

IN THE SENATE

SENATE BILL NO. 1316

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO KINDERGARTEN; AMENDING SECTION 33-512, IDAHO CODE, TO PROVIDE
2 FOR FULL-TIME KINDERGARTEN HOURS AND TO REQUIRE THAT CERTAIN INFORMA-
3 TION BE SENT TO THE STATE BOARD OF EDUCATION; AMENDING SECTION 33-1002,
4 IDAHO CODE, TO PROVIDE CERTAIN AUTHORITY TO THE STATE DEPARTMENT OF
5 EDUCATION, TO REQUIRE THAT FULL-TIME KINDERGARTEN PROGRAMS INCLUDE
6 PARENT ENGAGEMENT PROGRAMS, TO PROVIDE FOR CERTAIN FUNDING EXCLUSIONS,
7 AND TO REVISE THE COMPUTATION OF KINDERGARTEN SUPPORT UNITS; AMENDING
8 SECTION 33-1027, IDAHO CODE, TO PROVIDE FOR FULL-TIME KINDERGARTEN;
9 AMENDING CHAPTER 16, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SEC-
10 TION 33-1615, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING FULL-TIME
11 KINDERGARTEN INSTRUCTION; AMENDING SECTION 33-208, IDAHO CODE, TO PRO-
12 VIDE FOR FULL-TIME KINDERGARTEN; AMENDING SECTION 33-1004, IDAHO CODE,
13 TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 33-5208, IDAHO
14 CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND DECLARING AN EMERGENCY
15 AND PROVIDING AN EFFECTIVE DATE.
16

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

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

20 33-512. GOVERNANCE OF SCHOOLS. The board of trustees of each school
21 district shall have the following powers and duties:

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

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

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

35 (b) School assemblies, testing and other instructionally related ac-
36 tivities involving students directly may be included in the required
37 instructional hours.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

46 (6) To prescribe rules for the disciplining of unruly or insubordinate
47 pupils, including rules on student harassment, intimidation and bullying,
48 such rules to be included in a district discipline code adopted by the board
49 of trustees and a summarized version thereof to be provided in writing at the
50 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-time kindergarten programs must include a parent engagement
30 component and curriculum that incorporates current research-based strate-
31 gies for full-time or all-day kindergarten programs. At a minimum, parent
32 engagement must include but is not limited to parent or guardian training
33 on how to support the student's learning at home through home learning ac-
34 tivities and parent engagement practices established by a local education
35 agency's local governing board. Parent engagement strategies may include
36 school-based strategies or home-based strategies. Participation of home-
37 based strategies are at 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.

1 COMPUTATION OF KINDERGARTEN SUPPORT UNITS

2	Average Daily		
3	Attendance	Attendance Divisor	Minimum Units Allowed
4	4140 or more....	4020	12 or more as computed
5	3130 - 4039.99 ADA....	.....	1.75
6	2620 - 3029.99 ADA....	.....	851.5
7	2110 - 2519.99 ADA....	.....	.75
8	16 - 209.99 ADA....	.....	6 count as elementary
9	8 - 15.99 ADA....	.....	.5
10	1 - 7.99 ADA....	.....	count as elementary

11 COMPUTATION OF ELEMENTARY SUPPORT UNITS

12	Average Daily		Minimum Units
13	Attendance	Attendance Divisor	Allowed
14	300 or more ADA.....	20	15
15		..23...grades 4, 5 & 6....	
16		..22...grades 1, 2 & 3....1994-95	
17		..21...grades 1, 2 & 3....1995-96	
18		..20...grades 1, 2 & 3....1996-97	
19		— and each year thereafter.	
20	160 to 299.99 ADA...	20.....	8.4
21	110 to 159.99 ADA...	19.....	6.8
22	71.1 to 109.99 ADA...	16.....	4.7
23	51.7 to 71.0 ADA...	15.....	4.0
24	33.6 to 51.6 ADA...	13.....	2.8
25	16.6 to 33.5 ADA...	12.....	1.4
26	1.0 to 16.5 ADA...	n/a.....	1.0

27 COMPUTATION OF SECONDARY SUPPORT UNITS

28	Average Daily		Minimum Units
29	Attendance	Attendance Divisor	Allowed
30	750 or more....	18.5.....	47
31	400 - 749.99 ADA....	16.....	28
32	300 - 399.99 ADA....	14.5.....	22
33	200 - 299.99 ADA....	13.5.....	17
34	100 - 199.99 ADA....	12.....	9

1	99.99 or fewer	Units allowed as follows:	
2	Grades 7 - 12	.....	8
3	Grades 9 - 12	.....	6
4	Grades 7 - 9	.....	1 per 14 ADA
5	Grades 7 - 8	.....	1 per 16 ADA

6 COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

7	Average Daily		Minimum Units
8	Attendance	Attendance Divisor	Allowed
9	14 or more....	14.5	1 or more as
10			computed
11	12 - 13.99....	.....	1
12	8 - 11.99....	.....	.75
13	4 - 7.99....	.....	.5
14	1 - 3.99....	.....	.25

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

18	Pupils in Attendance	Attendance Divisor	Minimum Units
19			Allowed
20	12 or more.....	12	1 or more as
21			computed

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

1 (56) State Distribution Factor per Support Unit. Divide educational
2 support program distribution funds, after subtracting the amounts necessary
3 to pay the obligations specified in subsection (2) of this section, by the
4 total state support units to secure the state distribution factor per sup-
5 port unit.

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

8 (a) (i) Divide the actual average daily attendance, excluding stu-
9 dents approved for inclusion in the exceptional child educational
10 program, for the administrative schools and each of the separate
11 schools and attendance units by the appropriate divisor from the
12 tables of support units in this section, then add the quotients
13 to obtain the district's support units allowance for regular stu-
14 dents, kindergarten through grade 12 including alternative school
15 students. Calculations in application of this subsection shall be
16 carried out to the nearest hundredth.

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

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

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

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

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

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

1 poses as such values existed on December 31, 1993. Such maintenance and op-
 2 eration levy shall be based on the property tax computation ratio multiplied
 3 by the actual or adjusted market value for assessment purposes as such values
 4 existed on December 31 of the prior calendar year.

5 (9) A school district receiving funding for a full-time kindergarten
 6 program may not include in its maintenance and operation levies funding for
 7 instructional costs associated with full-time kindergarten programs nor-
 8 normally and usually covered by state general funds.

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

11 33-1027. STUDENT ENROLLMENT COUNTS AND RULEMAKING. The state board of
 12 education shall promulgate rules that set forth the procedures for determin-
 13 ing student enrollment counts by school, school district, and statewide, and
 14 the process for reporting such counts. Such rules shall be consistent with
 15 the following:

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

18 (2) A student, including a kindergarten student in a full-time kinder-
 19 garten program, shall not exceed a total of one (1.0) unweighted FTE in a sin-
 20 gle school year, except as provided in subsection (4~~3~~) of this section;

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

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

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

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

34 ~~(7)~~ Each school district or public charter school shall conduct an of-
 35 ficial count of enrolled students in the district or school on the first day
 36 of October, the first day of December, the first day of February, and the
 37 first day of April, or the previous school day if those dates do not fall on
 38 a school day; and

39 ~~(8)~~ A school district or public charter school may not count as en-
 40 rolled any student who has unexcused absences totaling eleven (11) or more
 41 consecutive school days immediately prior to and including the official
 42 count date.

43 SECTION 4. That Chapter 16, Title 33, Idaho Code, be, and the same is
 44 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 45 ignated as Section 33-1615, Idaho Code, and to read as follows:

46 33-1615. FULL-TIME KINDERGARTEN INSTRUCTION. Full-time kindergarten
 47 programs must be evidence-based best practices and consist of a comprehen-

1 sive program of learning. Full-time kindergarten programs may consist of
2 play-based learning concepts.

3 SECTION 5. That Section 33-208, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 33-208. KINDERGARTENS AND CHILD ATTENDANCE NOT COMPULSORY. (1) It
6 shall not be compulsory for individual school districts to establish a
7 kindergarten program; and it shall not be mandatory for a child who is eligi-
8 ble by age for attendance to enroll in an established public kindergarten.

9 (2) Any school district may offer a full-time kindergarten program in
10 addition to a half-day program. A full-time kindergarten program will of-
11 fer a total of eight hundred ten (810) instructional hours. Attendance of
12 a full-time kindergarten program shall be optional and not required of any
13 student.

14 SECTION 6. That Section 33-1004, Idaho Code, be, and the same is hereby
15 amended to read as follows:

16 33-1004. STAFF ALLOWANCE. For each school district, a staff allowance
17 shall be determined as follows:

18 (1) Using the daily attendance reports that have been submitted for
19 computing the February 15 apportionment of state funds as provided in sec-
20 tion 33-1009, Idaho Code, calculate the total support units for the district
21 in the manner provided in section 33-1002(~~67~~) (a), Idaho Code. If the sup-
22 port units used to calculate discretionary funding pursuant to sections
23 33-1009 and 33-1018, Idaho Code, are at least three percent (3%) greater,
24 seventy-five percent (75%) of the difference shall be added to the support
25 units used for the February 15 apportionment of state funds;

26 (2) Determine the instructional staff allowance by multiplying the
27 support units by 1.021. A district must demonstrate that it actually employs
28 the number of certificated instructional staff allowed, except as provided
29 in subsection (6) (f) and (g) of this section. If the district does not employ
30 the number allowed, the staff allowance shall be reduced to the actual number
31 employed, except as provided in subsection (6) (f) and (g) of this section;

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

34 (4) Determine the administrative staff allowance by multiplying the
35 support units by .075;

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

38 (6) Additional conditions governing staff allowance:

39 (a) In determining the number of staff in subsections (2), (3), (4) and
40 (5) of this section, a district may contract separately for services to
41 be rendered by nondistrict employees and such employees may be counted
42 in the staff allowance. A "nondistrict employee" means a person for
43 whom the school district does not pay the employer's obligations for
44 employee benefits. When a district contracts for the services of a
45 nondistrict employee, only the salary portion of the contract shall be
46 allowable for computations.

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

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

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

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

17 (iii) Additionally, for any district with less than twenty (20)
18 support units, the instructional staff allowance shall be calcu-
19 lated applying the actual number of support units. If the number
20 of instructional staff employed in the school year is greater than
21 the instructional staff allowance, the staff allowance shall be
22 increased as provided in subparagraphs (i) and (ii) of this para-
23 graph, and by an additional one-half (1/2) instructional staff al-
24 lowance.

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

29 (e) Only instructional, pupil service and administrative staff and
30 classified personnel compensated by the school district from the gen-
31 eral maintenance and operation fund of the district shall be included in
32 the calculation of staff allowance or in any other calculations based
33 upon staff, including determination of the experience and education
34 multiplier, the reporting requirements, or the district's salary-based
35 apportionment calculation. No food service staff or transportation
36 staff shall be included in the staff allowance.

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

43 (g) A district may employ nine and one-half percent (9.5%) fewer posi-
44 tions than funded pursuant to subsections (2) and (3) of this section,
45 without a reduction in the number of funded positions being imposed.
46 Beginning in fiscal year 2016, this figure shall be reduced by one per-
47 cent (1%) each year for each school district in which the average class
48 size, as determined from prior fiscal year data reported to the state
49 department of education, was at least one (1) student greater than the
50 statewide average class size. The state department of education shall

1 report to the legislature every February, beginning in 2015, on the re-
2 ductions scheduled to take place in this figure, by school district, in
3 the ensuing fiscal year.

4 (i) In the determination of statewide average class size, the
5 state department of education shall not use a single figure de-
6 veloped through the averaging of all districts of varying size,
7 geographical location and pupil populations throughout the state.
8 The statewide average class size shall be comprised of multiple
9 figures determined through analysis of like and similarly sit-
10 uated districts and use of the divisor breakdown established in
11 section 33-1002, Idaho Code.

12 (ii) The state board of education may promulgate rules outlining
13 the method of calculation of the statewide average class size fig-
14 ures.

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

20 (7) In the event that the staff allowance in any category is insuffi-
21 cient to meet accreditation standards, a district may appeal to the state
22 board of education, demonstrating the insufficiency, and the state board may
23 grant a waiver authorizing sufficient additional staff to be included within
24 the staff allowance to meet accreditation standards. Such a waiver shall be
25 limited to one (1) year, but may be renewed upon showing of continuing justi-
26 fication.

27 (8) A district may utilize a portion of the instructional staff al-
28 lowance provided for in this section for kindergarten teachers to visit the
29 parents or guardians of students during the first week of the kindergarten
30 school year. Such visits may take place at school, at the student's home
31 or at another location agreed to by the teacher and parents or guardians.
32 The purpose of such visits is to help strengthen the working relationship
33 between the teacher, the parents or guardians, and the student. The visits
34 should be used as an opportunity to help establish the teacher's expecta-
35 tions of the student. The visit should also provide an opportunity for the
36 parents or guardians to explain their expectations. The amount of moneys to
37 be expended for such visits by the district may not exceed the amount equal
38 to one (1) week of instructional staff allowance computed for kindergarten
39 instructors in the district.

40 SECTION 7. That Section 33-5208, Idaho Code, be, and the same is hereby
41 amended to read as follows:

42 33-5208. PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT. Except as provided
43 in subsection (10) of this section, from the state educational support pro-
44 gram the state department of education shall make the following apportion-
45 ment to each public charter school for each fiscal year based on attendance
46 figures submitted in a manner and time as required by the department of edu-
47 cation:

48 (1) Per student support. Computation of support units for each public
49 charter school shall be calculated as if it were a separate school accord-

1 ing to the schedules in section 33-1002(4~~5~~), Idaho Code, except that public
2 charter schools with fewer than one hundred (100) secondary ADA shall use a
3 divisor of twelve (12) and the minimum units shall not apply. No public char-
4 ter school shall receive an increase in support units that exceeds the sup-
5 port units it received in the prior year by more than thirty (30), provided
6 that this limitation shall not apply for the 2020-2021 school year. Funding
7 from the state educational support program shall be equal to the total dis-
8 tribution factor, plus the salary-based apportionment provided in chapter
9 10, title 33, Idaho Code. Provided however, any public charter school that
10 is formed by the conversion of an existing traditional public school shall
11 be assigned divisors, pursuant to section 33-1002, Idaho Code, that are no
12 lower than the divisors of the school district in which the traditional pub-
13 lic school is located, for each category of pupils listed.

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

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

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

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

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

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

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

1 for educational or administrative purposes. Such funds shall be distributed
 2 from the moneys appropriated to the educational support program and shall be
 3 calculated as a percentage of the statewide average amount of bond and plant
 4 facility funds levied per student by Idaho school districts, as follows:

5 Fiscal Year 2014 Twenty Percent (20%)

6 Fiscal Year 2015 Thirty Percent (30%)

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

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

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

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

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

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

46 A public charter school shall comply with all applicable fiscal requirements
 47 of law, except that the following provisions shall not be applicable to pub-
 48 lic charter schools: that portion of section 33-1004, Idaho Code, relating
 49 to reduction of the administrative and instructional staff allowance and the

1 pupil service staff allowance when there is a discrepancy between the number
2 allowed and the number actually employed; and section 33-1004E, Idaho Code,
3 for calculation of district staff indices.

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

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

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

23 (b) The lesser of:

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

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

30 (9) Nothing in this chapter shall prevent a public charter school from
31 applying for federal grant moneys or for career technical education funding
32 of any source for any reason including, but not limited to, the instructional
33 delivery method.

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

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

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

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

1 SECTION 8. An emergency existing therefor, which emergency is hereby
2 declared to exist, this act shall be in full force and effect on and after
3 July 1, 2022.