

**STATE BOARD OF EDUCATION
APRIL 20, 2020**

DIVISION OF CAREER TECHNICAL EDUCATION (DIVISION)

SUBJECT

Board Policy IV.E. Division of Career Technical Education – Occupational Specialist Endorsements – First Reading

REFERENCE

August 2017	Board approved the first reading of amendments to Board Policy IV.E. adding definitions of terms used and secondary program descriptions.
October 2017	Board approved the second reading of proposed amendments to Board Policy IV.E.
August 2018	Board approved proposed rule docket 08-0202-1805 establishing occupational specialist certificate endorsements
November 8, 2018	Board vacated pending rule docket 08-0202-1805 and requested the Division of Career Technical Education work more with school districts prior to bringing back occupational certification endorsements.
August 28, 2019	Board approved the first reading of proposed amendments to Board Policy IV.E adding three new sections of policy: secondary career technical program approval, allowable uses for added-cost funds, and formalizing occupational specialist certificate endorsements.
October 17, 2019	Board approved the second reading of proposed changes to Board Policy IV.E.

APPLICABLE STATUTE, RULE, OR POLICY

State Board of Education Governing Policies and Procedures IV.E.
Section 33-1204, Idaho Code
Idaho Administrative Code, IDAPA 08.02.02 – Section 014.04, Occupational Specialist Certificate

BACKGROUND/DISCUSSION

Individuals coming from the private sector into the career technical education (CTE) teaching profession are awarded a three (3) year non-renewable Limited Occupational Specialist (LOS) Certificate while they work to meet the necessary requirements to obtain a Standard Occupational Specialist teaching certification. Endorsements attached to Occupational Specialist Certificates focus on the content knowledge relevant to the industry from which the individual came prior to teaching.

STATE BOARD OF EDUCATION
APRIL 20, 2020

A workgroup of CTE stakeholders was instrumental in developing the original CTE endorsements, and has continued to work with the Division's certification personnel to ensure that Occupational Specialist endorsement holders experience a seamless transition in continuing to teach courses and programs they were previously able to teach. The Division has identified eighteen (18) endorsements that have previously allowed a holder to teach a broader range of career technical education courses than the new endorsements would allow. In order to limit the impact on educators, programs, and students, the Division proposes Board policy IV.E. be amended to include these eighteen (18) endorsements.

Additional amendments include the addition of the Apparel/Textiles (6-12) endorsement and a technical change aligning the reference to the degree based certificate with the terminology used in administrative rule, IDAPA 08.02.02.

IMPACT

The proposed amendments to this policy will ensure that current occupationally-certified secondary instructors, holding certain career technical education endorsements awarded prior to July 1, 2020, will continue with the ability to teach while the new Occupational Specialist coming from industry will have an endorsement that aligns with their content knowledge and will help to ensure consistency statewide regarding instructor qualifications.

ATTACHMENTS

Attachment 1 – Board Policy IV.E. First Reading

STAFF COMMENTS AND RECOMMENDATIONS

Section 33-2203, Idaho Code, further grants the Board "full power to formulate plans for the promotion of career technical education in such subjects as are an essential and integral part of the public school system of the state of Idaho, and to provide for the preparation of teachers of such subjects..." In addition to this authority vested in the Board for Career Technical Education, Chapter 12, Title 33 establishes minimum educator certification requirements and grants the responsibility and authority of implementing these requirements in the State Board of Education. These duties include the responsibility for certification of all "teachers." The Board has exercised its duties for educator certification through the establishment of certification requirements in IDAPA 08.02.02, Rules Governing Uniformity. This includes the requirements for occupation specialist certificates as industry-based career technical educator certificates. However, the occupational specialist certificate requirements established in IDAPA 08.02.02 only reference a work-based learning coordinator endorsement and career counseling endorsements for degree-based career technical certification and there is no reference to endorsements for occupation specialists. While all standard instructional certificate endorsements are currently established in IDAPA 08.02.02, they are not required to be codified in this way and could be established through Board action. Due to the circumstances surrounding the omnibus rulemakings during the 2019-2020 rulemaking cycle and direction from the Division of Financial

**STATE BOARD OF EDUCATION
APRIL 20, 2020**

Management to only include rules going forward that were “required,” it was determined the endorsements would be formally established by the Board through Board policy rather than administrative rule at this time.

Historically, the Division has been requiring and awarding endorsements for occupational specialists as applicable to the content area they were teaching in. This processes was approved by the Board through the incorporation of these endorsements into Board policy at the Regular October 2019 Board meeting. At that time the existing endorsements were reduced and streamlined into pathway areas with the intent of allowing educators to teach courses within an individual pathway without having to have multiple endorsements.

Since that time an unintended consequence has been identified for instructors that previously held an endorsement in a limited area but does not have the experience or training to teach the broader pathway. To rectify this situation the Division is requesting an amendment to the endorsement identified in Board policy IV.E. that would allow for these endorsements to be grandfathered in, thereby allowing the individuals that hold these limited endorsements to continue to teach.

Staff recommends approval.

BOARD ACTION

I move to approve the first reading of Board policy IV.E. Division of Career Technical Education as provided in Attachment 1.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

Idaho State Board of Education

GOVERNING POLICIES AND PROCEDURES

SECTION: IV. ORGANIZATION SPECIFIC POLICIES AND PROCEDURES

Subsection: E. Division of Career Technical Education

October 2019

(BREAK IN CONTINUITY OF SECTIONS)

8. Occupational Specialist Certificate Endorsements, effective July 1, 2020. Pursuant to Section 33-1201, Idaho Code, every person employed in an elementary or secondary school in the capacity of a teacher must have a certificate issued under the authority of the State Board of Education. Certification requirements are established in IDAPA 08.02.02. In addition to a certificate, each certificate must have one or more endorsements indicating the occupational area the teacher is qualified in to provide instruction. Endorsement eligibility is determined by the Division of Career Technical Education. Career technical education endorsements consist of the following:

a. Endorsements A-C

- i. Administrative Services (6-12). Industry experience that indicates applied competence in the majority of the following areas: proficiency in word processing, spreadsheet, database, presentation, and technology media applications; accounting functions; legal and ethical issues that impact business; customer relations; business communication; and business office operations.
- ii. Agribusiness (6-12). Industry experience that indicates applied competence in the majority of the following areas: plant and animal science; agricultural economic principles; business planning and entrepreneurship; agriculture business financial concepts and recordkeeping systems; risk management in agriculture; laws related to agriculture and landowners; marketing and sales plans; and sales.
- iii. Agriculture Food Science and Processing Technologies (6-12). Industry experience that indicates applied competence in the majority of the following areas: properties of food; principles of processing; post-processing operations; safety practices; and equipment and tools used in food processing.
- iv. Agriculture Leadership and Communications (6-12). Industry experience that indicates applied competence in the majority of the following areas: applied communications and leadership through agricultural education; supervised agricultural experience; career opportunities in agricultural science, communications, and leadership; agriculture's impact on society; agricultural science principles; agricultural communication principles; and agricultural leadership principles.

**STATE BOARD OF EDUCATION
APRIL 20, 2020**

ATTACHMENT 1

- v. Agriculture Mechanics and Power Systems (6-12). Industry experience that indicates applied competence in the majority of the following areas: safety practices; tools and hardware; metal technology; power systems; electricity; mathematical applications; insulation; and careers in agricultural mechanics and powers systems.

- vi. Animal Science (6-12). Industry experience that indicates applied competence in the majority of the following areas: animal agricultural industries; nutritional requirements for livestock; livestock reproductive systems; principles of evaluation for animal selection; animal welfare, handling, and quality assurance; medication and care; disease transmission and care; harvesting and processing of animal products; and, animal science risk management.

- ~~vi.~~vii. Apparel/Textiles (6-12). Industry experience that indicates applied competence in the majority of the following areas: fashion trends; design sketches; color and fabric selection; production of clothing and accessories; and enhancement of function and safety.

- ~~vii.~~viii. Applied Accounting (6-12). Industry experience that indicates applied competence in the majority of the following areas: accounting functions; accounting ethics; software application packages; financial statements; asset protection and internal controls; inventory records; long-term assets; and payroll procedures.

- ~~viii.~~ix. Automated Manufacturing (6-12). Industry experience that indicates applied competence in the majority of the following areas: lab organization and safety practices, blueprint reading, measuring, computer-aided design (CAD); computer-aided manufacturing (CAM), computer numeric control (CNC), fundamental power system principles, manufacturing processes, electronic and instrumentation principles, machining, robotics and materials-handling systems, and additive (3D) printing.

- ~~ix.~~x. Automotive Collision Repair (6-12). Industry experience that indicates applied competence in the majority of the following areas: auto body collision-repair practices; tools; trade skills in refinishing, welding, and painting.

- ~~x.~~xi. Automotive Maintenance & Light Repair (6-12). Industry experience that indicates applied competence in the majority of the following areas: service, maintenance, and repair practices for a wide variety of vehicles; and diagnosing, adjusting, repairing, and replacing individual vehicle components and systems.

**STATE BOARD OF EDUCATION
APRIL 20, 2020**

ATTACHMENT 1

- ~~x~~i-xii. Business Digital Communications (6-12). Industry experience that indicates applied competence in the majority of the following areas: elements and principles of design and visual communications; professional communication skills; editing and proofreading; copyright and intellectual property law; portfolio development; content development strategy; branding and corporate identity; graphic communication production; video editing; web page development; web page design and layout; and web-related planning and organizational standards.
- ~~x~~ii-xiii. Business Management (6-12). Industry experience that indicates applied competence in the majority of the following areas: planning and organizing; directing, controlling and evaluating goals and accomplishments; financial decision-making; competitive analysis and marketing strategies; human resource management; customer relations; technology; project management; operations and inventory; and social responsibility.
- ~~x~~iii-xiv. Cabinetmaking and Bench Carpentry (6-12). Industry experience that indicates applied competence in the majority of the following areas: cabinetmaking and millwork production; cutting, refinishing, installing, and shaping of various materials; knowledge of industry standards and construction applications; hardware; and blueprint reading.
- ~~x~~iv-xv. Certified Welding (6-12). Industry experience that indicates applied competence in the majority of the following areas: fundamental print reading; measurement and layout/fit-up techniques; properties of metals; shielded metal arc welding (SMAW); gas metal arc welding (GMAW and GMAW-S); flux cored arc welding (FCAW-G); gas tungsten arc welding (GTAW); thermal cutting processes; welding codes; inspection and testing principles; and fabrication techniques.
- ~~x~~v-xvi. Child Development & Services (6-12). Industry experience that indicates applied competence in the majority of the following areas: early childhood-education career paths and opportunities for employment; ethical conduct; advocacy for children; child/human development and learning; family and community relations; child observation, documentation, and assessment; positive relationships and supportive interaction; and approaches, strategies, and tools for early childhood education.
- ~~x~~vi-xvii. Commercial Photography (6-12). Industry experience that indicates applied competence in the majority of the following areas: ethics in photography, elements and principles of design composition, cameras and lenses, exposure settings, light sources, digital workflow, presentation techniques and portfolios, and production using industry standard software.
- ~~x~~vii-xviii. Computer Support (6-12). Industry experience that indicates applied competence in the majority of the following areas: basic network technologies, laptop support, PC support, printer support, operating

**STATE BOARD OF EDUCATION
APRIL 20, 2020**

ATTACHMENT 1

systems, security, mobile device support, troubleshooting techniques, and trends in the industry.

~~xviii~~.xix. Construction Trades Technology (6-12). Industry experience that indicates applied competence in the majority of the following areas: comprehensive knowledge of structural systems and processes, classical and contemporary construction elements, knowledge of industry standards, knowledge of architecture, basic cabinetry and millwork, and blueprint reading.

~~xix~~.xx. Cosmetology (6-12). Industry experience that indicates applied competence in the majority of the following areas: hair design; skincare; nail care; industry guidelines and procedures; entrepreneurship; and communications. Instructor must hold a current and valid Idaho license or certificate as a cosmetologist.

~~xx~~.xxi. Culinary Arts (6-12). Industry experience that indicates applied competence in the majority of the following areas: experience as a chef in a full-service restaurant; business operations experience in the culinary/catering industry; communication and organization skills with customers and vendors; industry-recognized food safety and sanitation certification; knowledge of proper food handling, ingredients, food quality and control practices; culinary tools and equipment; cooking methods; meal preparation; menu planning principles and industry trends and career options.

b. Endorsements D-N

- i. Dental Assisting (6-12). Industry experience that indicates applied competence in the majority of the following areas: dental professions pathways; ethics in dental practice; nutrition as related to oral health; infection control; occupational safety; dental-related anatomy and pathology; dental anesthesia; dental assisting skills; dental materials; and, dental radiology. Instructor must hold a current and valid Idaho license or certificate as a dental assistant, dental hygienist, or dentist.
- ii. Digital Media Production (6-12). Industry experience that indicates applied competence in the majority of the following areas: graphic design industry structure; elements and principles of design composition; visual communication; industry-standard software production; ethics and graphic design; digital portfolios; mathematical skills as related to design; communication skills; editing and proofreading; video editing; digital media and production; dissemination techniques and methods; broadcasting equipment, camera, and lens operations; light sources; presentation techniques; public speaking; and writing skills.

**STATE BOARD OF EDUCATION
APRIL 20, 2020**

ATTACHMENT 1

- iii. Drafting and Design (6-12). Industry experience that indicates applied competence in the majority of the following areas: technical drawings, scale drawings, architectural drafting, mechanical drafting, orthographic projection, two- and three-dimensional drawings, manual drafting, and computer aided design.
- iv. Ecology and Natural Resource Management (6-12). Industry experience that indicates applied competence in the majority of the following areas: ecological concepts and scientific principles related to natural resource systems; forest types; forest management components and practices; fire ecology and management; importance and application of GPS/GIS in natural resource management; fish and wildlife ecology; and mineral and energy resources management.
- v. Electrical Technology (6-12). Industry experience that indicates applied competence in the majority of the following areas: digital and solid-state circuits, DC principles, AC concepts, soldering techniques, circuits, and electrician-associated electronic components and tools. Instructor must hold a current and valid Idaho license or certificate as an electrician.
- vi. Electronics Technology (6-12). Industry experience that indicates applied competence in the majority of the following areas: digital and solid-state circuits; DC principles; AC principles; soldering techniques; circuits; digital electronics; electronic circuits; electronic devices; and electronic digital circuitry simulations and associated electronic components and tools.
- vii. Emergency Medical Technician (EMT) (6-12). Industry experience that indicates applied competence in the majority of the following areas: fundamental knowledge of the emergency management services (EMS) system; medical and legal/ethical issues in the provision of emergency care; EMS systems workforce safety and wellness; documentation; EMS system communication; therapeutic communication; anatomy and physiology; medical terminology; pathophysiology; and lifespan development (per the EMR and EMT sections of the Idaho EMS Education Standards located on the Idaho Department of Health and Welfare website). Instructor must have passed the National Registry exam. Instructor must hold a current and valid Idaho EMS license or certificate and be certified as an EMT instructor through Idaho EMS.
- viii. Firefighting (6-12). Industry experience that indicates applied competence in the majority of the following areas: knowledge of local, state, and federal laws and regulations; firefighting procedures; firefighting tactics; firefighting equipment and vehicles; EMT basic training; first aid and CPR training; and reporting requirements under Idaho criminal code. Instructor must hold a current and valid Idaho license or certificate as an EMT and firefighter.

**STATE BOARD OF EDUCATION
APRIL 20, 2020**

ATTACHMENT 1

- ix. Graphic Design (6-12). Industry experience that indicates applied competence in the majority of the following areas: the graphic design industry; elements and principles of design and visual communication; production using industry standard software; branding and corporate identity; ethical and legal issues related to graphic design; portfolio development and evaluation; mathematics for visual communications; communication; editing and proofreading; graphic design in digital media; and applied art.
- x. HVAC Technology (6-12). Industry experience that indicates applied competence in technical subjects and skills related to the HVAC trade as approved by the Idaho HVAC Board and the Idaho State Board for Career Technical Education: installing, altering, repairing, and maintaining HVAC systems and equipment including air conditioners, venting or gas supply systems, ductwork, and boilers. Instructor must hold a current and valid Idaho license or certificate as an HVAC Technician.
- xi. Heavy Equipment/Diesel Technology (6-12). Industry experience that indicates applied competence in the majority of the following areas: knowledge of diesel engine service; preliminary inspection; identification and repair of vehicle components; preventative maintenance; and heavy equipment applications.
- xii. Hospitality Management (6-12). Industry experience that indicates applied competence in the majority of the following areas: business structures; economics; human resources; sales and marketing; finance and budgeting; safety and security; legal and ethical considerations; event planning and management; teamwork; communication skills; lodging operations; and food and beverage operations.
- xiii. Hospitality Services (6-12). Industry experience that indicates applied competence in the majority of the following areas: careers in the hospitality and tourism industry; customer service; event planning implementation; procedures applied to safety, security, and environmental issues; practices and skills involved in lodging occupations and travel-related services; and facilities management.
- xiv. Industrial Mechanics (6-12). Industry experience that indicates applied competence in the majority of the following areas: industrial mechanics knowledge; shop skills; diagnostic and repair techniques; welding; hydraulic; electronic systems; and maintenance and preventative maintenance.
- xv. Journalism (6-12). Industry experience that indicates applied competence in the majority of the following areas: legal and ethical issues related to

**STATE BOARD OF EDUCATION
APRIL 20, 2020**

ATTACHMENT 1

journalism and photojournalism, principles and techniques of media design, design formats, journalistic writing, social media and digital citizenship, and media leadership.

- xvi. Law Enforcement (6-12). Industry experience that indicates applied competence in the majority of the following areas: knowledge of local, state, and federal laws and regulations; defensive strategies; investigative strategies; search principles and strategies; tactical procedures; vehicle operations; knowledge of weapons and use where appropriate; first aid and CPR training; social and psychological sciences; and identification systems.
- xvii. Marketing (6-12). Industry experience that indicates applied competence in the majority of the following areas: economic systems; international marketing and trade; ethics; external factors to business; product/service management; pricing; distribution channels; advertising; sales promotion; public relations; retail management; market research and characteristics; digital marketing; and financing and financial analysis.
- xviii. Medical Assisting (6-12). Industry experience that indicates applied competence in the majority of the following areas: human anatomy, physiology and pathology, medical terminology, pharmacology, clinical and diagnostic procedures, medication administration, patient relations, medical law and ethics, scheduling, records management, and health insurance. Instructor must hold a current and valid medical assistant certification as evidenced in the national registry.
- xix. Networking Support (6-12). Industry experience that indicates applied competence in the majority of the following areas: PC hardware configuration, fundamental networking technologies, operating systems, basic networking, basic security, and basic network configurations.
- xx. Nursing Assistant (6-12). Industry experience that indicates applied competence in the majority of the following areas: scope of practice; ethics and legal issues; communication and interpersonal relationships; documentation; care practices; infection prevention; human anatomy and physiology; medical terminology; personal care procedures; physiological measurements; nutritional requirements and techniques; procedures and processes related to elimination; quality patient environment; patient mobility; admission, transfer, and discharge procedures; care of residents with complex needs; and safety and emergency. Instructor must hold a current and valid Idaho registered nursing license, and be approved as a certified CNA primary instructor through Idaho Department of Health and Welfare.

c. Endorsements O-W

- i. Ornamental Horticulture (6-12). Industry experience that indicates applied competence in the majority of the following areas: safety practices; plant anatomy; plant physiology; plants identification skills; growing media; plant nutrition; integrated pest management; plant propagation; ornamental horticulture crops; business concepts; plant technologies; ornamental design standards; and career opportunities in ornamental horticulture.
- ii. Pharmacy Technician (6-12). Industry experience that indicates applied competence in the majority of the following areas: patient profile establishment and maintenance; insurance claim preparation; third-party insurance provider correspondence; prescription and over-the-counter medications stocking and inventorying; equipment and supplies maintenance and cleaning; and cash register operation. Instructor must be a pharmacist, registered nurse, or pharmacy technician holding a current and valid Idaho license or certification.
- iii. Plant and Soil (6-12). Industry experience that indicates applied competence in the majority of the following areas: plant anatomy and identification; plant processes, growth, and development; soil and water; plant nutrition; integrated pest management; careers and technology; and safety.
- iv. Plumbing Technology (6-12). Industry experience that indicates applied competence in technical subjects and skills related to the plumbing trade as approved by the Idaho Plumbing Board and the Idaho Board for Career Technical Education: repairing, installing, altering, and maintaining plumbing systems and fixtures including interconnecting system pipes and traps, water drainage, water supply systems, and liquid waste/sewer facilities. Instructor must hold a current and valid Idaho license or certificate as a plumber.
- v. Pre-Engineering Technology (6-12). Industry experience that indicates applied competence in the majority of the following areas: lab safety; impacts of engineering; ethics of engineering; design process; documentation; technical drawing; 3D modeling; material science; power systems; basic energy principles; statistics; and kinematic principles.
- vi. Precision Machining (6-12). Industry experience applied the majority of the following areas: precision machining practices; tools used to shape parts for machines; industrial mechanics; shop skills; safety in practice; blueprint reading; and diagnostic and repair techniques.
- vii. Programming & Software Development (6-12). Industry experience that indicates applied competence in the majority of the following areas: basic

**STATE BOARD OF EDUCATION
APRIL 20, 2020**

ATTACHMENT 1

programming principles; problem solving; programming logic; validation; repetition; programming classes; exceptions, events, and functionality; arrays and structure; design principles; system analysis; and implementation and support.

- viii. Rehabilitation Services (6-12). Industry experience that indicates applied competence in the majority of the following areas: ethical, legal, and professional responsibilities; medical terminology; anatomy and physiology; roles and responsibilities of the rehabilitation team; patient care skills; therapeutic interventions; and common pathologies. Instructor must be a health professional holding a current and valid Idaho license or certificate in his/her field of study.
- ix. Small Engine Repair/Power Sports (6-12). Industry experience that indicates applied competence in the majority of the following areas: small gasoline engine construction and performance; industry-related resources; equipment used to diagnose and troubleshoot issues; repair; entrepreneurship; and customer service.
- x. Web Design and Development (6-12). Industry experience that indicates applied competence in the majority of the following areas: web page development, web page design and layout, integration of web pages, web planning and organizational standards, and web marketing.
- xi. Work-Based Learning (6-12). Educators assigned to coordinate approved work-based experiences must hold this endorsement. Applicants must hold an occupational endorsement on the [Standard Instructional Degree Based Career Technical](#) Certificate or Occupational Specialist Certificate, and complete coursework in coordination of work-based learning programs.

d. The following career technical education endorsements awarded prior to July 1, 2020 shall be grandfathered and shall not be awarded after July 1, 2020:

- i. Agricultural Business Management (6-12)
- ii. Agricultural Power Machinery (6-12)
- iii. Agricultural Production (6-12)
- iv. Animal Health and Veterinary Science (6-12)
- v. Aquaculture (6-12)
- vi. Business Management/Finance (6-12)
- vii. Child Development Care and Guidance (6-12)
- viii. Culinary Arts (6-12)
- ix. Dietitian (6-12)
- x. Farm and Ranch Management (6-12)
- xi. Fashion and Interiors (6-12)
- xii. Food Service (6-12)
- xiii. Forestry (6-12)

**STATE BOARD OF EDUCATION
APRIL 20, 2020**

ATTACHMENT 1

- [xiv. Horticulture \(6-12\)](#)
- [xv. Information/Communication Technology \(6-12\)](#)
- [xvi. Microcomputer Applications \(6-12\)](#)
- [xvii. Natural Resource Management \(6-12\)](#)
- [xviii. Orientation to Health Professions \(6-12\)](#)

(BREAK IN CONTINUITY OF SECTIONS)

STATE BOARD OF EDUCATION
APRIL 20, 2020

SUBJECT

Board Policy II.B. Appointment Authority and Procedures – Second Reading

REFERENCE

April 2016	Board approved the first reading of amendments to Board Policy II.B. providing clarifications to provisions regarding coaches and athletic directors.
June 2016	Board approved the second reading of amendments to Board Policy II.B.
April 6, 2020	Board approved the first reading of amendments to Board Policy II.B allowing the Board to suspend normal processes in the event of catastrophic circumstances regarding employment decisions at the institutions.

APPLICABLE STATUTE, RULE, OR POLICY

Idaho State Board of Education Governing Policies & Procedures, Section II.B

BACKGROUND/DISCUSSION

Policy II.B was established to address procedures to assure due process in the normal course of business activity. The amended policy does not remove those due process procures, but provides the Board the opportunity to grant to institutions the flexibility to address fiscal realities immediately in the wake of circumstances of an emergent nature requiring. The proposed revision to Board Policy II.B is designed to provide maximum flexibility to state institutions of higher education in the event of extraordinary circumstances that require immediate response. Should the Board take such action, each institution shall report its proposed implementation plan to the Board, and shall ensure that all proposed action is permissible under applicable law.

IMPACT

This policy change will allow institutions to implement necessary procedures for addressing budget realities when circumstances require immediate, proactive and decisive solutions minimizing more long-term impact, both financial and structural.

ATTACHMENTS

Attachment 1 – Board Policy II.B – Second Reading

STAFF COMMENTS AND RECOMMENDATIONS

The proposed revision of Policy II.B allows the Board to suspend the normal processes related to application of employment actions and notifications in the event of catastrophic circumstances. The amendment may be applied to one or more of the institutions upon the Board's determination that circumstances warrant such extreme action.

Based on feedback from the Board during the first reading the proposed amendments have been clarified and an additional reference was added to

**STATE BOARD OF EDUCATION
APRIL 20, 2020**

acknowledge any provisions of law that may also impact employment actions. Language approved during the first reading is indicated in Attachment 1 as blue text, revisions between the first and second reading are indicated in read text.

Staff recommends approval.

BOARD ACTION

I move to approve the second reading of proposed amendments to Board Policy II.B., Appointment Authority and Procedures, as submitted in Attachment 1.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

Idaho State Board of Education

GOVERNING POLICIES AND PROCEDURES

SECTION: II. HUMAN RESOURCES POLICIES AND PROCEDURES

SUBSECTION: B. Appointment Authority and Procedures

June 2016 April 2020

1. Nothing herein may be construed to be in limitation of the powers of the Board as defined by Sections 33-3006, 33-3104, 33-2806, and 33-4005, Idaho Code, or as otherwise defined in the Idaho Constitution or Code.
2. Delegation of Authority
 - a. The Board delegates all authority for personnel management not specifically retained to the executive director and the chief executive officers consistent with the personnel policies and procedures adopted by the Board. In fulfilling this responsibility, the executive director and chief executive officers, or their designees, may exercise their authority consistent with these policies and procedures. Provided, however, that the Board retains the authority for taking final action on any matter so identified anywhere in these policies and procedures.
 - b. Within the general delegation of authority in the preceding paragraph a. above, the chief executive officers shall have the authority to manage, supervise and control the personnel and human resources of the institutions and agencies. Organizational structure, duty assignments, place of work, shift placement, salaries, work hour adjustments, benefit determinations, reductions in force and all similar and related work place decisions are the prerogative of the chief executive officers except or unless as limited by other applicable provisions of Board or institutional policy.
 - c. Without limiting the general description of b. above, the authority delegated to each chief executive officer includes the authority, in the chief executive officer's discretion, to reduce expenditures to respond to financial challenges (without a financial exigency declaration by the Board) and to maintain sound fiscal management. In such cases, the chief executive officer may take employment actions which are uniform across the entire institution, or uniform across institution budgetary units, but may not include actions requiring a financial exigency declaration by the Board. Such actions may include work hour adjustments such as furloughs or other unpaid leave as long as such are uniform across budgetary units or uniformly tiered as applied to certain salary levels or classifications. Work hour adjustments may be pro-rated based on annual salary levels to equitably reduce the financial hardship of the adjustments on lower level employees. Institutions shall adopt internal policies for implementing the employment actions in a manner consistent with the Board's policies and procedures, and furnish these policies to the Board.
 - d. In implementing any such actions described in the preceding paragraph c. above, the institution shall seek the input from the faculty, non-classified staff and

**STATE BOARD OF EDUCATION
APRIL 20, 2020**

ATTACHMENT 1

classified staff employee groups. Such groups will be given at least twenty-one (21) calendar days to provide their input on the proposed actions as provided for in the policies of the institution. The institution shall, once such input is taken and considered by the chief executive officer, establish procedures that provide for at least thirty (30) days written notice prior to the effective date of the action and an opportunity for an affected employee to be heard. The notice must include the effective date of the employment action, a statement of the basis for the employment action, and a description of the process to be heard. Such process shall be comparable to the process for review described in Board Policy Section II.N.7.a. The employee may contest the action only based on whether the action, with respect to that employee, violates the procedural requirements of this policy, applicable institutional policy or constitutional or statutory protections for that employee. The employee may not challenge the chief executive officer's determination that a reduction in budgetary expenditures is necessary, nor contest the chief executive officer's chosen means of addressing the reduction need, unless such means violate constitutional or statutory protections for the employee.

e. In the event of a natural disaster, pandemic, Governor's declaration of emergency, or other unforeseen catastrophe resulting in financial challenges requiring the chief executive officer to act quickly to address the resulting financial challenge, the Board may suspend the uniformity provisions required in paragraphs 2.c. and the requirement for seeking faculty and staff input and subsequent timelines provided for in paragraph 2.d which would restrict a chief executive officer's ability to allow such actions be implemented by the chief executive officers until the catastrophic events are determined by the Board to be concluded, at which time. If the Board takes such action, each institution shall report its proposed plan to the Board, and shall ensure that all proposed action is permissible under applicable law. Plans shall address notification to impacted employees. Once the Board determines that the crisis has concluded, the provisions of paragraphs 2.c. and 2.d. shall be immediately reinstated.

3. Specifically Reserved Board Authority (Note: This is not an exclusive or exhaustive list and other reservations of Board authority may be found in other areas of these policies and procedures.) Board approval is required for the following:

a. Position Authorizations

Any position at a level of vice-president (or equivalent) and above, regardless of funding source, requires Board approval.

Agenda Item Format: Requests for new position authorizations must include the following information:

- i. Position title;
- ii. Type of position;
- iii. FTE;

**STATE BOARD OF EDUCATION
APRIL 20, 2020**

ATTACHMENT 1

- iv. Term of appointment;
 - v. Effective date;
 - vi. Approximate salary range;
 - vii. Funding source; and
 - viii. A description of the duties and responsibilities of the position.
- b. The initial appointment of an employee to any type of position at a salary that is equal to or higher than 75% of the chief executive officer's annual salary.
- c. The employment agreement, and all amendments thereto, of any coach or athletic director (at the institutions only) longer than three (3) years, or for a total annual compensation amount of \$200,000 or higher. Policies applicable to employment agreements for athletic directors and coaches are found in Section II.H.
- d. The criteria established by the institutions for initial appointment to faculty rank and for promotion in rank, as well as any additional faculty ranks and criteria as may be established by an institution other than those provided for in these policies (see Section II. G.) Any exceptions to the approved criteria also require Board approval.

For the procedures established for periodic performance reviews of tenured faculty members see Section II. G.

STATE DEPARTMENT OF EDUCATION
APRIL 20, 2020

STATE DEPARTMENT OF EDUCATION

SUBJECT

Transfer of Technology Services Staff

APPLICABLE STATUTE, RULE, OR POLICY

Senate Bill (SB) 1409 (2020) and SB 1410 (2020)

BACKGROUND/DISCUSSION

During the 2020 legislative session, the Legislature passed and the Governor signed appropriation bills transferring “18.00 FTP and \$2,714,800 to centralize IT and data management from the Department of Education to the Office of the State Board of Education.”

The Superintendent of Public Instruction is bringing forward for the Board’s consideration a proposed memorandum of understanding (MOU) regarding the operation, management and fiscal aspects of ISEE and the Technology Services Group for FY 2020-2021.

IMPACT (as submitted by SDE)

The State Department of Education’s Idaho System for Educational Excellence (ISEE) was created explicitly for the state’s K-12 education system. The system was specifically designed to discharge the duties of the Superintendent of Public Instruction. It is fully integrated within the SDE and is essential to the SDE’s programs and functions. The SDE’s Technology Services group maintains ISEE to support those programs and functions, which in turn, support Idaho’s schools and students.

Moving ISEE and the SDE’s Technology Services group will, dramatically, change processes and functionality both for the SDE and for school districts and will significantly impact the Department’s ability to serve districts and schools efficiently and effectively.

The loss of these 18 FTP will further prevent the Superintendent from carrying out her Constitutional functions. It is the Superintendent of Public Instruction’s duties to manage and supervise all elementary and secondary school matters.

ATTACHMENTS

- Attachment 1 – Senate Bill 1409
- Attachment 2 – Senate Bill 1410
- Attachment 3 – MOU

STAFF COMMENTS AND RECOMMENDATIONS (prepared by Matt Freeman)

The 18 staff members can remain in their same positions (with the same titles, salaries, benefits, duties and responsibilities) and in the same physical location.

**STATE DEPARTMENT OF EDUCATION
APRIL 20, 2020**

The Division of Financial Management and Division of Human Resources have authorized the transfer to proceed and confirmed that since all the staff are nonclassified they will not have to reapply for their positions.

Legislative sponsors of S1409 and S1410 have communicated that their intent is to fully transfer operational and managerial oversight of Technology Services to OSBE. Staff recommends beginning the transition process to allow for seamless and timely transfer.

The Superintendent will discuss her proposed MOU with the Board.

BOARD ACTION

I move for the State Board of Education to approve the Memorandum of Understanding between the Board and the Superintendent of Public Instruction as presented in Attachment 3.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

STATEMENT OF PURPOSE

RS27949 / S1409

This is the FY 2021 original appropriation bill for the Office of the State Board of Education. It appropriates a total of \$15,874,900 and caps the number of authorized full-time equivalent positions at 53.25.

For benefit costs, the bill maintains the current appropriated amount for health insurance at \$11,650 per eligible FTP and temporarily removes funding for the employer's sick leave contribution rate. Inflationary adjustments include \$5,700 for general inflation for technology services and contractual inflation for statutory memberships. For statewide cost allocation, a decrease of \$98,300 is provided. The bill also provides funding for the equivalent of a 2% change in employee compensation for permanent state employees, with an additional 2% increase for those in the 20 job classifications most in need of equity adjustments.

The bill funds three line items, which provide: \$330,000 to process lease payments from the Idaho National Laboratory; \$120,000 to receive increased grant moneys from the Lumina Foundation; and a transfer of 18.00 FTP and \$2,714,800 to centralize IT and data management from the Department of Education to the Office of the State Board of Education. Also included are adjustments to pay the Office of Information Technology Services for security software and data center office space located at the Chinden Campus. Lastly, the ongoing General Fund appropriation is reduced by 2%.

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).

**STATE DEPARTMENT OF EDUCATION
APRIL 20, 2020
FISCAL NOTE**

ATTACHMENT 1

	FTP	Gen	Ded	Fed	Total
FY 2020 Original Appropriation	35.25	5,615,100	6,998,100	2,744,200	15,357,400
Reappropriation	0.00	0	226,000	0	226,000
1. Sick Leave Rate Reduction	0.00	(6,000)	(800)	0	(6,800)
1% General Fund Reduction	0.00	(56,200)	0	0	(56,200)
FY 2020 Total Appropriation	35.25	5,552,900	7,223,300	2,744,200	15,520,400
Noncognizable Funds and Transfers	0.00	0	0	0	0
FY 2020 Estimated Expenditures	35.25	5,552,900	7,223,300	2,744,200	15,520,400
Removal of Onetime Expenditures	0.00	(113,700)	(366,900)	0	(480,600)
Base Adjustments	0.00	0	0	(2,244,200)	(2,244,200)
Restore Rescissions	0.00	62,200	800	0	63,000
FY 2021 Base	35.25	5,501,400	6,857,200	500,000	12,858,600
Benefit Costs	0.00	(16,400)	(2,100)	0	(18,500)
Inflationary Adjustments	0.00	5,700	0	0	5,700
Statewide Cost Allocation	0.00	(147,300)	49,000	0	(98,300)
Change in Employee Compensation	0.00	90,600	9,500	2,100	102,200
FY 2021 Program Maintenance	35.25	5,434,000	6,913,600	502,100	12,849,700
1. INL Lease Payments	0.00	0	330,000	0	330,000
2. Lumina Grant	0.00	0	120,000	0	120,000
3. Move IT and Data Mngmt from SDE	18.00	2,699,800	15,000	0	2,714,800
OITS 1 Operating Costs	0.00	500	0	0	500
2% General Fund Reduction	0.00	(140,100)	0	0	(140,100)
FY 2021 Total	53.25	7,994,200	7,378,600	502,100	15,874,900
Chg from FY 2020 Orig Approp	18.00	2,379,100	380,500	(2,242,100)	517,500
% Chg from FY 2020 Orig Approp.	51.1%	42.4%	5.4%	(81.7%)	3.4%

Contact:

Janet E Jessup
Budget and Policy Analysis
(208) 334-4730

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).

LEGISLATURE OF THE STATE OF IDAHO
Sixty-fifth Legislature Second Regular Session - 2020

IN THE SENATE

SENATE BILL NO. 1409

BY FINANCE COMMITTEE

AN ACT

RELATING TO THE APPROPRIATION TO THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2021; APPROPRIATING MONEYS TO THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2021; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING REAPPROPRIATION AUTHORITY FOR THE PUBLIC CHARTER SCHOOL AUTHORIZERS FUND; PROVIDING REQUIREMENTS REGARDING ANNUAL REPORTING OF PAYMENTS TO THE IDAHO STATE BUILDING AUTHORITY; PROVIDING REQUIREMENTS REGARDING EXTERNAL PROGRAM EVALUATIONS; PROVIDING REAPPROPRIATION AUTHORITY FOR THE OPPORTUNITY SCHOLARSHIP PROGRAM FUND; AND EXEMPTING THE APPROPRIATION FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS.

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

SECTION 1. There is hereby appropriated to the Office of the State Board of Education the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2020, through June 30, 2021:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. OSBE ADMINISTRATION:				
FROM:				
General				
Fund	\$2,920,200	\$757,600	\$1,475,000	\$5,152,800
Indirect Cost Recovery				
Fund	33,400	83,900		117,300
Public Charter School Authorizers				
Fund		1,100		1,100
Miscellaneous Revenue				
Fund	151,100	6,682,900	50,000	6,884,000
Federal Grant				
Fund	<u>161,800</u>	<u>340,300</u>	<u>0</u>	<u>502,100</u>
TOTAL	\$3,266,500	\$7,865,800	\$1,525,000	\$12,657,300

		FOR		FOR	FOR	
		PERSONNEL	OPERATING	TRUSTEE AND	BENEFIT	
		COSTS	EXPENDITURES	PAYMENTS	TOTAL	
II. IT AND DATA MANAGEMENT:						
FROM:						
General						
Fund		\$1,871,200	\$798,600			\$2,669,800
Public Instruction						
Fund		<u>0</u>	<u>15,000</u>			<u>15,000</u>
TOTAL		\$1,871,200	\$813,600			\$2,684,800
III. CHARTER SCHOOL COMMISSION:						
FROM:						
General						
Fund		\$124,000	\$47,600			\$171,600
Public Charter School Authorizers						
Fund		<u>265,000</u>	<u>96,200</u>			<u>361,200</u>
TOTAL		\$389,000	\$143,800			\$532,800
GRAND TOTAL		\$5,526,700	\$8,823,200	\$1,525,000		\$15,874,900

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Office of the State Board of Education is authorized no more than fifty-three and twenty-five hundredths (53.25) full-time equivalent positions at any point during the period July 1, 2020, through June 30, 2021, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. REAPPROPRIATION AUTHORITY FOR THE PUBLIC CHARTER SCHOOL AUTHORIZERS FUND. There is hereby reappropriated to the Office of the State Board of Education any unexpended and unencumbered balances appropriated or reappropriated to the Office of the State Board of Education from the Public Charter School Authorizers Fund for fiscal year 2020 to be used for nonrecurring expenditures for the period July 1, 2020, through June 30, 2021. The State Controller shall confirm the reappropriation amount, by fund, expense class, and program, with the Legislative Services Office prior to processing the reappropriation authorized herein.

SECTION 4. ANNUAL PAYMENTS TO THE IDAHO STATE BUILDING AUTHORITY. The State Board of Education shall provide an annual update to the Joint Finance-Appropriations Committee of all sublease rent payments made and any amount due and outstanding related to Senate Concurrent Resolution No. 105, as enacted by the First Regular Session of the Sixty-fourth Idaho Legislature.

1 SECTION 5. EXTERNAL PROGRAM EVALUATION. Notwithstanding the provi-
2 sions of Section 33-4303, Idaho Code, of the amount appropriated in Section
3 1 of this act for independent external program evaluations, up to \$53,400
4 from the Opportunity Scholarship Program Account shall be used to conduct
5 evaluations for the literacy intervention program(s), career ladder, and
6 student behavioral health services. The results of the evaluations shall be
7 reported to the Joint Finance-Appropriations Committee and the Senate and
8 House education committees no later than January 15, 2021, on the program
9 design, use of funds, program effectiveness, and other relevant matters.

10 SECTION 6. REAPPROPRIATION AUTHORITY FOR THE OPPORTUNITY SCHOLARSHIP
11 PROGRAM FUND. There is hereby reappropriated to the Office of the State Board
12 of Education any unexpended and unencumbered balances appropriated or reap-
13 propriated to the Office of the State Board of Education from the Opportunity
14 Scholarship Program Fund for fiscal year 2020 to be used for nonrecurring ex-
15 penditures related to external program evaluations for the period July 1,
16 2020, through June 30, 2021. The State Controller shall confirm the reappro-
17 priation amount, by fund, expense class, and program, with the Legislative
18 Services Office prior to processing the reappropriation authorized herein.

19 SECTION 7. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS.
20 The Office of the State Board of Education is hereby exempted from the pro-
21 visions of Section 67-3511(1), (2), and (3), Idaho Code, allowing unlimited
22 transfers between object codes and between programs for all moneys appropri-
23 ated to the Office of the State Board of Education Administration Program and
24 the IT and Data Management Program for the period July 1, 2020, through June
25 30, 2021. Legislative appropriations shall not be transferred from one fund
26 to another fund unless expressly approved by the Legislature.

STATEMENT OF PURPOSE

RS27950 / S1410

This is the FY 2021 original appropriation bill for the Superintendent of Public Instruction. It appropriates a total of \$37,841,000 and caps the number of authorized full-time equivalent positions at 124.00. For benefit costs, the bill maintains the current appropriated amount for health insurance at \$11,650 per eligible FTP and temporarily removes funding for the employer's sick leave contribution rate. Funding for replacement items includes \$169,200 for network servers and switches; UPS backup systems; software; and miscellaneous equipment. The bill also provides funding for the equivalent of a 2% change in employee compensation for permanent state employees, with an additional 2% increase for those in the 20 job classifications most in need of equity adjustments. The bill funds three line items: line item 1 removes \$100,000 for unspent online class portal funds; line item 2 nets to zero across the appropriation, moving \$26,176,300 out of the program titled "State Dept. of Education - Administration" and into a new program titled "Student Services;" and line item 3 removes 18.00 FTP and \$2,714,800 to move IT and data management to the Office of the State Board of Education. Also included are adjustments to pay the Office of Information Technology Services. Lastly, the ongoing General Fund appropriation is reduced by 2%.

FISCAL NOTE

	FTP	Gen	Ded	Fed	Total
FY 2020 Original Appropriation	142.00	15,690,600	10,372,900	14,651,300	40,714,800
1. Sick Leave Rate Reduction	0.00	(13,100)	(4,500)	(10,300)	(27,900)
1% General Fund Reduction	0.00	(156,900)	0	0	(156,900)
FY 2020 Total Appropriation	142.00	15,520,600	10,368,400	14,641,000	40,530,000
FY 2020 Estimated Expenditures	142.00	15,520,600	10,368,400	14,641,000	40,530,000
Removal of Onetime Expenditures	0.00	0	(71,500)	(32,300)	(103,800)
Restore Rescissions	0.00	170,000	4,500	10,300	184,800
FY 2021 Base	142.00	15,690,600	10,301,400	14,619,000	40,611,000
Benefit Costs	0.00	(37,800)	(10,900)	(25,000)	(73,700)
Replacement Items	0.00	0	140,300	28,900	169,200
Statewide Cost Allocation	0.00	(29,400)	600	4,200	(24,600)
Change in Employee Compensation	0.00	124,000	40,100	91,600	255,700
FY 2021 Program Maintenance	142.00	15,747,400	10,471,500	14,718,700	40,937,600
1. Unspent Online Class Portal Funds	0.00	(100,000)	0	0	(100,000)
2. Break Out Student Services Prgm	0.00	0	0	0	0
3. Move IT and Data Mngmt to OSBE	(18.00)	(2,699,800)	(15,000)	0	(2,714,800)
OITS 1 - Operating Costs	0.00	1,000	200	700	1,900
OITS 4 - Agency Billings	0.00	100	0	0	100
2% General Fund Reduction	0.00	(283,800)	0	0	(283,800)
FY 2021 Total	124.00	12,664,900	10,456,700	14,719,400	37,841,000
Chg from FY 2020 Orig Approp	(18.00)	(3,025,700)	83,800	68,100	(2,873,800)
% Chg from FY 2020 Orig Approp.	(12.7%)	(19.3%)	0.8%	0.5%	(7.1%)

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).

Contact:

Robyn Lockett
Budget and Policy Analysis
(208) 334-4745



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

Bill SOP/FN INTRODUCED: 03/11/2020, 12:10 PM

ATTACHEMENT 2

	FOR	FOR	FOR	FOR	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	TOTAL
				PAYMENTS	
Indirect Cost Recovery					
Fund	95,600	902,700			998,300
Driver's Training					
Fund	192,900	151,400	\$800	2,113,300	2,458,400
Public Instruction					
Fund	364,200	764,500	5,300	11,400	1,145,400
Miscellaneous Revenue					
Fund	316,700	185,800	8,500		511,000
Public Schools Other Income					
Fund	98,900	362,300			461,200
Cigarette, Tobacco, and Lottery Income Taxes					
Fund	102,000				102,000
Federal Grant					
Fund	<u>5,386,100</u>	<u>9,126,200</u>	<u>26,900</u>	<u>82,200</u>	<u>14,621,400</u>
TOTAL	\$8,854,500	\$14,978,200	\$41,500	\$2,231,000	\$26,105,200
GRAND TOTAL	\$12,619,900	\$16,696,900	\$163,200	\$8,361,000	\$37,841,000

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the Superintendent of Public Instruction is authorized no more than one hundred twenty-four (124.00) full-time equivalent positions at any point during the period July 1, 2020, through June 30, 2021, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. ACQUISITIONS. Consistent with the provisions of Chapter 92, Title 67, Idaho Code, the Superintendent of Public Instruction is encouraged to engage in open, competitive acquisition processes. The Superintendent of Public Instruction shall provide a report to the Joint Finance-Appropriations Committee by January 15, 2021, on all contracts signed during fiscal year 2020 for property valued at more than \$25,000. The report shall include for each contract: (a) the amount; (b) the duration; (c) the parties; (d) the subject; (e) whether the contract was awarded as a result of an open, competitive acquisition process or as a sole source or other noncompetitive procurement pursuant to Section 67-9221, Idaho Code; and (f) the rationale for signing any sole source or other noncompetitive procurements.

MEMORANDUM OF UNDERSTANDING BETWEEN THE STATE BOARD OF EDUCATION AND THE IDAHO SUPERINTENDENT OF PUBLIC INSTRUCTION REGARDING THE OPERATION, MANAGEMENT AND FISCAL ASPECTS OF THE IDAHO SYSTEM FOR EDUCATIONAL EXCELLENCE AND THE TECHNOLOGY SERVICES GROUP FOR FY 2020-2021

WHEREAS, The Idaho Superintendent of Public Instruction, pursuant to the Idaho Constitution, Article IV, Section 1 and the inherent authority therefrom, is charged with the constitutional duty of providing for the education of Idaho's school children,

WHEREAS, in support of said constitutional duty and function, Idaho Code Section 33-125 has established a State Department of Education under the direction of the Superintendent, as executive officer thereof, with authority to address all elementary and secondary school matters,

WHEREAS, the Idaho State Board of Education, pursuant to the Idaho Constitution, Article IX, Section 2, is charged with the general supervision of education in Idaho, with the obligation to set policies, procedures and duties,

WHEREAS, both the Superintendent and the Board are committed to collaborating with each other to achieve the mutual mission of providing a superior educational experience for each of Idaho's school children,

WHEREAS, in furtherance of said mission, the Department has established the Idaho System for Educational Excellence which is a K-12 Longitudinal Data System which supports budgeting processes, data submissions and delivers information to educational stakeholders to create data driven decisions,

WHEREAS, said System is maintained, managed and utilized for statewide operations by the Technology Services Group, within the State Department of Education under the supervision of the Superintendent,

WHEREAS, said Group is currently composed of twenty one (21) salaried employees, organized and reporting as demonstrated in the chart attached hereto as Exhibit "A" and each performing the vital functions as described in the memorandum attached hereto as Exhibit "B",

WHEREAS, the 2020 Idaho Legislature enacted two appropriation bills which relate to and affect the operation of the Group and the System, in that Senate Bill 1410 terminated the funding for eighteen (18) employees in the Department's Technology Group, retaining only three (3) employees therein under the budget of the Superintendent and Senate Bill 1409 placed the funding

for said eighteen (18) employees within the budget of the Board, for Fiscal Year 2020-2021, commencing July 1, 2020, and raising operational, legal, fiscal and logistical issues for both of the parties,

WHEREAS, the Superintendent asserts that the loss and termination of the existing personnel and potential disruption of the System and her ability to supervise and direct the same and to utilize for all relevant purposes the work product of their effort, will impair her ability to fully discharge her constitutional duties, effective July 1, 2020,

WHEREAS, the current Executive Order Spending Rollback and Hiring Freeze declared by Governor Little by Executive Order 2020-05 on March 27, 2020 makes it problematic and impossible for the Board to hire eighteen (18) new employees by and after July 1, 2020,

WHEREAS, both the Board and the Superintendent, to the maximum extent possible, wish to foster and maintain positive and effective working relationships with the Idaho Legislature and to the extent lawful and practicable, discern and facilitate Legislative intent in the administration and implementation of both statutes and appropriations,

AND WHEREAS, both the Board and the Superintendent will co-operate in approaching and presenting proposals and clarifying this issue before the 2021 Legislature,

NOW THEREFORE, IT IS HEREBY AGREED AND UNDERSTOOD BETWEEN THE BOARD AND THE SUPERINTENDENT AS FOLLOWS:

1. The current personnel of the Technology Group shall be retained in their respective posts at their present location to operate the Idaho System for Educational Excellence.
2. It shall remain the duty of the Superintendent to provide day to day direction and supervision of said Group to discharge her constitutional function and existing statutory duties.
3. The Board may, as it deems appropriate, require additional reports or information from said Group in furtherance of its policies, procedures and duties. Further, the Group shall, from time to time, forward to the Board advance copies of statutorily required or major reports and summaries for review and consultation, prior to their issuance.
4. Consistent with Senate Bill 1410, the Superintendent shall designate and pay the salary and benefits of three (3) current Group employees.
5. Consistent with Senate Bill 1409, the Board shall pay the salary and benefits of the remaining eighteen (18) current Group employees, via transfer of funds to or billing for services from the Superintendent and the Department, or by other appropriate fiscal measures.
6. The parties shall co-operate in reaching such further understandings, executing such documents, including but not limited to any additional personnel forms, payment vouchers and

directives or establishing such policies as are necessary to implement the purpose and intent of this Memorandum of Understanding.

7. Any disputes or concerns arising hereunder shall first be mutually referred to the Office of the Idaho Attorney General for mediation.

8. The Board and the Superintendent will consult and collaborate, to the maximum extent possible, in presenting separate or joint proposals and clarifying the issue before the 2021 Legislature.

DATED this _____ day of April, 2020.

AGREED AND UNDERSTOOD:

For the Board of Education

By the Superintendent of Public Instruction