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LEGISLATURE OF THE STATE OF IDAHO
Sixty-fifth Legislature First Regular Session - 2019

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AN ACT

1
2 RELATING TO EDUCATION; AMENDING THE HEADING FOR CHAPTER 10, TITLE 33, IDAHO
3 CODE, TO REVISE THE CHAPTER TITLE; AMENDING SECTION 33-1001, IDAHO
4 CODE, TO REMOVE DEFINITIONS, TO REVISE DEFINITIONS AND TO DEFINE TERMS;
5 REPEALING SECTION 33-1002, IDAHO CODE, RELATING TO THE EDUCATIONAL
6 SUPPORT PROGRAM; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE AD-
7 DITION OF A NEW SECTION 33-1002, IDAHO CODE, TO PROVIDE FOR THE PUBLIC
8 SCHOOLS EDUCATIONAL SUPPORT PROGRAM AND STUDENT-BASED FOUNDATION FUND-
9 ING; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW
10 SECTION 33-1002A, IDAHO CODE, TO PROVIDE A TRANSITION TO STUDENT-BASED
11 FUNDING, TO ESTABLISH A HOLD HARMLESS PROVISION AND PROVISIONS RELATING
12 TO ANNUAL FUND INCREASES, AND TO PROVIDE A LIMITATION; AMENDING CHAPTER
13 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1002B,
14 IDAHO CODE, TO PROVIDE FOR SPECIAL PROGRAMS SUPPORT; AMENDING CHAPTER
15 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1002C,
16 IDAHO CODE, TO PROVIDE FOR WEIGHTS AND RULEMAKING; AMENDING CHAPTER
17 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1002D,
18 IDAHO CODE, TO ESTABLISH PROVISIONS FOR STUDENT ENROLLMENT COUNTS AND
19 RULEMAKING; REPEALING SECTION 33-1003, IDAHO CODE, RELATING TO SPE-
20 CIAL APPLICATION OF EDUCATIONAL SUPPORT PROGRAM; AMENDING CHAPTER 10,
21 TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1003, IDAHO
22 CODE, TO PROVIDE FOR PAYMENTS TO LOCAL EDUCATION AGENCIES; REPEALING
23 SECTION 33-1003A, IDAHO CODE, RELATING TO THE CALCULATION OF AVERAGE
24 DAILY ATTENDANCE; REPEALING SECTION 33-1003C, IDAHO CODE, RELATING
25 TO SPECIAL APPLICATION OF TECHNOLOGY INSTRUCTION; REPEALING SECTION
26 33-1004, IDAHO CODE, RELATING TO STAFF ALLOWANCE; REPEALING SECTION
27 33-1004A, IDAHO CODE, RELATING TO THE EXPERIENCE AND EDUCATION MULTI-
28 PLIER; AMENDING SECTION 33-1004B, IDAHO CODE, AS AMENDED BY SECTION
29 5, CHAPTER 169, LAWS OF 2018, TO REDESIGNATE THE SECTION, TO AMEND
30 PROVISIONS REGARDING THE CAREER LADDER, AND TO ESTABLISH PROVISIONS
31 REGARDING LOCAL SALARY SCHEDULES; REPEALING SECTION 33-1004C, IDAHO
32 CODE, REGARDING BASE AND MINIMUM SALARIES, LEADERSHIP PREMIUMS, AND
33 THE EDUCATION AND EXPERIENCE INDEX; AMENDING SECTION 33-1004E, IDAHO
34 CODE, TO REDESIGNATE THE SECTION AND TO REMOVE PROVISIONS REGARDING
35 SALARY-BASED APPORTIONMENT; AMENDING SECTION 33-1004F, IDAHO CODE,
36 AS AMENDED BY SECTION 2, CHAPTER 92, LAWS OF 2017, TO REDESIGNATE THE
37 SECTION, TO REVISE PROVISIONS REGARDING OBLIGATIONS TO RETIREMENT
38 AND SOCIAL SECURITY BENEFITS, AND TO PROVIDE CORRECT CODE REFERENCES;
39 AMENDING SECTION 33-1004I, IDAHO CODE, AS AMENDED BY SECTION 1, CHAPTER
40 92, LAWS OF 2017, TO REDESIGNATE THE SECTION, TO REVISE TERMINOLOGY,
41 AND TO REMOVE A DEFINITION; AMENDING SECTION 33-1004J, IDAHO CODE, TO
42 REDESIGNATE THE SECTION, TO REVISE TERMINOLOGY, TO PROVIDE A CORRECT
43 CODE REFERENCE, TO REMOVE A DEFINITION, AND TO REQUIRE THAT CERTAIN
44 PROVISIONS ARE REVIEWED BY THE LEGISLATURE; AMENDING SECTION 33-1002B,
45 IDAHO CODE, TO REDESIGNATE THE SECTION, TO REMOVE REFERENCES TO SUPPORT

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1 UNIT AND AVERAGE DAILY ATTENDANCE, TO PROVIDE REFERENCES TO THE FOUNDATION AND STUDENT ENROLLMENT COUNTS, AND TO MAKE TECHNICAL CORRECTIONS;
2 AMENDING SECTION 33-1002C, IDAHO CODE, TO REDESIGNATE THE SECTION AND
3 TO REVISE PROVISIONS REGARDING SUMMER SCHOOL PROGRAMS AND JUVENILE
4 DETENTION FACILITIES; AMENDING SECTION 33-1002F, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REMOVE PROVISIONS RELATING TO SUPPORT UNITS, AND
5 TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 33-1002E, IDAHO
6 CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 33-1002G, IDAHO
7 CODE, TO REDESIGNATE THE SECTION AND TO REMOVE A CAREER TECHNICAL SCHOOL
8 REQUIREMENT REGARDING SECONDARY SUPPORT UNITS; AMENDING CHAPTER 10,
9 TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1005E, IDAHO
10 CODE, TO PROVIDE FOR THE PUBLIC SCHOOL CLASSROOM TECHNOLOGY PROGRAM;
11 REPEALING SECTION 33-1009, IDAHO CODE, RELATING TO PAYMENTS FROM THE
12 PUBLIC SCHOOL INCOME FUND; AMENDING SECTION 33-1007A, IDAHO CODE, TO
13 REDESIGNATE THE SECTION, TO REVISE TERMINOLOGY, AND TO MAKE A TECHNICAL
14 CORRECTION; AMENDING SECTION 33-1010, IDAHO CODE, TO PROVIDE TECHNICAL
15 CORRECTIONS; AMENDING SECTION 33-1005, IDAHO CODE, TO REDESIGNATE
16 THE SECTION, TO REVISE TERMINOLOGY, TO REMOVE A REFERENCE TO AVERAGE
17 DAILY ATTENDANCE, AND TO PROVIDE FOR STUDENT ENROLLMENT COUNTS; REPEALING SECTION 33-1017, IDAHO CODE, RELATING TO THE SCHOOL SAFETY
18 AND HEALTH REVOLVING LOAN AND GRANT FUND; AMENDING SECTION 33-1018,
19 IDAHO CODE, TO REMOVE REFERENCES TO DISCRETIONARY FUNDING, TO PROVIDE
20 FOR PUBLIC SCHOOL STUDENT-BASED FOUNDATION FUNDING VARIABILITY, AND
21 TO REVISE RELATED PROVISIONS; AMENDING SECTION 33-1020, IDAHO CODE,
22 TO REVISE PROVISIONS REGARDING A BASE AMOUNT AND A VARIABLE AMOUNT OF
23 IDAHO DIGITAL LEARNING ACADEMY FUNDING TO BE DISTRIBUTED; REPEALING
24 SECTION 33-1021, IDAHO CODE, RELATING TO MATH AND SCIENCE REQUIREMENT;
25 AMENDING SECTION 33-1024, IDAHO CODE, TO REVISE PROVISIONS RELATING
26 TO MONEYS FOR CERTAIN ONLINE PORTALS; AMENDING SECTION 33-309, IDAHO
27 CODE, TO REMOVE A REFERENCE TO AVERAGE DAILY ATTENDANCE AND TO PROVIDE
28 FOR STUDENT ENROLLMENT COUNT; AMENDING SECTION 33-317, IDAHO CODE, TO
29 CORRECT A CODE REFERENCE; AMENDING SECTION 33-507, IDAHO CODE, TO REMOVE A CODE REFERENCE; AMENDING SECTION 33-515, IDAHO CODE, TO REMOVE
30 AN EXCEPTION RELATING TO A REQUIREMENT FOR RENEWABLE CONTRACT STATUS AND TO REMOVE PROVISIONS RELATING TO SALARY-BASED APPORTIONMENT;
31 AMENDING SECTION 33-522, IDAHO CODE, TO REVISE PROVISIONS REGARDING A
32 FINANCIAL EMERGENCY; AMENDING SECTION 33-701, IDAHO CODE, TO REVISE A
33 DATE AND TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 33-801A,
34 IDAHO CODE, TO REMOVE A PROVISION RELATING TO SUPPORT UNITS; AMENDING
35 SECTION 33-804, IDAHO CODE, TO REVISE QUALIFICATIONS FOR SUBMITTING A
36 CERTAIN QUESTION TO ELECTORS OF A SCHOOL DISTRICT AND TO MAKE TECHNICAL
37 CORRECTIONS; AMENDING SECTION 33-805, IDAHO CODE, TO REVISE PROVISIONS
38 REGARDING THE SCHOOL EMERGENCY FUND LEVY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-905, IDAHO CODE, TO REVISE PROVISIONS
39 REGARDING THE SCHOOL DISTRICT BUILDING ACCOUNT, AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 33-906, IDAHO CODE, TO REMOVE A
40 CODE REFERENCE; AMENDING SECTION 33-906B, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE VALUE INDEX CALCULATION AND TO MAKE TECHNICAL
41 CORRECTIONS; AMENDING SECTION 33-1405, IDAHO CODE, TO REVISE PROVISIONS REGARDING RATES OF TUITION, TO PROVIDE CORRECT TERMINOLOGY, AND
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1 TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-1406, IDAHO CODE,
2 TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS;
3 AMENDING SECTION 33-1613, IDAHO CODE, TO REMOVE PROVISIONS REGARDING
4 THE SCHOOL SAFETY AND HEALTH REVOLVING LOAN AND GRANT FUND; AMENDING
5 SECTION 33-1619, IDAHO CODE, TO REVISE PROVISIONS REGARDING VIRTUAL
6 EDUCATION PROGRAMS AND TO CORRECT CODE REFERENCES; AMENDING SECTION
7 33-1627, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE MONEYS APPRO-
8 PRIATED FOR THE MATH INITIATIVE PROGRAM; AMENDING SECTION 33-2001,
9 IDAHO CODE, TO PROVIDE A DEFINITION; AMENDING SECTION 33-2004, IDAHO
10 CODE, TO REMOVE REFERENCES TO DAILY ATTENDANCE, TO ESTABLISH PROVI-
11 SIONS REGARDING STUDENT ENROLLMENT, TO REVISE TERMINOLOGY, TO PROVIDE
12 A CORRECT CODE REFERENCE, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING
13 SECTION 33-4602, IDAHO CODE, TO REVISE PROVISIONS REGARDING DUAL CREDIT
14 COURSES AND TO REVISE TERMINOLOGY; AMENDING SECTION 33-5208, IDAHO
15 CODE, TO REVISE PROVISIONS REGARDING PUBLIC CHARTER SCHOOL FINANCIAL
16 SUPPORT; AMENDING SECTION 33-5210, IDAHO CODE, TO REMOVE A CODE REF-
17 ERENCE AND RELATED PROVISIONS; AMENDING SECTION 33-5214, IDAHO CODE,
18 TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 33-5215, IDAHO
19 CODE, TO REMOVE A REFERENCE TO SALARY-BASED APPORTIONMENT, TO REMOVE
20 REFERENCES TO ADA, AND TO ESTABLISH PROVISIONS FOR ENROLLMENT REPORTS;
21 AMENDING SECTION 33-5217, IDAHO CODE, TO PROVIDE A CORRECT CODE REFER-
22 ENCE; AMENDING SECTION 50-2908, IDAHO CODE, TO REMOVE A CODE REFERENCE;
23 AMENDING SECTION 57-1303, IDAHO CODE, TO REMOVE A REFERENCE TO AVERAGE
24 DAILY ATTENDANCE AND TO ESTABLISH PROVISIONS FOR AN UNWEIGHTED STUDENT
25 ENROLLMENT COUNT; AMENDING SECTION 59-1115, IDAHO CODE, TO PROVIDE A
26 CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SEC-
27 TION 63-315, IDAHO CODE, TO REMOVE A CODE REFERENCE; AMENDING SECTION
28 63-805, IDAHO CODE, TO REMOVE REFERENCES TO AVERAGE DAILY ATTENDANCE
29 AND TO ESTABLISH PROVISIONS REGARDING STUDENTS ENROLLED; DECLARING AN
30 EMERGENCY AND PROVIDING AN EFFECTIVE DATE; AND PROVIDING A SUNSET DATE.

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

32 SECTION 1. That the Heading for Chapter 10, Title 33, Idaho Code, be,
33 and the same is hereby amended to read as follows:

34 CHAPTER 10
35 ~~FOUNDATION PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM -- STATE AID --~~
36 APPORTIONMENT STUDENT-BASED FOUNDATION FUNDING

37 SECTION 2. That Section 33-1001, Idaho Code, be, and the same is hereby
38 amended to read as follows:

39 33-1001. DEFINITIONS. ~~The following words and phrases~~ As used in this
40 chapter ~~are defined as follows:~~

41 (1) ~~"Administrative schools" means and applies to all elementary~~
42 ~~schools and kindergartens within a district that are situated ten (10) miles~~
43 ~~or less from both the other elementary schools and the principal administra-~~
44 ~~tive office of the district and all secondary schools within a district that~~

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1 are situated fifteen (15) miles or less from other secondary schools of the
2 district.

3 ~~(2) "Administrative staff" means those who hold an administrator cer-~~
4 ~~tificate and are employed as a superintendent, an elementary or secondary~~
5 ~~school principal, or are assigned administrative duties over and above those~~
6 ~~commonly assigned to teachers.~~

7 ~~(3) "Average daily attendance" or "pupils in average daily attendance"~~
8 ~~means the aggregate number of days enrolled students are present, divided by~~
9 ~~the number of days of school in the reporting period; provided, however, that~~
10 ~~students for whom no Idaho school district is a home district shall not be~~
11 ~~considered in such computation.~~

12 ~~(4) "Career ladder" means the compensation table specific performance~~
13 ~~criteria set forth in section 33-1004, Idaho Code, used by local education~~
14 ~~agencies for determining the allocations districts receive for placement of~~
15 ~~instructional staff and pupil service staff based on specific performance~~
16 ~~criteria and is made up of a residency compensation rung and a professional~~
17 ~~compensation rung on their local salary schedules.~~

18 ~~(2) "Child with a disability" means a child evaluated as having an in-~~
19 ~~tellectual disability, a hearing impairment including deafness, a speech or~~
20 ~~language impairment, a visual impairment including blindness, an emotional~~
21 ~~behavioral disorder, an orthopedic impairment, autism, a traumatic brain~~
22 ~~injury, another health impairment, a specific learning disability, deaf-~~
23 ~~blindness, or multiple disabilities, and who, by reason thereof, needs spe-~~
24 ~~cial education and related services.~~

25 ~~(53) "Compensation rung" means the rung on the career ladder a local~~
26 ~~salary schedule that corresponds with the compensation level performance~~
27 ~~criteria.~~

28 ~~(4) "Economically disadvantaged" means a student who:~~
29 ~~(a) Is eligible for a free or reduced-price lunch under the Richard B.~~
30 ~~Russell national school lunch act (42 U.S.C. 1751 et seq.), excluding~~
31 ~~students who are only eligible through a school's community eligibility~~
32 ~~program;~~

33 ~~(b) Resides with a family receiving assistance under the program of~~
34 ~~block grants to states for temporary assistance for needy families~~
35 ~~(TANF) established under part A of title IV of the social security act~~
36 ~~(42 U.S.C. 601 et seq.);~~

37 ~~(c) Is eligible to receive medical assistance under the medicaid pro-~~
38 ~~gram under title XIX of the social security act (42 U.S.C. 1396 et seq.);~~

39 ~~or~~
40 ~~(d) Is considered homeless for purposes of the federal McKinney-Vento~~
41 ~~homeless assistance act (42 U.S.C. 11301 et seq.).~~

42 ~~For purposes of section 33-1002C, Idaho Code, a student identified as~~
43 ~~economically disadvantaged may be weighted only once, even if the student~~
44 ~~meets more than one (1) of the criteria provided in this subsection.~~

45 ~~(65) "Elementary grades" or "elementary average daily attendance"~~
46 ~~means and applies to students enrolled in grades 1 through 6 inclusive, or~~
47 ~~any combination thereof.~~

48 ~~(76) "Elementary schools" are schools that serve grades 1 through 6 in-~~
49 ~~clusive, or any combination thereof.~~

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1 (87) "Elementary/secondary schools" are schools that serve grades 1
2 through 12 inclusive, or any combination thereof.

3 (98) "English language learner" or "ELL" means a student who does not
4 score proficient on the English language development assessment established
5 by rule of the state board of education.

6 (9) "Gifted and talented" shall have the same meaning as provided in
7 section 33-2001(4), Idaho Code.

8 (10) "Homebound student" means any student who would normally and reg-
9 ularly attend school, but is confined to home or hospital because of an ill-
10 ness or accident for a period of ten (10) or more consecutive days.

11 (101) "Instructional staff" means those who hold an Idaho certificate
12 issued under section 33-1201, Idaho Code, and who are either involved in the
13 direct instruction of a student or group of students or who serve in a mentor
14 or teacher leader position for individuals who hold an Idaho certificate is-
15 sued under section 33-1201, Idaho Code.

16 (122) "Kindergarten" or "kindergarten average daily attendance" means
17 and applies to all students enrolled in a school year, less than a school
18 year, or summer kindergarten program.

19 (13) "Local education agency" or "LEA" means:

20 (a) A public school district;

21 (b) A public charter school authorized by a chartering entity other
22 than a school district board of trustees; or

23 (c) A public charter school authorized by a school district board
24 of trustees, if designated as an LEA by the school district board of
25 trustees with the concurrence of the public charter school's board of
26 directors.

27 (14) "Local salary schedule" means a compensation table developed by
28 each LEA that is consistent with the provisions of section 33-1004, Idaho
29 Code, and that, at a minimum, is made up of a residency compensation rung with
30 three (3) cells and a professional compensation rung with five (5) cells, and
31 is used by LEAs for determining amounts to be distributed for instructional
32 staff and pupil service staff salaries.

33 (125) "Measurable student achievement" means the measurement of stu-
34 dent academic achievement or growth within a given interval of instruction
35 for those students who have been enrolled in and attended eighty percent
36 (80%) of the interval of instruction. Measures and targets shall be chosen
37 at the district level or school level in collaboration with the staff member
38 impacted by the measures and applicable district staff. Assessment tools
39 that may be used for measuring student achievement and growth include:

40 (a) Idaho standards achievement test;

41 (b) Student learning objectives;

42 (c) Formative assessments;

43 (d) Teacher-constructed assessments of student growth;

44 (e) Pre- and post-tests;

45 (f) Performance-based assessments;

46 (g) Idaho reading indicator;

47 (h) College entrance exams or preliminary college entrance exams such
48 as PSAT, SAT and ACT;

49 (i) District-adopted assessment;

50 (j) End-of-course exams;

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1 (k) Advanced placement exams; and

2 (l) Career technical exams.

3 (136) "Performance criteria" means the standards specified for in-
4 structional staff and pupil service staff to demonstrate teaching profi-
5 ciency for a given compensation rung. Each element of the performance crite-
6 ria, as identified in subsection (147) of this section, shall be reported for
7 determining movement on ~~the career ladder~~ a local salary schedule.

8 (147) "Professional compensation rung performance criteria" means:

9 (a) An overall rating of proficient, and no components rated as unsat-
10 isfactory on the state framework for teaching evaluation; and

11 (b) Demonstrating the majority of their students have met their measur-
12 able student achievement targets or student success indicator targets.

13 (158) "Public school district" or "school district" or "district" means
14 any public school district organized under the laws of this state, including
15 specially chartered school districts.

16 (169) "Pupil service staff" means those who provide services to stu-
17 dents but are not involved in direct instruction of those students, and hold
18 a pupil personnel services certificate.

19 (20) "Remote school" means:

20 (a) A school that is remote and isolated from the other schools of the
21 state because of geographical or topographical conditions and that is
22 approved as such by the state board of education;

23 (b) A kindergarten located more than ten (10) miles on an all-weather
24 road from both the nearest kindergarten school within the same school
25 district and from the location of the office of the superintendent of
26 schools of such district, or from the office of the chief administrative
27 officer of such district if the district employs no superintendent of
28 schools;

29 (c) An elementary school located more than ten (10) miles on an
30 all-weather road from both the nearest elementary school and ele-
31 mentary/secondary school serving like grades within the same school
32 district and from the location of the office of the superintendent of
33 schools of such district, or from the office of the chief administrative
34 officer of such district if the district employs no superintendent of
35 schools; or

36 (d) A secondary school located more than fifteen (15) miles on an all-
37 weather road from any other secondary school and elementary/secondary
38 school serving like grades operated by the district.

39 (1721) "Secondary grades" ~~or "secondary average daily attendance"~~
40 means and applies to students enrolled in grades 7 through 12 inclusive, or
41 any combination thereof.

42 (1822) "Secondary schools" are schools that serve grades 7 through 12
43 inclusive, or any combination thereof.

44 (19) ~~"Separate elementary school" means an elementary school located~~
45 ~~more than ten (10) miles on an all-weather road from both the nearest elemen-~~
46 ~~tary school and elementary/secondary school serving like grades within the~~
47 ~~same school district and from the location of the office of the superinten-~~
48 ~~dent of schools of such district, or from the office of the chief administra-~~
49 ~~tive officer of such district if the district employs no superintendent of~~
50 ~~schools.~~

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1 ~~(20) "Separate kindergarten" means a kindergarten located more than ten~~
2 ~~(10) miles on an all-weather road from both the nearest kindergarten school~~
3 ~~within the same school district and from the location of the office of the su-~~
4 ~~perintendent of schools of such district, or from the office of the chief ad-~~
5 ~~ministrative officer of such district if the district employs no superinten-~~
6 ~~dent of schools.~~

7 ~~(21) "Separate secondary school" means any secondary school located~~
8 ~~more than fifteen (15) miles on an all-weather road from any other secondary~~
9 ~~school and elementary/secondary school serving like grades operated by the~~
10 ~~district.~~

11 (23) "Special education" means specially designed instruction or
12 speech/language therapy at no cost to the parent to meet the unique needs
13 of a student who is a child with a disability, including instruction in the
14 classroom, the home, hospitals, institutions, and other settings; instruc-
15 tion in physical education; speech therapy and language therapy; transition
16 services; travel training; assistive technology services; and vocational
17 education.

18 ~~(224) "Student success indicators" means measurable indicators of stu-~~
19 ~~dent achievement or growth, other than academic, within a predefined inter-~~
20 ~~val of time for a specified group of students. Measures and targets shall be~~
21 ~~chosen at the district or school level in collaboration with the pupil ser-~~
22 ~~vise staff member impacted by the measures and applicable district staff.~~
23 ~~Student success indicators include:~~

24 (a) Quantifiable goals stated in a student's 504 plan or individualized
25 education plan.

26 (b) Quantifiable goals stated in a student's behavior improvement
27 plan.

28 (c) School or district identified measurable student objectives for a
29 specified student group or population.

30 ~~(23) "Support program" means the educational support program as de-~~
31 ~~scribed in section 33-1002, Idaho Code, the transportation support program~~
32 ~~described in section 33-1006, Idaho Code, and the exceptional education~~
33 ~~support program as described in section 33-1007, Idaho Code.~~

34 ~~(24) "Support unit" means a function of average daily attendance used~~
35 ~~in the calculations to determine financial support provided to the public~~
36 ~~school districts.~~

37 (25) "Teacher" means any person employed in a teaching, instructional,
38 supervisory, educational administrative or educational and scientific ca-
39 pacity in any school district. In case of doubt, the state board of educa-
40 tion shall determine whether any person employed requires certification as a
41 teacher.

42 SECTION 3. That Section 33-1002, Idaho Code, be, and the same is hereby
43 repealed.

44 SECTION 4. That Chapter 10, Title 33, Idaho Code, be, and the same is
45 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
46 ignated as Section 33-1002, Idaho Code, and to read as follows:

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1 33-1002. PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM -- STUDENT-BASED
2 FOUNDATION FUNDING. The public schools educational support program and the
3 student-based foundation funding (the foundation) shall be calculated annu-
4 ally by the legislature as follows:

5 (1) Add the state appropriation, including the moneys available in the
6 public school income fund, together with all appropriated miscellaneous
7 revenues to determine the total state funds for the public schools educa-
8 tional support program.

9 (2) From the total state funds for the public schools educational sup-
10 port program, subtract the total amount needed for state support of special
11 programs set forth in section 33-1002B, Idaho Code, to determine the total
12 foundation moneys.

13 (3) Divide the total foundation moneys by the estimated total statewide
14 weighted student enrollment count to determine the annual foundation amount
15 per student.

16 SECTION 5. That Chapter 10, Title 33, Idaho Code, be, and the same is
17 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
18 ignated as Section 33-1002A, Idaho Code, and to read as follows:

19 33-1002A. TRANSITION TO STUDENT-BASED FOUNDATION FUNDING -- HOLD
20 HARMLESS -- ANNUAL FUNDING INCREASE -- LIMITATION. The legislature intends
21 that LEAs are held financially harmless in totality of state funds during a
22 three (3) year transition period to the new student-based foundation funding
23 set forth in section 33-1002, Idaho Code.

24 (1) For the 2020-2021 school year, each LEA shall receive a funding in-
25 crease of at least three percent (3%) of what it received in the 2019-2020
26 school year.

27 (2) For the 2021-2022 school year, each LEA shall receive a funding in-
28 crease of at least three percent (3%) of what it received in the 2020-2021
29 school year.

30 (3) For the 2022-2023 school year, each LEA shall receive a funding in-
31 crease of at least three percent (3%) of what it received in the 2021-2022
32 school year.

33 (4) No LEA shall receive an annual funding increase of more than five
34 percent (5%) per enrolled student of what is calculated for the per student
35 amount for the previous school year.

36 SECTION 6. That Chapter 10, Title 33, Idaho Code, be, and the same is
37 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
38 ignated as Section 33-1002B, Idaho Code, and to read as follows:

39 33-1002B. SPECIAL PROGRAMS SUPPORT. Pursuant to section 33-1002(2),
40 Idaho Code, the following amounts are needed for state support of special
41 programs provided by LEAs:

42 (1) Transportation support program as provided in section 33-1006,
43 Idaho Code;

44 (2) The approved costs for border district allowance as provided in
45 section 33-1403, Idaho Code, as determined by the state superintendent of
46 public instruction;

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1 (3) The approved costs for exceptional child approved contract al-
2 lowance provided in section 33-2004(1)(b), Idaho Code, as determined by the
3 state superintendent of public instruction; and pupil tuition-equivalency
4 allowances as provided in section 33-1005, Idaho Code;

5 (4) Bond levy equalization support program as provided in section
6 33-906, Idaho Code;

7 (5) For the support of provisions that provide a safe environment con-
8 ductive to student learning and maintain classroom discipline, an allocation
9 of fifteen dollars (\$15.00) for each student enrolled in a school district or
10 public charter school;

11 (6) Advanced opportunities as provided in chapter 46, title 33, Idaho
12 Code;

13 (7) Instructional staff members certified by the national board for
14 professional teaching standards as provided in section 33-1004A, Idaho
15 Code;

16 (8) School district facilities funds as provided in sections 67-7434,
17 33-905, and 33-1019, Idaho Code;

18 (9) Charter school facilities funds and reimbursements paid pursuant
19 to section 33-5208(2), Idaho Code;

20 (10) Master educator premiums as provided in section 33-1004C, Idaho
21 Code;

22 (11) Leadership premiums as provided in section 33-1004E, Idaho Code;

23 (12) Mastery-based education as provided for in section 33-1632, Idaho
24 Code;

25 (13) Expenditures as provided by the public school classroom technology
26 program as provided in section 33-1005E, Idaho Code;

27 (14) Continuous improvement plans and training as provided in section
28 33-320, Idaho Code; and

29 (15) Any additional amounts as required by statute to effect adminis-
30 trative adjustments or as specifically required by the provisions of any
31 bill of appropriation including, but not limited to:

32 (a) Feasibility studies allowance as provided in section 33-1009,
33 Idaho Code;

34 (b) Unemployment insurance benefit payments as provided in section
35 72-1349A, Idaho Code; and

36 (c) Employee severance payments as provided in section 33-521, Idaho
37 Code.

38 SECTION 7. That Chapter 10, Title 33, Idaho Code, be, and the same is
39 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
40 ignated as Section 33-1002C, Idaho Code, and to read as follows:

41 33-1002C. WEIGHTS -- RULEMAKING. (1) An additional percentage shall
42 be added to certain students' unweighted FTE enrollment counts for the LEAs
43 in which such students attend as follows:

44 (a) For each student identified as economically disadvantaged:

45 (i) An additional ten percent (10%) for fiscal year 2021; and

46 (ii) In each subsequent fiscal year, subject to appropriation, an
47 additional percentage not to exceed twenty-five percent (25%) may
48 be determined by the legislature.

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1 (b) For each student identified as an English language learner:
 2 (i) An additional ten percent (10%) for fiscal year 2021; and
 3 (ii) In each subsequent fiscal year, subject to appropriation, an
 4 additional percentage not to exceed twenty-five percent (25%) may
 5 be determined by the legislature.

6 (c) For each student identified as gifted and talented, subject to ap-
 7 propriation, an additional two percent (2%).

8 (d) For each student who qualifies for special education:
 9 (i) An additional ten percent (10%) for fiscal year 2021; and
 10 (ii) In each subsequent fiscal year, subject to appropriation, an
 11 additional percentage not to exceed twenty-five percent (25%) may
 12 be determined by the legislature.

13 (2) An additional percentage shall be added to the official unweighted
 14 student enrollment counts for qualifying schools and districts as follows:

15 (a) Grade weight. For each student enrolled in grades K through 3, or
 16 in grades 9 through 12, an additional ten percent (10%) shall be added to
 17 the student enrollment count for the LEA in which such student attends.

18 (b) Remote school weight. The weight to be multiplied by the unweighted
 19 student enrollment count for qualifying remote schools to determine the
 20 additional weighted student count shall be as follows:

21 UNWEIGHTED ENROLLMENT COUNT	WEIGHT
22 30 or less	2.05
23 Between 31 and 164	$1.2625 + (.7875 - (\text{enrollment} \times .00477))$
24 Between 165 and 329	$.7375 + (.7875 - (\text{enrollment} \times .00159))$

25 (c) Small LEA weight. The weight to be multiplied by the unweighted
 26 student enrollment count for small LEAs to determine the additional
 27 weighted student count shall be as follows:

28 UNWEIGHTED ENROLLMENT COUNT	WEIGHT
29 Kindergarten through Elementary 30 Grades:	
31 30 or less	2.05
32 Between 30.01 and 164	$1.2625 + (.7875 - (\text{enrollment} \times .00477))$
33 Between 164.01 and 329	$.7375 + (.7875 - (\text{enrollment} \times .00159))$
34 Secondary Grades:	
35 30 or less	2.05
36 Between 30.01 and 434	$1.2625 + (.7875 - (\text{enrollment} \times .00181))$
37 Between 434.01 and 869	$.7375 + (.7875 - (\text{enrollment} \times .0006))$

38 (3) An LEA shall distribute the additional weighted foundation moneys
 39 allocated to it for the students identified in subsection (1) of this section
 40 to the programs in which such students are enrolled.

41 (4) If a student is identified for more than one (1) weight set forth in
 42 subsection (1) of this section, then such weights shall be cumulative.

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1 (5) The state board of education shall promulgate rules implementing
2 the provisions of this section, which shall include, but not be limited to,
3 procedures for determining weighted counts and a process for reporting such
4 weighted counts.

5 SECTION 8. That Chapter 10, Title 33, Idaho Code, be, and the same is
6 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
7 ignated as Section 33-1002D, Idaho Code, and to read as follows:

8 33-1002D. STUDENT ENROLLMENT COUNTS AND RULEMAKING. The state board
9 of education shall promulgate rules that set forth the procedures for deter-
10 mining student enrollment counts and the process for reporting such counts.
11 Such rules shall be consistent with the following:

12 (1) Full-time enrollment (FTE) shall be based on enrollment in any LEA;

13 (2) A student shall not exceed a total of one (1.0) unweighted FTE in a
14 single school year, except as provided in subsection (4) of this section;

15 (3) A kindergarten student shall not exceed a total of one-half (0.5)
16 unweighted enrollment in a single school year;

17 (4) A student attending a summer school or night school program shall
18 not exceed a total of one-fourth (0.25) unweighted enrollment. Such student
19 may be counted pursuant to both this subsection and subsection (2) of this
20 section;

21 (5) A fractional enrollment count schedule shall be specified for any
22 student enrolled less than one (1.0) FTE at a given LEA;

23 (6) FTE is based on the courses a student is enrolled in at the time of
24 the official count, as specified in board rule;

25 (7) Each LEA shall conduct an official count of enrolled students in
26 its LEA on the first day of October, the first day of December, the first day
27 of February, and the first day of April, or the previous school day if those
28 dates do not fall on a school day;

29 (8) An LEA may not count as enrolled any student who has unexcused
30 absences totaling eleven (11) or more consecutive school days immediately
31 prior to and including the official count date;

32 (9) Any elementary school having fewer than ten (10) enrolled students
33 shall not be allowed to participate in the foundation for public schools un-
34 less such school has been approved for operation by the state board of educa-
35 tion; and

36 (10) Effective July 1, 2020, the following shall apply to qualifying
37 public school districts:

38 (a) If a public school district reports an unweighted student enroll-
39 ment count of less than thirty (30), then an unweighted student enroll-
40 ment count of thirty (30) shall be used for the purpose of determining
41 the foundation amount per student pursuant to section 33-1002, Idaho
42 Code, and for determining such school district's allocation amounts
43 pursuant to section 33-1003, Idaho Code.

44 (b) If a public school district reports an unweighted student enroll-
45 ment count in secondary grades of less than one hundred (100), then an
46 unweighted student enrollment count of one hundred (100) shall be used
47 as the secondary grades enrollment count for the purpose of determining
48 the foundation amount per student pursuant to section 33-1002, Idaho

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1 Code, and for determining such school district's allocation amounts
2 pursuant to section 33-1003, Idaho Code.

3 (c) A public school district may qualify under either paragraph (a) or
4 (b) of this subsection, but not both. The provisions of this subsection
5 do not apply to public charter schools.

6 SECTION 9. That Section 33-1003, Idaho Code, be, and the same is hereby
7 repealed.

8 SECTION 10. That Chapter 10, Title 33, Idaho Code, be, and the same is
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
10 ignated as Section 33-1003, Idaho Code, and to read as follows:

11 33-1003. PAYMENTS TO LOCAL EDUCATION AGENCIES. (1) (a) Payments of the
12 moneys specified in the annual appropriation to the public schools educa-
13 tional support program shall be made each year by the state department of ed-
14 ucation to the LEAs in six (6) payments. Payments to the LEAs shall be made no
15 later than the fifteenth day of August, October, December, February, April,
16 and June of each fiscal year. The August payment by the state department of
17 education shall be approximately thirty percent (30%) of the student-based
18 foundation funding appropriation for the fiscal year, while the October and
19 December payments shall be approximately twenty percent (20%) each, and the
20 February and April payments shall be approximately fifteen percent (15%)
21 each, except as provided in section 33-5209C, Idaho Code.

22 (b) Payments of moneys other than the state general account appropri-
23 ation that accrue to the public school income fund shall be made by the
24 state department of education to the LEAs no later than the fifteenth
25 day of February, April, and June each year. The total amount of such
26 payments shall be determined by the state department of education and
27 shall not exceed the amount of moneys available and on deposit in the
28 public school income fund at the time such payment is made.

29 (c) Amounts apportioned due to a special transfer to the public school
30 income fund to restore or reduce a deficiency in the prior year's trans-
31 fer pursuant to subsection (4) of this section shall not be subject to
32 the limitations imposed by paragraphs (a) and (b) of this subsection.

33 (2) Payments made to the LEAs in August and October are advance payments
34 for the current year and may be based on payments from the public school in-
35 come fund for the preceding school year. Each LEA may receive its propor-
36 tionate share of the advance payments in the same ratio that its total pay-
37 ment for the preceding year was to the total payments to all LEAs for the pre-
38 ceding year.

39 (3) Payments made pursuant to this subsection shall be based on the
40 current fiscal year's annual foundation amount per student set forth in
41 section 33-1002, Idaho Code, and shall take into consideration all payments
42 distributed for the current fiscal year to the LEAs.

43 (a) December payments to LEAs will be based on the LEA's official
44 weighted student enrollment count from October.

45 (b) February payments to LEAs will be based on the LEA's official
46 weighted student enrollment count from December.

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1 (c) April payments to LEAs will be based on the LEA's official weighted
2 student enrollment count from February.

3 (d) June payments to LEAs will be based on the LEA's official weighted
4 student enrollment count from April. The June payments shall take into
5 consideration:

6 (i) All funds available in the public school income fund for the
7 fiscal year ending June 30; and

8 (ii) The adjustment based on the foundation amount per student re-
9 quired by the provisions of section 33-1018, Idaho Code.

10 (4) Any apportionments in any year made to any LEA that may within the
11 succeeding one (1) year period be found to have been in error either of com-
12 putation or transmittal may be corrected during the current fiscal year by
13 reduction of apportionments to any LEA to which over-apportionments may have
14 been made or received and corresponding additions to apportionments to any
15 LEA to which under-apportionments may have been made or received.

16 SECTION 11. That Section 33-1003A, Idaho Code, be, and the same is
17 hereby repealed.

18 SECTION 12. That Section 33-1003C, Idaho Code, be, and the same is
19 hereby repealed.

20 SECTION 13. That Section 33-1004, Idaho Code, be, and the same is hereby
21 repealed.

22 SECTION 14. That Section 33-1004A, Idaho Code, be, and the same is
23 hereby repealed.

24 SECTION 15. That Section 33-1004B, Idaho Code, as amended by Section 5,
25 Chapter 169, Laws of 2018, be, and the same is hereby amended to read as fol-
26 lows:

27 33-1004B. CAREER LADDER -- LOCAL SALARY SCHEDULES. ~~School districts~~
28 ~~shall receive an allocation for instructional staff and pupil service staff~~
29 ~~based on their staffs' position on the career ladder as follows. Each LEA~~
30 ~~shall develop a local salary schedule that is consistent with the career lad-~~
31 ~~der set forth in this section.~~

32 (1) Instructional staff and pupil service staff who are in their first
33 year of holding an Idaho educator certificate shall be placed in the first
34 cell of ~~the~~ their local residency compensation rung and shall move one (1)
35 cell on ~~the~~ their local residency compensation rung for each year they hold
36 an Idaho educator certificate thereafter for up to three (3) years, at which
37 point they will remain in the third cell of ~~the~~ their local residency rung
38 until they earn a professional endorsement.

39 (2) Instructional staff and pupil service staff in their first year of
40 holding a professional endorsement shall be placed in the first cell of ~~the~~
41 their local professional compensation rung.

42 (3) Instructional staff and pupil service staff on ~~the~~ their local pro-
43 fessional compensation rung with four (4) years of experience shall move one
44 (1) cell on ~~the~~ their local professional compensation rung unless they have
45 failed to meet the professional compensation rung performance criteria for

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1 three (3) of the previous four (4) years. Instructional staff and pupil ser-
2 vice staff on ~~the~~ their local professional compensation rung who meet the
3 performance criteria for three (3) of the previous five (5) years, one (1)
4 of which must be during the fourth or fifth year, shall move one (1) cell.
5 ~~Allocations for i~~Instructional staff and pupil service staff who do not meet
6 the professional compensation rung performance criteria for three (3) of the
7 previous five (5) years, one (1) of which must be during the fourth or fifth
8 year, shall remain at ~~the previous fiscal year allocation level. This also~~
9 applies to the educational allocation their current position on their local
10 professional compensation rung.

11 (4) In addition to the ~~allocation~~ amount specified for the applicable
12 cell on ~~the career ladder~~ a local salary schedule, school districts shall
13 ~~receive~~ distribute an additional ~~allocation~~ amount ~~for~~ to each career tech-
14 nical education instructional staff member holding an occupational special-
15 ist certificate in the area for which they are teaching in ~~the~~ an amount of
16 ~~three thousand dollars (\$3,000)~~ to be determined by each LEA.

17 (5) ~~In addition to the allocation amount specified for the applicable~~
18 ~~cell on the career ladder, school districts~~ LEAs shall ~~receive an additional~~
19 ~~allocation~~ distribute amounts for instructional staff and pupil service
20 staff holding a professional endorsement who have acquired additional edu-
21 cation and meet the professional compensation rung performance criteria. In
22 determining the additional education ~~allocation~~ distribution amount, only
23 transcribed credits and degrees on file with the teacher certification of-
24 fice of the state department of education, earned at an institution of higher
25 education accredited by a body recognized by the state board of education
26 or credits earned through an internship or work experience approved by the
27 state board of education, shall be allowed. All credits and degrees earned
28 must be in a relevant pedagogy or content area as determined by the state
29 department of education. Additional education ~~allocation~~ distribution
30 amounts are not cumulative. Instructional staff whose initial certificate
31 is an occupational specialist certificate shall be treated as BA degree-pre-
32 pared instructional staff. Credits earned by such occupational specialist
33 instructional staff after initial certification shall be credited toward
34 the education ~~allocation~~. ~~Additional allocations are~~ distribution. LEAs
35 shall pay the following staff an amount as specified in their local salary
36 schedules:

37 (a) ~~For i~~Instructional staff and pupil service staff holding a profes-
38 sional endorsement, a baccalaureate degree and twenty-four (24) or more
39 credits, ~~two thousand dollars (\$2,000)~~ per fiscal year.

40 (b) ~~For i~~Instructional staff and pupil service staff holding a profes-
41 sional endorsement and a master's degree, ~~three thousand five hundred~~
42 ~~dollars (\$3,500)~~ per fiscal year.

43 (e6) Effective July 1, 2020, the ~~allocation~~ minimum compensation on a
44 local salary schedule shall be equal to or greater than the amount provided
45 in the first cell of the residency compensation rung on the following sched-
46 ule. For instructional staff and pupil service staff holding a professional
47 endorsement, the minimum compensation on a local salary schedule shall be
48 equal to or greater than the amount provided in the first cell of the profes-
49 sional compensation rung on the following schedule:

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1	Base					
2	Allocation	1	2	3	4	5
3	Residency	\$37,000	\$38,000	\$39,000		
4	Professional	\$42,500	\$44,375	\$46,250	\$48,125	\$50,000

5 An LEA may but is not required to use the full schedule provided in this
6 subsection. An LEA must satisfy the minimum compensation requirements de-
7 scribed in this subsection.

8 (67) A review of a sample of evaluations completed by administrators
9 shall be conducted annually to verify such evaluations are being conducted
10 with fidelity to the state framework for teaching evaluation, including
11 each evaluation component as outlined in administrative rule and the rat-
12 ing given for each component. The state board of education shall randomly
13 select a sample of administrators throughout the state. A portion of such
14 administrators' instructional staff and pupil service staff employee eval-
15 uations shall be independently reviewed. The ratio of instructional staff
16 evaluations to pupil service staff evaluations shall be equal to the ratio
17 of the statewide instructional staff ~~salary allowance~~ to pupil service staff
18 ~~salary allowance~~. The state board of education with input from the Idaho-ap-
19 proved ~~teacher~~ educator preparation programs and the state department of
20 education shall identify individuals and a process to conduct the reviews.
21 Administrator certificate holders shall be required to participate in ongo-
22 ing evaluation training pursuant to section 33-1204, Idaho Code. The state
23 board of education shall report annually the findings of such reviews to the
24 senate education committee, the house of representatives education commit-
25 tee, the state board of education and the deans of Idaho's approved ~~teacher~~
26 educator preparation programs. The state board of education shall promul-
27 gate rules implementing the provisions of this subsection.

28 (78) School districts shall submit annually to the state the data nec-
29 essary to determine if an instructional staff or pupil service staff member
30 has met the performance criteria for movement on ~~the applicable compensation~~
31 ~~rung. The department of education shall calculate whether or not instruc-~~
32 ~~tional staff and pupil service staff have met the compensation rung perfor-~~
33 ~~mance criteria based on the data submitted during the previous five (5) years~~
34 their local salary schedule. Individually identifiable performance evalu-
35 ation ratings submitted to the state remain part of the employee's person-
36 nel record and are exempt from public disclosure pursuant to section 74-106,
37 Idaho Code.

38 SECTION 16. That Section 33-1004C, Idaho Code, be, and the same is
39 hereby repealed.

40 SECTION 17. That Section 33-1004E, Idaho Code, be, and the same is
41 hereby amended to read as follows:

42 33-1004EA. ~~DISTRICT'S SALARY-BASED APPORTIONMENT~~ NATIONAL CERTIFI-
43 CATION PREMIUM. ~~Each district shall be entitled to a salary-based appor-~~
44 ~~tionment calculated as provided in this section.~~

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1 ~~(1) To determine the apportionment for instructional staff, take~~
2 ~~the amounts indicated on the career ladder table plus the amounts associ-~~
3 ~~ated with the additional education allocation amounts pursuant to section~~
4 ~~33-1004B, Idaho Code, and calculate the weighted average. The amount so~~
5 ~~determined shall be multiplied by the district staff allowance for instruc-~~
6 ~~tional staff determined as provided in section 33-1004(2), Idaho Code.~~
7 ~~Full-time instructional staff salaries shall be determined from a salary~~
8 ~~schedule developed by each district and submitted to the state department of~~
9 ~~education. No full-time instructional staff member shall be paid less than~~
10 ~~the minimum dollar amount on the career ladder residency compensation rung~~
11 ~~pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year.~~

12 ~~(2) If an instructional staff member has been certified by the national~~
13 ~~board for professional teaching standards, the staff member shall receive~~
14 ~~two thousand dollars (\$2,000) per year for five (5) years from the year in~~
15 ~~which national board certification was earned. The district staff allot-~~
16 ~~ment shall be increased by two thousand dollars (\$2,000) for each national~~
17 ~~board-certified instructional staff member who earned national board cer-~~
18 ~~tification, provided however, that no such awards shall be paid for the pe-~~
19 ~~riod July 1, 2010, through June 30, 2011, nor shall any liabilities accrue~~
20 ~~or payments be made pursuant to this section in the future to any individu-~~
21 ~~als who would have otherwise qualified for a payment during this stated time~~
22 ~~period. The resulting amount is the district's salary-based apportionment~~
23 ~~for instructional staff. For purposes of this section, teachers qualifying~~
24 ~~for the salary increase shall be those who have been recognized as national~~
25 ~~board-certified teachers as of July 1 of each year.~~

26 ~~(3) To determine the apportionment for pupil service staff, take~~
27 ~~the amounts indicated on the career ladder table plus the amounts associ-~~
28 ~~ated with the additional education allocation amounts pursuant to section~~
29 ~~33-1004B, Idaho Code, and calculate the weighted average. If the district~~
30 ~~does not employ any pupil service staff, the district's pupil service staff~~
31 ~~average salary shall equal the district's instructional staff average~~
32 ~~salary for purposes of calculating pupil service salary-based apportion-~~
33 ~~ment. The amount so determined shall be multiplied by the district staff al-~~
34 ~~lowance for pupil service staff determined pursuant to section 33-1004(3),~~
35 ~~Idaho Code. Full-time pupil service staff salaries shall be determined from~~
36 ~~a salary schedule developed by each district and submitted to the state de-~~
37 ~~partment of education. The resulting amount is the district's salary-based~~
38 ~~apportionment for pupil service staff. No full-time pupil service staff~~
39 ~~member shall be paid less than the minimum dollar amount on the career ladder~~
40 ~~residency compensation rung pursuant to section 33-1004B, Idaho Code, for~~
41 ~~the applicable fiscal year.~~

42 ~~(4) To determine the apportionment for district administrative staff,~~
43 ~~first determine the district average experience and education index by plac-~~
44 ~~ing all eligible certificated administrative employees on the statewide in-~~
45 ~~dex provided in section 33-1004A, Idaho Code. The resulting average is the~~
46 ~~district index. If the district does not employ any administrative staff,~~
47 ~~the district administrative index shall equal the statewide average index~~
48 ~~for purposes of calculating administrative salary-based apportionment. The~~
49 ~~district administrative staff index shall be multiplied by the base salary~~
50 ~~of thirty-six thousand one hundred eighty-six dollars (\$36,186). The amount~~

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1 ~~so determined shall be multiplied by the district staff allowance for admin-~~
2 ~~istrative staff determined as provided in section 33-1004(4), Idaho Code.~~
3 ~~The resulting amount is the district's salary-based apportionment for ad-~~
4 ~~ministrative staff.~~

5 ~~(5) To determine the apportionment for classified staff, multi-~~
6 ~~ply twenty-one thousand six hundred sixty-five dollars (\$21,665) by the~~
7 ~~district classified staff allowance determined as provided in section~~
8 ~~33-1004(5), Idaho Code. The amount so determined is the district's appor-~~
9 ~~tionment for classified staff.~~

10 ~~(6) The district's salary-based apportionment shall be the sum of the~~
11 ~~apportionments calculated in subsections (1), (2), (3), (4) and (5) of this~~
12 ~~section, plus the benefit apportionment as provided in section 33-1004F,~~
13 ~~Idaho Code.~~

14 SECTION 18. That Section 33-1004F, Idaho Code, as amended by Section 2,
15 Chapter 92, Laws of 2017, be, and the same is hereby amended to read as fol-
16 lows:

17 33-1004FB. OBLIGATIONS TO RETIREMENT AND SOCIAL SECURITY BENE-
18 FITS. ~~Based upon the actual salary-based apportionment, as determined in~~
19 ~~section 33-1004E, Idaho Code, There shall be allocated and distributed that~~
20 ~~amount required to meet the employer's obligations to the public employee~~
21 ~~retirement system and to social security for the national certification pre-~~
22 ~~miums distributed pursuant to section 33-1004A, Idaho Code, the master ed-~~
23 ~~ucator premiums distributed pursuant to section 33-1004IC, Idaho Code, and~~
24 ~~the leadership premiums distributed pursuant to section 33-1004JE, Idaho~~
25 ~~Code, there shall be allocated that amount required to meet the employer's~~
26 ~~obligations to the public employee retirement system and to social security.~~

27 SECTION 19. That Section 33-1004I, Idaho Code, as amended by Section 1,
28 Chapter 92, Laws of 2017, be, and the same is hereby amended to read as fol-
29 lows:

30 33-1004IC. MASTER EDUCATOR PREMIUMS. (1) A portion of the moneys
31 ~~available to the education total state funds for the public schools ed-~~
32 ~~ucational support program shall be distributed per full-time equivalent~~
33 ~~instructional staff and pupil services staff positions employed by each~~
34 ~~school-district LEA. Such moneys shall be paid to instructional staff and~~
35 ~~pupil service staff employees who have earned a master educator designation~~
36 ~~by meeting the minimum qualifications set forth in subsection (2) of this~~
37 ~~section and the additional qualifications developed or adopted by the em-~~
38 ~~ploying school-district LEA pursuant to subsection (3) of this section, in an~~
39 ~~amount set forth in subsection (4) of this section.~~

40 (2) The minimum qualifications for an instructional staff or a pupil
41 service staff employee to earn a master educator designation shall be as fol-
42 lows:

43 (a) An instructional staff or pupil service staff employee must have
44 eight (8) or more years of teaching experience provided that the three
45 (3) years immediately preceding the award must be continuous and in
46 Idaho. The remainder of the teaching experience making up the eight (8)

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- 1 years must have been earned in Idaho or in a compact-member state pur-
2 suant to section 33-4101, Idaho Code;
- 3 (b) An instructional staff or pupil service staff employee must demon-
4 strate mastery of instructional techniques for no fewer than three (3)
5 of the previous five (5) years of instruction through:
- 6 (i) Artifacts demonstrating evidence of effective teaching; and
7 (ii) Successful completion of an annual individualized profes-
8 sional learning plan; and
- 9 (c) A majority of an instructional staff employee's students must meet
10 measurable student achievement as defined in section 33-1001, Idaho
11 Code, for no fewer than three (3) of the previous five (5) years.
- 12 (d) A majority of a pupil service staff employee's students must meet
13 measurable student achievement or measurable student success indica-
14 tors, as defined in section 33-1001, Idaho Code, for no fewer than three
15 (3) of the previous five (5) years.
- 16 (3) In addition to the minimum qualifications for a master educator
17 designation set forth in subsection (2) of this section:
- 18 (a) ~~Local school districts~~ LEAs may develop and require additional
19 qualifications showing demonstrated mastery of instructional tech-
20 niques and professional practice through multiple measures, provided
21 that such qualifications shall be developed by a committee consisting
22 of teachers, administrators and other ~~school district~~ LEA stakeholders
23 and shall first be approved by the state board of education;
- 24 (b) ~~Local school districts~~ LEAs may develop plans that recognize groups
25 of teachers based on measurable student achievement goals aligned with
26 ~~school district~~ LEA approved continuous improvement plans. Groups may
27 be school-wide or may be smaller groups such as grade levels or by sub-
28 ject matter. Each teacher in a master educator group shall receive a
29 master educator premium if goals are met according to the ~~district~~ LEA
30 plans. Plans shall be developed by a committee consisting of teachers,
31 administrators and other ~~school district~~ LEA stakeholders and shall
32 first be approved by the state board of education. Any ~~school district~~
33 LEA that does not follow their preapproved plan shall not receive future
34 master educator premium dollars; or
- 35 (c) If a ~~local school district~~ LEA has not developed qualifications
36 pursuant to paragraph (a) or (b) of this subsection, then eligible
37 ~~school district~~ LEA staff may apply to the state board of education by
38 showing demonstrated mastery of instructional techniques and profes-
39 sional practice through multiple measures as developed by a committee
40 facilitated by the state board of education consisting of teachers, ad-
41 ministrators and other stakeholders, which measures shall be approved
42 by the state board of education.
- 43 (4) The amount of the master educator premium paid to a qualified in-
44 structional staff employee shall be four thousand dollars (\$4,000) each year
45 for three (3) years starting with the initial award of the master educator
46 premium. After the third year of receiving the master educator premium, the
47 instructional staff employee must continue to demonstrate that he or she
48 meets the master educator premium qualifications in each subsequent year.
49 If the qualifications are not met, then the premium will be discontinued
50 until such time as the qualifications are met.

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1 (5) ~~Local school district~~ LEA boards of trustees or boards of directors
2 may provide master educator premiums to instructional staff employees con-
3 sistent with the provisions of this section.

4 (6) ~~For the purposes of this section, the term "school district" also~~
5 ~~means "public charter school" and the term "board of trustees" also means~~
6 ~~"board of directors."~~

7 ~~(7)~~ The state board of education may promulgate rules implementing the
8 provisions of this section.

9 SECTION 20. That Section 33-1004J, Idaho Code, be, and the same is
10 hereby amended to read as follows:

11 33-1004JE. LEADERSHIP PREMIUMS. (1) Of the ~~moneys available to the~~
12 total state funds for the public schools educational support program, eight
13 hundred fifty dollars (\$850) shall be distributed per full-time equivalent
14 instructional and pupil service staff position employed by each ~~school dis-~~
15 ~~trict~~ LEA. Such moneys shall be paid to instructional and pupil service staff
16 employees for leadership activities as provided in paragraphs (a) through
17 (h) of this subsection. Such premiums shall be valid only for the fiscal
18 year for which the premiums are made and shall be made for one (1) or more
19 of the following reasons identified as leadership priorities by a committee
20 consisting of teachers, administrators and other ~~school district~~ LEA stake-
21 holders and shall be approved by the board of trustees or board of directors:

22 (a) Teaching a course in which students earn both high school and col-
23 lege credit;

24 (b) Teaching a course to middle school students in which the students
25 earn both middle school and high school credit;

26 (c) Holding and providing service in multiple nonadministrative cer-
27 tificate or subject endorsement areas;

28 (d) Serving or being hired to serve in an instructional or pupil service
29 position designated as hard to fill by the board of trustees or board of
30 directors;

31 (e) Serving or being hired to serve in a hard to fill instructional po-
32 sition in a career technical education program;

33 (f) Providing mentoring, peer assistance or professional development
34 pursuant to section 33-512(17), Idaho Code;

35 (g) Having received professional development in career and academic
36 counseling, and then providing career or academic counseling for stu-
37 dents, with such services incorporated within or provided in addition
38 to the teacher's regular classroom instructional or pupil service du-
39 ties;

40 (h) Other leadership duties designated by the board of trustees or
41 board of directors, exclusive of duties related to student activities
42 or athletics. Such duties shall require that the employee work addi-
43 tional time as a condition of the receipt of a leadership premium.

44 (2) ~~Local school district~~ LEA boards of trustees or boards of direc-
45 tors shall provide leadership premiums to instructional or pupil service
46 staff employees consistent with the provisions of this section and may not
47 distribute moneys provided pursuant to this section unless employees meet
48 one (1) of the criteria specified in subsection (1) of this section. The

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1 decision as to whom and how many receive leadership premiums, and in what
2 amounts, shall not be subject to collective bargaining, any other provision
3 of law notwithstanding. A board may provide multiple leadership premiums to
4 an instructional or pupil service staff employee. However, no such employee
5 shall receive cumulative leadership premiums in excess of twenty-five per-
6 cent (25%) of the minimum salary as designated on ~~the career ladder~~ a local
7 salary schedule pursuant to section 33-1004B, Idaho Code, nor less than nine
8 hundred dollars (\$900), regardless of such employees full- or part-time
9 status.

10 (3) The state department of education may require reports of informa-
11 tion as needed to implement the provisions of this section. At a minimum,
12 ~~school districts~~ LEAs shall report the information necessary for the depart-
13 ment to fulfill the provisions of this section. The department shall report,
14 on or before January 15 each year, to the governor, the senate education com-
15 mittee and the house of representatives education committee relevant infor-
16 mation regarding leadership premiums, including the following:

17 (a) The number of instructional and pupil service staff employees in
18 the ~~district~~ LEA;

19 (b) The number of instructional and pupil service staff employees that
20 received a leadership premium;

21 (c) The number of leadership premiums issued, by ~~district~~ LEA;

22 (d) The average dollar amount of leadership premiums issued, by
23 ~~district~~ LEA;

24 (e) The highest and lowest leadership premium issued, by ~~district~~ LEA;

25 (f) The percent of instructional and pupil service staff positions re-
26 ceiving leadership premiums and the cumulative amount of such premiums,
27 by ~~district~~ LEA; and

28 (g) The reasons identified as leadership priorities approved by the
29 board of trustees or board of directors as listed in subsection (1) of
30 this section, including a description of the other leadership duties
31 designated by the board of trustees or board of directors as provided in
32 subsection (1) (h) of this section and the number of the premiums awarded
33 per leadership activity as identified in subsection (1) (a) through (h)
34 of this section.

35 (4) ~~For the purposes of this section, the term "school district" also~~
36 ~~means "public charter school," and the term "board of trustees" also means~~
37 ~~"board of directors."~~ Subsections (1) and (2) of this section shall be re-
38 viewed annually by the legislature.

39 (5) The state board of education is hereby authorized to promulgate
40 rules to implement the provisions of this section.

41 SECTION 21. That Section 33-1002B, Idaho Code, be, and the same is
42 hereby amended to read as follows:

43 33-1002B5. PUPIL TUITION-EQUIVALENCY ALLOWANCES. (1-) Districts
44 which educate pupils placed by Idaho court order in licensed homes, agen-
45 cies, institutions or juvenile detention facilities shall be eligible for an
46 allowance equivalent to forty-two percent (42%) of the previous year's gross
47 per pupil cost calculated on a daily basis. This district allowance shall be
48 in addition to ~~support unit~~ the foundation funding and included in district

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1 apportionment payments, subject to approval of district applications by the
2 state superintendent of public instruction.

3 (2-) Districts which educate pupils placed by Idaho court order in a ju-
4 venile detention facility with a summer school program shall be eligible for
5 an allowance equivalent to one-half (1/2) of forty-two percent (42%) of the
6 previous year's gross per pupil cost calculated on a daily basis. This dis-
7 trict allowance shall be in addition to ~~support-unit~~ the foundation funding
8 and included in district apportionment payments, subject to approval of dis-
9 trict applications by the state superintendent of public instruction.

10 (3-) Districts which educate school age special education students
11 who, due to the nature and severity of their disabilities, are residing
12 in licensed public or private residential facilities or homes, and whose
13 parents are not patrons of the district, shall be eligible for an allowance
14 equivalent to forty-two percent (42%) of the previous year's gross per pupil
15 cost per child plus the excess cost rate that is annually determined by the
16 state superintendent of public instruction. This district allowance shall
17 be in addition to ~~exceptional~~ the foundation funding and the special edu-
18 cation ~~support-unit weight~~ funding and included in district apportionment
19 payments, subject to approval of district applications by the state superin-
20 tendent of public instruction.

21 (4-) For school age special education students from outside the state
22 of Idaho who, due to the nature and severity of their disabilities, are re-
23 siding in licensed public or private residential facilities within the state
24 of Idaho, the local school district shall provide education services to such
25 students if requested by the licensed public or private residential facil-
26 ity, provided that the local school district has been given the opportunity
27 to provide input on any federally required education plans for any such stu-
28 dents. A local school district providing education services for such stu-
29 dents shall sign a contract with any such licensed public or private resi-
30 dential facilities, which contract shall delineate the education services
31 to be provided by the local school district and the amount to be paid by the
32 licensed public or private residential facility. The amount paid shall be
33 equal to the local school district's full cost of providing the education
34 services delineated by the contract, as determined by the local school dis-
35 trict. Such students shall be excluded from all ~~average daily attendance~~
36 student enrollment counts and other reports provided to the state that would
37 result in the distribution of state funding to the local school district.

38 (5-) For school age nonspecial education students from outside the
39 state of Idaho who are residing in licensed public or private residential
40 facilities within the state of Idaho, the local school district may provide
41 education services to such students if requested by the licensed public or
42 private residential facility. A local school district providing education
43 services for such students shall sign a contract with any such licensed pub-
44 lic or private residential facilities, which contract shall delineate the
45 education services to be provided by the local school district and the amount
46 to be paid by the licensed public or private residential facility. The
47 amount paid shall be equal to the local school district's full cost of pro-
48 viding the education services delineated by the contract, as determined by
49 the local school district. Such students shall be excluded from all ~~average~~
50 daily attendance student enrollment counts and other reports provided to the

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1 state that would result in the distribution of state funding to the local
2 school district.

3 SECTION 22. That Section 33-1002C, Idaho Code, be, and the same is
4 hereby amended to read as follows:

5 33-1002C5A. ~~SUMMER AND NIGHT SCHOOL PROGRAM SUPPORT UNITS -- ALTERNA-~~
6 ~~TIVE SCHOOL FUNDING -- JUVENILE DETENTION FACILITY. (1) Alternative sSummer~~
7 ~~and night school programs for at-risk students, as defined by state board~~
8 ~~of education rule, of not less than two hundred twenty-five (225) hours~~
9 ~~of instruction, which shall be included in the educational support units~~
10 ~~enrollment totals calculated as provided in section 33-1002D, Idaho Code,~~
11 ~~may be established as approved by the state board of education. The aver-~~
12 ~~age daily attendance divided by forty (40) shall determine the number of~~
13 ~~allowable support units which shall be included in the alternative school~~
14 ~~support units calculated for the school district for the succeeding school~~
15 ~~term Summer and night school enrollment counts pursuant to section 33-1002D,~~
16 ~~Idaho Code, shall be added to the first count of the ensuing school year.~~

17 (2) For any ~~alternative school youth intervention program~~ designated
18 pursuant to section 46-805, Idaho Code, full-term ~~average daily attendance~~
19 ~~enrollment~~ shall be used to calculate ~~support units enrollment~~ for each
20 cohort of students that meets the minimum instructional hours requirement
21 provided for in section 33-512, Idaho Code. The ~~support units enrollment~~
22 so calculated shall be used for all state funding formulas in which ~~support~~
23 ~~units are student enrollment is~~ used.

24 (3) Districts which educate ~~pupils~~ students placed by court order in
25 a juvenile detention facility may establish a summer school program which
26 shall be included in the ~~educational support units~~ student enrollment calcu-
27 lated as provided in section 33-1002D, Idaho Code. ~~The average daily atten-~~
28 ~~dance divided by forty (40) shall determine the number of allowable support~~
29 ~~units which shall be included in the exceptional education school support~~
30 ~~units calculated for the school district for the succeeding school term.~~

31 ~~(4) Average daily attendance and the support units so generated by this~~
32 ~~section shall not be included in or subject to the provisions of section~~
33 ~~33-1003, Idaho Code, and shall be included as an addition to any other sup-~~
34 ~~port units generated pursuant to Idaho Code.~~

35 SECTION 23. That Section 33-1002F, Idaho Code, be, and the same is
36 hereby amended to read as follows:

37 33-1002F5B. ALTERNATIVE SCHOOL REPORT. Annually, prior to the tenth
38 legislative day, the department of education shall file with the legisla-
39 ture a report detailing the alternative school programs within the state. On
40 July 1 of each year, or as soon thereafter as feasible, each school district
41 receiving moneys pursuant to ~~the alternative school support units factor in~~
42 ~~section 33-1002, Idaho Code, or~~ section 33-1002C5A, Idaho Code, shall file
43 with the state department a comprehensive report of the amount of money re-
44 ceived in the district, the expenditure on alternative school programs, and
45 the programs provided. This information shall be compiled by the department
46 for transmission to the legislature.

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1 SECTION 24. That Section 33-1002E, Idaho Code, be, and the same is
2 hereby amended to read as follows:

3 33-1002E5C. PUPILS ATTENDING SCHOOL IN ANOTHER STATE. In any school
4 district which abuts upon the border of another state, the resident pupils
5 of said district may attend schools in the other state as provided in section
6 33-1403, Idaho Code.

7 SECTION 25. That Section 33-1002G, Idaho Code, be, and the same is
8 hereby amended to read as follows:

9 33-1002G5D. CAREER TECHNICAL SCHOOL FUNDING AND ELIGIBILITY. (1)
10 School districts may establish career technical schools that qualify for
11 funding appropriated for the specific purpose of supporting the added cost
12 of career technical schools. These funds will be appropriated to the state
13 board for career technical education, to be expended by the division of ca-
14 reer technical education. In order for a school to qualify for funding as a
15 career technical school, it must make application to the division of career
16 technical education on or before the fifteenth of April for the following
17 fiscal year. This includes applicants for new schools and renewal applica-
18 tions. All career technical schools must meet all three (3) of the following
19 criteria:

20 (a) The school serves students from two (2) or more high schools. No one
21 (1) high school can comprise more than eighty-five percent (85%) of the
22 total enrolled career technical school students. In the event a student
23 enrolled in the career technical school is not enrolled in a public high
24 school, the eighty-five percent (85%) will be calculated based on the
25 public high school attendance area where the student resides.

26 (b) The majority of the school's program offerings lead to some form of
27 postsecondary credit, such as dual credit or other advanced opportuni-
28 ties, as defined by the state board of education, or include apprentice-
29 ship opportunities.

30 (c) All school programs offer at least one (1) supervised field experi-
31 ence for all students.

32 (2) All career technical schools must also meet at least one (1) of the
33 following ~~three~~ two (32) requirements:

34 ~~(a) The school is funded separately from schools that qualify for com-
35 putation using regular secondary support units.~~

36 ~~(b)~~ The school has a separate and distinct governing board.

37 ~~(c)~~ The majority of the school programs are provided at dedicated fa-
38 cilities that are separate from the regular high school facilities.

39 SECTION 26. That Chapter 10, Title 33, Idaho Code, be, and the same is
40 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
41 ignated as Section 33-1005E, Idaho Code, and to read as follows:

42 33-1005E. PUBLIC SCHOOL CLASSROOM TECHNOLOGY PROGRAM. Technology
43 program funding shall be distributed for classroom technology, classroom
44 technology infrastructure, and instructional management systems that as-
45 sist educators and students in effective and efficient instruction or

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1 learning. Funding shall be distributed based on a formula prescribed by the
2 superintendent of public instruction. Moneys so distributed shall be used
3 to implement and operate an instructional management system of their choice
4 that meets the individual learning needs and progress of all students. An
5 instructional management system must include individual student learning
6 plans, monitoring of interventions, integration with a district's student
7 information system (SIS), and analysis of student and classroom levels of
8 learning.

9 SECTION 27. That Section 33-1009, Idaho Code, be, and the same is hereby
10 repealed.

11 SECTION 28. That Section 33-1007A, Idaho Code, be, and the same is
12 hereby amended to read as follows:

13 33-1007A9. FEASIBILITY STUDY AND PLAN FOR SCHOOL CLOSURES AND/OR
14 SCHOOL DISTRICT CONSOLIDATION. (1) The state superintendent of public in-
15 struction shall determine the reimbursable costs to any school district
16 which are incurred under the provisions of section 33-310B, Idaho Code. The
17 school district shall be entitled to reimbursement of all allowable costs
18 pursuant to rules and regulations promulgated by the state board of educa-
19 tion.

20 (2) In school districts where the implementation of a school closure
21 plan requires the consolidation of one (1) or more schools, the public
22 schools educational support program allowance for the consolidated school
23 for a seven (7) year period following school consolidation, shall not be less
24 than the combined public schools educational support program allowance of
25 the component schools in the last year of operation.

26 SECTION 29. That Section 33-1010, Idaho Code, be, and the same is hereby
27 amended to read as follows:

28 33-1010. APPORTIONMENTS WHEN MINES NET PROFITS CONSIDERED. (1) In
29 any school district in which mines net profits are made a part of the total
30 assessed value of taxable property, should the amount of such net profits
31 certified as required by section 63-2803, Idaho Code, be lower in any year
32 than for the immediately preceding year in an amount equaling five ~~per cent~~
33 percent (5%) or more of the total assessed value of taxable property of the
34 district for the preceding year, then the state department of education
35 shall compute the adjusted value of taxable property in the district for the
36 purposes of section 33-10093, Idaho Code, by subtracting from the adjusted
37 value of property in the district for the preceding year, the total of such
38 decrease in mines net profits tax.

39 (2) The county auditor of each county in which the net profits of mines
40 are made a part of the total assessed value of taxable property of any school
41 district, shall annually examine the reports of mines net profits certified
42 to the county assessor as required by section 63-2803, Idaho Code, and shall
43 certify to the state department of education ~~not~~ no later than the fifteenth
44 day of June of each year, the net profits of mines creditable to each school
45 district in said county.

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1 SECTION 30. That Section 33-1005, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 33-1005~~14~~. DISTRICTS RECEIVING FEDERAL FUNDS. In school districts
4 which receive moneys for the maintenance and operation of the schools from
5 agencies of the federal government, the public schools educational support
6 program shall be computed on the basis of the average daily attendance of
7 pupils student enrollment counts as set forth in this chapter and without
8 regard to the manner in which such allowance from the federal government may
9 be computed.

10 SECTION 31. That Section 33-1017, Idaho Code, be, and the same is hereby
11 repealed.

12 SECTION 32. That Section 33-1018, Idaho Code, be, and the same is hereby
13 amended to read as follows:

14 33-1018. PUBLIC SCHOOL ~~DISCRETIONARY~~ STUDENT-BASED FOUNDATION FUND-
15 ING VARIABILITY. The legislature shall annually state in the appropriation
16 for the public schools educational support program/~~division of operations~~
17 the estimate of the ~~total discretionary funding provided per support unit.~~
18 The foundation amount per student pursuant to section 33-1002, Idaho Code.
19 Before the end of each fiscal year, the department of education shall, be-
20 fore the end of each fiscal year, calculate the actual discretionary funding
21 available per support unit foundation amount per student.

22 (1) If the total estimated ~~discretionary funding~~ foundation amount per
23 support unit student stated in the appropriation for the public schools ed-
24 ucational support program/division of operations is lower than the actual
25 discretionary funding available foundation amount per support unit student,
26 then the state controller shall multiply the difference by the ~~number of ac-~~
27 tual support units statewide weighted student enrollment count, and trans-
28 fer the result from the public school income fund to the public education
29 stabilization fund and the final distributions to ~~school districts~~ LEAs from
30 the department of education shall be reduced by a like amount.

31 (2) If the total estimated ~~discretionary funding~~ foundation amount per
32 support unit student stated in the appropriation for the public schools ed-
33 ucational support program/division of operations is greater than the actual
34 discretionary funding available foundation amount per support unit student,
35 then the state controller shall multiply the difference by the ~~number of ac-~~
36 tual support units statewide weighted student enrollment count, and trans-
37 fer the result from the public education stabilization fund to the public
38 school income fund. This transfer shall be limited to moneys available in
39 the public education stabilization fund. Moneys transferred from the public
40 education stabilization fund to the public school income fund under the pro-
41 visions of this section are hereby continuously appropriated for the public
42 schools educational support program/~~division of operations~~.

43 SECTION 33. That Section 33-1020, Idaho Code, be, and the same is hereby
44 amended to read as follows:

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1 33-1020. IDAHO DIGITAL LEARNING ACADEMY FUNDING. Of the moneys appro-
2 priated for the educational support program, an amount shall be distributed
3 to support the Idaho digital learning academy, created pursuant to chapter
4 55, title 33, Idaho Code. For the purposes of this section, an "enrollment"
5 shall be counted each time an Idaho school age child enrolls in an Idaho dig-
6 ital learning academy class. A single child enrolled in multiple classes
7 shall count as multiple enrollments. Summer enrollments shall be included
8 in the fiscal year that begins that summer. The amount distributed shall be
9 ~~calculated~~ determined as follows:

10 (1) A base amount no less than one million, six hundred thousand dol-
11 lars (\$1,600,000) shall be distributed, ~~equal to the current fiscal year's~~
12 ~~statewide average salary-based apportionment funding per midterm support~~
13 ~~unit, multiplied by twenty-six (26).~~

14 (2) A variable amount shall be distributed, equal to the number of en-
15 rollments multiplied by ~~the current fiscal year's appropriation of state~~
16 ~~funds for the educational support program per student reported in attendance~~
17 ~~for the first reporting period, divided by twenty-three (23) two hundred~~
18 seventy-five (275).

19 The state department of education shall make an estimated distribu-
20 tion of funds to the Idaho digital learning academy by no later than July
21 31 of each fiscal year, consisting of eighty percent (80%) of the estimated
22 funding for the fiscal year. The balance of all remaining funds to be dis-
23 tributed, pursuant to the calculations in this section, shall be distributed
24 by no later than May 15 of the same fiscal year.

25 SECTION 34. That Section 33-1021, Idaho Code, be, and the same is hereby
26 repealed.

27 SECTION 35. That Section 33-1024, Idaho Code, be, and the same is hereby
28 amended to read as follows:

29 33-1024. ONLINE PORTALS. (1) Of the moneys appropriated to the
30 ~~educational support program~~ state department of education, up to one hundred
31 fifty thousand dollars (\$150,000) may be expended for the development and
32 maintenance of an internet-based portal of available online, nonsectarian
33 K-12 or dual credit courses; an adult education portal; and a parent resource
34 portal.

35 (2) The nonsectarian K-12 or dual credit courses portal shall include
36 any of the following:

- 37 (a) Idaho digital learning academy;
- 38 (b) Idaho public school districts;
- 39 (c) Idaho public charter schools;
- 40 (d) Idaho public colleges and universities;
- 41 (e) Idaho private colleges and universities accredited by the same
42 organization that accredits Idaho's public colleges and universities;
43 and
- 44 (f) Any provider of online courses; provided however, that the courses
45 available on the portal have been verified and approved by the state de-
46 partment of education to meet state content standards.

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1 (3) At a minimum, the nonsectarian K-12 or dual credit courses portal
2 shall:

3 (a) Include and display customer ratings from students and parents,
4 based upon previous student enrollment with the online course, provider
5 and instructor. Such ratings shall, at a minimum, evaluate the quality
6 of content, instruction, communications and ease of use;

7 (b) Include the capacity for parents to notify their student's home
8 school of their desire to enroll their student in an online course
9 listed on the portal; and

10 (c) Facilitate communications between listed online course providers,
11 students and parents and the home school in which the student is en-
12 rolled.

13 (4) At a minimum, the adult education or parent resource portal shall
14 provide access to tools and resources focused on K-12 education.

15 SECTION 36. That Section 33-309, Idaho Code, be, and the same is hereby
16 amended to read as follows:

17 33-309. LAPSED DISTRICTS -- ANNEXATION. (1) If the state board of edu-
18 cation shall find any school district:

19 (a) Has not operated its school for a period of one (1) school year;

20 (b) In which the ~~average daily attendance~~ student enrollment count dur-
21 ing each term of not less than seven (7) months in the two (2) school
22 years last past has been less than five (5) pupils; or

23 (c) For a period of not less than one (1) year last past has had an insuf-
24 ficient number of members on its board of trustees lawfully to conduct
25 the business of the district;

26 the state board may enter its order declaring any such district to be lapsed,
27 and which district shall lapse as of the first day of July next following the
28 date of said order.

29 (2) Upon entering its order declaring a school district lapsed pursuant
30 to subsection (1) of this section, the state board shall designate some
31 proper person a hearing officer to conduct a public hearing or hearings on
32 the matter of annexing the lapsed district to a school district or districts
33 contiguous thereto. The state board shall cause notice of such hearing or
34 hearings to be published in a newspaper of general circulation in the area
35 and the notice shall state the time and place of the hearing or hearings and
36 the subject matter involved.

37 (3) Upon concluding any hearing or hearings the hearing officer shall
38 make his report and recommendation to the state board, and the state board
39 shall thereafter order the lapsed area annexed to such contiguous district
40 or districts as in the judgment of the state board seems equitable and just.
41 Any such annexation shall be effective as of the fifteenth day of August next
42 following the date of the order of annexation.

43 (4) Whenever there is any outstanding unpaid bonded debt owed by the
44 lapsed district, the state board shall, in its order of annexation, require
45 the district, or one (1) of the districts, to which the lapsed area is an-
46 nexed, to keep and maintain the bond register and to pay the principal and
47 interest, when the same are due, out of the proceeds of any levy made for
48 that purpose. The said order of annexation shall also provide for the trans-

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1 fer, or apportionment, to the annexing district or districts of the prop-
2 erty and current liabilities of the lapsed district as in the judgment of the
3 state board is equitable and just; provided however, that if the lapsed dis-
4 trict shall have excess of liquid assets over current liabilities, and if
5 such lapsed district shall have any outstanding unpaid bonded debt, then and
6 in that event such excess shall be ordered transferred to a fund for the pay-
7 ment of the principal of and interest on such debt.

8 (5) When annexation has been completed, as hereinabove authorized,
9 the state board shall give notice of such annexation to the officers of the
10 lapsed district, if any there be, and to the board of county commissioners
11 of any county in which shall lie any district, the boundaries of which have
12 been changed by the annexation of the lapsed area. The notice to any board
13 of county commissioners shall be accompanied by a legal description of the
14 boundaries of the district or districts as changed by the annexation.

15 SECTION 37. That Section 33-317, Idaho Code, be, and the same is hereby
16 amended to read as follows:

17 33-317. COOPERATIVE SERVICE AGENCY -- POWERS -- DUTIES -- LIMITA-
18 TIONS. (1) Two (2) or more school districts may join together for educational
19 purposes to form a service agency to purchase materials and/or provide
20 services for use individually or in combination. The cooperative service
21 agency thus formed shall be empowered to adopt bylaws, and act as a body cor-
22 porate and politic with such powers as are assigned through its bylaws but
23 limited to the powers and duties of local school districts. In its corporate
24 capacity, this agency may sue and be sued and may acquire, hold and convey
25 real and personal property necessary to its existence. The employees of the
26 service agency shall be extended the same general rights, privileges and
27 responsibilities as comparable employees of a school district. The cooper-
28 ative service agency may elect to be its own fiscal agent for the purposes of
29 providing an alternative school program, with the concurrence of the school
30 districts for which it provides such services. In doing so the educational
31 support program payments made pursuant to section 33-100~~2~~³, Idaho Code,
32 that would have been distributed to the school district acting as the fiscal
33 agent, shall instead be distributed to the cooperative service agency.

34 (2) A properly constituted cooperative service agency may request from
35 its member school districts funding to be furnished by a tax levy not to
36 exceed one-tenth of one percent (.1%) for a period not to exceed ten (10)
37 years by such member school districts. Such levy must be authorized by an
38 election held subject to the provisions of section 34-106, Idaho Code, and
39 be conducted in each of the school districts pursuant to chapter 14, title
40 34, Idaho Code, and approved by a majority of the district electors voting
41 in such election. Moneys received by the member school districts from this
42 source shall be transferred to the cooperative service agency upon receipt
43 of billing from the agency. Excess revenue over billing must be kept in a
44 designated account by the district, with accrued interest, and may only be
45 spent as budgeted by the agency.

46 (3) For the purpose of constructing and maintaining facilities of a
47 cooperative service agency, in addition to the levy authorized in subsection
48 (2) of this section, a properly constituted cooperative service agency may

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1 request from its member school districts additional funding to be furnished
2 by a tax levy not to exceed four-tenths of one percent (.4%) for a period not
3 to exceed ten (10) years. Such levy must be authorized by an election held
4 subject to the provisions of section 34-106, Idaho Code, and be conducted in
5 each of the school districts pursuant to chapter 14, title 34, Idaho Code,
6 and approved by sixty-six and two-thirds percent (66 2/3%) of the district
7 electors voting in such election. If one (1) or more of the member districts
8 fails to approve the tax levy in such election, the cooperative service
9 agency may construct the facility through the support of the member dis-
10 tricts approving the levy, but in no event shall the levy limits authorized
11 in this subsection (3) be exceeded. Nothing shall prevent a member dis-
12 trict that initially failed to approve the levy from conducting a subsequent
13 election, held pursuant to section 34-106, Idaho Code, to authorize that
14 district's participation in construction of the facility. Electors of the
15 districts may approve continuation of such levy for an additional ten (10)
16 years at an election held for that purpose. There is no limit on the number of
17 elections which may be held for the purpose of continuing the levy authorized
18 under this subsection (3) for an additional ten (10) years. The administra-
19 tion and accounting of moneys received by imposition of the levy shall be the
20 same as provided in subsection (2) of this section.

21 SECTION 38. That Section 33-507, Idaho Code, be, and the same is hereby
22 amended to read as follows:

23 33-507. LIMITATION UPON AUTHORITY OF TRUSTEES. (1) It shall be unlaw-
24 ful for any trustee to have pecuniary interest, directly or indirectly, in
25 any contract or other transaction pertaining to the maintenance or conduct
26 of the school district or to accept any reward or compensation for services
27 rendered as a trustee except as may be otherwise provided in this section.
28 The board of trustees of a school district may accept and award contracts in-
29 volving the school district to businesses in which a trustee or a person re-
30 lated to him by blood or marriage within the second degree has a direct or
31 indirect interest provided that the procedures set forth in section 18-1361
32 or 18-1361A, Idaho Code, are followed. The receiving, soliciting or accep-
33 tance of moneys of a school district for deposit in any bank or trust company,
34 or the lending of money by any bank or trust company to any school district,
35 shall not be deemed to be a contract pertaining to the maintenance or conduct
36 of a school district within the meaning of this section; nor shall the pay-
37 ment by any school district board of trustees of compensation to any bank or
38 trust company, for services rendered in the transaction of any banking busi-
39 ness with such district board of trustees, be deemed the payment of any re-
40 ward or compensation to any officer or director of any such bank or trust com-
41 pany within the meaning of this section.

42 (2) It shall be unlawful for the board of trustees of any class of school
43 district to enter into or execute any contract with the spouse of any member
44 of such board, the terms of which said contract requires or will require the
45 payment or delivery of any school district funds, money or property to such
46 spouse, except as provided in subsection (3) of this section or in section
47 18-1361 or 18-1361A, Idaho Code.

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1 (3) No spouse of any trustee may be employed by a school district with
2 a fall student enrollment population of greater than one thousand two hun-
3 dred (1,200) in the prior school year. For school districts with a fall stu-
4 dent enrollment population of one thousand two hundred (1,200) or less in the
5 prior school year ~~and for schools funded pursuant to the provisions of sec-~~
6 ~~tion 33-1003(2), Idaho Code~~, such spouse may be employed in a nonadministra-
7 tive position for a school year if each of the following conditions has been
8 met:

9 (a) The position has been listed as open for application on the school
10 district website or in a local newspaper, whichever is consistent with
11 the district's current practice, and the position shall be listed for
12 at least sixty (60) days, unless the opening occurred during the school
13 year, in which case the position shall be so listed for at least fifteen
14 (15) days. If the position is listed in a newspaper, the listing shall
15 be made in a manner consistent with the provisions of section 60-106,
16 Idaho Code;

17 (b) No applications were received that met the minimum certification,
18 endorsement, education or experience requirements of the position
19 other than such spouse;

20 (c) The trustee abstained from voting in the employment of the spouse
21 and was absent from the meeting while such employment was being consid-
22 ered and determined.

23 The school district or school may employ such spouse for further school
24 years, provided that the conditions contained in this subsection are met for
25 each school year in which such spouse is employed. The trustee shall abstain
26 from voting in any decisions affecting the compensation, benefits, indi-
27 vidual performance evaluation or disciplinary action related to the spouse
28 and shall be absent from the meeting while such issues are being considered
29 and determined. Such limitation shall include, but not be limited to: any
30 matters relating to negotiations regarding compensation and benefits; dis-
31 cussion and negotiation with district benefits providers; and any matter
32 relating to the spouse and letters of reprimand, direction, probation or
33 termination. Such limitations shall not prohibit the trustee spouse from
34 participating in deliberation and voting upon the district's annual fiscal
35 budget or annual audit report. Any spouse of a trustee employed as a cer-
36 tificated employee pursuant to this subsection shall be employed under a
37 category 1 contract pursuant to section 33-514A, Idaho Code.

38 (4) When any relative of any trustee or relative of the spouse of a
39 trustee related by affinity or consanguinity within the second degree is
40 considered for employment in a school district, such trustee shall abstain
41 from voting in the election of such relative and shall be absent from the
42 meeting while such employment is being considered and determined.

43 SECTION 39. That Section 33-515, Idaho Code, be, and the same is hereby
44 amended to read as follows:

45 33-515. ISSUANCE OF RENEWABLE CONTRACTS. (1) During the third full
46 year of continuous employment by the same school district, including any
47 specially chartered district, each certificated employee named in subsec-
48 tion (25) of section 33-1001, Idaho Code, and each school nurse and school

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1 librarian shall be evaluated for a renewable contract and shall, upon hav-
2 ing been offered a contract for the next ensuing year, and upon signing and
3 timely returning a contract for a fourth full year, be placed on a renewable
4 contract status with said school district entitling such individual to the
5 right to automatic renewal of contract, subject to the provisions included
6 in this chapter, provided that instructional staff who have not obtained
7 a professional endorsement under section 33-1201A, Idaho Code, may not
8 be placed on a renewable contract status, ~~provided however, if the career~~
9 ~~ladder pursuant to section 33-1004B, Idaho Code, is not funded, then a pro-~~
10 ~~fessional endorsement shall not be required.~~

11 (2) At least once annually, the performance of each renewable contract
12 certificated employee, school nurse, or school librarian shall be evaluated
13 according to criteria and procedures established by the board of trustees in
14 accordance with general guidelines approved by the state board of education.
15 Such an evaluation shall be completed no later than June 1 of each year. The
16 evaluation shall include a minimum of two (2) documented observations, one
17 (1) of which shall be completed prior to January 1 of each year.

18 (3) Any contract automatically renewed under the provisions of this
19 section may be renewed for a shorter term, longer term or the same length
20 of term as stated in the current contract and at a greater, lesser or equal
21 salary as that stated in the current contract. Absent the board's applica-
22 tion of a formal reduction in force, renewals of standard teacher contracts
23 may be for a shorter term, longer term or the same length of term as stated
24 in the current standard teacher contract and at a greater, lesser or equal
25 salary, ~~and shall be uniformly applied to all employees based upon the dis-~~
26 ~~trict's adopted salary schedule to the extent allowable in section 33-1004E,~~
27 ~~Idaho Code.~~

28 (a) Contracts issued pursuant to this section shall be issued on or be-
29 fore the first day of July each year.

30 (b) At the discretion of the board, the district may issue letters of
31 intent for employment for the next ensuing school year to renewable
32 contract status employees during May of each school year. Such let-
33 ter of intent shall not state a specific duration of the contract or
34 salary/benefits term for the next ensuing school year.

35 ~~(c) Unless otherwise negotiated and ratified by both parties pursuant~~
36 ~~to sections 33-1271, et seq., Idaho Code, standard teacher renewals for~~
37 ~~terms shorter in length than that stated in the current standard con-~~
38 ~~tract of renewable certificated employees, should be considered and im-~~
39 ~~plemented only after the district has determined that the salary-based~~
40 ~~apportionment reimbursement that it estimates it will receive for the~~
41 ~~ensuing school year is less than the sum the district would otherwise be~~
42 ~~paying for salaries for certificated professional employees.~~

43 (4) Nothing in this section shall prevent the board of trustees from of-
44 fering a renewed contract increasing the salary of any certificated person,
45 or from reassigning an administrative employee to a nonadministrative posi-
46 tion with appropriate reduction of salary from the preexisting salary level.
47 In the event the board of trustees reassigns an administrative employee to a
48 nonadministrative position, the board shall give written notice to the em-
49 ployee that contains a statement of the reasons for the reassignment. The
50 employee, upon written request to the board, shall be entitled to an informal

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1 review of that decision. The process and procedure for the informal review
2 shall be determined by the local board of trustees.

3 (5) Before a board of trustees can determine not to renew for reasons of
4 an unsatisfactory report of the performance of any certificated person whose
5 contract would otherwise be automatically renewed, such person shall be en-
6 titled to a reasonable period of probation. This period of probation shall
7 be preceded by a written notice from the board of trustees with reasons for
8 such probationary period and with provisions for adequate supervision and
9 evaluation of the person's performance during the probationary period. Such
10 period of probation shall not affect the person's renewable contract status.
11 Consideration of probationary status for certificated personnel is consid-
12 eration of the status of an employee within the meaning of section 74-206,
13 Idaho Code, and may be held in executive session. If the consideration re-
14 sults in probationary status, the individual on probation shall not be named
15 in the minutes of the meeting. A record of the decision shall be placed in the
16 teacher's personnel file.

17 (6) If the board of trustees takes action to immediately discharge
18 or discharge upon termination of the current contract a certificated per-
19 son whose contract would otherwise be automatically renewed, the action
20 of the board shall be consistent with the procedures specified in section
21 33-513(5), Idaho Code, and furthermore, the board shall notify the employee
22 in writing whether there is just and reasonable cause not to renew the con-
23 tract or to reduce the salary of the affected employee, and if so, what
24 reasons it relied upon in that determination.

25 (7) If the board of trustees takes action after the declaration of a fi-
26 nancial emergency pursuant to section 33-522, Idaho Code, and such action is
27 directed at more than one (1) certificated employee, and if mutually agreed
28 to by both parties, a single informal review shall be conducted. Without
29 mutual consent of both parties, the board of trustees shall use the follow-
30 ing procedure to conduct a single due process hearing within sixty-seven
31 (67) days of the declaration of financial emergency pursuant to section
32 33-522(2), Idaho Code, or on or before June 22, whichever shall occur first:

33 (a) The superintendent or any other duly authorized administrative of-
34 ficer of the school district may recommend the change in the length of
35 the term stated in the current contract or reduce the salary of any cer-
36 tificated employee by filing with the board of trustees written notice
37 specifying the purported reasons for such changes.

38 (b) Upon receipt of such notice, the board of trustees, acting through
39 its duly authorized administrative official, shall give the affected
40 employees written notice of the reductions and the recommendation of
41 the change in the length of the term stated in the current contract or
42 the reduction of salary, along with written notice of a hearing be-
43 fore the board of trustees prior to any determination by the board of
44 trustees.

45 (c) The hearing shall be scheduled to take place not less than six (6)
46 days nor more than fourteen (14) days after receipt of the notice by the
47 employees. The date provided for the hearing may be changed by mutual
48 consent.

49 (d) The hearing shall be open to the public.

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1 (e) All testimony at the hearing shall be given under oath or affirma-
2 tion. Any member of the board, or the clerk of the board of trustees, may
3 administer oaths to witnesses or affirmations by witnesses.

4 (f) The employees may be represented by legal counsel and/or by a repre-
5 sentative of a local or state education association.

6 (g) The chairman of the board of trustees or the designee of the chair-
7 man shall conduct the hearing.

8 (h) The board of trustees shall cause an electronic record of the hear-
9 ing to be made or shall employ a competent reporter to take stenographic
10 or steno type notes of all the testimony at the hearing. A transcript of
11 the hearing shall be provided at cost by the board of trustees upon re-
12 quest of the employee.

13 (i) At the hearing, the superintendent or other duly authorized admin-
14 istrative officer shall present evidence to substantiate the reduction
15 contained in such notice.

16 (j) The employees may produce evidence to refute the reduction. Any
17 witness presented by the superintendent or by the employees shall be
18 subject to cross-examination. The board of trustees may also examine
19 witnesses and be represented by counsel.

20 (k) The affected employees may file written briefs and arguments with
21 the board of trustees within three (3) days after the close of the hear-
22 ing or such other time as may be agreed upon by the affected employees
23 and the board of trustees.

24 (l) Within seven (7) days following the close of the hearing, the board
25 of trustees shall determine and, acting through its duly authorized ad-
26 ministrative official, shall notify the employees in writing whether
27 the evidence presented at the hearing established the need for the ac-
28 tion taken.

29 The due process hearing pursuant to this subsection shall not be required if
30 the board of trustees and the local education association reach an agreement
31 on issues agreed upon pursuant to section 33-522(3), Idaho Code.

32 (8) If the board of trustees, for reasons other than unsatisfactory
33 service, for the ensuing contract year, determines to change the length of
34 the term stated in the current contract, reduce the salary or not renew the
35 contract of a certificated person whose contract would otherwise be automat-
36 ically renewed, nothing herein shall require a probationary period.

37 (9) If the board of trustees, for reasons other than unsatisfactory
38 service, for the ensuing contract year, determines to change the length
39 of the term stated in the current contract or reduce the salary of a cer-
40 tificated person whose contract would otherwise be automatically renewed,
41 nothing herein shall require any individualized due process proceeding. In
42 such circumstance, the board shall hold a single informal review for all im-
43 pacted employees. The process and procedure for the single informal review
44 shall be determined by the local board of trustees.

45 SECTION 40. That Section 33-522, Idaho Code, be, and the same is hereby
46 amended to read as follows:

47 33-522. FINANCIAL EMERGENCY. (1) Prior to declaring a financial emer-
48 gency, the board of trustees shall hold a public meeting for the purpose of

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1 receiving input concerning possible solutions to the financial problems
2 facing the school district.

3 (2) If the state department of education certifies that ~~one (1) or more~~
4 ~~of the conditions in paragraph (a), (b) or (c) of this subsection are~~ is met,
5 then the board of trustees may declare a financial emergency if it determines
6 that the condition in paragraph (~~f~~d) of this subsection is also met. Alter-
7 natively, the board of trustees may declare a financial emergency if it de-
8 termines that either of the conditions in paragraph (~~e~~b) or (~~c~~c) of this sub-
9 section are met and the state department of education certifies that the con-
10 dition set forth in paragraph (~~f~~d) of this subsection is also met.

11 ~~(a) Any of the base salary multipliers in section 33-1004E, Idaho Code,~~
12 ~~are reduced by one and one-half percent (1 1/2%) or more from any prior~~
13 ~~fiscal year.~~

14 ~~(b) The minimum instructional salary provision in section 33-1004E,~~
15 ~~Idaho Code, is reduced by one and one-half percent (1 1/2%) or more from~~
16 ~~any prior fiscal year.~~

17 ~~(c) The amount of total general fund money appropriated per support~~
18 ~~unit student-based foundation funding is reduced by greater than three~~
19 ~~percent (3%) from the original general fund appropriation per support~~
20 ~~unit of any prior fiscal year.~~

21 (~~e~~b) The amount of property tax revenue to be collected by the school
22 district that may be used for any general fund purpose, with the excep-
23 tion of any emergency levy funds, is reduced from the prior fiscal year,
24 and the amount of said reduction represents more than one and one-half
25 percent (1 1/2%) of the school district's general fund budget for com-
26 bined state and local revenues from the prior fiscal year.

27 (~~c~~c) The school district's general fund has decreased by at least one
28 and one-half percent (1 1/2%) from the previous year's level due to a de-
29 crease in funding or natural disaster, ~~but not as a result of a drop in~~
30 ~~the number of support units or the index multiplier calculated pursuant~~
31 ~~to section 33-1004A, Idaho Code, or a change in the emergency levy.~~

32 (~~f~~d) The school district's unrestricted general fund balance, which
33 excludes funds restricted by state or federal law and considering both
34 anticipated expenditures and revenue, is less than five and one-half
35 percent (5 1/2%) of the school district's unrestricted general fund
36 budget at the time the financial emergency is declared or for the fiscal
37 year for which the financial emergency is declared.

38 (3) Upon its declaration of a financial emergency, the board of
39 trustees shall:

40 (a) Have the power to reopen the salary and benefits compensation as-
41 pects of the negotiated agreement, including the length of the certifi-
42 cated employee contracts and the amount of compensation and benefits;
43 and

44 (b) If the parties to the negotiated agreement mutually agree, reopen
45 other matters contained within the negotiated agreement directly af-
46 fecting the financial circumstances in the school district.

47 If the board of trustees exercises the power provided in this subsection con-
48 sistent with the requirements of subsection (2) of this section, both the
49 board of trustees and the local education association shall meet and confer
50 in good faith for the purpose of reaching an agreement on such issues.

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1 (4) If, after the declaration of a financial emergency pursuant to
2 subsection (2) of this section, both parties have met and conferred in good
3 faith and an agreement has not been reached, the board of trustees may impose
4 its last, best offer, following the outcome of the due process hearing held
5 pursuant to section 33-515(7), Idaho Code.

6 (5) A financial emergency declared pursuant to subsection (2) of this
7 section shall be effective for only one (1) fiscal year at a time and shall
8 not be declared by the board of trustees for a second consecutive year, un-
9 less so qualified by additional reductions pursuant to the conditions listed
10 in subsection (2) of this section.

11 (6) The time requirements of sections 33-514(2) and 33-515(2), Idaho
12 Code, shall not apply in the event a financial emergency is declared pursuant
13 to subsection (2) of this section.

14 SECTION 41. That Section 33-701, Idaho Code, be, and the same is hereby
15 amended to read as follows:

16 33-701. FISCAL YEAR -- PAYMENT AND ACCOUNTING OF FUNDS. The fiscal
17 year of each school district shall be a period of twelve (12) months commenc-
18 ing on the first day of July in each year.

19 The board of trustees of each school district shall have the following
20 powers and duties:

21 1. To determine and order paid all lawful expenses for salaries, wages
22 and purchases, whether or not there be money in the treasury for payment of
23 warrants drawn against any fund of the district. Warrants shall be signed
24 by the treasurer of the district and countersigned by the chairman or vice-
25 chairman of the board of trustees.

26 Whenever any school district has sufficient funds on deposit to do so,
27 it may pay any allowed claim for salaries, wages or purchases by regular bank
28 check signed by the treasurer or assistant treasurer of the district and
29 countersigned by the chairman, or vice-chairman, of the board of trustees.

30 The total amount of warrants or orders for warrants drawn on any fund,
31 together with disbursements from such fund in any other manner made, shall
32 not exceed ninety-five percent (95%) of the estimated income and revenue ac-
33 crued or accruing to such fund for the same school year, until such income and
34 revenue shall have been paid into the treasury to the credit of the district;

35 2. To invest all or part of any plant facilities reserve fund, or any
36 fund accumulated for the payment of interest on, and the redemption of, out-
37 standing bonds, or other obligations of the district in bonds or certifi-
38 cates of indebtedness of the United States of America, or in bonds or invest-
39 ments permitted by sections 67-1210 and 67-1210A, Idaho Code, or warrants of
40 the state of Idaho, or in warrants or tax anticipation notes of any county or
41 school district of the state of Idaho, when such investments shall be due and
42 payable on or before the date any plant facilities reserve fund shall be re-
43 quired to be expended or any bonds or other obligations, or interest thereon,
44 of the investing district shall become payable.

45 Whenever in the judgment of the board of trustees, the proceeds of any
46 bond issue should be temporarily invested pending the expenditure of such
47 proceeds for the purposes for which such bonds were issued, the proceeds may
48 be invested in the manner and form hereinabove prescribed. Any interest, or

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1 profits accruing from such investments shall be used for the purposes for
2 which the bonds were issued. Unless otherwise provided by law, any interest
3 or profits accruing from the investment of any funds shall be credited to the
4 general fund of the district;

5 3. To insure any schoolhouse and other property, and the district,
6 against any loss by fire, casualty, or liability, and the board, its officers
7 and employees, and to preserve its property for the benefit of the district.
8 In case of loss of any insured property, any proceeds from insurance:

9 (a) May be expended in constructing a temporary or permanent structure,
10 but no sum greater than the insurance proceeds shall be so expended ex-
11 cept upon approval of a majority of the school district electors voting
12 in an election called for that purpose; or

13 (b) May be placed in and made a part of the school plant facilities re-
14 serve fund of the district, if the district has such a fund; or

15 (c) May be placed in a separate account in the bond interest and redemp-
16 tion fund of the district to repay any kind of obligation incurred by the
17 district in replacing or restoring the property for which the insurance
18 proceeds were received, and shall not be included in the computations
19 of bond and bond interest levies as provided in section 33-802A, Idaho
20 Code.

21 If the proceeds of any insurance received by a school district by reason
22 of loss on real property shall be less than five thousand dollars (\$5,000),
23 such proceeds may be credited to the general fund of the district;

24 4. To pay from the general fund of the district the expense of any mem-
25 ber of the board incurred while traveling on the business of the board, or
26 attending any meeting called by the state board of education or by the state
27 superintendent of public instruction, or attending any annual or special
28 meetings of the state school trustees association, and to pay the membership
29 fee of the board of trustees in said association. Whenever any member of
30 the board of trustees resides at such distance from the meeting place of the
31 board as to require, in the judgment of the board, such member to incur extra-
32 ordinary expense in traveling from his home to and from said meeting place,
33 the board may approve payment to such member of the extraordinary expense
34 incurred in attending any meeting of the board.

35 For the purpose of this paragraph, the term "expense" or "extraordinary
36 expense" shall include allowance for mileage or actual travel expense in-
37 curred;

38 5. To prepare, or cause to be prepared and published, in the manner
39 hereinafter prescribed, within one hundred twenty (120) days from the last
40 day of each fiscal year, an annual statement of financial condition and
41 report of the school district as of the end of such fiscal year in a form
42 prescribed by the state superintendent of public instruction. Such annual
43 statement shall include, but not be limited to, the amounts of money budgeted
44 and received and from what sources, and the amounts budgeted and expended for
45 salaries and other expenses by category. Salaries may be reported in gross
46 amount. Each school district shall have available at the administrative
47 office, upon request, a full and complete list of vendors and the amount paid
48 to each and a list of the number of teachers paid at each of the several stated
49 gross salary levels in effect in the district.

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1 Nothing herein provided shall be construed as limiting any school dis-
2 trict as to any additional or supplementary statements and reports it may
3 elect to make for the purpose of informing the public of its financial oper-
4 ations, either as to form, content, method, or frequency; and if all the in-
5 formation required herein to be published shall have been published as pro-
6 vided herein at regular intervals during the fiscal year covering successive
7 portions of the fiscal year, then such information may be omitted from the
8 annual statement of financial condition and report for such portions of the
9 fiscal year as already have been reported.

10 The annual statement of financial condition and report shall be pub-
11 lished within the time above prescribed in one (1) issue of a newspaper
12 printed and published within the district, or, if there be none, then in a
13 newspaper as provided in section 60-106, Idaho Code, published within the
14 district, or, if there be none, then in a newspaper as provided in section
15 60-106, Idaho Code, in the county in which the school district is located,
16 or, if more than one (1) newspaper is published in said district or county,
17 then in the newspaper most likely to give best general notice of the contents
18 of such annual statement of financial condition and report to the residents
19 of said district; provided, that if no newspaper is published in the district
20 or county, then such statement of financial condition and report shall be
21 published in a newspaper as provided in section 60-106, Idaho Code, most
22 likely to give best general notice of the contents to the residents of said
23 district.

24 The chairman, clerk and treasurer of each school district shall certify
25 the annual statement of financial condition and report to be true and cor-
26 rect, and the certification shall be included in each published statement.

27 In the event the board of trustees of any school district shall fail to
28 prepare or cause to be prepared or to publish the annual statement of finan-
29 cial condition and report as herein required, the state superintendent of
30 public instruction shall cause the same to be prepared and published, and the
31 cost thereof shall be an obligation of the school district. One (1) copy of
32 the annual statement of financial condition and report shall be retained in
33 the office of the clerk of the board of school trustees, where the same shall
34 be open at all times to examination and inspection by any person;

35 6. To cause to be made a full and complete audit of the financial state-
36 ments of the district as required in section 67-450B, Idaho Code.

37 The auditor shall be employed on written contract.

38 One (1) copy of the audit report shall be filed with the state department
39 of education, after its acceptance by the board of trustees, but not later
40 than November 10. If the audit report is not received by the state department
41 of education by November 10, the department may withhold all or a portion
42 of the district's ~~November~~ December 15 distribution made pursuant to sec-
43 tion 33-10093, Idaho Code, for noncompliance with the audit report deadline.
44 Provided however, a district may appeal to the state board of education for
45 reconsideration, in which case the state board of education may reinstate or
46 adjust the funds withheld.

47 In the event the state department of education requests further ex-
48 planation or additional information regarding a school district's audit
49 report, such school district shall provide a full and complete response to
50 the state department of education within thirty (30) days of receipt of the

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1 state department's request. If a school district fails to respond within the
2 thirty (30) day time limit, the state department of education may withhold
3 all or a portion of the district's next scheduled distribution to be made
4 pursuant to section 33-1009~~3~~, Idaho Code. Provided however, a district may
5 appeal to the state board of education for reconsideration, in which case the
6 state board of education may reinstate or adjust the funds withheld;

7 7. To file annually with the state department of education such finan-
8 cial and statistical reports as said state superintendent of public instruc-
9 tion may require;

10 8. To order and have destroyed any canceled check or warrant, or any
11 form of claim or voucher which has been paid, at any time after five (5) years
12 from the date the same was canceled and paid;

13 9. To review the school district budget periodically and make appropri-
14 ate budget adjustments to reflect the availability of funds and the require-
15 ments of the school district. Any person or persons proposing a budget ad-
16 justment under this section shall notify in writing each member of the board
17 of trustees one (1) week prior to the meeting at which such proposal will be
18 made. Prior to the final vote on such a proposal, notice shall be posted and
19 published once, as prescribed in section 33-402, Idaho Code. A budget ad-
20 justment shall not be approved unless voted affirmatively by sixty percent
21 (60%) of the members of the board of trustees. Such amended budgets shall be
22 submitted to the state superintendent of public instruction;

23 10. To invest any money coming into the hands of the school district in
24 investments permitted by section 67-1210, Idaho Code. Unless otherwise pro-
25 vided by law, any interest or profits accruing from the investment of any
26 funds shall be credited to the general fund of the district.

27 SECTION 42. That Section 33-801A, Idaho Code, be, and the same is hereby
28 amended to read as follows:

29 33-801A. GENERAL FUND CONTINGENCY RESERVE. The board of trustees of
30 any school district may create and establish a general fund contingency re-
31 serve within the annual school district budget. Such general fund contin-
32 gency reserve shall not exceed five ~~per cent percent~~ (5%) of the total gen-
33 eral fund budget, ~~or the equivalent value of one (1) support unit computed~~
34 ~~as required by section 33-1002, Idaho Code, whichever is greater.~~ Disburse-
35 ments from said fund may be made by resolution from time to time as the board
36 of trustees determines necessary for contingencies that may arise. The bal-
37 ance of said fund shall not be accumulated beyond the budgeted fiscal year.
38 If any money remains in the contingency reserve it shall be treated as an item
39 of income in the following year's budget.

40 SECTION 43. That Section 33-804, Idaho Code, be, and the same is hereby
41 amended to read as follows:

42 33-804. SCHOOL PLANT FACILITIES RESERVE FUND LEVY. In any school dis-
43 trict in which a school plant facilities reserve fund has been created, ei-
44 ther by resolution of the board of trustees or by apportionment to new dis-
45 tricts according to the provisions of section 33-901, Idaho Code, to provide
46 funds therefor the board of trustees shall submit to the qualified school

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1 electors of the district the question of a levy not to exceed four-tenths of
2 one percent (.4%) of market value for assessment purposes in each year, as
3 such valuation existed on December 31 of the previous year, for a period not
4 to exceed ten (10) years.

5 The question of a levy to be submitted to the electors of the district
6 and the notice of such election shall state the dollar amount proposed to be
7 collected each year during the period of years in each of which the collec-
8 tion is proposed to be made, the percentage of votes in favor of the proposal
9 which are needed to approve the proposed dollar amount to be collected, and
10 the purposes for which such funds shall be used. Said notice shall be given,
11 the election shall be held subject to the provisions of section 34-106, Idaho
12 Code, and conducted and the returns canvassed as provided in title 34, Idaho
13 Code; and the dollar amount to be collected shall be approved only if:

14 ~~(1-)~~ Fifty-five percent (55%) of the electors voting in such election
15 are in favor thereof if the levy will result in a total levy for school plant
16 facilities and bonded indebtedness of less than two-tenths of one percent
17 (.2%) of market value for assessment purposes as such valuation existed on
18 December 31 of the year immediately preceding the election;

19 ~~(2-)~~ Sixty percent (60%) of the electors voting in such election are in
20 favor thereof if the levy will result in a total levy for school plant facil-
21 ities and bonded indebtedness of two-tenths of one percent (.2%) or more and
22 less than three-tenths of one percent (.3%) of market value for assessment
23 purposes as such valuation existed on December 31 of the year immediately
24 preceding the election; or

25 ~~(3-)~~ Two-thirds (2/3) of the electors voting in such election are in fa-
26 vor thereof if the levy will result in a total levy for school plant facili-
27 ties and bonded indebtedness of three-tenths of one percent (.3%) or more of
28 market value for assessment purposes as such valuation existed on December
29 31 of the year immediately preceding the election.

30 If the question be approved, the board of trustees may make a levy, not
31 to exceed four-tenths of one percent (.4%) of market value for assessment
32 purposes as such valuation existed on December 31 of the previous year, in
33 each year for which the collection was approved, sufficient to collect the
34 dollar amount approved and may again submit the question at the expiration
35 of the period of such levy, for the dollar amount to be collected during each
36 year, and the number of years which the board may at that time determine. Or,
37 during the period approved at any such election, if such period be less than
38 ten (10) years or the levy be less than four-tenths of one percent (.4%) of
39 market value for assessment purposes as such valuation existed on December
40 31 of the previous year, the board of trustees may submit to the qualified
41 school electors in the same manner as before, the question whether the number
42 of years, or the levy, or both, be increased, but not to exceed the maximum
43 herein authorized. If such increase or increases be approved by the elec-
44 tors, the terms of such levy shall be in lieu of those approved in the first
45 instance, but disapproval shall not affect any terms theretofore in effect.

46 Any bonded indebtedness incurred in accordance with the provisions of
47 section 33-1103, Idaho Code, subsequent to the approval of a plant facili-
48 ties reserve fund levy shall not affect the terms of that levy for any time
49 during which such levy is in effect.

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1 ~~(4-)~~ In any fiscal year in which the state department of education cer-
2 tifies that the ~~statewide per support unit funding for salary based appor-~~
3 ~~tionment and discretionary funds~~ student-based foundation funding has de-
4 creased, in the aggregate, from the prior fiscal year, the board of trustees
5 of any school district with a previously approved plant facilities levy may
6 submit to the qualified electors of the school district the question of con-
7 verting a previously approved plant facilities levy to a supplemental levy,
8 subject to the following:

9 (a) The term of the supplemental levy shall not exceed the lesser of two
10 (2) years or the remaining term on the previously approved plant facili-
11 ties levy; and

12 (b) The first tax year of conversion shall be the one in which the rev-
13 enues collected will accrue to the fiscal year in which the state de-
14 partment of education certifies that the condition stated in subsection
15 ~~(4-)~~ of this section exists; and

16 (c) Up to one hundred percent (100%) of the previously approved plant
17 facilities levy amount may be converted; and

18 (d) Conversion of a plant facilities levy to a supplemental levy shall
19 not affect any other supplemental levy; and

20 (e) The question to be submitted to the electors of the district and
21 the notice of such election shall state the dollar amount proposed to be
22 converted each year, the number of years to be converted, the percentage
23 of the plant facilities levy that is proposed for conversion, and the
24 purposes for which such funds shall be used; and

25 (f) Prior to January 1, 2011, the election notice shall be given, the
26 election shall be conducted and the returns canvassed as provided in
27 chapter 4, title 33, Idaho Code. On and after January 1, 2011, the elec-
28 tion notice shall be given, the election shall be held subject to the
29 provisions of section 34-106, Idaho Code, and conducted and the returns
30 canvassed as provided in title 34, Idaho Code; and

31 (g) The dollar amount to be converted and collected shall be approved
32 only if a majority of the electors voting in the election are in favor;
33 and

34 (h) Upon expiration of the term of conversion, the supplemental levy
35 shall revert to the previously approved plant facilities levy for any
36 approved years remaining on the balance of its term; and

37 (i) Any years in which a previously approved plant facilities levy
38 is converted to a supplemental levy pursuant to this subsection shall
39 count against the years for which the plant facilities levy was ap-
40 proved; and

41 (j) If a majority of the electors voting in the election fail to vote
42 in favor, the previously approved plant facilities levy shall not be af-
43 fected.

44 SECTION 44. That Section 33-805, Idaho Code, be, and the same is hereby
45 amended to read as follows:

46 33-805. SCHOOL EMERGENCY FUND LEVY. (1) Before the second Monday of
47 September in each year, the board of trustees of any school district which
48 qualifies under the provisions of this section may certify its need hereun-

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der to the board of county commissioners in each county in which the district may lie, and request a school emergency fund levy upon all taxable property in the district.

(2) The board of trustees shall compute the number of ~~pupils in average daily attendance~~ students enrolled in the schools of the district as of such date, and if there be ~~pupils in average daily attendance~~ students enrolled above the number ~~in average daily attendance~~ of students enrolled for the same period of the school year immediately preceding the board shall:

1. (a) Divide the total of the student-based foundation ~~program allowance~~ funding based on said last annual report by the ~~total~~ number of ~~pupils in average daily attendance~~ students enrolled shown thereon;

2. (b) Multiply the quotient so derived by the number of additional ~~pupils in average daily attendance~~ students enrolled.

(3) The number of ~~pupils in average daily attendance~~ students enrolled for each period and the amount so computed shall be certified to the board of county commissioners of the county in which the district lies.

(4) In the case of a joint district, the board of trustees shall certify to the board of county commissioners of each county in which the district lies, to each, that proportion of the amount computed, as hereinabove, as the assessed value of taxable property within the district situate in each such county bears to the total assessed value of all taxable property in the district.

(5) After receiving the amounts certified, as hereinabove provided, the board, or boards, of county commissioners shall determine the levy according to section 63-805 (3), Idaho Code, as amended; and the proceeds of any such levy shall be credited to the general fund of the district.

(6) The school district shall advertise its intent to seek an emergency levy pursuant to this section by publishing in at least the newspaper of largest paid circulation published in the county of the district, or if there is no such newspaper, then in a newspaper published nearest to the district where the advertisement is required to be published. For purposes of this section, the definition of "newspaper" shall be as established in sections 60-106 and 60-107, Idaho Code; provided further that the newspaper of largest circulation shall be established by the statement of average annual paid weekday circulation listed on the newspaper's sworn statement of ownership that was filed with the United States post office on a date most recently preceding the date on which the advertisement required in this section is to be published. The advertisement shall be run when the school district ascertains that it will request an emergency school fund levy as provided in this section and shall be published once a week for two (2) weeks following action by the board of trustees.

(7) The form and content of the notice shall be substantially as follows:

NOTICE OF PROPERTY TAX INCREASE BY SCHOOL BOARD

The (name of the school district) has proposed to increase the amount of ad valorem tax dollars it collects by certifying a school emergency fund levy pursuant to section 33-805, Idaho Code, for the period to The total amount of dollars to be collected pursuant to this levy is estimated to be The amount of dollars to be collected pursuant to

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1 this levy on a typical home of \$50,000 taxable value of last year is estimated
2 to be The amount of dollars to be collected pursuant to this levy
3 on a typical farm of \$100,000 taxable last year is estimated to be
4 The amount of dollars to be collected pursuant to this levy on a typical busi-
5 ness of \$200,000 taxable value of last year is estimated to be

6 CAUTION TO TAXPAYER: The amounts shown in this schedule do NOT reflect
7 tax charges that are made because of voter approved bond levies, over-
8 ride levies, supplemental levies, or levies applicable to newly annexed
9 property. Also the amounts shown in this schedule are an estimate only
10 and can vary with the amount of dollars and the levy amount certified and
11 the taxable value of individual property.

12 SECTION 45. That Section 33-905, Idaho Code, be, and the same is hereby
13 amended to read as follows:

14 33-905. SCHOOL DISTRICT BUILDING ACCOUNT -- PAYMENTS TO ACCOUNT --
15 MONEYS APPROPRIATED TO STATE BOARD -- APPLICATION FOR MONEYS -- PAYMENTS
16 TO DISTRICTS -- REPORTS ON APPLICATIONS -- USES OF MONEYS. (1) The state of
17 Idaho, in order to fulfill its responsibility to establish and maintain a
18 general, uniform and thorough system of public, free common schools, hereby
19 creates and establishes the school district building account in the state
20 treasury. The school district building account shall have paid into it such
21 appropriations or revenues as may be provided by law.

22 (2) By not later than August 31, moneys in the account pursuant to dis-
23 tribution from section 67-7434, Idaho Code, the lottery dividends and inter-
24 est earned thereon, shall be distributed to each of the several school dis-
25 tricts, in the proportion that the average daily attendance student enroll-
26 ment count of that district for the previous school year bears to the total
27 average daily attendance enrollment count of the state during the previous
28 school year. For the purposes of this subsection (2) only, the Idaho school
29 for the deaf and the blind shall be considered a school district, and shall
30 receive a distribution based upon the average daily attendance student en-
31 rollment count of the school. Average daily attendance Student enrollment
32 counts shall be calculated determined as provided in section 33-1002(3)B,
33 Idaho Code, and rules promulgated pursuant to that code section. For the
34 purposes of this subsection (2) only, any school for the deaf and the blind
35 operated by the Idaho bureau of educational services for the deaf and the
36 blind shall be considered a school district, and shall receive a distribu-
37 tion based upon the average daily attendance student enrollment count of the
38 school.

39 (3) Any other state moneys that may be made available shall be dis-
40 tributed to meet the requirements of section 33-1019, Idaho Code. If the
41 amount of such funds exceeds the amount needed to meet the provisions of sec-
42 tion 33-1019, Idaho Code, then the excess balance shall be transferred to the
43 public education stabilization fund.

44 (4) All payments from the school district building account shall be
45 paid out directly to the school district in warrants drawn by the state
46 controller upon presentation of proper vouchers from the state board of ed-
47 ucation. Pending payments out of the school district building account, the
48 moneys in the account shall be invested by the state treasurer in the same

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1 manner as provided under section 67-1210, Idaho Code, with respect to other
2 idle moneys in the state treasury. Interest earned on the investments shall
3 be returned to the school district building account.

4 (5) Payments from the school district building account received by a
5 school district shall be used by the school district for the purposes autho-
6 rized in section 33-1019, Idaho Code, up to the level of the state match so
7 required. Any payments from the school district building account received
8 by a school district that are in excess of the state match requirements of
9 section 33-1019, Idaho Code, may be used by the school district for the pur-
10 poses authorized in section 33-1102, Idaho Code.

11 SECTION 46. That Section 33-906, Idaho Code, be, and the same is hereby
12 amended to read as follows:

13 33-906. BOND LEVY EQUALIZATION SUPPORT PROGRAM. (1) Pursuant to sec-
14 tion 33-906B, Idaho Code, school districts with a value index below one (1)
15 shall be eligible to receive additional state financial assistance for the
16 cost of annual bond interest and redemption payments made on bonds passed on
17 or after September 15, 2002. However, any school district with a value index
18 of less than one and one-half (1.5), shall receive no less than ten percent
19 (10%) of the interest cost portion of the annual bond interest and redemption
20 payment for bonds passed on or after September 15, 2002. The state depart-
21 ment of education shall disburse such funds to school districts from mon-
22 eys appropriated from the bond levy equalization fund. The department shall
23 disburse the funds by no later than September 1 of each year for school dis-
24 tricts in which voters have approved the issuance of qualifying bonds by no
25 later than January 1 of that calendar year, and which are certifying a qual-
26 ifying bond interest and redemption payment for the fiscal year in which the
27 disbursement is made. For districts with a value index below one (1), the
28 percentage of each annual bond interest and redemption payment that is paid
29 by the state shall be determined by dividing the difference between one (1)
30 and the school district's value index by one (1).

31 (2) For the purposes of this section, the annual bond interest and re-
32 demption payment shall be determined by dividing the total payment amounts
33 by the number of fiscal years in which payments are to be made. The inter-
34 est cost portion of the annual bond interest and redemption payment shall be
35 determined by dividing the total interest paid by the number of fiscal years
36 in which payments are to be made. For school districts not qualifying for
37 a state payment in the first year of the bond interest and redemption pay-
38 ment schedule, due solely to the January 1 eligibility deadline, the state
39 department of education shall distribute an additional payment in the next
40 fiscal year, in the amount of such funds that the school district would have
41 otherwise qualified for in the current fiscal year.

42 (3) The provisions of this section may not be utilized to refinance
43 existing debt or subsidize projects previously subsidized by state grants,
44 unless the existing debt being refinanced is a bond passed on or after
45 September 15, 2002; provided however, that any school district that has
46 issued qualifying bonds prior to June 30, 2004, in conformance with this sec-
47 tion shall not be deemed to be refinancing existing debt when the qualifying
48 bonds are utilized to finance the acquisition of public school facilities

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1 previously leased or financed through means other than the issuance of gen-
2 eral obligation bonds approved by a two-thirds (2/3) vote at an election
3 called for that purpose subject to subsection (5) of this section.

4 (4) School districts shall annually report the status of all qualifying
5 bonds to the state department of education by January 1 of each year, includ-
6 ing bonds approved by the voters, but not yet issued. Information submitted
7 shall include the following:

8 (a) The actual or estimated bond interest and redemption payment sched-
9 ule;

10 (b) Any qualifying bond that has been paid off;

11 (c) Other information as may be required by the state department of edu-
12 cation.

13 (5) No school district project eligible for participation in the bond
14 levy equalization support program shall be deemed ineligible for participa-
15 tion due to that school district project's eligibility and prior participa-
16 tion in the safe school facilities loan and grant program or the Idaho safe
17 schools facilities program under section 33-804A, ~~33-1017~~ or 33-1613, Idaho
18 Code, provided that:

19 (a) Such school district notifies the state department of education of
20 its desire and eligibility to participate in the bond levy equalization
21 support program; and

22 (b) Such school district shall receive no state financial assistance
23 for the project under the bond levy equalization support program until
24 the amount to which it would otherwise have been entitled to receive
25 shall equal the amounts received by the school district under the safe
26 school facilities loan and grant program or the Idaho safe schools fa-
27 cilities program under section 33-804A, ~~33-1017~~ or 33-1613, Idaho Code.

28 (6) Any school district formed as a result of the consolidation of two
29 (2) or more school districts that passes an eligible bond within three (3)
30 years of the successful consolidation election shall participate in the bond
31 levy equalization support program at the district's actual value index minus
32 twenty-five hundredths (.25). This adjustment shall apply for the duration
33 of the bond interest and redemption payment schedule. If a school district
34 advantaged by this subsection (6) deconsolidates either during the appli-
35 cable bond interest and redemption payment schedule, or within a three (3)
36 year period thereafter, each deconsolidated district shall, upon deconsol-
37 idation, repay to the bond levy equalization fund all additional subsidies
38 received pursuant to this subsection (6). The proportions owed by each de-
39 consolidated district shall be determined by the proportion that each dis-
40 trict's market value for assessment purposes bears to the whole.

41 SECTION 47. That Section 33-906B, Idaho Code, be, and the same is hereby
42 amended to read as follows:

43 33-906B. VALUE INDEX CALCULATION. (1) The state department of educa-
44 tion shall establish a value index for each school district, based on each
45 school district's market value per ~~support unit~~ average unweighted student
46 counts for equalization purposes, the average annual seasonally-adjusted
47 unemployment rate in the county in which a plurality of the school district's
48 market value for assessment purposes of taxable property is located and the

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1 per capita income in the county in which a plurality of the school district's
2 market value for assessment purposes is located. The value index for each
3 school district shall be calculated as the sum of the following three (3)
4 components:

5 (1a) The state department of education shall annually calculate each
6 school district's market value per ~~support unit~~ average unweighted stu-
7 dent counts, based on the market values that would be used to calculate a
8 bond levy, and the statewide average. The first portion of the value in-
9 dex shall be calculated by dividing the school district's figure by the
10 statewide average figure and dividing the result of this calculation by
11 two (2).

12 (2b) The second portion of the value index shall be calculated by di-
13 viding the statewide unemployment rate by the unemployment rate in
14 the county in which a plurality of the school district's market value
15 for assessment purposes of taxable property is located, and dividing
16 the result of this calculation by four (4). For the purposes of this
17 ~~subsection~~ paragraph, the statewide unemployment rate and county unem-
18 ployment rates shall be based on the most recent average annual season-
19 ally-adjusted unemployment rate data reported by the United States de-
20 partment of labor, for which there is a complete calendar year of data.

21 (3c) The third portion of the value index shall be calculated by divid-
22 ing the county per capita income in the county in which a plurality of
23 the school district's market value for assessment purposes of taxable
24 property is located by the statewide per capita income, and dividing
25 the result of this calculation by four (4). For the purposes of this
26 ~~subsection~~ paragraph, the statewide per capita income and county per
27 capita income shall be based on the most recent data reported by the
28 United States department of commerce, for which there is a complete cal-
29 endar year of data.

30 (2) If a bond is passed by a subdistrict created pursuant to section
31 33-351, Idaho Code, the index used shall be that of the school district. For
32 subdistricts created as a result of consolidation, for the purposes of re-
33 tiring prior bonded indebtedness, pursuant to section 33-311, Idaho Code,
34 the subdistrict shall retain the value index factor calculated in paragraph
35 (a) of subsection (1) of this section, as such factor was calculated in the
36 subdistrict's last fiscal year as a separate school district. The remaining
37 components of the subdistrict's value index calculation shall be that of the
38 consolidated school district, as calculated each year.

39 SECTION 48. That Section 33-1405, Idaho Code, be, and the same is hereby
40 amended to read as follows:

41 33-1405. RATES OF TUITION -- TUITION CERTIFICATES. (1) The state de-
42 partment of education shall prepare and distribute all necessary forms; and
43 shall issue to each school district, annually, a tuition certificate bearing
44 a serial number, which certificate shall authorize the receiving district to
45 charge and to bill for the tuition of its nonresident ~~pupils~~ students where
46 tuition has not been waived.

47 (2) In determining tuition rates to be charged by any creditor school
48 district, the state department of education shall compute the sum of that

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1 district's maintenance and operation costs, depreciation on its buildings,
2 equipment, and other property, and the interest, if any paid by it on bonded
3 debt or registered warrants. The said state department of education shall
4 then compute what proportion of the sum of said costs, depreciation and in-
5 terest is allocable to elementary schools, and what proportion is allocable
6 to secondary schools, in the district. The proportion allocable to elemen-
7 tary schools shall then be divided by the ~~average daily attendance~~ student
8 enrollment count of elementary schools ~~pupils~~, and the proportion alloca-
9 ble to secondary schools shall be divided by the ~~average daily attendance~~
10 student enrollment counts of secondary schools ~~pupils~~, in the district, and
11 the amount so determined shall be the gross per-~~pupil~~student cost, elemen-
12 tary or secondary, as the case may be. The net per-~~pupil~~student cost shall be
13 the gross per-~~pupil~~student cost less the per-~~pupil~~student apportionment to
14 the district of any student-based ~~program~~ funds.

15 (3) Computations of tuition rates shall be made as of the school year
16 next preceding the year for which tuition charges are determined and made.

17 (4) Charges for tuition made by any creditor school district shall be
18 its net per-~~pupil~~student cost, as hereinabove defined; except that its gross
19 per-~~pupil~~student cost shall be charged where any pupil student has trans-
20 ferred to the creditor district by transfer other than one prescribed by sec-
21 tion 33-1403, Idaho Code, or where the home district of any pupil student at-
22 tending school in the creditor district is without the state of Idaho.

23 (5) The board of trustees of a school district may request a waiver from
24 the state board of education of any portion of the tuition rate determined
25 pursuant to this section. A waiver request must be made for each individual
26 student, and may be requested for up to four (4) years, subject to annual re-
27 view by the local board of trustees. Waivers must be requested before April 1
28 of the year prior to the operative date.

29 SECTION 49. That Section 33-1406, Idaho Code, be, and the same is hereby
30 amended to read as follows:

31 33-1406. BILLS OF TUITION. (1) Bills of tuition for nonresident pupils
32 shall be rendered by each creditor district and for nonresident pupils at-
33 tending any school of the creditor district under the provisions of section
34 33-1403 or 33-1404, Idaho Code, the bill of tuition shall be submitted to
35 the home district of such pupils. In all other cases, the creditor district
36 may submit to the parent of any nonresident pupil attending school in its
37 district a bill of tuition of such pupil, and such parent shall be liable
38 for the payment of said tuition, if so billed. Tuition reimbursement for
39 nonresident pupils who are placed by court order under provisions of the
40 Idaho juvenile corrections or child protective acts may be obtained by the
41 creditor district through procedures established in section 33-10025, Idaho
42 Code, for nonresident tuition-equivalency allowance.

43 (2) Each bill of tuition submitted to a home district shall show the se-
44 rial number of the tuition certificate last issued to the creditor district
45 by the state department of education and shall show also the number of pupils
46 for whom tuition is charged, which charge shall be as shown by the said tu-
47 tion certificate.

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1 (3) Bills of tuition, if submitted other than annually, shall be appor-
2 tioned according to the number of school months for which any such bill is ap-
3 plicable. A fraction of a school month shall be deemed a school month.

4 SECTION 50. That Section 33-1613, Idaho Code, be, and the same is hereby
5 amended to read as follows:

6 33-1613. SAFE PUBLIC SCHOOL FACILITIES REQUIRED. (1) Definition. As
7 used in this section, "public school facilities" means the physical plant of
8 improved or unimproved real property owned or operated by a school district,
9 a charter school, or a school for children in any grades kindergarten through
10 twelve (12) that is operated by the state of Idaho, including school build-
11 ings, administration buildings, playgrounds, athletic fields, etc., used by
12 schoolchildren or school personnel in the normal course of providing a gen-
13 eral, uniform and thorough system of public, free common schools, but does
14 not include areas, buildings or parts of buildings closed from or not used
15 in the normal course of providing a general, uniform and thorough system of
16 public, free common schools. The aspects of a safe environment conducive
17 to learning as provided by section 33-1612, Idaho Code, that pertain to the
18 physical plant used to provide a general, uniform and thorough system of pub-
19 lic, free common schools are hereby defined as those necessary to comply with
20 the safety and health requirements set forth in this section.

21 (2) Inspection. It is the duty of the board of trustees of every school
22 district and the governing body for other schools described in subsection
23 (1) of this section at least once in every school year to require an indepen-
24 dent inspection of the school district's or other entity's school facilities
25 to determine whether those school facilities comply with codes addressing
26 safety and health standards for facilities, including electrical, plumbing,
27 mechanical, elevator, fire safety, boiler safety, life safety, structural,
28 snow loading, and sanitary codes, adopted by or pursuant to the Idaho uni-
29 form school building safety act, chapter 80, title 39, Idaho Code, adopted
30 by the state fire marshal, adopted by generally applicable local ordinances,
31 or adopted by rule of the state board of education and applicable to school
32 facilities. The inspection shall be done pursuant to chapter 80, title 39,
33 Idaho Code, or by an independent inspector professionally qualified to con-
34 duct inspections under the applicable code. The results of the inspection
35 shall be presented to the administrator of the division of building safety
36 and the board of trustees or other governing body for its review and consid-
37 eration.

38 (3) Abatement required -- Reporting. The board of trustees or other
39 governing body shall require that the unsafe or unhealthy conditions be
40 abated and shall instruct the school district's or other entity's person-
41 nel to take necessary steps to abate unsafe or unhealthy conditions. The
42 board of trustees or other governing body must issue a report in the same
43 school year in which the inspections are made declaring whether any unsafe
44 or unhealthy conditions identified have not been abated. The state board
45 of education shall, by rule, provide for uniform reporting of unsafe and
46 unhealthy conditions and for uniform reporting of abatement or absence of
47 abatement of unsafe and unhealthy conditions. Copies of such reports shall

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1 be provided to the administrator of the division of building safety and the
2 board of trustees of the school district.

3 (4) Costs of and plan of abatement. If the school district or other en-
4 tity described in subsection (1) of this section can abate all unsafe or un-
5 healthy conditions identified with the funds available to the school dis-
6 trict or other entity, it shall do so, and it need not separately account for
7 the costs of abatement nor segregate funds expended for abatement. If the
8 school district or other entity cannot abate all unsafe or unhealthy condi-
9 tions identified with the funds available to it, the board of trustees or
10 other governing body shall direct that a plan of abatement be prepared. The
11 plan of abatement shall provide a timetable that shall begin no later than
12 the following school year and that shall provide for abatement with all de-
13 liberate speed of unsafe and unhealthy conditions identified. The abate-
14 ment plan shall be submitted to the administrator of the division of build-
15 ing safety. The school district or other entity shall immediately begin to
16 implement its plan of abatement and must separately account for its costs of
17 abatement of unsafe and unhealthy conditions and separately segregate funds
18 for the abatement of unsafe and unhealthy conditions as required by subsec-
19 tion (5) of this section.

20 (5) Special provisions for implementation of plan of abatement.

21 (a) Notwithstanding any other provisions of law concerning expenditure
22 of lottery moneys distributed to the school district or other entity,
23 all lottery moneys provided to the school district or other entity for
24 a school year in which the school district cannot abate unsafe or un-
25 healthy conditions identified and not legally encumbered to other uses
26 at the time and all lottery moneys for following school years shall be
27 segregated and expended exclusively for abatement of unsafe and un-
28 healthy conditions identified until all of the unhealthy and unsafe
29 conditions identified are abated, ~~provided, if the school district has~~
30 ~~obtained a loan from the safety and health revolving loan and grant~~
31 ~~fund, the provisions of section 33-1017, Idaho Code, and the conditions~~
32 ~~of the loan shall determine the use of the school district's lottery~~
33 ~~moneys during the term of the loan.~~

34 (b) If the lottery moneys referred to in paragraph (a) of this subsec-
35 tion will, in the board of trustees' or other governing bodies' esti-
36 mation, be insufficient to abate the unsafe and unhealthy conditions
37 identified, the plan of abatement shall identify additional sources of
38 funds to complete the abatement of the unsafe and unhealthy conditions.
39 The board of trustees may choose from among the following sources, or
40 from other sources of its own identification, but the plan of abatement
41 must identify sufficient sources of funds for abatement.

42 (i) If the school district is not levying under chapter 8, ti-
43 tle 33, Idaho Code, at the maximum levies allowed by law for levies
44 that may be imposed by a board of trustees without an election, the
45 board of trustees may increase any of those levies as allowed by
46 law for the school year following the school year in which it was
47 unable to abate unsafe or unhealthy conditions identified.

48 (ii) If the school district is levying under chapter 8, title 33,
49 Idaho Code, at the maximum levies allowed by law for levies that
50 may be imposed by the board of trustees without an election; or,

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1 if after increasing those levies to the maximum levies allowed by
2 law for levies that may be imposed by the board of trustees with-
3 out an election, there will still be insufficient funds to abate
4 unsafe or unhealthy conditions identified, the school district,
5 after giving notice and conducting a hearing, may declare a finan-
6 cial emergency and/or may apply for a loan ~~or, if eligible, an in-~~
7 ~~terest grant from the safety and health revolving loan and grant~~
8 ~~fund as provided in section 33-1017, Idaho Code,~~ to obtain funds to
9 abate the unsafe or unhealthy conditions identified.

10 (iii) Upon the declaration of a financial emergency, the board of
11 trustees shall have the power to impose a reduction in force, to
12 freeze some or all salaries in the school district, and/or to sus-
13 pend some or all contracts that may be legally suspended upon the
14 declaration of a financial emergency; provided, that when a board
15 of trustees declares a financial emergency, ~~or when a declaration~~
16 ~~of a financial emergency is imposed by the state treasurer pur-~~
17 ~~suant to section 33-1017, Idaho Code,~~ and there is a reduction in
18 force, some or all salaries are frozen, or some contracts are sus-
19 pended, the payments to the school district under the foundation
20 program of chapter 10, title 33, Idaho Code, ~~and in particular the~~
21 ~~staff allowances under that chapter,~~ shall not be reduced during
22 the duration of the financial emergency as a result of a reduction
23 in force, frozen salaries, or suspended salaries from what the
24 staff allowance would be without the reduction in force, frozen
25 salaries or suspended contracts.

26 (c) All costs of abatement for a program implementing plans of abate-
27 ment under subsection (5) of this section must be separately accounted
28 for and documented with regard to abatement of each unsafe or unhealthy
29 condition identified. ~~Funds obtained under section 33-1017, Idaho~~
30 ~~Code, must be used exclusively to abate unsafe or unhealthy conditions~~
31 ~~identified. Funds obtained pursuant to section 33-1017, Idaho Code,~~
32 ~~in excess of funds necessary to abate unsafe or unhealthy conditions~~
33 ~~identified must be returned as provided in section 33-1017, Idaho Code.~~
34 ~~Return of these funds shall be judicially enforceable as provided in~~
35 ~~section 33-1017, Idaho Code.~~

36 SECTION 51. That Section 33-1619, Idaho Code, be, and the same is hereby
37 amended to read as follows:

38 33-1619. VIRTUAL EDUCATION PROGRAMS. ~~School districts~~ LEAs may of-
39 fer instruction in the manner described for a virtual school in section
40 33-5202A, Idaho Code. For programs meeting such definition, the ~~school dis-~~
41 ~~trict~~ LEA may ~~count and report the average daily attendance enrollment count~~
42 of the program's students in the manner prescribed in section 33-5208 ~~(407)~~,
43 Idaho Code. ~~School districts~~ LEAs may also offer instruction that is a
44 blend of virtual and traditional instruction. For such blended programs,
45 the ~~school district~~ LEA may ~~count and report the average daily attendance~~
46 ~~enrollment count~~ of the program's students in the manner prescribed in
47 section 33-5208 ~~(407)~~, Idaho Code. Alternatively, the ~~school district~~ LEA
48 may ~~count and report the average daily attendance enrollment count~~ of the

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1 blended program's students in the same manner as provided for traditional
2 programs of instruction, for the days or portions of days in which such stu-
3 dents attend a physical public school. For the balance of days or portions
4 of days, ~~average daily attendance~~ student enrollment may be counted in the
5 manner prescribed in section 33-5208 (~~107~~), Idaho Code.

6 SECTION 52. That Section 33-1627, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 33-1627. MATH INITIATIVE. (1) The legislature finds that mathematical
9 skills are increasingly important to the future academic and career success
10 of students. The legislature further finds that student mathematical skills
11 are not currently meeting the needs of Idaho's economy and must be improved.
12 To this end, the state department of education shall promote the improvement
13 of mathematical instruction and student achievement through one (1) or more
14 of the following activities:

15 (a) Provide high quality professional development for teachers that is
16 intensive, ongoing and connected to classroom practice, that focuses on
17 student learning, aligns with school improvement priorities and goals,
18 and builds strong working relationships among teachers;

19 (b) Provide statewide online mathematical instruction programs that
20 furnish mathematical tutoring, remedial instruction and advanced in-
21 struction;

22 (c) Provide formative assessments to assist teachers in identifying
23 student mathematical skill levels, areas of deficiency and areas of
24 advancement.

25 (2) The cost of math initiative activities provided for in this section
26 shall be paid by the state department of education from moneys appropriated
27 for this program in the ~~educational support program~~ department's budget.

28 SECTION 53. That Section 33-2001, Idaho Code, be, and the same is hereby
29 amended to read as follows:

30 33-2001. DEFINITIONS. (1) "Ancillary personnel" means those persons
31 who render special services to exceptional children in regular or in addi-
32 tion to regular or special class instruction as defined by the state board of
33 education.

34 (2) "~~Children with disabilities~~" means ~~those children with cognitive~~
35 ~~impairments, hearing impairments, deafness, speech or language impair-~~
36 ~~ments, visual impairments, blindness, deaf-blindness, serious emotional~~
37 ~~disturbance, orthopedic impairments, severe or multiple disabilities,~~
38 ~~autism, traumatic brain injury, developmental delay or specific learning~~
39 ~~disabilities, and who by reason of the qualifying disability require special~~
40 ~~education and related services~~ children evaluated as having an intellectual
41 disability, a hearing impairment including deafness, a speech or language
42 impairment, a visual impairment including blindness, an emotional behav-
43 ioral disorder, an orthopedic impairment, autism, a traumatic brain injury,
44 another health impairment, a specific learning disability, deaf-blindness,
45 or multiple disabilities, and who, by reason thereof, need special education
46 or related services.

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1 (3) "Exceptional children" means both children with disabilities and
2 gifted/talented children with regard to funding for school districts.

3 (4) "Gifted/talented children" means those students who are identified
4 as possessing demonstrated or potential abilities that give evidence of high
5 performing capabilities in intellectual, creative, specific academic or
6 leadership areas, or ability in the performing or visual arts and who require
7 services or activities not ordinarily provided by the school in order to
8 fully develop such capabilities.

9 (5) "Special education" or "special instructional service" means spe-
10 cially designed instruction or a related service, at no cost to the parents,
11 to meet the unique needs of an exceptional child.

12 SECTION 54. That Section 33-2004, Idaho Code, be, and the same is hereby
13 amended to read as follows:

14 33-2004. CONTRACTING BY APPROVED FORM FOR EDUCATION BY ANOTHER SCHOOL
15 DISTRICT, APPROVED REHABILITATION CENTER OR HOSPITAL, OR A CORPORATION. (1)
16 The trustees of a school district may contract on a form adopted by the state
17 superintendent of public instruction for the education of exceptional chil-
18 dren by another school district or by any private or public rehabilitation
19 center, hospital, corporation, or state agency approved by the state de-
20 partment of education and when the students are transferred from the school
21 district to the institution, corporation or district, said school district
22 shall agree to pay therefor to the institution, corporation or district con-
23 tracting to educate the students, amounts computed as follows:

24 ~~1-~~(a) For each resident student educated by another school district,
25 the amount of the tuition rate certified for the receiving district un-
26 der the provisions of section 33-1405, Idaho Code;

27 When public school districts contract for the education of exceptional
28 children residing within the several districts, one (1) district shall be
29 designated as the educating district for the purpose herein.

30 ~~2-~~(b) For each resident student educated by contract by a rehabilita-
31 tion center, hospital, corporation or state agency, the contract amount
32 cannot be greater than the educational costs of the student.

33 When any rehabilitation center, hospital, corporation or state agency
34 shall have contracted for the education of any exceptional children as de-
35 fined in this chapter all such children shall be enrolled in the district of
36 their residence; and the institution, hospital or corporation shall certify
37 to the home school district the ~~daily record of attendance~~ enrollment of each
38 such ~~pupil~~ student. The home district shall be eligible for reimbursement of
39 costs approved by the state superintendent of public instruction as provided
40 in this subsection and in section 33-1002B, Idaho Code.

41 (2) Reimbursement of approved costs shall be part of the district's
42 exceptional child contract allowance and cannot exceed the amount of state
43 support contracted students would generate if they were enrolled in an ed-
44 ucational program for which ~~average daily attendance~~ a student enrollment
45 count is computed.

46 SECTION 55. That Section 33-4602, Idaho Code, be, and the same is hereby
47 amended to read as follows:

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1 33-4602. ADVANCED OPPORTUNITIES -- RULEMAKING. (1) Students attend-
2 ing public schools in Idaho will be eligible for four thousand one hundred
3 twenty-five dollars (\$4,125) to use toward overload courses, dual credits,
4 postsecondary credit-bearing examinations and career technical certificate
5 examinations. Students may access these funds in grades 7 through 12 for:

6 (a) Overload courses, the distribution of which may not exceed two
7 hundred twenty-five dollars (\$225) per overload course. A student
8 must take and successfully be completing a full credit load within a
9 given school year to be eligible for funding of an overload course. An
10 overload course must be taken for high school credit to be eligible for
11 funding. To qualify as an eligible overload course for the program, the
12 course must:

13 (i) Be offered by a provider accredited by the organization that
14 accredits Idaho public schools; and

15 (ii) Be taught by an individual certified to teach the grade and
16 subject area of the course in Idaho.

17 (b) Eligible dual credits, the distribution of which may not exceed
18 seventy-five dollars (\$75.00) per one (1) dual credit hour. Dual credit
19 courses must be offered by a regionally accredited postsecondary insti-
20 tution. To qualify as an eligible dual credit course, the course must be
21 a credit-bearing 100 level course or higher.

22 (c) Eligible postsecondary credit-bearing or career technical cer-
23 tificate examinations. The state department of education shall main-
24 tain a list of eligible exams and costs. Eligible examinations include:

25 (i) Advanced placement (AP);

26 (ii) International baccalaureate (IB);

27 (iii) College-level examination program (CLEP); and

28 (iv) Career technical examinations.

29 (d) Career technical education (CTE) including assessments that lead
30 to a badge recognized by the division of career technical education.
31 The division of career technical education shall maintain a list of el-
32 igible CTE examinations and costs.

33 (2) A student who has earned fifteen (15) postsecondary credits using
34 the advanced opportunities program and who wishes to earn additional cred-
35 its must first identify his postsecondary goals. Advisors shall counsel any
36 student who wishes to take dual credit courses that the student should ascer-
37 tain for himself whether the particular postsecondary institution that he
38 desires to attend will accept the transfer of coursework credits under this
39 section.

40 (3) These moneys may be used to pay an amount not to exceed the price
41 to the student of such courses and examinations pursuant to the limitations
42 stated in this section. Payments made under this section shall be made from
43 the moneys appropriated for the educational support program. No later than
44 January 15, the state department of education shall annually report to the
45 education committees of the senate and the house of representatives details
46 regarding the number of students benefiting from assistance with the cost of
47 overload courses, dual credit courses and examinations, the number of cred-
48 its awarded and amounts paid pursuant to this section during the previous
49 school year.

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1 (4) The board of each public school may set forth criteria by which a
2 student may challenge a course. If a student successfully meets the crite-
3 ria set forth by the board of the public school, then the student shall be
4 counted as having completed all required coursework for that course. The
5 public school, with the exception of Idaho tribal schools, shall be funded
6 for such students based upon either actual hours of attendance or the course
7 that the student has successfully passed, whichever is more advantageous to
8 the public school, up to the maximum of one (1) full-time student.

9 (5) Any student who successfully completes public school grades 1
10 through 12 curriculum at least one (1) year early shall be eligible for an
11 advanced opportunities scholarship. The scholarship may be used for tu-
12 ition and fees at any Idaho public postsecondary educational institution.
13 The amount of the scholarship shall equal thirty-five percent (35%) of
14 the statewide average ~~daily attendance-driven~~ funding per enrolled ~~pupil~~
15 student for each year of grades 1 through 12 curriculum avoided by the stu-
16 dent's early graduation. Each public school shall receive an amount equal
17 to each such awarded scholarship for each student that graduates early from
18 that public school. Students must apply for the scholarship within two (2)
19 years of graduating from a public school.

20 (6) The state department of education shall reimburse public schools
21 or public postsecondary educational institutions, as applicable, for such
22 costs, up to the stated limits, within one hundred twenty-five (125) days of
23 receiving the necessary data upon which reimbursements may be paid. The sub-
24 mission method and timelines of reimbursement data shall be determined by
25 the state department of education. Payments will be made only for activity
26 occurring and reported within each fiscal year.

27 (7) For public funding purposes, ~~average daily attendance student~~
28 enrollment shall be counted as ~~normal for students participating in dual~~
29 credit courses ~~the same for students participating in dual credit courses~~
30 pursuant to this section as as it is for students who are not participating in
31 dual credit courses.

32 (8) If a student fails to earn credit for any course for which the de-
33 partment has paid a reimbursement, the student must pay for and successfully
34 earn credit for one (1) like course before the state department of education
35 may pay any further reimbursements for the student. If a student performs
36 inadequately on an examination for which the state department of education
37 has paid a reimbursement, the public school shall determine whether the stu-
38 dent must pay for and successfully pass such examination to continue receiv-
39 ing state funding. Repeated and remedial courses or examinations are not el-
40 igible for funding through these programs.

41 (9) The state department of education shall reimburse community col-
42 leges or counties, as applicable, for any out-of-district county tuition
43 pursuant to section 33-2110A, Idaho Code. Such reimbursements shall be in an
44 amount not to exceed fifty dollars (\$50.00) per credit hour and only for dual
45 credit courses taken pursuant to this section.

46 (10) Public schools shall establish timelines and requirements for
47 participation in the program, including implementing procedures for the
48 appropriate transcription of credits, reporting of program participation
49 and financial transaction requirements. Public schools shall make reason-
50 able efforts to ensure that any student who considers participating in the

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1 program also considers the challenges and time necessary to succeed in the
2 program, and schools shall make reasonable efforts to include guidance on
3 how the student's participation in the program contributes to prospective
4 college and career pathways. Such efforts by the district shall be performed
5 prior to a student participating in the program and throughout the student's
6 involvement in the program.

7 (11) Policies and procedures for participating in the program estab-
8 lished by the public school must be such that students have an opportunity
9 to participate in the program and meet district-established timelines and
10 requirements for financial transactions, transcribing credits and state
11 department of education reporting. Participation in this program requires
12 parent and student agreement to program requirements and completion of the
13 state department of education's participation form documenting the program
14 requirements.

15 (12) Parents of participating students may enroll their child in any
16 eligible course, with or without the permission of the public school in which
17 the student is enrolled. Tribal school students must follow their schools'
18 enrollment policies and procedures. Public school personnel shall assist
19 parents in the process of enrolling students in such courses. Each partic-
20 ipating student's high school transcript at the public school at which the
21 student is enrolled shall include the credits earned and grades received by
22 the student for any overload or dual credit courses taken pursuant to this
23 section. For an eligible course to be transcribed as meeting the require-
24 ments of a core subject as identified in administrative rule, the course must
25 meet the approved content standards for the applicable subject and grade
26 level.

27 (13) Participating public schools shall collaborate with Idaho public
28 postsecondary educational institutions to assist students who seek to par-
29 ticipate in dual credit courses or graduate from high school early by en-
30 rolling in postsecondary courses. Participating school districts, charter
31 schools and Idaho public postsecondary educational institutions shall re-
32 port to the state board of education and the education committees of the sen-
33 ate and the house of representatives any difficulties or obstacles they ex-
34 perience in providing assistance to participating students.

35 (14) The state board of education may promulgate rules to implement the
36 provisions of this chapter.

37 SECTION 56. That Section 33-5208, Idaho Code, be, and the same is hereby
38 amended to read as follows:

39 33-5208. PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT. (1) Except as
40 ~~provided in subsection (10) of this section, from the state educational~~
41 ~~support program the state department of education shall make the following~~
42 ~~apportionment to each public charter school for each fiscal year based on~~
43 ~~attendance figures submitted in a manner and time as required by the depart-~~
44 ~~ment of education; otherwise specifically provided in this section, public~~
45 charter schools shall be funded in the same manner and time frame as all other
46 local education agencies pursuant to the provisions of chapter 10, title 33,
47 Idaho Code.

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1 ~~(1) Per student support. Computation of support units for each public~~
2 ~~charter school shall be calculated as if it were a separate school accord-~~
3 ~~ing to the schedules in section 33-1002(4), Idaho Code, except that public~~
4 ~~charter schools with fewer than one hundred (100) secondary ADA shall use a~~
5 ~~divisor of twelve (12) and the minimum units shall not apply, and no public~~
6 ~~charter school shall receive an increase in support units that exceeds the~~
7 ~~support units it received in the prior year by more than thirty (30). Funding~~
8 ~~from the state educational support program shall be equal to the total dis-~~
9 ~~tribution factor, plus the salary-based apportionment provided in chapter~~
10 ~~10, title 33, Idaho Code. Provided however, any public charter school that~~
11 ~~is formed by the conversion of an existing traditional public school shall~~
12 ~~be assigned divisors, pursuant to section 33-1002, Idaho Code, that are no~~
13 ~~lower than the divisors of the school district in which the traditional pub-~~
14 ~~lic school is located, for each category of pupils listed.~~

15 ~~(2) Special education. For each student enrolled in the public charter~~
16 ~~school who is entitled to special education services, the state and federal~~
17 ~~funds from the exceptional child education program for that student that~~
18 ~~would have been apportioned for that student to the school district in which~~
19 ~~the public charter school is located.~~

20 ~~(3) Alternative school support. Public charter schools may qualify un-~~
21 ~~der the provisions of sections 33-1002 and 33-1002C, Idaho Code, provided~~
22 ~~the public charter school meets the necessary statutory requirements, and~~
23 ~~students qualify for attendance at an alternative school as provided by rule~~
24 ~~of the state board of education.~~

25 ~~(4) Transportation support. Support shall be paid to the public char-~~
26 ~~ter school as provided in chapter 15, title 33, Idaho Code, and section~~
27 ~~33-1006, Idaho Code. Each public charter school shall furnish the depart-~~
28 ~~ment with an enrollment count as of the first Friday in November, of public~~
29 ~~charter school students who are eligible for reimbursement of transporta-~~
30 ~~tion costs under the provisions of this subsection and who reside more than~~
31 ~~one and one-half (1 1/2) miles from the school. The state department of edu-~~
32 ~~cation is authorized to include in the annual appropriation to the charter~~
33 ~~school sixty percent (60%) of the estimated transportation cost. The final~~
34 ~~appropriation payment in July shall reflect reimbursements of actual costs~~
35 ~~pursuant to section 33-1006, Idaho Code. To be eligible for state reimburse-~~
36 ~~ment under the provisions of section 33-1006, Idaho Code, the student to be~~
37 ~~transported must reside within the public charter school's primary atten-~~
38 ~~dance area, and must meet at least one (1) of the following two (2) criteria:~~

39 ~~(a) The student resides within the school district in which the public~~
40 ~~charter school is physically located; or~~

41 ~~(b) The student resides within fifteen (15) miles of the public charter~~
42 ~~school, by road.~~

43 ~~The limitations placed by this subsection on the reimbursement of~~
44 ~~transportation costs for certain students shall not apply to public virtual~~
45 ~~schools.~~

46 ~~(5) Facilities funds. The state department of education shall dis-~~
47 ~~tribute facilities funds to public charter schools for each enrolled student~~
48 ~~in which a majority of the student's instruction is received at a facility~~
49 ~~that is owned or leased by the public charter school. Such funds shall be~~
50 ~~used to defray the purchase, fee, loan or lease costs associated with pay-~~

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1 ments for real property used by the students or employees of the public char-
2 ter school for educational or administrative purposes. Such funds shall be
3 distributed from the moneys appropriated to the public schools educational
4 support program, and shall be calculated as a percentage of the statewide
5 average amount of bond and plant facility funds levied per student by Idaho
6 school districts, as follows:

7	Fiscal Year 2014	Twenty Percent (20%)
8	Fiscal Year 2015	Thirty Percent (30%)

9 For fiscal year 2016 and each fiscal year thereafter, this percentage
10 shall increase by ten percent (10%) each time the total appropriation of
11 state funds for the public schools educational support program increases by
12 three percent (3%) or more over the prior fiscal year, and shall decrease
13 by ten percent (10%) each time the total appropriation of state funds for
14 the public schools educational support program decreases as compared to the
15 prior fiscal year. Provided however, that the percentage shall be no less
16 than twenty percent (20%) and no greater than fifty percent (50%), and that
17 the average amount of funding received per public charter school shall not
18 exceed the average amount of funding received by each school district pur-
19 suant to the provisions of section 33-906, Idaho Code.

20 For those public charter schools that do not receive facilities funds
21 for all enrolled students, the school may submit to the state department of
22 education a reimbursement claim for any costs for which facilities funds may
23 be used. The state department of education shall reduce such claim by the
24 greater of fifty percent (50%) or the percentage of the school's enrolled
25 students for which the school receives facilities funds, and shall pay the
26 balance. Provided however, that the total reimbursements paid to a public
27 charter school, in combination with any facilities stipend received by the
28 school, shall not exceed the amount of facilities funds that would have been
29 received by the school had the school received facilities funds for all en-
30 rolled students. For the purposes of this subsection, the term "real prop-
31 erty" shall be used as defined in section 63-201, Idaho Code.

32 (63) Payment schedule. The state department of education is authorized
33 to make an advance payment of twenty-five percent (25%) of a public charter
34 school's estimated annual apportionment for its first year of operation,
35 and each year thereafter, provided the public charter school is serving more
36 grades or at least ten percent (10%) more classes than the previous year, to
37 assist the school with initial start-up costs or payroll obligations. For a
38 public charter school entering its second or greater year of operations, the
39 state department of education may require documentation establishing the
40 need for such an advance payment, including comparative class schedules and
41 proof of a commensurate increase in the number of employees.

42 (a) For a public charter school to receive the advance payment, the
43 school shall submit its anticipated fall membership for each grade
44 level to the state department of education by June 1.

45 (b) Using the figures provided by the public charter school, the state
46 department of education shall determine an estimated annual apportion-
47 ment from which the amount of the advance payment shall be calculated.

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1 Advance payment shall be made to the school on or after July 1 but no
2 later than July 31.

3 (c) All subsequent payments, taking into account the one-time advance
4 payment made for the first year of operation, shall be made to the public
5 charter school in the same manner as other traditional public schools in
6 accordance with the provisions of section 33-1009~~3~~, Idaho Code.

7 A public charter school shall comply with all applicable fiscal requirements
8 of law, ~~except that the following provisions shall not be applicable to pub-~~
9 ~~lic charter schools: that portion of section 33-1004, Idaho Code, relating~~
10 ~~to reduction of the administrative and instructional staff allowance and the~~
11 ~~pupil service staff allowance when there is a discrepancy between the number~~
12 ~~allowed and the number actually employed; and section 33-1004E, Idaho Code,~~
13 ~~for calculation of district staff indices.~~

14 (74) Nothing in this chapter shall be construed to prohibit any private
15 person or organization from providing funding or other financial assistance
16 to the establishment or operation of a public charter school.

17 (85) Each public charter school shall pay an authorizer fee to its au-
18 thorized chartering entity, to defray the actual documented cost of monitor-
19 ing, evaluation and oversight, which, in the case of public charter schools
20 authorized by the public charter school commission, shall include each
21 school's proportional fee share of moneys appropriated from the public char-
22 ter school authorizers fund to the public charter school commission, plus
23 fifteen percent (15%). Provided however, that each public charter school's
24 board of directors may direct up to ten percent (10%) of the calculated fee
25 to pay membership fees to an organization or association that provides tech-
26 nical assistance, training and advocacy for Idaho public charter schools.
27 Unless the authorized chartering entity declines payment, such fee shall be
28 paid by March 15 of each fiscal year and shall not exceed the greater of:

29 (a) All state funds distributed to public schools ~~on a support unit ba-~~
30 ~~sis based on student enrollment~~ for the prior fiscal year, divided by
31 the statewide number of public school students ~~in average daily atten-~~
32 ~~dance enrolled~~ in the first reporting period in the prior fiscal year;
33 or

34 (b) The lesser of:

35 (i) The result of the calculation in ~~subsection (8) paragraph (a)~~
36 of this subsection, multiplied by four (4); or

37 (ii) One and one-half percent (1.5%) of the result of the calcu-
38 lation in ~~subsection (8) paragraph (a)~~ of this subsection, mul-
39 tiplied by the public charter school's ~~average daily attendance~~
40 ~~student enrollment~~ in the first reporting period in the current
41 fiscal year.

42 (96) Nothing in this chapter shall prevent a public charter school from
43 applying for federal grant moneys.

44 (107) (a) Each student ~~in attendance~~ enrolled at a public virtual
45 school shall be funded based upon either the actual hours of attendance
46 in the public virtual school on a flexible schedule, or the percentage
47 of coursework completed, whichever is more advantageous to the school,
48 up to the maximum of one (1) full-time equivalent student.

49 (b) All federal educational funds shall be administered and dis-
50 tributed to public charter schools, including public virtual schools,

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1 that have been designated as a local education agency (LEA), as provided
2 in section 33-5203(8), Idaho Code.

3 ~~(11) Nothing in this section prohibits separate face-to-face learning~~
4 ~~activities or services.~~

5 ~~(12) The provisions of section 33-1021, Idaho Code, shall apply to pub-~~
6 ~~lic charter schools provided for in this chapter.~~

7 SECTION 57. That Section 33-5210, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 33-5210. APPLICATION OF SCHOOL LAW -- ACCOUNTABILITY -- EXEMPTION
10 FROM STATE RULES. (1) All public charter schools are under the general super-
11 vision of the state board of education.

12 (2) Every authorized chartering entity that approves a charter shall be
13 responsible for ensuring that each public charter school program approved by
14 that authorized chartering entity meets the terms of the charter, complies
15 with the general education laws of the state unless specifically directed
16 otherwise in this chapter, and operates in accordance with the state educa-
17 tional standards of thoroughness pursuant to section 33-1612, Idaho Code.

18 (3) Each public charter school shall comply with the financial report-
19 ing requirements of section 33-701, subsections 5. through 10., Idaho Code,
20 in the same manner as those requirements are imposed upon school districts
21 and with laws governing safety including, but not limited to, sections
22 33-122 and 33-130, Idaho Code, and chapter 2, title 33, Idaho Code, and rules
23 promulgated thereunder.

24 (4) Other than as specified in this section, each public charter school
25 is exempt from rules governing school districts, which rules have been pro-
26 mulgated by the state board of education, with the exception of state rules
27 relating to:

- 28 (a) ~~Teacher Educator~~ certification as necessitated by the provisions
29 of section 33-5206(3) and (4), Idaho Code;
30 (b) Accreditation of the school as necessitated by the provisions of
31 section 33-5206(12), Idaho Code;
32 (c) Qualifications of a student for attendance at an alternative school
33 ~~as necessitated by the provisions of section 33-5208(3), Idaho Code;~~
34 (d) Rules promulgated pursuant to section 33-1612, Idaho Code; and
35 (e) All rules that specifically pertain to public charter schools pro-
36 mulgated by the state board of education.

37 SECTION 58. That Section 33-5214, Idaho Code, be, and the same is hereby
38 amended to read as follows:

39 33-5214. PUBLIC CHARTER SCHOOL AUTHORIZERS FUND. There is hereby cre-
40 ated in the state treasury a fund to be known as the "Public Charter School
41 Authorizers Fund," hereinafter referred to as "the fund." All authorizer
42 fees paid pursuant to section 33-5208(85), Idaho Code, for public charter
43 schools under the governance of the public charter school commission shall
44 be deposited in the fund. Moneys in the fund shall be appropriated to defray
45 the commission's cost of operations and the state department of education's

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1 cost of reviewing, approving and overseeing any charter school authorizers
2 requiring department approval.

3 SECTION 59. That Section 33-5215, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 33-5215. CAREER TECHNICAL REGIONAL PUBLIC CHARTER SCHOOL. (1) A ca-
6 reer technical regional public charter school is hereby declared to be a pub-
7 lic charter school and as such, the provisions of chapter 52, title 33, Idaho
8 Code, shall apply to each career technical regional public charter school in
9 the same manner and to the same extent as the provisions of charter school law
10 apply to other public charter schools, with the exception of certain condi-
11 tions and applications as specifically provided in this section.

12 (2) In addition to the approval provisions of this chapter, approval of
13 a career technical regional public charter school by an authorized charter-
14 ing entity shall not be final until the petition has also been reviewed by the
15 division of career technical education.

16 (3) Funding for a career technical regional public charter school shall
17 be the same as provided in section 33-5208, Idaho Code, except that:

18 (a) ~~The salary-based apportionment for a career technical regional~~
19 ~~public charter school shall be the statewide average for public charter~~
20 ~~schools. Such salary-based apportionment may be used for payment of~~
21 ~~contracted services or for direct hire of staff;~~

22 (b) The board of directors may contract for the services of certifi-
23 cated and noncertificated personnel, to procure the use of facilities
24 and equipment, and to purchase materials and equipment, which in the
25 judgment of the board of directors is necessary or desirable for the
26 conduct of the business of the career technical regional public charter
27 school; and

28 (c) Transportation support shall be paid to the career technical re-
29 gional public charter school in accordance with the provisions of chap-
30 ter 15, title 33, Idaho Code.

31 (4) A career technical regional public charter school shall provide
32 assurances in state attendance reports that it has verified ~~attendance~~
33 enrollment reports, ~~which generate ADA with its participating school dis-~~
34 ~~tricts,~~ to make certain that the districts and the charter school do not
35 duplicate enrollment ~~or ADA~~ claims.

36 SECTION 60. That Section 33-5217, Idaho Code, be, and the same is hereby
37 amended to read as follows:

38 33-5217. PUBLIC CHARTER SCHOOL DEBT RESERVE. (1) There is hereby cre-
39 ated the public charter school debt reserve to assist qualifying charter
40 schools in obtaining favorable financing for facility improvements and con-
41 struction. A public charter school seeking to use the public charter school
42 debt reserve must receive approval from the Idaho housing and finance asso-
43 ciation pursuant to the criteria set forth in this section.

44 (2) A public charter school shall be qualified to use the public charter
45 school debt reserve only upon satisfaction of the following conditions:

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1 (a) The public charter school must demonstrate it has obtained one (1)
2 of the following:

3 (i) A letter of commitment from a national or state chartered fi-
4 nancial institution;

5 (ii) A letter of commitment from a nonprofit corporation;

6 (iii) A letter of commitment from a community development finan-
7 cial institution; or

8 (iv) A letter of commitment from a qualified underwriter or an in-
9 vestment firm;

10 (b) The public charter school must provide annual budgets and cash flow
11 statements and must demonstrate satisfaction of each of the following
12 criteria:

13 (i) Projected future budgets, cash flows and operating reserves
14 greater than sixty (60) days of cash on hand to support a debt ser-
15 vice coverage greater than 1.20x;

16 (ii) Cost to operate facility, including debt service, occupancy
17 cost and operating expenses, not to exceed twenty percent (20%) of
18 revenue;

19 (iii) Audited financial statements with unqualified opinions for
20 the prior three (3) years; and

21 (iv) Certification from a school administrator that projected fu-
22 ture budgets and cash flows are based on reasonable assumptions
23 related to level or increasing projected enrollment or waitlist
24 and projected total income, including any matching funds and dona-
25 tions contingent on receipt of a loan under this section; and

26 (c) The public charter school must obtain approval for issuance by the
27 Idaho housing and finance association to act as a conduit issuer.

28 (3) Public charter schools that satisfy the requirements set forth in
29 subsection (2) of this section shall receive approval from the Idaho hous-
30 ing and finance association to rely on the public charter school debt reserve
31 for assistance in obtaining favorable financing for facility improvements
32 and construction, so long as sufficient moneys exist pursuant to subsection
33 (4) of this section. Eligible schools shall receive approval on a first-come
34 basis according to date of completed application, in an amount not to exceed
35 twenty-four (24) months of principal and interest payments.

36 (4) There is hereby established in the state treasury the public char-
37 ter school debt reserve fund that shall consist of moneys made available
38 through appropriations, fees, grants, gifts or any other source to fulfill
39 the purposes of this section. Moneys in the fund are hereby continuously
40 appropriated for the purposes of this section, and shall only be expended for
41 the purposes stated herein. Qualifying schools annually shall pay an amount
42 equal to ten (10) basis points of the principal amount of the debt for which
43 it qualified to use the public charter school debt reserve, which shall be
44 deposited into the public charter school debt reserve fund.

45 (5) Subject to the limitations of subsection (3) of this section, if
46 a qualified public charter school defaults on an outstanding debt for which
47 the Idaho housing and finance association has made the debt reserve avail-
48 able, and there is no other money available to the charter school to make
49 the payment, money shall be withdrawn from the public charter school debt
50 reserve fund to pay the principal, redemption price or interest on the out-

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1 standing debt. Upon certification by the Idaho housing and finance associa-
2 tion to the superintendent of public instruction, payment shall be made from
3 the public charter school debt reserve fund toward the outstanding debt.

4 (6) If money has been withdrawn from the public charter school debt re-
5 serve fund for a public charter school pursuant to subsection (5) of this
6 section, then the superintendent of public instruction shall redirect the
7 money from such public charter school's allocation of facilities funds pur-
8 suant to section 33-5208(52), Idaho Code. Any money redirected shall be ac-
9 cording to a determined time and sequence of payments, over a period of years
10 until the amount so withdrawn has been repaid to the fund so long as the redi-
11 rection does not cause an event of default under the agreement(s) governing
12 the public charter school's obligation for which the debt reserve was made
13 available, excepting that any money withdrawn during any fiscal year shall
14 be repaid within ten (10) years.

15 SECTION 61. That Section 50-2908, Idaho Code, be, and the same is hereby
16 amended to read as follows:

17 50-2908. DETERMINATION OF TAX LEVIES -- CREATION OF SPECIAL FUND. (1)
18 For purposes of calculating the rate at which taxes shall be levied by or
19 for each taxing district in which a revenue allocation area is located, the
20 county commissioners shall, with respect to the taxable property located in
21 such revenue allocation area, use the equalized assessed value of such tax-
22 able property as shown on the base assessment roll rather than on the current
23 equalized assessed valuation of such taxable property, except the current
24 equalized assessed valuation shall be used for calculating the tax rate for:

25 (a) Levies for refunds and credits pursuant to section 63-1305, Idaho
26 Code, and any judgment pursuant to section 33-802(1), Idaho Code, certi-
27 fied after December 31, 2007;

28 (b) Levies permitted pursuant to section 63-802(3), Idaho Code, certi-
29 fied after December 31, 2007;

30 (c) Levies for voter approved general obligation bonds of any taxing
31 district and plant facility reserve fund levies passed after December
32 31, 2007;

33 (d) Levies set forth in paragraphs (a) through (c) of this subsection,
34 first certified prior to December 31, 2007, when the property affected
35 by said levies is included within the boundaries of a revenue allocation
36 area by a change in the boundaries of either the revenue allocation area
37 or any taxing district after December 31, 2007; and

38 (e) School levies for supplemental maintenance and operation pursuant
39 to section 33-802(3) and (4), Idaho Code, approved after December 31,
40 2007, and for emergency funds pursuant to section 33-805, Idaho Code,
41 approved after July 1, 2015.

42 (2) With respect to each such taxing district, the tax rate calculated
43 under subsection (1) of this section shall be applied to the current equal-
44 ized assessed valuation of all taxable property in the taxing district, in-
45 cluding the taxable property in the revenue allocation area. The tax rev-
46 enues thereby produced shall be allocated as follows:

47 (a) To the taxing district shall be allocated and shall be paid by the
48 county treasurer:

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1 (i) All taxes levied by the taxing district or on its behalf on
2 taxable property located within the taxing district but outside
3 the revenue allocation area;

4 (ii) A portion of the taxes levied by the taxing district or on its
5 behalf on the taxable property located within the revenue allo-
6 cation area, which portion is the amount produced by applying the
7 taxing district's tax rate determined under subsection (1) of this
8 section to the equalized assessed valuation, as shown on the base
9 assessment roll, of the taxable property located within the rev-
10 enue allocation area; and

11 (iii) All taxes levied by the taxing district to satisfy obliga-
12 tions specified in subsection (1) (a) through (e) of this section.

13 (b) To the urban renewal agency shall be allocated the balance, if any,
14 of the taxes levied on the taxable property located within the revenue
15 allocation area.

16 (3) Upon enactment of an ordinance adopting a revenue allocation fi-
17 nancing provision as part of an urban renewal plan, the urban renewal agency
18 shall create a special fund or funds to be used for the purposes enumerated
19 in this chapter. The revenues allocated to the urban renewal agency pursuant
20 to this chapter shall be paid to the agency by the treasurer of the county in
21 which the revenue allocation district is located and shall be deposited by
22 the agency into one (1) or more of such special funds. The agency may, in ad-
23 dition, deposit into such special fund or funds such other income, proceeds,
24 revenues and funds it may receive from sources other than the revenues allo-
25 cated to it under subsection (2) (b) of this section.

26 (4) For the purposes of section 63-803, Idaho Code, during the period
27 when revenue allocation under this chapter is in effect, and solely with re-
28 spect to any taxing district in which a revenue allocation area is located,
29 the county commissioners shall, in fixing any tax levy other than the levy
30 specified in subsection (1) (a) through (e) of this section, take into con-
31 sideration the equalized assessed valuation of the taxable property situ-
32 ated in the revenue allocation area as shown in the base assessment roll,
33 rather than the current equalized assessed value of such taxable property.

34 (5) For all other purposes, including, without limitation, for pur-
35 poses of sections 33-802, ~~33-1002~~ and 63-1313, Idaho Code, reference in the
36 Idaho Code to the term "market value for assessment purposes" (or any other
37 such similar term) shall mean market value for assessment purposes as de-
38 fined in section 63-208, Idaho Code.

39 SECTION 62. That Section 57-1303, Idaho Code, be, and the same is hereby
40 amended to read as follows:

41 57-1303. COUNTY APPORTIONMENT OF FOREST RESERVE FUNDS. The auditor of
42 each county receiving a portion of this fund shall within ten (10) days of re-
43 ceipt of this money allot and distribute seventy ~~per cent~~ percent (70%) of
44 this money to the county general road fund and to the treasurer of the highway
45 districts and good road districts in the county in proportion to the mileage
46 of each within the county, to be expended for the construction and repair
47 of roads and bridges, and thirty per cent (30%) to the various school dis-
48 tricts and joint county school districts within the county in proportion to

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1 the ~~number of pupils in average daily attendance~~ total unweighted student
2 enrollment count in each district in the year immediately prior to this dis-
3 tribution. The distribution of such moneys to the respective school dis-
4 tricts entitled thereto shall be in addition to and without regard to any as-
5 sistance to such school districts from any and all other sources in maintain-
6 ing the minimum educational program and minimum transportation program.

7 SECTION 63. That Section 59-1115, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 59-1115. EMPLOYER'S PORTION OF SOCIAL SECURITY TAX FOR SCHOOL DIS-
10 TRICT PERSONNEL. (1) The board of trustees of each class of school district,
11 shall pay the employer's social security tax for its personnel, as required
12 by federal law.

13 (2) The department of education shall transmit to the school districts
14 from the appropriation made for that purpose the amount determined in sec-
15 tion 33-1004~~FB~~, Idaho Code.

16 SECTION 64. That Section 63-315, Idaho Code, be, and the same is hereby
17 amended to read as follows:

18 63-315. ASSESSMENT RATIOS AND THE DETERMINATION OF ADJUSTED MARKET
19 VALUE FOR ASSESSMENT PURPOSES FOR SCHOOL DISTRICTS. (1) The provisions of
20 this section shall apply only to charter districts levying a maintenance and
21 operation levy in the prior calendar year. For the purpose of this section,
22 adjusted market value for assessment purposes shall be the adjusted market
23 value for assessment purposes of all property assessed for property tax pur-
24 poses for the year referred to in sections 33-802 and ~~33-1002~~, Idaho Code.

25 (2) The state tax commission shall conduct a ratio study to annually as-
26 certain the ratio between the assessed value and the market value for assess-
27 ment purposes of all property assessed for property tax purposes. Said ratio
28 study shall be conducted in accordance with nationally accepted procedures.
29 From the ratio so ascertained the state tax commission shall compute the ad-
30 justed market value of all property assessed for property tax purposes.

31 (3) The ratio shall be computed in each school district and applied to
32 the market value for assessment purposes within each school district.

33 (4) Sales used in determining the ratio required by this section shall
34 be arm's length, market value property sales occurring in the year begin-
35 ning on October 1 of the year preceding the year for which the adjusted mar-
36 ket value is to be determined. The state tax commission may, at its discre-
37 tion, modify the sales period when doing so produces provably better repre-
38 sentativeness of the actual ratio in any school district. The state tax com-
39 mission may also add independently conducted appraisals when the state tax
40 commission believes that this procedure will improve the representativeness
41 and reliability of the ratio.

42 (5) Whenever the state tax commission is unable to determine with rea-
43 sonable statistical certainty that the assessed value within any school dis-
44 trict differs from the market value for assessment purposes, the state tax
45 commission may certify the assessed value to be the adjusted market value of
46 any school district.

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1 (6) The state tax commission shall certify the adjusted market value of
2 each school district to the state department of education and each county au-
3 ditor no later than the first Monday in April each year. The state tax com-
4 mission shall prepare a report indicating procedures used in computing the
5 adjusted market value and showing statistical measures computed in the ra-
6 tio study. The report of the state tax commission shall be made available for
7 public inspection in the office of the county auditor.

8 (7) The state tax commission shall promulgate rules to implement the
9 ratio study described in this section.

10 SECTION 65. That Section 63-805, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 63-805. ANNUAL LEVIES. (1) The county commissioners of each county
13 in this state may levy annually upon all taxable property of said county, a
14 property tax for general county purposes, including the provision of pub-
15 lic defender services, to be collected and paid into the county treasury
16 and apportioned to the county current expense fund which levy shall not
17 exceed twenty-six hundredths percent (.26%) of market value for assessment
18 purposes of such property, or a levy sufficient to raise two hundred fifty
19 thousand dollars (\$250,000), whichever is greater. If a county establishes
20 the justice fund, as provided in section 31-4602, Idaho Code, the maximum
21 current expense levy shall be reduced to twenty hundredths percent (.20%)
22 of market value for assessment purposes, or a levy sufficient to raise two
23 hundred fifty thousand dollars (\$250,000), whichever is greater.

24 (2) The county commissioners of each county in this state may levy upon
25 all taxable property of said county, a property tax for the purposes set
26 forth in the statutes authorizing a county justice fund, to be collected and
27 paid into the county treasury and apportioned to the county justice fund,
28 if one has been established. Said levy shall not exceed twenty hundredths
29 percent (.20%) of market value for assessment purposes of such property, or
30 a levy sufficient to raise two hundred fifty thousand dollars (\$250,000),
31 whichever is greater.

32 The county commissioners shall have the right to make a "general reserve
33 appropriation," said appropriation not to exceed five percent (5%) of the
34 county justice fund budget as finally adopted. The total levy, however, for
35 the county justice fund, including the "general reserve appropriation,"
36 shall be within the limitations imposed by chapter 8, title 63, Idaho Code,
37 or by any statutes of the state of Idaho in force and effect.

38 (3) Annually, before the second Monday in September, the board of
39 trustees of any school district within the county having determined the num-
40 ber, if any, of ~~pupils in average daily attendance~~ students enrolled above
41 the number included in the last annual report thereof, and the amount of
42 money required to provide the educational support programs and transporta-
43 tion support programs for such additional ~~pupils in average daily attendance~~
44 students enrolled, as defined in chapter 10, title 33, Idaho Code, the county
45 commissioners shall determine the total of such new requirements within the
46 county and upon the taxable property situate within the district requesting
47 the same, and the county commissioners shall levy a tax sufficient to provide
48 such amount, provided in no case shall the levy be more than six-hundredths

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1 percent (.06%) of the taxable value of the property to be collected and paid
2 to the requesting district.

3 (4) (a) The county commissioners of each county in this state may levy
4 annually upon all taxable property of its county, a property tax for the
5 acquisition, maintenance and operation of public parks or public recre-
6 ational facilities, to be collected and paid into the county treasury
7 and apportioned to a fund to be designated as the "parks and recreation
8 fund," which is hereby created, and such county commissioners may ap-
9 propriate otherwise unappropriated funds for such purposes. No levy
10 made under this subsection shall exceed one-hundredth percent (.01%) of
11 the market value for assessment purposes on all taxable property within
12 the district.

13 (b) Any funds unexpended from the "parks and recreation fund," or any
14 funds unexpended from the current year's certified parks and recreation
15 budget may be retained in, or deposited to, the "parks and recreation
16 fund" for the purpose of future land acquisition, park expansion or im-
17 provement, or the acquisition of operating equipment. The maximum ac-
18 cumulation of funds allowable shall not exceed twice the amount of money
19 provided by the levy authorized in paragraph (a) of this subsection.

20 (5) Upon the same property and for the same year the county commission-
21 ers must also levy such other property taxes as may be necessary for the pay-
22 ment of the interest on county bonds or to provide a sinking fund for the re-
23 demption of county bonds or such other authorized taxes as may be necessary
24 for any other or special purposes, to be collected and paid into the county
25 treasury and apportioned as provided by the laws of this state.

26 SECTION 66. An emergency existing therefor, which emergency is hereby
27 declared to exist, Section 8 of this act shall be in full force and effect on
28 and after its passage and approval. All other sections of this act shall be
29 in full force and effect on and after July 1, 2019.

30 SECTION 67. The provisions of Section 5 of this act shall be null, void,
31 and of no force and effect on and after June 30, 2023.

