

IN THE SENATE

SENATE BILL NO. 1315

BY EDUCATION COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-512, IDAHO CODE, TO PROVIDE FOR FULL-DAY KINDERGARTEN AND TO REQUIRE THAT CERTAIN DOCUMENTATION BE SUBMITTED TO THE STATE DEPARTMENT OF EDUCATION; AMENDING SECTION 33-1002, IDAHO CODE, TO REVISE PROVISIONS REGARDING COMPUTATION OF KINDERGARTEN SUPPORT UNITS, TO PROVIDE CERTAIN DUTIES OF THE STATE DEPARTMENT OF EDUCATION, TO ESTABLISH PROVISIONS REGARDING FULL-DAY KINDERGARTEN PROGRAMS, AND TO PROVIDE A CERTAIN FUNDING EXCLUSION; AMENDING SECTION 33-1027, IDAHO CODE, TO REVISE PROVISIONS REGARDING STUDENT ENROLLMENT COUNTS; AMENDING SECTION 33-1004, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 33-5208, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 33-512, Idaho Code, be, and the same is hereby amended to read as follows:

33-512. GOVERNANCE OF SCHOOLS. The board of trustees of each school district shall have the following powers and duties:

(1) To fix the days of the year and the hours of the day when schools shall be in session. However:

(a) Each school district shall annually adopt and implement a school calendar that provides its students at each grade level with the following minimum number of instructional hours:

| Grades | Hours |
|---------------------|------------|
| 9-12 | 990 |
| 4-8 | 900 |
| 1-3 | 810 |
| <u>K (full-day)</u> | <u>810</u> |
| <u>K (half-day)</u> | <u>450</u> |
| Alternative schools | |
| (any grades) | 900 |

(b) School assemblies, testing and other instructionally related activities involving students directly may be included in the required instructional hours.

(c) When approved by a local school board, annual instructional hour requirements stated in paragraph (a) of this subsection may be reduced as follows:

(i) Up to a total of twenty-two (22) hours to accommodate staff development activities conducted on such days as the local school board deems appropriate.

1 (ii) Up to a total of eleven (11) hours of emergency school clo-
2 sures due to adverse weather conditions and facility failures.

3 However, transportation to and from school, passing times between
4 classes, recess and lunch periods shall not be included.

5 (d) Student and staff activities related to the opening and closing of
6 the school year, grade reporting, program planning, staff meetings, and
7 other classroom and building management activities shall not be counted
8 as instructional time or in the reductions provided in paragraph (c) (i)
9 of this subsection.

10 (e) For multiple shift programs, this rule applies to each shift (i.e.,
11 each student must have access to the minimum annual required hours of
12 instruction).

13 (f) The instructional time requirement for grade 12 students may be re-
14 duced by action of a local school board for an amount of time not to ex-
15 ceed eleven (11) hours of instructional time.

16 (g) The state superintendent of public instruction may grant an ex-
17 emption from the provisions of this section for an individual building
18 within a district, when the closure of that building, for unforeseen
19 circumstances, does not affect the attendance of other buildings within
20 the district.

21 (h) The state board of education may grant a waiver of the minimum
22 number of instructional hours for a school district when districtwide
23 school closures are necessary as a result of natural occurrences cre-
24 ating unsafe conditions for students. A county or state disaster
25 declaration must have been issued for one (1) or more of the counties
26 in which the school district is located. A waiver request to the state
27 board of education must describe the efforts by the school district to
28 make up lost instructional hours, the range of grades impacted, and the
29 number of hours the school district is requesting be waived.

30 (i) The reduction of instructional hours allowed in paragraphs (f)
31 through (h) of this subsection may not be combined in a single school
32 year.

33 (j) Full-day kindergarten programs must be evidence-based best prac-
34 tices and consist of a comprehensive program of learning.

35 (2) To adopt and carry on and to provide for the financing of a total ed-
36 ucational program for the district. Such programs in other than elementary
37 school districts may include education programs for out-of-school youth and
38 adults, and such districts may provide classes in kindergarten;

39 (3) To provide, or require pupils to be provided with, suitable text-
40 books and supplies and, for advice on textbook selections, may appoint a cur-
41 ricular materials adoption committee as provided in section 33-512A, Idaho
42 Code;

43 (4) To protect the morals and health of the pupils;

44 (5) To exclude from school children not of school age;

45 (6) To prescribe rules for the disciplining of unruly or insubordinate
46 pupils, including rules on student harassment, intimidation and bullying,
47 such rules to be included in a district discipline code adopted by the board
48 of trustees and a summarized version thereof to be provided in writing at the
49 beginning of each school year to the teachers and students in the district

1 in a manner consistent with the student's age, grade and level of academic
2 achievement;

3 (7) To exclude from school pupils with contagious or infectious dis-
4 eases who are diagnosed or suspected as having a contagious or infectious
5 disease or those who are not immune and have been exposed to a contagious or
6 infectious disease; and to close school if the board determines that condi-
7 tions warrant such closure, based on consultation with the district health
8 department of the public health district in which the school district is lo-
9 cated;

10 (8) To equip and maintain a suitable library or libraries in the school
11 or schools and to exclude therefrom, and from the schools, all books, tracts,
12 papers, and catechisms of sectarian nature;

13 (9) To determine school holidays. Any listing of school holidays shall
14 include not less than the following: New Year's Day, Memorial Day, Indepen-
15 dence Day, Thanksgiving Day, and Christmas Day. Other days listed in section
16 73-108, Idaho Code, if the same shall fall on a school day, shall be observed
17 with appropriate ceremonies; and any days the state board of education may
18 designate, following the proclamation by the governor, shall be school holi-
19 days;

20 (10) To erect and maintain on each schoolhouse or school grounds a suit-
21 able flagstaff or flagpole and display thereon the flag of the United States
22 of America on all days, except during inclement weather, when the school is
23 in session; and for each Veterans Day, each school in session shall conduct
24 and observe an appropriate program of at least one (1) class period remember-
25 ing and honoring American veterans;

26 (11) To prohibit entrance to each schoolhouse or school grounds, to pro-
27 hibit loitering in schoolhouses or on school grounds and to provide for the
28 removal from each schoolhouse or school grounds of any individual or indi-
29 viduals who disrupt the educational processes or whose presence is detrimen-
30 tal to the morals, health, safety, academic learning or discipline of the
31 pupils. A person who disrupts the educational process or whose presence is
32 detrimental to the morals, health, safety, academic learning or discipline
33 of the pupils, or who loiters in schoolhouses or on school grounds, is guilty
34 of a misdemeanor;

35 (12) To supervise and regulate, including by contract with established
36 entities, those extracurricular activities that are by definition outside
37 of or in addition to the regular academic courses or curriculum of a public
38 school, and which extracurricular activities shall not be considered to be a
39 property, liberty or contract right of any student, and such extracurricular
40 activities shall not be deemed a necessary element of a public school educa-
41 tion but shall be considered to be a privilege. For the purposes of extracur-
42 ricular activities, any secondary school located in this state that is ac-
43 credited by an organization approved through a process defined by the state
44 department of education shall be able to fully participate in all extracur-
45 ricular activities described in and governed by the provisions of this sub-
46 section;

47 (13) To govern the school district in compliance with state law and
48 rules of the state board of education;

49 (14) To submit to the ~~superintendent of public instruction~~ state de-
50 partment of education not later than July 1 of each year documentation that

1 meets the reporting requirements of the federal gun-free schools act of 1994
2 as contained within the federal improving America's schools act of 1994;

3 (15) To require that all certificated and noncertificated employees
4 hired on or after July 1, 2008, and other individuals who are required by
5 the provisions of section 33-130, Idaho Code, to undergo a criminal history
6 check shall submit a completed ten (10) finger fingerprint card or scan to
7 the department of education no later than five (5) days following the first
8 day of employment or unsupervised contact with students in a K-12 setting,
9 whichever is sooner. Such employees and other individuals shall pay the cost
10 of the criminal history check. If the criminal history check shows that the
11 employee has been convicted of a felony crime enumerated in section 33-1208,
12 Idaho Code, it shall be grounds for immediate termination, dismissal or
13 other personnel action of the district, except that it shall be the right
14 of the school district to evaluate whether an individual convicted of one
15 of these crimes and having been incarcerated for that crime shall be hired.
16 Provided however, that any individual convicted of any felony offense listed
17 in section 33-1208(2), Idaho Code, shall not be hired. For the purposes of
18 criminal history checks, a substitute teacher is any individual who tem-
19 porarily replaces a certificated classroom educator and is paid a substitute
20 teacher wage for one (1) day or more during a school year. A substitute
21 teacher who has undergone a criminal history check at the request of one (1)
22 district in which he has been employed as a substitute shall not be required
23 to undergo an additional criminal history check at the request of any other
24 district in which he is employed as a substitute if the teacher has obtained
25 a criminal history check within the previous five (5) years. If the district
26 next employing the substitute still elects to require another criminal his-
27 tory check within the five (5) year period, that district shall pay the cost
28 of the criminal history check or reimburse the substitute teacher for such
29 cost. To remain on the statewide substitute teacher list maintained by the
30 state department of education, the substitute teacher shall undergo a crimi-
31 nal history check every five (5) years;

32 (16) To maintain a safe environment for students by developing a system
33 that cross-checks all contractors or other persons who have irregular con-
34 tact with students against the statewide sex offender registry by developing
35 a school safety plan for each school and by meeting annually with emergency
36 first responders to update the plans and discuss emergency exercises and op-
37 erations;

38 (17) To provide support for teachers in their first two (2) years in the
39 profession in the areas of: administrative and supervisory support, mentor-
40 ing, peer assistance and professional development.

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

43 33-1002. EDUCATIONAL SUPPORT PROGRAM. The educational support pro-
44 gram is calculated as follows:

45 (1) State Educational Support Funds. Add the state appropriation, in-
46 cluding the moneys available in the public school income fund, together with
47 all miscellaneous revenues to determine the total state funds.

48 (2) From the total state funds subtract the following amounts needed
49 for state support of special programs provided by a school district:

- 1 (a) Pupil tuition-equivalency allowances as provided in section
2 33-1002B, Idaho Code;
- 3 (b) Transportation support program as provided in section 33-1006,
4 Idaho Code;
- 5 (c) Feasibility studies allowance as provided in section 33-1007A,
6 Idaho Code;
- 7 (d) The approved costs for border district allowance, provided in sec-
8 tion 33-1403, Idaho Code, as determined by the state ~~superintendent of~~
9 ~~public instruction~~ department of education;
- 10 (e) The approved costs for exceptional child approved contract al-
11 lowance, provided in subsection 2. of section 33-2004, Idaho Code,
12 as determined by the state ~~superintendent of public instruction~~
13 ~~department of education~~;
- 14 (f) Salary-based apportionment calculated as provided in sections
15 33-1004 through 33-1004F, Idaho Code;
- 16 (g) Unemployment insurance benefit payments according to the provi-
17 sions of section 72-1349A, Idaho Code;
- 18 (h) For expenditure as provided by the public school technology pro-
19 gram;
- 20 (i) For employee severance payments as provided in section 33-521,
21 Idaho Code;
- 22 (j) For distributions to the Idaho digital learning academy as provided
23 in section 33-1020, Idaho Code;
- 24 (k) For charter school facilities funds and reimbursements paid pur-
25 suant to section 33-5208(5), Idaho Code;
- 26 (l) For an online course portal as provided for in section 33-1024,
27 Idaho Code;
- 28 (m) For advanced opportunities as provided for in chapter 46, title 33,
29 Idaho Code;
- 30 (n) For additional math and science courses for high school students as
31 provided in section 33-1021, Idaho Code;
- 32 (o) For leadership premiums as provided in section 33-1004J, Idaho
33 Code;
- 34 (p) For master teacher premiums as provided in section 33-1004I, Idaho
35 Code;
- 36 (q) For the support of provisions that provide a safe environment con-
37 ductive to student learning and maintain classroom discipline, an allo-
38 cation of three hundred dollars (\$300) per support unit;
- 39 (r) An amount specified in the appropriation bill for the public
40 schools educational support program for counseling support as provided
41 for in section 33-1212A, Idaho Code, shall be distributed for grades 8
42 through 12 as follows:
- 43 (i) For school districts and public charter schools with one hun-
44 dred (100) or more students enrolled in grades 8 through 12, a pro
45 rata distribution based on students enrolled in grades 8 through
46 12 or eighteen thousand dollars (\$18,000), whichever is greater;
- 47 (ii) For school districts and public charter schools with fewer
48 than one hundred (100) students enrolled in grades 8 through 12,
49 one hundred eighty dollars (\$180) per student enrolled in grades

1 8 through 12 or nine thousand dollars (\$9,000), whichever is
2 greater;

3 (s) An amount specified in the public schools educational support pro-
4 gram appropriation bill for literacy intervention pursuant to section
5 33-1807, Idaho Code, the disbursements made to the school districts
6 and public charter schools in the aggregate shall not exceed the total
7 amount appropriated for this purpose and shall be based on the actual
8 costs of such intervention programs. School districts and public char-
9 ter schools shall be reimbursed in full or in pro rata based on the
10 average number of students in kindergarten through grade 3 who score ba-
11 sic or below basic on the fall statewide reading assessment in the prior
12 three (3) years;

13 (t) For mastery-based education as provided for in section 33-1632,
14 Idaho Code;

15 (u) For pay for success contracting as provided in section 33-125B,
16 Idaho Code; and

17 (v) Any additional amounts as required by statute to effect administra-
18 tive adjustments or as specifically required by the provisions of any
19 bill of appropriation;

20 to secure the total educational support distribution funds.

21 (3) Average Daily Attendance. The total state average daily attendance
22 shall be the sum of the average daily attendance of all of the school dis-
23 tricts of the state. The state board of education shall establish rules set-
24 ting forth the procedure to determine average daily attendance and the time
25 for, and method of, submission of such report. Average daily attendance cal-
26 culation shall be carried out to the nearest hundredth. Computation of av-
27 erage daily attendance shall also be governed by the provisions of section
28 33-1003A, Idaho Code.

29 (4) Full-day kindergarten programs must include a parent engagement
30 component and curriculum that incorporates current research-based strate-
31 gies for full-day or all-day kindergarten programs. At a minimum, parent
32 engagement must include but is not limited to parent or guardian training on
33 how to support student learning at home through home learning activities and
34 parent engagement practices established by a local education agency's local
35 governing board. Parent engagement strategies may include school-based
36 strategies or home-based strategies. Participation in any strategy is at
37 the discretion of the parent or guardian.

38 (5) Support Units. The total state support units shall be determined
39 by using the tables set out hereafter called computation of kindergarten
40 support units, computation of elementary support units, computation of sec-
41 ondary support units, computation of exceptional education support units,
42 and computation of alternative school support units. The sum of all of the
43 total support units of all school districts of the state shall be the total
44 state support units.

45 COMPUTATION OF KINDERGARTEN SUPPORT UNITS

| | | |
|----------------------------|--------------------|--------------------------------|
| 46 Average Daily | | |
| 47 Attendance | Attendance Divisor | Minimum Units Allowed |
| 48 <u>41</u> 0 or more.... | <u>4</u> 20..... | <u>1</u> 2 or more as computed |

| | | | |
|---|-----------------------|--------|-------------------------------|
| 1 | 310 - 4039.99 ADA.... | -..... | 1.75 |
| 2 | 260 - 3029.99 ADA.... | -..... | <u>851.5</u> |
| 3 | 210 - 2519.99 ADA.... | -..... | .75 |
| 4 | 16 - 209.99 ADA.... | -..... | <u>.6 count as elementary</u> |
| 5 | 8 - 15.99 ADA.... | ----- | .5 |
| 6 | 1 - 7.99 ADA.... | ----- | <u>count as elementary</u> |

7 COMPUTATION OF ELEMENTARY SUPPORT UNITS

| | | | |
|----|-----------------------|---|---------------|
| 8 | Average Daily | | Minimum Units |
| 9 | Attendance | Attendance Divisor | Allowed |
| 10 | 300 or more ADA..... | <u>20.....</u> | 15 |
| 11 | | ..23...grades 4,5 & 6.... | |
| 12 | | ..22...grades 1,2 & 3....1994-95 | |
| 13 | | ..21...grades 1,2 & 3....1995-96 | |
| 14 | | ..20...grades 1,2 & 3....1996-97 | |
| 15 | | and each year thereafter. | |
| 16 | 160 to 299.99 ADA... | 20..... | 8.4 |
| 17 | 110 to 159.99 ADA... | 19..... | 6.8 |
| 18 | 71.1 to 109.99 ADA... | 16..... | 4.7 |
| 19 | 51.7 to 71.0 ADA... | 15..... | 4.0 |
| 20 | 33.6 to 51.6 ADA... | 13..... | 2.8 |
| 21 | 16.6 to 33.5 ADA... | 12..... | 1.4 |
| 22 | 1.0 to 16.5 ADA... | n/a..... | 1.0 |

23 COMPUTATION OF SECONDARY SUPPORT UNITS

| | | | |
|----|----------------------|---------------------------|---------------|
| 24 | Average Daily | | Minimum Units |
| 25 | Attendance | Attendance Divisor | Allowed |
| 26 | 750 or more.... | 18.5..... | 47 |
| 27 | 400 - 749.99 ADA.... | 16..... | 28 |
| 28 | 300 - 399.99 ADA.... | 14.5..... | 22 |
| 29 | 200 - 299.99 ADA.... | 13.5..... | 17 |
| 30 | 100 - 199.99 ADA.... | 12..... | 9 |
| 31 | 99.99 or fewer | Units allowed as follows: | |
| 32 | Grades 7 - 12 | | 8 |
| 33 | Grades 9 - 12 | | 6 |
| 34 | Grades 7 - 9 | | 1 per 14 ADA |
| 35 | Grades 7 - 8 | | 1 per 16 ADA |

36 COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

1 program, for the administrative schools and each of the separate
2 schools and attendance units by the appropriate divisor from the
3 tables of support units in this section, then add the quotients
4 to obtain the district's support units allowance for regular stu-
5 dents, kindergarten through grade 12 including alternative school
6 students. Calculations in application of this subsection shall be
7 carried out to the nearest hundredth.

8 (ii) Divide the combined totals of the average daily attendance
9 of all preschool, kindergarten, elementary, secondary, juvenile
10 detention center students and students with disabilities approved
11 for inclusion in the exceptional child program of the district by
12 the appropriate divisor from the table for computation of excep-
13 tional education support units to obtain the number of support
14 units allowed for the district's approved exceptional child pro-
15 gram. Calculations for this subsection shall be carried out to the
16 nearest hundredth when more than one (1) unit is allowed.

17 (iii) The total number of support units of the district shall be
18 the sum of the total support units for regular students, subpara-
19 graph (i) of this paragraph, and the support units allowance for
20 the approved exceptional child program, subparagraph (ii) of this
21 paragraph.

22 (b) Total District Allowance Educational Program. Multiply the dis-
23 trict's total number of support units, carried out to the nearest hun-
24 dredth, by the state distribution factor per support unit and to this
25 product add the approved amount of programs of the district provided in
26 subsection (2) of this section to secure the district's total allowance
27 for the educational support program.

28 (c) District Share. The district's share of state apportionment is the
29 amount of the total district allowance, paragraph (b) of this subsec-
30 tion.

31 (d) Adjustment of District Share. The contract salary of every noncer-
32 tificated teacher shall be subtracted from the district's share as cal-
33 culated from the provisions of paragraph (c) of this subsection.

34 (78) Participation in full-day kindergarten is optional pursuant to
35 section 33-208, Idaho Code.

36 (9) Property Tax Computation Ratio. In order to receive state funds
37 pursuant to this section, a charter district shall utilize a school mainte-
38 nance and operation property tax computation ratio for the purpose of calcu-
39 lating its maintenance and operation levy that is no greater than that which
40 it utilized in tax year 1994, less four-tenths of one percent (.4%). As used
41 herein, the term "property tax computation ratio" shall mean a ratio deter-
42 mined by dividing the district's certified property tax maintenance and op-
43 eration budget by the actual or adjusted market value for assessment pur-
44 poses as such values existed on December 31, 1993. Such maintenance and op-
45 eration levy shall be based on the property tax computation ratio multiplied
46 by the actual or adjusted market value for assessment purposes as such values
47 existed on December 31 of the prior calendar year.

48 (10) A school district receiving funding for a full-day kindergarten
49 program may not include in its maintenance and operation levies funding for
50 full-day kindergarten programs.

1 SECTION 3. That Section 33-1027, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 33-1027. STUDENT ENROLLMENT COUNTS AND RULEMAKING. The state board of
4 education shall promulgate rules that set forth the procedures for determin-
5 ing student enrollment counts by school, school district, and statewide, and
6 the process for reporting such counts. Such rules shall be consistent with
7 the following:

8 (1) Full-time enrollment (FTE) shall be based on enrollment in any
9 school district or public charter school;

10 (2) A student, including a kindergarten student in a full-day kinder-
11 garten program, shall not exceed a total of one (1.0) unweighted FTE in a sin-
12 gle school year, except as provided in subsection (4) of this section;

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

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

20 (5) A fractional enrollment count schedule shall be specified for any
21 student enrolled less than one (1.0) FTE in a given school district or public
22 charter school;

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, except that a student may be
25 counted as enrolled if the term for which such student is enrolled begins af-
26 ter the time of the official count;

27 (7) Each school district or public charter school shall conduct an of-
28 ficial count of enrolled students in the district or school on the first day
29 of October, the first day of December, the first day of February, and the
30 first day of April, or the previous school day if those dates do not fall on
31 a school day; and

32 (8) A school district or public charter school may not count as enrolled
33 any student who has unexcused absences totaling eleven (11) or more consecu-
34 tive school days immediately prior to and including the official count date.

35 SECTION 4. That Section 33-1004, Idaho Code, be, and the same is hereby
36 amended to read as follows:

37 33-1004. STAFF ALLOWANCE. For each school district, a staff allowance
38 shall be determined as follows:

39 (1) Using the daily attendance reports that have been submitted for
40 computing the February 15 apportionment of state funds as provided in sec-
41 tion 33-1009, Idaho Code, calculate the total support units for the district
42 in the manner provided in section 33-1002(~~67~~)(a), Idaho Code. If the sup-
43 port units used to calculate discretionary funding pursuant to sections
44 33-1009 and 33-1018, Idaho Code, are at least three percent (3%) greater,
45 seventy-five percent (75%) of the difference shall be added to the support
46 units used for the February 15 apportionment of state funds;

47 (2) Determine the instructional staff allowance by multiplying the
48 support units by 1.021. A district must demonstrate that it actually employs

1 the number of certificated instructional staff allowed, except as provided
2 in subsection (6) (f) and (g) of this section. If the district does not employ
3 the number allowed, the staff allowance shall be reduced to the actual number
4 employed, except as provided in subsection (6) (f) and (g) of this section;

5 (3) Determine the pupil service staff allowance by multiplying the sup-
6 port units by 0.079;

7 (4) Determine the administrative staff allowance by multiplying the
8 support units by .075;

9 (5) Determine the classified staff allowance by multiplying the sup-
10 port units by .375;

11 (6) Additional conditions governing staff allowance:

12 (a) In determining the number of staff in subsections (2), (3), (4) and
13 (5) of this section, a district may contract separately for services to
14 be rendered by nondistrict employees and such employees may be counted
15 in the staff allowance. A "nondistrict employee" means a person for
16 whom the school district does not pay the employer's obligations for
17 employee benefits. When a district contracts for the services of a
18 nondistrict employee, only the salary portion of the contract shall be
19 allowable for computations.

20 (b) If there are circumstances preventing eligible use of staff al-
21 lowance to which a district is entitled as provided in subsections (2),
22 (3) and (4) of this section, an appeal may be filed with the state de-
23 partment of education outlining the reasons and proposed alternative
24 use of these funds, and a waiver may be granted.

25 (c) For any district with less than forty (40) support units:

26 (i) The instructional staff allowance shall be calculated
27 applying the actual number of support units. If the actual in-
28 structional staff employed in the school year is greater than the
29 instructional staff allowance, then the instructional staff al-
30 lowance shall be increased by one-half (1/2) staff allowance; and

31 (ii) The administrative staff allowance shall be calculated ap-
32 plying the actual number of support units. If the actual adminis-
33 trative staff employed in the school year is greater than the ad-
34 ministrative staff allowance, then the administrative staff al-
35 lowance shall be increased by one-half (1/2) staff allowance.

36 (iii) Additionally, for any district with less than twenty (20)
37 support units, the instructional staff allowance shall be calcu-
38 lated applying the actual number of support units. If the number
39 of instructional staff employed in the school year is greater than
40 the instructional staff allowance, the staff allowance shall be
41 increased as provided in subparagraphs (i) and (ii) of this para-
42 graph, and by an additional one-half (1/2) instructional staff al-
43 lowance.

44 (d) For any school district with one (1) or more separate secondary
45 schools serving grades 9 through 12, the instructional staff allowance
46 shall be increased by two (2) additional instructional staff allowances
47 for each such separate secondary school.

48 (e) Only instructional, pupil service and administrative staff and
49 classified personnel compensated by the school district from the gen-
50 eral maintenance and operation fund of the district shall be included in

1 the calculation of staff allowance or in any other calculations based
2 upon staff, including determination of the experience and education
3 multiplier, the reporting requirements, or the district's salary-based
4 apportionment calculation. No food service staff or transportation
5 staff shall be included in the staff allowance.

6 (f) A district may utilize up to fifteen percent (15%) of the moneys
7 associated with positions funded pursuant to subsection (2) of this
8 section to pay another school district or public charter school for
9 instructional services or to defray the cost of providing virtual edu-
10 cation coursework, including virtual dual credit coursework, without a
11 reduction in the number of funded positions being imposed.

12 (g) A district may employ nine and one-half percent (9.5%) fewer posi-
13 tions than funded pursuant to subsections (2) and (3) of this section,
14 without a reduction in the number of funded positions being imposed.
15 Beginning in fiscal year 2016, this figure shall be reduced by one per-
16 cent (1%) each year for each school district in which the average class
17 size, as determined from prior fiscal year data reported to the state
18 department of education, was at least one (1) student greater than the
19 statewide average class size. The state department of education shall
20 report to the legislature every February, beginning in 2015, on the re-
21 ductions scheduled to take place in this figure, by school district, in
22 the ensuing fiscal year.

23 (i) In the determination of statewide average class size, the
24 state department of education shall not use a single figure de-
25 veloped through the averaging of all districts of varying size,
26 geographical location and pupil populations throughout the state.
27 The statewide average class size shall be comprised of multiple
28 figures determined through analysis of like and similarly sit-
29 uated districts and use of the divisor breakdown established in
30 section 33-1002, Idaho Code.

31 (ii) The state board of education may promulgate rules outlining
32 the method of calculation of the statewide average class size fig-
33 ures.

34 (iii) The one percent (1%) reduction required in paragraph (g) of
35 this subsection shall not be applicable for any school year subse-
36 quent to a year when the school district's boundaries have changed
37 because of division, consolidation, excision or annexation of
38 territory.

39 (7) In the event that the staff allowance in any category is insuffi-
40 cient to meet accreditation standards, a district may appeal to the state
41 board of education, demonstrating the insufficiency, and the state board may
42 grant a waiver authorizing sufficient additional staff to be included within
43 the staff allowance to meet accreditation standards. Such a waiver shall be
44 limited to one (1) year, but may be renewed upon showing of continuing justi-
45 fication.

46 (8) A district may utilize a portion of the instructional staff al-
47 lowance provided for in this section for kindergarten teachers to visit the
48 parents or guardians of students during the first week of the kindergarten
49 school year. Such visits may take place at school, at the student's home
50 or at another location agreed to by the teacher and parents or guardians.

1 The purpose of such visits is to help strengthen the working relationship
2 between the teacher, the parents or guardians, and the student. The visits
3 should be used as an opportunity to help establish the teacher's expecta-
4 tions of the student. The visit should also provide an opportunity for the
5 parents or guardians to explain their expectations. The amount of moneys to
6 be expended for such visits by the district may not exceed the amount equal
7 to one (1) week of instructional staff allowance computed for kindergarten
8 instructors in the district.

9 SECTION 5. That Section 33-5208, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 33-5208. PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT. Except as provided
12 in subsection (10) of this section, from the state educational support pro-
13 gram the state department of education shall make the following apportion-
14 ment to each public charter school for each fiscal year based on attendance
15 figures submitted in a manner and time as required by the department of edu-
16 cation:

17 (1) Per student support. Computation of support units for each public
18 charter school shall be calculated as if it were a separate school accord-
19 ing to the schedules in section 33-1002(45), Idaho Code, except that public
20 charter schools with fewer than one hundred (100) secondary ADA shall use a
21 divisor of twelve (12) and the minimum units shall not apply. No public char-
22 ter school shall receive an increase in support units that exceeds the sup-
23 port units it received in the prior year by more than thirty (30), provided
24 that this limitation shall not apply for the 2020-2021 school year. Funding
25 from the state educational support program shall be equal to the total dis-
26 tribution factor, plus the salary-based apportionment provided in chapter
27 10, title 33, Idaho Code. Provided however, any public charter school that
28 is formed by the conversion of an existing traditional public school shall
29 be assigned divisors, pursuant to section 33-1002, Idaho Code, that are no
30 lower than the divisors of the school district in which the traditional pub-
31 lic school is located, for each category of pupils listed.

32 (2) Special education. For each student enrolled in the public charter
33 school who is entitled to special education services, the state and federal
34 funds from the exceptional child education program for that student that
35 would have been apportioned for that student to the school district in which
36 the public charter school is located.

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

42 (4) Transportation support. Support shall be paid to the public char-
43 ter school as provided in chapter 15, title 33, Idaho Code, and section
44 33-1006, Idaho Code. Each public charter school shall furnish the depart-
45 ment with an enrollment count as of the first Friday in November of public
46 charter school students who are eligible for reimbursement of transporta-
47 tion costs under the provisions of this subsection and who reside more than
48 one and one-half (1 1/2) miles from the school. The state department of edu-
49 cation is authorized to include in the annual appropriation to the charter

1 school sixty percent (60%) of the estimated transportation cost. The final
 2 appropriation payment in July shall reflect reimbursements of actual costs
 3 pursuant to section 33-1006, Idaho Code. To be eligible for state reimburse-
 4 ment under the provisions of section 33-1006, Idaho Code, the student to be
 5 transported must reside within the public charter school's primary atten-
 6 dance area and must meet at least one (1) of the following two (2) criteria:

7 (a) The student resides within the school district in which the public
 8 charter school is physically located; or

9 (b) The student resides within fifteen (15) miles of the public charter
 10 school, by road.

11 The limitations placed by this subsection on the reimbursement of trans-
 12 portation costs for certain students shall not apply to public virtual
 13 schools.

14 (5) Facilities funds. The state department of education shall distrib-
 15 ute facilities funds to public charter schools for each enrolled student in
 16 which a majority of the student's instruction is received at a facility that
 17 is owned or leased by the public charter school. Such funds shall be used to
 18 defray the purchase, fee, loan or lease costs associated with payments for
 19 real property used by the students or employees of the public charter school
 20 for educational or administrative purposes. Such funds shall be distributed
 21 from the moneys appropriated to the educational support program and shall be
 22 calculated as a percentage of the statewide average amount of bond and plant
 23 facility funds levied per student by Idaho school districts, as follows:

24 Fiscal Year 2014 Twenty Percent (20%)

25 Fiscal Year 2015 Thirty Percent (30%)

26 For fiscal year 2016 and each fiscal year thereafter, this percentage
 27 shall increase by ten percent (10%) each time the total appropriation of
 28 state funds for the educational support program increases by three percent
 29 (3%) or more over the prior fiscal year. Provided however, that the percent-
 30 age shall be no greater than fifty percent (50%).

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

43 (6) Payment schedule. The state department of education is authorized
 44 to make an advance payment of twenty-five percent (25%) of a public charter
 45 school's estimated annual apportionment for its first year of operation,
 46 and each year thereafter, provided the public charter school is serving more
 47 grades or at least ten percent (10%) more classes than the previous year, to
 48 assist the school with initial start-up costs or payroll obligations. For a
 49 public charter school entering its second or greater year of operations, the

1 state department of education may require documentation establishing the
2 need for such an advance payment, including comparative class schedules and
3 proof of a commensurate increase in the number of employees.

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

7 (b) Using the figures provided by the public charter school, the state
8 department of education shall determine an estimated annual apportion-
9 ment from which the amount of the advance payment shall be calculated.
10 Advance payment shall be made to the school on or after July 1 but no
11 later than July 31.

12 (c) All subsequent payments, taking into account the onetime advance
13 payment made for the first year of operation, shall be made to the public
14 charter school in the same manner as other traditional public schools in
15 accordance with the provisions of section 33-1009, Idaho Code.

16 A public charter school shall comply with all applicable fiscal requirements
17 of law, except that the following provisions shall not be applicable to pub-
18 lic charter schools: that portion of section 33-1004, Idaho Code, relating
19 to reduction of the administrative and instructional staff allowance and the
20 pupil service staff allowance when there is a discrepancy between the number
21 allowed and the number actually employed; and section 33-1004E, Idaho Code,
22 for calculation of district staff indices.

23 (7) Nothing in this chapter shall be construed to prohibit any private
24 person or organization from providing funding or other financial assistance
25 to the establishment or operation of a public charter school.

26 (8) Each public charter school shall pay an authorizer fee to its autho-
27 rized chartering entity, to defray the actual documented cost of monitoring,
28 evaluation and oversight, which, in the case of public charter schools
29 authorized by the public charter school commission, shall include each
30 school's proportional fee share of moneys appropriated from the public char-
31 ter school authorizers fund to the public charter school commission, plus
32 fifteen percent (15%). Provided however, that each public charter school's
33 board of directors may direct up to ten percent (10%) of the calculated fee
34 to pay membership fees to an organization or association that provides tech-
35 nical assistance, training and advocacy for Idaho public charter schools.
36 Unless the authorized chartering entity declines payment, such fee shall be
37 paid by March 15 of each fiscal year and shall not exceed the greater of:

38 (a) All state funds distributed to public schools on a support unit ba-
39 sis for the prior fiscal year, divided by the statewide number of public
40 school students in average daily attendance in the first reporting pe-
41 riod in the prior fiscal year; or

42 (b) The lesser of:

43 (i) The result of the calculation in paragraph (a) of this subsec-
44 tion, multiplied by four (4); or

45 (ii) One and one-half percent (1.5%) of the result of the calcula-
46 tion in paragraph (a) of this subsection, multiplied by the public
47 charter school's average daily attendance in the first reporting
48 period in the current fiscal year.

49 (9) Nothing in this chapter shall prevent a public charter school from
50 applying for federal grant moneys or for career technical education funding

1 of any source for any reason including, but not limited to, the instructional
2 delivery method.

3 (10) (a) Each student in attendance at a public virtual school shall be
4 funded based upon either the actual hours of attendance in the public
5 virtual school on a flexible schedule, or the percentage of coursework
6 completed, whichever is more advantageous to the school, up to the maxi-
7 mum of one (1) full-time equivalent student.

8 (b) All federal educational funds shall be administered and dis-
9 tributed to public charter schools, including public virtual schools,
10 that have been designated as a local education agency (LEA), as provided
11 in section 33-5203(8), Idaho Code.

12 (11) Nothing in this section prohibits separate face-to-face learning
13 activities or services. In order to be eligible for career technical educa-
14 tion essential components funding, virtual schools may be required to offer
15 some face-to-face instruction in order to meet industry standards, licens-
16 ing requirements, work-based learning requirements, or other requirements
17 set forth by the board.

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

20 SECTION 6. An emergency existing therefor, which emergency is hereby
21 declared to exist, this act shall be in full force and effect on and after
22 July 1, 2022.