

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 691

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING SECTION 33-1001, IDAHO CODE, TO REVISE DEF-
2 INITIONS, TO DEFINE TERMS, AND TO MAKE A TECHNICAL CORRECTION; AMENDING
3 SECTION 33-1002, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE EDU-
4 CATIONAL SUPPORT PROGRAM; AMENDING SECTION 33-1002B, IDAHO CODE, TO
5 REVISE PROVISIONS REGARDING PUPIL TUITION-EQUIVALENCY ALLOWANCES;
6 AMENDING SECTION 33-1002C, IDAHO CODE, TO REVISE PROVISIONS REGARDING
7 ALTERNATIVE PROGRAMS; AMENDING SECTION 33-1003, IDAHO CODE, TO PROVIDE
8 FOR FULL-TIME EQUIVALENT ENROLLMENT; AMENDING SECTION 33-1003A, IDAHO
9 CODE, TO REVISE PROVISIONS REGARDING CALCULATION; AMENDING SECTION
10 33-1003C, IDAHO CODE, TO REVISE PROVISIONS REGARDING TECHNOLOGICAL IN-
11 STRUCTION AND BLENDED LEARNING; AMENDING SECTION 33-1006, IDAHO CODE,
12 TO PROVIDE FOR FULL-TIME EQUIVALENT ENROLLMENT AND TO MAKE TECHNICAL
13 CORRECTIONS; AMENDING SECTION 33-1009, IDAHO CODE, TO REVISE PROVI-
14 SIONS REGARDING PAYMENTS FROM THE PUBLIC SCHOOL INCOME FUND; AMENDING
15 SECTION 33-1027, IDAHO CODE, TO PROVIDE FOR LOCAL EDUCATION AGENCIES;
16 AMENDING SECTION 33-1028, IDAHO CODE, TO PROVIDE FOR LOCAL EDUCATION
17 AGENCIES; REPEALING SECTION 8, CHAPTER 328, LAWS OF 2019; AMENDING SEC-
18 TION 33-515, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING
19 SECTION 33-1636, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND
20 DECLARING AN EMERGENCY.
21

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

23 SECTION 1. That Section 33-1001, Idaho Code, be, and the same is hereby
24 amended to read as follows:

25 33-1001. DEFINITIONS. As used in this chapter:
26 (1) "Administrative schools" means and applies to all elementary
27 schools and kindergartens within a district that are situated ten (10) miles
28 or less from both the other elementary schools and the principal administra-
29 tive office of the district and all secondary schools within a district that
30 are situated fifteen (15) miles or less from other secondary schools of the
31 district.
32 (2) "Administrative staff" means those who hold an administrator cer-
33 tificate and are employed as a superintendent, an elementary or secondary
34 school principal, or are assigned administrative duties over and above those
35 commonly assigned to teachers.
36 (3) "At-risk student" means a student in grades 6 through 12 who:
37 (a) Meets at least three (3) of the following criteria:
38 (i) Has repeated at least one (1) grade;
39 (ii) Has absenteeism greater than ten percent (10%) during the
40 preceding semester;
41 (iii) Has an overall grade point average less than 1.5 on a 4.0
42 scale prior to enrolling in an alternative secondary program;

- 1 (iv) Has failed one (1) or more academic subjects in the past year;
 2 (v) Is below proficient, based on local criteria, standardized
 3 tests, or both;
 4 (vi) Is two (2) or more credits per year behind the rate required
 5 to graduate or for grade promotion; or
 6 (vii) Has attended three (3) or more schools within the previous
 7 two (2) years, not including dual enrollment; or

8 (b) Meets any of the following criteria:

- 9 (i) Has documented substance abuse or a pattern of substance
 10 abuse;
 11 (ii) Is pregnant or a parent;
 12 (iii) Is an emancipated youth or unaccompanied youth;
 13 (iv) Is a previous dropout;
 14 (v) Has a serious personal, emotional, or medical issue or is-
 15 sues;
 16 (vi) Has a court or agency referral; or
 17 (vii) Demonstrates behavior detrimental to the student's academic
 18 progress.

19 (4) "Average daily attendance" or "pupils in average daily attendance"
 20 means the aggregate number of days enrolled students are present, divided by
 21 the number of days of school in the reporting period; provided, however, that
 22 students for whom no ~~Idaho school district~~ local education agency is a home
 23 district local education agency shall not be considered in such computation.

24 (5) "Average full-time equivalent enrollment" means the average num-
 25 ber of enrolled students reported pursuant to section 33-1027, Idaho Code,
 26 who are receiving instructional and student services from an appropriately
 27 qualified individual through a local education agency. To be included in the
 28 average, a student must be receiving instruction or student services, par-
 29 ticipating in coursework, and have regular communication with the instruc-
 30 tional staff, pupil service staff, or other local education agency staff as
 31 applicable to the course, services, or student's individualized education
 32 plan.

33 (6) "Career ladder" means the compensation table used for determining
 34 the allocations ~~districts~~ local education agencies receive for instruc-
 35 tional staff and pupil service staff based on specific performance criteria
 36 and is made up of a residency compensation rung and a professional compensa-
 37 tion rung.

38 (67) "Child with a disability" means a child evaluated as having an
 39 intellectual disability, a hearing loss including deafness, a speech or
 40 language impairment, a visual impairment including blindness, an emo-
 41 tional behavioral disorder, an orthopedic impairment, autism, a traumatic
 42 brain injury, another health impairment, a specific learning disability,
 43 deaf-blindness, or multiple disabilities and who, by reason thereof, needs
 44 special education and related services.

45 (78) "Compensation rung" means the rung on the career ladder that cor-
 46 responds with the compensation level performance criteria.

47 (89) "Economically disadvantaged student" means a student who:

- 48 (a) Is eligible for a free or reduced-price lunch under the Richard B.
 49 Russell national school lunch act, 42 U.S.C. 1751 et seq., excluding

1 students who are eligible only through a school's community eligibility
2 program;

3 (b) Resides with a family receiving assistance under the program of
4 block grants to states for temporary assistance for needy families
5 (TANF) established under part A of title IV of the social security act,
6 42 U.S.C. 601 et seq.;

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

9 or
10 (d) Is considered homeless for purposes of the federal McKinney-Vento
11 homeless assistance act, 42 U.S.C. 11301 et seq.

12 ~~(910) "Elementary grades" or "elementary average daily attendance"~~
13 means and applies to students enrolled in grades 1 through 6, inclusive, or
14 any combination thereof.

15 ~~(101) "Elementary schools" are schools that serve grades 1 through 6,~~
16 inclusive, or any combination thereof.

17 ~~(112) "Elementary/secondary schools" are schools that serve grades 1~~
18 through 12, inclusive, or any combination thereof.

19 ~~(123) "English language learner" or "ELL" means a student who does not~~
20 score proficient on the English language development assessment established
21 by rule of the state board of education.

22 ~~(134) "Gifted and talented" shall have the same meaning as provided in~~
23 section 33-2001(4), Idaho Code.

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

27 ~~(156) "Instructional staff" means those who hold an Idaho certificate~~
28 issued under section 33-1201, Idaho Code, and who are either involved in the
29 direct instruction of a student or group of students or who serve in a mentor
30 or teacher leader position for individuals who hold an Idaho certificate is-
31 sued under section 33-1201, Idaho Code.

32 ~~(167) "Kindergarten" or "kindergarten average daily attendance" means~~
33 and applies to all students enrolled in a school year, less than a school
34 year, or summer kindergarten program.

35 ~~(178) "Local education agency" means a school district or a public char-~~
36 ter school that has been established pursuant to chapter 52, title 33, Idaho
37 code.

38 ~~(19) "Local salary schedule" means a compensation table adopted by a~~
39 school district or public charter school, which table is used for determin-
40 ing moneys to be distributed for instructional staff and pupil service staff
41 salaries. Minimum compensation provided under a local salary schedule shall
42 be at least equal to the minimum amounts established pursuant to section
43 33-1004E, Idaho Code.

44 ~~(1820) "Measurable student achievement" means the measurement of stu-~~
45 dent academic achievement or growth within a given interval of instruction
46 for those students who have been enrolled in and attended eighty percent
47 (80%) of the interval of instruction. Measures and targets shall be chosen
48 at the school level in collaboration with the staff member impacted by the
49 measures and applicable ~~district~~ local education agency staff and approved
50 by the school board. Measures and targets must also align with the perfor-

1 mance measures and benchmarks in the continuous improvement plan described
 2 in section 33-320, Idaho Code. The most effective measures and targets are
 3 those generated as close to the actual work as possible. Targets may be
 4 based on grade- or department-level achievement or growth goals that create
 5 collaboration within groups. Individual measurable student achievement
 6 targets and the percentage of students meeting individual targets must be
 7 reported annually to the state. Assessment tools that may be used for mea-
 8 suring student achievement and growth include:

- 9 (a) Idaho standards achievement test (ISAT), including interim ISAT
 10 assessments;
- 11 (b) Student learning objectives;
- 12 (c) Teacher-constructed assessments of student growth;
- 13 (d) Pre- and post-tests, including ~~district~~ local education agency-
 14 adopted tests;
- 15 (e) Performance-based assessments;
- 16 (f) Idaho reading indicator, which will be one (1) of the required as-
 17 sessment tools for applicable staff;
- 18 (g) College entrance exams or preliminary college entrance exams such
 19 as PSAT, SAT, PACT, and ACT;
- 20 (h) Advanced placement exams;
- 21 (i) Career technical exams;
- 22 (j) Number of business or industry certificates or credentials earned
 23 by students in an approved career technical education program;
- 24 (k) Number of students completing career technical education capstone
 25 courses; and
- 26 (l) Number of students enrolled in career technical education courses
 27 that are part of a program that culminates with business or industry
 28 certificates or credentials.

29 ~~(1921)~~ "Performance criteria" means the standards specified for
 30 instructional staff and pupil service staff to demonstrate teaching pro-
 31 ficiency for a given compensation rung. Each element of the professional
 32 compensation rung and advanced professional compensation rung performance
 33 criteria, as identified in this section and as applicable to a staff member's
 34 position, shall be documented, reported, and subject to review for determin-
 35 ing movement on the career ladder.

- 36 ~~(202)~~ (a) "Professional compensation rung performance criteria" means:
 37 (i) An overall rating of proficient or higher, and no components
 38 rated as unsatisfactory, on the state framework for teaching eval-
 39 uation; and
 40 (ii) Demonstrating the majority of students have met measurable
 41 student achievement targets or student success indicator targets.
- 42 (b) "Advanced professional compensation rung performance criteria"
 43 means:
 44 (i) An overall rating of proficient or higher, no components
 45 rated as unsatisfactory or basic, and rated as distinguished
 46 overall in domain two -- classroom environment, or domain three
 47 -- instruction and use of assessment, on the state framework for
 48 teaching evaluation or equivalent for pupil service staff; and

1 (ii) Demonstrating seventy-five percent (75%) or more of their
2 students have met their measurable student achievement targets or
3 student success indicator targets.

4 (213) "Public school district" or "school district" or "district" means
5 any public school district organized under the laws of this state, including
6 specially chartered school districts.

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

10 (235) "School board" means a school district board of trustees or the
11 board of directors of a public charter school.

12 (246) "Secondary grades" or "~~secondary average daily attendance~~" means
13 and applies to students enrolled in grades 7 through 12, inclusive, or any
14 combination thereof.

15 (257) "Secondary schools" are schools that serve grades 7 through 12,
16 inclusive, or any combination thereof.

17 (268) "Separate elementary school" means an elementary school located
18 more than ten (10) miles on an all-weather road from both the nearest elemen-
19 tary school and elementary/secondary school serving like grades within the
20 same school district and from the location of the office of the superinten-
21 dent of schools of such district, or from the office of the chief administra-
22 tive officer of such district if the district employs no superintendent of
23 schools.

24 (279) "Separate kindergarten" means a kindergarten located more than
25 ten (10) miles on an all-weather road from both the nearest kindergarten
26 school within the same school district and from the location of the office
27 of the superintendent of schools of such district, or from the office of the
28 chief administrative officer of such district if the district employs no
29 superintendent of schools.

30 (2830) "Separate secondary school" means any secondary school located
31 more than fifteen (15) miles on an all-weather road from any other secondary
32 school and elementary/secondary school serving like grades operated by the
33 district.

34 (2931) "Special education" means specially designed instruction or
35 speech/language therapy at no cost to the parent to meet the unique needs
36 of a student who is a child with a disability, including instruction in the
37 classroom, the home, hospitals, institutions, and other settings; instruc-
38 tion in physical education; speech therapy and language therapy; transition
39 services; travel training; assistive technology services; and vocational
40 education.

41 (302) "Student learning plan" means a plan that outlines a student's
42 program of study, which should include a rigorous academic core and a related
43 sequence of electives in academics, career technical education, or humani-
44 ties aligned with the student's post-graduation goals.

45 (313) "Student success indicators" means measurable indicators of stu-
46 dent achievement or growth, other than academic, within a predefined inter-
47 val of time for a specified group of students. Measures and targets shall be
48 chosen at the ~~district~~ local education agency or school level in collabora-
49 tion with the pupil service staff member impacted by the measures and appli-
50 cable ~~district~~ local education agency staff. Individual measurable student

1 achievement targets and the percentage of students meeting each target must
2 be reported annually to the state. Student success indicators include:

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

5 (b) Quantifiable goals stated in a student's behavior improvement
6 plan.

7 (c) School- or ~~district~~ local education agency-identified measurable
8 student objectives for a specified student group or population.

9 (d) The percentage of students who create student learning plans in
10 grade 8 or who annually update their student learning plans thereafter.

11 (e) The percentage of students who satisfactorily complete one (1) or
12 more advanced opportunities options as identified in section 33-4602,
13 Idaho Code, or who earn business or industry certificates or creden-
14 tials. This indicator shall be one (1) of the required indicators for
15 applicable staff.

16 (324) "Support program" means the educational support program as de-
17 scribed in section 33-1002, Idaho Code, the transportation support program
18 described in section 33-1006, Idaho Code, and the exceptional education
19 support program as described in section 33-1007, Idaho Code.

20 (335) "Support unit" means a function of average ~~daily attendance~~ full-
21 time equivalent enrollment used in the calculations to determine financial
22 support provided to the public ~~school districts~~ local education agencies.

23 (346) "Teacher" means any person employed in a teaching, instructional,
24 supervisory, educational administrative or educational and scientific ca-
25 pacity in any ~~school district~~ local education agency. In case of doubt,
26 the state board of education shall determine whether any person employed
27 requires certification as a teacher.

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

30 33-1002. EDUCATIONAL SUPPORT PROGRAM. The educational support pro-
31 gram is calculated as follows:

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

35 (2) From the total state funds subtract the following amounts needed
36 for state support of special programs provided by a ~~school district~~ local ed-
37 ucation agency:

38 (a) Pupil tuition-equivalency allowances as provided in section
39 33-1002B, Idaho Code;

40 (b) Transportation support program as provided in section 33-1006,
41 Idaho Code;

42 (c) Feasibility studies allowance as provided in section 33-1007A,
43 Idaho Code;

44 (d) The approved costs for border district allowance, provided in sec-
45 tion 33-1403, Idaho Code, as determined by the state ~~superintendent of~~
46 public instruction department of education;

47 (e) The approved costs for exceptional child approved contract al-
48 lowance, provided in subsection 2. of section 33-2004, Idaho Code,

1 as determined by the state ~~superintendent of public instruction~~
2 department of education;

3 (f) Salary-based apportionment calculated as provided in sections
4 33-1004 through 33-1004F, Idaho Code;

5 (g) Unemployment insurance benefit payments according to the provi-
6 sions of section 72-1349A, Idaho Code;

7 (h) For expenditure as provided by the public school technology pro-
8 gram;

9 (i) For employee severance payments as provided in section 33-521,
10 Idaho Code;

11 (j) For distributions to the Idaho digital learning academy as provided
12 in section 33-1020, Idaho Code;

13 (k) For charter school facilities funds and reimbursements paid pur-
14 suant to section 33-5208(5), Idaho Code;

15 (l) For an online course portal as provided for in section 33-1024,
16 Idaho Code;

17 (m) For advanced opportunities as provided for in chapter 46, title 33,
18 Idaho Code;

19 (n) For additional math and science courses for high school students as
20 provided in section 33-1021, Idaho Code;

21 (o) For leadership premiums as provided in section 33-1004J, Idaho
22 Code;

23 (p) For master teacher premiums as provided in section 33-1004I, Idaho
24 Code;

25 (q) For the support of provisions that provide a safe environment con-
26 ductive to student learning and maintain classroom discipline, an allo-
27 cation of three hundred dollars (\$300) per support unit;

28 (r) An amount specified in the appropriation bill for the public
29 schools educational support program for counseling support as provided
30 for in section 33-1212A, Idaho Code, shall be distributed for grades 8
31 through 12 as follows:

32 (i) For ~~school districts and public charter schools~~ local edu-
33 cation agencies with one hundred (100) or more students enrolled
34 in grades 8 through 12, a pro rata distribution based on stu-
35 dents enrolled in grades 8 through 12 or eighteen thousand dollars
36 (\$18,000), whichever is greater;

37 (ii) For ~~school districts and public charter schools~~ local ed-
38 ucation agencies with fewer than one hundred (100) students en-
39 rolled in grades 8 through 12, one hundred eighty dollars (\$180)
40 per student enrolled in grades 8 through 12 or nine thousand dol-
41 lars (\$9,000), whichever is greater;

42 (s) An amount specified in the public schools educational support pro-
43 gram appropriation bill for literacy intervention pursuant to section
44 33-1807, Idaho Code, the disbursements made to ~~the school districts and~~
45 ~~public charter schools~~ local education agencies in the aggregate shall
46 not exceed the total amount appropriated for this purpose and shall be
47 based on the actual costs of such intervention programs. ~~School dis-~~
48 ~~tricts and public charter schools~~ Local education agencies shall be re-
49 imbursed in full or in pro rata based on the average number of students

1 in kindergarten through grade 3 who score basic or below basic on the
 2 fall statewide reading assessment in the prior three (3) years;
 3 (t) For mastery-based education as provided for in section 33-1632,
 4 Idaho Code;
 5 (u) For pay for success contracting as provided in section 33-125B,
 6 Idaho Code; and
 7 (v) Any additional amounts as required by statute to effect administra-
 8 tive adjustments or as specifically required by the provisions of any
 9 bill of appropriation;

10 to secure the total educational support distribution funds.

11 (3) Average Daily Attendance Full-time Equivalent Enrollment. The
 12 total state average daily attendance full-time equivalent enrollment shall
 13 be the sum of the average daily attendance full-time equivalent enrollment
 14 of all of the school districts local education agencies of the state. The
 15 state board of education shall establish rules setting forth the procedure
 16 to determine average daily attendance full-time equivalent enrollment and
 17 the time for, and method of, submission of such report. Average daily atten-
 18 dance full-time equivalent enrollment calculation shall be carried out to
 19 the nearest hundredth. Computation of average daily attendance full-time
 20 equivalent enrollment shall also be governed by the provisions of section
 21 33-1003A, Idaho Code.

22 (4) Support Units. The total state support units shall be determined
 23 by using the tables set out hereafter called computation of kindergarten
 24 support units, computation of elementary support units, computation of sec-
 25 ondary support units, computation of exceptional education support units,
 26 and computation of alternative school support units. The sum of all of the
 27 total support units of all school districts local education agencies of the
 28 state shall be the total state support units.

29 COMPUTATION OF KINDERGARTEN SUPPORT UNITS

30	Average Daily Attendance		
31	<u>Full-time Equivalent</u>	<u>Attendance Enrollment</u>	Units Allowed
32	<u>Enrollment</u>	Divisor	
33	41 or more....	40.....	1 or more as computed
34	31 - 40.99 <u>ADA FTE</u>	-.....	1
35	26 - 30.99 <u>ADA FTE</u>	-.....	.85
36	21 - 25.99 <u>ADA FTE</u>	-.....	.75
37	16 - 20.99 <u>ADA FTE</u>	-.....	.6
38	8 - 15.99 <u>ADA FTE</u>	-.....	.5
39	1 - 7.99 <u>ADA FTE</u>	-.....	count as elementary

1 COMPUTATION OF ELEMENTARY SUPPORT UNITS

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

19 COMPUTATION OF SECONDARY SUPPORT UNITS

20	Average Daily Attendance		Minimum Units
21	<u>Full-time Equivalent</u>	<u>Attendance Enrollment</u> Divisor	Allowed
22	<u>Enrollment</u>		
23	750 or more....	18.5.....	47
24	400 - 749.99 ADA <u>FTE</u>	16.....	28
25	300 - 399.99 ADA <u>FTE</u>	14.5.....	22
26	200 - 299.99 ADA <u>FTE</u>	13.5.....	17
27	100 - 199.99 ADA <u>FTE</u>	12.....	9
28	99.99 or fewer	Units allowed as follows:	
29	Grades 7 - 12	.....	8
30	Grades 9 - 12	.....	6
31	Grades 7 - 9	.....	1 per 14 ADA <u>FTE</u>
32	Grades 7 - 8	.....	1 per 16 ADA <u>FTE</u>

1 COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

2	Average Daily Attendance		Minimum Units
3	<u>Full-time Equivalent</u>	<u>Attendance Enrollment</u> Divisor	Allowed
4	<u>Enrollment</u>		
5	14 or more....	14.5	1 or more as
6			computed
7	12 - 13.99....	-	1
8	8 - 11.99....	- .....	.75
9	4 - 7.99....	- .....	.5
10	1 - 3.99....	- .....	.25

11 COMPUTATION OF ALTERNATIVE SCHOOL SUPPORT UNITS
 12 (Computation of alternative school support units shall include
 13 grades 6 through 12)

14	<u>Pupils in Attendance</u>		Minimum Units
15	<u>Average Full-time</u>	<u>Attendance Enrollment</u> Divisor	Allowed
16	<u>Equivalent Enrollment</u>		
17	12 or more	12	1 or more as
18			computed

19 In applying these tables to any given separate attendance unit, no
 20 school district shall receive less total money than it would receive if
 21 it had a lesser average ~~daily attendance~~ full-time equivalent enrollment
 22 in such separate attendance unit. In applying the kindergarten table to a
 23 kindergarten program of fewer days than a full school year, the support unit
 24 allowance shall be in ratio to the number of days of a full school year. The
 25 attendance or enrollment of students attending an alternative school in a
 26 school district reporting fewer than one hundred (100) secondary students
 27 in average ~~daily attendance~~ full-time equivalent enrollment shall not be
 28 assigned to the alternative table if the student is from a school district
 29 reporting fewer than one hundred (100) secondary students in average ~~daily~~
 30 ~~attendance~~ full-time equivalent enrollment, but shall instead be assigned
 31 to the secondary table of the school district in which they are attending
 32 the alternative school, unless the alternative school in question serves
 33 students from multiple districts reporting fewer than one hundred (100)
 34 secondary students in average ~~daily attendance~~ full-time equivalent enroll-
 35 ment. The tables for exceptional education and alternative school support
 36 units shall be applicable only for programs approved by the state department
 37 of education following rules established by the state board of education.
 38 Moneys generated from computation of support units for alternative schools
 39 shall be utilized for alternative school programs. School district adminis-
 40 trative and facility costs may be included as part of the alternative school
 41 expenditures.

42 (5) State Distribution Factor per Support Unit. Divide educational
 43 support program distribution funds, after subtracting the amounts necessary
 44 to pay the obligations specified in subsection (2) of this section, by the

1 total state support units to secure the state distribution factor per sup-
2 port unit.

3 (6) District Support Units. The number of support units for each school
4 district in the state shall be determined as follows:

5 (a) (i) Divide the actual average ~~daily attendance~~ full-time
6 equivalent enrollment, excluding students approved for inclusion
7 in the exceptional child educational program, for the administra-
8 tive schools and each of the separate schools and attendance units
9 by the appropriate divisor from the tables of support units in this
10 section, then add the quotients to obtain the district's support
11 units allowance for regular students, kindergarten through grade
12 12 including alternative school students. Calculations in ap-
13 plication of this subsection shall be carried out to the nearest
14 hundredth.

15 (ii) Divide the combined totals of the average ~~daily attendance~~
16 full-time equivalent enrollment of all preschool, kindergarten,
17 elementary, secondary, juvenile detention center students and
18 students with disabilities approved for inclusion in the excep-
19 tional child program of the district by the appropriate divisor
20 from the table for computation of exceptional education support
21 units to obtain the number of support units allowed for the dis-
22 trict's approved exceptional child program. Calculations for
23 this subsection shall be carried out to the nearest hundredth when
24 more than one (1) unit is allowed.

25 (iii) The total number of support units of the district shall be
26 the sum of the total support units for regular students, subpara-
27 graph (i) of this paragraph, and the support units allowance for
28 the approved exceptional child program, subparagraph (ii) of this
29 paragraph.

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

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

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

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

1 eration levy shall be based on the property tax computation ratio multiplied
2 by the actual or adjusted market value for assessment purposes as such values
3 existed on December 31 of the prior calendar year.

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

6 33-1002B. PUPIL TUITION-EQUIVALENCY ALLOWANCES. (1-) Districts
7 which educate pupils placed by Idaho court order in licensed homes, agen-
8 cies, institutions or juvenile detention facilities shall be eligible for
9 an allowance equivalent to forty-two percent (42%) of the previous year's
10 gross per pupil cost calculated on a daily basis. This district allowance
11 shall be in addition to support unit funding and included in district appor-
12 tionment payments, subject to approval of district applications by the state
13 ~~superintendent of public instruction~~ department of education.

14 (2-) Districts which educate pupils placed by Idaho court order in a ju-
15 venile detention facility with a summer school program shall be eligible for
16 an allowance equivalent to one-half (1/2) of forty-two percent (42%) of the
17 previous year's gross per pupil cost calculated on a daily basis. This dis-
18 trict allowance shall be in addition to support unit funding and included in
19 district apportionment payments, subject to approval of district applica-
20 tions by the state ~~superintendent of public instruction~~ department of educa-
21 tion.

22 (3-) Districts which educate school age special education students
23 who, due to the nature and severity of their disabilities, are residing
24 in licensed public or private residential facilities or homes, and whose
25 parents are not patrons of the district, shall be eligible for an allowance
26 equivalent to forty-two percent (42%) of the previous year's gross per pupil
27 cost per child plus the excess cost rate that is annually determined by the
28 state ~~superintendent of public instruction~~ department of education. This
29 district allowance shall be in addition to exceptional education support
30 unit funding and included in district apportionment payments, subject to
31 approval of district applications by the state ~~superintendent of public~~
32 ~~instruction~~ department of education.

33 (4-) For school age special education students from outside the state
34 of Idaho who, due to the nature and severity of their disabilities, are re-
35 siding in licensed public or private residential facilities within the state
36 of Idaho, the local school district shall provide education services to such
37 students if requested by the licensed public or private residential facil-
38 ity, provided that the local school district has been given the opportunity
39 to provide input on any federally required education plans for any such stu-
40 dents. A local school district providing education services for such stu-
41 dents shall sign a contract with any such licensed public or private resi-
42 dential facilities, which contract shall delineate the education services
43 to be provided by the local school district and the amount to be paid by the
44 licensed public or private residential facility. The amount paid shall be
45 equal to the local school district's full cost of providing the education
46 services delineated by the contract, as determined by the local school dis-
47 trict. Such students shall be excluded from all average ~~daily attendance~~
48 full-time equivalent enrollment and other reports provided to the state that

1 would result in the distribution of state funding to the local school dis-
2 trict.

3 (5-) For school age nonspecial education students from outside the
4 state of Idaho who are residing in licensed public or private residential
5 facilities within the state of Idaho, the local school district may provide
6 education services to such students if requested by the licensed public or
7 private residential facility. A local school district providing education
8 services for such students shall sign a contract with any such licensed
9 public or private residential facilities, which contract shall delineate
10 the education services to be provided by the local school district and the
11 amount to be paid by the licensed public or private residential facility.
12 The amount paid shall be equal to the local school district's full cost of
13 providing the education services delineated by the contract, as determined
14 by the local school district. Such students shall be excluded from all av-
15 erage ~~daily attendance~~ full-time equivalent enrollment and other reports
16 provided to the state that would result in the distribution of state funding
17 to the local ~~school district~~ education agency.

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

20 33-1002C. ALTERNATIVE SUMMER AND ALTERNATIVE NIGHT SCHOOL PROGRAM
21 SUPPORT UNITS -- ALTERNATIVE SCHOOL -- JUVENILE DETENTION FACILITY. (1) Al-
22 ternative summer or alternative night school programs of not less than two
23 hundred twenty-five (225) hours of instruction, which shall be included in
24 the educational support units calculated as provided in section 33-1002,
25 Idaho Code, may be established as approved by the state board of education.
26 The average ~~daily attendance~~ full-time equivalent enrollment divided by
27 forty (40) shall determine the number of allowable support units which
28 shall be included in the alternative school support units calculated for the
29 ~~school district~~ local education agency for the succeeding school term.

30 (2) For any alternative school designated pursuant to section 46-805,
31 Idaho Code, full-term average ~~daily attendance~~ full-time equivalent enroll-
32 ment shall be used to calculate support units for each cohort of students
33 that meets the minimum instructional hours requirement provided for in sec-
34 tion 33-512, Idaho Code. The support units so calculated shall be used for
35 all state funding formulas in which support units are used.

36 (3) Districts that educate pupils placed by court order in a juvenile
37 detention facility may establish a summer or night school program that shall
38 be included in the educational support units calculated as provided in sec-
39 tion 33-1002, Idaho Code. The average ~~daily attendance~~ full-time equivalent
40 enrollment divided by forty (40) shall determine the number of allowable
41 support units that shall be included in the exceptional education school
42 support units calculated for the school district for the succeeding school
43 term.

44 (4) Average ~~daily attendance~~ full-time equivalent enrollment and the
45 support units generated by this section shall not be included in or subject
46 to the provisions of section 33-1003, Idaho Code, and shall be included as an
47 addition to any other support units generated pursuant to Idaho Code.

1 SECTION 5. That Section 33-1003, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 33-1003. SPECIAL APPLICATION OF EDUCATIONAL SUPPORT PROGRAM. (1) De-
4 crease in Average ~~Daily Attendance~~ Full-time Equivalent Enrollment. -- For
5 any school district that has a decrease in total average ~~daily attendance~~
6 full-time equivalent enrollment of three percent (3%) or more of its average
7 ~~daily attendance full-time equivalent enrollment~~ in the current school year
8 from the total average ~~daily attendance full-time equivalent enrollment~~
9 used for determining the allowance in the educational support program for
10 the prior school year, the allowance of funds from the educational support
11 program may be based on the average ~~daily attendance full-time equivalent~~
12 enrollment of the prior school year, less three percent (3%). When this
13 provision is applied, the decrease in average ~~daily attendance full-time~~
14 equivalent enrollment shall be proportionately distributed among the vari-
15 ous categories of support units that are appropriate for the district. After
16 applying the provisions of this subsection, the state department of educa-
17 tion shall calculate the percentage of additional statewide support units to
18 total statewide support units and shall then reduce each school district's
19 support units by this uniform percentage. The provisions of this subsection
20 shall not apply to public charter schools.

21 (2) Application of Support Program to Separate Schools/Attendance
22 Units in District.

23 (a) Separate Elementary School. -- Any separate elementary school
24 shall be allowed to participate in the educational support program as
25 though the school were the only elementary school operated by the dis-
26 trict.

27 (b) Hardship Elementary School. -- Upon application of the board of
28 trustees of a school district, the state board of education is empow-
29 ered to determine that a given elementary school or elementary schools
30 within the school district, not otherwise qualifying, are entitled
31 to be counted as a separate elementary school as defined in section
32 33-1001, Idaho Code, when, in the discretion of the state board of edu-
33 cation, special conditions exist warranting the retention of the school
34 as a separate attendance unit and the retention results in a substan-
35 tial increase in cost per pupil in average ~~daily attendance full-time~~
36 equivalent enrollment above the average cost per pupil in average ~~daily~~
37 attendance full-time equivalent enrollment of the remainder of the dis-
38 trict's elementary grade school pupils. An elementary school operating
39 as a previously approved hardship elementary school shall continue to
40 be considered as a separate attendance unit, unless the hardship status
41 of the elementary school is rescinded by the state board of education.

42 (c) Separate Secondary School. -- Any separate secondary school shall
43 be allowed to participate in the educational support program as though
44 the school were the only secondary school operated by the district.

45 (d) Elementary/Secondary School Attendance Units. -- Elementary
46 grades in an elementary/secondary school will be funded as a separate
47 attendance unit if all elementary grades served are located more than
48 ten (10) miles distance by an all-weather road from both the nearest
49 like elementary grades within the same school district and from the lo-

1 cation of the office of the superintendent of schools of such district,
2 or from the office of the chief administrative officer of such district
3 if the district employs no superintendent of schools. Secondary grades
4 in an elementary/secondary school will be funded as a separate atten-
5 dance unit if all secondary grades served are located more than fifteen
6 (15) miles by an all-weather road from the nearest like secondary grades
7 operated by the district.

8 (e) Hardship Secondary School. -- Any district that operated two (2)
9 secondary schools separated by less than fifteen (15) miles, but which
10 district was created through consolidation subsequent to legislative
11 action pursuant to chapter 111, laws of 1947, and which school buildings
12 were constructed prior to 1935, shall be entitled to count the schools
13 as separate attendance units.

14 (f) Minimum Pupils Required. -- Any elementary school having less
15 than ten (10) pupils in average ~~daily attendance~~ full-time equivalent
16 enrollment shall not be allowed to participate in the state or county
17 support program unless the school has been approved for operation by the
18 state board of education.

19 (3) Remote Schools. -- The board of trustees of any Idaho school dis-
20 trict that operates and maintains a school that is remote and isolated from
21 the other schools of the state because of geographical or topographical con-
22 ditions may petition the state board of education to recognize and approve
23 the school as a remote and necessary school. The petition shall be in form
24 and content approved by the state board of education and shall provide such
25 information as the state board of education may require. Petitions for the
26 recognition of a school as a remote and necessary school shall be filed annu-
27 ally at least ninety (90) days prior to the date of the regular June meeting
28 of the board of trustees.

29 Within forty-five (45) days after the receipt of a petition for the
30 recognition of a remote and necessary school, the state board of education
31 shall either approve or disapprove the petition and notify the board of
32 trustees of its decision. Schools that the state board of education approves
33 as being necessary and remote shall be allowed adequate funding within the
34 support program for an acceptable educational program for the students of
35 the school. In the case of a remote and necessary secondary school, grades
36 7-12, the educational program shall be deemed acceptable when, in the opin-
37 ion of the state board of education, the accreditation standard relating to
38 staff size, established in accordance with the provisions of section 33-119,
39 Idaho Code, has been met. The final determination of an acceptable program
40 and adequate funding in the case of a remote and necessary elementary school
41 shall be made by the state board of education.

42 (4) Support Program When District Boundaries are Changed.

43 (a) In new districts formed by the division of a district, the support
44 program computed for the district, divided in its last year of opera-
45 tion, shall be apportioned to the new districts created by the division
46 in the proportion that the average ~~daily attendance~~ full-time equivalent
47 enrollment of pupils, elementary and secondary combined, residing
48 in the area of each new district so created, is to the average ~~daily at-~~
49 ~~tendance~~ full-time equivalent enrollment of all pupils, elementary and

1 secondary combined, in the district divided in its last year of opera-
2 tion before the division.

3 (b) When boundaries of districts are changed by excision or annexation
4 of territory, the support program of any district from which territory
5 is excised for the last year of operation before such excision shall be
6 divided, and apportioned among the districts involved, as prescribed in
7 paragraph (a) of this subsection.

8 (c) In new districts formed by consolidation of former districts after
9 January 1, 2007, the support program allowance, for a seven (7) year pe-
10 riod following the formation of the new district, shall not be less than
11 the combined support program allowances of the component districts in
12 the last year of operation before consolidation. After the expiration
13 of this period, the state department of education shall annually cal-
14 culate the number of support units that would have been generated had
15 the previous school districts not consolidated. All applicable state
16 funding to the consolidated district shall then be provided based on a
17 support unit number that is halfway between this figure and the actual
18 support units, provided that it cannot be less than the actual support
19 units.

20 SECTION 6. That Section 33-1003A, Idaho Code, be, and the same is hereby
21 amended to read as follows:

22 33-1003A. CALCULATION OF AVERAGE ~~DAILY ATTENDANCE~~ FULL-TIME EQUIV-
23 ALENT ENROLLMENT. In computing the average ~~daily attendance~~ full-time
24 equivalent enrollment, the entire school year shall be used except that
25 the twenty-eight (28) weeks having the highest average ~~daily attendance~~
26 full-time equivalent enrollment, not necessarily consecutive, may be used.
27 When a school is closed, or if a school remains open but attendance is signif-
28 icantly reduced because of storm, flood, failure of the heating plant, loss
29 or damage to the school building, quarantine or order of any city, county or
30 state health agency, or for reason believed by the board of trustees to be in
31 the best interests of the health, safety or welfare of the pupils, the board
32 of trustees having certified to the state department of education the cause
33 and duration of such closure or impacted attendance, the average ~~daily at-~~
34 tendance full-time equivalent enrollment for such ~~day or days of closure or~~
35 impacted attendance reporting periods shall be considered as being the same
36 as for the days when the school actually was in session or when attendance was
37 not impacted. A decision by the state department to disallow such a consid-
38 eration shall be subject to appeal to the state board of education.

39 For illness or accident that necessitates an absence from school for
40 more than ten (10) consecutive school days, the ~~school district~~ local educa-
41 tion agency may include homebound students in its total attendance, provided
42 that academic instruction has been given by appropriate certified profes-
43 sional staff employed by the ~~district~~ local education agency.

44 SECTION 7. That Section 33-1003C, Idaho Code, be, and the same is hereby
45 amended to read as follows:

46 33-1003C. SPECIAL APPLICATION -- TECHNOLOGICAL INSTRUCTION --
47 BLENDED LEARNING. In order to acquire and maintain technology for individ-

1 ualized computer and/or education, distance learning, or blended learning
 2 programs, a school district local education agency may use students' doc-
 3 umented contact hours on individualized computer education or, distance
 4 learning, or blended learning programs in determining the district's local
 5 education agency's average daily attendance full-time equivalent enroll-
 6 ment, whether the student is actually in the computer lab or distance
 7 learning center, or has logged on to the computer from another location.
 8 Online or distance education courses instructional time shall be based on
 9 the identified in-person instructional time when a local education agency
 10 offers a course in person and online or through a distance learning format.
 11 A district's local education agency's technology instruction or blended
 12 learning programs shall be subject to the following provisions:

13 (1) The certification requirements for an alternative school using the
 14 individualized computer education or distance learning program may be met
 15 by having a properly certificated teacher available on a consultant tutorial
 16 basis. The consultant tutors will be available by telephone, fax, e-mail, or
 17 in person at the school site on a daily basis.

18 (2) ~~Districts~~ Local education agencies claiming average ~~daily atten-~~
 19 ~~dance~~ full-time equivalent enrollment pursuant to this section shall submit
 20 annual evaluations of the program to the state board of education.

21 (3) ~~Districts~~ Local education agencies may offer individualized com-
 22 puter education or, distance learning, or blended learning programs on a
 23 calendar which that may differ from the rest of the ~~district's~~ local edu-
 24 cation agency's instruction, but in no case may a district local education
 25 agency claim more average daily attendance full-time equivalent enrollment
 26 for a student than the full-time equivalency of a regular term of attendance
 27 for a single student.

28 (4) Nonalternative ~~high~~ school students may participate in a local
 29 education agency's online or blended learning program or may receive indi-
 30 vidualized computer education or distance learning instruction and credit
 31 through an alternative school site program.

32 SECTION 8. That Section 33-1006, Idaho Code, be, and the same is hereby
 33 amended to read as follows:

34 33-1006. TRANSPORTATION SUPPORT PROGRAM. (1) The state board of ed-
 35 ucation shall determine what costs of transporting pupils, including main-
 36 tenance, operation and depreciation of basic vehicles, insurance, payments
 37 under contract with other public transportation providers whose vehicles
 38 used to transport pupils comply with federal transit administration regula-
 39 tions, "bus testing," 49 CFR part 665, and any revision thereto, as provided
 40 in subsection (4) (d) of this section, or other state department of educa-
 41 tion-approved private transportation providers, salaries of drivers, and
 42 any other costs, shall be allowable in computing the transportation support
 43 program of school districts.

44 (2) Any costs associated with the addition of vehicle features that are
 45 not part of the basic vehicle shall not be allowable in computing the trans-
 46 portation support program of school districts. A basic vehicle is hereby de-
 47 defined as the cost of the vehicle without optional features, plus the addition
 48 of essential safety features and features necessary for the transportation
 49 of pupils with disabilities.

1 (3) Each school district shall maintain records and make reports as are
2 required for the purposes of this section.

3 (4) The transportation support program of a school district shall be
4 based upon the allowable costs of:

5 (a) Transporting public school pupils one and one-half (1 1/2) miles or
6 more to school;

7 (b) Transporting pupils less than one and one-half (1 1/2) miles as pro-
8 vided in section 33-1501, Idaho Code, when approved by the state board
9 of education;

10 (c) Payments when transportation is not furnished, as provided in sec-
11 tion 33-1503, Idaho Code;

12 ~~The transportation program for~~For grades 6-12, ~~upon the costs of~~
13 payments pursuant to a contract with other public or private trans-
14 portation providers entered into as provided in section 33-1510, Idaho
15 Code, if the school district establishes that the reimbursable costs of
16 transportation under the contract are equal to or less than the costs
17 for school buses;

18 (e) The employer's share of contributions to the public employee re-
19 tirement system and to social security; and

20 (f) Providing transportation to and from approved school activities as
21 may be approved by the rules of the state board of education.

22 (5) The state's share of the transportation support program shall be
23 fifty percent (50%) of reimbursable transportation costs of the district
24 incurred during the immediately preceding state fiscal year, except for
25 the cost of state department of education training and fee assessments
26 and bus depreciation and maintenance, for which the state's share shall be
27 eighty-five percent (85%) of such costs. For school districts that contract
28 for pupil transportation services, the state's share shall be the average
29 state share of costs for district-run operations, based on the statewide
30 total of such costs. Provided however, that the reimbursable costs for
31 any school district shall not exceed one hundred three percent (103%) of
32 the statewide average reimbursable cost per mile or the state average re-
33 imburseable cost per student rider, whichever is more advantageous to the
34 school district. If a school district's costs exceed the one hundred three
35 percent (103%) limit when computed by the more advantageous of the two (2)
36 methods, that school district shall be reimbursed at the appropriate per-
37 centage designated by this subsection, multiplied by the maximum limit for
38 whichever method is more favorable to the school district. A school district
39 may appeal the application of the one hundred three percent (103%) limit on
40 reimbursable costs to the state board of education, which may establish for
41 that district a new percentile limit for reimbursable costs compared to the
42 statewide average, which is higher than one hundred three percent (103%).
43 In doing so, the state board of education may set a new limit that is greater
44 than one hundred three percent (103%), but is less than the percentile limit
45 requested by the school district. However, the percentage increase in the
46 one hundred three percent (103%) cap shall not exceed the percentage of the
47 district's bus runs that qualify as a hardship bus run, pursuant to this
48 subsection. Any costs above the new level established by the state board of
49 education shall not be reimbursed. Such a change shall only be granted by the

1 state board of education for hardship bus runs. To qualify as a hardship bus
2 run, such bus run shall meet at least two (2) of the following criteria:

3 (a) The number of student riders per mile is less than fifty percent
4 (50%) of the statewide average number of student riders per mile;

5 (b) Less than a majority of the miles on the bus run are by paved sur-
6 face, concrete or asphalt road;

7 (c) Over ten percent (10%) of the miles driven on the bus run are a five
8 percent (5%) slope or greater.

9 (6) Beginning on July 1, 2005, any eligible home-based public virtual
10 school may claim transportation reimbursement for the prior fiscal year's
11 cost of providing educational services to students. In order to be eligible,
12 such a school shall have at least one (1) average ~~daily attendance~~ full-time
13 equivalent enrollment divisor, pursuant to section 33-1002, Idaho Code,
14 that is greater than the median divisor shown for any category of pupils,
15 among the actual divisors listed. For the purposes of paragraphs (a), (b)
16 and (c) of this subsection (6), "education provider" means the home-based
17 public virtual school or an entity that has legally contracted with the
18 home-based public virtual school to supply education services. Reim-
19 bursable costs shall be limited to the costs of:

20 (a) Providing an internet connection service between the student and
21 the education provider, not including the cost of telephone service;

22 (b) Providing electronic and computer equipment used by the student
23 to transmit educational material between the student and the education
24 provider;

25 (c) Providing a toll-free telephone service for students to communi-
26 cate with the education provider;

27 (d) Providing education-related, face-to-face visits by representa-
28 tives of the home-based public virtual school, with such reimbursements
29 limited to the mileage costs set for state employee travel by the state
30 board of examiners; and

31 (e) Any actual pupil transportation costs that would be reimbursable if
32 claimed by a school district.

33 The total reimbursement for such home-based public virtual schools shall be
34 exempt from the statewide average cost per mile limitations of this section.
35 The state's share of reimbursable costs shall be eighty-five percent (85%),
36 subject to the statewide cost per student rider provisions of this section.
37 For the purposes of such home-based public virtual school, the number of stu-
38 dent riders shall be the same as the number of pupils in average ~~daily atten-~~
39 dance full-time equivalent enrollment.

40 (7) The state department of education shall calculate the amount of
41 state funds lost in fiscal year 2010 by each school district as a result
42 of the decrease in the state reimbursement from eighty-five percent (85%)
43 to fifty percent (50%) of certain eligible costs, including the reduction
44 calculated for districts that contract for pupil transportation services,
45 and excluding any reductions made due to the limitation on reimbursable
46 expenses, all pursuant to subsection (5) of this section. The amount so
47 calculated shall be distributed to each school district in fiscal year 2010.
48 For each fiscal year thereafter, the amount distributed pursuant to this
49 subsection for each school district shall be determined as follows:

1 (a) Divide the amount distributed to the district pursuant to this sub-
2 section in fiscal year 2010 by the district's support units for fiscal
3 year 2010;

4 (b) Multiply the result of the calculation found in paragraph (a) of
5 this subsection by the number of support units in the current fiscal
6 year;

7 (c) Determine the percentage change in statewide transportation reim-
8 bursements as provided for in subsection (5) of this section since fis-
9 cal year 2010;

10 (d) Determine the percentage change in statewide student enrollment
11 since fiscal year 2010;

12 (e) Subtract the result of the calculation found in paragraph (d) of
13 this subsection from the result of the calculation found in paragraph
14 (c) of this subsection;

15 (f) Adjust the result of the calculation found in paragraph (b) of this
16 subsection by the percentage result from paragraph (e) of this subsec-
17 tion.

18 For school districts divided after fiscal year 2010, the calculation in
19 paragraph (a) of this subsection shall still be based on the fiscal year 2010
20 figures for the formerly consolidated district. For public charter schools
21 beginning operations on or after July 1, 2009, all calculations in this sub-
22 section that are based on fiscal year 2010 shall instead be based on the pub-
23 lic charter school's first fiscal year of operations. For the purposes of
24 this subsection, the support units used shall be the number used for calcu-
25 lating salary-based apportionment. Funds distributed pursuant to this sub-
26 section shall be used to defray the cost of pupil transportation. If the
27 amount distributed is in excess of a school district's actual pupil trans-
28 portation costs, less any state reimbursements provided by subsection (5) of
29 this section, the excess funds may be used at the school district's discre-
30 tion.

31 (8) The total moneys paid to school districts and public charter
32 schools for eligible transportation costs shall be reduced by a proportion-
33 ate amount to equal seven million five hundred thousand dollars (\$7,500,000)
34 and shall be used as discretionary spending.

35 (9) Notwithstanding the provisions of subsection (5) of this section,
36 the state's share of the transportation support program will be based on
37 reimbursable transportation costs incurred by a school district during the
38 state fiscal year prior to the immediately preceding state fiscal year if,
39 during the immediately preceding state fiscal year:

40 (a) An emergency occurred in the state or in the area where the school
41 district is located. For purposes of this subsection, an emergency in-
42 cludes but is not limited to school closures caused by extreme weather
43 conditions, a fire, an epidemic, or pollution of air or water; and

44 (b) As a direct result of such emergency, the reimbursable transporta-
45 tion costs of a school district decreased by at least ten percent (10%)
46 from the prior fiscal year.

47 (10) Notwithstanding any provisions of law to the contrary, for the du-
48 ration of an emergency described in subsection (9) of this section, the miles
49 for which transportation costs may be reimbursed will be miles:

1 (a) Directly associated with transporting students for the purpose of
2 school attendance during regular days and hours; or

3 (b) Related to the delivery of food, delivery of instructional mate-
4 rials, or other trips supporting the continuation of educational ser-
5 vices.

6 SECTION 9. That Section 33-1009, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 33-1009. PAYMENTS FROM THE PUBLIC SCHOOL INCOME FUND.

9 ~~(1-)~~ ~~(a-)~~ Payments of the state general account appropriation for pub-
10 lic school support shall be made each year by the state department
11 of education to the public school districts of the state in four (4)
12 payments. Payments to the districts shall be made not later than the
13 fifteenth day of August, the fifteenth day of November, the fifteenth
14 day of February, and the fifteenth day of May each year. The first pay-
15 ment by the state department of education shall be approximately fifty
16 percent (50%) of the total general account appropriation for the fis-
17 cal year, while the second and third payments shall be approximately
18 twenty percent (20%) each, and the fourth payment approximately ten
19 percent (10%) respectively, except as provided for in section 33-5209C,
20 Idaho Code. Amounts apportioned due to a special transfer to the public
21 school income fund to restore or reduce a deficiency in the prior year's
22 transfer pursuant to subsection ~~(4-)~~ of this section shall not be sub-
23 ject to this limitation.

24 ~~(b-)~~ Payments of moneys, other than the state general account appro-
25 priation, that accrue to the public school income fund shall be made by
26 the state department of education to the school districts of the state
27 on the fifteenth day of November, February, May and July each year. The
28 total amount of such payments shall be determined by the state depart-
29 ment of education and shall not exceed the amount of moneys available
30 and on deposit in the public school income fund at the time such payment
31 is made.

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

37 ~~(2-)~~ Payments made to the school districts in August and November are
38 advance payments for the current year and may be based upon payments from the
39 public school income fund for the preceding school year. Each school dis-
40 trict may receive its proportionate share of the advance payments in the same
41 ratio that its total payment for the preceding year was to the total payments
42 to all school districts for the preceding year.

43 ~~(3-)~~ No later than the fifteenth day of February in each year, the state
44 department of education shall compute the state distribution factor based on
45 the total average ~~daily attendance~~ full-time equivalent enrollment through
46 the first Friday in November. The factor will be used in payments of state
47 funds in February and May. Attendance shall be reported in a format and at a
48 time specified by the state ~~department~~ board of education or its delegate.

1 As of the thirtieth day of June of each year the state department of edu-
2 cation shall determine final payments to be made on July fifteenth next suc-
3 ceeding to the several school districts from the public school income fund
4 for the school year ended June 30. The July payments shall take into consid-
5 eration:

6 (a-) The average ~~daily attendance~~ full-time equivalent enrollment of
7 the several school districts for the twenty-eight (28) best weeks of the
8 school year completed not later than the thirtieth of June;

9 (b-) All funds available in the public school income fund for the fiscal
10 year ending on the thirtieth of June;

11 (c-) All payments distributed for the current fiscal year to the sev-
12 eral school districts;

13 (d-) The adjustment based on the actual amount of discretionary funds
14 per support unit required by the provisions of section 33-1018, Idaho
15 Code;

16 (e-) Payments made or due for the transportation support program and
17 the exceptional education support program. The state department of
18 education shall apportion and direct the payment to the several school
19 districts the moneys in the public school income fund in each year,
20 taking into account the advance made under subsection (2-) of this
21 section, in such amounts as will provide in full for each district its
22 support program, and not more than therefor required, and no school dis-
23 trict shall receive less than fifty dollars (\$50.00).

24 (4-) If the full amount appropriated to the public school income fund
25 from the general account by the legislature is not transferred to the public
26 school income fund by the end of the fiscal year, the deficiency resulting
27 therefrom shall either be restored or reduced through a special trans-
28 fer from the general account in the first sixty (60) days of the following
29 fiscal year, or shall be calculated in computing district levies, and any
30 additional levy shall be certified by the state superintendent of public
31 instruction to the board of county commissioners and added to the district's
32 maintenance and operation levy. If the deficiency is restored or reduced
33 by special transfer, the amount so transferred shall be in addition to the
34 amount appropriated to be transferred in such following fiscal year and
35 shall be apportioned to each school district in the same amount as each would
36 have received had the transfer been made in the year the deficiency occurred.
37 The state department of education shall distribute to the school district
38 the full amount of the special transfer as soon as practical after such
39 transfer is made. In making the levy computations required by this subsec-
40 tion the state department of education shall take into account and consider
41 the full amount of money receipted into the public school income fund from
42 all sources for the given fiscal year. Deficits in the transfer of the ap-
43 propriated amount of general account revenue to the public school income
44 fund shall be reduced by the amount, if any, that the total amount receipted
45 from other sources into the public school income fund exceeds the official
46 estimated amount from those sources. The official estimate of receipts from
47 other sources shall be the total amount stated by the legislature in the ap-
48 propriation bill. The provisions of this subsection shall not apply to any
49 transfers to or from the public education stabilization fund.

1 ~~(5-)~~ Any apportionments in any year, made to any school district, which
 2 may within the succeeding ~~three (3)~~ two (2) fiscal years period be found to
 3 have been in error either of computation or transmittal, may be corrected
 4 during the ~~three (3)~~ two (2) fiscal years period by reduction of apportion-
 5 ments to any school district to which over-apportionments may have been made
 6 or received, and corresponding additions to apportionments to any school
 7 district to which under-apportionments may have been made or received.

8 (6) Data used to make payments to any local education agency shall be
 9 computed from data provided by the state longitudinal data system, unless
 10 the type of data is managed separately.

11 SECTION 10. That Section 33-1027, Idaho Code, be, and the same is hereby
 12 amended to read as follows:

13 33-1027. STUDENT ENROLLMENT COUNTS AND RULEMAKING. The state board of
 14 education shall promulgate rules that set forth the procedures for determin-
 15 ing student enrollment counts by school, school district, and statewide, and
 16 the process for reporting such counts. Such rules shall be consistent with
 17 the following:

18 (1) Full-time enrollment (FTE) shall be based on enrollment in any
 19 ~~school district or public charter school~~ local education agency;

20 (2) A student shall not exceed a total of one (1.0) unweighted FTE in a
 21 single school year, except as provided in subsection ~~(43)~~ of this section;

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

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

28 ~~(54)~~ A fractional enrollment count schedule shall be specified for any
 29 student enrolled less than one (1.0) FTE in a given ~~school district or public~~
 30 ~~charter school~~ local education agency;

31 ~~(65)~~ FTE is based on the courses a student is enrolled in at the time of
 32 the official count, as specified in board rule, except that a student may be
 33 counted as enrolled if the term for which such student is enrolled begins af-
 34 ter the time of the official count;

35 ~~(76)~~ Each ~~school district or public charter school~~ local education
 36 agency shall conduct an official count of enrolled students in ~~the its~~ dis-
 37 trict or school on the first day of October, the first day of December, the
 38 first day of February, and the first day of April, or the previous school day
 39 if those dates do not fall on a school day; ~~and~~

40 ~~(87)~~ A ~~school district or public charter school~~ local education agency
 41 may not count as enrolled any student who has unexcused absences totaling
 42 eleven (11) or more consecutive school days immediately prior to and includ-
 43 ing the official count date; and

44 (8) Nothing in this section shall be construed as binding the state to
 45 fund a full-day kindergarten program.

46 SECTION 11. That Section 33-1028, Idaho Code, be, and the same is hereby
 47 amended to read as follows:

1 33-1028. REPORTS TO STATE BOARD -- REPORT TO LEGISLATURE. (1) By De-
2 cember 15 each year, each school district and public charter school shall re-
3 port to the state board of education or to the board's designee the following
4 information:

5 (a) Total student enrollment as of October 1 and December 1 in the year
6 the report is made, or the previous school day if those dates do not fall
7 on a school day;

8 (b) The number of at-risk students in the ~~school district or at the pub-~~
9 ~~lic charter school~~ local education agency as of October 1 and December 1
10 in the year the report is made, or the previous school day if those dates
11 do not fall on a school day, and the number of at-risk students:

12 (i) By grade; and

13 (ii) Enrolled in an alternative school;

14 (c) The number of economically disadvantaged students in the school
15 district or at the public charter school as of October 1 and December 1
16 in the year the report is made, or the previous school day if those dates
17 do not fall on a school day, and the number of students who qualify as
18 economically disadvantaged by grade;

19 (d) The number of English language learners in the school district or at
20 the public charter school as of October 1 and December 1 in the year the
21 report is made, or the previous school day if those dates do not fall on a
22 school day, and the number of English language learners per grade;

23 (e) The number of gifted and talented students in the school district
24 or at the public charter school as of October 1 and December 1 in the
25 year the report is made, or the previous school day if those dates do not
26 fall on a school day, and the number of gifted and talented students per
27 grade; and

28 (f) The local salary schedule for the ~~school district or public charter~~
29 ~~school~~ local education agency in effect for the school year prior to the
30 year the report is made.

31 (2) Beginning in 2020, a ~~school district or public charter school~~ local
32 education agency shall include, in the report made pursuant to subsection
33 (1) of this section, the following information for the fiscal year prior to
34 the fiscal year in which the report is made:

35 (a) The amounts received by the ~~school district or public charter~~
36 ~~school~~ local education agency for each statutory program line item
37 distribution, other program line item distribution, and discretionary
38 funds distribution specified in the state appropriation for public
39 school support; and

40 (b) The actual expenditures by the ~~school district or public charter~~
41 ~~school~~ local education agency for each such line item distribution and
42 discretionary funds distribution, unless information on the actual ex-
43 penditures by district or school for a distribution is submitted to the
44 state pursuant to another law or rule.

45 (3) By January 15 each year, the state board of education shall report
46 to the senate and house of representatives education committees and the
47 joint finance-appropriations committee on the information received pur-
48 suant to subsection (1) of this section. The state board's report shall
49 include such information for each individual school district and pub-
50 lic charter school and shall also summarize the information in aggregate

1 statewide. The state board's report shall further include allocations made
2 for each cell of the career ladder pursuant to section 33-1004B, Idaho Code.

3 SECTION 12. That Section 8, Chapter 328, Laws of 2019, be, and the same
4 is hereby repealed.

5 SECTION 13. That Section 33-515, Idaho Code, be, and the same is hereby
6 amended to read as follows:

7 33-515. ISSUANCE OF RENEWABLE CONTRACTS. (1) During the third full
8 year of continuous employment by the same school district, including
9 any specially chartered district, each certificated employee named in
10 ~~subsection (34) of~~ section 33-1001(36), Idaho Code, and each school nurse
11 and school librarian who has obtained a professional endorsement under
12 section 33-1201A, Idaho Code, shall be evaluated for a renewable contract
13 and shall, upon having been offered a contract for the next ensuing year,
14 and upon signing and timely returning a contract for a fourth full year, be
15 placed on a renewable contract status with said school district entitling
16 such individual to the right to automatic renewal of contract, subject to the
17 provisions included in this chapter, provided that instructional staff who
18 have not obtained a professional endorsement under section 33-1201A, Idaho
19 Code, may not be placed on a renewable contract status, provided however, if
20 the career ladder pursuant to section 33-1004B, Idaho Code, is not funded,
21 then a professional endorsement shall not be required. Additionally, any
22 individual who has not successfully completed the three (3) year nonradi-
23 tional route program while on a three (3) year interim certificate and has
24 not yet been issued a five (5) year renewable certificate may not be placed on
25 a renewable contract. Such individual will remain on a category 3 contract,
26 even after serving three (3) continuous years of employment with the same
27 school district.

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

35 (3) Any contract automatically renewed under the provisions of this
36 section may be renewed for a shorter term, longer term or the same length
37 of term as stated in the current contract and at a greater, lesser or equal
38 salary as that stated in the current contract. Absent the board's applica-
39 tion of a formal reduction in force, renewals of standard teacher contracts
40 may be for a shorter term, longer term or the same length of term as stated
41 in the current standard teacher contract and at a greater, lesser or equal
42 salary, and shall be uniformly applied to all employees based upon the dis-
43 trict's adopted salary schedule to the extent allowable in section 33-1004E,
44 Idaho Code.

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

47 (b) At the discretion of the board, the district may issue letters of
48 intent for employment for the next ensuing school year to renewable

1 contract status employees during May of each school year. Such let-
2 ter of intent shall not state a specific duration of the contract or
3 salary/benefits term for the next ensuing school year.

4 (c) Unless otherwise negotiated and ratified by both parties pursuant
5 to section 33-1271 et seq., Idaho Code, standard teacher renewals for
6 terms shorter in length than that stated in the current standard con-
7 tract of renewable certificated employees, should be considered and im-
8 plemented only after the district has determined that the salary-based
9 apportionment reimbursement that it estimates it will receive for the
10 ensuing school year is less than the sum the district would otherwise be
11 paying for salaries for certificated professional employees.

12 (4) Nothing in this section shall prevent the board of trustees from of-
13 fering a renewed contract increasing the salary of any certificated person,
14 or from reassigning an administrative employee to a nonadministrative posi-
15 tion with appropriate reduction of salary from the preexisting salary level.
16 In the event the board of trustees reassigns an administrative employee to a
17 nonadministrative position, the board shall give written notice to the em-
18 ployee that contains a statement of the reasons for the reassignment. The
19 employee, upon written request to the board, shall be entitled to an informal
20 review of that decision. The process and procedure for the informal review
21 shall be determined by the local board of trustees.

22 (5) Before a board of trustees can determine not to renew for reasons of
23 an unsatisfactory report of the performance of any certificated person whose
24 contract would otherwise be automatically renewed, such person shall be en-
25 titled to a reasonable period of probation. This period of probation shall
26 be preceded by a written notice from the board of trustees with reasons for
27 such probationary period and with provisions for adequate supervision and
28 evaluation of the person's performance during the probationary period. Such
29 period of probation shall not affect the person's renewable contract status.
30 Consideration of probationary status for certificated personnel is consid-
31 eration of the status of an employee within the meaning of section 74-206,
32 Idaho Code, and may be held in executive session. If the consideration re-
33 sults in probationary status, the individual on probation shall not be named
34 in the minutes of the meeting. A record of the decision shall be placed in the
35 teacher's personnel file.

36 (6) If the board of trustees takes action to immediately discharge
37 or discharge upon termination of the current contract a certificated per-
38 son whose contract would otherwise be automatically renewed, the action
39 of the board shall be consistent with the procedures specified in section
40 33-513(5), Idaho Code, and, furthermore, the board shall notify the employee
41 in writing whether there is just and reasonable cause not to renew the con-
42 tract or to reduce the salary of the affected employee, and, if so, what
43 reasons it relied upon in that determination.

44 (7) If the board of trustees takes action after the declaration of a fi-
45 nancial emergency pursuant to section 33-522, Idaho Code, and such action is
46 directed at more than one (1) certificated employee, and if mutually agreed
47 to by both parties, a single informal review shall be conducted. Without
48 mutual consent of both parties, the board of trustees shall use the follow-
49 ing procedure to conduct a single due process hearing within sixty-seven

1 (67) days of the declaration of financial emergency pursuant to section
2 33-522(2), Idaho Code, or on or before June 22, whichever shall occur first:

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

8 (b) Upon receipt of such notice, the board of trustees, acting through
9 its duly authorized administrative official, shall give the affected
10 employees written notice of the reductions and the recommendation of
11 the change in the length of the term stated in the current contract or
12 the reduction of salary, along with written notice of a hearing be-
13 fore the board of trustees prior to any determination by the board of
14 trustees.

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

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

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

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

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

27 (h) The board of trustees shall cause an electronic record of the hear-
28 ing to be made or shall employ a competent reporter to take stenographic
29 or stenotype notes of all the testimony at the hearing. A transcript of
30 the hearing shall be provided at cost by the board of trustees upon re-
31 quest of the employee.

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

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

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

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

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

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

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

14 SECTION 14. That Section 33-1636, Idaho Code, be, and the same is hereby
 15 amended to read as follows:

16 33-1636. INNOVATION CLASSROOMS. (1) For purposes of this section:

17 (a) "Alternative curriculum" means a curriculum in one (1) or more sub-
 18 ject areas that is different than the curriculum in such area or areas
 19 offered by a school district. An alternative curriculum may encompass
 20 one (1) or more subject areas but must include, at a minimum, an alterna-
 21 tive curriculum in mathematics, history, English language arts, or sci-
 22 ence.

23 (b) "Innovation classroom" means a classroom in which an alternative
 24 curriculum is offered.

25 (c) "Requesting party" means a person or group of persons that requests
 26 an innovation classroom agreement from a school district. Such person
 27 or group must include:

28 (i) A certified teacher or teachers in a school district; or

29 (ii) A parent or parents whose child or children attend school in a
 30 school district.

31 (2) A school district may enter into an innovation classroom agreement
 32 with a requesting party if the requesting party represents a group of stu-
 33 dents that is equal to or greater than the average class size in the school.
 34 The school district must indicate willingness or nonwillingness to enter
 35 into negotiation within sixty (60) days of the receipt of the request.

36 (3) An innovation classroom agreement must include:

37 (a) The name of any teacher or other certificated staff member who will
 38 be working in the innovation classroom. Any such teacher must be agreed
 39 upon by the school district and the parents of the students who will be
 40 receiving instruction in the innovation classroom;

41 (b) The names of the students participating in the innovation class-
 42 room;

43 (c) A description of how and where the innovation classroom's instruc-
 44 tion will take place and whether instruction will include in-person,
 45 hybrid, or virtual components. If requested, the school district must
 46 provide a classroom for the innovation classroom;

47 (d) Growth criteria or other measures of student learning, such as
 48 those found in section 33-1001(~~18~~20), Idaho Code;

1 (e) The alternative curriculum and instructional materials to be used
2 in the innovation classroom. The parents of the participating students
3 must agree to the alternative curriculum, and the school district will
4 determine whether the alternative curriculum meets state standards and
5 recommend ways to supplement the alternative curriculum, if applica-
6 ble;

7 (f) A description of an innovation classroom student's access to or
8 use of the school district's transportation, playground, cafeteria,
9 after-school activities, special education, and other services or fa-
10 cilities; and

11 (g) The date upon which the innovation classroom will start.

12 (4) Students in an innovation classroom may use transportation ser-
13 vices offered by the school district if the schedule of the innovation class-
14 room is consistent with the school district's schedule or if the parties
15 provide for transportation services in the innovation classroom agreement.

16 (5) For purposes of compensation, any teacher or other certificated
17 staff member working in an innovation classroom will be an employee of the
18 school district and will be entitled to receive or participate in the public
19 employee retirement system of Idaho, federal social security, unemployment
20 insurance, worker's compensation, health insurance, and other benefits and
21 compensation to the same extent as other employees in the school district.

22 (6) Students enrolled in an innovation classroom will be enrolled in
23 the school district for the purpose of calculating educational support pro-
24 gram funds apportioned to the school district. The school district must ap-
25 portion funds for instructional use in an innovation classroom in an amount
26 substantially similar to funds apportioned for instruction of students at
27 the same grade level who do not participate in the innovation classroom.

28 (7) Students participating in an innovation classroom will not be in-
29 cluded in the public school accountability results for the school district
30 unless the school district so desires or such inclusion is required by appli-
31 cable law or rule. The school district will not be responsible for services
32 for participating students, except those services described in the innova-
33 tion classroom agreement.

34 (8) Students in an innovation classroom must take any required state
35 testing.

36 (9) Innovation classrooms must:

37 (a) Comply with the conditions or procedures established in the innova-
38 tion classroom agreement; and

39 (b) Comply with applicable laws, including state, federal, and local
40 laws prohibiting discrimination and laws governing safety, including
41 but not limited to sections 33-122 and 33-130, Idaho Code.

42 SECTION 15. An emergency existing therefor, which emergency is hereby
43 declared to exist, this act shall be in full force and effect on and after its
44 passage and approval.