty-fourth Legislature

First Regular Session - 2017

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

SECTION 1. That Chapter 45, Title 33, Idaho Code, be, and the same is hereby repealed.

Language being repealed:

~~33-4501. SCHOOL ACCOUNTABILITY REPORT CARD. In order to promote a model statewide standard of instructional accountability and conditions for teaching and learning, the superintendent of public instruction shall by October 30, 1990, develop and present to the state board of education for adoption a statewide model school accountability report card.~~

~~(1) The model school accountability report card shall include, but is not limited to, assessment of the following school conditions:~~

~~(a) Student progress toward meeting reading, writing, arithmetic and other academic goals as measured by a listing of scores on applicable statewide tests over at~~

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least a three (3) year period. High school reports should include both SAT and composite ACT scores for a similar period.

- ~~(b) Progress toward reducing drop-out rates.~~
- ~~(c) Estimated expenditures per student.~~
- ~~(d) Progress toward reducing class size and teaching loads.~~
- ~~(e) Reduction of teachers assigned outside their subject areas of competence.~~
- ~~(f) Currency of textbooks and other instructional materials.~~
- ~~(g) The availability of qualified personnel to provide counseling and other student support services.~~
- ~~(h) Qualifications and utilization of substitute teachers.~~
- ~~(i) Safety and adequacy of school facilities.~~
- ~~(j) An explanation of the teacher evaluation process.~~
- ~~(k) Classroom discipline and climate for learning.~~
- ~~(l) Teacher and staff training.~~
- ~~(m) Curriculum improvement.~~
- ~~(n) Quality of school instruction.~~
- ~~(o) Quality of school leadership.~~
- ~~(p) School goals and progress toward those goals.~~
- ~~(q) Achievement of any individual, team or class awards in district, state or national competition; i.e., a school wide "bragging sheet."~~

~~(2) In a district which chooses to prepare a district report card, compilation of report cards of individual schools into one (1) district report is a recommended format so long as individuality is maintained and comparisons can be made. A district report, or the report on the largest high school, if either is prepared in the district, shall include reproductions of the district's school profile for the latest two (2) years as prepared by the state department of education.~~

~~(3) There is hereby created in the department of education a task force on instructional improvement which shall consist of not more than eleven (11) members. The superintendent of public instruction shall appoint the members of the task force on instructional improvement. The members of the task force shall consist of practicing classroom teachers, school administrators, parents, school board members, classified employees, students and education research specialists and provided that four (4) members of the task force shall consist of practicing classroom teachers. In developing the statewide model school accountability report card, the superintendent of public instruction shall consult with the task force on instructional improvement. Members of the task force shall be compensated as provided in section [59-509](#)(b), Idaho Code. The task force shall terminate upon the adoption of a statewide model accountability report card.~~

~~33-4502. SCHOOL DISTRICT REQUIREMENTS. The board of trustees of each school district, including a specially chartered district, maintaining an elementary or secondary school may require each school to develop a school accountability report card by June 30, 1991 and implement the same by October 15, 1991.~~

~~(1) The school accountability report card may include, but is not limited to, the conditions listed in section [33-4501](#), Idaho Code. A school's accountability report card, if a card is required, shall be developed with input from teachers, parents and patrons.~~

~~(2) The board of trustees of each school district, including specially chartered districts, may require each school to annually issue a school accountability report card,~~

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~~publicize such report card and notify parents or guardians of each student that a copy will be provided upon request.~~

LEGISLATION (501-13):

LEGISLATURE OF THE STATE OF IDAHO
Sixty-fourth Legislature

First Regular Session - 2017

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

SECTION 1. That Section 33-5213, Idaho Code, be, and the same is hereby amended to read as follows:

33-5213. PUBLIC CHARTER SCHOOL COMMISSION. (1) There is hereby created an independent public charter school commission, referred to hereinafter as the commission, to be located in the office of the state board of education, pursuant to section [33-105](#), Idaho Code. It shall be the responsibility and duty of the executive director of the state board of education, or his designee, acting at the direction of the commission to administer and enforce the provisions of this chapter, and the director or his designee shall serve as secretary to the commission.

(2) The public charter school commission shall adopt policies, subject to law, regarding the governance and administration of the commission and make recommendations to the state board of education regarding the oversight of public charter schools.

(3) The commission shall be composed of seven (7) members:

(a) Three (3) members shall be appointed by the governor, subject to the advice and consent of the senate;

(b) Two (2) members shall be appointed by the speaker of the house of representatives; and

(c) Two (2) members shall be appointed by the president pro tempore of the senate.

Commissioner appointments made pursuant to this section prior to July 1, 2013, shall remain valid through the duration of the term to which each commissioner was appointed. To establish a transition to the appointing authority structure contained in this subsection, the first four (4) appointments available on or after July 1, 2013, shall be made in an alternating sequence for each appointment by the speaker of the house of representatives ~~and the president pro tempore of the senate, and the governor.~~ Notwithstanding this sequence of appointments at no time may any appointee appoint more members of the commission than allowed in subsection (3). ~~followed by three (3) appointments by the governor.~~ Subsequent appointments shall be made by the same appointing authority that originally appointed the commissioner whose term expired.

(4) The term of office for commission members shall be four (4) years. In making such appointments, the appointing authorities shall consider regional balance. Members appointed to the commission shall collectively possess strong experience and expertise in public and nonprofit governance, management and finance, public school leadership, assessment, curriculum and instruction and public education law. All members of the

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commission shall have demonstrated understanding of and commitment to charter schools as a strategy for strengthening public education. No commissioner shall serve more than two (2) consecutive four (4) year terms. Members of the commission shall hold office until the expiration of the term to which the member was appointed and until a successor has been duly appointed, unless sooner removed for cause by the appointing authority. Whenever a vacancy occurs, the appointing authority shall appoint a qualified person to fill the vacancy for the unexpired portion of the term.

(5) All members of the commission shall be citizens of the United States and residents of the state of Idaho for not less than two (2) years.

(6) The members of the commission shall, at their first regular meeting following the effective date of this act, and every two (2) years thereafter, elect, by a majority vote of the members of the commission, a chairman and a vice-chairman. The chairman shall preside at meetings of the commission, and the vice-chairman shall preside at such meetings in the absence of the chairman. A majority of the members of the commission shall constitute a quorum. The commission shall meet at such times and places as determined to be necessary and convenient, or at the call of the chair.

(7) Each member of the commission not otherwise compensated by public moneys shall be compensated as provided in section [59-509](#)(h), Idaho Code.

LEGISLATION (501-14):

LEGISLATURE OF THE STATE OF IDAHO
Sixty-fourth Legislature

First Regular Session - 2017

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

SECTION 1. That Section 59-1356, Idaho Code, be, and the same is hereby amended to read as follows:

59-1356. REEMPLOYMENT OF RETIRED MEMBERS. (1) If an early retired member is reemployed with the same employer within ~~ninety (90)~~ thirty (30) days from retiring, or the early retired member is guaranteed reemployment with the same employer the member shall be considered to have continued in the status of an employee and not to have separated from service. Any retirement allowance payments received by the retired member shall be repaid to the system and the retirement shall be negated. The month of last contribution prior to the negated retirement and the month of initial contribution upon return to reemployment shall be considered consecutive months of contributions in the determination of an appropriate salary base period upon subsequent retirement. A retired member is not considered to have separated from service if he continues performing services for the same employer in any capacity including, but not limited to, independent contractor, leased employee, or temporary services.

(2) Except as provided in subsection (3) of this section, when a retired member meets the definition of an employee as defined in section [59-1302](#)(14)(A)(a), Idaho Code, any benefit payable on behalf of such member shall be suspended and any contributions payable by such member under sections [59-1331](#) through [59-1334](#), Idaho Code, shall again commence. The suspended benefit, as adjusted pursuant to section [59-1355](#), Idaho

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Code, shall resume upon subsequent retirement, along with a separate allowance computed with respect to only that salary and service credited during the period of reemployment. Any death benefit that becomes payable under the suspended benefit shall be payable under section [59-1361](#)(2), Idaho Code. Any death benefit that becomes payable with respect to salary and service accrued during the period of reemployment shall be payable under section [59-1361](#)(3), Idaho Code, if the member dies during the period of reemployment.

(3) If a retired member, who is receiving a benefit that is not reduced under section [59-1346](#), Idaho Code, and who has been retired for more than six (6) months, again becomes employed as defined in this section and section [59-1302](#)(14)(A)(b), Idaho Code, as a result of being elected to a public office other than an office held prior to retirement, the retired member may elect to continue receiving benefits and not accrue additional service, in which event no contributions shall be made by the member or employer during such reemployment and any benefit payable on behalf of such member shall continue.

(4) If a retired school teacher or administrator, who retired on or after age sixty-two (62) years and is receiving a benefit that is not reduced under section [59-1346](#), Idaho Code, again becomes an employee as defined in this section and section [59-1302](#)(14), Idaho Code, as a result of returning to employment with a school district as provided in section [33-1004H](#), Idaho Code, the retired member may elect to continue receiving benefits and not accrue additional service, in which event no contributions shall be made by the member during such reemployment and any benefit payable on behalf of such member shall continue. However, the school district shall pay the required employer contribution for that employee to the public employee retirement system.

(5) It is the responsibility of each employer to immediately report to the retirement board the employment of any retired member so that benefit payments can be suspended as provided in this section. If an employer fails to properly report the employment of a retired member and it results in the retirement board making benefit payments that should have been suspended, the employer shall, in addition to paying delinquent employee and employer contributions from the date of eligibility, also be responsible for repaying to the retirement board the benefit payments made to the retired member that should have been suspended, plus interest. The employer may then recoup such payments from the retired member.

(6) For purposes of this section, "same employer" means the employer for which the retired member last worked prior to retirement.

SECTION 2. That Section 59-1359, Idaho Code, be, and the same is hereby amended to read as follows:

59-1359. SEPARATION BENEFITS. (a) The separation benefit, if any, shall become payable upon the written request of an inactive member who has been separated from employment. If the person who received a separation benefit is reemployed or reinstated by the same employer within ~~ninety (90)~~ thirty (30) days or is guaranteed a right to employment or reinstatement with the same employer, the person shall repay to the system any separation benefit paid.

(b) A separation benefit shall automatically be payable three (3) years after a person becomes an inactive member if the inactive member is not a vested member, has accumulated contributions of less than one thousand dollars (\$1,000), and has been

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separated from employment and is not reemployed or reinstated by the same employer within ninety (90) days.

(c) For purposes of this section, "separated from employment" means the inactive member terminated all employment with the employer. An inactive member is not considered to have separated from employment if he continues performing services for the same employer in any capacity including, but not limited to, independent contractor, leased employee, or temporary services. For purposes of this section, "same employer" means the employer for which the person last worked prior to being separated from employment.

(d) Any member may elect to have eligible rollover distributions paid directly to a specified eligible retirement plan as required by 26 U.S.C. section 401(a)(31).

LEGISLATION (501-15):

LEGISLATURE OF THE STATE OF IDAHO
Sixty-fourth Legislature

First Regular Session - 2017

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

SECTION 1. That Section 33-1001, Idaho Code, be, and the same is hereby amended to read as follows:

33-1001. DEFINITIONS. The following words and phrases used in this chapter are defined as follows:

(1) "Administrative schools" means and applies to all elementary schools and kindergartens within a district that are situated ten (10) miles or less from both the other elementary schools and the principal administrative office of the district and all secondary schools within a district that are situated fifteen (15) miles or less from other secondary schools of the district.

(2) "Administrative staff" means those who hold an administrator certificate and are employed as a superintendent, an elementary or secondary school principal, or are assigned administrative duties over and above those commonly assigned to teachers.

(3) "Average daily attendance" or "pupils in average daily attendance" means the aggregate number of days enrolled students are present, divided by the number of days of school in the reporting period; provided, however, that students for whom no Idaho school district is a home district shall not be considered in such computation.

(4) "Career ladder" means the compensation table used for determining the allocations districts receive for instructional staff and pupil service staff based on specific performance criteria and is made up of a residency compensation rung and a professional compensation rung.

(5) "Compensation rung" means the rung on the career ladder that corresponds with the compensation level performance criteria.

(6) "Elementary grades" or "elementary average daily attendance" means and applies to students enrolled in grades 1 through 6 inclusive, or any combination thereof.

(7) "Elementary schools" are schools that serve grades 1 through 6 inclusive, or any combination thereof.

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(8) "Elementary/secondary schools" are schools that serve grades 1 through 12 inclusive, or any combination thereof.

(9) "Homebound student" means any student who would normally and regularly attend school, but is confined to home or hospital because of an illness or accident for a period of ten (10) or more consecutive days.

(10) "Instructional staff" means those who hold an Idaho certificate issued under section 33-1201, Idaho Code and are involved in the direct instruction of a student or group of students and or serve in a mentor or teacher leader position for individuals who hold an Idaho certificate issued under section 33-1201, Idaho Code.

(11) "Kindergarten" or "kindergarten average daily attendance" means and applies to all students enrolled in a school year, less than a school year, or summer kindergarten program.

(12) "Measurable student achievement" means the measurement of student academic achievement or growth within a given interval of instruction for those students who have been enrolled in and attended eighty percent (80%) of the interval of instruction. Measures and targets shall be chosen at the district level or school level in collaboration with the staff member impacted by the measures and applicable district staff. Assessment tools that may be used for measuring student achievement and growth include:

- (a) Idaho standards achievement test;
- (b) Student learning objectives;
- (c) Formative assessments;
- (d) Teacher-constructed assessments of student growth;
- (e) Pre- and post-tests;
- (f) Performance-based assessments;
- (g) Idaho reading indicator;
- (h) College entrance exams or preliminary college entrance exams such as PSAT, SAT and ACT;
- (i) District adopted assessment;
- (j) End-of-course exams;
- (k) Advance placement exams; and
- (l) Professional-technical exams.

(13) "Performance criteria" means the standards specified for instructional staff and pupil service staff to demonstrate teaching proficiency for a given compensation rung. Each element of the performance criteria shall be reported for determining movement on the career ladder.

(14) "Professional compensation rung performance criteria" means:

(a) An overall rating of proficient and no components rated as unsatisfactory on the state framework for teaching evaluation; and

(b) Demonstrating the majority of their students have met their measurable student achievement targets or student success indicator targets.

(15) "Public school district" or "school district" or "district" means any public school district organized under the laws of this state, including specially chartered school districts.

(16) "Pupil service staff" means those who provide services to students but are not involved in direct instruction of those students, and hold a pupil personnel services certificate.

(17) "Secondary grades" or "secondary average daily attendance" means and applies to students enrolled in grades 7 through 12 inclusive, or any combination thereof.

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(18) "Secondary schools" are schools that serve grades 7 through 12 inclusive, or any combination thereof.

(19) "Separate elementary school" means an elementary school located more than ten (10) miles on an all-weather road from both the nearest elementary school and elementary/secondary school serving like grades within the same school district and from the location of the office of the superintendent of schools of such district, or from the office of the chief administrative officer of such district if the district employs no superintendent of schools.

(20) "Separate kindergarten" means a kindergarten located more than ten (10) miles on an all-weather road from both the nearest kindergarten school within the same school district and from the location of the office of the superintendent of schools of such district, or from the office of the chief administrative officer of such district if the district employs no superintendent of schools.

(21) "Separate secondary school" means any secondary school located more than fifteen (15) miles on an all-weather road from any other secondary school and elementary/secondary school serving like grades operated by the district.

(22) "Student success indicators" means measurable indicators of student achievement or growth, other than academic, within a predefined interval of time for a specified group of students. Measures and targets shall be chosen at the district or school level in collaboration with the pupil service staff member impacted by the measures and applicable district staff. Student success indicators include:

(a) Quantifiable goals stated in a student's 504 plan or individualized education plan.

(b) Quantifiable goals stated in a student's behavior improvement plan.

(c) School or district identified measurable student objectives for a specified student group or population.

(23) "Support program" means the educational support program as described in section [33-1002](#), Idaho Code, the transportation support program described in section [33-1006](#), Idaho Code, and the exceptional education support program as described in section [33-1007](#), Idaho Code.

(24) "Support unit" means a function of average daily attendance used in the calculations to determine financial support provided the public school districts.

(25) "Teacher" means any person employed in a teaching, instructional, supervisory, educational administrative or educational and scientific capacity in any school district. In case of doubt the state board of education shall determine whether any person employed requires certification as a teacher.

LEGISLATION (501-16):

LEGISLATURE OF THE STATE OF IDAHO
Sixty-fourth Legislature

First Regular Session - 2017

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

SECTION 1. That Section 33-1004I, Idaho Code, be, and the same is hereby amended to read as follows:

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33-1004I. MASTER TEACHER PREMIUMS.[effective July 1, 2019] (1) A portion of the moneys available to the education support program shall be distributed per full-time equivalent instructional staff position employed by each school district. Such moneys shall be paid to instructional staff employees who have earned a master teacher designation by meeting the minimum qualifications set forth in subsection (2) of this section and the additional qualifications developed or adopted by the employing school district pursuant to subsection (3) of this section, in an amount set forth in subsection (4) of this section.

(2) The minimum qualifications for an instructional staff and pupil serve staff employee to earn a master teacher designation shall be as follows:

(a) The instructional staff or pupil service staff employee must have eight (8) or more years of teaching experience provided that the three (3) years immediately preceding the award must be continuous;

(b) The instructional staff or pupil service staff employee must demonstrate mastery of instructional techniques for not less than three (3) of the previous five (5) years of instruction through:

(i) Artifacts demonstrating evidence of effective teaching; and

(ii) Successful completion of an annual individualized professional learning plan;

and

(c) If an instructional staff employee, A a majority of the instructional staff employee's students meet measurable student achievement as defined in section [33-1001](#), Idaho Code, for not less than three (3) of the previous five (5) years.

(d) If a pupil service staff employee, A a majority of the pupil service staff employee's students meet measurable student achievement or measurable student success indicators as defined in section [33-1001](#), Idaho Code, for not less than three (3) of the previous five (5) years.

(3) In addition to the minimum qualifications for a master teacher designation set forth in subsection (2) of this section:

(a) Local school districts may develop and require additional qualifications showing demonstrated mastery of instructional techniques and professional practice through multiple measures, provided that such qualifications shall be developed by a committee consisting of teachers, administrators and other school district stakeholders and shall first be approved by the state board of education;

(b) Local school districts may develop plans that recognize groups of teachers based on measurable student achievement goals aligned with school district approved continuous improvement plans. Groups may be school-wide or may be smaller groups such as grade levels or by subject matter. Each teacher in a master teacher group shall receive a master teacher premium if goals are met according to the district plans. Plans shall be developed by a committee consisting of teachers, administrators and other school district stakeholders and shall first be approved by the state board of education. Any school district that does not follow their preapproved plan shall not receive future master teacher premium dollars; or

(c) If a local school district has not developed qualifications pursuant to paragraph (a) or (b) of this subsection, then the school district shall adopt and require additional qualifications showing demonstrated mastery of instructional techniques and professional practice through multiple measures as developed by a committee facilitated by the state

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board of education consisting of teachers, administrators and other stakeholders, which measures shall be approved by the state board of education.

(4) The amount of the master teacher premium paid to a qualified instructional staff employee shall be four thousand dollars (\$4,000) each year for three (3) years starting with the initial award of the master teacher premium. After the third year of receiving the master teacher premium, the instructional staff employee must continue to demonstrate that he or she meets the master teacher premium qualifications in each subsequent year. If the qualifications are not met, then the premium will be discontinued until such time as the qualifications are met.

(5) Local school district boards of trustees may provide master teacher premiums to instructional staff employees consistent with the provisions of this section.

(6) For the purposes of this section, the term "school district" also means "public charter school" and the term "board of trustees" also means "board of directors."

(7) The state board of education may promulgate rules implementing the provisions of this section.

LEGISLATION (501-18):

LEGISLATURE OF THE STATE OF IDAHO
Sixty-fourth Legislature

First Regular Session - 2017

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

SECTION 1. That Section 33-1207A, Idaho Code, be, and the same is hereby amended to read as follows:

33-1207A. TEACHER PREPARATION. (1) Higher Education Institutions. The state board shall review teacher preparation programs at the institutions of higher education under its supervision and shall assure that the course offerings and graduation requirements are consistent with the state board approved, research based "Idaho Comprehensive Literacy Plan." To ensure compliance with this requirement, the board may allocate funds, subject to appropriation, to the higher education institutions that have teacher preparation programs.

The higher education institutions shall be responsible for the preservice assessment measure for all kindergarten through grade twelve (12) teacher preparation programs. The assessment must include a demonstration of teaching skills and knowledge congruent with current research on best reading practices. The assessment may consist of multiple measures, in alignment with best practices, for the demonstration of these skills. Each institution shall report annually to the state board of education the number of preservice teachers who have passed the assessment. The state board of education shall then compile the statewide results and report to the legislature and the governor.

(2) For all Idaho teachers working on interim certificates, alternate routes or coming from out of state completion of a state approved reading instruction course shall be a one-time requirement for full certification.

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(3) The board of trustees of every school district shall include in its plan for in-service training, coursework covering reading skills development, including diagnostic tools to review and adjust instruction continuously, and the ability to identify students who need special help in reading. The district plan for in-service training in reading skills shall be submitted to the state department of education for review and approval, in a format specified by the department.

LEGISLATION (501-20):

LEGISLATURE OF THE STATE OF IDAHO

Sixty-fourth Legislature

First Regular Session - 2017

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

SECTION 1. That Section 33-203, Idaho Code, be, and the same is hereby amended to read as follows:

33-203. DUAL ENROLLMENT. (1) The parent or guardian of a child of school age who is enrolled in a nonpublic school or a public charter school shall be allowed to enroll the student in ~~a any public school, including another public charter school~~ for dual enrollment purposes. The board of trustees of the school district or board of directors of the public charter school shall adopt procedures governing enrollment pursuant to this section. If enrollment in a specific program reaches the maximum for the program, priority for enrollment shall be given to a student who is enrolled full time in the public noncharter school. In the case of dual enrollment in a public charter school, the student who is dual enrolled shall not count toward the public charter schools maximum enrollment restrictions. The dual enrolled student's primary educational provider shall be the provider in which the student is registered for the majority of the coursework. At no time may the dual enrollment provisions be used to circumvent a public charter schools lottery requirements.

(2) Any student participating in dual enrollment may enter into any program in the public school available to other students subject to compliance with the eligibility requirements herein and the same responsibilities and standards of behavior and performance that apply to any student's participation in the activity, except that the academic eligibility requirements for participation in nonacademic activities are as provided for herein.

(3) ~~Any~~ All ~~schools district~~ shall be allowed to include dual-enrolled nonpublic school and public ~~charter~~ school students for the purposes of state funding only to the extent of the student's participation in the public school programs.

(4) Oversight of academic standards relating to participation in nonacademic public school activities shall be the responsibility of the primary educational provider for that student. In order for any nonpublic school student or public ~~charter~~ school student to participate in nonacademic public school activities for which public school students must demonstrate academic proficiency or eligibility, the nonpublic school or public ~~charter~~ school student shall demonstrate composite grade-level academic proficiency on any state board of education recognized achievement test, portfolio, or other mechanism as

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provided for in state board of education rules. Additionally, a student shall be eligible if he achieves a minimum composite, core or survey test score within the average or higher than average range as established by the test service utilized on any nationally-normed test. Demonstrated proficiency shall be used to determine eligibility for the current and next following school years. School districts and public charter schools shall provide to nonpublic students who wish to participate in dual enrollment activities the opportunity to take state tests or other standardized tests given to all regularly enrolled public school students.

(5) A public school student who has been unable to maintain academic eligibility is ineligible to participate in nonacademic public school activities as a nonpublic school or public charter school student for the duration of the school year in which the student becomes academically ineligible and for the following academic year.

(6) A nonpublic school or public ~~charter~~ school student participating in nonacademic public school activities must reside within the attendance boundaries of the school for which the student participates.

(7) Dual enrollment shall include the option of joint enrollment in a regular public school and an alternative public school program. The state board of education shall establish rules that provide funding to school districts for each student who participates in both a regular public school program and an alternative public school program.

(8) Dual enrollment shall include the option of enrollment in a post-secondary institution. Any credits earned from an accredited post-secondary institution shall be credited toward state board of education high school graduation requirements.

(9) A nonpublic student is any student who receives educational instruction outside a public school classroom and such instruction can include, but is not limited to, a private school or a home school.

LEGISLATION (501-21):

LEGISLATURE OF THE STATE OF IDAHO
Sixty-fourth Legislature

First Regular Session - 2017

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

SECTION 1. That Section 33-133, Idaho Code, be, and the same is hereby amended to read as follows:

33-133. DEFINITIONS -- STUDENT DATA -- use and limitations -- penalties. (1) As used in this act, the following terms shall have the following meanings:

(a) "Agency" means each state board, commission, department, office or institution, educational or otherwise, of the state of Idaho. State agency shall also mean any city, county, district or other political subdivision of the state.

(b) "Aggregate data" means data collected and/or reported at the group, cohort or institutional level. Aggregate data shall not include personally identifiable information. The minimum number of students shall be determined by the state board of education.

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

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(d) "Data system" means the state's elementary, secondary and postsecondary longitudinal data systems.

(e) "Department" means the state department of education.

(f) "District" or "school district" means an Idaho public school district and shall also include Idaho public charter schools.

(g) "Parent" means parent, parents, legal guardian or legal guardians.

(h) "Personally identifiable data," "personally identifiable student data" or "personally identifiable information" includes, but is not limited to: the student's name; the name of the student's parent or other family members; the address of the student or student's family; a personal identifier, such as the student's social security number, student education unique identification number or biometric record; other indirect identifiers, such as the student's date of birth, place of birth and mother's maiden name; and other information that, alone or in combination, ~~is linked or linkable~~ may be linked to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty or information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates. Student data when reported in the aggregate that cannot be tied back to an individual student is not personally identifiable data or personally identifiable student data.

(i) "Provisional student data" means new student data proposed for inclusion in the data system.

(j) "Student data" means data collected and/or reported at the individual student level included in a student's educational record.

(i) "Student data" includes: (1) state and national assessment results, including information on untested public school students; (2) course taking and completion, credits earned and other transcript information; (3) course grades and grade point average; (4) date of birth, grade level and expected graduation date/graduation cohort; (5) degree, diploma, credential attainment and other school exit information such as general educational development and drop-out data; (6) attendance and mobility; (7) data required to calculate the federal four (4) year adjusted secondary cohort graduation rate, including sufficient exit information; (8) discipline reports limited to objective information sufficient to produce the federal annual incident reports, children with disabilities disciplinary reports and discipline reports including students involved with firearms; (9) remediation; (10) special education data; (11) demographic data and program participation information; and (12) files, documents, images or data containing a student's educational record that are stored in or transmitted through a cloud computing service.

(ii) A student's educational record shall not include: (1) juvenile delinquency records and criminal records unless required in paragraph (k) of this subsection; (2) medical and health records; (3) student social security number; (4) student biometric information; (5) gun ownership records; (6) sexual orientation; (7) religious affiliation; (8) except for special needs and exceptional students, any data collected pursuant to a statewide assessment via affective computing, including analysis of facial expressions, EEG brain wave patterns, skin conductance, galvanic skin response, heart rate variability, pulse, blood volume, posture and eye tracking, any data that measures psychological resources, mind sets, effortful control, attributes, dispositions, social skills, attitudes or intrapersonal resources.

(iii) All longitudinal student data shall be stored and maintained in the data system.

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(k) "Student educational record" means all information directly related to a student and recorded and kept in the data system as that term is defined in this section. Provided however, that the following shall not be kept as part of a student's permanent educational record: daily assignments, homework, reports, chapter tests or similar assessments or other schoolwork that may be considered daily or weekly work. A student educational record may include information considered to be personally identifiable.

(l) "Student education unique identification number" means the unique student identifier assigned by the state to each student that shall not be or include the social security number of a student in whole or in part.

(m) "Violation" means an act contrary to the provisions of this section that materially compromises the security, confidentiality or integrity of personally identifiable data of one (1) or more students and that results in the unauthorized release or disclosure of such data.

(2) Unless otherwise provided for in this act, the executive office of the state board of education shall be the entity responsible for implementing the provisions of this act. All decisions relating to the collection and safeguarding of student data shall be the responsibility of the executive office of the state board of education.

(3) The state board of education shall:

(a) Create, publish and make publicly available a data inventory and dictionary or index of data elements with definitions of individual student data fields currently in the student data system including:

(i) Any individual student data required to be reported by state and federal education mandates;

(ii) Any individual student data that has been proposed for inclusion in the student data system with a statement regarding the purpose or reason for the proposed collection; and

(iii) Any individual student data collected or maintained with no current purpose or reason.

No less frequently than annually, the state board of education shall update the data inventory and index of data elements provided for in this subsection.

(b) Develop, publish and make publicly available policies and procedures to comply with the federal family educational rights and privacy act (FERPA) and other relevant privacy laws and policies including, but not limited to the following:

(i) Access to student data in the student data system shall be restricted to: (1) the authorized staff of the state board of education and the state department of education and the board's and the department's vendors who require such access to perform their assigned duties; (2) the district and the district's private vendors who require access to perform their assigned duties and public postsecondary staff who require such access to perform their assigned duties; (3) students and their parents or legal guardians; and (4) the authorized staff of other state agencies in this state as required by law and/or defined by interagency data-sharing agreements. All such data-sharing agreements shall be summarized in a report compiled by the state board of education and submitted no later than January 15 of each year to the senate education committee and the House of Representatives education committee;

(ii) Provide that public reports or responses to record requests shall include aggregate data only as that term is defined in subsection (1) of this section; multiple request from the same individual or entity for aggregated student data that when evaluated alone is not considered as personally identifiable data but could be used when

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combined to identify a student is subject to the same restrictions as requests for personally identifiable data.

(iii) Develop criteria for the approval of research and data requests from state and local agencies, the state legislature, researchers and the public: (1) unless otherwise approved by the state board of education, student data maintained shall remain confidential; (2) unless otherwise approved by the state board of education, released student data in response to research and data requests may include only aggregate data; and (3) any approval of the board to release personally identifiable student data shall be subject to legislative approval prior to the release of such information;

(iv) Ensure that any contract entered into by the state board of education or the state department of education includes provisions requiring and governing data destruction dates and specific restrictions on the use of data;

(v) Provide for notification to students and parents regarding their rights under federal and state law; and

(vi) Ensure that all school districts, primary schools, secondary schools and other similar institutions entering into contracts that govern databases, online services, assessments, special education or instructional supports with private vendors shall include in each such contract a provision that private vendors are permitted to use aggregated data; or an individual student's data for secondary uses, but only if the vendor discloses in clear detail the secondary uses and receives written permission from the student's parent or legal guardian. The contract shall also include either of the following: (1) a prohibition on any secondary uses of student data by the private vendor including, but not limited to, sales, marketing or advertising, but permitting the private vendor to process or monitor such data solely to provide and maintain the integrity of the service; or (2) a requirement that the private vendor disclose in detail any secondary uses of student data including, but not limited to, sales, marketing or advertising, and the board shall obtain express parental consent for those secondary uses prior to deployment of the private vendor's services under the contract.

The state board of education and the state department of education shall ensure that any and all private vendors employed or otherwise engaged by the board or the department shall comply with the provisions of this section. Any person determined, in either a civil enforcement action initiated by the board or initiated by the department or in a court action initiated by an injured party, to have violated a provision of this section or any rule promulgated pursuant to this section shall be liable for a civil penalty not to exceed fifty thousand dollars (\$50,000) per violation. In the case of an unauthorized release of student data, the state board of education or the state department of education shall notify the parent or student of the unauthorized release of student data that includes personally identifiable information in a manner consistent with the provisions of section [28-51-105](#), Idaho Code.

(c) Unless otherwise approved by the state board of education, any data deemed confidential pursuant to this act shall not be transferred to any federal, state or local agency or other organization or entity outside of the state of Idaho, with the following exceptions:

(i) A student transfers out of state or a school or district seeks help with locating an out-of-state transfer;

(ii) A student leaves the state to attend an out-of-state institution of higher education or training program;

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(iii) A student voluntarily participates in a program for which such a data transfer is a condition or requirement of participation;

(iv) The state board of education or the state department of education may share such data with a vendor to the extent it is necessary as part of a contract that governs databases, online services, assessments, special education or instructional supports with a vendor;

(v) Pursuant to a written agreement between the two (2) school districts, where a student transfers from an Idaho district abutting upon another state to the nearest appropriate district in such neighboring state in accordance with the provisions of section [33-1403](#), Idaho Code; or

(vi) A student is classified as "migrant" for reporting purposes as required by the federal government in order to assure linkage between the various states of migrant students educational records;

(d) Develop a detailed data security plan that includes:

(i) Guidelines for authorizing access to the student data system and to individual student data including guidelines for authentication of authorized access;

(ii) Guidelines relating to administrative safeguards providing for the security of electronic and physical data; such guidelines should include provisions relating to data encryption as well as staff training to better ensure the safety and security of data;

(iii) Privacy compliance standards;

(iv) Privacy and security audits;

(v) Breach planning, notification and procedures; and

(vi) Data retention and disposition policies;

(e) Ensure routine and ongoing compliance with FERPA, other relevant privacy laws and policies, and the privacy and security policies and procedures developed under the authority of this act, including the performance of compliance audits;

(f) Ensure that any contracts that govern databases, online services, assessments or instructional supports that include student data and are outsourced to private vendors, include express provisions that safeguard privacy and security, contain the restrictions on secondary uses of student data described in subsection (3)(b)(vi) of this section, provides for data destruction, including a time frame for data destruction, and includes penalties for noncompliance with this paragraph; and

(g) Notify the governor and the legislature annually of the following:

(i) New student data proposed for inclusion in the state student data system: (1) any new student data collection proposed by the state board of education becomes a provisional requirement to allow districts and their local data system vendors the opportunity to meet the new requirement; and (2) the state board of education must submit any new provisional student data collection to the governor and the legislature for their approval within one (1) year in order to make the new student data a permanent requirement through the administrative rules process. Any provisional student data collection not approved by the governor and the legislature by the end of the next legislative session expires and must be deleted and no longer collected;

(ii) Changes to existing data collections required for any reason, including changes to federal reporting requirements made by the U.S. department of education;

(iii) An explanation of any exceptions granted by the state board of education in the past year regarding the release or out-of-state transfer of student data;

(iv) The results of any and all privacy compliance and security audits completed in the past year. Notifications regarding privacy compliance and security audits shall not

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include any information that would pose a security threat to the state or local student information systems or to the secure transmission of data between state and local systems by exposing vulnerabilities; and

(v) Data collected specific to a grant program where such data is not otherwise included in student data.

(4) The state board of education shall adopt rules to implement the provisions of this act.

(5) Upon the effective date of this act, any existing collection of student data in the data system shall not be considered a new student data collection in accordance with this section.

(6) Unless otherwise prohibited by law or court order, school districts must provide parents or guardians with copies of all of their child's educational records, upon request, if such child has not attained the age of eighteen (18) years.

(7) The state board of education and department of education shall assure the data system is maintained secured at all times and data security and encryption practices are maintained.

~~(7)~~ The state board of education shall develop a model policy for school districts and public charter schools that will govern data collection, access, security and use of such data. The model policy shall be consistent with the provisions of this act. In order to assure that student educational information is treated safely and securely and in a consistent manner throughout the state, each district and public charter school shall adopt and implement the model policy. The state department of education shall provide outreach and training to the districts and public charter schools to help implement the policy. A current copy of such policy shall be posted to the school district's website. Any district or public charter school that fails to adopt, implement and post the policy where any inappropriate release of data occurs shall be liable for a civil penalty not to exceed fifty thousand dollars (\$50,000). Such civil penalty may be imposed per violation. The method of recovery of the penalty shall be by a civil enforcement action brought by the state board of education, with the assistance of the office of the state attorney general, in the district court in and for the county where the violation occurred. All civil penalties collected under this section shall be paid into the general fund of the state.

SECTION 2. That Section 33-120, Idaho Code, be, and the same is hereby amended to read as follows:

33-120. UNIFORM REPORTING. (1) The state superintendent of public instruction shall prescribe forms and format for uniform accounting for financial and statistical reports and performance measurements to provide consistent and uniform reporting by school districts.

(2) The state board of education may adopt rules pursuant to the provisions of [chapter 52, title 67](#), Idaho Code, and under authority of section [33-105](#), Idaho Code, to provide for and implement a student information management system and educational data system, as defined in Section 33-133, Idaho Code. Such rules may include provisions for actions when data is willfully misreported. All longitudinal educational data will be housed and maintained in the educational data system.

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LEGISLATION (501-22):

LEGISLATURE OF THE STATE OF IDAHO
Sixty-fourth Legislature

First Regular Session - 2017

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

SECTION 1. That Section 33-5104, Idaho Code, be, and the same is hereby amended to read as follows:

33-5104. COUNSELING. To the extent possible, the school district shall provide counseling services to pupils and their parents or guardians before the pupil enrolls in courses under the provisions of this chapter to ensure that the pupil and parents or guardian are fully aware of the risks and possible consequences of enrolling in postsecondary courses. Counseling services shall include information on the program including who may enroll, what institutions and sources are available under this program, the decision-making process for granting academic or career technical credits, financial arrangements for tuition, books and materials, eligibility criteria for transportation aid, available support services, the need to arrange an appropriate schedule, consequences of failing or not completing a course in which the pupil enrolls, the effect of enrolling in this program on the pupil's ability to complete the required high school graduation requirements, financial aid and the academic and social responsibilities that must be assumed by the pupil and the parents or guardian. The person providing counseling shall encourage pupils and their parents or guardian to also use available counseling services at the postsecondary institutions prior to the semester of enrollment to ensure that anticipated plans are appropriate and adequate.

SECTION 2. That Section 33-5109, Idaho Code, be, and the same is hereby amended to read as follows:

33-5109. CREDITS. (1) A pupil may enroll in a course under the provisions of this chapter for secondary credit, for postsecondary credit or for dual credit. At the time a pupil enrolls in a course, the pupil shall designate the type of credit desired. A pupil taking several courses may designate some for secondary credit, some for postsecondary credit and some for dual credit.

(2) A school district shall grant academic or career technical credit, as applicable to the course, to a pupil enrolled in a course for secondary credit if the pupil successfully completes the course. Four (4) semester college credits equal at least one (1) full year (two (2) semester credits) of high school credit in that subject. Fewer college credits may be prorated.

(3) The secondary credits granted to a pupil shall be counted toward the graduation requirements and subject area requirements of the school district. Evidence of successful completion of each course and secondary credits granted shall be included in the pupil's secondary school record. A pupil shall provide the school with a copy of the pupil's grade in each course taken for secondary credit under the provisions of this chapter. Upon the request of a pupil, the pupil's secondary school record shall also include evidence of successful completion and credits granted for a course taken for

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postsecondary credit. In either case, the record shall indicate that the credits were earned at a postsecondary institution.

(4) If a pupil enrolls in a postsecondary institution after leaving secondary school, the postsecondary institution shall award postsecondary credit for any course successfully completed for secondary credit at that institution. Other postsecondary institutions may award, after a pupil leaves secondary school, postsecondary credit for any courses successfully completed under the provisions of this chapter. An institution shall not charge a pupil for the award of credit.

(5) Postsecondary faculty instructing a course for postsecondary, secondary or dual credit shall not be required to obtain a certificate pursuant to [chapter 12, title 33](#), Idaho Code, nor shall the postsecondary faculty be deemed an employee of a school district for any purpose under law.

LEGISLATION (501-23):

LEGISLATURE OF THE STATE OF IDAHO
Sixty-fourth Legislature

First Regular Session - 2017

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

SECTION 1. That Section 33-4602, Idaho Code, be, and the same is hereby amended to read as follows:

33-2107C. DEFINITION of urban area districts empowered to create upper divisions. The powers provided herein for instruction of the third and fourth year college curriculum shall only be exercisable by junior college districts which at the date of the filing of notice of establishment of upper divisions as required are urban area districts, which is defined as a taxing district containing (a) market value for assessment purposes of taxable property of not less than three hundred fifty million dollars (\$350,000,000) and (b) a population of not less than ninety thousand (90,000) persons, in the ~~county of the~~ taxing district where the college is located.

LEGISLATION (501-25):

LEGISLATURE OF THE STATE OF IDAHO
Sixty-fourth Legislature

First Regular Session - 2017

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

SECTION 1. That Section 33-4602, Idaho Code, be, and the same is hereby amended to read as follows:

33-4602. ADVANCED OPPORTUNITIES -- RULEMAKING. (1) Students attending public schools in Idaho will be eligible for four thousand one hundred twenty-

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five dollars (\$4,125) to use toward overload courses, dual credits, college credit-bearing examinations and professional certificate examinations. Students may access these funds in grades 7 through 12 for:

(a) Overload courses, the distribution of which may not exceed two hundred twenty-five dollars (\$225) per overload course. A student must take and successfully be completing a full credit load within a given school year to be eligible for funding of an overload course. An overload course must be taken for high school credit to be eligible for funding.

(b) Eligible Dual credits, the distribution of which may not exceed seventy-five dollars (\$75.00) per one (1) dual credit hour.

(c) Eligible college credit-bearing or professional certificate examinations.

(2) To qualify as an eligible overload course for the program, the course must be offered by a provider accredited by the organization that accredits Idaho high schools and be taught by an individual certified to teach the grade and subject area of the course in Idaho. Eligible examinations include advanced placement (AP), international baccalaureate (IB), college-level examination program (CLEP) and professional-technical examinations. The state department of education shall maintain a list of such examinations and costs.

(3) To qualify as a dual credit course, the course must be a general education course as defined by the state board of education or be identified on the student's educational plan as a postsecondary degree or certificate program requirement. Courses identified as meeting a degree or certificate program requirement may include elective courses.

~~(34)~~ These moneys may be used to pay an amount not to exceed the price to the student of such courses and examinations pursuant to the limitations stated in this subsection. Payments made under this subsection shall be made from the moneys appropriated for the educational support program. No later than January 15, the state department of education shall annually report to the education committees of the senate and the house of representatives details regarding the number of students benefiting from assistance with the cost of overload courses, dual credit courses and examinations, the number of credits awarded and amounts paid pursuant to this subsection during the previous school year.

(45) The board of each public school may set forth criteria by which a student may challenge a course. If a student successfully meets the criteria set forth by the board of the public school, then the student shall be counted as having completed all required coursework for that course. The public school, with the exception of Idaho tribal schools, shall be funded for such students based upon either actual hours of attendance or the course that the student has successfully passed, whichever is more advantageous to the public school, up to the maximum of one (1) full-time student.

(56) Any student who successfully completes public school grades 1 through 12 curriculum at least one (1) year early shall be eligible for an advanced opportunities scholarship. The scholarship may be used for tuition and fees at any Idaho public postsecondary educational institution. The amount of the scholarship shall equal thirty-five percent (35%) of the statewide average daily attendance-driven funding per enrolled pupil for each year of grades 1 through 12 curriculum avoided by the student's early graduation. Each public school shall receive an amount equal to each such awarded scholarship for each student that graduates early from their public school.

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(~~6~~7) The state department of education shall reimburse public schools or public postsecondary educational institutions, as applicable, for such costs, up to the stated limits, within one hundred twenty-five (125) days of receiving the necessary data upon which reimbursements may be paid. The submission method and timelines of reimbursement data shall be determined by the state department of education. Payments will be made only for activity occurring and reported within each fiscal year.

(~~7~~8) For public funding purposes, average daily attendance shall be counted as normal for students participating in dual credit courses pursuant to this section.

(~~8~~9) If a student fails to earn credit for any course for which the department has paid a reimbursement, the student must pay for and successfully earn credit for one (1) like course before the state department of education may pay any further reimbursements for the student. If a student performs inadequately on an examination for which the state department of education has paid a reimbursement, the public school shall determine whether the student must pay for and successfully pass such examination to continue receiving state funding. Repeated and remedial courses or examinations are not eligible for funding through these programs.

(~~9~~10) The state department of education shall reimburse community colleges or counties, as applicable, for any out-of-district county tuition payments that would otherwise be made by a county to a community college pursuant to section [33-2110A](#), Idaho Code. Such reimbursements shall be in an amount not to exceed fifty dollars (\$50.00) per credit hour and only for dual credit courses taken pursuant to this section.

(~~40~~11) Public schools shall establish timelines and requirements for participation in the program, including implementing procedures for the appropriate transcription of credits, reporting of program participation and financial transaction requirements. Public schools shall make reasonable efforts to ensure that any student who considers participating in the program also considers the challenges and time necessary to succeed in the program and shall make reasonable efforts to include guidance on how the student's participation in the program contributes to prospective college and career pathways. Such efforts by the district shall be performed prior to a student participating in the program and throughout their involvement in the program.

(~~41~~12) Policies and procedures for participating in the program established by the public school must be such that students have an opportunity to participate in the program and meet district-established timelines and requirements for financial transactions, transcribing credits and state department of education reporting. Participation in this program requires parent and student agreement to program requirements and completion of the state department of education's participation form documenting the program requirements.

(~~42~~13) Parents of participating students may enroll their child in any eligible course, with or without the permission of the public school in which the student is enrolled. Tribal school students must follow their schools' enrollment policies and procedures. Public school personnel shall assist parents in the process of enrolling students in such courses. Each participating student's high school transcript at the public school at which the student is enrolled shall include the credits earned and grades received by the student for any overload or dual credit courses taken pursuant to this section. For an eligible course to be transcribed as meeting the requirements of a core subject as identified in administrative rule, the course must meet the approved content standards for the applicable subject and grade level.

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(4314) Participating public schools shall collaborate with Idaho public postsecondary educational institutions to assist students who seek to participate in dual credit courses or graduate from high school early by enrolling in postsecondary courses. Participating school districts, charter schools and Idaho public postsecondary educational institutions shall report to the state board of education and the education committees of the senate and the house of representatives any difficulties or obstacles they experience in providing assistance to participating students.

(4415) The state board of education may promulgate rules to implement the provisions of this chapter.

LEGISLATION (501-26):

LEGISLATURE OF THE STATE OF IDAHO
Sixty-fourth Legislature

First Regular Session - 2017

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

SECTION 1. That Section 33-3601, Idaho Code, be, and the same is hereby amended to read as follows:

33-3601. INTERSTATE COMPACT FOR WESTERN REGIONAL COOPERATION IN HIGHER EDUCATION RATIFIED. The State of Idaho does hereby ratify, approve, adopt and confirm the Interstate Compact for Western Regional Cooperation in Higher Education heretofore entered into between the States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming, ~~and the Territories of Alaska, and Hawaii~~, which said compact is, in words and figures as follows, all references to the territories of Alaska and Hawaii shall mean the states of Alaska and Hawaii:

ARTICLE I

WHEREAS, the future of this Nation and of the Western States is dependent upon the quality of the education of its youth; and

WHEREAS, many of the Western States individually do not have sufficient numbers of potential students to warrant the establishment and maintenance within their borders of adequate facilities in all of the essential fields of technical, professional, and graduate training, nor do all of the States have the financial ability to furnish within their borders institutions capable of providing acceptable standards of training in all of the fields mentioned above; and

WHEREAS, it is believed that the Western States, or groups of such states within the Region, cooperatively can provide acceptable and efficient educational facilities to meet the needs of the Region and of the students thereof:

Now, therefore, the States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, and the Territories of Alaska, and Hawaii do hereby covenant and agree as follows:

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ARTICLE II

Each of the compacting states and territories pledges to each of the other compacting states and territories faithful cooperation in carrying out all the purposes of this Compact.

ARTICLE III

The compacting states and territories hereby create the Western Interstate Commission for Higher Education, hereinafter called the Commission. Said Commission shall be a body corporate of each compacting state and territory and an agency thereof. The Commission shall have all the powers and duties set forth herein, including the power to sue and be sued, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states and territories.

ARTICLE IV

The Commission shall consist of three resident members from each compacting state or territory. At all times one Commissioner from each compacting state or territory shall be an educator engaged in the field of higher education in the state or territory from which he is appointed.

The Commissioners from each state and territory shall be appointed by the Governor thereof as provided by law in such state or territory. Any Commissioner may be removed or suspended from office as provided by the law of the state or territory from which he shall have been appointed.

The terms of each Commissioner shall be four years; provided however that the first three Commissioners shall be appointed as follows: one for two years, one for three years, and one for four years. Each Commissioner shall hold office until his successor shall be appointed and qualified. If any office becomes vacant for any reason, the Governor shall appoint a Commissioner to fill the office for the remainder of the unexpired term.

ARTICLE V

Any business transacted at any meeting of the Commission must be by affirmative vote of a majority of the whole number of compacting states and territories.

One or more Commissioners from a majority of the compacting states and territories shall constitute a quorum for the transaction of business.

Each compacting state and territory represented at any meeting of the Commission is entitled to one vote.

ARTICLE VI

The Commission shall elect from its number a chairman and a vice chairman, and may appoint, and at its pleasure dismiss or remove, such officers, agents, and employees as may be required to carry out the purpose of this Compact; and shall fix and determine their duties, qualifications and compensation, having due regard for the importance of the responsibilities involved.

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The Commissioners shall serve without compensation, but shall be reimbursed for their actual and necessary expenses from the funds of the Commission.

ARTICLE VII

The Commission shall adopt a seal and by-laws and shall adopt and promulgate rules and regulations for its management and control.

The Commission may elect such committees as it deems necessary for the carrying out of its functions.

The Commission shall establish and maintain an office within one of the compacting states for the transaction of its business and may meet at any time, but in any event must meet at least once a year. The Chairman may call such additional meetings and upon the request of a majority of the Commissioners of three or more compacting states or territories shall call additional meetings.

The Commission shall submit a budget to the Governor of each compacting state and territory at such time and for such period as may be required.

The Commission shall, after negotiations with interested institutions, determine the cost of providing the facilities for graduate and professional education for use in its contractual agreements throughout the Region.

On or before the fifteenth day of January of each year, the Commission shall submit to the Governors and Legislatures of the compacting states and territories a report of its activities for the preceding calendar year.

The Commission shall keep accurate books of account, showing in full its receipts and disbursements, and said books of account shall be open at any reasonable time for inspection by the Governor of any compacting state or territory or his designated representative. The Commission shall not be subject to the audit and accounting procedure of any of the compacting states or territories. The Commission shall provide for an independent annual audit.

ARTICLE VIII

It shall be the duty of the Commission to enter into such contractual agreements with any institutions in the Region offering graduate or professional education and with any of the compacting states or territories as may be required in the judgment of the Commission to provide adequate services and facilities of graduate and professional education for the citizens of the respective compacting states or territories. The Commission shall first endeavor to provide adequate services and facilities in the fields of dentistry, medicine, public health, and veterinary medicine, and may undertake similar activities in other professional and graduate fields.

For this purpose the Commission may enter into contractual agreements--

(a) with the governing authority of any educational institution in the Region, or with any compacting state or territory, to provide such graduate or professional educational services upon terms and conditions to be agreed upon between contracting parties, and

(b) with the governing authority of any educational institution in the Region or with any compacting state or territory to assist in the placement of graduate or professional students in educational institutions in the Region providing the desired services and facilities, upon such terms and conditions as the Commission may prescribe.

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It shall be the duty of the Commission to undertake studies of needs for professional and graduate educational facilities in the Region, the resources for meeting such needs, and the long-range effects of the Compact on higher education; and from time to time to prepare comprehensive reports on such research for presentation to the Western Governors' Conference and to the legislatures of the compacting states and territories. In conducting such studies, the Commission may confer with any national or regional planning body which may be established. The Commission shall draft and recommend to the Governors of the various compacting states and territories, uniform legislation dealing with problems of higher education in the Region.

For the purposes of this Compact the word "Region" shall be construed to mean the geographical limits of the several compacting states and territories.

ARTICLE IX

The operating costs of the Commission shall be apportioned equally among the compacting states and territories.

ARTICLE X

This Compact shall become operative and binding immediately as to those states and territories adopting it whenever five or more of the states or territories of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, Alaska and Hawaii have duly adopted it prior to July 1, 1953. This Compact shall become effective as to any additional states or territories adopting thereafter at the time of such adoption.

ARTICLE XI

This Compact may be terminated at any time by consent of a majority of the compacting states or territories. Consent shall be manifested by passage and signature in the usual manner of legislation expressing such consent by the legislature and Governor of such terminating state. Any state or territory may at any time withdraw from this Compact by means of appropriate legislation to that end. Such withdrawal shall not become effective until two years after written notice thereof by the Governor of the withdrawing state or territory accompanied by a certified copy of the requisite legislative action is received by the Commission. Such withdrawal shall not relieve the withdrawing state or territory from its obligations hereunder accruing prior to the effective date of withdrawal. The withdrawing state or territory may rescind its action of withdrawal at any time within the two-year period. Thereafter, the withdrawing state or territory may be reinstated by application to and the approval by a majority vote of the Commission.

ARTICLE XII

If any compacting state or territory shall at any time default in the performance of any of its obligations assumed or imposed in accordance with the provisions of this Compact, all rights, privileges and benefits conferred by this Compact or agreements hereunder shall be suspended from the effective date of such default as fixed by the Commission.

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Unless such default shall be remedied within a period of two years following the effective date of such default, this Compact may be terminated with respect to such defaulting state or territory by affirmative vote of three-fourths of the other member states or territories.

Any such defaulting state may be reinstated by: (a) performing all acts and obligations upon which it has heretofore defaulted, and (b) application to and the approval by a majority vote of the Commission.

LEGISLATION (501-27):

LEGISLATURE OF THE STATE OF IDAHO
Sixty-fourth Legislature

First Regular Session - 2017

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

SECTION 1. That Section 22-1505, Idaho Code, be, and the same is hereby amended to read as follows:

22-1505. RULES AND REGULATIONS -- PREPARATION AND PROMULGATION. Every person, firm, association or corporation that intends to offer for sale, offers or sells seeds, tubers, plants or plant parts as certified shall comply with the provisions of this chapter and such rules and regulations as are promulgated by the state Department of Agriculture in consultation with the Idaho agricultural experiment station in the college of agriculture of the university of Idaho as provided herein, such rules and regulations to contain, among other things, a designation of the crops grown or to be grown in Idaho eligible for certification with standards, requirements and procedure necessary for certification with designation of the agency authorized to provide certification.

Upon the passage of this chapter the Idaho agricultural experiment station in the college of agriculture of the university of Idaho shall prepare and issue such rules and regulations as are required by this chapter in compliance with the provisions of [chapter 52, title 67](#), Idaho Code.

LEGISLATION (501-28):

LEGISLATURE OF THE STATE OF IDAHO
Sixty-fourth Legislature

First Regular Session - 2017

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

SECTION 1. That Section 33-1004B, Idaho Code, be, and the same is hereby amended to read as follows:

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33-1004B. CAREER LADDER. [Effective until July 1, 2020] (1) Effective July 1, 2015, all existing instructional staff shall be placed in a cohort on the career ladder starting with the second cell on the residency/professional compensation rung that corresponds with the next higher allocation amount than is currently received by the district, based on the experience and education index pursuant to section [33-1004A](#), Idaho Code, as applied in fiscal year 2015. For each year between July 1, 2015, and June 30, 2019, those instructional staff will move one (1) cell on the career ladder for each year they are employed by a district and meet the applicable performance criteria for the compensation rung and implementation year, unless such movement would result in the district receiving a lesser allocation than the district would have received if the instructional staff would have moved based on the experience and education index as applied in fiscal year 2015, for such instructional staff the district salary apportionment calculation shall use the amount that would have been applied based on the experience and education index. Applicable performance criteria used for determining movement on the career ladder will be based on the previous year's performance for the applicable number of years.

(2) Effective July 1, 2016, all existing pupil service staff shall be placed in a cohort on the career ladder starting with the second cell on the residency/professional compensation rung or the next higher allocation amount than is currently received by the district, or based on the experience and education index pursuant to section [33-1004A](#), Idaho Code, as applied in fiscal year 2016, whichever is higher. For each year between July 1, 2016, and June 30, 2019, those pupil service staff will move one (1) cell on the career ladder for each year they are employed by a district and meet the applicable performance criteria for the compensation rung and implementation year, unless such movement would result in the district receiving a lesser allocation than the district would have received if the pupil service staff would have moved based on the experience and education index as applied in fiscal year 2016. For such pupil service staff the district salary apportionment calculation shall use the amount that would have been applied based on the experience and education index. Applicable performance criteria used for determining movement on the career ladder will be based on previous year's performance for the applicable number of years.

(3) Instructional staff and pupil service staff who are in their first year of holding a certificate shall be placed in the first cell of the residency compensation rung and shall move one (1) cell on the residency compensation rung for each year they hold a certificate thereafter, for up to three (3) years, at which point they will remain in the third cell of the residency rung until they earn a professional endorsement.

(4) Instructional staff new to teaching in Idaho and pupil service staff new to working in an Idaho public school district or charter school who hold a certificate from a state other than Idaho and who are approved to teach in Idaho will be placed into the cohort of instructional staff on the career ladder table equivalent to their experience and education pursuant to section [33-1004A](#), Idaho Code, as applied in fiscal year 2015 for instructional staff and 2016 for pupil service staff.

(5) In addition to the allocation amount specified for the applicable cell on the career ladder, school districts shall receive an additional allocation amount for career technical education instructional staff holding an occupational specialist certificate in the area for which they are teaching in the amount of three thousand dollars (\$3,000).

(6) In addition to the allocation amount specified for the applicable cell on the career ladder, school districts shall receive an additional allocation amount for instructional staff and pupil service staff holding a professional endorsement who have

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acquired additional education and meet the professional compensation rung performance criteria. In determining the additional education allocation amount, only credits and degrees earned based upon a transcript on file with the teacher certification office of the state department of education, earned at an institution of higher education accredited by a body recognized by the state board of education or credits earned through an internship or other work experience approved by the state board of education, shall be credited toward the education allocation. All credits and degrees earned must be in a relevant pedagogy or content area as determined by the state department of education. Education allocation amounts are not cumulative. Instructional staff whose initial certificate is an occupational specialist certificate shall be treated as BA degree prepared instructional staff. Credits earned by such occupational specialist instructional staff after initial certification shall be credited toward the education allocation. Additional allocations are:

(a) Effective July 1, 2016, through June 30, 2017, the education allocation shall be:

(i) For instructional staff and pupil service staff holding a professional endorsement and a baccalaureate degree and twenty-four (24) or more credits, eight hundred dollars (\$800) per fiscal year.

(ii) For instructional staff and pupil service staff holding a professional endorsement and a master degree, one thousand four hundred dollars (\$1,400) per fiscal year.

(b) Effective July 1, 2017, through June 30, 2018, the education allocation shall be:

(i) For instructional staff and pupil service staff holding a professional endorsement and a baccalaureate degree and twenty-four (24) or more credits, one thousand two hundred dollars (\$1,200) per fiscal year.

(ii) For instructional staff and pupil service staff holding a professional endorsement and a master degree, two thousand one hundred dollars (\$2,100) per fiscal year.

(c) Effective July 1, 2018, through June 30, 2019, the education allocation shall be:

(i) For instructional staff and pupil service staff holding a professional endorsement and a baccalaureate degree and twenty-four (24) or more credits, one thousand six hundred dollars (\$1,600) per fiscal year.

(ii) For instructional staff and pupil service staff holding a professional endorsement and a master degree, two thousand eight hundred dollars (\$2,800) per fiscal year.

(d) Effective July 1, 2019, through June 30, 2020, the education allocation shall be:

(i) For instructional staff and pupil service staff holding a professional endorsement and a baccalaureate degree and twenty-four (24) or more credits, two thousand dollars (\$2,000) per fiscal year.

(ii) For instructional staff and pupil service staff holding a professional endorsement and a master degree, three thousand five hundred dollars (\$3,500) per fiscal year.

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(7) Effective July 1, 2015, through June 30, 2016, the allocation shall be:

Base	1	2	3	4	5	6	7	8	9	10
Allocation										
Residency/										
Professional	\$32,700	\$33,200	\$33,822							
Professional	\$35,498	\$36,885	\$38,311	\$39,775	\$41,282	\$42,089	\$43,668	\$45,305	\$47,004	\$47,603

(8) Effective July 1, 2016, through June 30, 2017, the allocation shall be:

Base	1	2	3	4	5	6	7	8	9	10
Allocation										
Residency/										
Professional	\$33,400	\$34,250	\$35,117							
Professional	\$37,249	\$38,758	\$39,546	\$41,113	\$41,961	\$43,591	\$44,503	\$46,201	\$47,183	\$48,202

(9)(g) Effective July 1, 2017, through June 30, 2018, the allocation shall be:

Base	1	2	3	4	5	6	7	8	9	10
Allocation										
Residency	\$34,600	\$35,500	\$36,411							
Professional	\$38,999	\$40,630	\$41,155	\$42,825	\$43,391	\$45,102	\$45,711	\$47,467	\$48,122	\$48,802

(10) Effective July 1, 2018, through June 30, 2019, school districts shall receive an allocation for instructional staff and pupil service staff based on the staffs' position on the career ladder.

(a) Instructional staff and pupil service staff in their first year of holding a professional endorsement shall be placed in the first cell of the professional compensation rung.

(b) Instructional staff and pupil service staff previously placed within a cohort shall continue to move one (1) cell on the applicable rung with their cohort unless they have failed to meet the compensation rung performance criteria for the previous three (3) years. Allocations to districts for instructional staff and pupil service staff who have failed to meet the professional compensation rung performance criteria for the previous three (3) years shall be the same as the previous fiscal year. This also applies to the educational allocation.

(11) Effective July 1, 2018, through June 30, 2019, the allocation shall be:

Base	1	2	3	4	5	6	7	8	9	10
Allocation										
Residency	\$35,800	\$36,750	\$37,706							
Professional	\$40,750	\$42,503	\$42,765	\$44,538	\$44,820	\$46,614	\$46,918	\$48,734	\$49,061	\$49,401

(12) Effective July 1, 2019, through June 30, 2020, school districts shall receive an allocation for instructional staff and pupil service staff based on the staffs' position on the career ladder as follows:

(a) Instructional staff and pupil service staff in their first year of holding a professional endorsement shall be placed in the first cell of the professional compensation rung.

(b) Instructional staff and pupil service staff previously placed within a cohort shall continue to move one (1) cell on the applicable rung with their cohort unless they have failed to meet the professional compensation rung performance criteria for three (3) of the previous four (4) years. Allocations to districts for instructional staff and pupil service staff who have failed to meet the professional compensation rung performance criteria for three (3) of the previous four (4) years shall be the same as the previous fiscal year. This also applies to the educational allocation.

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(13) Effective July 1, 2019, through June 30, 2020, the allocation shall be:

Base Allocation	1	2	3	4	5	6	7	8	9	10
Residency	\$37,000	\$38,000	\$39,000							
Professional	\$42,500	\$44,375	\$46,250	\$48,125	\$50,000					

(14) A review of a sample of evaluations completed by administrators shall be conducted annually to verify such evaluations are being conducted with fidelity to the state framework for teaching evaluation, including each evaluation component as outlined in administrative rule and the rating given for each component. The state board of education shall randomly select a sample of administrators throughout the state. A portion of such administrators' instructional staff and pupil service staff employee evaluations shall be independently reviewed. The ratio of instructional staff evaluation to pupil service staff evaluations shall be equal to the ratio of the statewide instructional staff salary allowance to pupil service staff salary allowance. The state board of education with input from the Idaho approved teacher preparation programs and the state department of education shall identify individuals and a process to conduct the reviews. Administrator certificate holders shall be required to participate in ongoing evaluation training pursuant to section [33-1204](#), Idaho Code. The intentional misreporting of employee evaluation ratings is a violation of the code of ethics for Idaho professional educators and will result in an investigation by the professional standards commission. Administrators found to have intentionally misreported evaluation information shall be fined ten-thousand dollars (\$10,000) for the first occurrence and fifty-thousand dollars (\$50,000) for any and all additional occurrences. The state board of education shall report annually the findings of such reviews to the senate education committee, the House of Representatives education committee, the state board of education and the deans of Idaho's approved teacher preparation programs. ~~The state board of education shall promulgate rules implementing the provisions of this subsection.~~

(15) School districts shall submit annually to the state the data necessary to determine whether an instructional staff or pupil service staff member has met the performance criteria for the applicable compensation rung and implementation year. The department of education shall calculate annually whether instructional staff and pupil service staff have met the compensation rung performance criteria based on the data submitted during the previous years that are applicable to the performance criteria for that year. Individually identifiable performance evaluation ratings submitted to the state remain part of the employee's personnel record and are exempt from public disclosure pursuant to section [74-106](#), Idaho Code.

(16) The state board of education may promulgate rules implementing the provisions of this subsection.

33-1004B. CAREER LADDER. [Effective July 1, 2020] School districts shall receive an allocation for instructional staff and pupil service staff based on their staffs' position on the career ladder as follows:

(1) Instructional staff and pupil service staff who are in their first year of holding a certificate shall be placed in the first cell of the residency compensation rung and shall move one (1) cell on the residency compensation rung for each year they hold a certificate thereafter for up to three (3) years, at which point they will remain in the third cell of the residency rung until they earn a professional endorsement.

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(2) Instructional staff and pupil service staff in their first year of holding a professional endorsement shall be placed in the first cell of the professional compensation rung.

(3) Instructional staff and pupil service staff on the professional compensation rung with four (4) years of experience shall move one (1) cell on the professional compensation rung unless they have failed to meet the professional compensation rung performance criteria for three (3) of the previous four (4) years. Instructional staff and pupil service staff on the professional compensation rung who meet the performance criteria for three (3) of the previous five (5) years, one (1) of which must be during the fourth or fifth year, shall move one (1) cell. Allocations for instructional staff and pupil service staff who do not meet the professional compensation rung performance criteria for three (3) of the previous five (5) years, one (1) of which must be during the fourth or fifth year, shall remain at the previous fiscal year allocation level. This also applies to the educational allocation.

(4) In addition to the allocation amount specified for the applicable cell on the career ladder, school districts shall receive an additional allocation amount for career technical education instructional staff holding an occupational specialist certificate in the area for which they are teaching in the amount of three thousand dollars (\$3,000).

(5) In addition to the allocation amount specified for the applicable cell on the career ladder, school districts shall receive an additional allocation amount for instructional staff and pupil service staff holding a professional endorsement who have acquired additional education and meet the professional compensation rung performance criteria. In determining the additional education allocation amount, only transcribed credits and degrees on file with the teacher certification office of the state department of education, earned at an institution of higher education accredited by a body recognized by the state board of education or credits earned through an internship or work experience approved by the state board of education, shall be allowed. All credits and degrees earned must be in a relevant pedagogy or content area as determined by the state department of education. Additional education allocation amounts are not cumulative. Instructional staff whose initial certificate is an occupational specialist certificate shall be treated as BA degree prepared instructional staff. Credits earned by such occupational specialist instructional staff after initial certification shall be credited toward the education allocation. Additional allocations are:

(a) For instructional staff and pupil service staff holding a professional endorsement, a baccalaureate degree and twenty-four (24) or more credits, two thousand dollars (\$2,000) per fiscal year.

(b) For instructional staff and pupil service staff holding a professional endorsement and a master degree, three thousand five hundred dollars (\$3,500) per fiscal year.

(c) Effective July 1, 2020, the allocation shall be:

Base	1	2	3	4	5
Allocation					
Residency	\$37,000	\$38,000	\$39,000		
Professional	\$42,500	\$44,375	\$46,250	\$48,125	\$50,000

(6) A review of a sample of evaluations completed by administrators shall be conducted annually to verify such evaluations are being conducted with fidelity to the state framework for teaching evaluation, including each evaluation component as outlined in administrative rule and the rating given for each component. The state board of education

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shall randomly select a sample of administrators throughout the state. A portion of such administrators' instructional staff and pupil service staff employee evaluations shall be independently reviewed. The ratio of instructional staff evaluation to pupil service staff evaluations shall be equal to the ratio of the statewide instructional staff salary allowance to pupil service staff salary allowance. The state board of education with input from the Idaho approved teacher preparation programs and the state department of education shall identify individuals and a process to conduct the reviews. Administrator certificate holders shall be required to participate in ongoing evaluation training pursuant to section [33-1204](#), Idaho Code. The intentional misreporting of employee evaluation ratings is a violation of the code of ethics for Idaho professional educators and will result in an investigation by the professional standards commission. Administrators found to have intentionally misreported evaluation information shall be fined ten-thousand dollars (\$10,000) for the first occurrence and fifty-thousand dollars (\$50,000) for any and all additional occurrences. The state board of education shall report annually the findings of such reviews to the senate education committee, the House of Representatives education committee, the state board of education and the deans of Idaho's approved teacher preparation programs. ~~The state board of education shall promulgate rules implementing the provisions of this subsection.~~

(7) School districts shall submit annually to the state the data necessary to determine if an instructional staff or pupil service staff member has met the performance criteria for movement on the applicable compensation rung. The department of education shall calculate whether or not instructional staff and pupil service staff have met the compensation rung performance criteria based on the data submitted during the previous five (5) years. Individually identifiable performance evaluation ratings submitted to the state remain part of the employee's personnel record and are exempt from public disclosure pursuant to section [74-106](#), Idaho Code.

(8) The state board of education may promulgate rules implementing the provisions of this subsection.

LEGISLATION (501-29):

LEGISLATURE OF THE STATE OF IDAHO
Sixty-fourth Legislature

First Regular Session - 2017

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

SECTION 1. That Section 39-1207, Idaho Code, be, and the same is hereby amended to read as follows:

39-1207. RESIDENTIAL SCHOOLS. (1) Upon receipt of an initial disclosure report from a children's institution that the department categorizes as a residential school, the department shall provide a copy of such initial disclosure report to the Idaho department of education.

(2) The Idaho department of education shall certify to the department whether each residential school has been accredited according to the accrediting standards promulgated by ~~the Idaho department of education~~, the Idaho state board of education or

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a secular or religious accrediting association recognized by the Idaho ~~department~~ state board of education.

(3) If a residential school has been certified as accredited under subsection (2) of this section, then the state board of education and department of education shall have jurisdiction over those operations related to the operations of the educational functions of the school, the department shall exercise no further jurisdiction over all other requirements under this chapter over that accredited residential school so long as the accreditation for the residential school remains in effect.

(4) Upon certification of accreditation, the Idaho department of education shall notify the accredited residential school ~~that all future update all disclosure reports or other reports as the Idaho department of education that may be required shall to~~ be filed with the Idaho department of education so long as the accreditation remains in effect. All other reports required by the department shall be reported to the department in the same manner as nonaccredited residential schools.

(5) Upon the determination by the Idaho department of education that a residential school is no longer accredited, it shall notify the department and shall notify the residential school that all future update disclosure reports must be filed with the department.

(6) A residential school that is not certified or accredited pursuant to this section or has lost accreditation shall be subject to the jurisdiction of the department as a children's treatment facility pursuant to section [39-1210](#), Idaho Code, unless and until accreditation is certified by the Idaho department of education pursuant to this section.

(7) The department has the authority to postpone for up to one (1) year the designation of a nonaccredited residential school as a children's treatment facility upon receipt of an affidavit under oath signed by a legally authorized agent of the nonaccredited residential school that application for accreditation has been made to state board of education recognized accrediting body ~~the Idaho department of education, the Idaho state board of education or an affiliated accrediting association recognized by the Idaho department of education~~; and the department determines that the application is being pursued in good faith.

LEGISLATION (501-30):

LEGISLATURE OF THE STATE OF IDAHO

Sixty-fourth Legislature

First Regular Session - 2017

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE STATE BOARD OF EDUCATION, TO ENTER INTO AGREEMENTS WITH THE IDAHO STATE BUILDING AUTHORITY TO FINANCE THE CONSTRUCTION OF THE IDAHO CYBERCORE CENTER AND IDAHO COLLABORATIVE COMPUTING CENTER PROJECTS IN COLLABORATION WITH THE IDAHO NATIONAL LABORATORY.

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

WHEREAS, the State Board of Education has directed Idaho's institutions of higher education through Board policy to be a driving force in innovation and economic

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development in the State of Idaho through collaboration and research programs in strategic areas and to serve as catalysts and engines to spur the creation of new knowledge, technologies, products and industries that in turn will lead to new advances and opportunities for the State of Idaho; and

WHEREAS, in furtherance of the State Board of Education's Higher Education Research Policy emphasizing the need for extensive and rapid dissemination of new knowledge and the establishment of knowledge networks which facilitate public, private, and academic institution interaction and collaborative relationships between academia and varied stakeholders outside of academia; and

WHEREAS, the State Board of Education desires to increase the quality and quantity of research and to encourage continued public and private support of research in Idaho; and

WHEREAS, the Idaho National Laboratory (INL) has proven to be an integral partner in advancing the research efforts of the State of Idaho in collaboration with Idaho's public institutions; and

WHEREAS, the existing partnership with INL and Idaho's public research institutions at the Center for Advanced Energy Studies has proven to be of public use and provide a public benefit to Idaho; and

WHEREAS, the partnership with the INL and Idaho's public research institutions at the Idaho Cybercore Center and Idaho Collaborative Computing Center will be of public use and provide a public benefit to Idaho; and

WHEREAS, it is in the best interest of the state for the Idaho State Building Authority to provide the facilities to be known as the "Idaho Cybercore Center" and the "Idaho Collaborative Computing Center" for use by the Idaho State University, Idaho National Laboratory, other public agencies, and private companies, to promote their educational, service and business needs.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature hereby authorizes and provides approval for the State Board of Education to enter into an agreement or agreements, either separately or together, 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 research and educational facilities, and related facilities, at Idaho Falls, Idaho, for their uses and the uses of other public and/or private entities which may have affiliated, related or collaborative purposes.

BE IT FURTHER RESOLVED that this resolution shall constitute the approval under Section 33-3805A, Idaho Code, for the State Board of Education to use General Account appropriated funds for construction, operation, and maintenance of the facilities being authorized hereby.

BE IT FURTHER RESOLVED that this resolution constitutes authorization required by the provisions of Section 67-6410, Idaho Code.