

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
MARCH 2, 2018

SUBJECT

2018 Legislative Update

REFERENCE

June 2017	The Board approved legislative ideas for the 2018 legislative session.
August 2017	The Board approved 2018 legislation, including drafted language.
January 18, 2018	The Board approved support of two additional pieces of legislation regarding the hiring of executive staff by the Board and a framework establishing sideboards to dual credit courses paid for by the state.
February, 2018	The Board reviewed education related legislation and approved support of House Bill 504, creating a rural educator loan forgiveness program.

BACKGROUND/DISCUSSION

This item will provide the Board with an update on Education related legislation that has been introduced during the 2018 legislative session following the update to the Board at the February regular Board meeting.

Attachment 1 provides the status of each bill as of March 1, 2018.

IMPACT

This update provides the Board with the opportunity to support, oppose, or stand neutral on legislation introduced during the current legislative session.

ATTACHMENTS

Attachment 1 – Introduced Education Related Legislation	Page 5
Attachment 2 – IDAPA 08.02.02 Administrator Certification Requirements	Page 14
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STAFF COMMENTS AND RECOMMENDATIONS

HB 566 would create a charter school administrator certificate that would circumvent the current administrator certification requirements established by the Board in Administrative Code (IDAPA 08.02.02) and allow a charter school administrator to receive a certificate if they hold a bachelor's degree, pass a criminal background check, receive training on teacher evaluations, and can

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demonstrate a charter school board of directors seeks to hire them and oversee their work. Current Administrator Certification requirements are broken out by one of three endorsement areas; Superintendent, School Principal, and Director of Special Education. For the purpose of HB 566 the Charter School “Administrator” Certificate could take the place of the Administrator Certificate with either a Superintendent Endorsement or a School Principal Endorsement. The current administrator certification requirements established in administrative rule are based on the competencies identified in the Idaho Foundation Standards for School Administrators. These standards focus on competencies in establishing a school climate, collaborative leadership, and instructional leadership. In addition to establishing these competencies, superintendents and school principals are required to have four years of full-time certificated experience working with students, completed an administrative internship or have one year of experience as an administrator, provide verification of completion of a state approved program (30 semester credit hours) and an institutional recommendation from the preparation program. School principals must also hold a master’s degree, and superintendents must hold an education specialist, doctorate degree or complete a comparable post-master’s sixth year program. While the jobs of school leaders have become more complex over the years, the primary focus of the standards is to identify those competencies that are the most critical for effective leadership in today’s educational environment. Various national reports have identified the quality of leadership as one of the key factors for driving transformation and school improvement. Minimum standards for educator qualifications are set by the Board to establish a minimum level of uniformity for Idaho’s public education system and to provide for a thorough system of public education.

HB 590 would create a new chapter of code establishing the Guided Education Management Act. The Guided Education Management Act creates the Guided Education Management Scholarships or GEM Scholarships. The funds establishing these scholarships would be from “private contributions, gifts and grants and any other sources permitted by law.” The Board would be responsible for designating at least one and no more than three scholarship granting organizations. Each scholarship granting organization would establish their own fund and would be responsible for management of the entire GEM scholarship process using that fund. Scholarship granting organizations will be required to submit an annual audit to the Board no more than 180 days after the conclusion of each fiscal year, and for students using the scholarship to pay for full-time tuition at a private school, the scholarship granting organizations will submit copies of the student’s “test score sheet on a nationally normative test” to the Board. The Board would be responsible for reviewing all reports submitted. The term “review” is undefined, the purpose of the review is unclear. Scholarships may be used to pay any other education expenses (not otherwise identified in the legislation) if approved by the scholarship granting organization and the Board. The Board may, in its sole discretion, discontinue a nonprofit corporation’s designation as a scholarship granting organization.

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HB 631 would expand the number of years after graduation an Idaho elementary/secondary student has to return to Idaho after graduation and receive resident tuition. The bill approved by the Board in September would have expanded this time frame from six years to seven years, HB 631 would expand this time frame to eight years. In addition to this change the bill creates two additional categories of students that could receive resident tuition. The first would grant resident tuition to individuals who come to Idaho for educational purposes, graduate from an undergraduate program and then choose to enter a graduate program (including professional programs) within thirty-six months from the time they completed the undergraduate program. These students would be required to reside in the state for the final 12 months of their undergraduate program to be eligible for resident tuition. This would also make them eligible to enroll in Idaho's subsidized professional programs like the WWAMI program. The second category would allow a student attending a graduate program full-time in Idaho to establish residency while attending school. Once this student has resided in Idaho for 12 months they will have established domicile and would be eligible for resident tuition. Current residency requirements do not allow a student to establish residency for tuition purposes in Idaho if they have come to Idaho for only academic purposes. This amendment would allow for domicile to be established even if the student was in the state for only education purposes. The Board is authorized in Section 33-3717C, Idaho Code to waive certain non-resident tuition through Board policy. Board policy V.T. Fee Waivers, in addition to program specific waivers, allows institutions to waive up to 6% of their students out-of-state portion of tuition. The current fee waiver report shows only one institution, Lewis-Clark State College, has reached the 6% cap. This is the first year the cap has been reached. The current policy was designed to allow for institutions to use the waivers strategically target under prescribed programs, graduate or undergraduate, and other strategic purposes.

HB 648 would require high schools to offer one or more computer science courses to their students, and if the student chose, allow them to take the course as part of their regular course schedule. School districts may choose how the course is delivered, in-person, virtually, or a hybrid of the two modalities. The requirement would take effect for the 2019-2020 school year. Currently, the Idaho Digital Learning Academy (IDLA) offers computer science course and is available to all Idaho high school students through the school the student is enrolled in. Implementation of this requirement could be as simple as allowing students to take an IDLA computer course while they are at the school in the library (or any other area they have computer access) or they may deliver the course on site, the extended implementation of the requirement, will allow schools the time necessary to develop a plan of action that best meets their school resources and student needs. While all students could conceivably take a computer science course today through IDLA, some students are not being allowed to take an IDLA course during the day as part of the course schedule or are not informed of this choice. The proposed legislation does not require students to take a computer science course

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and would move toward providing equitable access to students regardless of the school they attend.

SB 1291 – The School Turnaround Act creates a program that would be administered through the Board office that would allow the Board's Accountability Oversight Committee to identifying the lowest performing schools based on the Board's criteria. These schools would be eligible to participate in a program that would connect them with a school turnaround expert who would work with a committee at the school level to formulate and implement a plan for school improvement. While the state receive Title I funds that are used for school improvement in our Title I schools, this program would allow for resources that could also be used toward school improvement for our non-Title schools. The Board office received an ongoing appropriation starting in FY17 for school improvement. Those funds were awarded to the University of Idaho through a request for approval process for the purposes of working with low performing schools who volunteer to develop school improvement plans, capacity and leadership at the district, school, and classroom level for the implementation of these plans. This grant is currently in its second of three years of funding (based on performance and annual appropriation). The proposed turnaround program requirements in SB 1291 are similar to the request for proposal program requirements awarded to the University of Idaho. The original bill (Attachment 7) establishes the program as a requirement for low performing schools and consequences for schools that failed to improve. During the Senate Education Committee meeting on March 1, 2018, the bill was passed out of committee to the Senate amending order at the bill sponsors request for amendments that would make the program voluntary and amend the possible actions should a school fail to improve. The proposed bill amendment would replace Section 33-6108 with new consequences that include program extensions and amendments to the contract with the school improvement experts.

Board staff will be prepared to walk the Board through any of the legislation listed in Attachment 1 and to answer questions regarding the impact that a given piece of legislation may. The Board may choose to support, oppose, or remain neutral/silent (take no action) on any of the legislation discussed.

BOARD ACTION

I move to _____ (oppose or endorse) _____ (house bill #or senate bill #).

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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Introduced Education Related Legislation

Bill No	Description	Summary	Last Action
H0365	Liquor Account, Community Colleges	Amends existing law to revise provisions regarding distribution of moneys in the liquor account.	02/22/2018 Senate - Read second time; filed for Third Reading
H0366	Worker's Comp, Public Employment	Amends existing law to revise provisions regarding public employment.	03/01/2018 House - Returned Signed by the President; Ordered Transmitted to Governor
H0367	Education, Resident Student	Amends existing law to revise a definition.	01/18/2018 House - Reported Printed and Referred to Education
H0368	Higher Education, Retirement	Amends existing law to revise provisions regarding optional retirement programs for state institutions of higher education and community colleges.	03/01/2018 Senate - Introduced, read first time; referred to: Education
H0411	Sign Language Interpreters	SIGN LANGUAGE INTERPRETERS – Amends existing law to revise the minimum age required for licensure and to provide an exemption for a person working in an Idaho public school setting who engages in the practice of sign language interpreting and meets the requirements of and is interpreting within the scope of the Idaho Educational Interpreter Act.	03/01/2018 Senate - Read second time; filed for Third Reading
H0412	Education, Common Core, Standards	EDUCATION – Amends existing law to establish provisions regarding content standards and curricular materials.	01/26/2018 House - Reported Printed and Referred to Ways & Means
H0413	Education, Fed Funds Phase Out	EDUCATION – Adds to existing law to provide that the State of Idaho phase out the use of federal funds for grades K-12 education.	01/26/2018 House - Reported Printed and Referred to Ways & Means
H0414	Sex Education	EDUCATION – Repeals and amends existing law to establish provisions regarding sex education.	01/26/2018 House - Reported Printed and Referred to Education
H0415	Excused Absence, Military Funeral	EXCUSED ABSENCE FROM SCHOOL – Adds to existing law to provide that a student sounding taps at a military honors funeral held in this state for a deceased veteran shall be allowed an excused absence, to provide for notice, to provide for the effect on the calculation of daily attendance and compulsory attendance and to provide for the completion of school work.	02/15/2018 Senate - Introduced, read first time; referred to: Education
H0418	Lobbyists, Actions	LOBBYISTS – Adds to existing law to prohibit state agencies from taking certain actions regarding lobbying.	01/29/2018 House - Reported Printed and Referred to State Affairs
H0422	Free Speech, Higher Education	EDUCATION – Adds to existing law to prohibit certain free speech restrictions on public college and university campuses.	01/29/2018 House - Reported Printed and Referred to Ways & Means

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H0423	Firearms, School Property	FIREARMS – Amends existing law to provide exemptions for certain qualified retired law enforcement officers.	01/29/2018 House - Reported Printed and Referred to Ways & Means
H0424	State Funds, Federal Cost-Sharing	STATE FUNDS – Adds to existing law to require the consent of the Legislature to enter into certain cost-sharing agreements and grants.	01/29/2018 House - Reported Printed and Referred to Ways & Means
H0428	Public Servants, Pecuniary Benefits	PUBLIC SERVANTS – Amends existing law to revise provisions regarding pecuniary benefits to public servants, to revise an exception and to remove a certain exception.	01/29/2018 House - Reported Printed and Referred to Ways & Means
H0443	School Districts, Firearm Education	EDUCATION – Adds to existing law to authorize a school district to offer a firearms safety education course to primary and secondary school students.	03/01/2018 House - Passed: Ayes 62 Nays 6 Abs/Excd 2, title approved, to Senate
H0451	Tax, Medical Residency Placement	INCOME TAXATION – Amends existing law to provide an income tax credit for charitable contributions made to medical residency placement organizations accredited by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association or their designated nonprofit support organizations based in Idaho and devoted to training residents in Idaho.	02/28/2018 House - Delivered to Governor at 10:35 a.m. on February 28, 2018
H0469	School Safety Patrols	MOTOR VEHICLES – Amends existing law to revise provisions regarding school safety patrols.	03/01/2018 Senate - Read second time; filed for Third Reading
H0472	Rural Physicians, State Match	EDUCATION – Amends existing law to provide a state match for student contributions to the Rural Physician Incentive Fund.	02/21/2018 Senate - Introduced, read first time; referred to: Health & Welfare
H0498	Information Tech Services	INFORMATION TECHNOLOGY SERVICES – Adds to and repeals existing law to provide for the Office of Information Technology Services in the Office of the Governor, to provide for the receipt of payment for services to federal, county and city agencies, to provide for the general powers and duties of the authority and to provide for the transfer of responsibility for the integrated property records system.	02/07/2018 House - Reported Printed and Referred to Commerce & Human Resources
H0501	Measurable Student Achievement	EDUCATION – Amends existing law to revise the definition of Measurable Student Achievement used for determining career ladder compensation rung movement requirements (removes reference to the Idaho reading assessment from the list of student achievement measures.	02/07/2018 House - Reported Printed and Referred to Education

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H0502	Mastery-Based Education	EDUCATION – Amends existing law to revise provisions regarding mastery-based education.	02/07/2018 House - Reported Printed and Referred to Education
H0503	Education, Career Ladder	EDUCATION – Amends existing law to revise provisions regarding the career ladder allowing OT and PT certificated staff to be placed on the career ladder based on years of employment in a school/district rather than years of certifications.	03/01/2018 House - Passed: Ayes 66 Nays 0 Abs/Excd 4, title approved, to Senate
H0504	Educator Loan Assistance Program	EDUCATION – Adds to existing law to enact the Quality Educator Loan Assistance Program Act.	02/28/2018 House - Reported out of Committee, Recommend place on General Orders
H0565	Firearms, Retired Law Enforcement	FIREARMS – Amends existing law to provide that retired law enforcement officers may carry a concealed weapon in certain places, including school property.	03/01/2018 Senate - Introduced, read first time; referred to: State Affairs
H0566	Charter School Administrator Certification	EDUCATION – Amends existing law to establish provisions regarding certificates for charter school administrators. HB 566 would create a charter school administrator certificate that would circumvent the current administrator certification requirements established by the Board in Administrative Code (IDAPA 08.02.02) and allow for a charter school administrator to receive a certificate if they hold a bachelor’s degree, pass a criminal background check, receive training on teacher evaluations, and can demonstrate a charter school board of directors seeks to hire them and oversee their work. A full comparison with the existing requirements will be provided in the agenda material.	03/01/2018 House - Passed: Ayes 49 Nays 18 Abs/Excd 3, title approved, to Senate
H0579	Sex Education	EDUCATION – Repeals and amends existing law to establish provisions regarding sex education.	02/22/2018 House - Take bill off General Orders; referred to Education
H0580	Education, Session Law Repeal	EDUCATION – Amends existing law to retain certain sections of Idaho Code and to repeal replacement sections scheduled to go into effect on July 1, 2018. In 2014, the legislature made amendments to Idaho Code to allow for the employment of Board member spouses under specific circumstances. That legislation contained a sunset clause of July 1, 2018. This legislation has worked well for school districts and charter schools. As such, this legislation removes that sunset clause to make the amendments permanent.	02/28/2018 House - Read second time; Filed for Third Reading

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H0589	Mastery-Based Education	EDUCATION – Amends existing law to revise provisions regarding mastery-based education.	02/28/2018 Senate - Introduced, read first time; referred to: Education
H0590	Guided Education Management Act	GUIDED EDUCATION MANAGEMENT ACT – Adds to existing law to enact the Guided Education Management Act. Families of eligible students may apply to a scholarship granting organization to receive a guided education management (GEM) scholarship consisting of moneys from the organization's GEM fund to pay for qualified education expenses. . The funds establishing these scholarships would be from “private contributions, gifts and grants and any other sources permitted by law.” The Board would be responsible for designating at least one and no more than three scholarship granting organizations. Each scholarship granting organizations would each establish their own fund and would be responsible for management of the entire GEM scholarship process using that fund. Scholarship granting organizations will be required to submit an annual audit to the Board no more than 180 days after the conclusion of each fiscal year, and for students using the scholarship to pay for full-time tuition at a private school, the scholarship granting organizations will submit copies of the student’s “test score sheet on a nationally normative test” to the Board. The Board would be responsible for reviewing all reports submitted. The Board may, in its sole discretion, discontinue a nonprofit corporation’s designation as a scholarship granting organization.	03/01/2018 House - Reported out of Committee with Do Pass Recommendation, Filed for Second Reading
H0622	Higher Education, Free Speech	COLLEGES AND UNIVERSITIES – Adds to existing law to provide that, except as otherwise permitted by the First Amendment to the United States Constitution, no public institution of higher education shall abridge the constitutional freedom of any individual to speak on campus	02/23/2018 House - Reported Printed and Referred to Education
H0629	High School, Apprenticeship	EDUCATION – Amends existing law to exempt high school students from apprenticeship registration requirements under certain circumstances.	03/01/2018 House - Read second time; Filed for Third Reading
H0630	Education, Rural Support Networks	EDUCATION – Adds to existing law to establish provisions regarding rural education support networks. This legislation authorizes	02/26/2018 House - Reported Printed and Referred to Education

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		<p>the Superintendent of Public Instruction to fund the establishment of one (1) Rural Education Support Network in FY 2019. A local school district or charter school must enter into an MOU with the Network, which is an opt-in entity, but no member district or charter school is compelled to participate in a manner that the local school board or superintendent does not deem appropriate. The fiscal impact of this legislation in FY 2019 is \$300,000 from the state department of education budget and reflects the request of the superintendent of public instruction's FY19 department of education budget request. A Network is funded up to \$300,000 for up to three (3) years, for a maximum cost per Network of \$900,000 over three years from the department of education's budget.</p>	
H0631	Higher Education, Residency Requirements	<p>HIGHER EDUCATION – Amends existing law to revise provisions regarding residency requirements. Changes the number of years after graduation an Idaho secondary student retains residency status from 6 years to 8 years. Grants in-state residency status to any student who completes an undergraduate program as any accredited postsecondary institution in Idaho for purposes of entering a graduate program as long as they enter the program within 36 months from completion of the program regardless of the state of residency during the intervening 36 months. Allows full-time graduate students to use their first year of the graduate program to establish domicile and become eligible for resident tuition rates starting in year two.</p>	03/01/2018 House - Read second time; Filed for Third Reading
H0632	Educational Support Program Funding	<p>EDUCATION – Amends existing law to revise provisions regarding the Educational Support Program. This legislation amends § 33-1002(1)(q) and 33-1002(2)(r), Idaho Code, to increase the minimum distribution for the public schools' educational support program for counseling support, as provided for in § 33-1212A, Idaho Code. The Joint Finance and Appropriation Committee's 2019 Public School Support – Teachers' budget motion includes a \$2,000,000, or 28.5 percent, increase in this appropriation, and this legislation allows for a commensurate increase to the minimum distribution to school districts. The minimum</p>	03/01/2018 House - Reported out of Committee with Do Pass Recommendation, Filed for Second Reading

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		would increase from \$14,000 to \$18,000 or a pro rata distribution for school districts and charter schools with 100 or more students in grades 8 through 12, whichever is greater. It also increases the distribution from \$7,000 to \$9,000 for school districts and charters schools with fewer than 100 students.	
H0634	Education, Suicide Prevention	EDUCATION – Adds to existing law to establish provisions regarding suicide prevention in schools. Provide a minimum level of suicide awareness and prevention training to all public school personnel. This legislation will allow school districts to adopt a suicide prevention policy and choose an evidence-based gatekeeper program to implement in their district.	03/01/2018 House - Read second time; Filed for Third Reading
H0641	Higher Education, Residency	HIGHER EDUCATION – Amends existing law to revise provisions regarding residency requirements.	02/28/2018 House - Reported Printed and Referred to Education
H0648	Computer Science Courses	EDUCATION – Adds to existing law to revise provisions regarding computer science courses. Requires all schools with grades 9 through 12 to provide students with the opportunity to take a computer science course as part of the regular course schedules. Course may be delivered in-person, virtual, or as a hybrid course. IDLA currently provides a number of computer science courses that could be used by the school district to meet this requirement.	02/28/2018 House - Reported Printed and Referred to Education
H0654	Approp, Public Television, Orig	APPROPRIATIONS – PUBLIC TELEVISION – Appropriates \$9,448,600 to Idaho Public Television for fiscal year 2019; and limits the number of authorized full-time equivalent positions to 68.48.	03/01/2018 House - Reported Printed; Filed for Second Reading
HCR049	Public School Funding, Committee	PUBLIC SCHOOL FUNDING FORMULA – Stating findings of the Legislature and authorizing the Legislative Council to appoint a committee to undertake and complete a study of the specific changes needed to implement the recommendations of the Public School Funding Formula Interim Committee.	02/22/2018 House - Reported Printed and Referred to Education
S1210	Eastern Idaho Technical College	HIGHER EDUCATION – Amends and repeals existing law referencing Eastern Idaho Technical College.	02/14/2018 House - Read second time; Filed for Third Reading
S1211	Education, professional standards	EDUCATION – Amends existing law to revise provisions regarding the Professional Standards Commission.	01/18/2018 Senate - Reported Printed; referred to Education

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S1212	Education, Career Technical	EDUCATION – Amends existing law to revise terminology and a definition.	02/14/2018 Senate - Passed: Ayes 29 Nays 5 Excused 1; title approved; to House
S1221	College Credit Transfer	EDUCATION – Amends and adds to existing law to establish provisions regarding transfer of college credit.	02/14/2018 Senate - Reported out of Committee with Do Pass Recommendation; Filed for second reading
S1222	Career Technical Education Funding	EDUCATION – Adds to existing law to establish provisions regarding a quality funding mechanism for career technical education secondary programs and incentive funding for workforce readiness.	02/14/2018 House - Read second time; Filed for Third Reading
S1227	Immunizations, Exemptions	IMMUNIZATIONS – Amends existing law to clarify language regarding exemptions.	02/21/2018 Senate - Signed by Governor on 02/21/18
S1228	Precinct Boards, Students, Age	ELECTIONS – Amends existing law to revise the minimum age of a student who may be appointed to an election precinct board.	02/23/2018 Senate - Reported out of committee; to 14th Order for amendment
S1233	Stem Action Center	SCIENCE, TECHNOLOGY, ENGINEERING AND MATH EDUCATION – Amends existing law to provide for the STEM Action Center Advisory Board, to revise the terms of certain members of the board, to provide for staggered terms, to revise the duties of the STEM Action Center and to provide that the administrator shall report the progress of the STEM Action Center.	02/15/2018 House - Read First Time, Referred to Education
S1249	Education, Organ Donation	EDUCATION – Amends existing law to require public institutions of higher education to notify students of the option to register as an organ donor.	02/21/2018 House - Read First Time, Referred to Education
S1263	Education, Severance Allowance	EDUCATION – Amends existing law to revise provisions regarding severance allowance at retirement for a public school employee.	02/21/2018 Senate - Signed by Governor on 02/21/18
S1266	Education, Math Credits	EDUCATION – Amends existing law to remove the requirement for the Talented and Gifted Student Program that two semester credits of mathematics must be taken in the final year of high school.	01/25/2018 Senate - Reported Printed; referred to Health & Welfare
S1267	Stem Diploma	EDUCATION – Adds to existing law to establish provisions regarding a STEM diploma.	02/15/2018 House - Read First Time, Referred to State Affairs
S1278	Education, Wireless Technology	EDUCATION – Amends existing law to revise provisions regarding wireless technology standards. This legislation removes outdated public school wireless technology standards from statute and tasks the existing Education Opportunity Resource Committee (EORC) with annually reviewing and recommending	02/28/2018 Senate - Reported delivered to Governor at 11:45 a.m. on 02/28/18

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		updated wireless technology standards to the State Department of Education as necessary.	
S1279	Idaho Opportunity Scholarship	IDAHO OPPORTUNITY SCHOLARSHIP – Amends existing law to provide that certain funds may be used for scholarship awards to adults meeting certain criteria.	02/13/2018 House - Read First Time, Referred to Health & Welfare
S1280	School District Trustees	SCHOOL DISTRICTS – Amends existing law to revise provisions regarding school district trustees. This bill changes school board elections from their current date of May in odd years to the city elections in November of odd numbered years, with the goal of increasing voter turnout and citizen participation in local schools.	03/01/2018 House - Reported out of Committee with Do Pass Recommendation, Filed for Second Reading
S1291	School Turnaround Act	SCHOOL TURNAROUND ACT – Adds to existing law to enact the School Turnaround Act. The proposed legislation will create a program targeted at school improvement for student outcomes. This program will allow the Accountability Oversight Committee which currently exists under the State Board of Education (Board) to designate school or schools from the lowest performing five percent (5%), according to performance standards established by the Board, to receive assistance to improve student outcomes during a three-year time period. This legislation formalizes a program that gives the low performing school a school turnaround expert selected from a predetermined and qualified set of experts to assist the school in its efforts. The school will be required to form a school turnaround committee, to develop a turnaround plan with the assistance of the school expert, and set performance and achievement criteria. The program grants the school turnaround committee one year to formulate and start implementing the plan. They have two years to fully implement and evaluate student outcomes and plan results.	03/01/2018 House - Reported out of committee; to 14th Order for amendment
S1292	Advanced Opportunities Scholarship	ADVANCED OPPORTUNITIES SCHOLARSHIP – Amends existing law to revise eligibility and reimbursement requirements for courses and credits that qualify for the Advanced Opportunities Scholarship.	03/01/2018 House - Read second time; Filed for Third Reading
S1293	Education, Limited Contracts	EDUCATION – Amends and adds to existing law to provide a code reference and to	02/22/2018 House - Read First Time, Referred to Education

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		establish provisions regarding limited contracts for certain employees.	
S1294	Cigarette, Tobacco Tax	TAXATION – Amends existing law to revise provisions regarding the cigarette tax and the tobacco tax. This legislation adds Idaho School for the Deaf and Blind as a beneficiary of Idaho's two taxes on tobacco products. In addition, it makes technical corrections to 63-2506 and 63-2552A so that the statutory language that addresses use of funds in public schools is identical.	02/28/2018 House - Read First Time, Referred to Education
S1295	Career Technical Schools, Funding	EDUCATION – Amends existing law to revise provisions regarding funding for career technical schools.	03/01/2018 House - Read First Time, Referred to Education
S1303	Office Of State Board Of Education	STATE BOARD OF EDUCATION – Amends existing law to provide that the State Board of Education may appoint executive staff.	02/12/2018 Senate - Reported Printed; referred to Education
S1304	School Transportation Support Program	PUBLIC SCHOOL TRANSPORTATION – Amends existing law to increase the state's share of the public school transportation program, to remove language regarding state department of education training and fee assessments and depreciation and maintenance, to provide for a phase out and to provide for distribution of savings.	03/01/2018 House - Read First Time, Referred to Education
SCR129	Self-sufficient Families	FAMILIES – Stating findings of the Legislature and encouraging the adoption of policies that build the capacity of the family to be self-sufficient rather than increase government programs including encouraging the adoption of education policies that empower students and parents including but not limited to: mastery-based education that allows students to have more control over what is learned, the speed of learning and the type of learning that takes place; the growth of career technical education and apprenticeship programs for high school students so that upon leaving high school they have the ability to secure good high-paying jobs; and providing other choice programs in education, both in and outside of traditional public schools, that allow parents to find the education choice that best fits the needs of their child.	02/12/2018 House - Read First Time, Referred to Health & Welfare

IDAPA 08.02.02.015. IDAHO EDUCATOR CREDENTIAL

03. Administrator Certificate. Every person who serves as a superintendent, a secondary school principal, or principal of an elementary school with eight (8) or more teachers (including the principal), or is assigned administrative duties over and above those commonly assigned to teachers, is required to hold an Administrator Certificate. The certificate may be endorsed for service as a school principal, a superintendent, or a director of special education and related services. Assistant superintendents are required to hold the Superintendent endorsement. Assistant principals or vice-principals are required to hold the Principal endorsement. Applicants for the Director of Special Education and Related Services endorsement will hold that endorsement on an Administrator Certificate. Proof of proficiency in evaluating teacher performance shall be required of all Administrator Certificate holders. Proof of proficiency in evaluating performance shall be demonstrated by passing a proficiency assessment approved by the State Department of Education as an initial certification requirement. Possession of an Administrator Certificate does not entitle the holder to serve as a teacher at a grade level for which the educator is not qualified or certificated. All administrator certificates require candidates to meet the following competencies of the Idaho Foundation Standards for School Administrators: School Climate, Collaborative Leadership, and Instructional Leadership. The Administrator Certificate is valid for five (5) years. Six (6) semester credit hours are required every five (5) years in order to renew the certificate. (3-29-17)

- a. School Principal Endorsement (Pre-K-12). To be eligible for an Administrator Certificate endorsed for School Principal Pre-K-12, a candidate must have satisfied the following requirements: (3-25-16)
 - i. Hold a master's degree from an accredited college or university. (3-25-16)
 - ii. Have four (4) years of full-time certificated experience working with students, Pre-K-12, while under contract in an accredited school setting. (3-25-16)
 - iii. Have completed an administrative internship in a state-approved program, or have one (1) year of experience as an administrator in grades Pre-K-12. (3-25-16)
 - iv. Provide verification of completion of a state-approved program of at least thirty (30) semester credit hours, forty-five (45) quarter credit hours, of graduate study in school administration for the preparation of school principals at an accredited college or university. This program shall include the competencies of the Idaho Foundation Standards for School Administrators: School Climate, Collaborative Leadership, and Instructional Leadership. (3-25-16)
 - v. An institutional recommendation is required for a School Principal Pre-K-12 Endorsement. (3-25-16)

- b. Superintendent Endorsement. To be eligible for an Administrator Certificate with a Superintendent endorsement, a candidate must have satisfied the following requirements: (3-25-16)
 - i. Hold an education specialist or doctorate degree or complete a comparable post-master's sixth year program at an accredited college or university. (3-25-16)
 - ii. Have four (4) years of full-time certificated/licensed experience working with Pre-K-12 students while under contract in an accredited school setting. (3-25-16)

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- iii. Have completed an administrative internship in a state-approved program for the superintendent endorsement or have one (1) year of out-of-state experience as an assistant superintendent or superintendent in grades Pre-K-12. (3-25-16)
 - iv. Provide verification of completion of an approved program of at least thirty (30) semester credit hours, or forty-five (45) quarter credit hours, of post-master's degree graduate study for the preparation of school superintendents at an accredited college or university. This program in school administration and interdisciplinary supporting areas shall include the competencies in Superintendent Leadership, in addition to the competencies in the Idaho Foundation Standards for School Administrators: School Climate, Collaborative Leadership, and Instructional Leadership. (3-25-16)
 - v. An institutional recommendation is required for a School Superintendent Endorsement. (3-25-16)
- c.** Director of Special Education and Related Services Endorsement (Pre-K-12). To be eligible for an Administrator Certificate endorsed for Director of Special Education and Related Services Pre-K-12, a candidate must have satisfied all of the following requirements: (3-25-16)
- i. Hold a master's degree from an accredited college or university; (3-25-16)
 - ii. Have four (4) years of full-time certificated/licensed experience working with students Pre-K-12, while under contract in a school setting; (3-25-16)
 - iii. Obtain college or university verification of demonstrated the competencies of the Idaho Foundation Standards for School Administrators: School Climate, Collaborative Leadership, and Instructional Leadership; (3-25-16)
 - iv. Obtain college or university verification of demonstrated competencies in the following areas, in addition to the competencies in the Idaho Foundation Standards for School Administrators: Concepts of Least Restrictive Environment; Post-School Outcomes and Services for Students with Disabilities Ages Three (3) to Twenty-one (21); Collaboration Skills for General Education Intervention; Instructional and Behavioral Strategies; Individual Education Programs (IEPs); Assistive and Adaptive Technology; Community-Based Instruction and Experiences; Data Analysis for Instructional Needs and Professional Training; Strategies to Increase Program Accessibility; Federal and State Laws and Regulations and School District Policies; Resource Advocacy; and Technology Skills for Referral Processes, and Record Keeping; (3-25-16)
 - v. Have completed an administrative internship/practicum in the area of administration of special education and related services; and (3-25-16)
 - vi. An institutional recommendation is required for Director of Special Education and Related Services Pre-K-12 Endorsement. (3-25-16)

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STATEMENT OF PURPOSE

RS26107

Idaho imposes some of the strictest regulations on charter schools in the country. For example, most other states do not require charter school administrators to hold a school administrator certificate, which allows a charter school board of directors flexibility to choose an administrator who best fits their school. Currently, unlike most states, Idaho state law requires employment as an administrator to be on written contract conditioned upon a valid certificate. Additionally, a public school does not receive salary apportionment for an administrator unless the individual holds an administrator certificate. As more local communities seek to replicate public charter school education models proven successful for students in other states, they are struggling to recruit experienced administrators from outside Idaho, where certificates may not be required. This bill would create a new charter school administrator certificate as an alternative to traditional administrator certificates. An administrator would be eligible for a charter school administrator certificate if they (1) hold a bachelor's degree, (2) pass a criminal background check, (3) receive training on teacher evaluation, and (4) demonstrate a charter school board of directors seeks to hire them and commits to overseeing their work. This would not be a mandate on charter schools; charter school administrators could continue to hold a traditional administrator certificate or could hold a charter school administrator certificate.

FISCAL NOTE

This bill will have no fiscal impact to the general fund. Though the State Board of Education and State Department of Education would be tasked with developing and administering the certification, this is already required under existing law, so it should not result in increased costs.

Contact:

Representative Judy Boyle
(208) 332-1000

DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).

Statement of Purpose / Fiscal Note

H0566

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LEGISLATURE OF THE STATE OF IDAHO
Sixty-fourth Legislature Second Regular Session - 2018

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 566

BY EDUCATION COMMITTEE

AN ACT

RELATING TO CHARTER SCHOOLS; AMENDING SECTION 33-5206, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING CERTIFICATES FOR CHARTER SCHOOL ADMINISTRATORS AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 33-5206, Idaho Code, be, and the same is hereby amended to read as follows:

33-5206. REQUIREMENTS AND PROHIBITIONS OF A PUBLIC CHARTER SCHOOL. (1) In addition to any other requirements imposed in this chapter, a public charter school shall be nonsectarian in its programs, affiliations, admission policies, employment practices, and all other operations, shall not charge tuition, levy taxes or issue bonds, and shall not discriminate against any student on any basis prohibited by the federal or state constitutions or any federal, state or local law. Public charter schools shall comply with the federal individuals with disabilities education act. Admission to a public charter school shall not be determined according to the place of residence of the student, or of the student's parent or guardian within the district, except that a new, replication or conversion public charter school established under the provisions of this chapter shall adopt and maintain a policy giving admission preference to students who reside within the contiguous and compact primary attendance area of that public charter school.

(2) No board of trustees shall require any employee of the school district to be involuntarily assigned to work in a public charter school.

(3) Certified teachers in a public charter school shall be considered public school teachers. Educational experience shall accrue for service in a public charter school and such experience shall be counted by any school district for any teacher who has been employed in a public charter school. The staff of the public charter school shall be considered a separate unit for the purposes of collective bargaining.

(4) Employment of charter school teachers and administrators shall be on written contract conditioned upon a valid certificate being held by such professional personnel at the time of entering upon the duties thereunder. Administrators may be certified pursuant to the requirements set forth in chapter 12, title 33, Idaho Code, pertaining to traditional public schools, or may hold a charter school administrator certificate. An applicant is eligible for a charter school administrator certificate if the applicant:

(a) Holds a bachelor's degree from an accredited four (4) year institution;

(b) Submits to a criminal history check as described in section 33-130, Idaho Code;

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1 (c) Completes a course consisting of a minimum of three (3) semester
2 credits in the statewide framework for teacher evaluations, which shall
3 include a laboratory component; and

4 (d) Submits a letter from a charter school board of directors stating
5 that the board of directors has carefully considered the applicant's
6 candidacy, has chosen to hire the applicant and is committed to oversee-
7 ing the applicant's performance.

8 A charter school administrator certificate shall be valid for five (5) years
9 and renewable thereafter. Administrators shall be subject to oversight
10 by the professional standards commission. Certificates may be revoked
11 pursuant to the provisions of section 33-1208, Idaho Code. Issuance of a
12 certificate to any applicant may be refused for such reason as would have
13 constituted grounds for revocation.

14 (5) No board of trustees shall require any student enrolled in the
15 school district to attend a public charter school.

16 (6) Authorized chartering entities may establish reasonable pre-open-
17 ing requirements or conditions to monitor the start-up progress of newly
18 approved public charter schools and ensure that they are prepared to open
19 smoothly on the date agreed, and to ensure that each school meets all build-
20 ing, health, safety, insurance and other legal requirements for school
21 opening.

22 (7) Each public charter school shall annually submit the audit of its
23 fiscal operations to the authorized chartering entity.

24 (8) A public charter school or the authorized chartering entity may
25 enter into negotiations to revise a charter or performance certificate at
26 any time. If a public charter school petitions to revise its charter or
27 performance certificate, the authorized chartering entity's review of the
28 revised petition shall be limited in scope solely to the proposed revisions.
29 Except for public charter schools authorized by a school district board of
30 trustees, when a non-virtual public charter school submits a proposed char-
31 ter revision to its authorized chartering entity and such revision includes
32 a proposal to increase such public charter school's approved student enroll-
33 ment cap by ten percent (10%) or more, the authorized chartering entity shall
34 hold a public hearing on such petition. The authorized chartering entity
35 shall provide the board of the local school district in which the public
36 charter school is physically located notice in writing of such hearing no
37 later than thirty (30) days prior to the hearing. The public hearing shall
38 include any oral or written comments that an authorized representative of
39 the school district in which the public charter school is physically located
40 may provide regarding the impact of the proposed charter revision upon the
41 school district. Such public hearing shall also include any oral or written
42 comments that any petitioner may provide regarding the impact of the pro-
43 posed charter revision upon such school district.

44 (9) When a charter is nonrenewed pursuant to the provisions of section
45 33-5209B, Idaho Code, revoked pursuant to section 33-5209C, Idaho Code, or
46 the board of directors of the public charter school terminates the charter,
47 the assets of the public charter school remaining after all debts of the pub-
48 lic charter school have been satisfied must be returned to the authorized
49 chartering entity for distribution in accordance with applicable law.

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1 (10) Public charter schools may contract with educational services
2 providers subject to the following provisions:

3 (a) Educational services providers, whether for-profit or nonprofit,
4 shall be third-party entities separate from the public charter schools
5 with which they contract. Educational services providers shall not be
6 considered governmental entities.

7 (b) No more than one-third (1/3) of the public charter school's board
8 membership may be comprised of nonprofit educational services provider
9 representatives. Nonprofit educational services provider repre-
10 sentatives may not be employees of the public charter school or the
11 educational services provider and may not hold office as president or
12 treasurer on the public charter school's board. For-profit educational
13 services providers may not have representatives on the public charter
14 school's board of directors.

15 (c) Public charter school board of director members shall annually dis-
16 close any existing and potential conflicts of interest, pecuniary or
17 otherwise, with affiliated educational services providers.

18 (d) Charter holders shall retain responsibility for academic, fiscal
19 and organizational operations and outcomes of the school and may not re-
20 linquish this responsibility to any other entity.

21 (e) Contracts must ensure that school boards retain the right to termi-
22 nate the contract for failure to meet defined performance standards.

23 (f) Contracts must ensure that assets purchased by educational ser-
24 vices providers on behalf of the school, using public funds, shall
25 remain assets of the school. The provisions of this paragraph shall
26 not prevent educational services providers from acquiring assets using
27 revenue acquired through management fees.

28 (g) Charter holders shall consult legal counsel independent of the
29 party with whom they are contracting for purposes of reviewing the
30 school's management contract and facility lease or purchase agreements
31 to ensure compliance with applicable state and federal law, including
32 requirements that state entities not enter into contracts that obligate
33 them beyond the terms of any appropriation of funds by the state legis-
34 lature.

35 (h) Charter holders must ensure that their facility contracts are sepa-
36 rate from any and all management contracts.

37 (i) Prior to approval of the charter petition indicating the school
38 board's intention to contract with an educational services provider,
39 authorized chartering entities shall conduct a thorough evaluation of
40 the academic, financial and organizational outcomes of other schools
41 that have contracted with the educational services provider and evi-
42 dence of the educational services provider's capacity to successfully
43 grow the public charter school while maintaining quality management and
44 instruction in existing schools.

45 (11) Admission procedures, including provision for overenrollment,
46 shall provide that the initial admission procedures for a new public charter
47 school or replication public charter school will be determined by lottery or
48 other random method, except as otherwise provided herein.

49 (a) If initial capacity is insufficient to enroll all pupils who submit
50 a timely application, then the admission procedures may provide that

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1 preference shall be given in the following order: first, to children
2 of founders, provided that this admission preference shall be limited
3 to not more than ten percent (10%) of the capacity of the public charter
4 school; second, to siblings of pupils already selected by the lottery
5 or other random method; third, to pupils seeking to transfer from an-
6 other Idaho public charter school at which they have been enrolled for
7 at least one (1) year, provided that this admission preference shall be
8 subject to an existing written agreement for such preference between
9 the subject charter schools; fourth, to students residing within the
10 primary attendance area of the public charter school; and fifth, by an
11 equitable selection process such as a lottery or other random method.
12 If so stated in its petition, a new public charter school or replication
13 public charter school may include the children of full-time employees
14 of the public charter school within the first priority group subject to
15 the limitations therein. Otherwise, such children shall be included in
16 the highest priority group for which they would otherwise be eligible.

17 (b) If capacity is insufficient to enroll all pupils who submit a timely
18 application for subsequent school terms, then the admission procedures
19 may provide that preference shall be given in the following order:
20 first, to pupils returning to the public charter school in the second or
21 any subsequent year of its operation; second, to children of founders,
22 provided that this admission preference shall be limited to not more
23 than ten percent (10%) of the capacity of the public charter school;
24 third, to siblings of pupils already enrolled in the public charter
25 school; fourth, to pupils seeking to transfer from another Idaho pub-
26 lic charter school at which they have been enrolled for at least one
27 (1) year, provided that this admission preference shall be subject to
28 an existing written agreement for such preference between the subject
29 charter schools; fifth, to students residing within the primary at-
30 tendance area of the public charter school; and sixth, by an equitable
31 selection process such as a lottery or other random method. There shall
32 be no carryover from year to year of the list maintained to fill vacan-
33 cies. A new lottery shall be conducted each year to fill vacancies that
34 become available. If so stated in its petition, a public charter school
35 may include the following children within the second priority group
36 subject to the limitations therein:

37 (i) The children of full-time employees of the public charter
38 school; and

39 (ii) Children who attended the public charter school within the
40 previous three (3) school years, but who withdrew as a result of
41 the relocation of a parent or guardian due to an academic sabbatical,
42 employer or military transfer or reassignment.

43 Otherwise, such children shall be included in the highest priority
44 group for which they would otherwise be eligible.

45 (12) Public charter schools shall comply with section 33-119, Idaho
46 Code, as it applies to secondary school accreditation.

47 (13) Public charter school students shall be tested with the same stan-
48 dardized tests as other Idaho public school students.

STATEMENT OF PURPOSE

RS26177

The purpose of this legislation is to establish the GEM (Guided Education Management) Scholarship Act. The legislation creates GEM Scholarships to pay for qualified education expenses for (i) students from low-income families, (ii) students with special needs, (iii) students who are at-risk, or (iv) children of active duty military. Criteria for services considered qualified education expenses and entities providing those services is identified in the legislation. The legislation also sets forth criteria for a Scholarship Granting Organization to oversee funds received for GEM Scholarships and administering GEM Scholarships with individual students.

FISCAL NOTE

This bill will have no fiscal impact to the general fund. Those students receiving GEM Scholarships will not be enrolled as full-time students in the public school system of Idaho, so no general funds will be appropriated by the State to a public school to educate a GEM Scholarship recipient. The State Board of Education is tasked with selecting at least one, and no more than three, Scholarship Granting Organizations and reviewing an SGO's annual reports, but this should not require an additional FTE.

Contact:

Representative John Vander Woude
(208) 332-1000

DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).

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LEGISLATURE OF THE STATE OF IDAHO
Sixty-fourth Legislature Second Regular Session - 2018

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 590

BY EDUCATION COMMITTEE

AN ACT

1 AN ACT
2 RELATING TO THE GUIDED EDUCATION MANAGEMENT ACT; AMENDING TITLE 33, IDAHO
3 CODE, BY THE ADDITION OF A NEW CHAPTER 61, TITLE 33, IDAHO CODE, TO
4 PROVIDE A SHORT TITLE, TO ESTABLISH PROVISIONS REGARDING GUIDED EDUCA-
5 TION MANAGEMENT SCHOLARSHIPS, TO DEFINE TERMS, TO PROVIDE ELIGIBILITY
6 REQUIREMENTS FOR SCHOLARSHIPS, TO ESTABLISH PROVISIONS REGARDING
7 SCHOLARSHIP GRANTING ORGANIZATIONS, TO ESTABLISH PROVISIONS REGARDING
8 A CERTAIN FUND, TO PROVIDE QUALIFIED EDUCATION EXPENSES, TO ESTABLISH
9 PROVISIONS REGARDING EDUCATION SERVICE PROVIDERS, TO ESTABLISH PROVI-
10 SIONS REGARDING STUDENT RECORDS, TO PROVIDE SEVERABILITY AND TO PROVIDE
11 THAT SCHOLARSHIP GRANTING ORGANIZATIONS AND THEIR BOARD MEMBERS AND
12 STAFF ARE NOT LIABLE FOR CERTAIN ACTS, OMISSIONS, DEBTS OR OBLIGATIONS.

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

14 SECTION 1. That Title 33, Idaho Code, be, and the same is hereby amended
15 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
16 ter 61, Title 33, Idaho Code, and to read as follows:

17 CHAPTER 61
18 GUIDED EDUCATION MANAGEMENT ACT

19 33-6101. SHORT TITLE. This chapter shall be known and may be cited as
20 the "Guided Education Management Act."

21 33-6102. GUIDED EDUCATION MANAGEMENT SCHOLARSHIPS. (1) Families of
22 eligible students may apply to a scholarship granting organization to re-
23 ceive a guided education management (GEM) scholarship consisting of moneys
24 from the organization's GEM fund to pay for qualified education expenses in
25 accordance with the procedures and criteria set forth in this chapter.

26 (2) GEM scholarships shall be awarded by a scholarship granting organi-
27 zation to the families of eligible students on a first-come basis as long as
28 funds are available in the GEM fund. No individual scholarship shall exceed
29 the average state per-pupil funding in any given year, except that scholar-
30 ships for particular recipients including, but not limited to, recipients
31 with special needs, English language learners, homeless students and low-
32 income students may include any additional weighted amounts that the state
33 would have provided to a public school for such a student. Scholarships may
34 be renewable or granted for multiple years as long as funds are available.

35 33-6103. DEFINITIONS. As used in this chapter:

36 (1) "Education service provider" means a provider of education ser-
37 vices, which services are determined by a scholarship granting organization
38 to be qualified education expenses and are made available to recipients of
39 guided education management (GEM) scholarships.

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1 (2) "Eligible student" means a child who meets the criteria set forth in
2 section 33-6104, Idaho Code.

3 (3) "Guided education management fund" or "GEM fund" means a fund
4 created pursuant to section 33-6106, Idaho Code, to provide moneys for GEM
5 scholarships.

6 (4) "Guided education management scholarship" or "GEM scholarship"
7 means moneys from the guided education management fund awarded by a scholar-
8 ship granting organization to an eligible student to be spent on qualified
9 education expenses pursuant to this chapter.

10 (5) "Qualified education expenses" means education services provided
11 by an education service provider or education goods approved for purchase
12 with GEM scholarship funds pursuant to section 33-6107, Idaho Code.

13 (6) "Scholarship granting organization" means a nonprofit corporation
14 designated by the state board of education to administer GEM scholarships
15 pursuant to section 33-6105, Idaho Code.

16 33-6104. ELIGIBILITY TO RECEIVE A GEM SCHOLARSHIP. (1) Families of
17 eligible students may apply to a scholarship granting organization to re-
18 ceive a GEM scholarship, comprised of moneys from the organization's GEM
19 fund, to pay for qualified education expenses pursuant to this chapter.

20 (2) To be eligible, at the time of application, a student shall be under
21 the age of nineteen (19) years, and have been continually enrolled in Idaho
22 public schools for the duration of the prior school year, or entering kinder-
23 garten or first grade. An eligible student shall also meet one (1) or more of
24 the following criteria:

25 (a) Have an annual family income at or below one hundred eighty-five
26 percent (185%) of the federal poverty guideline;

27 (b) Be a child with a disability, as defined in section 33-2001, Idaho
28 Code;

29 (c) Be an at-risk youth, as defined in rule of the state board of educa-
30 tion in effect on January 1, 2018; or

31 (d) Have a parent who is a member of the military and is on active duty or
32 who was a member of the military and killed in the line of duty.

33 (3) If awarded a GEM scholarship, recipients may but are not required to
34 enroll full time in a private school. Recipients shall not enroll full time
35 in a public school.

36 (4) GEM scholarship recipients may choose to cease participation at any
37 time. A violation of the provisions of this chapter may result in loss of el-
38 igibility. Any unspent scholarship dollars shall remain in the GEM fund.

39 33-6105. SCHOLARSHIP GRANTING ORGANIZATIONS. (1) The state board of
40 education shall designate up to three (3) nonprofit corporations to serve
41 as scholarship granting organizations to administer GEM scholarships. At a
42 minimum, eligible nonprofit corporations shall meet the following require-
43 ments:

44 (a) Be a nonprofit corporation with corporate headquarters in Idaho;

45 (b) If an organization in operation for three (3) or more years, have a
46 minimum annual operating budget of one million dollars (\$1,000,000) and
47 three (3) years of audited financial statements with unqualified opin-
48 ions or, if an organization in operation for less than three (3) years,

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1 have a minimum annual operating budget of one million five hundred thou-
2 sand dollars (\$1,500,000); and

3 (c) Have an educational mission as set forth in organizing documents
4 submitted to the Idaho secretary of state and qualify for an exemption
5 pursuant to 26 U.S.C. 501(c) (3).

6 (2) To administer the GEM scholarship program, a scholarship granting
7 organization shall:

8 (a) Develop and implement a marketing plan to raise awareness about GEM
9 scholarships among financial donors and families of eligible students;

10 (b) Develop an application process for families of eligible students to
11 apply to receive a GEM scholarship;

12 (c) Verify the eligibility of each applicant and award GEM scholarships
13 to eligible applicants on a first-come basis;

14 (d) Provide parents of GEM scholarship recipients with a written ex-
15 planation of the allowable uses of GEM scholarship moneys, the respon-
16 sibilities of parents, the duties of the scholarship granting organiza-
17 tion, and the role of any private financial management firms;

18 (e) Provide parents of GEM scholarship recipients with information
19 about qualified education expenses and, if requested, assist in se-
20 lecting one (1) or more goods or services to best meet the individual
21 recipient's needs;

22 (f) Implement a commercially viable, cost-effective, and par-
23 ent-friendly system for publicly rating, reviewing and sharing infor-
24 mation about education service providers;

25 (g) Annually renew a student's GEM scholarship if funds are available
26 and the student has complied with the scholarship granting organiza-
27 tion's rules and requirements. If insufficient funds are available to
28 renew all GEM scholarships, priority shall be given to students who have
29 been GEM scholarship recipients for the longest period of time; and

30 (h) Develop a transparent process for a GEM scholarship recipient to
31 cease participation at the recipient's choice or due to loss of eligi-
32 bility.

33 (3) A scholarship granting organization shall provide parents of stu-
34 dents with a disability with notice that participating in the GEM program is
35 a parental placement under 20 U.S.C. 1412, along with an explanation of the
36 rights that parentally placed students possess under the federal individu-
37 als with disabilities education act, P.L. 101-476, and any applicable state
38 laws and rules.

39 (4) A scholarship granting organization shall submit to an indepen-
40 dent annual audit of the organization or its relevant accounts and records
41 pertaining to tax-credit eligible donations, conducted by an independent
42 certified public accountant in accordance with generally accepted auditing
43 standards. The audit report shall include a report on financial statements
44 presented in accordance with generally accepted accounting principles.

45 (5) A scholarship granting organization shall produce an annual re-
46 port, available on its website, demonstrating compliance with this chapter
47 and providing:

48 (a) The number and counties of GEM scholarship applicants;

49 (b) The number and dollar amounts of GEM scholarships awarded; and

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1 (c) A list of the educational goods and services on which GEM scholar-
2 ship recipients spent their awarded funds.

3 (6) A scholarship granting organization shall submit the annual audit
4 described in subsection (4) of this section and the annual report described
5 in subsection (5) of this section to the state board of education no later
6 than one hundred eighty (180) days after the conclusion of each fiscal year.
7 For students using a GEM scholarship to pay for full-time tuition at an ac-
8 credited private school, the scholarship granting organization shall also
9 submit copies of the student's test score sheet on a nationally normative
10 test. The state board of education shall review all reports submitted pur-
11 suant to this subsection. The state board of education, in its sole discre-
12 tion, may discontinue a nonprofit corporation's designation as a scholar-
13 ship granting organization, which shall not be appealable. Administration
14 of any GEM scholarships administered by the discontinued scholarship grant-
15 ing organization shall be transferred to another scholarship granting or-
16 ganization. A minimum of one (1) scholarship granting organization shall be
17 designated at all times.

18 (7) Parents of GEM scholarship recipients shall sign an agreement with
19 the scholarship granting organization certifying that as long as the student
20 is the recipient of a GEM scholarship, the parent will:

21 (a) Provide the student with an education in subjects required pursuant
22 to section 33-202, Idaho Code;

23 (b) Abstain from enrolling the student full time in a public school; and

24 (c) Comply with the rules and requirements of the scholarship granting
25 organization.

26 The executed agreement shall satisfy the compulsory school attendance
27 requirements set forth in section 33-202, Idaho Code.

28 (8) The state board of education shall designate at least one (1) schol-
29 arship granting organization by January 1, 2019. The state board of educa-
30 tion may designate an additional two (2) scholarship granting organizations
31 at the same time or any time thereafter.

32 33-6106. GEM FUND. (1) Each scholarship granting organization shall
33 establish a separate fund, known as a GEM fund, used exclusively for the pur-
34 pose of funding GEM scholarships awarded by the scholarship granting organ-
35 ization. Moneys are payable into the fund from private contributions, gifts
36 and grants and any other sources permitted by law. An amount equal to no
37 more than five percent (5%) of total scholarships awarded by the scholarship
38 granting organizations annually may be used by the scholarship granting or-
39 ganization for the cost of administering the GEM scholarship program.

40 (2) A scholarship granting organization shall remain informed about
41 moneys existing in the GEM fund and ensure that scholarships are not awarded
42 in excess of available funds. The scholarship granting organization shall
43 develop a transparent process to allocate moneys from the GEM fund to educa-
44 tion service providers or toward the purchase of other qualified education
45 expenses for the benefit of GEM scholarship recipients.

46 (3) Any unused funds shall remain in or revert to the GEM fund to benefit
47 future GEM scholarships.

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1 33-6107. QUALIFIED EDUCATION EXPENSES. (1) GEM scholarships shall be
2 used to provide eligible students with access to a variety of educational
3 opportunities. A scholarship granting organization shall use moneys from
4 the GEM fund to pay for qualified education expenses for eligible students.
5 Qualified education expenses include:

6 (a) Tuition, fees and uniforms at an accredited private school;
7 (b) Tuition and fees for a nonpublic online learning program;
8 (c) Tutoring or education support services provided by an individual or
9 a tutoring facility;

10 (d) Textbooks, curriculum or other instructional materials including,
11 without limitation, any supplemental materials or associated online
12 instruction required by either a curriculum or an education service
13 provider;

14 (e) Computers or other technology devices used primarily to meet the
15 student's educational needs;

16 (f) Fees for national standardized assessments, advanced placement ex-
17 aminations, examinations related to college or university admission,
18 and tuition and fees for preparatory courses for any such assessments or
19 examinations;

20 (g) Educational services and therapies from a licensed or accredited
21 practitioner or provider including, but not limited to, occupational,
22 behavioral, physical, speech-language and audiology therapies;

23 (h) Fees for summer education programs and specialized after-school
24 education programs, but not after-school child care;

25 (i) Reasonable fees for transportation, not to exceed ten percent (10%)
26 of the recipient's annual scholarship;

27 (j) Services contracted for and provided by a public school district or
28 public charter school including, but not limited to, individual classes
29 and extracurricular activities and programs;

30 (k) Tuition, fees, instructional materials and examination fees at a
31 career or technical school;

32 (l) Tuition and fees at an institution of higher education; and

33 (m) Any other educational expenses not described in paragraphs (a)
34 through (l) of this subsection, which expenses have been approved by a
35 scholarship granting organization and the state board of education.

36 (2) GEM scholarships may not inure to the benefit of the recipient's
37 parent or other immediate family member. Any refund for goods or services
38 purchased with GEM scholarships shall be returned to the GEM fund.

39 (3) A scholarship granting organization shall maintain an updated
40 list, available on its website, of education providers serving GEM scholar-
41 ship recipients.

42 (4) A scholarship granting organization may prohibit GEM scholarship
43 recipients from spending GEM funds on a good or service that the scholarship
44 granting organization determines has:

45 (a) Intentionally and substantially misrepresented information or
46 failed to refund any overpayments in a timely manner; or

47 (b) Routinely failed to provide students with high-quality educational
48 goods or services.

49 (5) There is no right to appeal a determination made pursuant to subsec-
50 tion (4) of this section.

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1 33-6108. EDUCATION SERVICE PROVIDERS. (1) To be eligible to accept
2 payments from the GEM fund to provide education services to GEM scholarship
3 recipients, an education service provider shall:

4 (a) Submit notice to the scholarship granting organization that the
5 provider wishes to serve GEM scholarship recipients;

6 (b) Provide the scholarship granting organization with a receipt for
7 all qualifying educational expenses;

8 (c) Certify that the provider will not discriminate based on race,
9 color, ethnicity or national origin; and

10 (d) Agree to submit any employee who will have unsupervised contact
11 with GEM scholarship recipients to a criminal background check.

12 (2) Nothing in this chapter shall be deemed to limit the independence
13 or autonomy of an education service provider or to qualify the actions of an
14 education service provider as the actions of state government.

15 (3) Education service providers shall be given maximum freedom to pro-
16 vide for the educational needs of GEM scholarship recipients without govern-
17 mental control.

18 (4) Nothing in this chapter shall be construed to expand the regulatory
19 authority of the state, its officers, or any public school district to impose
20 additional regulation of education service providers beyond that necessary
21 to enforce the requirements of the GEM scholarship program.

22 (5) This chapter does not permit any government agency to exercise con-
23 trol or supervision over any education service provider.

24 (6) An education service provider that accepts a payment pursuant to
25 this chapter is not an agent of the state or federal government.

26 (7) An education service provider shall not be required to alter its
27 creed, practices, admissions policy or curriculum in order to accept GEM
28 scholarship recipients.

29 33-6109. STUDENT RECORDS. A public school or school district that pre-
30 viously enrolled a GEM scholarship recipient shall provide an education ser-
31 vice provider that has enrolled a GEM scholarship recipient with a complete
32 copy of the student's school records, while complying with the family educa-
33 tional rights and privacy act of 1974, 20 U.S.C. 1232g.

34 33-6110. SEVERABILITY -- LIABILITY. (1) If any provision of this chap-
35 ter, or the application thereof, is determined to be invalid by a court, such
36 invalidity shall not affect other provisions or applications of this chapter
37 that can be given effect without the invalid provision or application, and to
38 this end the provisions of this chapter are declared to be severable.

39 (2) A scholarship granting organization and its staff and board members
40 shall have no liability for the acts, omissions, debts or other obligations
41 of an education service provider or GEM scholarship recipient.

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STATEMENT OF PURPOSE

RS26196

This legislation amends Idaho Code, 33-3717B, dealing with the residency requirements for attendance at Idaho public institutions of higher education. This bill addresses three areas of the residency requirements.

The first amendment changes from 6 to 8 years the requirement that permits an Idaho student to retain in-state residency status if they have left the state following their graduation from an Idaho high school, or if they left the state after completing any 6 years of elementary and/or high school education in Idaho and have returned to Idaho to attend an Idaho public institution of higher education.

The second change applies only to graduate students and grants in-state residency status to any student who has graduated from a college or university in Idaho; and lived in Idaho for the last 12 months of undergraduate education; and received a four-year degree from an Idaho undergraduate institution that is sufficient to be admitted into a graduate or professional program in Idaho; and enrolls in a Idaho graduate or professional program within 36 months of graduating with an undergraduate degree.

The last change also applies only to graduate students and grants in-state residency status to any out-of-state student who is enrolled in a graduate or professional degree program after residing in Idaho for 12 months.

FISCAL NOTE

There is no fiscal impact to the state General Fund as a result of the passage of this legislation. Fiscal impacts to individual institutions depend on actual enrollment changes in graduate studies at each institution and may be positive or negative based on overall enrollment and tuition changes.

Contact:

Representative Wendy Horman
(208) 332-1000

DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).

Statement of Purpose / Fiscal Note

H0631

PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS
MARCH 2, 2017

LEGISLATURE OF THE STATE OF IDAHO
Sixty-fourth Legislature Second Regular Session - 2018

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 631

BY EDUCATION COMMITTEE

1 AN ACT
2 RELATING TO HIGHER EDUCATION; AMENDING SECTION 33-3717B, IDAHO CODE, TO RE-
3 VISE PROVISIONS REGARDING RESIDENCY REQUIREMENTS.

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

5 SECTION 1. That Section 33-3717B, Idaho Code, be, and the same is hereby
6 amended to read as follows:

7 33-3717B. RESIDENCY REQUIREMENTS. (1) For any Idaho public institu-
8 tion of higher education, a "resident student" is:

9 (a) Any student who has one (1) or more parent or parents or court-ap-
10 pointed guardians who are domiciled in the state of Idaho, and the par-
11 ent, parents or guardians provide at least fifty percent (50%) of the
12 student's support. Domicile, as used in this section, means that indi-
13 vidual's true, fixed and permanent home and place of habitation. It is
14 the place where that individual intends to remain, and to which that in-
15 dividual expects to return when that individual leaves without intend-
16 ing to establish a new domicile elsewhere. To qualify under this sec-
17 tion, the parent, parents or guardians must have maintained a domicile
18 in the state of Idaho for at least twelve (12) months prior to the open-
19 ing day of the term for which the student matriculates.

20 (b) Any student who receives less than fifty percent (50%) of the stu-
21 dent's support from a parent, parents or legal guardians and who has
22 continuously resided and maintained a bona fide domicile in the state
23 of Idaho primarily for purposes other than educational for twelve (12)
24 months preceding the opening day of the term for which the student ma-
25 triculates.

26 (c) Any student who is a graduate of an accredited secondary school in
27 the state of Idaho pursuant to section 33-119, Idaho Code, is domiciled
28 in Idaho, and ~~who~~ matriculates at an Idaho public institution of higher
29 education within ~~six~~ six ~~eight~~ (~~68~~) years immediately following secondary
30 school graduation regardless of the domicile of the student's parent or
31 guardian, or any student who completes six (6) years of elementary and
32 secondary education in Idaho, is domiciled in Idaho, and matriculates
33 at an Idaho public institution of higher education within ~~six~~ six ~~eight~~ (~~68~~)
34 years immediately following completion of secondary education.

35 (d) The spouse of a person who is classified, or is eligible for clas-
36 sification, as a resident of the state of Idaho for the purposes of at-
37 tending an Idaho public institution of higher education, except that a
38 student who was enrolled as a full-time student in any term during the
39 twelve (12) month period before the term in which the student proposes
40 to enroll as a resident student must independently establish domicile
41 under subsection (2) of this section.

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1 (e) A member of the armed forces of the United States who entered ser-
2 vice as an Idaho resident and who has maintained Idaho resident status,
3 but is not stationed within the state of Idaho on military orders.

4 (f) A member of the armed forces of the United States, stationed in the
5 state of Idaho on military orders.

6 (g) An officer or an enlisted member of the Idaho national guard.

7 (h) A person separated, under honorable conditions, from the United
8 States armed forces after at least two (2) years of service, who at
9 the time of separation designates the state of Idaho as his intended
10 domicile or who has Idaho as the home of record in service and enters
11 a college or university in the state of Idaho within one (1) year of
12 the date of separation, or who moves to Idaho for the purpose of estab-
13 lishing domicile; provided however, to maintain status as a resident
14 student, such person must actively establish domicile in Idaho within
15 one (1) year of matriculation in a public institution of higher educa-
16 tion in Idaho.

17 (i) The dependent child of a person who qualifies as a resident student
18 under the provisions of paragraphs (e) through (g) of this subsection
19 and who receives at least fifty percent (50%) support from such person
20 shall also be a resident student and shall not lose that resident status
21 if, after he or she enters an Idaho public institution of higher educa-
22 tion, the parent or guardian is transferred out of the state of Idaho on
23 military orders.

24 (j) A student who is a member of an Idaho Native American Indian tribe,
25 whose traditional and customary tribal boundaries included portions
26 of the state of Idaho, or whose Indian tribe was granted reserved lands
27 within the state of Idaho. The state board of education shall maintain a
28 list of tribes ~~who~~ that meet these requirements.

29 (k) A student matriculating at and attending a public institution of
30 higher education in Idaho in a graduate or professional program who:

31 (i) Graduated from an institution of higher education located in
32 Idaho that:

33 1. Is public;

34 2. Is private and holds a certificate of registration with
35 the board pursuant to section 33-2402, Idaho Code; or

36 3. Is private, nonprofit and exempt from registration with
37 the board pursuant to section 33-2402, Idaho Code;

38 (ii) Physically resided in Idaho for at least the final twelve
39 (12) months of undergraduate studies;

40 (iii) Earned a baccalaureate degree from the undergraduate in-
41 stitution sufficient to meet the standards for admission into the
42 graduate or professional program; and

43 (iv) Enrolls in the graduate or professional program no later than
44 thirty-six (36) months after receiving a baccalaureate degree
45 from the undergraduate institution.

46 (2) The establishment of a new domicile in Idaho by a person formerly
47 domiciled in another state has occurred if such person has resided in Idaho
48 for the prior twelve (12) months and:

49 (a) ±Is physically present in Idaho primarily for purposes other than
50 educational. A An undergraduate student who is enrolled as a full-time

**PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS
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1 student in any term during the prior twelve (12) month period shall be
2 presumed to be in Idaho for primarily educational purposes. Such period
3 of enrollment shall not be counted toward the establishment of a domi-
4 cile in this state unless the student can provide proof of full-time em-
5 ployment in Idaho for twelve (12) months before the term in which the
6 student proposes to enroll as a resident student and the filing of an
7 Idaho state resident income tax return for the prior tax year; or
8 (b) Is a full-time student in a graduate or professional program at an
9 institution of higher education in Idaho.

10 (3) Notwithstanding the provisions of subsections (1) and (2) of this
11 section, the following students shall be considered nonresidents for tu-
12 tion purposes:

13 (a) A student attending an Idaho public institution of higher education
14 with financial assistance provided by another country or governmental
15 unit or agency thereof. Such nonresidency shall continue for twelve
16 (12) months after the completion of the last semester for which such
17 assistance was provided.

18 (b) A student who is not a United States citizen, unless lawfully
19 present in the United States.

20 (4) The state board of education and the board of regents of the univer-
21 sity of Idaho shall adopt uniform and standard rules applicable to all Idaho
22 public institutions of higher education now or hereafter established to de-
23 termine residency status of any student and to establish procedures for re-
24 view of that status.

25 (5) Appeal from a final determination denying residency status may be
26 initiated by the filing of an action in the district court of the county in
27 which the affected public institution of higher education is located. An ap-
28 peal from the district court shall lie as in all civil actions.

29 (6) Nothing contained herein shall prevent the state board of education
30 and the board of regents of the university of Idaho from establishing quo-
31 tas, standards for admission, standards for readmission, or other terms and
32 requirements governing persons who are not residents for purposes of higher
33 education.

34 (7) For students who apply for special graduate and professional pro-
35 grams including, but not limited to, the WWAMI (Washington, Wyoming, Alaska,
36 Montana, Idaho) regional medical program, the WICHE student exchange pro-
37 grams, Idaho dental education program, the university of Utah school of
38 medicine, and the Washington-Idaho regional program in veterinary medicine,
39 no applicant shall be certified or otherwise designated as a beneficiary of
40 such special program who does not meet the definition of resident student as
41 set forth in subsection (1) of this section.

STATEMENT OF PURPOSE

RS26244

This bill seeks to make computer science courses accessible to all Idaho high school students. It would require Idaho school districts to offer at least one or more in-school, elective computer science courses in each of their high schools. The schools would have until 2020 to implement the courses through on-line, remote, or in class instruction. If a student chooses, a computer science course can be used to meet one of the science or math graduation requirements. Recent policy changes at the federal and state level will make it easier for schools to meet the objectives of this bill. Rather than requiring a math or science endorsement, the State Board will be offering teachers a simple "computer science" endorsement they can receive in order to teach a computer science class in an Idaho high school. Online IDLA courses are available in most Idaho high schools.

FISCAL NOTE

This bill should have no fiscal impact on the General Fund. Due to changes in State Board policies and rules, it will be simple for any teacher to be accredited to teach computer science. Existing professional development money can be used for schools and districts which have teachers willing to lead these critical courses.

Contact:

Representative Gayann DeMordaunt
(208) 332-1000

DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).

PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS
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LEGISLATURE OF THE STATE OF IDAHO
Sixty-fourth Legislature Second Regular Session - 2018

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 648

BY EDUCATION COMMITTEE

AN ACT

1
2 RELATING TO EDUCATION; AMENDING CHAPTER 16, TITLE 33, IDAHO CODE, BY THE AD-
3 DITION OF A NEW SECTION 33-1634, IDAHO CODE, TO ESTABLISH PROVISIONS RE-
4 GARDING COMPUTER SCIENCE COURSES.

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

6 SECTION 1. That Chapter 16, Title 33, Idaho Code, be, and the same is
7 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
8 ignated as Section 33-1634, Idaho Code, and to read as follows:

9 33-1634. COMPUTER SCIENCE. Starting in fiscal year 2020, each school
10 district, specially chartered district and public charter school serving
11 students in grades 9 through 12 inclusive, or any combination thereof,
12 shall make available to all students in grades 9 through 12 one (1) or more
13 courses in computer science. Students must have the option of taking the
14 course as part of their course schedule during normal instructional hours
15 at the school in which the student is enrolled. Such courses may be offered
16 through virtual education programs and online courses, traditional in-per-
17 son courses or hybrid courses consisting of a combination of online and
18 in-person instruction. Computer science courses must be aligned with the
19 Idaho content standards for computer science.

STATEMENT OF PURPOSE

RS26081C1

The proposed legislation will create a program targeted at school improvement for student outcomes. This program will allow the Accountability Oversight Committee which currently exists under the State Board of Education (Board) to designate school or schools from the lowest performing five percent (5%), according to performance standards established by the Board, to receive assistance to improve student outcomes during a three-year time period. This legislation formalizes a program that gives the low performing school a school turnaround expert selected from a predetermined and qualified set of experts to assist the school in its efforts. The school will be required to form a school turnaround committee, to develop a turn around plan with the assistance of the school expert, and set performance and achievement criteria. The program grants the school turnaround committee one year to formulate and start implementing the plan. They have two years to fully implement and evaluate student outcomes and plan results.

The school turnaround expert shall be selected upon predetermined criteria and compensated on a predetermined contractual agreement with a significant portion of the contract payment being determined upon the successful performance of the low performing school.

FISCAL NOTE

In FY 2017 the State Board of Education received \$750,000 ongoing General Funds to assist low performing schools annually.

This program is contingent on an appropriation.

It is anticipated this program may use a portion or all of this original appropriation for the program or request an additional appropriation to assist more of our low performing schools. It is anticipated with an additional \$1,250,000 the state would be able to assist seven to nine schools per year; depending on size and other school criteria.

Contact:

Senator Dean M. Mortimer
(208) 332-1358

DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).

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LEGISLATURE OF THE STATE OF IDAHO
Sixty-fourth Legislature Second Regular Session - 2018

1 IN THE SENATE

2 SENATE BILL NO. 1291

3 BY EDUCATION COMMITTEE

1 AN ACT

2 RELATING TO THE SCHOOL TURNAROUND ACT; AMENDING TITLE 33, IDAHO CODE, BY
3 THE ADDITION OF A NEW CHAPTER 61, TITLE 33, IDAHO CODE, TO PROVIDE A
4 SHORT TITLE, TO PROVIDE DEFINITIONS, TO PROVIDE FOR THE DESIGNATION
5 OF LOW-PERFORMING SCHOOLS, TO PROVIDE FOR A CERTAIN COMMITTEE, TO ES-
6 TABLISH PROVISIONS REGARDING INDEPENDENT SCHOOL TURNAROUND EXPERTS,
7 TO ESTABLISH PROVISIONS REGARDING SCHOOL TURNAROUND PLANS, TO PROVIDE
8 DUTIES FOR THE GOVERNING AUTHORITIES OF CERTAIN SCHOOLS, TO ESTABLISH
9 PROVISIONS REGARDING FAILURE OF LOW-PERFORMING SCHOOLS TO IMPROVE, TO
10 ESTABLISH THE SCHOOL RECOGNITION AND REWARD PROGRAM, TO ESTABLISH THE
11 SCHOOL LEADERSHIP DEVELOPMENT PROGRAM, TO PROVIDE FOR CERTAIN REPORTS,
12 TO ESTABLISH PROVISIONS REGARDING PUBLIC CHARTER SCHOOLS, TO PROVIDE
13 RULEMAKING AUTHORITY, AN APPEALS PROCESS AND DUTIES OF THE STATE DE-
14 PARTMENT OF EDUCATION AND TO PROVIDE SEVERABILITY.

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

16 SECTION 1. That Title 33, Idaho Code, be, and the same is hereby amended
17 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
18 ter 61, Title 33, Idaho Code, and to read as follows:

19 CHAPTER 61
20 SCHOOL TURNAROUND ACT

21 33-6101. SHORT TITLE. This chapter shall be known and may be cited as
22 the "School Turnaround Act."

23 33-6102. DEFINITIONS. As used in this chapter:

24 (1) "Accountability oversight committee" means the accountability
25 oversight committee of the state board of education.

26 (2) "Board" means the state board of education.

27 (3) "Comprehensive needs assessment" means a process to determine and
28 measure the discrepancy between the current condition and the desired con-
29 dition of a low-performing school, an examination of the nature and causes
30 of the discrepancy and recommended prioritized actions necessary to rectify
31 the discrepancy.

32 (4) "Governing authority" means the board of trustees of a school dis-
33 trict or the board of directors of a public charter school.

34 (5) "Independent school turnaround expert" or "expert" means a person
35 or an organization retained to develop and implement a school turnaround
36 plan pursuant to sections 33-6104 and 33-6105, Idaho Code.

37 (6) "Initial remedial year" means the school year in which a school is
38 designated a low-performing school pursuant to section 33-6103, Idaho Code.

39 (7) "Low-performing school" means a school designated as such pursuant
40 to section 33-6103, Idaho Code.

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1 (8) "School" means a public school or a public charter school.

2 (9) "School turnaround committee" means a committee established pur-
3 suant to section 33-6104, Idaho Code.

4 (10) "School turnaround plan" or "plan" means a plan to improve a low-
5 performing school as further described in section 33-6106, Idaho Code.

6 33-6103. DESIGNATION OF LOW-PERFORMING SCHOOLS. Beginning in 2018, on
7 or before July 15 of each year, the accountability oversight committee shall
8 designate low-performing schools from among those schools that are in the
9 lowest-performing five percent (5%) according to performance standards es-
10 tablished by the board.

11 33-6104. SCHOOL TURNAROUND COMMITTEE. (1) On or before October 1 of an
12 initial remedial year, the governing authority of a low-performing school
13 shall appoint a school turnaround committee composed of the following mem-
14 bers:

15 (a) A trustee from the trustee zone where the low-performing school is
16 located, if the governing authority is the board of trustees of a school
17 district; or a member of the board of directors, if the governing au-
18 thority is the board of directors of a public charter school;

19 (b) The principal of the low-performing school;

20 (c) Four (4) parents of students enrolled at the low-performing school;

21 (d) Two (2) teachers who work at the low-performing school; and

22 (e) The superintendent of the school district, if the low-performing
23 school is part of a school district; or another member of the board of
24 directors, if the low-performing school is a public charter school.

25 (2) On or before October 30 of an initial remedial year, the governing
26 authority and the school turnaround committee shall select an independent
27 school turnaround expert, which expert shall, in cooperation with the school
28 turnaround committee, develop and implement a school turnaround plan.

29 33-6105. INDEPENDENT SCHOOL TURNAROUND EXPERTS. (1) On or before Au-
30 gust 30 of each year, the board shall identify two (2) or more approved inde-
31 pendent school turnaround experts through a request for proposals process.
32 A governing board and a school turnaround committee shall select an expert
33 from among those experts identified by the board.

34 (2) To be approved by the board, an expert must:

35 (a) Have a credible track record of improving student academic achieve-
36 ment in public schools with various demographic characteristics as mea-
37 sured by statewide assessments;

38 (b) Have experience designing, implementing and evaluating data-
39 driven instructional systems in public schools;

40 (c) Have experience coaching public school administrators and teachers
41 on designing data-driven school improvement plans;

42 (d) Have experience working with the various entities that govern pub-
43 lic schools;

44 (e) Have experience delivering high-quality professional development
45 in instructional effectiveness to public school administrators and
46 teachers;

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- 1 (f) Be willing to be compensated for professional services based on
2 performance; and
- 3 (g) Be willing to work with any low-performing school in the state, re-
4 gardless of location.
- 5 (3) Once an expert is selected by a governing authority and a school
6 turnaround committee, the board shall award a contract to the expert. The
7 contract shall specify a payment schedule and payment conditions for the ex-
8 pert.
- 9 (a) No less than twenty-five percent (25%) nor more than sixty percent
10 (60%) of the expert's professional fees may be paid during the expert's
11 work under the contract.
- 12 (b) The remainder of the expert's professional fees will be paid when
13 the expert successfully assists a low-performing school in improving
14 the school's performance, according to criteria established by the
15 board, within two (2) years after the initial remedial year.
- 16 (4) In negotiating a contract with an expert, the board shall offer:
- 17 (a) Differentiated amounts of funding based on student enrollment; and
18 (b) A higher amount of funding for those schools that are lowest-per-
19 forming according to the accountability oversight committee.
- 20 (5) The expert's contractual duties shall include:
- 21 (a) Collecting and analyzing data on the low-performing school's
22 student achievement, personnel, culture, curriculum, assessments, in-
23 structional practices, governance, leadership, finances, reputation
24 and policies;
- 25 (b) Conducting a comprehensive needs assessment during the initial re-
26 medial year for the low-performing school, which assessment shall in-
27 clude recommended changes to the low-performing school's culture, cur-
28 riculum, assessments, instructional practices, governance, finances,
29 reputation, policies, or other areas based on data collected pursuant
30 to paragraph (a) of this subsection;
- 31 (c) Developing and implementing, in partnership with the committee,
32 a school turnaround plan that meets the criteria provided in section
33 33-6106, Idaho Code;
- 34 (d) Monitoring the effectiveness of the plan through reliable means
35 of evaluation including, but not limited to, on-site visits, observa-
36 tions, surveys, analysis of student achievement data and interviews;
- 37 (e) Providing ongoing implementation support and project management
38 for a school turnaround plan;
- 39 (f) Providing high-quality professional development personalized for
40 school staff that is designed to improve the:
- 41 (i) Leadership capacity of the school principal; and
42 (ii) Instructional capacity of the school staff;
- 43 (g) Leveraging support from community partners to coordinate the effi-
44 cient delivery of support to students both inside and outside the class-
45 room;
- 46 (h) Collaborating as needed with school turnaround staff at the state
47 department of education, as designated pursuant to section 33-6113(3),
48 Idaho Code; and
- 49 (i) Reporting to the accountability oversight committee on progress
50 under the school turnaround plan according to a schedule established in

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1 the contract or at the request of the accountability oversight commit-
2 tee.

3 (6) The governing authority and the school turnaround committee may not
4 select an independent school turnaround expert who is a member of the govern-
5 ing authority or employed by the governing authority.

6 33-6106. SCHOOL TURNAROUND PLAN. (1) A school turnaround plan shall
7 include:

8 (a) The findings and recommendations of the comprehensive needs as-
9 sessment conducted by the independent school turnaround expert as
10 described in section 33-6105, Idaho Code;

11 (b) Measurable student achievement goals and objectives;

12 (c) A professional development strategy that addresses problems of in-
13 structional practice;

14 (d) A detailed budget specifying how the school turnaround plan will be
15 funded;

16 (e) A strategy to assess and monitor progress;

17 (f) A strategy to communicate and report data on progress to stakehold-
18 ers; and

19 (g) A timeline for implementation.

20 (2) On or before January 1 of an initial remedial year, the school turn-
21 around committee shall submit the school turnaround plan to the governing
22 authority for approval.

23 (3) On or before February 1 of an initial remedial year, the govern-
24 ing authority shall submit the school turnaround plan to the accountability
25 oversight committee for approval, except as provided in subsection (4) of
26 this section.

27 (4) If the governing authority does not approve the school turnaround
28 plan, the school turnaround committee may appeal the disapproval in accord-
29 dance with rules established by the board.

30 (5) The accountability oversight committee shall review a school turn-
31 around plan submitted for approval pursuant to this section within thirty
32 (30) days of submission. The accountability oversight committee shall ap-
33 prove a plan that:

34 (a) Is timely;

35 (b) Is well-developed; and

36 (c) Meets the criteria established in subsection (1) of this section.

37 (6) Subject to appropriation, the board shall provide funding to a low-
38 performing school for interventions identified in an approved school turn-
39 around plan if the governing authority provides matching funds of up to fifty
40 percent (50%) or an in-kind contribution of goods or services in an amount
41 equal to the funding the low-performing school would receive from the board.

42 33-6107. SCHOOL TURNAROUND -- DUTIES OF GOVERNING AUTHORITY. In addi-
43 tion to other duties established in this chapter, the governing authority of
44 a low-performing school:

45 (1) Shall prioritize funding and resources to the low-performing
46 school; and

47 (2) May exercise authority over staff, schedule, policies, budget and
48 academic programs to implement the school turnaround plan.

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1 33-6108. FAILURE TO IMPROVE. (1) A low-performing school that does not
2 improve its performance, according to criteria established by the board,
3 within two (2) years after the initial remedial year may:

- 4 (a) Be closed or consolidated with another school;
5 (b) Be converted to a public charter school;
6 (c) Have its charter revoked, if the low-performing school is a public
7 charter school; or
8 (d) Be granted an extension by the accountability oversight committee,
9 subject to the provisions of subsection (2) of this section.

10 (2) A low-performing school granted an extension by the accountability
11 oversight committee may continue school improvement efforts for up to two
12 (2) years. To be granted an extension, the school must demonstrate to the ac-
13 countability oversight committee's satisfaction that improvement is likely
14 with an extension.

15 (3) The board may extend the contract of an independent school turn-
16 around expert working with a low-performing school that has been granted an
17 extension.

18 (4) A school granted an extension is eligible for:

- 19 (a) Continued funding pursuant to section 33-6106, Idaho Code; and
20 (b) The school recognition and reward program established by section
21 33-6109, Idaho Code.

22 (5) A school that fails to improve, according to criteria established
23 by the board, within two (2) years after being granted an extension shall be
24 subject to the provisions of subsection (1) of this section but may not be
25 granted another extension.

26 33-6109. SCHOOL RECOGNITION AND REWARD PROGRAM. (1) The board shall
27 establish in rule criteria for measuring improvement in low-performing
28 schools.

29 (2) Subject to available funding, the board shall annually distribute
30 monetary rewards to:

- 31 (a) Low-performing schools that meet the criteria for improvement, in-
32 cluding schools that have been granted an extension pursuant to section
33 33-6108, Idaho Code; and

34 (b) Administrators and teachers at low-performing schools that qualify
35 for a reward pursuant to paragraph (a) of this subsection.

36 (3) The board shall establish in rule a reward schedule for rewards
37 granted pursuant to this section.

38 (4) When a low-performing school receives a reward pursuant to this
39 section, the principal of such school may, in consultation with the faculty
40 and staff at the school, determine how to use the reward in the best interest
41 of the school, including providing bonuses to school employees.

42 33-6110. SCHOOL LEADERSHIP DEVELOPMENT PROGRAM. (1) As used in this
43 section, "school leader" means a principal or an assistant principal.

44 (2) There is hereby created the school leadership development program,
45 the intent of which is to increase the number of highly effective school
46 leaders capable of initiating, achieving and sustaining school improvement
47 efforts.

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1 (3) The board shall identify one (1) or more providers through a request
2 for proposals process to develop or provide leadership development training
3 for school leaders. The training shall emphasize proven strategies for im-
4 proving schools.

5 (4) Subject to available funding, the board shall provide incentive pay
6 to a school leader who:

7 (a) Completes training pursuant to this section; and

8 (b) Agrees to work for at least five (5) years in a school designated a
9 low-performing school.

10 (5) The board shall establish provisions regarding the school leader-
11 ship development program in rule, including application procedures for the
12 program and criteria for selecting school leaders from the applicant pool.

13 33-6111. REPORTS. Twice each year, by January 31 and August 31, the
14 board shall report to the senate and house of representatives education com-
15 mittees on the status of school improvement and the effectiveness of this
16 chapter in improving Idaho schools.

17 33-6112. CHARTER SCHOOLS. Nothing in this chapter shall interfere
18 with the right of an authorized chartering entity to revoke a low-performing
19 public charter school's charter pursuant to section 33-5209C, Idaho Code,
20 and such action may be taken in lieu of other procedures provided in this
21 chapter if authorized by law or rule.

22 33-6113. RULES -- APPEALS -- DUTIES OF DEPARTMENT. (1) The board is au-
23 thorized to promulgate rules to implement and enforce the provisions of this
24 chapter.

25 (2) The board shall establish in rule an appeals process for when a
26 school turnaround plan is not approved by a governing authority or by the
27 accountability oversight committee.

28 (3) The state department of education shall designate a person or
29 persons to provide resources, assistance, data, information or support
30 to the accountability oversight committee, governing authorities, school
31 turnaround committees, independent school turnaround experts and low-per-
32 forming schools.

33 33-6114. SEVERABILITY. The provisions of this chapter are hereby de-
34 clared to be severable and if any provision of this chapter or the applica-
35 tion of such provision to any person or circumstance is declared invalid for
36 any reason, such declaration shall not affect the validity of the remaining
37 portions of this chapter.