

BOISE, FRIDAY, JUNE 5, 2020 AT 10:00A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

**IDAHO SUPERINTENDENT OF PUBLIC)
INSTRUCTION SHERRI YBARRA, in her)
official capacity,)**

Petitioner,)

v.)

**THE LEGISLATURE OF THE STATE OF)
IDAHO, BY REPRESENTATIVE SCOTT)
BEDKE, in his official and representative capacity)
as SPEAKER OF THE HOUSE OF)
REPRESENTATIVES; AND SENATOR BRENT)
HILL, in his official and representative capacity)
as SENATE PRESIDENT PRO TEM, and THE)
IDAHO STATE BOARD OF EDUCATION by)
DEBBIE CRITCHFIELD, in her official and)
representative capacity as PRESIDENT OF THE)
BOARD,)**

Docket No. 47991

Respondents.

Original proceeding in the Idaho Supreme Court seeking a Writ of Mandamus and/or Prohibition and a Motion for Declaratory Judgment.

Leroy Law Offices, Special Deputy Idaho Attorney General, Boise, for Petitioner.

Holland and Hart, Boise, for Respondents Scott Bedke, Brent Hill and the Legislature of the State of Idaho.

Lawrence G. Wasden, Idaho Attorney General, Boise, for Respondent, Idaho State Board of Education and Debbie Critchfield.

Superintendent of Public Instruction Sherri Ybarra filed a petition with the Idaho Supreme Court to exercise its original jurisdiction in issuing a declaratory judgment, writ of mandamus, and/or a writ of prohibition to remedy constitutional violations by appropriations bills passed in the 2020 legislative session. Senate Bills 1409 and 1410 transferred approximately \$2.7 million in funding from the Department of Education's budget to the Idaho Board of Education. These bills also transferred supervision of 18 full-time positions with the

Department's Technology Group to the Board. The Governor signed the Appropriation Bills into law and they become effective on July 1, 2020. The Superintendent argues that new legislation will prevent her from discharging her constitutional duties and unconstitutionally delegate the inherent duties and implied powers of the Superintendent to the Board. The Legislature and Board argue that the Idaho Constitution plainly vests only the Board with general supervision of the public schools.