

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**MARCH 3, 2022**

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**SUBJECT**

2022 Legislative Update

**REFERENCE**

June 2021	The Board approved legislative ideas for the 2022 legislative session.
August 2021	The Board approved legislative proposals for the 2022 legislative session.
February 2022	The Board received an update on the education or agency related legislation that had been introduced to date and an update on the Board's administrative rules and where they were in the process. The Board voted to take a position on four introduced bills and two pieces of proposed legislation.

**APPLICABLE STATUTE, RULE, OR POLICY**

Section 33-107(5)(b), Idaho Code

**BACKGROUND/DISCUSSION**

The Idaho State Constitution, Article IX, Section 2, provides that the general supervision of the state educational institutions and public school system of the State of Idaho, "shall be vested in a state board of education, the membership, powers and duties of which shall be prescribed by law." Through obligations set in the State Constitution and Idaho statutes, the State Board of Education (Board) is charged with the general supervision, governance and control of all educational institutions and agencies supported in whole or in part by the state. Section 33-107(5)(b), Idaho Code, specifically charges the Board with the responsibility to "Study the educational conditions and needs of the state and recommend to the legislature needed changes in existing laws or additional legislation." During the February 2022 Regular Board meeting the Board was provided an update on proposed legislation and two pending legislative proposals. The Board took action on six items.

Attachment 1 provides the Board with a list of introduced legislation as of March 2, 2022. New bills from what the Board considered in February are indicated by the dark blue color rows. If viewing the document electronically, you may click on the bill number and be taken to the specific piece of legislation.

**IMPACT**

This update provides the Board with the status of education-related legislation that has been introduced since the Board's last meeting. Any action the Board chooses to support or oppose a given piece of legislation will provide Board staff with the authorization to share the Board's position with legislators, including testifying for or against bills based on the Board's action(s). The Board may also choose to take no action.

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**ATTACHMENTS**

- Attachment 1 – Introduced Education Related Legislation
- Attachment 2 – HB 684 Higher Education – Free Speech
- Attachment 3 – HCR 039 Rule Rejection – Content Standards
- Attachment 4 – HB 716 – Content and Certification Standards - Codification

**BOARD STAFF COMMENTS AND RECOMMENDATIONS**

House Bill (HB) 684, Higher Education Free Speech, passed out of the House Education Committee with a “do pass” recommendation on March 2, 2022. The Board will be provided an update on impact of the bill on the higher education institutions and staff will be prepared to answer any questions.

HB 716 and House Concurrent Resolution (HCR) 039 are two companion pieces. For the legislature to reject a section of Administrative Code, including incorporated documents, it must be done through a concurrent resolution. HCR 039 would reject the English language arts, mathematics, and science standards that are currently incorporated by reference in IDAPA 08.02.03.004. Rejection of these three content area standards would result in Idaho having no content standards for the three areas. The Elementary Secondary Education Act (ESEA), as amended, requires states to have rigorous content standards in the areas of English language arts, mathematics and science. Additionally, states are required to have assessments aligned to these standards in specific grade ranges as applicable to the specific content area. HB 716 would codify in statute versions of the content standards that were worked on by ad-hoc review committee facilitated by the State Department of Education (SDE). The Board has not taken action on the content standards referenced in HB 716, because the Governor’s Office did not allow the standards to move forward this year through the negotiated rulemaking process due to uncertainty with respect to the fiscal impact. New content standards could require Idaho move to a new aligned assessment in order to meet the requirements of ESEA, and the cost of a new assessment is unknown.

In addition to the content standards, HB 716 would also codify Idaho standards for initial certification of professional school personnel. These standards are the Board’s certification standards. The Board reviewed a version of the certification standards that was discussed as part of the negotiated rulemaking conducted in 2021 at their Regular August Board meeting and returned them to the SDE, without approval, for additional work. The certification standards needed to be brought back to the Board for consideration no later than the October Board meeting to be incorporated in to the proposed rule and published for public comment. The certification standards were not brought back to the Board in time to meet the negotiated rulemaking requirements for inclusion in the proposed rule, Docket 08-0000-2100, as required by the Idaho Administrative Procedures Act, and therefore, could not move forward this year. The February 24, 2022 document referenced in the bill has not be shared with Board staff and no review has been completed to determine alignment with the certification standards that were originally discussed by the Board.

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Historically, 20% of the certification standards are reviewed each year to make sure they are kept up to date. HB 716 provides that the certification standards would not be able to be updated until June 30, 2027 when the provisions of the bill sunsetted. HB 716, further provides the referenced content standards would be effective July 1, 2022, however, it would give school districts until June 30, 2024 to update their curricular material to come into alignment with these content standards, while no such provisions are made for charter schools.

Board staff recommends opposition to HB 716 and HCR 039.

**BOARD ACTION**

I move the Board oppose HB 716 and HCR 039.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_

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Bill No	Description	Last Action	Note
<a href="#"><u>H0437</u></a>	Ed, content standards, adoption	01/14/2022 House - Reported Printed and Referred to Education	EDUCATION – Adds to existing law to provide for the adoption of the content standards prepared by the 2020-2021 content standards review committees.
<a href="#"><u>H0438</u></a>	School trustees, elections	01/14/2022 House - Reported Printed and Referred to State Affairs	SCHOOL TRUSTEE ELECTIONS – Amends existing law to revise provisions regarding filling vacant school trustee positions following a recall or resignation resulting from a recall petition.
<a href="#"><u>H0443</u></a>	Ed, leadership premiums, insurance	01/24/2022 – House - PASSED - 55-14-1 02/03/2022 – Senate - PASSED - 32-3-0 02/08/2022 House - Reported Signed by Governor on February 8, 2022	DEPARTMENT OF ADMINISTRATION – Adds to existing law to create the Public School Health Insurance Fund.
<a href="#"><u>H0444</u></a>	Coronavirus, immunity, sunset	01/31/2022 House - PASSED - 70-0-0 02/11/2022 Senate - PASSED 02/24/2022 House - Reported Signed by Governor on February 24, 2022	EDUCATION – Amends existing law to revise eligibility requirements for Armed Forces and Public Safety Officer Scholarships.
<a href="#"><u>H0461</u></a>	Scholarships, armed forces	02/09/2022 House - PASSED: 67-0-3, title approved, to Senate 02/15/2022 Senate – PASSED 03/02/2022 House - Reported Enrolled; Signed by Speaker; Transmitted to Senate	EDUCATION – Amends existing law to revise eligibility requirements for Armed Forces and Public Safety Officer Scholarships.
<a href="#"><u>H0463</u></a>	Public works projects, costs	01/27/2022 House - PASSED 03/02/2022 Senate - Read second time; filed for Third Reading	DEPARTMENT OF ADMINISTRATION – Amends existing law to increase the authorized limitation for public works projects.
<a href="#"><u>H0482</u></a>	Sales tax, monthly distribution	02/08/2022 House - U.C. to be returned to Revenue & Taxation Committee	SALES TAX – Amends existing law to revise the distribution of sales tax revenue from quarterly to monthly. Amends distribution amount to schools from 1/4 to 1/12.
<a href="#"><u>H0488</u></a>	Ed, nondiscrimination, standing	01/31/2022 House - Reported Printed and Referred to Ways & Means	NONDISCRIMINATION IN SCHOOLS – Amends 33-138 existing law to provide for a private cause of action. Any taxpay against any school district teacher CRT.
<a href="#"><u>H0504</u></a>	State employees, ed reimbursement	01/31/2022 House - Reported Printed and Referred to Commerce & Human Resources	PERSONNEL SYSTEM – Adds to existing law to establish an educational reimbursement program.
<a href="#"><u>H0505</u></a>	Postsecondary credit scholarship	02/14/2022 House - U.C. to be returned to Education Committee	EDUCATION – Amends existing law to revise provisions regarding the postsecondary credit scholarship.
<a href="#"><u>H0506</u></a>	Scholarships, armed forces	02/09/2022 House - Passed: Ayes 66 Nays 0 Abs/Excd 4, title approved, to Senate 02/16/2022 Senate - PASSED 03/02/2022 House - Reported Enrolled; Signed by Speaker; Transmitted to Senate	Education – Amends existing law to provide that for purposes of the Armed Forces and Public Safety Officer Scholarships, a member of the armed forces will be considered totally and permanently disabled if the disability determination is made or recognized by the Idaho Division of Veterans Services.

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<a href="#"><u>H0512</u></a>	Bond elections, failure, 11 months	02/16/2022 House - PASSED 02/18/2022 Senate - Introduced, read first time; referred to: State Affairs	BOND ELECTIONS – Amends existing law to prohibit holding another bond election within 11 months of a failed bond election.
<a href="#"><u>H0514</u></a>	Mask mandates	02/16/2022 House - U.C. to be returned to State Affairs Committee	MASK MANDATES – Adds to existing law to establish provisions regarding the prohibition of mask mandates.
<a href="#"><u>H0533</u></a>	Master educator premiums	02/16/2022 House - Passed: Ayes 52 Nays 15 Abs/Excd 3, title approved, to Senate 02/28/2022 Senate - Retained on calendar	PUBLIC SCHOOLS – Amends existing law to allow for certain employees to continue to receive master educator premiums.
<a href="#"><u>H0544</u></a>	Career ladder, out of state staff	02/08/2022 House - Reported Printed and Referred to Education	EDUCATION – Amends existing law to provide for placement on the career ladder of certain staff for those previously certified out of state.
<a href="#"><u>H0545</u></a>	Charter school revolving loan fund	02/16/2022 House - PASSED 02/18/2022 Senate - Introduced, read first time; referred to: Education	CHARTER SCHOOLS – Repeals and adds to existing law to remove the public charter school debt reserve fund and to provide for a revolving loan fund.
<a href="#"><u>H0555</u></a>	PERSI, reemployment	02/09/2022 House - PASSED 02/28/2022 Senate - Introduced, read first time; referred to: Commerce & Human Resources	PERSI – Amends, adds to, and repeals existing law to provide for the contribution rates and reemployment of school members.
<a href="#"><u>H0571</u></a>	School buses, speed limit	02/10/2022 House - PASSED 02/24/2022 Senate - Introduced, read first time; referred to: Transportation	SCHOOL BUSES – Amends existing law to allow school buses to travel up to 70 miles per hour on the interstate.
<a href="#"><u>H0594</u></a>	State employees	02/11/2022 House - PASSED 02/24/2022 Senate - Introduced, read first time; referred to: Commerce & Human Resources	HUMAN RESOURCES DIVISION – Amends and repeals existing law to provide for consistency of terminology with respect to state employees
<a href="#"><u>H0595</u></a>	State emp, compensation, increases	02/11/2022 House - Reported Printed and Referred to Commerce & Human Resources	HUMAN RESOURCES DIVISION – Amends existing law to provide for compensation increases based on performance as well as consideration of certain internal and external factors.
<a href="#"><u>H0627</u></a>	Ed, enrollment based, alternative	02/15/2022 House - Reported Printed and Referred to Education	EDUCATION – Amends existing law to provide for enrollment based funding and to allow for alternative education programs.
<a href="#"><u>H0631</u></a>	Mask mandates, prohibition	02/16/2022 House - PASSED 02/22/2022 Senate - Introduced, read first time; referred to: State Affairs	MASK MANDATES – Adds to existing law to establish provisions regarding the prohibition of mask mandates.
<a href="#"><u>H0634</u></a>	Approp, pub schls teachers, addl	02/16/2022 House – PASSED 02/28/2022 Senate - PASSED 03/02/2022 House - Reported Enrolled; Signed by Speaker; Transmitted to Senate	APPROPRIATIONS – PUBLIC SCHOOLS – Relates to the appropriation to the Public Schools Educational Support Program's Division of Teachers and Division of Children's Programs for fiscal year 2022.
<a href="#"><u>H0639</u></a>	Driver's ed, parents	02/16/2022 House - Reported Printed and Referred to Transportation & Defense	MOTOR VEHICLES – Amends existing law to allow private parental driver's education.
<a href="#"><u>H0645</u></a>	Community college trustee elections	02/28/2022 House - U.C. to hold place on third reading calendar one legislative day	COMMUNITY COLLEGES – Amends existing law to provide for filling vacancies on a community college board of trustees and to revise provisions regarding trustee elections.

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<a href="#"><u>H0649</u></a>	Supplemental curriculum, approval	02/17/2022 House - Reported Printed and Referred to Education	SCHOOL CURRICULUM – Amends existing law to require approval of supplemental curricular material.
<a href="#"><u>H0650</u></a>	Curricular materials adoption cmtes	02/16/2022 House - PASSED 03/01/2022 Senate - Introduced, read first time; referred to: Education	SCHOOL DISTRICT TRUSTEES – Amends existing law to revise provisions regarding curricular materials adoption committees.
<a href="#"><u>H0651</u></a>	Teachers, drug testing	03/02/2022 House - U.C. to hold place on third reading calendar one legislative day	EDUCATION – Amends existing law to require drug testing and criminal background tests for certain teachers.
<a href="#"><u>H0652</u></a>	Pub sch employees, health insurance	02/17/2022 House - Reported Printed and Referred to Education	PUBLIC SCHOOL EMPLOYEES – Amends and adds to existing law to provide that funds appropriated for employee health insurance shall be used for such insurance and to provide for the payment of certain premiums by the retirement board.
<a href="#"><u>H0653</u></a>	School levies, disclosure, purpose	02/16/2022 House - PASSED 03/01/2022 Senate - Introduced, read first time; referred to: State Affairs	SCHOOL LEVIES – Adds to existing law to provide that a ballot question for a supplemental levy must be accompanied by a disclosure about the purposes for which the levy revenues will be used and to provide that school districts must use levy revenues for the purposes identified in the disclosure.
<a href="#"><u>H0654</u></a>	School counselors, professional	02/16/2022 House - PASSED 03/02/2022 Senate - Read second time; filed for Third Reading	EDUCATION – Amends existing law to authorize certain professionals to work as school counselors.
<a href="#"><u>H0655</u></a>	Education, dyslexia	02/17/2022 House - Reported Printed and Referred to Education	EDUCATION – Amends existing law to provide for dyslexia intervention and screening programs in certain grades.
<a href="#"><u>H0656</u></a>	Career ladder	02/16/2022 House - PASSED 03/02/2022 Senate - Read second time; filed for Third Reading	EDUCATION – Amends existing law to provide for placement on the career ladder of certain staff for those previously certified.
<a href="#"><u>H0669</u></a>	Hope, opportunity scholarships	02/21/2022 House - Reported Printed and Referred to Education	HOPE AND OPPORTUNITY SCHOLARSHIP ACT – Adds to existing law to establish provisions regarding the Hope and Opportunity Scholarship Act. Creates Hope and Opportunity Scholarships (HOS) accounts for Idaho families with student(s) in Kindergarten through 12th grade. The act would allow education funding dollars to follow students so parents could access the education services and environments that work best for their children. Families can use funds for private tutoring; curriculum, tuition and fees at a private school; among other approved expenses. Funds will be allocated based on the total number of eligible applications received by the State Department of Education. Scholarships are worth eighty percent (80%) of the “most current available statewide average general maintenance and operations fund expenditures per full term average daily attendance as calculated by the department”. This amount is approximately \$5,950 (State Department of Education 2019-2020 Financial Summaries 1 –

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			General M & O fund expenditures per full term A.D.A. is \$7,444)
<a href="#"><u>H0671</u></a>	School board trustee vacancies	03/02/2022 House - Passed: Ayes 54 Nays 15 Abs/Excd 1, title approved, to Senate	SCHOOL TRUSTEES – Amends existing law to provide for the filling of certain school board trustee vacancies.
<a href="#"><u>H0680</u></a>	School clubs, permission	02/25/2022 House - Reported Printed and Referred to Education	EDUCATION – Amends existing law to provide that school boards shall have the authority to adopt policies and procedures regarding student clubs and organizations
<a href="#"><u>H0683</u></a>	Driver's ed, parental instruction	02/28/2022 House - Reported Printed and Referred to Transportation & Defense	MOTOR VEHICLES – Amends existing law to allow private parental driver's education.
<a href="#"><u>H0684</u></a>	Higher ed, free speech	03/02/2022 House - Reported out of Committee with Do Pass Recommendation, Filed for Second Reading	EDUCATION – Adds to existing law to provide for the protection of free speech in higher education.
<a href="#"><u>H0685</u></a>	Postsecondary credit scholarship	03/02/2022 House - File for 2nd Reading	EDUCATION – Amends existing law to revise provisions regarding the postsecondary credit scholarship. Replaces HB 505
<a href="#"><u>H0691</u></a>	Education, enrollment-based funding	03/01/2022 House - Reported Printed and Referred to Education	EDUCATION – Amends existing law to provide for enrollment-based funding and to allow for alternative education programs.
<a href="#"><u>H0708</u></a>	Immunization, requirements	03/02/2022 House - Reported Printed; Filed for Second Reading	HEALTH – Amends existing law to provide that a person shall not be required to be vaccinated for coronavirus or have a vaccine passport to apply for or receive government services, to enter or remain in a government venue, or to be hired by the state or maintain employment with the state.
<a href="#"><u>H0711</u></a>	Approp, public television, orig	03/02/2022 House - Reported Printed; Filed for Second Reading	APPROPRIATIONS – IDAHO PUBLIC TELEVISION – Relates to the appropriation to Idaho Public Television for fiscal year 2023.
<a href="#"><u>H0716</u></a>	Education, content standards	03/02/2022 House - Reported Printed and Referred to Education	EDUCATION – Adds to existing law to provide for the adoption of initial certification and content standards prepared by 2020-2021 work groups.
<a href="#"><u>H0717</u></a>	School age	03/02/2022 House - Reported Printed and Referred to Education	SCHOOL AGE – Amends existing law to provide an alternative means to determine school readiness.
<a href="#"><u>H0718</u></a>	Med school, out of state, contract	03/02/2022 House - Reported Printed and Referred to Education	EDUCATION COMMITTEE HIGHER EDUCATION – Adds to existing law to provide that students who attend medical school through the WWAMI program or who are in an Idaho slot at the University of Utah shall commit to practicing in Idaho or reimburse the state for supporting the student's medical education.
<a href="#"><u>H0723</u></a>	Pub sch funding, enrollment, cmte	03/02/2022 House - Introduced, read first time, referred to JRA for Printing	EDUCATION – Adds to existing law to provide that enrollment shall replace average daily attendance in funding formulas for fiscal years 2023 and 2024 and to provide for a study committee on the public school funding formula.
<a href="#"><u>HCR027</u></a>	Rule rejection, content standards	01/14/2022 House - Reported Printed and Referred to Education	RULE REJECTION – States findings of the Legislature and rejects certain rules of the State Board of Education relating to Idaho content standards.
<a href="#"><u>HCR029</u></a>	Traumatic childhood experiences	02/03/2022 – House - ADOPTED - 42-25-3	HEALTH – States findings of the Legislature and encourages certain officers, agencies, and



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		02/11/2022 Senate - ADOPTED 02/24/2022 House - Delivered to Secretary of State at 10:24 a.m. on February 24, 2022	employees of the State to become informed about the impacts of traumatic childhood experiences and implement interventions and practices to develop resiliency in children and adults who suffered from traumatic childhood experiences.
<a href="#"><u>HCR030</u></a>	PANDAS/PANS awareness	01/31/2022 House - ADOPTED 03/01/2022 Senate - Introduced, read first time; referred to: Health & Welfare	HEALTH – States findings of the Legislature and recognizes October 9, 2022, as PANDAS/PANS Awareness Day. Encourages Board and schools to assure accurate information is available.
<a href="#"><u>HCR038</u></a>	WWAMI medical education slots	03/02/2022 House - Reported Printed and Referred to Education	HIGHER EDUCATION – States findings of the Legislature and encourages the State Board of Education to request funding for additional Idaho slots in the WWAMI Regional Medical Education Program.
<a href="#"><u>HCR039</u></a>	Rule reject, state board of ed	03/02/2022 House - Reported Printed and Referred to Education	RULE REJECTION – States findings of the Legislature and rejects certain rules of the State Board of Education relating to Idaho content standards.
<a href="#"><u>S1226</u></a>	Self-directed learners	01/19/2022 Senate - Reported Printed; referred to Education	EDUCATION – Adds to existing law to establish the self-directed learner designation.
<a href="#"><u>S1238</u></a>	Ed, self-directed learners	02/02/2022 Senate - PASSED 32-0-3 02/16/2022 House - PASSED 02/23/2022 Senate - Reported delivered to Governor at 3:17 p.m. on 02/23/22	EDUCATION – Adds to existing law to establish the self-directed learner designation.
<a href="#"><u>S1242</u></a>	Empowering parents grant program	01/28/2022 Senate - Reported Printed; referred to Education	EDUCATION – Amends existing law to establish the Empowering Parents Grant Program, which provides funds to eligible students for certain education expenses. Replaced with SB1255.
<a href="#"><u>S1247</u></a>	Career Technical School – Added Cost Funding – Coop Serv Agency	02/07/2022 Senate - PASSED - 33-1-1 03/01/2022 House – PASSED 03/02/2022 Senate - Reported delivered to Governor at 8:37 a.m. on 03/02/22	EDUCATION – Amends existing law to establish the Empowering Parents Grant Program, which provides funds to eligible students for certain education expenses.
<a href="#"><u>S1255</u></a>	Empowering parents grant program	02/10/2022 Senate - Passed: 34-1-0; title approved; to House 02/16/2022 House - PASSED 02/24/2022 Senate - Reported delivered to Governor at 2:43 p.m. on 02/24/22	EDUCATION – Amends existing law to establish the Empowering Parents Grant Program, which provides funds to eligible students for certain education expenses.
<a href="#"><u>S1271</u></a>	School districts, state support	02/07/2022 Senate - Reported Printed; referred to Education	EDUCATION – Amends and adds to existing law to provide for state support of discretionary spending by school districts.
<a href="#"><u>S1280</u></a>	Education, dyslexia programs	02/16/2022 Senate - PASSED: 33-0-2; title approved; to House 02/17/2022 House - Read First Time, Referred to Education	EDUCATION – Amends and adds to existing law to establish programs for dyslexia.
<a href="#"><u>S1287</u></a>	Rural nursing loan repayment prgm	02/23/2022 Senate - <b>Failed</b> : Ayes 14 Nays 17 Excused 4; to Secretary of Senate	RURAL NURSING LOAN REPAYMENT PROGRAM – Adds to existing law to establish the rural nursing loan repayment program.



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<a href="#"><u>S1290</u></a>	Rural, underserved program	02/11/2022 Senate - PASSED 02/28/2022 House - Read First Time, Referred to Education	EDUCATION – Adds to existing law to establish the Rural and Underserved Educator Incentive Program.
<a href="#"><u>S1291</u></a>	Charter schools, certifications	03/02/2022 Senate - Passed: Ayes 28 Nays 7 Excused 0; title approved; to House	CHARTER SCHOOLS – Amends existing law to provide alternative methods of obtaining certain certifications.
<a href="#"><u>S1292</u></a>	Approp, edu bd, office, add'l	02/15/2022 Senate - Read second time; filed for Third Reading 02/25/2022 House – PASSED - 40-27-3 03/01/2022 House - Received from Senate; Signed by Speaker; Returned to Senate 03/02/2022 Senate - Reported delivered to Governor at 8:37 a.m. on 03/02/22	APPROPRIATIONS – OFFICE OF THE STATE BOARD OF EDUCATION – Relates to the appropriation to the Office of the State Board of Education for fiscal year 2022.
<a href="#"><u>S1294</u></a>	Sick leave, employees, penalty	02/14/2022 Senate - Reported Printed; referred to Commerce & Human Resources	EMPLOYMENT CONTRACTS – Adds to existing law to provide that an employer may not penalize an employee for using earned or accrued sick leave.
<a href="#"><u>S1302</u></a>	School levies, taxes	02/14/2022 Senate - Reported Printed; referred to Local Government & Taxation	TAXATION – Amends and adds to existing law to provide sales tax revenues to school districts and to revise provisions regarding school levy authority.
<a href="#"><u>S1306</u></a>	Youth athletes, chiropractors	02/14/2022 Senate - Reported Printed; referred to Health & Welfare	YOUTH ATHLETES – Amends existing law to provide that certain chiropractic physicians are qualified health professionals for purposes of returning athletes to play after suspected concussions or head injuries.
<a href="#"><u>S1314</u></a>	Literacy intervention, funding	02/15/2022 Senate - Reported Printed; referred to Education	EDUCATION – Amends existing law to revise provisions regarding funding for literacy intervention.
<a href="#"><u>S1315</u></a>	Full-time kindergarten	02/15/2022 Senate - Reported Printed; referred to Education	by EDUCATION COMMITTEE EDUCATION – Amends existing law to provide for full-day kindergarten and to revise provisions regarding certain support units and funding distributions.
<a href="#"><u>S1316</u></a>	Full-time kindergarten	02/15/2022 Senate - Reported Printed; referred to Education	EDUCATION – Amends and adds to existing law to provide for full-day kindergarten.
<a href="#"><u>S1317</u></a>	Kindergarten savings accounts	02/15/2022 Senate - Reported Printed; referred to Education	EDUCATION – Adds to existing law to establish a kindergarten savings account.
<a href="#"><u>S1318</u></a>	Kindergarten	02/15/2022 Senate - Reported Printed; referred to Education	EDUCATION – Amends existing law to establish provisions regarding certain kindergarten students.
<a href="#"><u>S1319</u></a>	School bus, contracts, fed funding	02/15/2022 Senate - PASSED 02/28/2022 House - Read First Time, Referred to Education	TRANSPORTATION OF PUPILS – Amends existing law to provide an exception for certain contracts.
<a href="#"><u>S1329</u></a>	Extended employment svcs prgm	02/15/2022 Senate - Reported Printed; referred to Health & Welfare	HEALTH AND WELFARE – Repeals and adds to existing law to establish the Extended Employment Services Program in the Department of Health and Welfare.
<a href="#"><u>S1344</u></a>	Rural veterinarians, loan repayment	02/24/2022 Senate - Reported Printed; referred to Agricultural Affairs	RURAL VETERINARIANS LOAN REPAYMENT PROGRAM – Adds to existing law to establish a loan repayment program for rural veterinarians who treat large animals.

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<a href="#"><u>S1348</u></a>	Approp, voc rehab, orig	03/01/2022 Senate - Read second time; filed for Third Reading	APPROPRIATIONS – VOCATIONAL REHABILITATION – Relates to the appropriation to the Division of Vocational Rehabilitation for fiscal year 2023.
<a href="#"><u>S1356</u></a>	Extended employment srvcs prgm	03/01/2022 Senate - Reported Printed; referred to Health & Welfare	EXTENDED EMPLOYMENT SERVICES PROGRAM – Repeals and adds to existing law to move the Extended Employment Services Program from the State Board of Education to the Department of Health and Welfare.
<a href="#"><u>SCR114</u></a>	Ed Cheff, honoring	02/11/2022 Senate - Reported Printed; referred to 10th order; held one legislative day	EDUCATION – States findings of the Legislature and honors the life and achievements of Ed Cheff, the longtime head baseball coach for Lewis-Clark State College.
<a href="#"><u>SCR115</u></a>	Education, civics standards	02/11/2022 Senate - Reported Printed; referred to 10th order; held one legislative day	EDUCATION – Stating findings of the Legislature and supporting the development of civics standards for Idaho students.
<a href="#"><u>SCR118</u></a>	Education, U.S. history	02/15/2022 Senate - Recommitted to Education	EDUCATION – States findings of the Legislature and encourages Idaho schools to teach students the whole and honest history of our nation. Including a requirement to teach natural law.

**STATEMENT OF PURPOSE**

**RS29622 / H0684**

This bill protects our 1st amendment rights to free speech on our institutions of higher learning. This legislative language:

- 1). Defines key campus terms.
- 2). Defines protected, lawful activities including all forms of peaceful assembly, protests, speeches, guest speakers, distribution of literature, etc.
- 3). Defines outdoor areas that are publicly accessible but public institutions can maintain and enforce reasonable time, place, and manner restrictions.
- 4). Defines free expressive activity and states that no public institution of higher education shall abridge the constitutional freedom of any member of the campus community to speak on campus.
- 5). Defines those public institutions of higher education are required to make public for students the policies regarding free expression.
- 6). Defines for reporting to the Governor and the legislature to include any claims or complaints. Nothing shall be interpreted as requiring the institution to include any information from a student's education record that would be prohibited in section 74-106(1), Idaho Code.
- 7). Defines for remedies with injunctive relief; compensatory damages; reasonable court costs; attorney fees.

**FISCAL NOTE**

There is no impact to the general fund nor to any local government because this legislation centers on campus policies related to free speech. Ultimately this will save the state money by preventing lawsuits that are occurring throughout the county due to institutions of higher education limiting campus free speech.

**Contact:**

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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).

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS

MARCH 3, 2022

ATTACHMENT 2

LEGISLATURE OF THE STATE OF IDAHO  
Sixty-sixth Legislature

Second Regular Session - 2022

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 684

BY EDUCATION COMMITTEE

AN ACT

RELATING TO THE PROTECTING CAMPUS FREE SPEECH IN HIGHER EDUCATION ACT;  
AMENDING TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 65, 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, AND TO PROVIDE SEVERABILITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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 65, Title 33, Idaho Code, and to read as follows:

CHAPTER 65

PROTECTING CAMPUS FREE SPEECH IN HIGHER EDUCATION ACT

33-6501. SHORT TITLE. This chapter shall be known and may be cited as the "Protecting Campus Free Speech in Higher Education Act."

33-6502. 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 people;

(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 this 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 is a critical component 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.

33-6503. DEFINITIONS. As used in this chapter:

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

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

(3) "Harassment" means expression that is unwelcome and 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) (a) "Materially and substantially disrupts" means the act of knowingly or intentionally doing one (1) or more of the following:

(i) Significantly hindering the protected expressive activity of another individual or group;

(ii) Preventing the communication of a message of another individual or group; or

(iii) Preventing the transaction of the business of a lawful meeting, gathering, or procession by:

1. Engaging in fighting, violence, or other unlawful behavior; or

2. Physically blocking or threatening violence to prevent an individual from attending, listening to, viewing, or participating in a protected expressive activity.

(b) "Materially and substantially disrupts" does not include:

(i) Conduct protected under the first amendment to the United States constitution or the constitution of the state of Idaho. Except when an outdoor area of the campus has been reserved in advance of another event, protected conduct under this subparagraph includes lawfully protesting in an outdoor area of campus that is generally accessible to the public; or

(ii) A minor, brief, or fleeting nonviolent disruption of an event that is 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.

33-6504. PROTECTED ACTIVITIES. Expressive activities protected under the provisions of this chapter include but are not limited to any lawful verbal, written, audio-visual, or electronic means by which individuals may communicate ideas to one another, including all forms of peaceful assembly, protests, speeches and guest speakers, distribution of literature, carrying signs, and circulating petitions.

33-6505. OUTDOOR AREAS. The publicly accessible outdoor areas of campuses of public institutions of higher education in this state are deemed public forums for the campus community, and public institutions of higher education must not create free speech zones or other designated areas of campus outside of which expressive activities are prohibited. Public institutions of higher education may maintain and enforce reasonable time, place, and manner restrictions applicable to the outdoor areas of campus that are narrowly tailored in service of a significant institutional interest only when such restrictions employ clear, published, content-neutral and viewpoint-neutral criteria and provide for ample alternative means of expression. Any such restrictions must allow for members of the campus community to spontaneously and contemporaneously assemble and distribute literature. Nothing in this section may be interpreted as limiting the right of student expression elsewhere on campus.

33-6506. FREE EXPRESSIVE ACTIVITY. (1) Except as otherwise permitted by the first amendment to the United States constitution, and by section 9, article I of the constitution of the state of Idaho, no public institution of higher education shall abridge the constitutional freedom of any member of the campus community to speak on campus.

(2) Any member of the campus community who wishes to engage in noncommercial expressive activity in the outdoor areas of campus must be permitted to do so freely, as long as the person's conduct is not unlawful and does not materially and substantially disrupt the functioning of the public institution of higher education, subject only to the requirements of this chapter.

(3) Nothing in this section prohibits public institutions of higher education from maintaining and enforcing reasonable time, place, and manner restrictions applicable to the outdoor areas of campus that are narrowly tailored to serve a significant institutional interest only when such restrictions employ clear, published content-neutral and viewpoint-neutral criteria. Any such restrictions must allow for members of the campus community to spontaneously and contemporaneously assemble, speak, and distribute literature. Nothing in this section may be interpreted as preventing public institutions of higher education from prohibiting, limiting, or restricting expression that the first amendment does not protect, such as true threats or



expression directed to provoke imminent lawless actions and likely to produce it, or prohibiting harassment as defined in section 33-6503(3), Idaho Code.

(4) Nothing in this section enables individuals to engage in conduct that materially and substantially disrupts another's expressive activity if that activity is occurring in a campus space reserved for that activity under the exclusive use or control of a particular group.

(5) No public institution of higher education shall charge security fees to a student or a student organization based on the content of the student's or organization's expression, the content of the expression of the student's or organization's invited guest, or the anticipated reaction to an invited guest's expression.

33-6507. FREE SPEECH EDUCATION FOR MEMBERS OF THE CAMPUS COMMUNITY. Public institutions of higher education are required to make public in their handbooks, on their websites, and through their orientation programs for students the laws, policies, and expectations of students regarding free expression on campus consistent with this chapter.

33-6508. REPORTS. (1) No later than December 1, 2022, each public institution of higher education must publicly post on its website, as well as submit to the governor and the state legislature a report regarding the institution's policies for implementing the requirements of this chapter. A supplemental report must also be given in the instance of any changes or updates to such policies. The information required in the report must be accessible to the public without requiring registration or use of a username, password, or another user identification.

(2) If a claim or complaint is filed against a public institution of higher education alleging an unlawful unconditional limitation on the protected activities set forth in this section, a supplementary report with a copy of the claim, complaint, or any amended complaint must be submitted to the governor and the legislature within thirty (30) days of the filing of the claim, complaint, or amended complaint.

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

33-6509. REMEDIES. (1) Subject to all provisions and limitations contained in the Idaho tort claims act, chapter 9, title 6, Idaho Code, any student or student organization may bring an action against a public institution of higher education and any of its employees, acting in their official capacities, for a violation of the student's or student organization's rights under this chapter.

(2) If a court in an action under this section finds that a public institution of higher education has violated the rights of a student or student organization under this chapter, the court may award:

- (a) Injunctive relief;
- (b) Compensatory damages;

- (c) Reasonable court costs; and
- (d) Attorney's fees.

33-6510. STATUTE OF LIMITATIONS. A person is required to bring suit for a violation of this chapter no later than one (1) year after the day the cause of action accrues. For purposes of calculating the one (1) year limitation period, each day that the violation persists, and each day that a policy in violation of this section remains in effect, constitutes a new day that the cause of action has accrued.

33-6511. NO IMMUNITY FOR PUBLIC INSTITUTIONS OF HIGHER EDUCATION. A public institution of higher education that violates this chapter is not immune from suit or liability for the violation.

33-6512. SEVERABILITY. The provisions of this chapter are hereby declared to be severable, and if any provision of this chapter or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this chapter.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.

**STATEMENT OF PURPOSE**

**RS29679 / HCR039**

This House Concurrent Resolution rejects the pending rule contained in IDAPA 08.02.03, Rules Governing Thoroughness, Section 004., Subsection 01.d., 01.h., and 01.j., and Subsection 05. as null, void, and of no force and effect as of July 1, 2022. By rejecting these administrative rules, the Idaho Content Standards for English Language Arts, Mathematics and Science will no longer be in effect, clearing the way for the work and recommendations of the respective 2020 and 2021 standards review committees to be considered as appropriate replacement content standards, dated July 13, 2021.

**FISCAL NOTE**

This is a rule rejection and has no fiscal impact.

**Contact:**

Representative Lance Clow  
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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).

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS

MARCH 3, 2022

ATTACHMENT 3

LEGISLATURE OF THE STATE OF IDAHO  
Sixty-sixth Legislature Second Regular Session - 2022

IN THE HOUSE OF REPRESENTATIVES

HOUSE CONCURRENT RESOLUTION NO. 39

BY EDUCATION COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE STATE  
BOARD OF EDUCATION RELATING TO RULES GOVERNING THOROUGHNESS.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the State Board of Education relating to Rules Governing Thoroughness are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-sixth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 08.02.03, Rules Governing Thoroughness, Section 004., Subsections 01.d., 01.h., and 01.j., Docket Number 08-0000-2100, Rules of the State Board of Education, only, be, and the same are hereby rejected and declared null, void, and of no force and effect as of July 1, 2022.

BE IT FURTHER RESOLVED that the portions of rules referenced in this resolution be rejected notwithstanding any statement of the State Board of Education to the contrary pertaining to the effectiveness of such rules.

**STATEMENT OF PURPOSE**

**RS29682 / H0716**

This bill would establish a new section 33-118B and direct the Idaho State board of education to adopt and incorporate by reference into its administrative rules, the draft Idaho Content Standards for English Language, Arts, Mathematics and Science. These draft documents (dated July 13, 2021) were recommended by the Standards Review committees of 2020 and 2021. After several years of deliberations by the House and Senate Germane Education Committees, letters from the committees were submitted to the Idaho Governor, Idaho State Board of Education and the Idaho Department of Education requesting that the Idaho Content Standards be reviewed and replaced. These requests in 2020 and 2021 initiated various subcommittees of legislators, educators, school administrators, and state department staff. Their work culminated in draft standards dated July 13, 2021. This new section further provides that school districts shall have until June 30, 2024 to adopt curricular materials pursuant to changes provided for in this bill or adopted through the subsequent negotiated administrative rule process. The state requires each content standard to be reviewed on a five-year cycle. The English Language Arts and Mathematics Content Standards were scheduled for 2021, while the Science Standards would be up for review in 2022.

**FISCAL NOTE**

It is expected that in compliance with Federal rules, the changes in these Content Standards will require a review of the changes for appropriate alignment with the Idaho State Assessment Tests. The cost of this review is estimated to not exceed \$125,000 for each of the three standards for a total of \$375,000 in Fiscal year 2023. The new standards are considered to retain an equal level of rigor. For purposes of comparative analysis of student academic growth, it is the goal to not significantly modify assessments. This will provide a consistent long-term comparison. Costs associated with professional development and training of educators should be covered by the expected return to pre-pandemic levels of professional development budgets, which were impacted by holdbacks and shifts from general funds to federal funding sources.

**Contact:**

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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).

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS

MARCH 3, 2022

ATTACHMENT 4

LEGISLATURE OF THE STATE OF IDAHO  
Sixty-sixth Legislature Second Regular Session - 2022

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 716

BY EDUCATION COMMITTEE

AN ACT

RELATING TO THE STATE BOARD OF EDUCATION; AMENDING CHAPTER 1, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-114A, IDAHO CODE, TO PROVIDE FOR THE ADOPTION OF STANDARDS FOR THE INITIAL CERTIFICATION OF PROFESSIONAL SCHOOL PERSONNEL; AMENDING CHAPTER 1, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-118B, IDAHO CODE, TO PROVIDE FOR THE ADOPTION OF CERTAIN CONTENT STANDARDS; PROVIDING A SUNSET DATE; 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 33-114A, Idaho Code, and to read as follows:

33-114A. ADOPTION OF STANDARDS FOR THE INITIAL CERTIFICATION OF PROFESSIONAL SCHOOL PERSONNEL. Effective July 1, 2022, the Idaho standards for initial certification of professional school personnel shall be the standards prepared by the 2020-2021 educator standards working group dated February 24, 2022.

SECTION 2. 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 33-118B, Idaho Code, and to read as follows:

33-118B. CURRICULAR MATERIALS -- ADOPTION OF CONTENT STANDARDS. (1) Effective July 1, 2022, the Idaho content standards for English language arts and literacy, mathematics, and science shall be the content standards prepared by the 2020-2021 standards review committee dated January 3, 2022.

(2) The state department of education shall take any necessary action to begin alignment of the required standards assessment with the content standards set forth in this section by July 1, 2022.

(3) The content standards implemented by this section shall be adopted for five (5) years. The content standards implemented by this section shall be subject to a review and adoption cycle that shall conclude June 30, 2027.

(4) The board of education is authorized to immediately promulgate temporary rules and to engage in negotiated rulemaking for the purposes of:

(a) Implementing the content standards required pursuant to this section; and

(b) Implementing revised and updated content standards pursuant to the review and adoption cycle established in subsection (3) of this section.

(5) The board of education shall immediately coordinate with the United States department of education to ensure that Idaho is implementing a plan



1 to meet the requirements of the every student succeeds act of 2015, 20 U.S.C.  
2 6301-7981.

3 (6) The board of trustees of each school district shall have until June  
4 30, 2024, to incorporate curricular materials that reflect the Idaho content  
5 standards.

6 (7) Nothing contained in chapter 52, title 67, Idaho Code, shall super-  
7 sede this section.

8 SECTION 3. The provisions of this act shall be null, void, and of no  
9 force and effect on and after June 30, 2027.

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