

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 400, As Amended in the Senate

BY EDUCATION COMMITTEE

AN ACT

RELATING TO THE STATE BOARD OF EDUCATION; AMENDING SECTION 33-107, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE DELEGATION OF CERTAIN POWERS AND DUTIES OF THE STATE BOARD AND TO PROVIDE PROVISIONS RELATING TO STATEMENTS OF AGENCY ACTION.

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

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

33-107. GENERAL POWERS AND DUTIES OF THE STATE BOARD. The state board shall have power to:

(1) Perform all duties prescribed for it by the school laws of the state;

(2) Acquire, hold and dispose of title, rights and interests in real and personal property;

(3) Have general supervision, through its executive departments and offices, of all entities of public education supported in whole or in part by state funds;

(4) (a) Delegate to its executive secretary, to its executive officer, or to such other administrators as the board may appoint, such powers as said officers require to carry out and administer the policies, orders and directives of the board;

(b) Delegate to its executive officer, if necessary to enhance effectiveness and efficiency, such powers as he requires to exercise discretionary authority and to perform duties vested in the state board related to the operation, control and management of Idaho's state universities and colleges and other agencies under the supervision and governance of the state board, and to perform duties and render decisions prescribed to the state board involving the exercise of judgment and discretion that affect the public schools in Idaho;

(c) Delegate to the presidents of Idaho's state universities and colleges, if necessary to enhance effectiveness and efficiency, such powers as said officers require to exercise discretionary authority and to perform duties vested in the state board related to the operation, control and management of Idaho's state universities and colleges;

(d) Delegate to its executive secretary, the superintendent of public instruction, if necessary to enhance effectiveness and efficiency, such powers as he requires to perform duties and render decisions prescribed to the state board involving the exercise of judgment and discretion that affect the public schools in Idaho;

(e) Delegations of powers under this subsection must be adopted as statements of agency action by the state board, as provided in section

1       33-105(2), Idaho Code, and pursuant to a process that provides for  
2       notice, opportunity for input and formal adoption by the state board;

3       (5) Through its executive departments and offices:

4       (a) Enforce the school laws of the state,

5       (b) Study the educational conditions and needs of the state and recom-  
6       mend to the legislature needed changes in existing laws or additional  
7       legislation;

8       (6) In addition to the powers conferred by chapter 24, title 33, Idaho  
9       Code:

10      (a) Maintain a register of postsecondary educational institutions ap-  
11      proved to provide programs and courses that lead to a degree or which  
12      provide, offer and sell degrees in accordance with the procedures es-  
13      tablished in chapter 24, title 33, Idaho Code,

14      (b) Determine whether to accept academic credit at public postsec-  
15      ondary educational institutions in Idaho. Academic credit shall not  
16      be transferred into any Idaho public postsecondary institution from  
17      a postsecondary educational institution or other entity that is not  
18      accredited by an organization recognized by the board,

19      (c) Maintain a register of proprietary schools approved to conduct,  
20      provide, offer or sell a course or courses of study in accordance with  
21      the procedures established in chapter 24, title 33, Idaho Code;

22      (7) Prescribe the courses and programs of study to be offered at the  
23      public institutions of higher education, after consultation with the pres-  
24      idents of the affected institutions;

25      (8) Approve new courses and programs of study to be offered at commu-  
26      nity colleges organized pursuant to chapter 21, title 33, Idaho Code, when  
27      the courses or programs of study are academic in nature and the credits de-  
28      rived therefrom are intended to be transferable to other state institutions  
29      of higher education for credit toward a baccalaureate degree, and when the  
30      courses or programs of study have been authorized by the board of trustees of  
31      the community college.