

**Legislative Affairs Committee Agenda
January 5, 2000 Meeting / Teleconference Call
9:30 AM (Mountain Time)**

AGENDA

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**LEGISLATIVE AFFAIRS COMMITTEE MEETING
OCTOBER 19, 1999
UNAPPROVED MINUTES**

PRESENT:

Tom Boyd	Mike Rush	Mike Killworth
Karen McGee	Kirk Dennis	Bill Robertson
Bob West	Peter Morrill	Kent Tingey
Ken Swanson	Greg Fitch	Randi McDermott
Marty Peterson	John Franden	Kevin Satterlee

6.1 Summary of June 1999 Action

The summary was accepted as information.

6.2 SBOE Prefiled Legislation

a. Displaced Homemaker Legislation - SDPTE

The Division of Professional-Technical Education proposed to update the definition of “displaced homemaker” in Idaho Code 39-5002 to include single parents. The updated definition would be consistent with the population actually being served by the Centers for New Directions. There was no fiscal impact anticipated.

The Committee agreed by consensus to forward the legislation proposed by the SDPTE to the full Board for their consideration and action with a recommendation to approve.

b. Public Records Exemption – UI

Marty Peterson announced that this legislative idea was being withdrawn.

c. Historical Preservation Act – ISHS

The Idaho State Historical Society proposed to add to Idaho Code sections 67-4131, 67-4132, 67-4133, 67-4134, 67-4135, 67-4136, 67-4137, and 67-4138. The proposal is designed to protect buildings, sites, documents and artifacts of historic significance on state-owned lands and in state controlled records systems. The fiscal impact was reported as relatively minor. Implementation of the act would require one additional staff member and would necessitate expenditures connected with rules promulgation.

Kevin Satterlee noted practical and legal concerns over the legislation, including the broad application, the lack of specificity available as to the criteria for placement on the historic registry, the length of the timelines involved with the approval and appeals process, and the lack of definitions for such terms as “environs” and “encroach upon, damage or destroy.”

The Committee agreed by consensus to forward the legislation to the full Board for their consideration and action without recommendation.

Staff was instructed to work with the ISHS to address concerns before the Board meeting.

6.3 Administrative Rules

A summary of the proposed revisions and additions to Administrative Rules that will affect the State Board of Education or State Board of Education entities were provided as information.

6.4 Other Potential Legislative Topics

- Mike Killworth reported that Senator Deide had accepted an invitation to speak to Idaho's Most Advisory Committee about the ideas surfaced by the Legislative Interim Committee on Teacher / Administrator Contracts.
- Bob West reported that the SDE along with the IEA and IASA are working with Representative Randy Hansen and other interested parties to amend Idaho Code related to weapons on school grounds.
- Kirk Dennis asked if anyone was following the Legislative Interim Committee on PERSI. No one had information available, but staff at the Board office offered to prepare a summary for the Board meeting and to track it in the future.

6.5 November 10 SBOE / Legislative Videoconference

Mr. Boyd suggested we contact Milford Terrell, the Chair of the Governor's Committee on School Facilities and invite him the videoconference to talk about the Committee's recommendations to the Governor.

6.6 Tobacco Settlement Funds

It was decided to defer discussion of the Board's interest and recommendation for the tobacco settlement funds to the full Board.

The meeting was adjourned at 11:30AM.

ITEM 6.2 LEGISLATIVE PROPOSALS ON SCHOLARSHIPS

Background:

Last year, a Board sponsored committee worked with legislators to develop a scholarship legislative proposal. The proposal, sponsored by Senator Lee, would have established a statewide two-year scholarship program for Idaho high school graduates achieving a 3.0 or better GPA. The Board endorsed the proposal and while it easily moved through the House and Senate Education Committees and the Senate, it narrowly failed in the House. Senator Lee has indicated that he will introduce the legislative proposal again this session. (See Item 6.2A)

Representative Ken Robison will also likely introduce scholarship legislation this session. The benefits of his proposed measure last one year (two semesters). High school graduates with a 2.0 GPA, GED recipients and home schoolers who are admitted to college are eligible for the benefits (\$1000). (Item 6.2B)

Although the two sponsors have not been working together up to this point, they have not ruled out combining their efforts to create one piece of legislation once the session has begun.

Discussion:

The Board may want to consider the draft legislative proposals separately, or make a blanket statement that would serve to acknowledge scholarship legislative proposals in general.

Committee Action:

To agree by consensus to recommend to the full Board to endorse/not endorse the legislative proposal shown as Item 6.2A / the legislative proposal shown as Item 6.2B / any legislative proposal related to scholarships that meet Board specified criteria.

Board Action:

- A. It was moved by _____ and carried to endorse / not endorse the legislative proposal shown in Item 6.2A.
- B. It was moved by _____ and carried to endorse / not endorse the legislative proposal shown in Item 6.2B.
- C. It was moved by _____ and carried to endorse / not endorse any legislative proposal that serves to create scholarship opportunities and encourages attendance at Idaho's public, postsecondary institutions.

ITEM 6.2A

STATEMENT OF PURPOSE IDAHO PROMISE SCHOLARSHIPS

The purpose of this amendment is three fold. First, it changes the name of the Idaho State Scholarship Program to the Idaho Promise Scholarship Program. Second, it will encourage a larger number of our high school graduates to continue their education by providing deserving students a scholarship to help defray education costs. Third, this legislation will provide a powerful incentive for high school students to finish high school and achieve good grades.

About 60 percent of Idaho's four-year college students incur debt to go to college, and the average debt load upon graduation is approximately \$15,000. The number of Idaho high school graduates enrolling in college each fall has been declining. Currently, only about 34 percent of high school graduates elect to continue their education the next academic year at a state public or private postsecondary institution. Thirteen percent of our high school graduates elect to continue their education out of state, so the total continuation rate of Idaho high school seniors is approximately 47 percent. The national average continuation rate for high school seniors is approximately 75 percent. Even though the resident fees to attend Idaho's public colleges are among the lowest in the nation, many of our students cannot afford to continue their education. The State stands to benefit greatly both socially and economically if more of our high school students are motivated to excel academically and to continue their education in an Idaho postsecondary institution.

In 1992, the State of Georgia enacted the Hope Scholarship Program, which provides tuition and fees for four years to qualified students. Many Georgians consider the Hope Scholarship one of the best and most successful policy initiatives in the state's history. The Idaho Promise Scholarship proposal is modest by comparison to the Georgia Hope Scholarship. Under the proposal, high school graduates with a GPA of 3.0 or better, if enrolled in a state public or private postsecondary institution within two years of graduation, would receive a scholarship for up to two years of schooling. The scholarship would only partially cover fees and other costs, but it will provide an important incentive for students to continue their education.

FISCAL NOTE

There is no additional fiscal impact until the Category B Scholarship is funded. The future fiscal impact of this amended legislation will vary with the number of students eligible for Category B scholarships and electing to continue their education. About 16,500 seniors graduate from Idaho public and private high schools each year and nearly half have a 3.0 or better grade point average. If this legislative proposal is successful in motivating 60 percent of those students with a 3.0 or better average to continue their education at an Idaho public or private institution, approximately 4,950 students per year would be eligible for a scholarship. The award amount each year would be set by the State Board of Education and depend on the amount of public and private funding available. If, for example, this award is set at \$500 per semester (\$1000 per year) for the maximum two-year period, the cost would be \$4,950,000 in the first year and \$9,900,000 each year thereafter. A broadly based scholarship program of the type contained in this legislative proposal is a potential candidate for funding with Idaho Tobacco settlement funds.

CONTACT: Senator Robert R. Lee

LEGISLATURE OF THE STATE OF IDAHO
Fifty-fifth Legislature First Regular Session – 1999
IN THE SENATE
SENATE BILL NO. 1237
BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO COLLEGE SCHOLARSHIPS; AMENDING SECTION 33-4303, IDAHO CODE, TO
2 PROVIDE THAT THE SCHOLARSHIP PROGRAM SHALL BE KNOWN AS THE "IDAHO PROMISE
3 SCHOLARSHIP PROGRAM"; AMENDING SECTION 33-4305, IDAHO CODE, TO REVISE PUR-
4 POSES; AMENDING SECTION 33-4306, IDAHO CODE, TO FURTHER DEFINE TERMS AND
5 TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-4307, IDAHO CODE, TO
6 PROVIDE ELIGIBILITY REQUIREMENTS FOR CATEGORY A AND CATEGORY B PARTICI-
7 PANTS, TO PROVIDE GRANT PROVISIONS FOR CATEGORY B PARTICIPANTS AND TO MAKE
8 TECHNICAL CORRECTIONS; AMENDING SECTION 33-4308, IDAHO CODE, TO PROVIDE
9 FOR THE MAXIMUM NUMBER OF GRANTS FOR CATEGORY A AND CATEGORY B STUDENTS;
10 AMENDING SECTION 33-4309, IDAHO CODE, TO PROVIDE FOR CONTINUANCE IN THE
11 CASE OF EXTREME HARDSHIP; AND AMENDING SECTION 33-4313, IDAHO CODE, TO
12 EXPAND THE DUTIES OF THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO AND
13 THE STATE BOARD OF EDUCATION REGARDING SCHOLARSHIPS AND TO MAKE TECHNICAL
14 CORRECTIONS.
15

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

17 SECTION 1. That Section 33-4303, Idaho Code, be, and the same is hereby
18 amended to read as follows:

19 33-4303. SHORT TITLE. This act shall be known and cited as the "
20 ~~State of~~ Idaho **Promise** Scholarship Program."

21 SECTION 2. That Section 33-4305, Idaho Code, be, and the same is hereby
22 amended to read as follows:

23 33-4305. PURPOSES. The purpose of this act is:

24 (1) To establish a state scholarship program for the most talented Idaho
25 secondary school graduates, consisting of category A students with out-
26 standing academic qualifications and category B students who graduate with a
27 3.0 ("B") average or better and meeting any other criteria as may be estab-
28 lished by the board of regents of the University of Idaho or the state board
29 of education, who will enroll in undergraduate nonreligious academic
30 and vocational programs in eligible postsecondary institutions in the state;
31 and

32 (2) To designate the state board of education and the board of regents of
33 the University of Idaho as the administrative agency for the ~~state~~
34 Idaho promise scholarship program.

35 SECTION 3. That Section 33-4306, Idaho Code, be, and the same is hereby
36 amended to read as follows:

37 33-4306. DEFINITIONS. As used in this act, unless the context otherwise
38 requires:

39 (1) ~~"Eligible postsecondary institution" means an educational orga-~~

1 ~~nization within the state as follows:~~

2 ~~(a)~~ " **Eligible p** ~~P~~ublic post-
3 secondary institution" means a public postsecondary organization governed or
4 supervised by the state board of education, the board of regents of the Uni-
5 versity of Idaho, a board of trustees of a ~~junior~~ **community**
6 college established pursuant to the provisions of section 33-2106,
7 Idaho Code, or the state board of vocational education.

8 ~~(b 2)~~ " ~~Independent~~ **Eligible**
9 colleges and universities" means any **accredited** educa-
10 tional organization which is operated privately and not for profit under the
11 control of an independent board and not directly controlled or administered by
12 a public or political subdivision.

13 ~~(2 3)~~ "Educational costs" means student costs
14 for tuition, fees, room and board, or expenses related to reasonable
15 commuting, books and such other expenses reasonably related to attendance at a
16 postsecondary educational institution.

17 ~~(3 4)~~ "Resident student" means an individual as
18 defined in section 33-3717 **or 33-2110B**, Idaho Code.

19 ~~(4 5)~~ "Full-time student" means an individual
20 who is enrolled in and is carrying a sufficient number of credit hours, or
21 their equivalent ~~to~~ to secure an individual's first
22 degree, certificate, diploma, or less, toward which the individual is working
23 in no more than the number of semesters, or equivalent, normally required by
24 the postsecondary educational institution in the program in which the individ-
25 ual is enrolled.

26 ~~(5 6)~~ "Undergraduate student" means an individ-
27 ual who is enrolled in a postsecondary educational institution which leads to
28 or is directly creditable toward the individual's first baccalaureate degree,
29 certificate, diploma, or less; provided such baccalaureate degree, certifi-
30 cate, diploma or less program requires at least six (6) months or equivalent
31 of consecutive attendance. A student engaged in a four (4) year baccalaureate
32 program shall not be terminated by having earned an intermediate degree, cer-
33 tificate, or diploma.

34 ~~(6 7)~~ "Enrollment" means the establishment and
35 maintenance of an individual's status as a student in a postsecondary educa-
36 tional institution, regardless of the term used at the institution to describe
37 such status.

38 ~~(7 8)~~ "Eligible **category A** student"
39 means any graduate of an accredited secondary school in the state of Idaho who
40 declares his intention to matriculate in an eligible **public** post-
41 secondary institution **or eligible independent college or university**
42 in the state of Idaho during the educational year immediately following
43 such graduation.

44 **(9) "Eligible category B student" means any graduate of an accred-**
45 **ited secondary school in the state of Idaho who declares his intention to**
46 **matriculate in a public postsecondary institution or eligible independent col-**
47 **lege or university in the state of Idaho during two (2) educational years**
48 **immediately following such graduation and qualifies as a resident student.**

49
50 ~~(8 10)~~ "Grant" means an award to an eligible stu-
51 dent for matriculation in an eligible postsecondary institution in the state
52 of Idaho.

53 ~~(9 11)~~ "Educational year" means the period from
54 July 1 of a year through June 30 of the succeeding year.

55 ~~(10 2)~~ "Competitive examination" means standard-

1 ized examination(s) measuring achievement administered annually on a voluntary
2 basis on a specified date and at specified locations announced publicly.

3 (1—~~1~~— 3) "High school record" ~~means~~
4 for category A students will be defined by the state board of education
5 and the board of regents of the University of Idaho and may include, but not
6 be limited to, an individual's rank in his secondary school class
7 , grade point average, and difficulty of course load taken as certi-
8 fied by an official of such secondary school, and ~~an~~ the
9 individual's secondary school department as evaluated by at least two
10 (2) officials of such secondary school.

11 (14) "High school record" for category B students shall be defined
12 by the state board of education and the board of regents of the University of
13 Idaho and may include, but not be limited to, an individual's secondary school
14 grade point average as certified by an official of such secondary school.
15

16 SECTION 4. That Section 33-4307, Idaho Code, be, and the same is hereby
17 amended to read as follows:

18 33-4307. ELIGIBILITY -- MAXIMUM AMOUNTS -- CONDITIONS. A grant may be
19 awarded to an eligible student for matriculation at an eligible postsecondary
20 educational institution in the state of Idaho if:

21 (1) The individual is accepted for enrollment as a full-time undergradu-
22 ate student, as follows:

23 (a) In the case of an individual beginning his first year or freshman
24 year of postsecondary education, he has satisfied requirements for admis-
25 sion and has enrolled in an eligible postsecondary institution. Eli-
26 gible category A and category B students may enroll in either a public
27 postsecondary institution or an independent college or university in the
28 state to be eligible for an award.

29 (b) In the case of an individual enrolled in an eligible postsecondary
30 institution following the successful completion of the first term, he con-
31 tinues to meet the requirements of this act and has maintained such high
32 standards of performance as may be required. Provided that high academic
33 standards are maintained in accordance with requirements of this chapter,
34 a student continues to be eligible when transferring from one (1)
35 _____ major program to another.

36 (c) In the case of an individual transferring from one (1) eligible post-
37 secondary institution in Idaho to another eligible postsecondary institu-
38 tion in Idaho, he continues to meet the requirements of this act, is
39 accepted at the eligible postsecondary institution to which he is trans-
40 ferring, and has maintained such high standards of performance as may be
41 required.

42 Category A and category B students may transfer to another eligible pub-
43 lic postsecondary institution or an eligible independent college or univer-
44 sity.

45 (2) The grant for category A students is ~~in amounts~~
46 as follows:

47 (a) The grant payment to an individual per educational year for atten-
48 dance on a full-time basis is not in excess of an amount determined annu-
49 ally by the state board of education or in excess of the total educational
50 costs as certified by an official of the eligible postsecondary institu-
51 tion to be attended by the individual receiving the grant, whichever is
52 less.

53 (b) The total grant payments over a period of six (6) years to an indi-

1 individual may not exceed four (4) annual grants or the total educational
2 costs for four (4) educational years completed as certified by an official
3 of the eligible postsecondary institution or institutions attended by the
4 individual receiving the grant, whichever is less.

5 (~~3~~ c) The individual receiving such a grant
6 signs an affidavit stating that the grant will be used for educational
7 costs only.

8 (~~4~~ d) The grant is awarded on the basis of
9 extraordinary performance in standardized, unweighted competitive examina-
10 tion and high school record.

11 (~~5~~ e) The individual receiving the grant is not
12 precluded from receiving other financial aids, awards, or scholarships,
13 provided the total of the grant and such other financial aids, awards or
14 scholarships does not exceed the total educational costs for attendance at
15 an eligible postsecondary institution as certified by an official of the
16 eligible postsecondary institution to be attended by the individual
17 receiving the grant.

18 (~~6~~ f) Grant payments shall correspond to aca-
19 demic terms, semesters, quarters or equivalent time periods at an eligible
20 postsecondary institution; in no instance may the entire amount of a grant
21 for an educational year, as defined in section 33-4306(~~9~~
22 11), Idaho Code, be paid to or on behalf of such student in
23 advance.

24 (~~7~~ g) The individual has complied with such
25 rules ~~and regulations~~ as may be necessary for the administra-
26 tion of this act.

27 (3) The grant for category B students is as follows:

28 (a) The grant payment to an individual per educational year for
29 attendance on a full-time basis is not in excess of an amount determined
30 annually by the state board of education.

31 (b) The total grant payments over a period of four (4) years to an
32 individual may not exceed two (2) annual grants.

33 (c) The individual receiving such a grant signs an affidavit stat-
34 ing that the grant will be used for educational costs only.

35 (d) The grant is awarded on the basis of high school record and
36 other criteria as may be established by the state board of education and
37 the board of regents of the University of Idaho.

38 (e) The individual receiving the grant is not precluded from
39 receiving other financial aids, awards or scholarships except that cate-
40 gory A student award recipients are not eligible for category B awards.

41 (f) Grant payments shall correspond to academic terms, semesters,
42 quarters or equivalent time periods at an eligible postsecondary institu-
43 tion; in no instance may the entire amount of a grant for an educational
44 year, as defined in section 33-4306(11), Idaho Code, be paid to or on
45 behalf of such student in advance.

46 (g) The individual has complied with such rules as may be necessary
47 for the administration of this chapter.

1 SECTION 5. That Section 33-4308, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 33-4308. MAXIMUM NUMBER OF GRANTS. (1) The total number of
4 grants to eligible category A students shall not exceed one hun-
5 dred (100) per year, nor a cumulative total number of grants of four hundred
6 (400) outstanding at any given time .

7 (2) The total number of grants to category B students will be
8 determined annually by the board of regents of the University of Idaho and the
9 state board of education based on the number of eligible students, the indi-
10 vidual award amount and availability of funds.

11 SECTION 6. That Section 33-4309, Idaho Code, be, and the same is hereby
12 amended to read as follows:

13 33-4309. REMITTANCE IN CASE OF DISCONTINUED ATTENDANCE. A grant may be
14 made annually for a period not to exceed an educational year. If the student
15 discontinues attendance before the end of any semester, quarter, term, or
16 equivalent, covered by the grant after receiving payment under this act, the
17 eligible postsecondary institution shall remit, up to the amount of any pay-
18 ments made under this grant, any prorated tuition, fees or room and board bal-
19 ances to the state board of education and the board of regents of the Univer-
20 sity of Idaho. The student shall be required to remit, up to the amount of any
21 other reasonable grant balances, such grant balances to the state board of
22 education and the board of regents of the University of Idaho. In the
23 event of extreme hardship as determined by the board of regents of the Univer-
24 sity of Idaho or the state board of education, a student may request waiver of
25 remittance.

26 SECTION 7. That Section 33-4313, Idaho Code, be, and the same is hereby
27 amended to read as follows:

28 33-4313. DUTIES OF BOARD. The state board of education and the board of
29 regents of the University of Idaho shall be responsible for:

30 (1) Supervision of the issuance of public information concerning the pro-
31 visions of this act.

32 (2) Determination of recipients of grants made pursuant to the provisions
33 of this act.

34 (3) Adoption of rules ~~and regulations~~ necessary for process-
35 ing and approving applications from students.

36 (4) Determination of the procedures for payment of grants to recipients.

37 (5) Maintenance of fiscal controls and fund accounting procedures as may
38 be necessary to assure proper disbursement of funds.

39 (6) Submission of annual reports to the governor and legislature.

40 (7) Establishment of a reasonable and fair appeal procedure for those
41 students and institutions who may have been adversely affected by the applica-
42 tion procedures.

43 (8) Holding a public hearing, prior to the adoption of rules ,
44 ~~and regulations,~~ for the purpose of providing interested
45 parties with the opportunity of discussing such rules . ~~and~~
46 ~~regulations.~~

47 (9) Acceptance of funds from public and private sources, and such
48 funds are hereby perpetually appropriated to the board of regents of the Uni-
49 versity of Idaho and the state board of education for expenditure consistent
50 with the purposes of this chapter.

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(10) In the event funds from the master tobacco settlement agreement are used for category B scholarships, the board of regents of the University of Idaho and the state board of education are authorized to establish additional eligibility criteria for scholarship recipients.

ITEM 6.2B

Be it enacted by the legislature of the state of Idaho:

SECTION 1. That Chapter 4;3, 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 33-4316, Idaho Code, and to read as follows:

33-4316. INCENTIVE SCHOLARSHIP PROGRAM

- (1) The purpose of this section is to establish a state scholarship program for Idaho secondary graduates, students who have completed a general equivalency diploma (GED) and home-school graduates who will enroll in undergraduate nonreligious academic and professional-technical programs in eligible postsecondary institutions in the state. This scholarship program shall not supercede existing state scholarships or at risk scholarships but shall be in addition to those programs.
- (2) The state board of education and the board of regents of the university of Idaho shall be the administrative agency for the Idaho Incentive Scholarship Program. To be eligible for a scholarship pursuant to this section, a student shall be a graduate of an accredited secondary school in Idaho or be the recipient of a general equivalency diploma (GED) in Idaho and shall have had a cumulative grade point average of 2.0 out of 4.0 or better; or having completed home schooling shall qualify for admittance to an eligible postsecondary institution. The student shall declare his or her intention to matriculate in an eligible postsecondary institution in the state of Idaho as that term is defined in section 33-4306, Idaho Code. The amount awarded shall be five hundred dollars (\$500) for the student's first term or semester and five hundred dollars (\$500) for the second term or semester upon completion of the first term or semester. Students will be given the option of applying the scholarship to fees or receiving payment so it can be used for other expenses. Scholarships shall be paid from the Idaho Incentive Scholarship fund which is hereby created. Moneys in the fund shall consist of appropriations, donation, grants or moneys from any other source. Moneys in the fund may be expended pursuant to appropriation and scholarships shall be awarded only to the extent that funds are available.
- (3) The state board of education and the board of regents of the university of Idaho may promulgate rules and prescribe necessary forms to implement the provisions of this section. Students graduating in calendar year 2001 and thereafter shall be eligible to receive scholarships from the Idaho Incentive Scholarship Fund.

SECTION 2. This act shall be in full force and effect on and after January 1, 2001.

ITEM 6.3 LEGISLATIVE PROPOSAL - INTERIM COMMITTEE ON TEACHER / ADMINISTRATOR CONTRACT LAW

Background:

A Legislative Interim Committee on Teacher/Administrator Contract Law was established last session to undertake and complete a study of Idaho laws regarding teacher and administrator contract and evaluation processes and prepare legislation for modifications and improvements to the system. The Committee has met several times over the last few months and has agreed on draft legislation for introduction this session. Although the legislation has not yet been released in RS form, based on information received and attendance at the meetings, staff has compiled a draft of the anticipated legislation from the Interim Committee. (Item 6.3A)

Funding of the programs created by the legislation is included in intent language shown in Section 3. There will also be specific language added making the legislation contingent upon receipt of the specified funding.

Committee Action:

To agree by consensus to recommend the Board endorse / not endorse the legislative proposal in Item 6.3A related to Teacher / Administrator Contracts.

Board Action:

It was moved by _____ and carried to endorse / not endorse the legislative proposal in Item 6.3A related to Teacher / Administrator Contracts.

ITEM 6.3A

AN ACT

RELATED TO ANNUAL CONTRACTS FOR CERTIFICATED SCHOOL DISTRICT EMPLOYEES;

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

Section 1. That Section 33-514, Idaho Code, be, and the same is hereby amended to read as follows:

33-514. ISSUANCE OF ANNUAL CONTRACTS. – **SUPPORT PROGRAMS – CATEGORIES OF CONTRACTS – OPTIONAL PLACEMENT.**

- (1) The board of trustees shall establish criteria and procedures for the supervision and evaluation of certificated employees who are not employed on a renewable contract, as provided for in section 33-515, Idaho Code.**
- (2) Each school district shall have a support program for certificated employees who are experiencing their first three (3) years with a district, under a category 1, 2, or 3 contract, providing support in the areas of: administrative and supervisory support, peer assistance, mentoring, and professional development. In developing support programs, nothing shall prevent districts from joining together to formulate a joint program applicable to each member district. Programs shall be submitted for approval to the state department of education in accordance with procedures established by the department. The state department of education is hereby authorized and directed to:**

 - (a) Formulate basic guidelines which districts shall use as a model for developing district programs; and**
 - (b) Approve school district support programs; and**
 - (c) Establish procedures for districts to submit programs for approval, to provide for periodic review of previously approved programs, and to allow districts to amend previously approved programs.**
- (3) There shall be three (3) categories of annual contracts available to local school districts under which to employ certificated personnel:**

 - (a) A category 1 contract is a limited one-year contract as provided in section 33-514A, Idaho Code.**
 - (b) A category 2 contract is for certificated personnel in the first and second years of continuous employment with the same school district. While employed under a category 2 contract, the employee shall be provided the services of the district support program referenced in subsection (2) of this section. Upon the decision by a local school board not to reemploy the person for the following year, the certificated employee shall be provided a written statement of reasons for non-reemployment by no later than May 25. No property rights shall attach to a category 2 contract and therefore the employee shall not be entitled to a review by the local board of the reasons or decision not to reemploy.**
 - (c) A category 3 contract is for certificated personnel during the third year of continuous employment by the same school district. District Such procedures shall require at least one (1) evaluation prior to the beginning of the second semester of the school year and the results of any such evaluation shall be made a matter of record in the employee's personnel file. When any such employee's work is found to be unsatisfactory a reasonable defined period of probation shall be established by the board after which, but in no case shall a probationary period be less than eight (8) weeks. After the probationary period, action shall be taken by the board as to whether the employee is to be retained, immediately discharged, discharged upon termination of the current contract or reemployed at the end of the contract term under a**

continued probationary status. Notwithstanding the provisions of sections 67-2344 and 67-2345, Idaho Code, a decision to place certificated personnel on probationary status may be made in executive session and the employee shall not be named in the minutes of the meeting. A record of the decision shall be placed in the employee's personnel file. This procedure shall not preclude recognition of unsatisfactory work at a subsequent evaluation and the establishment of a reasonable period of probation. In all instances, the employee shall be duly notified in writing of the areas of work which are deficient, including the conditions of probation. ~~Through the third year of continuous employment by the same school district, including any specially chartered district, each~~ **Each** such certificated employee **on a category 3 contract** shall be given notice, in writing, whether he or she will be reemployed for the next ensuing year. Such notice shall be given by the board of trustees no later than the **twenty-fifth** day of ~~June~~ **May** of each such year. If the board of trustees has decided not to reemploy the certificated employee, then the notice must contain a statement of reasons for such decision and the employee shall, upon request, be given the opportunity for an informal review of such decision by the board of trustees. **The parameters of an informal review shall be determined by the local board.**

(4) School districts hiring an employee who has been on renewable contract status with another Idaho district or has out-of-state experience which would otherwise qualify the certificated employee for renewable contract status in Idaho, shall have the option to immediately grant renewable contract status, or to place the employee on a category 3 annual contract. Such employment on a category 3 contract under the provisions of this subsection may be for one (1), two (2), or three (3) years.

(5) There shall be a minimum of two (2) written evaluations in each of the annual contract years of employment, and at least one (1) evaluation shall be completed before January first of each year. The provisions of this subsection (5) shall not apply to employees on a category 1 contract.

SECTION 2. That Section 33-514A, Idaho Code, be, and the same is hereby amended to read as follows:

33-514A. ISSUANCE OF LIMITED **CONTRACT – CATEGORY 1 CONTRACT**. After August 1, the board of trustees may exercise the option of employing certified personnel on a one (1) year limited contract, **which may also be referred to as a category 1 contract consistent with the provision of section 33-514, Idaho Code.** Such a contract is specifically offered for the limited duration of the ensuing school year, and no further notice is required by the district to terminate the contract at the conclusion of the contract year.

SECTION 3: It is legislative intent that the fiscal year 2001 public school support bill contain additional funds for distribution by the superintendent of public instruction to the various school districts. The purpose of the funds is to provide for administrative and supervisory support, peer assistance, mentoring, and professional development support programs as required by Section 33-514, Idaho Code. Support program funding shall be allocated to school districts pro rata based upon the number of certificated employees who are experiencing their first three years with the district under a category 1, 2, or 3 contract. Further, it is recommended that the additional appropriated funds be in the amount of \$2,000,000.

SECTION 4. This act shall be in full force and effect on and after April 1, 2001.

ITEM 6.4 LEGISLATIVE PROPOSAL – WEAPONS ON SCHOOL GROUNDS

Background:

Last session, Representative Randy Hansen submitted legislation that would have amended existing statutes to provide that both juveniles and adults are prohibited from carrying weapons on school grounds, providing certain exceptions for adults. The legislation was amended to provide an exception for students if their weapon was secured in a vehicle, and to those with concealed weapon permits, and it was ultimately vetoed.

Representative Hansen assembled interested parties from the fields of education, law enforcement and sporting/rifle associations in the interim and the group has agreed on draft legislation that Representative Hansen will introduce this session.

Discussion:

Currently, Idaho Code related to weapons on school grounds only applies to persons under the age of twenty-one. The draft legislation makes the following major changes:

- Application to all persons on school grounds, not just those under 21
- Application to any student from any school when at school sponsored events off school grounds
- Changes term “Carry” to “Possess” and provides a definition
- Applies federal definitions for firearm and deadly or dangerous weapon
- Provides for six clearly organized exceptions

After several meetings that included Legislators Randy Hansen and Mike Moyle and representatives from the Idaho Education Association, Idaho Association of School Administrators, State Department of Education, Idaho Rifle & Pistol Association, National Rifle Association, and Department of Law Enforcement, the draft legislation (Item 6.4A) was agreed upon.

Representative Hansen has requested that the Board review the draft and if supportive, provide a letter of endorsement that he can present when introducing the legislation. The Board may wish to endorse the attached, provide suggestions for amendments, or provide a blanket statement regarding weapons on school grounds.

Committee Action:

To agree by consensus to recommend the full Board endorse the draft legislation in Item 6.4A / not endorse the draft legislation in Item 6.4A.

Board Action:

It was moved by _____ and carried to endorse / not endorse the draft legislation in Item 6.4A related to weapons on school grounds.

ITEM 6.4A

TITLE 18
CRIMES AND PUNISHMENTS
CHAPTER 33
FIREARMS, EXPLOSIVES AND
OTHER DEADLY WEAPONS

18-3302D. CARRYING POSSESSING WEAPONS OR FIREARMS ON SCHOOL PROPERTY.

(1)(a). It shall be unlawful and is a misdemeanor for any person ~~under the age of twenty one (21) to carry~~ **possess** a firearm, ~~dirk knife, bowie knife, dagger, metal knuckles~~ or other deadly or dangerous weapon ~~on or about his person~~ while on the property of a school or in those portions of any building, stadium or other structure on school grounds which were, at the time of the violation, being used for an activity sponsored by or through ~~such a~~ school in this state or while riding school provided transportation.

- (b) **The provisions of this section regarding the possession of a firearm or deadly or dangerous weapon on school property shall also apply to students of schools while attending or participating in any school sponsored activity, program or event regardless of location.**

~~Provisions of this section shall not apply to persons in private vehicles delivering children to and from school or school activities. Persons who are found guilty of violating the provisions of this section may be sentenced to a jail term of not more than one (1) year, or if a minor, not in excess of one hundred twenty (120) days in a juvenile detention facility, or fined an amount not in excess of one thousand dollars (\$1,000) or both.~~

~~Additionally, the board of trustees of a school district shall expel any person violating the provisions of this section if the violator is a student. The school shall immediately suspend the student pursuant to the provisions of section 33-205, Idaho Code. If a violator is a student and under the age of eighteen (18), the court may place the violator on probation and suspend the juvenile detention or fine or both as long as the violator is enrolled in a program of study recognized by the court that, upon successful completion, will grant the violator a general equivalency diploma (GED) or a high school diploma or other educational program authorized by the court. Upon successful completion of the terms imposed by the court, the court shall discharge the offender from serving the remainder of the sentence. If the violator does not complete, is suspended from or otherwise withdraws from the program of study imposed by the court, the court, upon receiving such information, shall order the violator to commence serving the sentence provided for in this section.~~

- (2) **Definitions. As used in this section:**

(a) **“Firearm” means any firearm as defined in section 921 of title 18 of the United States Code.**

(b) **“Deadly or dangerous weapon” means any weapon defined in section 930, of title 18 of the United States Code.**

(c) "Minor" means a person under the age of eighteen (18) years.

(d) "Possess" means (1) to bring an object, or to cause it to be brought, onto the property of a public or private elementary or secondary school; or to exercise dominion and control over an object located anywhere on such property.

(e) "School" means any public or private elementary or secondary school.

(3) Right to search students or minors. For purposes of enforcing the provisions of this section, employees of a school district shall ~~be deemed to~~ have the right to search all students or minors, including their belongings and lockers, that are reasonably believed to be in violation of the provisions of this section, or applicable school rule or district policy, regarding the carrying possessing of a firearm, ~~dirk knife, bowie knife, dagger, metal knuckles or other deadly or dangerous weapon.~~ A person shall not be deemed to be in violation of the provisions of this section if he is carrying a firearm as part of the requirements for a hunter safety course offered by or approved by the school district, or if the person is carrying a firearm while under the supervision of the school district or an employee thereof authorized to give such permission, or if the person is carrying the firearm pursuant to a requirement of law or in compliance with law.

~~(3) — As used in this section:~~

~~—(a) "Deadly or dangerous weapon" means any weapon as defined in federal law in section 921 of title 18 of the United States Code.~~

~~—(b) "Firearm" means a pistol, revolver or other firearm designed to be fired with the use of a single hand.~~

~~—(c) "Minor" means a person under the age of eighteen (18) years.~~

(4) The provisions of this section shall not apply to the following person:

(a) A peace officer;

(b) A person who lawfully possesses a firearm or deadly or dangerous weapon as an appropriate part of a program, event, activity, or other circumstance approved by the board of trustees or governing board.

(c) A person or persons complying with the provisions of section 19-202A, Idaho Code.

(d) Any adult over eighteen (18) years of age and not enrolled in a public or private elementary or secondary school who has lawful possession of a firearm or other deadly or dangerous weapon secured and locked in his vehicle in an unobtrusive, non-threatening manner.

(e) Persons who lawfully possess a firearm or other deadly or dangerous weapon in private vehicles delivering children to and from school or school activities.

(f) Notwithstanding Idaho Code 18-3302C, a person or an employee of the school or school district who is authorized to carry a firearm or other deadly or dangerous weapon with the permission of the board of trustees of the school district or the governing board.

- (5) Penalties. Persons who are found guilty of violating the provisions of this section may be sentenced to a jail term of not more than one (1) year or fined an amount not in excess of one thousand dollars (\$1000) or both. If a violator is a student under the age of eighteen (18), the court may place the violator on probation and suspend the juvenile detention or fine or both as long as the violator is enrolled in a program of study recognized by the court that upon successful completion, will grant the violator a general equivalency diploma (GED) or a high school diploma or other educational program authorized by the court. Upon successful completion of the terms imposed by the court, the court shall discharge the offender from serving the remainder of the sentence. If the violator does not complete, is suspended from, or otherwise withdraws from the program of study imposed by the court, the court, upon receiving such information, shall order the violator to commence serving the sentence provided for in this section.

SECTION 2. That section 18-3302C, Idaho Code, be, and the same is hereby amended to read as follows:

18-3302C. PROHIBITED CONDUCT. Any person obtaining a license under the provisions of section 18-3302, Idaho Code, shall not:

- (1) Carry a concealed weapon in a courthouse, juvenile detention facility or jail, public or private school **except as provided in subsection (4) (f) of section 18-3302D, Idaho Code;** or
- (2) Provide information on the application for a permit to carry a concealed weapon knowing the same to be untrue. Any person violating the provision of this section shall be guilty of a misdemeanor.

SECTION 3. This act shall be in full force and effect on and after July 1, 2000.

ITEM 6.5 LEGISLATIVE PROPOSAL – CONSTRUCTION / RENOVATION OF STATE FACILITIES

Background:

Senator Bunderson has met with the Presidents of our public institutions and discussed options for financing or leasing (tantamount to purchase) new facilities. With only \$10-12 million going into the Permanent Building Fund each year, the Fund is unable to meet the facility building/renovation requirements of our postsecondary institutions and other state facilities needs. If the flow of funds could be increased (e.g. interest earned on tobacco settlement funds), the impact of leveraging would be even greater. Bond issues currently require a concurrent resolution of the legislature. Such a resolution may be sponsored this session, and if the Board concurs, would be supported by the colleges/universities.

Discussion:

Senator Bunderson is considering introducing several pieces of legislation this session to provide better planning/flexibility in the construction purchase/lease of state facilities.

- A new section would be added to Chapter 57, Title 67, Idaho Code to require state agencies to prepare and maintain a five year facility needs plan and report projected budget needs at their annual budget hearing. (see 6.5A)
- Title 67 would be amended to allow, during the interim between regular legislative sessions (in lieu of a concurrent resolution of the legislature), authority to provide a specific state facility if the Senate Pro-Tempore, the Speaker of the House, and the State Board of Examiners concur. (see 6.5B)
- A concurrent resolution would be introduced to authorize the State Department of Administration to identify leases of state buildings or facilities that would produce significant long-term savings if canceled and the State Building Authority either purchased the building or facility or provided another building or facility for the state agency. As in the above paragraph, if the Pro-Tempore, Speaker, and Board of Examiners all concur, they could proceed during an interim between regular legislative sessions. (see 6.5C)
- A new section would be added to Chapter 3, Title 58, Idaho Code to exempt state real estate from state surplus property law. Proceeds from the sale of surplus state real estate would first be available to the losing agency. (see 6.5D)
- A new section would be added to Title 58 to require the establishment of an integrated database and comprehensive geographic information system for all property and encumbrances owned by the state. (see 6.5E)

Committee Action:

To agree by consensus to recommend the Board endorse / not endorse the draft legislation shown in Item 6.5A, 6.5B, 6.5C, 6.5D, and 6.5E.

Board Action:

It was moved by _____ and carried to endorse / not endorse the draft legislation shown in Item 6.5A, 6.5B, 6.5C, 6.5D, and 6.5E.

ITEM 6.5A

SEE HARDCOPY FOR DRAFT LEGISLATION

ITEM 6.5B

SEE HARDCOPY FOR DRAFT LEGISLATION

ITEM 6.5C

SEE HARDCOPY FOR DRAFT LEGISLATION

ITEM 6.5D

SEE HARDCOPY FOR DRAFT LEGISLATION

ITEM 6.5E

SEE HARDCOPY FOR DRAFT LEGISLATION

ITEM 6.5E

SEE HARDCOPY FOR DRAFT LEGISLATION

ITEM 6.5E

SEE HARDCOPY FOR DRAFT LEGISLATION

ITEM 6.6 RECOMMENDATIONS FROM THE INTERIM COMMITTEE ON PERSI

Background:

A legislative interim committee was formed last session to undertake a complete study of the Public Employee Retirement System and options that could provide enhancements or alternatives to the existing provisions. The Public Employee Retirement System membership is just under 100,000, with the largest group of members being school district employees (28%). The Committee has held public hearings throughout the state, and has taken testimony and gathered information from interested employee groups, financial planners, and legislative and PERSI staff. Thus far, the recommendation from the Committee that will most directly affect public employees is changing the multiplier (multiplier x months of service x base salary = retirement benefit) from 1.917 to 2.0 for general employees and 2.225 to 2.3 for police/firefighters. Motions to reduce the number of months used for the base period to determine average annual salary, from 42 to 36, and motions to change the rule of 90/80 to 85/75 have failed. At their final meeting, the Committee discussed provisions that would support sharing retirement system surpluses (due to gains in the financial market). Retirees would receive system surpluses each year there as a surplus, and current employees would have their surpluses deposited in a special retirement account.

Discussion:

Senator Hal Bunderson will be present at the meeting to discuss the proposed surplus sharing system and to speak to Item 6.6A.

ITEM 6.6A

SEE HARDCOPY

ITEM 6.6A

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ITEM 6.6A

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ITEM 6.6A

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ITEM 6.6A

SEE HARDCOPY

ITEM 6.7 POSSIBLE LEGISLATIVE PROPOSALS – CHARACTER EDUCATION

Background:

Representative Tom Trail and Representative Max Mortensen are planning to submit a legislative proposal on character education. Senator Mortensen has indicated it may reflect a measure introduced in Virginia in 1999 that

- provided school districts establish character education programs,
- provided that the state board of education
 - establish criteria for character education programs;
 - provide assistance to districts in implementation and with resources to ensure success of their programs;
 - identify and analyze effective character education programs and practices and collect and disseminate information regarding such programs and practices and potential funding and support sources;
 - provide resources supporting professional development for administrators and teachers in the delivery of any character education program; and
 - award funds, as appropriated for the purpose, to school boards in the form of grants for the implementation of innovative character education programs.

Representative Mortensen has agreed to keep staff informed of their proposal and has stated he welcomes input from the SBOE on this measure. It is possible a draft will be forwarded in time for consideration at the January Board meeting.

ITEM 6.8 POSSIBLE LEGISLATIVE PROPOSALS – COMMUNITY COLLEGE FUNDING

Representative Don Pischner and other state legislators from legislative districts containing community colleges may be seeking tax relief for their constituents who pay property taxes in support of a community college. While no specific proposal is yet available, two approaches are being discussed:

- Reduce the level of property tax support to each of the two community colleges replacing it with an increase in the state general fund appropriation. There would always remain some local property tax support to the schools.
- Provide people who pay property taxes in support on community colleges a state income tax credit for some or all of the property taxes paid to community colleges. The net effect is still a shift of the funding burden from property taxes to the state.

ITEM 6.9 LEGISLATIVE PROPOSAL – SEPARATE SCHOOLS

Item 6.9A outlines the State Department of Education’s suggestions to resolve funding issues related to separate schools as currently defined in Idaho Code.

ITEM 6.9A

SEE HARDCOPY

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ITEM 6.10 GOVERNOR’S INITIATIVES

The Governor’s Office is contemplating several legislative proposals this session that will impact education. Nothing is currently available in writing but Dr. Tom Morley, the Governor’s Education Advisor, will attend the Legislative Committee meeting and brief Committee members on the Governor’s legislative initiatives.

ITEM 6.11 REPORT AND RECOMMENDATIONS FROM THE GOVERNOR'S COMMITTEE ON SCHOOL FACILITIES

To supplement information received from Mr. Terrell at the SBOE Videoconference in November, attached as Item 6.11A is a draft of the Final Report and Recommendations from the Governor's School Facilities Committee for your information.

As a reminder, at the November meeting the Board passed a motion to support efforts and legislation that would enable a local school district to fix any life and safety problems apparent in their school facilities.

ITEM 6.11A

SEE HARDCOPY

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