

IN THE SENATE

SENATE BILL NO. 1074, As Amended

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO THE IDAHO BUREAU OF EDUCATIONAL SERVICES FOR THE
2 DEAF AND THE BLIND; REPEALING CHAPTER 34, TITLE 33, IDAHO CODE,
3 RELATING TO THE IDAHO SCHOOL FOR THE DEAF AND THE BLIND;
4 AMENDING SECTION 33-905, IDAHO CODE, TO PROVIDE FOR MONEYS TO
5 GO TO ANY SCHOOL FOR THE DEAF AND THE BLIND OPERATED BY THE
6 IDAHO BUREAU OF EDUCATIONAL SERVICES FOR THE DEAF AND THE
7 BLIND; AMENDING SECTION 33-1228, IDAHO CODE, TO INCLUDE EMPLOYEES
8 OF THE IDAHO BUREAU OF EDUCATIONAL SERVICES FOR THE DEAF AND
9 THE BLIND AND TO MAKE A TECHNICAL CORRECTION; AMENDING TITLE
10 33, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 34, TITLE 33,
11 IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE DEFINITIONS, TO
12 ESTABLISH THE IDAHO BUREAU OF EDUCATIONAL SERVICES FOR THE
13 DEAF AND THE BLIND, TO PROVIDE A GOAL, TO PROVIDE FOR A BOARD
14 OF DIRECTORS, TO PROVIDE FOR APPOINTMENT OF AN ADMINISTRATOR,
15 TO PROVIDE FOR POWERS AND DUTIES OF THE BOARD OF DIRECTORS, TO
16 PROVIDE FOR A GOVERNMENTAL ENTITY, TO PROVIDE FOR APPLICATION
17 OF CERTAIN PROVISIONS OF IDAHO CODE, TO PROVIDE THAT THE
18 BUREAU SHALL SECURE CERTAIN INSURANCE, TO PROHIBIT CERTAIN
19 ACTS, TO ESTABLISH A TRUST FUND, TO PROVIDE FOR CONTINUOUS
20 APPROPRIATIONS, TO PROVIDE FOR AN ANNUAL BUDGET MEETING, TO
21 PROVIDE FOR SUBMISSION OF AN ANNUAL BUDGET, TO PROVIDE FOR THE
22 PROMULGATION OF RULES, TO PROVIDE FOR CERTAIN REPORTS RELATING
23 TO DEAF AND BLIND PUPILS, TO PROVIDE FOR THE ACQUISITION OF AND
24 TITLE TO PROPERTY, TO PROVIDE FOR THE TRANSFER OF CERTAIN SICK
25 LEAVE, TO PROHIBIT SECTARIAN TESTS AND TO PROVIDE FOR A GENERAL
26 FUND CONTINGENCY RESERVE; AMENDING SECTION 33-4802, IDAHO CODE,
27 TO DELETE REFERENCE TO THE IDAHO SCHOOL FOR THE DEAF AND
28 BLIND AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION
29 33-4803, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 33-4806,
30 IDAHO CODE, TO PROVIDE REFERENCE TO THE BUREAU OF EDUCATIONAL
31 SERVICES FOR THE DEAF AND THE BLIND; AND AMENDING SECTION
32 67-7304, IDAHO CODE, TO PROVIDE REFERENCE TO THE IDAHO BUREAU OF
33 EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND.
34

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

36 SECTION 1. That Chapter 34, Title 33, Idaho Code, be, and the same is hereby repealed.

37 SECTION 2. That Section 33-905, Idaho Code, be, and the same is hereby amended to
38 read as follows:

1 33-905. SCHOOL DISTRICT BUILDING ACCOUNT – PAYMENTS TO ACCOUNT
 2 – MONEYS APPROPRIATED TO STATE BOARD – APPLICATION FOR MONEYS –
 3 PAYMENTS TO DISTRICTS – REPORTS ON APPLICATIONS – USES OF MONEYS. (1)
 4 The state of Idaho, in order to fulfill its responsibility to establish and maintain a general,
 5 uniform and thorough system of public, free common schools, hereby creates and establishes
 6 the school district building account in the state treasury. The school district building account
 7 shall have paid into it such appropriations or revenues as may be provided by law.

8 (2) By not later than August 31, moneys in the account pursuant to distribution from
 9 section 67-7434, Idaho Code, the lottery dividends and interest earned thereon, shall be
 10 distributed to each of the several school districts, in the proportion that the average daily
 11 attendance of that district for the previous school year bears to the total average daily
 12 attendance of the state during the previous school year. For the purposes of this subsection (2)
 13 only, the Idaho school for the deaf and the blind shall be considered a school district, and shall
 14 receive a distribution based upon the average daily attendance of the school. Average daily
 15 attendance shall be calculated as provided in section 33-1002(3), Idaho Code. For the purposes
 16 of this subsection (2) only, any school for the deaf and the blind operated by the Idaho bureau
 17 of educational services for the deaf and the blind shall be considered a school district, and shall
 18 receive a distribution based upon the average daily attendance of the school.

19 (3) Any other state moneys that may be made available shall be distributed to meet the
 20 requirements of section 33-1019, Idaho Code. If the amount of such funds exceeds the amount
 21 needed to meet the provisions of section 33-1019, Idaho Code, then the excess balance shall be
 22 transferred to the public education stabilization fund.

23 (4) All payments from the school district building account shall be paid out directly
 24 to the school district in warrants drawn by the state controller upon presentation of proper
 25 vouchers from the state board of education. Pending payments out of the school district
 26 building account, the moneys in the account shall be invested by the state treasurer in the same
 27 manner as provided under section 67-1210, Idaho Code, with respect to other idle moneys in
 28 the state treasury. Interest earned on the investments shall be returned to the school district
 29 building account.

30 (5) Payments from the school district building account received by a school district shall
 31 be used by the school district for the purposes authorized in section 33-1019, Idaho Code, up
 32 to the level of the state match so required. Any payments from the school district building
 33 account received by a school district that are in excess of the state match requirements of
 34 section 33-1019, Idaho Code, may be used by the school district for the purposes authorized in
 35 section 33-1102, Idaho Code.

36 SECTION 3. That Section 33-1228, Idaho Code, be, and the same is hereby amended to
 37 read as follows:

38 33-1228. SEVERANCE ALLOWANCE AT RETIREMENT. (1) Upon separation from
 39 public school employment by retirement in accordance with chapter 13, title 59, Idaho Code,
 40 an employee's unused sick leave shall be determined based on accumulated sick leave earned
 41 subsequent to July 1, 1976, as provided by section 33-1218, Idaho Code, and shall be reported
 42 by the employer to the Idaho public employee retirement system. A sum equal to one-half
 43 (1/2) of the monetary value of such unused sick leave, calculated at the rate of pay for such
 44 employee at the time of retirement, as determined by the retirement board, shall be transferred
 45 from the sick leave account provided by subsection (~~23~~) of this section and shall be credited

1 to such employee's retirement account. Such sums shall be used by the retirement board to
2 continue to pay, subject to applicable federal tax limits:

3 (a) Premiums for the retiree and the retiree's dependents at the rate for the active
4 employee's group health, long-term care, vision, prescription drug and dental insurance
5 programs as maintained by the employer for the active employees until the retiree and/or
6 the retiree's spouse becomes eligible for medicare at which time the district shall make
7 available a supplemental program to medicare for the eligible individual. Upon the death
8 of the retiree the surviving spouse's health coverage shall be available and continued
9 under the same terms and conditions as the retiree. Coverage may be continued for
10 the retiree's surviving dependent spouse and dependents until remarriage of the spouse
11 or until the retiree's surviving dependent spouse is eligible for a group health program
12 by an employer. The medicare supplement program will provide the same premium
13 and benefits for all retirees of all the employers served by the same insurance carrier.
14 However, a school district may make available to all retirees from that district other
15 benefits in addition to the medicare supplement program and the retiree or the district
16 shall pay for such additional benefits.

17 (b) Premiums at the time of retirement for the retiree for the life insurance program
18 maintained by the employer which may be reduced to a minimum of five thousand dollars
19 (\$5,000) of coverage.

20 (2) The retiree may continue to pay the premiums for the health, accident, dental and
21 life insurance to the extent of the funds credited to the employee's account pursuant to this
22 section and when these funds are expended the premiums may be deducted from the retiree's
23 allowance. Upon a retiree's death, any unexpended sums remaining in the retiree's account
24 shall revert to the sick leave account. If funds are not available for payment by the Idaho
25 public employee retirement system from the retiree's surviving dependent spouse's allowance,
26 the insurance carrier shall implement a direct billing procedure to permit the retiree's surviving
27 spouse to continue coverage.

28 (3) Each employer shall contribute to a sick leave account maintained by the public
29 employee retirement system in trust exclusively for the purpose of the provisions of this
30 section. The retirement board shall serve as trustee of the trust and shall be indemnified to
31 the same extent as provided in section 59-1305, Idaho Code. Assets in the trust shall not
32 be assignable or subject to execution, garnishment or attachment or to the operation of any
33 bankruptcy or insolvency law. The rate of such contribution each pay period shall consist of
34 a percentage of employees' salaries as determined by the board, and such rate shall remain
35 in effect until next determined by the board. Any excess balance in the sick leave account
36 shall be invested, and the earnings therefrom shall accrue to the sick leave account except the
37 amount required by the board to defray administrative expenses. Assets of the trust may be
38 commingled for investment purposes with other assets managed by the retirement board. All
39 moneys payable to the sick leave account are hereby perpetually appropriated to the board, and
40 shall not be included in its departmental budget.

41 (4) For purposes of this section public school employment shall be defined to permit
42 inclusion of employees of organizations funded by school districts or of contributions of
43 employees of school districts and shall include employees of the Idaho bureau of educational
44 services for the deaf and the blind.

1 SECTION 4. That Title 33, Idaho Code, be, and the same is hereby amended by the
 2 addition thereto of a NEW CHAPTER, to be known and designated as Chapter 34, Title 33,
 3 Idaho Code, and to read as follows:

4 CHAPTER 34
 5 IDAHO BUREAU OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND
 6 ACT OF 2009

7 33-3401. SHORT TITLE. This chapter shall be known and may be cited as the "Idaho
 8 Bureau of Educational Services for the Deaf and the Blind Act of 2009."

9 33-3402. DEFINITIONS. As used in this chapter:

10 (1) "Blind or visually impaired" means impacted by an impairment in vision that, even
 11 with correction, adversely affects a child's educational performance. The term includes both
 12 partial sight and blindness.

13 (2) "Board of directors" also referred to in this chapter as "the board" means the board of
 14 directors of the Idaho bureau of educational services for the deaf and the blind as such board is
 15 established in section 33-3404, Idaho Code.

16 (3) "Bureau" means the Idaho bureau of educational services for the deaf and the blind as
 17 created in section 33-3403, Idaho Code.

18 (4) "Deaf or hard of hearing" means impacted by an impairment in hearing, whether
 19 permanent or fluctuating, that adversely affects a child's educational performance, or impacted
 20 by a hearing impairment that is so severe that the child is impaired in processing linguistic
 21 information through hearing, with or without amplification that adversely affects a child's
 22 educational performance.

23 (5) "Idaho school for the deaf and the blind" means the campus program used to provide
 24 residential and day campus instruction and services to deaf or hard of hearing and/or blind or
 25 visually impaired students.

26 (6) "Outreach services" means off-campus statewide supplemental services provided by
 27 the Idaho bureau of educational services for the deaf and the blind to school districts, students
 28 and families.

29 (7) "Sensory impairment" means an impairment of vision or hearing, or both.

30 (8) "Specialized/certified personnel" means all personnel nationally certified and/or
 31 certified by the state of Idaho as required by applicable law to provide services and instruction
 32 to students who are deaf or hard of hearing and/or blind or visually impaired, including, but not
 33 limited to, certified teachers of the deaf, certified teachers of the visually impaired, certified
 34 interpreters, certified orientation and mobility specialists, speech language pathologists, and
 35 certified low vision therapists.

36 (9) "State board" means the Idaho state board of education.

37 (10) "Student" means an individual who is deaf or hard of hearing and/or blind or visually
 38 impaired and who qualifies for educational services as provided for in this chapter pursuant
 39 to eligibility criteria set forth in the Idaho standards for infants, toddlers, children, and youth
 40 who are deaf or hard of hearing as incorporated by reference in IDAPA 08.02.03.004.08 and
 41 08.02.03.004.09 in effect on January 1, 2009.

42 (11) "Supplemental services" means services provided to deaf or hard of hearing and/or
 43 blind or visually impaired students and their families, in addition to and in support of services

1 the student may receive from his or her school district. Such services may include assessment,
2 consultation and direct instruction.

3 33-3403. BUREAU OF EDUCATIONAL SERVICES FOR THE DEAF AND THE
4 BLIND ESTABLISHED – GOAL. (1) There is hereby established the Idaho bureau of
5 educational services for the deaf and the blind, a provider of supplemental services for students
6 who are deaf or hard of hearing and/or blind or visually impaired. The Idaho bureau of
7 educational services for the deaf and the blind may operate a school for the deaf and the
8 blind at which it shall provide residential and day campus programs. The Idaho bureau of
9 educational services for the deaf and the blind may also operate an outreach program intended
10 to provide services to students outside the campus area, as well as early intervention and family
11 consultation.

12 (2) The goal of the Idaho bureau of educational services for the deaf and the blind is to
13 assist school districts and state agencies in providing accessibility, quality and equity to students
14 in the state with sensory impairments through a continuum of service and placement options.

15 33-3404. BOARD OF DIRECTORS. (1) The Idaho bureau of educational services for
16 the deaf and the blind shall be governed by a board of directors which shall be responsible for
17 development and oversight.

18 (2) The board of directors shall be comprised of eight (8) members as follows:

19 (a) One (1) member shall be specialized/certified personnel appointed by the governor for
20 a three (3) year term;

21 (b) One (1) member shall be a director of special education appointed by the governor
22 for a three (3) year term;

23 (c) Two (2) members shall be citizens at-large appointed by the governor, each for three
24 (3) year terms;

25 (d) One (1) member shall be a parent of a student who is deaf or hard of hearing or blind
26 or visually impaired for a three (3) year term;

27 (e) One (1) member shall be a citizen who is deaf or hard of hearing for a three (3) year
28 term;

29 (f) One (1) member shall be a citizen who is blind or visually impaired for a three (3)
30 year term; and

31 (g) The state superintendent of public instruction shall be chair of the board and shall
32 serve concurrently with the term of office to which the state superintendent is elected.

33 (3) For purposes of establishing staggered terms of office, the initial term of office for
34 the citizen who is blind or visually impaired and the parent of a student who is deaf or hard
35 of hearing or blind or visually impaired shall be one (1) year, and thereafter shall be three (3)
36 years. The initial term of office for the two (2) members at-large and for the director of special
37 education shall be two (2) years, and thereafter shall be three (3) years. The initial term of
38 office for the citizen who is deaf or hard of hearing and for the specialized/certified personnel
39 shall be three (3) years, and thereafter shall be three (3) years.

40 (4) No voting member shall serve for more than two (2) consecutive full terms.
41 Members of the board who are appointed to fill vacancies that occur prior to the expiration of a
42 former member's full term shall serve the unexpired portion of such term.

43 33-3405. BOARD OF DIRECTORS TO APPOINT ADMINISTRATOR –
44 DESIGNATION OF ASSISTANTS – DUTIES. (1) The board of directors for the Idaho

1 bureau of educational services for the deaf and the blind shall appoint a person to serve as an
2 administrator to the bureau.

3 (2) The administrator shall designate, by and with the advice and consent of the board
4 of directors, such assistants, instructors, specialists and other employees as may be necessary to
5 properly carry out the provisions of this chapter.

6 (3) The administrator shall coordinate all efforts in education for the deaf and the blind
7 approved by the board of directors and shall prepare such reports concerning the education for
8 the deaf and the blind in the state as the board of directors may require.

9 (4) The administrator shall make an annual report of the bureau's activities to the state
10 board of education at a time and in a format designated by the state board of education.

11 33-3406. POWERS AND DUTIES OF THE BOARD OF DIRECTORS. The board of
12 directors for the Idaho bureau of educational services for the deaf and the blind shall have the
13 following powers and duties:

14 (1) Recommend policies to be established by rule of the state board of education for
15 effecting the purposes of this chapter.

16 (2) Operate a school for the deaf and the blind, including but not limited to:

17 (a) With the advice of the administrator, prescribe the course of study, the textbooks to
18 be used, and for those pupils who complete the requirements for grade twelve (12), the
19 time and standard of graduation;

20 (b) Upon advice and recommendation from the administrator that any pupil has ceased to
21 make progress, or is no longer being benefited by the school's services, approve release of
22 such pupil from the school and/or discontinue school services;

23 (c) Maintain general supervision and control of all property, real and personal,
24 appertaining to the school, and to ensure the same;

25 (d) Employ architects or engineers as necessary in planning the construction, remodeling
26 or repair of any building and, whenever no other agency is designated so to do, to let
27 contracts for such construction, remodeling or repair and to supervise the work thereof;
28 and

29 (e) Provide for the conveyance of pupils to and from the school.

30 (3) Employ or contract with outreach and other staff as necessary. The Idaho bureau of
31 educational services for the deaf and the blind shall be exempt from the provisions of sections
32 33-513, 33-514, 33-514A, 33-515 and 33-515A, Idaho Code, and shall be exempt from chapter
33 53, title 67, Idaho Code. At the discretion of the board, all employees of the Idaho bureau of
34 educational services for the deaf and the blind or a school for the deaf and the blind eligible
35 for benefits may be permitted to elect to receive their salary on a year-round basis. Such a
36 payment schedule shall not be considered a guarantee of employment.

37 (4) Purchase such supplies and equipment as are necessary to implement the provisions
38 of this chapter, which purchases shall be exempt from the purchasing laws in chapter 57, title
39 67, Idaho Code.

40 (5) Enter into contracts with any other governmental or public agency whereby the
41 bureau agrees to render services to or for such agency in exchange for a charge reasonably
42 calculated to cover the costs of rendering such service.

43 (6) Accept, receive and utilize any gifts, grants or funds and personal and real property
44 that may be donated to it for the fulfillment of the purposes outlined in this chapter.

1 (7) Obtain and maintain facilities to house operations of outreach or supplemental
2 services as needed.

3 (8) Manage the moneys disbursed to the bureau from any and all sources.

4 (9) Acquire, by purchase, exchange, or lease any property which in the judgment of the
5 board is needed for the operation of the Idaho bureau of educational services for the deaf and
6 the blind, including a school for the deaf and the blind, and to lease, dispose of, by sale or
7 exchange, any property which in the judgment of the board is not needed for the operation of
8 the same.

9 (10) Enter into contracts or agreements as may be necessary to carry out the purposes of
10 this chapter.

11 33-3407. GOVERNMENTAL ENTITY – LIABILITY – INSURANCE. (1) The Idaho
12 bureau of educational services for the deaf and the blind shall be a governmental entity as
13 provided in section 33-5502, Idaho Code. For the purposes of section 59-1302(15), Idaho
14 Code, the Idaho bureau of educational services for the deaf and the blind created pursuant
15 to this chapter shall be deemed a governmental entity. Pursuant to the provisions of section
16 63-3622O, Idaho Code, sales to or purchases by the Idaho bureau of educational services for
17 the deaf and the blind are exempt from payment of the sales and use tax. The Idaho bureau
18 of educational services for the deaf and the blind, its employees and its board of directors are
19 subject to the following provisions in the same manner as a traditional public school and the
20 board of trustees of a school district:

21 (a) Sections 18-1351 through 18-1362, Idaho Code, on bribery and corrupt influence,
22 except as provided by section 33-5204A(2), Idaho Code;

23 (b) Chapter 2, title 59, Idaho Code, on prohibitions against contracts with officers;

24 (c) Chapter 7, title 59, Idaho Code, on ethics in government;

25 (d) Chapter 23, title 67, Idaho Code, on open public meetings;

26 (e) Chapter 3, title 9, Idaho Code, on disclosure of public records;

27 (f) Section 33-1216, Idaho Code, on sick and other leave;

28 (g) Section 33-1217, Idaho Code, on accumulation of unused sick leave;

29 (h) Section 33-1218, Idaho Code, on sick leave in excess of statutory minimum amounts;
30 and

31 (i) Section 33-1228, Idaho Code, on severance allowance at retirement.

32 (2) The Idaho bureau of educational services for the deaf and the blind may sue or be
33 sued, purchase, receive, hold and convey real and personal property for school purposes, and its
34 employees, directors and officers shall enjoy the same immunities as employees, directors and
35 officers of traditional public school districts and other public schools, including those provided
36 by chapter 9, title 6, Idaho Code.

37 (3) The Idaho bureau of educational services for the deaf and the blind shall secure
38 insurance for liability and property loss.

39 (4) It shall be unlawful for:

40 (a) Any director to have pecuniary interest directly or indirectly in any contract or other
41 transaction pertaining to the maintenance or conduct of the Idaho bureau of educational
42 services for the deaf and the blind, or to accept any reward or compensation for services
43 rendered as a director except as may be otherwise provided in this subsection (4). The
44 board of directors of the Idaho bureau of educational services for the deaf and the blind
45 may accept and award contracts involving the Idaho bureau of educational services for

1 the deaf and the blind to businesses in which the director or a person related to him
 2 by blood or marriage within the second degree of consanguinity has a direct or indirect
 3 interest, provided that the procedures set forth in section 18-1361 or 18-1361A, Idaho
 4 Code, are followed. The receiving, soliciting or acceptance of moneys of the Idaho
 5 bureau of educational services for the deaf and the blind for deposit in any bank or trust
 6 company, or the lending of moneys by any bank or trust company to the Idaho bureau
 7 of educational services for the deaf and the blind, shall not be deemed to be a contract
 8 pertaining to the maintenance or conduct of the Idaho bureau of educational services
 9 for the deaf and the blind within the meaning of this section; nor shall the payment of
 10 compensation by the Idaho bureau of educational services for the deaf and the blind board
 11 of directors to any bank or trust company for services rendered in the transaction of any
 12 banking business with the Idaho bureau of educational services for the deaf and the blind
 13 board of directors be deemed the payment of any reward or compensation to any officer
 14 or director of any such bank or trust company within the meaning of this section.

15 (b) The board of directors of the Idaho bureau of educational services for the deaf and
 16 the blind to enter into or execute any contract with the spouse of any member of such
 17 board, the terms of which said contract require, or shall require, the payment or delivery
 18 of any Idaho bureau of educational services for the deaf and the blind funds, moneys or
 19 property to such spouse, except as provided in section 18-1361 or 18-1361A, Idaho Code.

20 (5) When any relative of any director, or relative of the spouse of a director related
 21 by affinity or consanguinity within the second degree, is to be considered for employment in
 22 the Idaho bureau of educational services for the deaf and the blind, such director shall abstain
 23 from voting in the election of such relative, and shall be absent from the meeting while such
 24 employment is being considered and determined.

25 33-3408. EXPENDITURES – BUDGET – FUNDING. (1) There is hereby created in
 26 the state treasury the Idaho bureau of educational services for the deaf and the blind trust fund,
 27 which is hereby continuously appropriated to the Idaho bureau of educational services for the
 28 deaf and the blind. The fund shall consist of appropriations, fees, grants, gifts or moneys from
 29 any other source. The state treasurer shall invest all idle moneys in the fund and interest earned
 30 on such investments shall be retained by the fund.

31 (2) On or before the first Monday in July, there shall be held at the time and place
 32 determined by the Idaho bureau of educational services for the deaf and the blind board,
 33 a budget meeting and public hearing upon the proposed budget of the Idaho bureau of
 34 educational services for the deaf and the blind. Notice of the budget meeting and public
 35 hearing shall be posted at least ten (10) full days prior to the date of the meeting in at least one
 36 (1) conspicuous place to be determined by the Idaho bureau of educational services for the deaf
 37 and the blind board of directors. The place, hour and day of the hearing shall be specified in
 38 the notice, as well as the place where such budget may be examined prior to the hearing. On
 39 or before the first Monday in July a budget for the Idaho bureau of educational services for the
 40 deaf and the blind shall be agreed upon and approved by the majority of the Idaho bureau of
 41 educational services for the deaf and the blind board of directors.

42 (3) The Idaho bureau of educational services for the deaf and the blind shall submit
 43 its annual appropriation request to the state superintendent of public instruction, by no later
 44 than the first day of August, for the superintendent's review, approval, and inclusion in the
 45 budget request of the educational support program/division of children's programs. The state

1 superintendent of public instruction shall disburse any funds appropriated to the Idaho bureau
2 of educational services for the deaf and the blind trust fund. The Idaho bureau of educational
3 services for the deaf and the blind board of directors shall use such moneys to provide
4 supplemental services to deaf or hard of hearing and blind or visually impaired students in the
5 state of Idaho.

6 33-3409. RULES. The state board of education is authorized to, with the advice and
7 recommendation of the board of directors, promulgate rules to implement the provisions of this
8 chapter.

9 33-3410. REPORTING DEAF AND BLIND PUPILS. On or before the first day of
10 February, in each year, the clerk of each school district, including elementary school districts,
11 charter schools designated by the state board of education to be identified as a local education
12 agency (LEA) pursuant to section 33-5203, Idaho Code, and especially chartered school
13 districts shall report the number of deaf and blind pupils, as defined in section 33-3407, Idaho
14 Code, attending the school or schools of the district, and any such person, not a pupil in the
15 school, of whom he may have knowledge. Such report shall be made to the Idaho bureau of
16 educational services for the deaf and the blind, upon forms approved by the state board of
17 education.

18 33-3411. ACQUISITION OF AND TITLE TO PROPERTY. All rights and title to
19 property, real and personal, belonging to the state of Idaho and vested in the Idaho state board
20 of education for use as a school for the deaf and the blind shall remain with the Idaho state
21 board of education.

22 33-3412. SICK LEAVE TRANSFERRED FOR EMPLOYEES OF IDAHO SCHOOL
23 FOR THE DEAF AND THE BLIND TO IDAHO BUREAU OF EDUCATIONAL SERVICES
24 FOR THE DEAF AND THE BLIND. Notwithstanding any other provision of law to the
25 contrary, any employee of the Idaho school for the deaf and the blind who has accrued sick
26 leave pursuant to section 67-5333, Idaho Code, and who, on or before September 1, 2009, is
27 transferred to or otherwise becomes an eligible employee of the Idaho bureau of educational
28 services for the deaf and the blind shall be credited by the Idaho bureau of educational services
29 for the deaf and the blind with the amount of sick leave accrued and unused at the time of
30 transfer. After such transfer, the use of such sick leave and the accrual of additional sick leave
31 shall be governed by the laws, rules and policies applicable to the Idaho bureau of educational
32 services for the deaf and the blind.

33 33-3413. SECTARIAN TESTS PROHIBITED. No religious or sectarian tests shall be
34 applied to the admission of students, nor in the selection of instructors or other personnel of the
35 school.

36 33-3414. GENERAL FUND CONTINGENCY RESERVE. The board of directors for
37 the Idaho bureau of educational services for the deaf and the blind may create and establish a
38 general fund contingency reserve within the annual Idaho bureau of educational services for the
39 deaf and the blind budget. Such general fund contingency reserve shall not exceed five percent
40 (5%) of the total general fund appropriation to the Idaho bureau of educational services for the
41 deaf and the blind. Disbursements from this continuously appropriated fund may be made as

1 the board of trustees determines necessary for contingencies that may arise. The balance of the
 2 contingency fund may be accumulated beyond the budgeted fiscal year, but shall never exceed
 3 five percent (5%) of the current year's appropriation to the Idaho bureau of educational services
 4 for the deaf and the blind.

5 SECTION 5. That Section 33-4802, Idaho Code, be, and the same is hereby amended to
 6 read as follows:

7 33-4802. FINDINGS. The legislature hereby finds, determines and declares that the
 8 state of Idaho recognizes the importance of applying technology to meet the public need for
 9 an improved, thorough and seamless public education system for elementary and secondary
 10 education, education of the hearing or visually impaired ~~at the Idaho school for the deaf and~~
 11 ~~blind, post-secondary~~ postsecondary and higher education and public libraries.

12 SECTION 6. That Section 33-4803, Idaho Code, be, and the same is hereby amended to
 13 read as follows:

14 33-4803. DEFINITIONS. As used in this chapter:

15 (1) "Educational segments" are, individually, the public elementary and secondary
 16 school system, the Idaho ~~school~~ bureau of educational services for the deaf and the blind,
 17 the professional-technical education system, the commission for libraries, the state historical
 18 society, Idaho public television, the community colleges, the four-year colleges and universities,
 19 the state department of education and the office of the state board of education.

20 (2) "Libraries" means district, city, school/community libraries, and the commission for
 21 libraries as described in chapters 25, 26 and 27, title 33, Idaho Code.

22 (3) "Technology" means all present and future forms of computer hardware, computer
 23 software and services used or required for automated data processing, computer-related office
 24 automation or telecommunications.

25 (4) "Telecommunications" means all present and future forms of hardware, software or
 26 services used or required for transmitting voice, data, video or images over a distance.

27 SECTION 7. That Section 33-4806, Idaho Code, be, and the same is hereby amended to
 28 read as follows:

29 33-4806. PUBLIC SCHOOL TECHNOLOGY GRANTS. There is hereby established
 30 the public school technology grant program, which shall make available grants for schools
 31 to provide Idaho classrooms, including classrooms at the Idaho ~~school~~ bureau of educational
 32 services for the deaf and the blind, with the equipment and resources necessary to integrate
 33 information age technology with instruction and to further connect those classrooms with
 34 external telecommunications services. Grant applications shall include a project plan that
 35 describes proposed equipment and software purchases; how the proposed equipment and
 36 software will be used effectively in the classroom; provision for training teachers to make
 37 optimal use of the technology; provision for local matching funds as prescribed by the council;
 38 and other elements as prescribed by the council.

39 SECTION 8. That Section 67-7304, Idaho Code, be, and the same is hereby amended to
 40 read as follows:

1 67-7304. COMPOSITION. (1) The council shall consist of nine (9) members to be
2 appointed by the governor.

3 (2) Membership shall be as follows: one (1) member shall be a deaf person representing
4 an association of the deaf, one (1) member shall be a deaf person, one (1) member shall be the
5 parent of a deaf child, one (1) member shall be a hard of hearing member of a national hard
6 of hearing consumer organization, one (1) member shall be a hard of hearing person over the
7 age of sixty (60) years, one (1) member shall be the parent of a hard of hearing child, one (1)
8 member shall be an interpreter for the deaf, one (1) member shall be a licensed physician, and
9 one (1) member shall be an ASHA certified audiologist.

10 (3) The following shall serve as ex officio nonvoting members of the council: a
11 representative from each of the following: the Idaho ~~school~~ bureau of educational services
12 for the deaf and the blind, the state department of education, the division of vocational
13 rehabilitation, the office on aging, the department of health and welfare, the bureau of
14 occupational licenses, the department of employment, the public utilities commission, the
15 consumer protection division of the office of the attorney general, the Idaho hearing aid society,
16 and the director of the council for the deaf and hard of hearing.

17 (4) Due regard shall be given to balanced representation from geographical and
18 demographic areas of the state for voting members of the council.

19 (5) Voting members of the council shall be compensated as provided in section
20 59-509(b), Idaho Code.