

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
AUGUST 23, 2023

SUBJECT

Legislative Proposals – 2024 Legislative Session

REFERENCE

June 2019	Board approved thirteen (13) legislative ideas to be submitted through the Executive Agency Legislative process.
August 2019	Board approved five (5) pieces of legislation move forward through the Executive Agency Legislative process.
June 2020	Board approved nine (9) legislative ideas to be submitted through the Executive Agency Legislative process.
August 2020	Board approved four (4) pieces of legislation move forward through the Executive Agency Legislative process.
June 2021	Board approved seven (7) legislative ideas to be submitted through the Executive Agency Legislative process.
August 2022	Board approved fifteen (15) pieces of legislation to move forward through the Executive Agency Legislative process.
June 2023	Board approved five (5) legislative ideas to be submitted through the Executive Agency Legislative process.

BACKGROUND/ DISCUSSION

The State Board of Education’s legislative process starts with the approval of legislative ideas for submittal through the Executive Agency Legislative process. Legislative ideas that are approved by the Board are submitted electronically to the Division of Financial Management (DFM) through the Executive Agency Legislative process for consideration by the Governor. A legislative idea consists of a statement of purpose and a fiscal impact. Legislative ideas approved by the Board and the Governor are then brought back to the Board as legislative proposals for consideration by the Board. Legislative ideas approved to move forward through the Executive Agency Legislative process do not necessarily constitute support of the proposed legislation by the Governor.

Legislative proposals consisting of the actual language that will be included in the legislation are then brought back to the Board for consideration at its regular August meeting. Legislative proposals approved by the Board are then submitted to DFM through the same legislative process and forwarded to the Governor for consideration. Proposals at that stage are then submitted to the Legislative Services Office for processing and routed to the legislature.

In accordance with the Board’s Master Planning Calendar, legislative ideas from the institutions and agencies must be submitted for the Board’s consideration by the June Board meeting deadlines.

On June 14, 2023, the Board approved the following legislative ideas to move forward in the Executive Agency Legislative process:

1. Optional Retirement Program
2. Rural School Definition
3. Education Data
4. Institution Reporting Requirements

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5. Career Technical Education – Instructor Career Ladder Movement

Two of the Board approved ideas are not moving forward to proposed legislation. It was determined that the rural school definition idea may be impacted by any funding formula decisions made during the legislative session. For that reason, this piece of legislation is not going forward, but may be revisited in future years. The Division of Career Technical Education chose to withdraw its legislative idea due to the costs of implementation.

The remaining three legislative ideas, Optional Retirement Program, Education Data, and Institution Reporting Requirements, are presented to the Board as proposed legislation in these materials.

IMPACT

Staff will submit Board-approved legislative proposals through the Executive Agency Legislative process. The Board will be updated as the legislative proposals move through the process and any substantive amendments to the proposals will be brought back to the Board for further discussion.

ATTACHMENTS

Attachment 1 – Legislative Ideas as presented to the Board in June of 2023

Attachment 2 – Proposed legislation – Idaho Code § 33-107A regarding the Board’s optional retirement program

Attachment 3 – Proposed legislation Idaho Code § 33-133 regarding education data use and limitations

Attachment 4 – Proposed legislation – Idaho Code § 33-3729 regarding institutional reporting of the transfer of credits

BOARD STAFF COMMENTS AND RECOMMENDATIONS

Legislative ideas are required to be submitted to DFM in July each year with legislative proposal (legislative language) required to be submitted in mid-August of each year. The Board has historically authorized the executive director to submit any additional ideas or authorize non-substantive edits to the Board’s approved legislative proposals prior to final submittal to the Legislative Services Office for routing to the legislature. Any substantive changes will be brought back to the Board for consideration prior to any approved legislative proposals being assigned a Routing Slip (RS) number.

Attachment 1 provides a brief summary of each piece of legislation, while the subsequent attachments provide the draft language for each piece of legislation. Board staff will be available to walk the Board through any of the legislation they would like to thorough explore and answer questions.

Staff recommends approval of all legislative proposals.

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BOARD ACTION

I move to approve the proposed legislation in substantial conformance to Attachments 2 through 4, and to authorize the Executive Director to make additional changes as necessary as the legislation moves forward through the legislative process.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

2024 LEGISLATIVE PROPOSALS

1. Optional Retirement Program

Statement of Purpose

33-107A allows the state board of education to establish an optional retirement program. Currently, new employees of the Office of the State Board of Education may opt into PERSI only if they are already vested. This has limited the agency's ability to recruit local candidates competitively. The proposed change would provide new employees of the Office of the State Board of Education the opportunity to select either PERSI or an OPR at the time of hire, regardless of whether the employee is already vested in PERSI. This change would provide an additional tool for recruiting highly qualified candidates to state government positions.

Fiscal Impact

This amendment does not pose a significant fiscal impact to the state.

2. Rural School Definition

Statement of Purpose

Section 33-319, Idaho Code, establishes the state definition for rural schools. The current definition is so broad it includes approximately 85% of Idaho's public schools. The proposed legislation would create rural subcategories to allow for a more targeted discussion or distribution of resources to rural school districts or schools. The rural subcategories would be based on distance from urban areas as well as population density and would be categorized as rural fringe, rural distant, and rural remote.

Fiscal Impact

The proposed amendments would have no fiscal impact. The refined definition would allow for more targeted discussions around rural schools but would not have impact on current public schools funding.

3. Education Data

Statement of Purpose

Section 33-133, Idaho Code, sets out provisions for keeping Idaho student data secure and limiting access to personally identifiable student information. The proposed legislation would clarify reporting requirements on student data use, expand definitions to include educator and student personally identifiable information to assure the protection of educator data and align language with various education record security requirements.

Fiscal Impact

There would be no fiscal impact. Proposed changes would clarify existing requirements and assure consistency in how educational records are handled and kept secure.

4. Institution Reporting Requirements

Statement of Purpose

Section 33-3729(5) requires postsecondary institutions to report student transfer data to the State Board of Education. While the reporting requirement is important to retain in Idaho Code, the specific data points, which are currently also codified, are better suited to agency policy. Removing these specifics from Idaho Code would allow the agency to make adjustments when necessary as programs or technologies change without needing legislative action.

Fiscal Impact

These amendments would not result in any additional fiscal impact to the state.

5. Career Technical Education – Instructor Career Ladder Movement

Statement of Purpose

Section, 33-1004B, Idaho Code, established Career Ladder as a methodology for calculating salary-based apportionment allocations for instructional staff and pupil service staff. In 2020 (SB1329), Section 33-1004B, Idaho Code, was amended to allow for career technical education instructional staff holding an occupational specialist certificate to be initially placed on the career ladder based on years of experience in a field related to the content area they were teaching in. The intent of the legislation was to provide schools with additional funding to help recruit and retain staff with industry backgrounds teaching in career technical programs. The amendments did not provide any provisions for movement outside of these individuals meeting the established performance criteria. Because the criteria is based on annual classroom performance and student outcomes in three of the previous five years, these individuals could not advance on the career ladder until they had been in the classroom for at least three years. With increased pressure in the educator pipeline and declining retention rates it is not necessary to provide provisions that will allow for these individuals to progress on the career ladder sooner than the current three years. The proposed legislation would establish a shorter timeline for these staff to meet the existing performance criteria allowing for movement during the three years following initial placement on the career ladder.

Fiscal Note

The proposed amendments could result in a small increase to salary-based apportionment for instructional staff, however, due to the averaging methodology and the small number of qualifying staff the overall increase would be de minimis.

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Attachment 2

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

SECTION 1: That Section 33-107A, Idaho Code, be, and the same is hereby amended to read as follows:

STATE BOARD OF EDUCATION

33-107A. BOARD MAY ESTABLISH AN OPTIONAL RETIREMENT PROGRAM. (1) The state board of education may establish an optional retirement program under which contracts providing retirement and death benefits may be purchased for ~~members of the teaching staff faculty, nonclassified staff, as defined in section 67-5303(j), Idaho Code, and officers~~ of the university of Idaho, Idaho state university, Boise state university, Lewis-Clark state college and the office of the state board of education who are hired on or after July 1, 1993; provided, however, that no such employee shall be eligible to participate in an optional retirement program unless he would otherwise be eligible for membership in the public employee retirement system of Idaho.

(2) The state board of education is hereby authorized to provide for the administration of the optional retirement program and to perform or authorize the performance of such functions as may be necessary for such purposes. The board shall designate the company or companies from which contracts are to be purchased under the optional retirement program and shall approve the form and contents of such contracts. In making the designation and giving approval, the board shall consider:

(a) The nature and extent of the rights and benefits to be provided by such contracts for participants and their beneficiaries;

(b) The relation of such rights and benefits to the amount of contributions to be made;

(c) The suitability of such rights and benefits to the needs of the participants and the interests of the institutions in the recruitment and retention of staff members; and

(d) The ability of the designated company to provide such suitable rights and benefits under such contracts.

(3) ~~Elections to participate in an optional retirement program shall be as follows:~~

~~(a) Eligible employees are:~~

~~(i) Those faculty and nonclassified staff initially appointed or hired between July 1, 1990, and June 30, 1993; and~~

~~(ii) Those teaching staff and officers Nonclassified staff, initially appointed or hired on or after July 1, 1993-~~

All eligible employees, except those who are shall participate in the optional retirement plan, except vested members of the public employee retirement system of Idaho, as defined in section 59-1302(36), Idaho Code. Nonclassified employees hired by the office of the state board of education on or after July 1, 2024, shall participate in the optional retirement program. with previous credited service in the public employee retirement system of Idaho, may make a one (1) time irrevocable election to remain a member of that retirement

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system. The election shall be made in writing, within sixty (60) days of the date of initial hire or appointment. It shall be filed with the administrative officer of the employing institution or agency.

~~(b) Vested members of the public employee retirement system of Idaho may make a one (1) time irrevocable election to remain a member of that retirement system. The election shall be made in writing, within sixty (60) days of the date of initial hire or appointment or the effective date of this act, whichever occurs later. It shall be filed with the administrative officer of the employing institution.~~

~~(c) An election by an eligible employee of the optional retirement program shall be irrevocable and shall be accompanied by an appropriate application, where required, for issuance of a contract or contracts under the program.~~

~~(d) The accumulated contributions of employees who make the one (1) time irrevocable election or are required to participate in the optional retirement program may be transferred by the public employee retirement system of Idaho to such qualified plan, maintained under the optional retirement program, as designated in writing by the employee.~~

(4) (a) Each institution shall contribute on behalf of each participant in its optional retirement program the following:

(i) To the designated company or companies, an amount equal to nine and thirty-five hundredths percent (9.35%) of each participant's salary, reduced by any amount necessary, if any, to provide contributions to a total disability program provided either by the state or by a private insurance carrier licensed and authorized to provide such benefits or any combination thereof, but in no event less than five percent (5%) of each participant's salary; and

(ii) To the public employee retirement system, an amount equal to one and forty-nine hundredths percent (1.49%) of salaries of members who are participants in the optional retirement program. This amount shall be paid until July 1, 2025, and is in lieu of amortization payments and withdrawal contributions required pursuant to chapter 13, title 59, Idaho Code.

(b) Each participant shall contribute an amount equal to six and ninety-seven hundredths percent (6.97%) of the participant's salary. Employee contributions may be made by employer pick-up pursuant to section 59-1332, Idaho Code.

(c) Payment of contributions authorized or required under this subsection shall be made by the financial officer of the employing institution to the designated company or companies for the benefits of each participant.

(5) Any person participating in the optional retirement program shall be ineligible for membership in the public employee retirement system of Idaho as long as he remains continuously employed in ~~any teaching staff position or as an officer with any of the institutions under the jurisdiction of the state board of education~~ a nonclassified position.

(6) A retirement, death or other benefit shall not be paid by the state of Idaho or the state board of education for services credited under the optional retirement program. Such benefits are

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payable to participants or their beneficiaries only by the designated company or companies in accordance with the terms of the contracts.

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Attachment 3

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

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

33-133. DEFINITIONS - ~~STUDENT-EDUCATION~~ DATA - USE AND LIMITATIONS - PENALTIES. (1) As used in this act, the following terms shall have the following meanings:

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

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

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

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

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

(f) "District" or "school district" means an Idaho public school district, including chartered school districts, and shall also include Idaho public charter schools, Idaho digital learning academy, and the Idaho school for the deaf and blind.

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

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

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

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

~~(i)~~ "Student data" and includes, but is not limited to: (1) state and national assessment results, including information on untested public school students; (2) course taking and completion, credits earned and other transcript information; (3) course grades and grade point average; (4) date of birth, grade level and expected graduation date/graduation cohort; (5) degree, diploma, credential attainment and other school exit information such as general educational development and drop-out data; (6) attendance and mobility; (7) data required to calculate the federal

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~~four (4) year~~ adjusted secondary cohort graduation rate, including sufficient exit information; ~~(8)~~ discipline reports limited to objective information sufficient to produce the federal annual incident reports, children with disabilities disciplinary reports and discipline reports including students involved with firearms; ~~(9)~~ remediation; ~~(10)~~ special education data; ~~(11)~~ demographic data and program participation information; and ~~(12)~~ files, documents, images or data containing a student's educational record that are stored in or transmitted through a cloud computing service.

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

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

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

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

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

(2) Unless otherwise provided for in this act, the executive office of the ~~state~~ board of education shall be the entity responsible for

implementing the provisions of this act. All decisions relating to the collection and safeguarding of student data shall be the responsibility of the executive office of the state board of education.

(3) The ~~state board of education~~ shall:

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

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

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

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

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

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

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

(ii) Provide that public reports or responses to record requests shall include aggregate data only as that term is defined in subsection (1) of this section;

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

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

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

(vi) Ensure that all school districts, primary schools, secondary schools and other similar institutions entering into contracts that govern

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

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

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

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

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

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

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

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

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

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

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

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

(iii) Privacy compliance standards;

(iv) Privacy and security audits;

(v) Breach planning, notification and procedures; and

(vi) Data retention and disposition policies;

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

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

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

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

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

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

(iv) The results of any and all privacy compliance and security audits completed in the past year. Notifications regarding privacy compliance and security audits shall not include any information that would pose a security threat to the state or local student information systems or to the secure transmission of data between state and local systems by exposing vulnerabilities; and

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

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

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

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

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

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Attachment 4

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

SECTION 1: That Section 33-3729, Idaho Code, be, and the same is hereby amended to read as follows:

MISCELLANEOUS PROVISIONS RELATING TO STATE INSTITUTIONS OF LEARNING

33-3729. TRANSFER OF CREDITS. (1) Any student who completes the requirements for the associate of arts or associate of science degree at a postsecondary institution accredited by a regional accrediting body recognized by the state board of education will be considered as satisfying the general education requirements, as defined by the state board of education, upon transfer to a public postsecondary institution in Idaho and will not be required to complete any additional general education requirements.

(2) A student who has completed the general education framework as defined by the state board of education, without an associate of arts or associate of science degree, and transfers from a postsecondary institution in Idaho accredited by a regional accrediting body recognized by the state board of education will not be required to complete additional general education requirements at the receiving Idaho public postsecondary institution.

(3) If a student who has completed a general education course or general education courses but has not completed the entire general education framework; or has not earned an associate of arts or associate of science degree from a postsecondary institution in Idaho accredited by a regional accrediting body recognized by the state board of education; or has earned an associate of applied science degree from a postsecondary institution in Idaho accredited by a regional accrediting body recognized by the state board of education; and transfers to a public postsecondary institution, those general education course credits will be applied towards the associated general education course requirements at the receiving public postsecondary institution.

(4) Any student who completes an associate of applied science degree at a postsecondary institution in Idaho accredited by a regional accrediting body recognized by the state board of education and meets the receiving institution's criteria for admission may pursue an interdisciplinary bachelor of applied science or a bachelor of applied technology degree focused on upper-level academic coursework at any Idaho public postsecondary institution that has such degree programs available.

(5) Receiving institutions must notify students in writing of all initial credit transfer decisions. Whenever a receiving institution makes an initial credit transfer decision that results in credits not being transferred in a manner that moves the student toward certificate or degree completion or in the manner requested by a student or applicant, the receiving institution must provide a written explanation of the credit transfer decision to the student or applicant specifying why the credits were not eligible for transfer or were not credited toward certificate or degree progress and the policies and procedures

available to the student to request reconsideration of the initial credit transfer decision. Written explanations may be provided in an electronic format. Institutions shall report annually to the state board of education ~~the number of credits that were requested to be transferred, the number of credits transferred, the number of credits that were not applied toward certificate or degree progress, including those credits that transferred as electives over the amount needed for certificate or degree progress, information and such other information requested by the state board of education.~~ on the transfer of credits pursuant to section 33-3729, Idaho Code.

(6) No Idaho public postsecondary institution shall discriminate against any student or applicant for admission due to the number of credits that the student may be able to transfer, or has transferred, to the public college or university pursuant to this section, any other provision of law, or any rule, policy, guideline or practice of the state board of education or the public postsecondary institution.

(7) Nothing in this section shall be deemed to:

(a) Invalidate any requirement that a student earn a specified number of credits at an Idaho public college or university in order to receive a degree from the institution;

(b) Require any Idaho public postsecondary institution to grant a student a degree within a specified period of time; or

(c) Amend the provisions of section 33-2205(4), Idaho Code, or expand the rights of career technical education students or applicants with respect to the transfer of credits from one (1) institution to another.

(8) All public postsecondary institutions are responsible for working to facilitate the effective and efficient transfer of students between Idaho public postsecondary institutions. Institutions shall publish the current curriculum equivalencies of all courses on the state board of education transfer web portal.