



Our Kids, Idaho's Future Final Recommendations

(Adopted by the State Board of Education February 13, 2020)

RECOMMENDATION 1: Statewide Accountability: Focusing Our Efforts on K-3 Literacy

We recommend focusing our statewide accountability efforts on the following components:

- K-3 literacy as foundation;
- Providing boards, communities, and school leadership additional state guidance; and
- A framework for schools to achieve specific literacy growth targets based on like cohorts of students.

Implementation

- FY 2021: \$3,156,500 of ongoing funding for K-3 literacy intervention at the school level, bringing the total ongoing general funds for literacy intervention to \$26,146,800.
- Update to Comprehensive Literacy Plan – December 2020
- SB 1006 (2020) – Approved by the Board 2020, Signed by the Governor 4/27/2021

RECOMMENDATION 2: Greater All-Day K Opportunities to Support K-3 Literacy and Future Student Achievement

We recommend additional statewide funding for all-day Kindergarten, creating greater uniformity statewide and recognizing enrolling students in Kindergarten is optional for the parent.

Implementation

House Bill 331(2021) Funding for full-day kindergarten - Stalled in committee
In que for 2022 Legislative Idea – Funding for full day kindergarten

RECOMMENDATION 3: Building Out and Updating the Career Ladder to Elevate the Profession, and Retain Effective Educators

We recommend expanding and building out the career ladder, with base appropriations starting at \$40,000, \$50,000, and \$60,000 at full implementation with consideration of additional performance criteria for this build out.

Implementation

- House Bill 523(2020) – Provided additional five years of funding increases and added third rung (Advanced Professional) to the career ladder. At full implementation rungs will start at \$41,500, \$44,500, and \$55,000 and top out at \$63,000.

RECOMMENDATION 4: Addressing Social and Emotional Issues to Support Student Learning

We recommend the state provide standard professional development and access to additional resources around identifying and better serving students facing social and emotional challenges, including trauma and mental illness.

Implementation

HB 627 (2020) appropriated an additional \$1,000,000 for professional development. In FY 21 \$18,850,000 was appropriated for professional development. The legislature requested an evaluation of Student Behavioral Health Services needs for K-12 students.

RECOMMENDATION 5: Strategic Alignment and Increased Flexibility in K-12 Funding Formula

We recommend retaining line-item funding for college and career advisors, Advanced Opportunities, and literacy intervention line-items in the K-12 budget, with the aim of making important updates to improve their effectiveness and accountability; and

We recommend collapsing some line-items in the public schools budget and providing more financial flexibility for local school districts and charter schools.

Higher Education Task Force Recommendations - Committee Assignments

(Adopted by the Board September 29, 2017 – last Board update August 29, 2019)

Recommendation	Committee Assignment
<p>1. Recommendation – Efficiencies, Cost Savings and Service – Drive efficiencies, cost savings, and a higher level of service in back office functions by migrating from our current federated system of institutions to a more integrated, centralized and student-centric System (combined with: Centralize and standardize processes to promote system-wide efficiencies).</p>	<p>BAHR – Lead Business Affairs and HR Systems</p> <ul style="list-style-type: none"> Huron Report Optimization Board Subcommittee <p>IRSA Admissions and Registration (student services)</p> <p>PPGA Governmental Affairs Directors consolidation of efforts. (Shifted to Presidents Council)</p>
<p>2. Recommendation – 60% Goal – Review and update the 60% goal and establish a clear, credible, and measurable roadmap on how Idaho gets to the 60% goal. Focus on the key outcomes that are critical to the state's economic future and to the continued standard of living and quality of life for Idaho citizens.</p>	<p>PPGA Amendment to strategic plan and communications and outreach.</p> <ul style="list-style-type: none"> 12/2018: Board discussed setting institution level credential production goals by level of credential 2/2019: Board discussion and direction to staff regarding setting workforce targets 2/2020: Board discussion and direction. 6/2021: PPGA Work Group convening to identify targets based on compiled work force need data. (will be presented to Board 10/2021)
<p>3. Recommendation – Structural Change and System Improvements - Implement structural change and system improvements through enhancements to critical areas of the public education system that will remove barriers as students progress through the educational pipeline and lead students to be prepared for postsecondary technical and academic training and education at the end of their high school experience. System improvements will include an enhanced statewide digital delivery system that creates a single digital campus that integrates and incorporates the Idaho educational system across the state and uses community outreach centers for support of students educational and career goals in local areas, thereby, removing barriers created by time or location restraints to opportunities for preparing students for postsecondary education as well as postsecondary resources. Identified barriers include the relevancy and rigor of the secondary senior year, more targeted advanced opportunities that lead to transferability of dual credits toward degree progress, full implementation of the Complete College America “Game Changers” through the strategies adopted by the Board’s Complete College Idaho Plan, and alignment with workforce skills.</p>	<p>PPGA – Lead (Responsible for K-12 items, and policy issues related to administrative code or statute) – additional improvement to college and career advising and graduation requirements at the K-12 level. Administrative Code amendments would be necessary for K-12 requirement changes</p> <ul style="list-style-type: none"> Scheduled to be part of 2021-2022 negotiated rulemaking cycle. (moratorium on new rulemaking in 2020-2021 cycle) <p>IRSA (Responsible for postsecondary items) – full implementation of Game Changers adopted by the Board in 2012. Implementation of a degree audit/student data analytics system for postsecondary students, development of postsecondary pathways. Development of dual credit pathways and offers that better serve students progression toward a degree or certificate.</p>
<p>4. Recommendation – Guided Pathways (P-20) - Develop and implement a comprehensive guided pathways program starting with early learning opportunities for students that are culturally relevant and provide support and guidance for the student through the education pipeline (early learning to prepare students for kindergarten through graduate degree attainment). An integrated guided pathways program would include parent engagement, student academic and career planning, proactive advising with early and urgent intervention (targeted/relevant), work-based learning, and community engagement (e.g. Indiana’s Twenty-first Scholars and Scholar Success programs, Tennessee’s Promise and Achieves programs, Iowa’s BEST Program and Maryland’s Achieving Collegiate Excellence and Success program). Advising activities would start no later than the 8th grade. The electronic campus platform will be used to expand access to resources and provide college and career advising and mentoring services to</p>	<p>PPGA – Lead Additional improvement to college and career advising and graduation requirements at the K-12 level. Administrative Code amendments would be necessary for K-12 requirement changes</p> <ul style="list-style-type: none"> Scheduled to be part of 2021-2022 negotiated rulemaking cycle. Revamp of Next Steps Idaho website in progress with added tools/resources for students and school staff working with students in this area. <p>IRSA Implementation of a degree audit/student data analytics system Error! Bookmark not defined. for postsecondary students.</p>

students in areas where other options are not available or practical or where time/life constraints may limit access to in-person resources. Educator and student access to the statewide data analytics/degree audit system will be integrated into the electronic campus platform.	
<p>5. Recommendation – Improved Certificate and Degree Completion - Leverage guided pathways to improve postsecondary completion through research based effective programs that lead to on-time completion in certificate and degree programs for all students. Barriers to access for place bound or time bound students will be removed through a state digital campus allowing individuals in remote and rural areas and working adults to access postsecondary education regardless of location and scheduling needs. Early interventions and targeted services will lead to greater retention and completion of postsecondary student's undergraduate goals as well as prepare students to pursue and complete graduate and professional degrees that are equally vital to the economic growth of Idaho.</p>	<p>IRSA – Lead Development of program targeting individuals with some credits and no degree. Implementation of a degree audit/student data analytics system</p> <p>PPGA Amendments to scholarship requirements in Idaho Code and Admin Code</p> <ul style="list-style-type: none"> • Adult learner provisions for Opportunity Scholarship added in 2019 • Adult learner provisions in Administrative Code added in 2020
<p>6. Recommendation – Provide a statewide digital delivery system - a digital campus that integrates and incorporates the current public system and partnering private institutions. This system is scalable, high quality, accessible and affordable.</p>	<p>IRSA</p> <ul style="list-style-type: none"> • Online Idaho in progress
<p>7. Recommendation – Postsecondary Access and Affordability - Systemically increase dollars to fund all eligible Idaho high school students while not losing sight of the goal of lowering cost/improving access.</p>	<p>BAHR – Lead Institutional efficiencies, lower tuition and fees, elimination/ streamlining of student fees.</p> <p>PPGA Legislation for scholarships</p> <ul style="list-style-type: none"> • Successful in acquiring additional scholarship funding in 2019 (\$7M one time) and 2020 (\$7M made ongoing)
<p>8. Recommendation - Further careful analysis, working with a technical committee and outside experts such as National Center for Higher Education Management Systems (NCHEMS) is necessary to ensure the outcomes-based funding model is fully vetted and pressure tested and that proper weighting is provided for each of the formula's metrics. Metrics should include:</p> <ol style="list-style-type: none"> 1. Verifiable Job Outs 2. 18-29 Credit Undergraduate Certificates 3. 1-Year Certificates 4. Associate Degrees 5. Bachelor Degrees 6. High Impact Completion Bonus 7. At-Risk Completion Bonus 8. Progression per Student Credit Hour Milestone 9. Transfers 10. On-Time Completion Bonus <p>The FY 2019 higher education budget line items requested by the colleges and universities should proceed through the budget process this year rather than attempting to launch an outcomes-based funding model for the 2018/2019 year. The State Board of Education should "shadow track" the metric outcomes for the 2018/2019 academic year to allow the institutions to prepare for full implementation in the following year.</p>	<p>BAHR Lack of legislative support for model developed. New work group formed to further develop model.</p>
<p>9. Recommendation – Adopt the Recommendations of the Governor's Workforce Development Task Force – The Governor's Higher Education Task Force should adopt the recommendations of the Governor's Workforce Development Task Force in order to establish a coordinated implementation effort between higher education, industry and state government to meet Idaho's future workforce needs.</p>	<p>Varied depending on individual recommendation. Additional staff work needed in this area.</p>

<p>10. Recommendation – Competency-Based System – The public higher education system should shift to a competency-based system for career technical education. (Implementation of this recommendation should be included as part of the work on Recommendation 5)</p>	<p>IRSA – Work with Division of Career Technical Education</p> <p>PPGA – CTE Work Group report to Board 02/2020</p>
<p>11. Recommendation – Partner with Industry – The public higher education system should partner with industry to include more workplace experiences as part of certificate and degree programs. (Implementation of this recommendation should be included as part of the work on Recommendation 5)</p>	<p>IRSA – LCSC statute amended to all of graduate programs (HB 395 – 2020). Program development for nursing program underway.</p>
<p>12. Recommendation – Workforce Training towards Degree or Certificate Completion – Workforce training completed by an individual should count towards degree or certificate completion. (Implementation of this recommendation should be included as part of the work on Recommendation 5)</p>	<p>IRSA – Work with Division of Career Technical Education</p> <p>PPGA – CTE Work Group report to Board 02/2020</p>

STATEMENT OF PURPOSE

RS28910 / H0364

This proposed legislation will direct our institutions of higher learning in their responsibility to uphold its student, faculty and staff's Constitutional and first amendment right to freedom of speech, freedom of expression, freedom to peacefully assemble, and more. Supreme Court language is used to clearly define terms so that free speech in and outside the classroom is understood and protected. Since a significant amount of taxpayer dollars is appropriated to public institutions of higher education each year, and as such, the legislature must ensure that all public institutions of higher education receiving state funds recognize freedom of speech as a fundamental right for all.

FISCAL NOTE

There is no impact to the general fund nor to any local government because this is a restructuring of campus policies and a restoration of the idea of institutions of higher education being a welcoming environment to a diversity of ideas in support of the 1st amendment.

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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).

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 364

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO THE PROTECTING CRITICAL THINKING IN HIGHER EDUCATION ACT; AMENDING TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 64, TITLE 33, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE LEGISLATIVE FINDINGS, TO DEFINE TERMS, TO PROVIDE THAT CERTAIN ACTIVITIES ARE PROTECTED, TO ESTABLISH PROVISIONS REGARDING EXPRESSIVE ACTIVITIES IN OUTDOOR AREAS OF INSTITUTION CAMPUSES, TO ESTABLISH PROVISIONS REGARDING FREE EXPRESSIVE ACTIVITY, TO PROVIDE FOR FREE SPEECH EDUCATION, TO REQUIRE CERTAIN REPORTS, TO PROVIDE REMEDIES, TO PROVIDE A STATUTE OF LIMITATIONS, TO PROVIDE THAT PUBLIC INSTITUTIONS OF HIGHER EDUCATION ARE NOT IMMUNE FROM SUITS OR LIABILITY UNDER THIS CHAPTER, AND TO PROVIDE SEVERABILITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 64, Title 33, Idaho Code, and to read as follows:

CHAPTER 64

PROTECTING CRITICAL THINKING IN HIGHER EDUCATION ACT

33-6401. SHORT TITLE. This chapter shall be known and may be cited as the "Protecting Critical Thinking in Higher Education Act."

33-6402. LEGISLATIVE FINDINGS. The legislature finds that:

(1) The first amendment of the United States constitution and the constitution of the state of Idaho protect the rights of freedom of speech, freedom of the press, freedom of religion, freedom of association, and freedom to petition the government for all citizens;

(2) The United States supreme court, in Healy v. James, described public universities as "peculiarly the marketplace of ideas," where young adults learn to exercise the constitutional rights necessary to participate in our system of government and to tolerate others' exercise of the same rights, and there is "no room for the view that ... first amendment protections should apply with less force on college campuses than in the community at large";

(3) The exercise of first amendment rights on the campuses of public institutions of higher education in this state are critical components of the education experience for students and requires that each public institution of higher education ensures free, robust, and uninhibited debate and deliberations by students whether on or off campus;

(4) The United States supreme court warned in Sweezy v. New Hampshire that if public universities stifle student speech and prevent the open exchange of ideas on campus, "our civilization will stagnate and die"; and

(5) A significant amount of taxpayer dollars is appropriated to public institutions of higher education each year, and as such, the legislature must ensure that all public institutions of higher education receiving state funds recognize freedom of speech as a fundamental right for all.

33-6403. DEFINITIONS. As used in this chapter:

(1) "Benefit" means the recognition, registration, use of facilities of the institution of higher education for meetings or speaking purposes, use of channels of communication, and funding sources that are otherwise available to other student organizations at the public institution of higher education.

(2) "Campus community" means the students, administrators, faculty, and staff of a public institution of higher education and their invited guests.

(3) "Harassment" means only that expression that is unwelcome, so severe, pervasive, and subjectively and objectively offensive that a student is effectively denied equal access to educational opportunities or benefits provided by a public institution of higher education.

(4) "Materially and substantially disrupts" means when a person, with the intent to or with knowledge of doing so, significantly hinders another person's or group's expressive activity, prevents the communication of another person's or group's message, or prevents the transaction of the business of a lawful meeting, gathering, or procession by:

(a) Engaging in fighting or violent or other unlawful behavior; or

(b) Physically blocking or using threats of violence to prevent any person from attending, listening to, viewing, or otherwise participating in an expressive activity. Conduct that "materially disrupts" does not include conduct that is protected under the first amendment to the United States constitution or the constitution of the state of Idaho. Such protected conduct includes but is not limited to lawful protests in the outdoor areas of campus generally accessible to the members of the public, except during times when those areas have been reserved in advance for other events, or minor, brief, or fleeting nonviolent disruptions of events that are isolated and short in duration.

(5) "Outdoor areas of campus" means the generally accessible outside areas of campus where members of the campus community are commonly allowed, such as grassy areas, walkways, or other similar common areas and does not include outdoor areas where access is restricted from a majority of the campus community.

(6) "Public institution of higher education" means a state institution of higher education or a community college organized pursuant to chapter 21, title 33, Idaho Code.

(7) "Student" means any person who is enrolled on a full-time or part-time basis in a public institution of higher education.

(8) "Student organization" means an officially recognized group at a public institution of higher education or a group seeking official recognition, comprised of admitted students that receive, or are seeking to receive, benefits through the institution of higher education as defined in this section.

1 33-6404. PROTECTED ACTIVITIES. Expressive activities protected under
2 the provisions of this chapter include but are not limited to any lawful
3 verbal, written, audio-visual, or electronic means by which individuals may
4 communicate ideas to one another, including all forms of peaceful assembly,
5 protests, speeches and guest speakers, distribution of literature, carrying
6 signs, and circulating petitions.

7 33-6405. OUTDOOR AREAS. The outdoor areas of campuses of public in-
8 stitutions of higher education in this state are deemed public forums for
9 the campus community, and public institutions of higher education must not
10 create free speech zones or other designated areas of campus outside of
11 which expressive activities are prohibited. Public institutions of higher
12 education may maintain and enforce reasonable time, place, and manner re-
13 strictions narrowly tailored in service of a significant institutional
14 interest only when such restrictions employ clear, published, content-
15 and viewpoint-neutral criteria and provide for ample alternative means of
16 expression. Any such restrictions must allow for members of the campus
17 community to spontaneously and contemporaneously assemble and distribute
18 literature. Nothing in this section may be interpreted as limiting the right
19 of student expression elsewhere on campus.

20 33-6406. FREE EXPRESSIVE ACTIVITY. (1) Any person who wishes to engage
21 in noncommercial expressive activity on campus must be permitted to do so
22 freely, as long as the person's conduct is not unlawful and does not materi-
23 ally and substantially disrupt the functioning of the public institution of
24 higher education, subject only to the requirements of this chapter.

25 (2) Nothing in this section prohibits public institutions of higher
26 education from maintaining and enforcing reasonable time, place, and manner
27 restrictions that are narrowly tailored to serve a significant insti-
28 tutional interest only when such restrictions employ clear, published,
29 content- and viewpoint-neutral criteria. Any such restrictions must allow
30 for members of the campus community to spontaneously and contemporaneously
31 assemble, speak, and distribute literature. Nothing in this section may
32 be interpreted as preventing public institutions of higher education from
33 prohibiting, limiting, or restricting expression that the first amendment
34 does not protect, such as true threats or expression directed to provoke
35 imminent lawless actions and likely to produce it, or prohibiting harassment
36 as defined in section 33-6403, Idaho Code.

37 (3) Nothing in this section enables individuals to engage in conduct
38 that intentionally, materially, and substantially disrupts another's ex-
39 pressive activity if that activity is occurring in a campus space reserved
40 for that activity under the exclusive use or control of a particular group.

41 (4) No public institution of higher education shall charge security
42 fees to a student or a student organization based on the content of the stu-
43 dent's or organization's expression, the content of the expression of the
44 student's or organization's invited guest, or the anticipated reaction to an
45 invited guest's expression.

46 33-6407. FREE SPEECH EDUCATION FOR MEMBERS OF THE CAMPUS COMMU-
47 NITY. Public institutions of higher education are required to make public in

1 their handbooks, on their websites, and through their orientation programs
 2 for students the laws, policies, and expectations of students regarding free
 3 expression on campus consistent with this chapter.

4 33-6408. REPORTS. (1) Each public institution of higher education
 5 must publicly post on its website, as well as submit to the governor and state
 6 legislature by December 1, 2021, a report detailing the course of action
 7 implemented to be in compliance with the requirements of this chapter. A
 8 report must also be given in the instance of any changes or updates to the
 9 chosen course of action. The information required in the report must be:

10 (a) Accessible from the institution's website home page by use of no
 11 more than three (3) links;

12 (b) Searchable by keywords and phrases; and

13 (c) Accessible to the public without requiring registration or use of a
 14 user name, a password, or another user identification.

15 (2) The report described in subsection (1) of this section must in-
 16 clude a description of any barriers to free expression occurring on campus,
 17 including but not limited to attempts to block or prohibit speakers and in-
 18 vestigations into students or student organizations for their speech. The
 19 description must include the nature of each barrier or incident, as well as
 20 which disciplinary action, if any, was taken against members of the campus
 21 community determined to be responsible for those specific barriers or inci-
 22 dents. No student's personally identifiable information will be included in
 23 the report. The report must also include information each public institu-
 24 tion of higher education deems valuable for the public to evaluate whether
 25 free expression rights for all members of the campus community have been
 26 equally protected and enforced consistent with this chapter. If a public
 27 institution of higher education is sued for an alleged violation of first
 28 amendment rights, a supplementary report with a copy of the complaint or
 29 any amended complaint must be submitted to the governor and the legislature
 30 within thirty (30) days of the filing of the complaint or amended complaint.

31 (3) Nothing in this section shall be interpreted as requiring the in-
 32 stitution to include any information from a student's education record that
 33 would be prohibited from public disclosure by the family educational rights
 34 and privacy act or any employee's personnel information that is prohibited
 35 from public disclosure by section 74-106(1), Idaho Code.

36 33-6409. REMEDIES. Subject to all provisions and limitations con-
 37 tained in the Idaho tort claims act, chapter 9, title 6, Idaho Code, any
 38 person or student association aggrieved by a violation of this chapter may
 39 bring an action against the public institution of higher education and any of
 40 its employees, acting in their official capacities, responsible for the vio-
 41 lation. A person or student association may seek appropriate relief in such
 42 action, including but not limited to injunctive relief, monetary damages,
 43 reasonable attorney's fees, and court costs. If a court finds a violation of
 44 this chapter, the court will issue an award of at least five thousand dollars
 45 (\$5,000). Any person or student organization aggrieved by a violation of
 46 this chapter may assert such violation as a defense or counterclaim in any
 47 disciplinary action or in any civil or administrative proceedings brought
 48 against such student or student organization. Nothing in this section may be

1 interpreted to limit any other remedies available to any person or student
2 organization.

3 33-6410. STATUTE OF LIMITATIONS. A person is required to bring suit
4 for a violation of this chapter no later than one (1) year after the day the
5 cause of action accrues. For purposes of calculating the one (1) year lim-
6 itation period, each day that the violation persists, and each day that a
7 policy in violation of this section remains in effect, constitutes a new day
8 that the cause of action has accrued.

9 33-6411. NO IMMUNITY FOR PUBLIC INSTITUTIONS OF HIGHER EDUCATION. A
10 public institution of higher education that violates this chapter is not im-
11 mune from suit or liability for the violation.

12 33-6412. SEVERABILITY. The provisions of this chapter are hereby de-
13 clared to be severable and if any provision of this chapter or the applica-
14 tion of such provision to any person or circumstance is declared invalid for
15 any reason, such declaration shall not affect the validity of the remaining
16 portions of this chapter.

17 SECTION 2. An emergency existing therefor, which emergency is hereby
18 declared to exist, this act shall be in full force and effect on and after its
19 passage and approval.

STATEMENT OF PURPOSE

RS28945 / H0377

This bill establishes education and fiscal policy for the State of Idaho regarding dignity and nondiscrimination in public education.

FISCAL NOTE

This bill is a prohibition on expenditure of funds for the purposes described, therefore there is no fiscal impact to the state general fund or to any local government funds because no expenditure from these accounts is required.

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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).

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 377

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO DIGNITY AND NONDISCRIMINATION IN PUBLIC EDUCATION; AMENDING CHAPTER 1, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-138, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT, TO PROVIDE LEGISLATIVE FINDINGS, TO ESTABLISH PROHIBITIONS REGARDING CERTAIN TENETS, DISTINCTIONS OR CLASSIFICATIONS, OR COURSES OF INSTRUCTION OR UNITS OF STUDY, AND TO PROVIDE FOR STATUTORY CONSTRUCTION; AMENDING CHAPTER 1, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-139, IDAHO CODE, TO PROHIBIT THE EXPENDITURE OF MONEYS FOR CERTAIN PURPOSES; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 1, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-138, Idaho Code, and to read as follows:

33-138. DIGNITY AND NONDISCRIMINATION IN PUBLIC EDUCATION. (1) It is the intent of the legislature that administrators, faculty members, other employees, and students at public schools, including public charter schools and institutions of higher education, respect the dignity of others, acknowledge the right of others to express differing opinions, and foster and defend intellectual honesty, freedom of inquiry and instruction, and freedom of speech and association.

(2) The Idaho legislature finds that tenets outlined in subsection (3) (a) of this section, often found in "critical race theory," undermine the objectives outlined in subsection (1) of this section and exacerbate and inflame divisions on the basis of sex, race, ethnicity, religion, color, national origin, or other criteria in ways contrary to the unity of the nation and the well-being of the state of Idaho and its citizens.

(3) In accordance with section 6, article IX of the constitution of the state of Idaho and section 67-5909, Idaho Code:

(a) No public institution of higher education, school district, or public school, including a public charter school, shall direct or otherwise compel students to personally affirm, adopt, or adhere to any of the following tenets:

(i) That any sex, race, ethnicity, religion, color, or national origin is inherently superior or inferior;

(ii) That individuals should be adversely treated on the basis of their sex, race, ethnicity, religion, color, or national origin;
or

(iii) That individuals, by virtue of sex, race, ethnicity, religion, color, or national origin, are inherently responsible for actions committed in the past by other members of the same sex, race, ethnicity, religion, color, or national origin.

1 (b) No distinction or classification of students shall be made on ac-
2 count of race or color.

3 (c) No course of instruction or unit of study directing or otherwise
4 compelling students to personally affirm, adopt, or adhere to any of the
5 tenets identified in paragraph (a) of this subsection shall be used or
6 introduced in any institution of higher education, any school district,
7 or any public school, including a public charter school.

8 (4) Nothing in this section should be construed to prohibit the re-
9 quired collection or reporting of demographic data by public schools or
10 public institutions of higher education.

11 SECTION 2. That Chapter 1, Title 33, Idaho Code, be, and the same is
12 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
13 ignated as Section 33-139, Idaho Code, and to read as follows:

14 33-139. PROHIBITION ON THE EXPENDITURE OF MONEYS FOR CERTAIN PUR-
15 POSES. No moneys shall be expended by the state board of education, any
16 entity under the state board of education's jurisdiction, or any school dis-
17 trict, public charter school, or public institution of higher education for
18 any purpose prohibited in section 33-138, Idaho Code.

19 SECTION 3. SEVERABILITY. The provisions of this act are hereby declared
20 to be severable and if any provision of this act or the application of such
21 provision to any person or circumstance is declared invalid for any reason,
22 such declaration shall not affect the validity of the remaining portions of
23 this act.

24 SECTION 4. An emergency existing therefor, which emergency is hereby
25 declared to exist, this act shall be in full force and effect on and after its
26 passage and approval.

STATEMENT OF PURPOSE

RS28959 / H0387

This is the FY 2021 original appropriation bill for College and Universities. It appropriates a total of \$629,853,900 and does not cap the number of authorized full-time equivalent positions. This division includes the budgets for Boise State University, Idaho State University, Lewis-Clark State College, the University of Idaho, and Systemwide Programs. For benefit costs, the bill maintains the current appropriated amount for health insurance at \$11,650 per eligible FTP, extends the holiday for the employer's sick leave contribution rate for another year, and restores funding for the employer's unemployment insurance contribution rate. The bill also provides funding for the equivalent of a 2% change in employee compensation for permanent state employees. The enrollment workload adjustment and endowment adjustments are included.

The bill funds four line items, which provide \$32,790,000 for COVID-relief funding to be spent after July 1st; \$400,000 to Lewis-Clark State College for the nursing program; a reduction of \$2,500,000 to remove state support for social justice programming at Boise State University, Idaho State University, and University of Idaho; and \$400,000 to Lewis-Clark State College for a tuition offset for FY 2022.

This bill also includes a supplemental appropriation for College and Universities. It appropriates a total of \$49,402,500 in onetime federal COVID relief funds provided pursuant to the 2021 Consolidated Appropriation Act passed in December 2020.

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).

FISCAL NOTE

	FTP	Gen	Ded	Fed	Total
FY 2021 Original Appropriation	4,873.05	307,079,600	321,574,600	0	628,654,200
Reappropriation	0.00	0	156,941,200	0	156,941,200
1. HESF Distribution, CU	0.00	0	0	0	0
2. Supplemental	0.00	0	0	49,402,500	49,402,500
7. Rescission	0.00	(15,353,900)	0	0	(15,353,900)
FY 2021 Total Appropriation	4,873.05	291,725,700	478,515,800	49,402,500	819,644,000
Noncognizable Funds and Transfers	(121.23)	0	(35,135,300)	23,926,600	(11,208,700)
Expenditure Adjustments	0.00	0	(8,325,200)	0	(8,325,200)
FY 2021 Estimated Expenditures	4,751.82	291,725,700	435,055,300	73,329,100	800,110,100
Removal of Onetime Expenditures	0.00	(1,000,000)	(163,796,300)	(73,329,100)	(238,125,400)
Base Adjustments	0.00	0	7,773,200	0	7,773,200
Restore Rescissions	0.00	15,353,900	0	0	15,353,900
FY 2022 Base	4,751.82	306,079,600	279,032,200	0	585,111,800
Benefit Costs	0.00	1,029,300	758,000	0	1,787,300
Statewide Cost Allocation	0.00	993,400	0	0	993,400
Change in Employee Compensation	0.00	4,594,200	3,380,600	0	7,974,800
Nondiscretionary Adjustments	0.00	2,112,700	0	0	2,112,700
Endowment Adjustments	0.00	0	783,900	0	783,900
FY 2022 Program Maintenance	4,751.82	314,809,200	283,954,700	0	598,763,900
1. COVID Relief Funding	0.00	0	0	32,790,000	32,790,000
2. Nursing Program Support (LCSC)	0.00	400,000	0	0	400,000
3. Soc Justice Reduction (BSU, ISU, UI)	0.00	(2,500,000)	0	0	(2,500,000)
4. Tuition offset (LCSC)	0.00	400,000	0	0	400,000
Budget Law Exemptions and Adjustments	0.00	0	0	0	0
FY 2022 Total	4,751.82	313,109,200	283,954,700	32,790,000	629,853,900
Chg from FY 2021 Orig Approp	(121.23)	6,029,600	(37,619,900)	32,790,000	1,199,700
% Chg from FY 2021 Orig Approp.	(2.5%)	2.0%	(11.7%)		0.2%

Contact:

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Budget and Policy Analysis
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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-sixth Legislature First Regular Session - 2021

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 387

BY APPROPRIATIONS COMMITTEE

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO; APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR COLLEGE AND UNIVERSITIES AND THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2022; PROVIDING REAPPROPRIATION AUTHORITY; EXEMPTING THE APPROPRIATION FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS; PROVIDING REQUIREMENTS FOR SYSTEMWIDE NEEDS; DIRECTING AN ADJUSTMENT FOR STUDENT TUITION AND FEES FOR FISCAL YEAR 2022; PROVIDING REPORTING REQUIREMENTS; APPROPRIATING ADDITIONAL MONEYS TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR COLLEGE AND UNIVERSITIES AND THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2021; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the State Board of Education and the Board of Regents of the University of Idaho for College and Universities and 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, 2021, through June 30, 2022:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. BOISE STATE UNIVERSITY:					
FROM:					
General					
Fund	\$97,513,800	\$8,416,600	\$3,757,800		\$109,688,200
Unrestricted					
Fund	99,939,400	31,813,900	137,400		131,890,700
Federal COVID-19 Relief					
Fund	<u>0</u>	<u>22,221,300</u>	<u>0</u>		<u>22,221,300</u>
TOTAL	\$197,453,200	\$62,451,800	\$3,895,200		\$263,800,200
II. IDAHO STATE UNIVERSITY:					
FROM:					
General					
Fund	\$82,070,600	\$1,521,400			\$83,592,000

	FOR	FOR	FOR	FOR	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	TOTAL
				PAYMENTS	
Charitable Institutions Endowment Income					
Fund	1,647,700				1,647,700
Normal School Endowment Income					
Fund	2,743,800				2,743,800
Unrestricted					
Fund	29,744,500	20,981,200	\$3,629,400		54,355,100
Federal COVID-19 Relief					
Fund	<u>0</u>	<u>350,000</u>	<u>0</u>		<u>350,000</u>
TOTAL	\$116,206,600	\$22,852,600	\$3,629,400		\$142,688,600
III. UNIVERSITY OF IDAHO:					
FROM:					
General					
Fund	\$84,137,700	\$7,496,700	\$3,491,500		\$95,125,900
Agricultural College Endowment Income					
Fund	940,100	473,000	246,900		1,660,000
Scientific School Endowment Income					
Fund	3,468,500	2,267,000			5,735,500
University Endowment Income					
Fund		4,196,700	905,300		5,102,000
Unrestricted					
Fund	50,749,000	10,952,700			61,701,700
Federal COVID-19 Relief					
Fund	<u>0</u>	<u>4,000,000</u>	<u>0</u>		<u>4,000,000</u>
TOTAL	\$139,295,300	\$29,386,100	\$4,643,700		\$173,325,100
IV. LEWIS-CLARK STATE COLLEGE:					
FROM:					
General					
Fund	\$15,915,400	\$2,119,700	\$425,300		\$18,460,400
Normal School Endowment Income					
Fund		2,743,800			2,743,800
Unrestricted					
Fund	14,000,400	2,350,200	23,800		16,374,400
Federal COVID-19 Relief					
Fund	<u>0</u>	<u>6,218,700</u>	<u>0</u>		<u>6,218,700</u>

		FOR	FOR	FOR	FOR	
		PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
		COSTS	EXPENDITURES	OUTLAY	BENEFIT	TOTAL
					PAYMENTS	
5	TOTAL	\$29,915,800	\$13,432,400	\$449,100		\$43,797,300
6	V. SYSTEMWIDE PROGRAMS:					
7	FROM:					
8	General					
9	Fund		\$2,167,900		\$4,074,800	\$6,242,700
10	GRAND TOTAL	\$482,870,900	\$130,290,800	\$12,617,400	\$4,074,800	\$629,853,900

SECTION 2. REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the State Board of Education and the Board of Regents of the University of Idaho for College and Universities and the Office of the State Board of Education any unexpended and unencumbered balances appropriated or reappropriated to the State Board of Education and the Board of Regents of the University of Idaho for College and Universities and the Office of the State Board of Education from dedicated funds for fiscal year 2021 to be used for nonrecurring expenditures for the period July 1, 2021, through June 30, 2022. The Office of 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 3. EXEMPTIONS FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS. The State Board of Education and the Board of Regents of the University of Idaho for College and Universities and the Office of the State Board of Education are hereby exempted from the provisions of Section 67-3511(1), (2), and (3), Idaho Code, allowing unlimited transfers between object codes and between programs for all moneys appropriated to them for the period July 1, 2021, through June 30, 2022. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the Legislature.

SECTION 4. SYSTEMWIDE NEEDS. Of the amount appropriated in Section 1, Subsection V. of this act, the following amounts may be used as follows: (1) an amount not to exceed \$902,600 may be used by the Office of the State Board of Education for systemwide needs that benefit all of the four-year institutions, including but not limited to projects to promote accountability and information transfer throughout the higher education system; and (2) an amount of approximately \$1,960,500 may be used for the mission and goals of the Higher Education Research Council as outlined in State Board of Education Policy III.W., which includes awards for infrastructure, matching grants, and competitive grants through the Idaho Incubation Fund program.

1 SECTION 5. STUDENT TUITION AND FEES FOR FISCAL YEAR 2022. Notwith-
2 standing the provisions of Section 67-3516(2), Idaho Code, the Division of
3 Financial Management may approve the expenditure of dedicated state funds
4 pursuant to the noncognizable process for student tuition and fees during
5 fiscal year 2022. Each of the institutions' budget requests for fiscal year
6 2023 shall reflect all adjustments so approved by the Division of Financial
7 Management.

8 SECTION 6. STUDENT FEE REPORT. As soon as practicable, the State Board
9 of Education shall: (1) make easily accessible a break out of student ac-
10 tivity fees on the institutions' websites; (2) develop a common naming con-
11 vention for similar activity fees across the institutions; and (3) evaluate
12 the current lists of activity fees assessed to students and determine how and
13 which fees supporting student activities, clubs, and organizations focused
14 on individual beliefs and values can be structured to address the need for
15 access, affordability, and choice. The State Board of Education shall re-
16 port results of this work to the Joint Finance-Appropriations Committee and
17 the House and Senate Education Committees no later than December 17, 2021.

18 SECTION 7. In addition to the appropriation made in Section 1, Chap-
19 ter 309, Laws of 2020, and any other appropriation provided by law, there
20 is hereby appropriated to the State Board of Education and the Board of Re-
21 gents of the University of Idaho for College and Universities and the Office
22 of the State Board of Education \$49,402,500 from the Federal COVID-19 Relief
23 Fund to be expended for operating expenditures for the period July 1, 2020,
24 through June 30, 2021.

25 SECTION 8. An emergency existing therefor, which emergency is hereby
26 declared to exist, Section 7 of this act shall be in full force and effect
27 on and after passage and approval. Sections 1, 2, 3, 4, 5, and 6 of this act
28 shall be in full force and effect on and after July 1, 2021.