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LEGISLATURE OF THE STATE OF IDAHO  
Sixty-fifth Legislature First Regular Session - 2019  
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1 AN ACT  
2 RELATING TO EDUCATION; AMENDING THE HEADING FOR CHAPTER 10, TITLE 33, IDAHO  
3 CODE, TO REVISE THE CHAPTER TITLE; AMENDING SECTION 33-1001, IDAHO  
4 CODE, TO REMOVE DEFINITIONS, TO REVISE DEFINITIONS AND TO DEFINE TERMS;  
5 REPEALING SECTION 33-1002, IDAHO CODE, RELATING TO THE EDUCATIONAL  
6 SUPPORT PROGRAM; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE  
7 ADDITION OF A NEW SECTION 33-1002, IDAHO CODE, TO PROVIDE FOR THE PUB-  
8 LIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM AND STUDENT-BASED FOUNDATION  
9 FUNDING; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION  
10 OF A NEW SECTION 33-1002A, IDAHO CODE, TO PROVIDE FOR SPECIAL PROGRAMS  
11 SUPPORT; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF  
12 A NEW SECTION 33-1002B, IDAHO CODE, TO PROVIDE FOR STUDENT ENROLLMENT  
13 COUNTS AND RULEMAKING; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE  
14 ADDITION OF A NEW SECTION 33-1002C, IDAHO CODE, TO PROVIDE FOR WEIGHTS  
15 AND RULEMAKING; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDI-  
16 TION OF A NEW SECTION 33-1002D, IDAHO CODE, TO PROVIDE A HOLD HARMLESS  
17 PROVISION AND PROVISIONS RELATING TO ANNUAL FUNDING INCREASES; RE-  
18 PEALING SECTION 33-1003, IDAHO CODE, RELATING TO SPECIAL APPLICATION  
19 OF EDUCATIONAL SUPPORT PROGRAM; AMENDING CHAPTER 10, TITLE 33, IDAHO  
20 CODE, BY THE ADDITION OF A NEW SECTION 33-1003, IDAHO CODE, TO PROVIDE  
21 FOR PAYMENTS TO LOCAL EDUCATION AGENCIES; REPEALING SECTION 33-1003A,  
22 IDAHO CODE, RELATING TO THE CALCULATION OF AVERAGE DAILY ATTENDANCE;  
23 REPEALING SECTION 33-1003C, IDAHO CODE, RELATING TO SPECIAL APPLICA-  
24 TION OF TECHNOLOGY INSTRUCTION; REPEALING SECTION 33-1004, IDAHO CODE,  
25 RELATING TO STAFF ALLOWANCE; REPEALING SECTION 33-1004A, IDAHO CODE,  
26 RELATING TO THE EXPERIENCE AND EDUCATION MULTIPLIER; AMENDING SECTION  
27 33-1004B, IDAHO CODE, TO REDESIGNATE THE SECTION, TO AMEND PROVISIONS  
28 RELATING TO THE CAREER LADDER AND TO PROVIDE PROVISIONS RELATING TO LO-  
29 CAL SALARY SCHEDULES; REPEALING SECTION 33-1004C, IDAHO CODE, RELATING  
30 TO BASE AND MINIMUM SALARIES, LEADERSHIP PREMIUMS AND THE EDUCATION  
31 AND EXPERIENCE INDEX; AMENDING SECTION 33-1004E, IDAHO CODE, TO RE-  
32 DESIGNATE THE SECTION AND TO REMOVE PROVISIONS REGARDING SALARY-BASED  
33 APPORTIONMENT; AMENDING SECTION 33-1004F, IDAHO CODE, TO REDESIGNATE  
34 THE SECTION, TO REMOVE PROVISIONS RELATING TO SALARY-BASED APPORTION-  
35 MENT, TO PROVIDE PROVISIONS RELATING TO LOCAL SALARY SCHEDULES AND TO  
36 CORRECT CODE REFERENCES; AMENDING SECTION 33-1004I, IDAHO CODE, TO  
37 REDESIGNATE THE SECTION, TO PROVIDE CORRECT TERMINOLOGY AND TO REMOVE  
38 A DEFINITION; AMENDING SECTION 33-1004J, IDAHO CODE, TO REDESIGNATE  
39 THE SECTION, TO PROVIDE CORRECT TERMINOLOGY, TO CORRECT A CODE REFER-  
40 ENCE, TO REMOVE A DEFINITION AND TO REQUIRE THAT CERTAIN PROVISIONS ARE  
41 REVIEWED BY THE LEGISLATURE; AMENDING SECTION 33-1002B, IDAHO CODE,  
42 TO REDESIGNATE THE SECTION, TO REMOVE REFERENCES TO SUPPORT UNIT AND  
43 AVERAGE DAILY ATTENDANCE, TO PROVIDE REFERENCES TO THE FOUNDATION AND  
44 STUDENT ENROLLMENT COUNTS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING  
45 SECTION 33-1002C, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING

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1 SECTION 33-1002F, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REMOVE  
2 PROVISIONS RELATING TO SUPPORT UNITS AND TO CORRECT A CODE REFERENCE;  
3 AMENDING SECTION 33-1002E, IDAHO CODE, TO REDESIGNATE THE SECTION;  
4 AMENDING SECTION 33-1002G, IDAHO CODE, TO REDESIGNATE THE SECTION AND  
5 TO REMOVE A CARER TECHNICAL SCHOOL REQUIREMENT RELATING TO SECONDARY  
6 SUPPORT UNITS; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDI-  
7 TION OF A NEW SECTION 33-1005E, IDAHO CODE, TO PROVIDE FOR THE PUBLIC  
8 SCHOOL CLASSROOM TECHNOLOGY PROGRAM; REPEALING SECTION 33-1009, IDAHO  
9 CODE, RELATING TO PAYMENTS FROM THE PUBLIC SCHOOL INCOME FUND; AMENDING  
10 SECTION 33-1007A, IDAHO CODE, TO REDESIGNATE THE SECTION, TO PROVIDE  
11 CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SEC-  
12 TION 33-1010, IDAHO CODE, TO PROVIDE TECHNICAL CORRECTIONS; AMENDING  
13 SECTION 33-1005, IDAHO CODE, TO REDESIGNATE THE SECTION, TO PROVIDE  
14 CORRECT TERMINOLOGY, TO REMOVE A REFERENCE TO AVERAGE DAILY ATTENDANCE  
15 AND TO PROVIDE A REFERENCE TO STUDENT ENROLLMENT COUNTS; REPEALING  
16 SECTION 33-1017, IDAHO CODE, RELATING TO THE SCHOOL SAFETY AND HEALTH  
17 REVOLVING LOAN AND GRANT FUND; AMENDING SECTION 33-1018, IDAHO CODE,  
18 TO REMOVE REFERENCES TO DISCRETIONARY FUNDING, TO PROVIDE FOR PUBLIC  
19 SCHOOL STUDENT-BASED FOUNDATION FUNDING VARIABILITY AND TO REVISE RE-  
20 LATED PROVISIONS, REPEALING SECTION 33-1021, IDAHO CODE, RELATING TO  
21 MATH AND SCIENCE REQUIREMENT; AMENDING SECTION 33-1024, IDAHO CODE, TO  
22 REVISE PROVISIONS RELATING TO MONEYS FOR CERTAIN ONLINE PORTALS; AMEND-  
23 ING SECTION 33-309, IDAHO CODE, TO REMOVE A REFERENCE TO AVERAGE DAILY  
24 ATTENDANCE AND TO PROVIDE A REFERENCE TO STUDENT ENROLLMENT COUNT;  
25 AMENDING SECTION 33-317, IDAHO CODE, TO CORRECT A CODE REFERENCE;  
26 AMENDING SECTION 33-515, IDAHO CODE, TO REMOVE AN EXCEPTION RELATING TO  
27 A REQUIREMENT FOR RENEWABLE CONTRACT STATUS AND TO REMOVE PROVISIONS  
28 RELATING TO SALARY-BASED APPORTIONMENT; AMENDING SECTION 33-522, IDAHO  
29 CODE, TO REVISE PROVISIONS RELATING TO A FINANCIAL EMERGENCY; AMENDING  
30 SECTION 33-801A, IDAHO CODE, TO REMOVE A PROVISION RELATING TO SUPPORT  
31 UNITS; AMENDING SECTION 33-804, IDAHO CODE, TO REVISE QUALIFICATIONS  
32 FOR SUBMITTING A CERTAIN QUESTION TO ELECTORS OF A SCHOOL DISTRICT AND  
33 TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-805, IDAHO CODE,  
34 TO REVISE PROVISIONS RELATING TO THE SCHOOL EMERGENCY FUND LEVY AND  
35 TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-905, IDAHO CODE,  
36 TO REVISE PROVISIONS RELATING TO THE SCHOOL DISTRICT BUILDING ACCOUNT  
37 AND TO CORRECT A CODE REFERENCE; AMENDING SECTION 33-906, IDAHO CODE,  
38 TO REMOVE A CODE REFERENCE; AMENDING SECTION 33-906B, IDAHO CODE, TO  
39 REVISE PROVISIONS RELATING TO THE VALUE INDEX CALCULATION AND TO MAKE  
40 TECHNICAL CORRECTIONS; AMENDING SECTION 33-1405, IDAHO CODE, TO REVISE  
41 PROVISIONS RELATING TO RATES OF TUITION, TO PROVIDE CORRECT TERMINOL-  
42 OGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-1406, IDAHO  
43 CODE, TO CORRECT A CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS;  
44 AMENDING SECTION 33-1613, IDAHO CODE, TO REMOVE PROVISIONS RELATING TO  
45 THE SCHOOL SAFETY AND HEALTH REVOLVING LOAN AND GRANT FUND; AMENDING  
46 SECTION 33-1619, IDAHO CODE, TO REVISE PROVISIONS RELATING TO VIRTUAL  
47 EDUCATION PROGRAMS AND TO CORRECT CODE REFERENCES; AMENDING SECTION  
48 33-1627, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE MONEYS AP-  
49 PROPRIATED FOR THE MATH INITIATIVE PROGRAM; AMENDING SECTION 33-2004,  
50 IDAHO CODE, TO REMOVE REFERENCES TO DAILY ATTENDANCE, TO PROVIDE PROVI-

1 SIONS RELATING TO STUDENT ENROLLMENT, TO PROVIDE CORRECT TERMINOLOGY,  
 2 TO CORRECT A CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMEND-  
 3 ING SECTION 33-4602, IDAHO CODE, TO REVISE PROVISIONS RELATING TO DUAL  
 4 CREDIT COURSES AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION  
 5 33-5208, IDAHO CODE, TO REVISE PROVISIONS RELATING TO PUBLIC CHARTER  
 6 SCHOOL FINANCIAL SUPPORT; AMENDING SECTION 33-5210, IDAHO CODE, TO RE-  
 7 MOVE A CODE REFERENCE AND RELATED PROVISIONS; AMENDING SECTION 33-5214,  
 8 IDAHO CODE, TO CORRECT A CODE REFERENCE; AMENDING SECTION 33-5215,  
 9 IDAHO CODE, TO REMOVE A REFERENCE TO SALARY-BASED APPORTIONMENT, TO  
 10 REMOVE REFERENCES TO ADA AND TO PROVIDE PROVISIONS FOR ENROLLMENT  
 11 REPORTS; AMENDING SECTION 33-5217, IDAHO CODE, TO CORRECT A CODE REFER-  
 12 ENCE; AMENDING SECTION 50-2908, IDAHO CODE, TO REMOVE A CODE REFERENCE;  
 13 AMENDING SECTION 57-1303, IDAHO CODE, TO REMOVE A REFERENCE TO AVERAGE  
 14 DAILY ATTENDANCE AND TO PROVIDE PROVISIONS FOR AN UNWEIGHTED STUDENT  
 15 ENROLLMENT COUNT; AMENDING SECTION 59-1115, IDAHO CODE, TO CORRECT  
 16 A CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SEC-  
 17 TION 63-315, IDAHO CODE, TO REMOVE A CODE REFERENCE; AMENDING SECTION  
 18 63-805, IDAHO CODE, TO REMOVE REFERENCES TO AVERAGE DAILY ATTENDANCE  
 19 AND TO PROVIDE PROVISIONS RELATING TO STUDENTS ENROLLED; DECLARING AN  
 20 EMERGENCY; PROVIDING AN EFFECTIVE DATE; AND PROVIDING A SUNSET DATE.

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

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

24 CHAPTER 10  
 25 FOUNDATION PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM -- STATE AID --  
 26 APPORTIONMENT STUDENT-BASED FOUNDATION FUNDING

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

29 33-1001. DEFINITIONS. The following words and phrases used in this  
 30 chapter are defined as follows:

31 (1) ~~"Administrative schools" means and applies to all elementary~~  
 32 ~~schools and kindergartens within a district that are situated ten (10) miles~~  
 33 ~~or less from both the other elementary schools and the principal administra-~~  
 34 ~~tive office of the district and all secondary schools within a district that~~  
 35 ~~are situated fifteen (15) miles or less from other secondary schools of the~~  
 36 ~~district.~~

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

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

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

7       (2) "Children with disabilities" is as defined in section 33-2001(2),  
8 Idaho Code.

9       ~~(53)~~ (3) "Compensation rung" means the rung on the career ladder a local  
10 salary schedule that corresponds with the compensation level performance  
11 criteria.

12       (4) "Economically disadvantaged" means a student who:

13       (a) Is eligible for a free or reduced-price lunch under the Richard B.  
14 Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

15       (b) Resides with a family receiving assistance under the program of  
16 block grants to states for temporary assistance for needy families  
17 (TANF) established under Part A of Title IV of the Social Security Act  
18 (42 U.S.C. 601 et seq.); or

19       (c) Is eligible to receive medical assistance under the Medicaid pro-  
20 gram under Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

21       ~~(65)~~ (5) "Elementary grades" or "elementary average daily attendance"  
22 means and applies to students enrolled in grades 1 through 6 inclusive, or  
23 any combination thereof.

24       ~~(76)~~ (6) "Elementary schools" are schools that serve grades 1 through 6 in-  
25 clusive, or any combination thereof.

26       ~~(87)~~ (7) "Elementary/secondary schools" are schools that serve grades 1  
27 through 12 inclusive, or any combination thereof.

28       ~~(98)~~ (8) "English language learner" or "ELL" means a student who does not  
29 score proficient on the English language development assessment established  
30 by rule of the state board of education.

31       (9) "Gifted and talented" is as defined in section 33-2001(4), Idaho  
32 Code.

33       ~~(10)~~ (10) "Homebound student" means any student who would normally and reg-  
34 ularly attend school, but is confined to home or hospital because of an ill-  
35 ness or accident for a period of ten (10) or more consecutive days.

36       ~~(101)~~ (11) "Instructional staff" means those who hold an Idaho certificate  
37 issued under section 33-1201, Idaho Code, and who are either involved in the  
38 direct instruction of a student or group of students or who serve in a mentor  
39 or teacher leader position for individuals who hold an Idaho certificate is-  
40 ssued under section 33-1201, Idaho Code.

41       ~~(112)~~ (12) "Kindergarten" or "kindergarten average daily attendance" means  
42 and applies to all students enrolled in a school year, less than a school  
43 year, or summer kindergarten program.

44       (13) "Local education agency" or "LEA" means a public school district  
45 or a public charter school authorized by a chartering entity other than a lo-  
46 cal school district board of trustees.

47       (14) "Local salary schedule" means a compensation table developed by  
48 each LEA that is consistent with the provisions of section 33-1004, Idaho  
49 Code, and that, at a minimum, is made up of a residency compensation rung with  
50 three (3) cells and a professional compensation rung with a minimum of five

1 (5) cells, and is used by LEAs for determining amounts to be distributed for  
2 instructional staff and pupil service staff.

3 (125) "Measurable student achievement" means the measurement of stu-  
4 dent academic achievement or growth within a given interval of instruction  
5 for those students who have been enrolled in and attended eighty percent  
6 (80%) of the interval of instruction. Measures and targets shall be chosen  
7 at the district level or school level in collaboration with the staff member  
8 impacted by the measures and applicable district staff. Assessment tools  
9 that may be used for measuring student achievement and growth include:

- 10 (a) Idaho standards achievement test;
- 11 (b) Student learning objectives;
- 12 (c) Formative assessments;
- 13 (d) Teacher-constructed assessments of student growth;
- 14 (e) Pre- and post-tests;
- 15 (f) Performance-based assessments;
- 16 (g) Idaho reading indicator;
- 17 (h) College entrance exams or preliminary college entrance exams such  
18 as PSAT, SAT and ACT;
- 19 (i) District-adopted assessment;
- 20 (j) End-of-course exams;
- 21 (k) Advanced placement exams; and
- 22 (l) Career technical exams.

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

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

- 29 (a) An overall rating of proficient, and no components rated as unsat-  
30 isfactory on the state framework for teaching evaluation; and
- 31 (b) Demonstrating the majority of their students have met their measur-  
32 able student achievement targets or student success indicator targets.

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

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

39 (20) "Remote school" means:

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

43 (b) A kindergarten located more than ten (10) miles on an all-weather  
44 road from both the nearest kindergarten school within the same school  
45 district and from the location of the office of the superintendent of  
46 schools of such district, or from the office of the chief administrative  
47 officer of such district if the district employs no superintendent of  
48 schools; or

49 (c) An elementary school located more than ten (10) miles on an  
50 all-weather road from both the nearest elementary school and ele-

1 mentary/secondary school serving like grades within the same school  
2 district and from the location of the office of the superintendent of  
3 schools of such district, or from the office of the chief administrative  
4 officer of such district if the district employs no superintendent of  
5 schools; or

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

9 ~~(1721) "Secondary grades" or "secondary average daily attendance"~~  
10 means and applies to students enrolled in grades 7 through 12 inclusive, or  
11 any combination thereof.

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

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

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

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

31 (223) "Special education" means specially designed instruction or re-  
32 lated services, at no cost to the parents, to meet the unique needs of chil-  
33 dren with disabilities.

34 (24) "Student success indicators" means measurable indicators of stu-  
35 dent achievement or growth, other than academic, within a predefined inter-  
36 val of time for a specified group of students. Measures and targets shall be  
37 chosen at the district or school level in collaboration with the pupil ser-  
38 vice staff member impacted by the measures and applicable district staff.  
39 Student success indicators include:

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

42 (b) Quantifiable goals stated in a student's behavior improvement  
43 plan.

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

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

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

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

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

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

14       33-1002. PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM -- STUDENT-BASED  
15 FOUNDATION FUNDING. The public schools educational support program and the  
16 student-based foundation funding (the "foundation") shall be calculated an-  
17 nually by the legislature as follows:

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

22       (2) From the total state funds for the public schools educational sup-  
23 port program, subtract the total amount needed for state support of special  
24 programs set forth in section 33-1002A, Idaho Code, to determine the total  
25 foundation moneys.

26       (3) Divide the total foundation moneys by the estimated total statewide  
27 weighted student enrollment count to determine the annual foundation amount  
28 per student.

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

32       33-1002A. SPECIAL PROGRAMS SUPPORT. Pursuant to section 33-1002(2),  
33 Idaho Code, the following amounts are needed for state support of special  
34 programs provided by LEAs:

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

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

40       (3) The approved costs for exceptional child approved contract al-  
41 lowance provided in section 33-2004(1)(b), Idaho Code, as determined by the  
42 state superintendent of public instruction;

43       (4) Pupil tuition-equivalency allowances as provided in section  
44 33-1005, Idaho Code;

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- 1 (5) Bond levy equalization support program as provided in section  
2 33-906, Idaho Code;
- 3 (6) For the support of provisions that provide a safe environment con-  
4 ductive to student learning and maintain classroom discipline, an allocation  
5 of fifteen dollars (\$15.00) for each student enrolled in a school district or  
6 public charter school;
- 7 (7) Advanced opportunities as provided in chapter 46, title 33, Idaho  
8 Code;
- 9 (8) For instructional staff members certified by the national board  
10 for professional teaching standards as provided in section 33-1004A, Idaho  
11 Code;
- 12 (9) School district facilities funds as provided in sections 67-7434,  
13 33-905, and 33-1019;
- 14 (10) Charter school facilities funds and reimbursements paid pursuant  
15 to section 33-5208(5), Idaho Code;
- 16 (11) Master educator premiums as provided in section 33-1004C, Idaho  
17 Code;
- 18 (12) Leadership premiums as provided in section 33-1004E, Idaho Code;
- 19 (13) For mastery-based education as provided for in section 33-1632,  
20 Idaho Code;
- 21 (14) For expenditure as provided by the public school classroom tech-  
22 nology program as provided in section 33-1005E, Idaho Code;
- 23 (15) Feasibility studies allowance as provided in section 33-1009,  
24 Idaho Code;
- 25 (16) Continuous improvement plans and training as provided in section  
26 33-320, Idaho Code;
- 27 (17) Unemployment insurance benefit payments according to the provi-  
28 sions of section 72-1349A, Idaho Code;
- 29 (18) For employee severance payments as provided in section 33-521,  
30 Idaho Code; and
- 31 (19) Any additional amounts as required by statute to effect adminis-  
32 trative adjustments or as specifically required by the provisions of any  
33 bill of appropriation.

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

37 33-1002B. STUDENT ENROLLMENT COUNTS AND RULEMAKING. The state board  
38 of education shall promulgate rules that set forth the procedures for deter-  
39 mining student enrollment counts and the process for reporting such counts.  
40 Such rules shall be consistent with the following:

- 41 (1) Full-time enrollment (FTE) shall be based on enrollment in any LEA;
- 42 (2) A student shall not exceed a total of one (1.0) unweighted FTE in a  
43 single school year;
- 44 (3) A kindergarten student shall not exceed a total of one-half (0.5)  
45 enrollment in a single school year;
- 46 (4) A fractional enrollment count schedule shall be specified for any  
47 student enrolled less than one (1.0) FTE at a given LEA;



1 (5) FTE is based on the courses a student is enrolled in at the time of  
2 the official count, as specified in board rule;

3 (6) Each LEA shall conduct an official count of enrolled students in  
4 its LEA on the first day of October, the first day of December, the first day  
5 of February, and the first day of April, or the previous school day if those  
6 dates do not fall on a school day;

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

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

14 (9) Effective July 1, 2020, the following shall apply to qualifying  
15 public school districts:

16 (a) If a public school district reports an unweighted student enroll-  
17 ment count of fewer than thirty (30), then an unweighted student enroll-  
18 ment count of thirty (30) shall be used for the purpose of determining  
19 the foundation amount per student pursuant to section 33-1002, Idaho  
20 Code, and for determining such school district's allocation amounts  
21 pursuant to section 33-1003, Idaho Code.

22 (b) If a public school district reports an unweighted student enroll-  
23 ment count in secondary grades of fewer than one hundred (100), then an  
24 unweighted student enrollment count of one hundred (100) shall be used  
25 as the secondary grades enrollment count for the purpose of determining  
26 the foundation amount per student pursuant to section 33-1002, Idaho  
27 Code, and for determining such school district's allocation amounts  
28 pursuant to section 33-1003, Idaho Code.

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

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

35 33-1002C. WEIGHTS -- RULEMAKING. (1) An additional percentage shall  
36 be added to certain students' unweighted FTE enrollment counts for the LEAs  
37 in which such students attend as follows:

38 (a) For each student identified as economically disadvantaged, an ad-  
39 ditional:

- 40 (i) Ten percent (10%) effective July 1, 2020.
- 41 (ii) Twenty percent (20%) effective July 1, 2021.
- 42 (iii) Twenty-five percent (25%) effective July 1, 2022.

43 (b) For each student identified as an English language learner, an ad-  
44 ditional:

- 45 (i) Ten percent (10%) effective July 1, 2020.
- 46 (ii) Twenty percent (20%) effective July 1, 2021.
- 47 (iii) Thirty percent (30%) effective July 1, 2022.
- 48 (iv) Thirty-five percent (35%) effective July 1, 2023.

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1 (c) An additional two percent (2%) shall be added to ten percent (10%)  
2 of the unweighted student enrollment count for each LEA, which shall be  
3 used for gifted and talented students.

4 (d) For each student who qualifies for special education, an addi-  
5 tional:

6 (i) Sixty-five percent (65%) effective July 1, 2020.

7 (ii) Seventy-five percent (75%) effective July 1, 2021.

8 (iii) Eighty-five percent (85%) effective July 1, 2022.

9 (iv) Ninety-five percent (95%) effective July 1, 2023.

10 (v) One hundred percent (100%) effective July 1, 2024.

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

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

16 (b) Large school district weight. For each school district that  
17 reports an unweighted student enrollment count of twenty thousand  
18 (20,000) or more, an additional two percent (2%) shall be added to the  
19 student enrollment count for such school districts.

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

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

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

30 UNWEIGHTED ENROLLMENT COUNT	WEIGHT
31 Kindergarten through Elementary 32 Grades:	
33 30 or fewer	2.05
34 Between 31 and 164	$1.2625 + (.7875 - (\text{enrollment} \times .00477))$
35 Between 165 and 329	$.7375 + (.7875 - (\text{enrollment} \times .00159))$
36 Secondary Grades:	
37 30 or fewer	2.05
38 Between 31 and 434	$1.2625 + (.7875 - (\text{enrollment} \times .00181))$
39 Between 435 and 869	$.7375 + (.7875 - (\text{enrollment} \times .0006))$

40 (e) School district market value weight. The state department of ed-  
41 ucation shall annually calculate each school district's market value  
42 per unweighted enrolled student (MVUES) based on market values that  
43 would be used to calculate a bond levy, and shall annually calculate the

1 statewide average. Each school district's MVUES shall then be divided  
2 by the statewide average to determine each school district's MVUES in-  
3 dex. To determine the weight to multiply by the district's unweighted  
4 student enrollment count, use the following table, provided that, the  
5 weight shall not exceed 0.10:

6	DISTRICT'S MVUES INDEX	WEIGHT
7	Less than 1.0	(1.0 - MVUES index) + 1.0
8	1.0 or greater	No market value weight shall be applied

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

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

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

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

21 33-1002D. HOLD HARMLESS -- ANNUAL FUNDING INCREASE. The legislature  
22 intends that LEAs are held financially harmless in totality of state funds  
23 during the three (3) year transition period to the new student based founda-  
24 tion funding set forth in section 33-1002, Idaho Code.

25 (1) No LEA shall receive less state funding than it received during the  
26 2019-2020 school year for each of the three (3) years.

27 (2) No LEA shall receive an annual funding increase of less than two  
28 percent (2%) per enrolled student nor more than seven and one half percent  
29 (7.5%) per enrolled student, of what is calculated for the per student amount  
30 for the 2019-2020 school year.

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

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

36 33-1003. PAYMENTS TO LOCAL EDUCATION AGENCIES. (1) (a) Payments of the  
37 moneys specified in the annual appropriation to the public schools educa-  
38 tional support program shall be made each year by the state department of  
39 education to the LEAs in six (6) payments. Payments to the LEAs shall be  
40 made not later than the fifteenth day of August, October, December, Febru-  
41 ary, April and June of each year. The first payment by the state depart-  
42 ment of education shall be approximately thirty percent (30%) of the total  
43 student-based foundation funding appropriation for the prior fiscal year,

1 while the second payment shall be approximately twenty percent (20%). The  
2 third, fourth, fifth and sixth payments shall each be approximately twelve  
3 and one-half percent (12.5%), except as provided for in section 33-5209C,  
4 Idaho Code.

5 (b) Payments of moneys, other than the state general account appropri-  
6 ation, that accrue to the public school income fund shall be made by the  
7 state department of education to the LEAs on the fifteenth day of Decem-  
8 ber, February, April and June each year. The total amount of such pay-  
9 ments shall be determined by the state department of education and shall  
10 not exceed the amount of moneys available and on deposit in the public  
11 school income fund at the time such payment is made.

12 (2) Payments made to the LEAs in August and October are advance payments  
13 for the current year and may be based upon payments from the public school  
14 income fund for the preceding school year. Each LEA may receive its propor-  
15 tionate share of the advance payments in the same ratio that its total pay-  
16 ment for the preceding year was to the total payments to all LEAs for the pre-  
17 ceding year.

18 (3) Payments made pursuant to this subsection shall take into consider-  
19 ation all payments distributed for the current fiscal year to the LEAs.

20 (a) To determine each LEA's December payment, multiply the current  
21 school year's foundation amount per student by the LEA's official  
22 weighted student enrollment count from October.

23 (b) To determine each LEA's February payment, multiply the current  
24 school year's foundation amount per student by the LEA's official  
25 weighted student enrollment count from December.

26 (c) To determine each LEA's April payment, multiply the current school  
27 year's foundation amount per student by the LEA's official weighted  
28 student enrollment count from February.

29 (d) To determine each LEA's June payment, multiply the current school  
30 year's foundation amount per student by the LEA's official weighted  
31 student enrollment count from April. The June payments shall also take  
32 into consideration:

33 (i) All funds available in the public school income fund for the  
34 fiscal year ending June 30;

35 (ii) The dollar amount obligated to the LEAs as calculated by mul-  
36 tiplying the foundation amount per student by the average of the  
37 four (4) official weighted student enrollment counts; and

38 (iii) The adjustment based on the foundation amount per student  
39 required by the provisions of section 33-1018, Idaho Code;

40 (4) Any apportionments in any year, made to any LEA, which may within  
41 the succeeding one (1) year period be found to have been in error either of  
42 computation or transmittal, may be corrected during the one (1) year period  
43 by reduction of apportionments to any LEA to which over-apportionments may  
44 have been made or received, and corresponding additions to apportionments to  
45 any LEA to which under-apportionments may have been made or received.

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

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

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

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

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

9 33-1004B. CAREER LADDER -- LOCAL SALARY SCHEDULES. ~~School districts~~  
10 ~~shall receive an allocation for instructional staff and pupil service staff~~  
11 ~~based on their staffs' position on the career ladder as follows: Each LEA~~  
12 ~~shall develop a local salary schedule that is consistent with the career lad-~~  
13 ~~der set forth in this section.~~

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

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

24 (3) Instructional staff and pupil service staff on ~~the~~ their profes-  
25 sional compensation rung with four (4) years of experience shall move one (1)  
26 cell on ~~the~~ their professional compensation rung unless they have failed to  
27 meet the professional compensation rung performance criteria for three (3)  
28 of the previous four (4) years. Instructional staff and pupil service staff  
29 on ~~the~~ their professional compensation rung who meet the performance cri-  
30 teria for three (3) of the previous five (5) years, one (1) of which must  
31 be during the fourth or fifth year, shall move one (1) cell. ~~Allocations~~  
32 ~~for i~~Instructional staff and pupil service staff who do not meet the profes-  
33 sional compensation rung performance criteria for three (3) of the previ-  
34 ous five (5) years, one (1) of which must be during the fourth or fifth year,  
35 shall remain at ~~the previous fiscal year allocation level. This also applies~~  
36 ~~to the educational allocation~~ their current position on their local profes-  
37 sional compensation rung.

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

44 (5) ~~In addition to the allocation amount specified for the applicable~~  
45 ~~cell on the career ladder, school districts~~ LEAs shall ~~receive an additional~~  
46 ~~allocation~~ distribute amounts for instructional staff and pupil service

1 staff holding a professional endorsement who have acquired additional edu-  
 2 cation and meet the professional compensation rung performance criteria. In  
 3 determining the additional education ~~allocation~~ distribution amount, only  
 4 transcribed credits and degrees on file with the teacher certification of-  
 5 fice of the state department of education, earned at an institution of higher  
 6 education accredited by a body recognized by the state board of education  
 7 or credits earned through an internship or work experience approved by the  
 8 state board of education, shall be allowed. All credits and degrees earned  
 9 must be in a relevant pedagogy or content area as determined by the state  
 10 department of education. Additional education ~~allocation~~ distribution  
 11 amounts are not cumulative. Instructional staff whose initial certificate  
 12 is an occupational specialist certificate shall be treated as BA degree-pre-  
 13 pared instructional staff. Credits earned by such occupational specialist  
 14 instructional staff after initial certification shall be credited toward  
 15 the education ~~allocation~~ distribution. A LEAs shall pay the following staff  
 16 an additional allocations are amount as specified in their local salary  
 17 schedules:

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

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

24 ~~(e) (6)~~ Effective July 1, 2020, the ~~allocation~~ minimum compensation on a  
 25 local salary schedule shall be:

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

30 (~~67~~) A review of a sample of evaluations completed by administrators  
 31 shall be conducted annually to verify such evaluations are being conducted  
 32 with fidelity to the state framework for teaching evaluation, including  
 33 each evaluation component as outlined in administrative rule and the rat-  
 34 ing given for each component. The state board of education shall randomly  
 35 select a sample of administrators throughout the state. A portion of such  
 36 administrators' instructional staff and pupil service staff employee eval-  
 37 uations shall be independently reviewed. The ratio of instructional staff  
 38 evaluations to pupil service staff evaluations shall be equal to the ratio  
 39 of the statewide instructional staff ~~salary allowance~~ to pupil service staff  
 40 ~~salary allowance~~. The state board of education with input from the Idaho-ap-  
 41 proved ~~teacher~~ educator preparation programs and the state department of  
 42 education shall identify individuals and a process to conduct the reviews.  
 43 Administrator certificate holders shall be required to participate in ongo-  
 44 ing evaluation training pursuant to section 33-1204, Idaho Code. The state  
 45 board of education shall report annually the findings of such reviews to the  
 46 senate education committee, the house of representatives education commit-  
 47 tee, the state board of education and the deans of Idaho's approved ~~teacher~~

1 educator preparation programs. The state board of education shall promul-  
2 gate rules implementing the provisions of this subsection.

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

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

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

17 33-1004EA. ~~DISTRICT'S SALARY-BASED APPORTIONMENT~~ NATIONAL CERTIFI-  
18 CATION PREMIUM. Each district shall be entitled to a salary-based appor-  
19 tionment calculated as provided in this section.

20 (1) ~~To determine the apportionment for instructional staff, take~~  
21 ~~the amounts indicated on the career ladder table plus the amounts associ-~~  
22 ~~ated with the additional education allocation amounts pursuant to section~~  
23 ~~33-1004B, Idaho Code, and calculate the weighted average. The amount so~~  
24 ~~determined shall be multiplied by the district staff allowance for instruc-~~  
25 ~~tional staff determined as provided in section 33-1004(2), Idaho Code.~~  
26 ~~Full-time instructional staff salaries shall be determined from a salary~~  
27 ~~schedule developed by each district and submitted to the state department of~~  
28 ~~education. No full-time instructional staff member shall be paid less than~~  
29 ~~the minimum dollar amount on the career ladder residency compensation rung~~  
30 ~~pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year.~~

31 (2) If an instructional staff member has been certified by the national  
32 board for professional teaching standards, the staff member shall receive  
33 two thousand dollars (\$2,000) per year for five (5) years from the year in  
34 which national board certification was earned. The district staff allot-  
35 ment shall be increased by two thousand dollars (\$2,000) for each national  
36 board-certified instructional staff member who earned national board cer-  
37 tification; ~~provided however, that no such awards shall be paid for the pe-~~  
38 ~~riod July 1, 2010, through June 30, 2011, nor shall any liabilities accrue~~  
39 ~~or payments be made pursuant to this section in the future to any individu-~~  
40 ~~als who would have otherwise qualified for a payment during this stated time~~  
41 ~~period. The resulting amount is the district's salary-based apportionment~~  
42 ~~for instructional staff. For purposes of this section, teachers qualifying~~  
43 ~~for the salary increase shall be those who have been recognized as national~~  
44 ~~board-certified teachers as of July 1 of each year.~~

45 (3) ~~To determine the apportionment for pupil service staff, take~~  
46 ~~the amounts indicated on the career ladder table plus the amounts associ-~~  
47 ~~ated with the additional education allocation amounts pursuant to section~~

1 ~~33-1004B, Idaho Code, and calculate the weighted average. If the district~~  
2 ~~does not employ any pupil service staff, the district's pupil service staff~~  
3 ~~average salary shall equal the district's instructional staff average~~  
4 ~~salary for purposes of calculating pupil service salary-based apporportion-~~  
5 ~~ment. The amount so determined shall be multiplied by the district staff al-~~  
6 ~~lowance for pupil service staff determined pursuant to section 33-1004(3),~~  
7 ~~Idaho Code. Full-time pupil service staff salaries shall be determined from~~  
8 ~~a salary schedule developed by each district and submitted to the state de-~~  
9 ~~partment of education. The resulting amount is the district's salary-based~~  
10 ~~apporportionment for pupil service staff. No full-time pupil service staff~~  
11 ~~member shall be paid less than the minimum dollar amount on the career ladder~~  
12 ~~residency compensation rung pursuant to section 33-1004B, Idaho Code, for~~  
13 ~~the applicable fiscal year.~~

14 ~~(4) To determine the apporportionment for district administrative staff,~~  
15 ~~first determine the district average experience and education index by plac-~~  
16 ~~ing all eligible certificated administrative employees on the statewide in-~~  
17 ~~dex provided in section 33-1004A, Idaho Code. The resulting average is the~~  
18 ~~district index. If the district does not employ any administrative staff,~~  
19 ~~the district administrative index shall equal the statewide average index~~  
20 ~~for purposes of calculating administrative salary-based apporportionment. The~~  
21 ~~district administrative staff index shall be multiplied by the base salary~~  
22 ~~of thirty-six thousand one hundred eighty-six dollars (\$36,186). The amount~~  
23 ~~so determined shall be multiplied by the district staff allowance for admin-~~  
24 ~~istrative staff determined as provided in section 33-1004(4), Idaho Code.~~  
25 ~~The resulting amount is the district's salary-based apporportionment for ad-~~  
26 ~~ministrative staff.~~

27 ~~(5) To determine the apporportionment for classified staff, multi-~~  
28 ~~ply twenty-one thousand six hundred sixty-five dollars (\$21,665) by the~~  
29 ~~district classified staff allowance determined as provided in section~~  
30 ~~33-1004(5), Idaho Code. The amount so determined is the district's appor-~~  
31 ~~tionment for classified staff.~~

32 ~~(6) The district's salary-based apporportionment shall be the sum of the~~  
33 ~~apporportionments calculated in subsections (1), (2), (3), (4) and (5) of this~~  
34 ~~section, plus the benefit apporportionment as provided in section 33-1004F,~~  
35 ~~Idaho Code.~~

36 SECTION 18. That Section 33-1004F, Idaho Code, be, and the same is  
37 hereby amended to read as follows:

38 33-1004FB. OBLIGATIONS TO RETIREMENT AND SOCIAL SECURITY BENE-  
39 FITS. Based upon the actual salary-based apporportionment, as determined in  
40 section 33-1004E, Idaho Code by local salary schedules, the master educator  
41 premiums distributed pursuant to section 33-1004FC, Idaho Code, and the  
42 leadership premiums distributed pursuant to section 33-1004JE, Idaho Code,  
43 there shall be allocated that amount required to meet the employer's obliga-  
44 tions to the public employee retirement system and to social security.

45 SECTION 19. That Section 33-1004I, Idaho Code, be, and the same is  
46 hereby amended to read as follows:



1           33-1004~~C~~. MASTER EDUCATOR PREMIUMS. (1) A portion of the ~~moneys~~  
2 ~~available to the education~~ total state funds for the public schools ed-  
3 ucational support program shall be distributed per full-time equivalent  
4 instructional staff position employed by each ~~school district~~ LEA. Such  
5 moneys shall be paid to instructional staff employees who have earned a mas-  
6 ter educator designation by meeting the minimum qualifications set forth in  
7 subsection (2) of this section and the additional qualifications developed  
8 or adopted by the employing ~~school district~~ LEA pursuant to subsection (3) of  
9 this section, in an amount set forth in subsection (4) of this section.

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

13           (a) An instructional staff or pupil service staff employee must have  
14 eight (8) or more years of teaching experience provided that the three  
15 (3) years immediately preceding the award must be continuous and in  
16 Idaho. The remainder of the teaching experience making up the eight (8)  
17 years must have been earned in Idaho or in a compact-member state pur-  
18 suant to section 33-4101, Idaho Code;

19           (b) An instructional staff or pupil service staff employee must demon-  
20 strate mastery of instructional techniques for no fewer than three (3)  
21 of the previous five (5) years of instruction through:

22                   (i) Artifacts demonstrating evidence of effective teaching; and

23                   (ii) Successful completion of an annual individualized profes-  
24 sional learning plan; and

25           (c) A majority of an instructional staff employee's students must meet  
26 measurable student achievement as defined in section 33-1001, Idaho  
27 Code, for no fewer than three (3) of the previous five (5) years.

28           (d) A majority of a pupil service staff employee's students must meet  
29 measurable student achievement or measurable student success indica-  
30 tors, as defined in section 33-1001, Idaho Code, for no fewer than three  
31 (3) of the previous five (5) years.

32           (3) In addition to the minimum qualifications for a master educator  
33 designation set forth in subsection (2) of this section:

34           (a) ~~Local school districts~~ LEAs may develop and require additional  
35 qualifications showing demonstrated mastery of instructional tech-  
36 niques and professional practice through multiple measures, provided  
37 that such qualifications shall be developed by a committee consisting  
38 of teachers, administrators and other ~~school district~~ LEA stakeholders  
39 and shall first be approved by the state board of education;

40           (b) ~~Local school districts~~ LEAs may develop plans that recognize groups  
41 of teachers based on measurable student achievement goals aligned with  
42 ~~school district~~ LEA approved continuous improvement plans. Groups may  
43 be school-wide or may be smaller groups such as grade levels or by sub-  
44 ject matter. Each teacher in a master educator group shall receive a  
45 master educator premium if goals are met according to the ~~district~~ LEA  
46 plans. Plans shall be developed by a committee consisting of teachers,  
47 administrators and other ~~school district~~ LEA stakeholders and shall  
48 first be approved by the state board of education. Any ~~school district~~  
49 LEA that does not follow their preapproved plan shall not receive future  
50 master educator premium dollars; or

1 (c) If a ~~local school district~~ LEA has not developed qualifications  
2 pursuant to paragraph (a) or (b) of this subsection, then eligible  
3 ~~school district~~ LEA staff may apply to the state board of education by  
4 showing demonstrated mastery of instructional techniques and profes-  
5 sional practice through multiple measures as developed by a committee  
6 facilitated by the state board of education consisting of teachers, ad-  
7 ministrators and other stakeholders, which measures shall be approved  
8 by the state board of education.

9 (4) The amount of the master educator premium paid to a qualified in-  
10 structional staff employee shall be four thousand dollars (\$4,000) each year  
11 for three (3) years starting with the initial award of the master educator  
12 premium. After the third year of receiving the master educator premium, the  
13 instructional staff employee must continue to demonstrate that he or she  
14 meets the master educator premium qualifications in each subsequent year.  
15 If the qualifications are not met, then the premium will be discontinued  
16 until such time as the qualifications are met.

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

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

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

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

27 33-1004JE. LEADERSHIP PREMIUMS. (1) Of the ~~moneys available to the~~  
28 total state funds for the public schools educational support program, eight  
29 hundred fifty dollars (\$850) shall be distributed per full-time equivalent  
30 instructional and pupil service staff position employed by each ~~school dis-~~  
31 ~~trict~~ LEA. Such moneys shall be paid to instructional and pupil service staff  
32 employees for leadership activities as provided in paragraphs (a) through  
33 (h) of this subsection. Such premiums shall be valid only for the fiscal  
34 year for which the premiums are made and shall be made for one (1) or more  
35 of the following reasons identified as leadership priorities by a committee  
36 consisting of teachers, administrators and other ~~school district~~ LEA stake-  
37 holders and shall be approved by the board of trustees or board of directors:

- 38 (a) Teaching a course in which students earn both high school and col-  
39 lege credit;
- 40 (b) Teaching a course to middle school students in which the students  
41 earn both middle school and high school credit;
- 42 (c) Holding and providing service in multiple nonadministrative cer-  
43 tificate or subject endorsement areas;
- 44 (d) Serving or being hired to serve in an instructional or pupil service  
45 position designated as hard to fill by the board of trustees or board of  
46 directors;
- 47 (e) Serving or being hired to serve in a hard to fill instructional po-  
48 sition in a career technical education program;

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

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

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

12 (2) ~~Local school district~~ LEA boards of trustees or boards of direc-  
13 tors shall provide leadership premiums to instructional or pupil service  
14 staff employees consistent with the provisions of this section and may not  
15 distribute moneys provided pursuant to this section unless employees meet  
16 one (1) of the criteria specified in subsection (1) of this section. The  
17 decision as to whom and how many receive leadership premiums, and in what  
18 amounts, shall not be subject to collective bargaining, any other provision  
19 of law notwithstanding. A board may provide multiple leadership premiums to  
20 an instructional or pupil service staff employee. However, no such employee  
21 shall receive cumulative leadership premiums in excess of twenty-five per-  
22 cent (25%) of the minimum salary as designated on ~~the career ladder~~ a local  
23 salary schedule pursuant to section 33-1004B, Idaho Code, nor less than nine  
24 hundred dollars (\$900), regardless of such employees full- or part-time  
25 status.

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

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

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

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

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

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

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

44 (g) The reasons identified as leadership priorities approved by the  
45 board of trustees or board of directors as listed in subsection (1) of  
46 this section, including a description of the other leadership duties  
47 designated by the board of trustees or board of directors as provided in  
48 subsection (1) (h) of this section and the number of the premiums awarded  
49 per leadership activity as identified in subsection (1) (a) through (h)  
50 of this section.

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

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

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

9           33-1002B5. PUPIL TUITION-EQUIVALENCY ALLOWANCES. (1-) Districts  
10 which educate pupils placed by Idaho court order in licensed homes, agen-  
11 cies, institutions or juvenile detention facilities shall be eligible for an  
12 allowance equivalent to forty-two percent (42%) of the previous year's gross  
13 per pupil cost calculated on a daily basis. This district allowance shall be  
14 in addition to ~~support unit~~ the foundation funding and included in district  
15 apportionment payments, subject to approval of district applications by the  
16 state superintendent of public instruction.

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

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

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

1 trict. Such students shall be excluded from all ~~average daily attendance~~  
2 student enrollment counts and other reports provided to the state that would  
3 result in the distribution of state funding to the local school district.

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

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

21 33-1002C5A. ~~SUMMER SCHOOL PROGRAM SUPPORT UNITS -- ALTERNATIVE SCHOOL~~  
22 FUNDING -- JUVENILE DETENTION FACILITY. (1) ~~Alternative s~~Summer school  
23 programs for at-risk students, as defined in state board of education rule,  
24 of not less than two hundred twenty-five (225) hours of instruction, which  
25 shall be included in the ~~educational support units enrollment totals~~ cal-  
26 culated as provided in section 33-1002B, Idaho Code, may be established  
27 as approved by the state board of education. ~~The average daily attendance~~  
28 divided by forty (40) shall determine the number of allowable support units  
29 which shall be included in the alternative school support units calculated  
30 for the school district for the succeeding school term Summer school enroll-  
31 ment numbers shall be added to the first count of the ensuing school year.

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

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

46 (4) ~~Average daily attendance and the support units so generated by this~~  
47 ~~section shall not be included in or subject to the provisions of section~~

1 ~~33-1003, Idaho Code, and shall be included as an addition to any other sup-~~  
2 ~~port units generated pursuant to Idaho Code.~~

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

5 33-1002F5B. ALTERNATIVE SCHOOL REPORT. Annually, prior to the tenth  
6 legislative day, the department of education shall file with the legisla-  
7 ture a report detailing the alternative school programs within the state. On  
8 July 1 of each year, or as soon thereafter as feasible, each school district  
9 receiving moneys pursuant to ~~the alternative school support units factor in~~  
10 ~~section 33-1002, Idaho Code, or section 33-1002C5A, Idaho Code,~~ shall file  
11 with the state department a comprehensive report of the amount of money re-  
12 ceived in the district, the expenditure on alternative school programs, and  
13 the programs provided. This information shall be compiled by the department  
14 for transmission to the legislature.

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

17 33-1002E5C. PUPILS ATTENDING SCHOOL IN ANOTHER STATE. In any school  
18 district which abuts upon the border of another state, the resident pupils  
19 of said district may attend schools in the other state as provided in section  
20 33-1403, Idaho Code.

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

23 33-1002G5D. CAREER TECHNICAL SCHOOL FUNDING AND ELIGIBILITY. (1)  
24 School districts may establish career technical schools that qualify for  
25 funding appropriated for the specific purpose of supporting the added cost  
26 of career technical schools. These funds will be appropriated to the state  
27 board for career technical education, to be expended by the division of ca-  
28 reer technical education. In order for a school to qualify for funding as a  
29 career technical school, it must make application to the division of career  
30 technical education on or before the fifteenth of April for the following  
31 fiscal year. This includes applicants for new schools and renewal applica-  
32 tions. All career technical schools must meet all three (3) of the following  
33 criteria:

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

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

- 1 (c) All school programs offer at least one (1) supervised field experi-
- 2 ence for all students.
- 3 (2) All career technical schools must also meet at least one (1) of the
- 4 following three (3) requirements:
- 5 (a) ~~The school is funded separately from schools that qualify for com-~~
- 6 ~~putation using regular secondary support units.~~
- 7 ~~(b)~~ The school has a separate and distinct governing board.
- 8 (e~~b~~) The majority of the school programs are provided at dedicated fa-
- 9 cilities that are separate from the regular high school facilities.

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

13 33-1005E. PUBLIC SCHOOL CLASSROOM TECHNOLOGY PROGRAM. Technology  
14 program funding shall be distributed for classroom technology and class-  
15 room technology infrastructure, and instructional management systems that  
16 assist educators and students in effective and efficient instruction or  
17 learning. Funding shall be distributed based on a formula prescribed by the  
18 superintendent of public instruction. Moneys so distributed shall be used  
19 to implement and operate an instructional management system of their choice  
20 that meets the individual learning needs and progress of all students. An  
21 instructional management system must include individual student learning  
22 plans, monitoring of interventions, integration with a district's student  
23 information system (SIS), and analysis of student and classroom levels of  
24 learning.

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

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

29 33-1007A~~9~~. FEASIBILITY STUDY AND PLAN FOR SCHOOL CLOSURES AND/OR  
30 SCHOOL DISTRICT CONSOLIDATION. (1) The state superintendent of public in-  
31 struction shall determine the reimbursable costs to any school district  
32 which are incurred under the provisions of section 33-310B, Idaho Code. The  
33 school district shall be entitled to reimbursement of all allowable costs  
34 pursuant to rules and regulations promulgated by the state board of educa-  
35 tion.

36 (2) In school districts where the implementation of a school closure  
37 plan requires the consolidation of one (1) or more schools, the public  
38 schools educational support program allowance for the consolidated school  
39 for a seven (7) year period following school consolidation, shall not be less  
40 than the combined public schools educational support program allowance of  
41 the component schools in the last year of operation.

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

1           33-1010. APPORTIONMENTS WHEN MINES NET PROFITS CONSIDERED. (1) In any  
2 school district in which mines net profits are made a part of the total as-  
3 sessed value of taxable property, should the amount of such net profits cer-  
4 tified as required by section 63-2803, Idaho Code, be lower in any year than  
5 for the immediately preceding year in an amount equaling five per cent (5%)  
6 or more of the total assessed value of taxable property of the district for  
7 the preceding year, then the state department of education shall compute the  
8 adjusted value of taxable property in the district for the purposes of sec-  
9 tion 33-10093, Idaho Code, by subtracting from the adjusted value of prop-  
10 erty in the district for the preceding year, the total of such decrease in  
11 mines net profits tax.

12           (2) The county auditor of each county in which the net profits of mines  
13 are made a part of the total assessed value of taxable property of any school  
14 district, shall annually examine the reports of mines net profits certified  
15 to the county assessor as required by section 63-2803, Idaho Code, and shall  
16 certify to the state department of education not later than the fifteenth day  
17 of June of each year, the net profits of mines creditable to each school dis-  
18 trict in said county.

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

21           33-100514. DISTRICTS RECEIVING FEDERAL FUNDS. In school districts  
22 which receive moneys for the maintenance and operation of the schools from  
23 agencies of the federal government, the public schools educational support  
24 program shall be computed on the basis of the average daily attendance of  
25 pupils student enrollment counts as set forth in this chapter and without  
26 regard to the manner in which such allowance from the federal government may  
27 be computed.

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

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

32           33-1018. PUBLIC SCHOOL ~~DISCRETIONARY~~ STUDENT-BASED FOUNDATION FUND-  
33 ING VARIABILITY. The legislature shall annually state in the appropriation  
34 for the public schools educational support program/~~division of operations~~  
35 the estimate of the ~~total discretionary funding provided~~ foundation amount  
36 per support unit student pursuant to section 33-1002, Idaho Code. ~~The~~ Before  
37 the end of each fiscal year, the department of education shall, ~~before the~~  
38 ~~end of each fiscal year,~~ calculate the actual discretionary funding avail-  
39 able per support unit foundation amount per student.

40           (1) If the total estimated ~~discretionary funding~~ foundation amount per  
41 support unit student stated in the appropriation for the public schools ed-  
42 ucational support program/~~division of operations~~ is lower than the actual  
43 discretionary funding available foundation amount per support unit student,  
44 then the state controller shall multiply the difference by the ~~number of ac-~~  
45 ~~tual support units~~ statewide weighted student enrollment count, and trans-



1 fer the result from the public school income fund to the public education  
2 stabilization fund and the final distributions to ~~school districts~~ LEAs from  
3 the department of education shall be reduced by a like amount.

4 (2) If the total estimated ~~discretionary funding~~ foundation amount per  
5 ~~support unit student~~ stated in the appropriation for the public schools ed-  
6 ucational support program/~~division of operations~~ is greater than the actual  
7 ~~discretionary funding available~~ foundation amount per ~~support unit student~~,  
8 then the state controller shall multiply the difference by the ~~number of ac-~~  
9 ~~tual support units~~ statewide weighted student enrollment count, and trans-  
10 fer the result from the public education stabilization fund to the public  
11 school income fund. This transfer shall be limited to moneys available in  
12 the public education stabilization fund. Moneys transferred from the public  
13 education stabilization fund to the public school income fund under the pro-  
14 visions of this section are hereby continuously appropriated for the public  
15 schools educational support program/~~division of operations~~.

16 SECTION 33. That Section 33-1021, Idaho Code, be, and the same is hereby  
17 repealed.

18 SECTION 34. That Section 33-1024, Idaho Code, be, and the same is hereby  
19 amended to read as follows:

20 33-1024. ONLINE PORTALS. (1) Of the moneys appropriated to the  
21 ~~educational support program~~ superintendent of public instruction, up to  
22 one hundred fifty thousand dollars (\$150,000) may be expended for the de-  
23 velopment and maintenance of an internet-based portal of available online,  
24 nonsectarian K-12 or dual credit courses; an adult education portal; and a  
25 parent resource portal.

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

- 28 (a) Idaho digital learning academy;
- 29 (b) Idaho public school districts;
- 30 (c) Idaho public charter schools;
- 31 (d) Idaho public colleges and universities;
- 32 (e) Idaho private colleges and universities accredited by the same  
33 organization that accredits Idaho's public colleges and universities;  
34 and
- 35 (f) Any provider of online courses; provided however, that the courses  
36 available on the portal have been verified and approved by the state de-  
37 partment of education to meet state content standards.

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

- 40 (a) Include and display customer ratings from students and parents,  
41 based upon previous student enrollment with the online course, provider  
42 and instructor. Such ratings shall, at a minimum, evaluate the quality  
43 of content, instruction, communications and ease of use;
- 44 (b) Include the capacity for parents to notify their student's home  
45 school of their desire to enroll their student in an online course  
46 listed on the portal; and

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

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

6 SECTION 35. That Section 33-309, Idaho Code, be, and the same is hereby  
7 amended to read as follows:

8 33-309. LAPSED DISTRICTS -- ANNEXATION. (1) If the state board of edu-  
9 cation shall find any school district:

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

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

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

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

20 (2) Upon entering its order declaring a school district lapsed pursuant  
21 to subsection (1) of this section, the state board shall designate some  
22 proper person a hearing officer to conduct a public hearing or hearings on  
23 the matter of annexing the lapsed district to a school district or districts  
24 contiguous thereto. The state board shall cause notice of such hearing or  
25 hearings to be published in a newspaper of general circulation in the area  
26 and the notice shall state the time and place of the hearing or hearings and  
27 the subject matter involved.

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

34 (4) Whenever there is any outstanding unpaid bonded debt owed by the  
35 lapsed district, the state board shall, in its order of annexation, require  
36 the district, or one (1) of the districts, to which the lapsed area is an-  
37 nexed, to keep and maintain the bond register and to pay the principal and  
38 interest, when the same are due, out of the proceeds of any levy made for  
39 that purpose. The said order of annexation shall also provide for the trans-  
40 fer, or apportionment, to the annexing district or districts of the prop-  
41 erty and current liabilities of the lapsed district as in the judgment of the  
42 state board is equitable and just; provided however, that if the lapsed dis-  
43 trict shall have excess of liquid assets over current liabilities, and if  
44 such lapsed district shall have any outstanding unpaid bonded debt, then and  
45 in that event such excess shall be ordered transferred to a fund for the pay-  
46 ment of the principal of and interest on such debt.

47 (5) When annexation has been completed, as hereinabove authorized,  
48 the state board shall give notice of such annexation to the officers of the

1 lapsed district, if any there be, and to the board of county commissioners  
2 of any county in which shall lie any district, the boundaries of which have  
3 been changed by the annexation of the lapsed area. The notice to any board  
4 of county commissioners shall be accompanied by a legal description of the  
5 boundaries of the district or districts as changed by the annexation.

6 SECTION 36. That Section 33-317, Idaho Code, be, and the same is hereby  
7 amended to read as follows:

8 33-317. COOPERATIVE SERVICE AGENCY -- POWERS -- DUTIES -- LIMITA-  
9 TIONS. (1) Two (2) or more school districts may join together for educational  
10 purposes to form a service agency to purchase materials and/or provide  
11 services for use individually or in combination. The cooperative service  
12 agency thus formed shall be empowered to adopt bylaws, and act as a body cor-  
13 porate and politic with such powers as are assigned through its bylaws but  
14 limited to the powers and duties of local school districts. In its corporate  
15 capacity, this agency may sue and be sued and may acquire, hold and convey  
16 real and personal property necessary to its existence. The employees of the  
17 service agency shall be extended the same general rights, privileges and  
18 responsibilities as comparable employees of a school district. The cooper-  
19 ative service agency may elect to be its own fiscal agent for the purposes of  
20 providing an alternative school program, with the concurrence of the school  
21 districts for which it provides such services. In doing so the educational  
22 support program payments made pursuant to section 33-100~~23~~, Idaho Code,  
23 that would have been distributed to the school district acting as the fiscal  
24 agent, shall instead be distributed to the cooperative service agency.

25 (2) A properly constituted cooperative service agency may request from  
26 its member school districts funding to be furnished by a tax levy not to  
27 exceed one-tenth of one percent (.1%) for a period not to exceed ten (10)  
28 years by such member school districts. Such levy must be authorized by an  
29 election held subject to the provisions of section 34-106, Idaho Code, and  
30 be conducted in each of the school districts pursuant to chapter 14, title  
31 34, Idaho Code, and approved by a majority of the district electors voting  
32 in such election. Moneys received by the member school districts from this  
33 source shall be transferred to the cooperative service agency upon receipt  
34 of billing from the agency. Excess revenue over billing must be kept in a  
35 designated account by the district, with accrued interest, and may only be  
36 spent as budgeted by the agency.

37 (3) For the purpose of constructing and maintaining facilities of a  
38 cooperative service agency, in addition to the levy authorized in subsection  
39 (2) of this section, a properly constituted cooperative service agency may  
40 request from its member school districts additional funding to be furnished  
41 by a tax levy not to exceed four-tenths of one percent (.4%) for a period not  
42 to exceed ten (10) years. Such levy must be authorized by an election held  
43 subject to the provisions of section 34-106, Idaho Code, and be conducted in  
44 each of the school districts pursuant to chapter 14, title 34, Idaho Code,  
45 and approved by sixty-six and two-thirds percent (66 2/3%) of the district  
46 electors voting in such election. If one (1) or more of the member districts  
47 fails to approve the tax levy in such election, the cooperative service  
48 agency may construct the facility through the support of the member dis-

1 tricts approving the levy, but in no event shall the levy limits authorized  
2 in this subsection (3) be exceeded. Nothing shall prevent a member dis-  
3 trict that initially failed to approve the levy from conducting a subsequent  
4 election, held pursuant to section 34-106, Idaho Code, to authorize that  
5 district's participation in construction of the facility. Electors of the  
6 districts may approve continuation of such levy for an additional ten (10)  
7 years at an election held for that purpose. There is no limit on the number of  
8 elections which may be held for the purpose of continuing the levy authorized  
9 under this subsection (3) for an additional ten (10) years. The administra-  
10 tion and accounting of moneys received by imposition of the levy shall be the  
11 same as provided in subsection (2) of this section.

12 SECTION 37. That Section 33-515, Idaho Code, be, and the same is hereby  
13 amended to read as follows:

14 33-515. ISSUANCE OF RENEWABLE CONTRACTS. (1) During the third full  
15 year of continuous employment by the same school district, including any  
16 specially chartered district, each certificated employee named in subsec-  
17 tion (25) of section 33-1001, Idaho Code, and each school nurse and school  
18 librarian shall be evaluated for a renewable contract and shall, upon hav-  
19 ing been offered a contract for the next ensuing year, and upon signing and  
20 timely returning a contract for a fourth full year, be placed on a renewable  
21 contract status with said school district entitling such individual to the  
22 right to automatic renewal of contract, subject to the provisions included  
23 in this chapter, provided that instructional staff who have not obtained  
24 a professional endorsement under section 33-1201A, Idaho Code, may not  
25 be placed on a renewable contract status, ~~provided however, if the career~~  
26 ~~ladder pursuant to section 33-1004B, Idaho Code, is not funded, then a pro-~~  
27 ~~fessional endorsement shall not be required.~~

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 sections 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 38. That Section 33-522, Idaho Code, be, and the same is hereby  
15 amended to read as follows:

16 33-522. FINANCIAL EMERGENCY. (1) Prior to declaring a financial emer-  
17 gency, the board of trustees shall hold a public meeting for the purpose of  
18 receiving input concerning possible solutions to the financial problems  
19 facing the school district.

20 (2) If the state department of education certifies that ~~one (1) or more~~  
21 ~~of the conditions in paragraph (a), (b) or (c) of this subsection are~~ is met,  
22 then the board of trustees may declare a financial emergency if it determines  
23 that the condition in paragraph (fd) of this subsection is also met. Alter-  
24 natively, the board of trustees may declare a financial emergency if it de-  
25 termines that either of the conditions in paragraph (db) or (ec) of this sub-  
26 section are met and the state department of education certifies that the con-  
27 dition set forth in paragraph (fd) of this subsection is also met.

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

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

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

38 (db) The amount of property tax revenue to be collected by the school  
39 district that may be used for any general fund purpose, with the excep-  
40 tion of any emergency levy funds, is reduced from the prior fiscal year,  
41 and the amount of said reduction represents more than one and one-half  
42 percent (1 1/2%) of the school district's general fund budget for com-  
43 bined state and local revenues from the prior fiscal year.

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

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

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

9           (a) Have the power to reopen the salary and benefits compensation as-  
10          pects of the negotiated agreement, including the length of the certifi-  
11          cated employee contracts and the amount of compensation and benefits;  
12          and

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

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

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

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

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

33           SECTION 39. That Section 33-801A, Idaho Code, be, and the same is hereby  
34 amended to read as follows:

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

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



1           33-804. SCHOOL PLANT FACILITIES RESERVE FUND LEVY. In any school dis-  
2 trict in which a school plant facilities reserve fund has been created, ei-  
3 ther by resolution of the board of trustees or by apportionment to new dis-  
4 tricts according to the provisions of section 33-901, Idaho Code, to provide  
5 funds therefor the board of trustees shall submit to the qualified school  
6 electors of the district the question of a levy not to exceed four-tenths of  
7 one percent (.4%) of market value for assessment purposes in each year, as  
8 such valuation existed on December 31 of the previous year, for a period not  
9 to exceed ten (10) years.

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

19           ~~(1-)~~ Fifty-five percent (55%) of the electors voting in such election  
20 are in favor thereof if the levy will result in a total levy for school plant  
21 facilities and bonded indebtedness of less than two-tenths of one percent  
22 (.2%) of market value for assessment purposes as such valuation existed on  
23 December 31 of the year immediately preceding the election;

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

30           ~~(3-)~~ Two-thirds (2/3) of the electors voting in such election are in fa-  
31 vor thereof if the levy will result in a total levy for school plant facili-  
32 ties and bonded indebtedness of three-tenths of one percent (.3%) or more of  
33 market value for assessment purposes as such valuation existed on December  
34 31 of the year immediately preceding the election.

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

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

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

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

16 (b) The first tax year of conversion shall be the one in which the rev-  
17 enues collected will accrue to the fiscal year in which the state de-  
18 partment of education certifies that the condition stated in subsection  
19 4. of this section exists; and

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

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

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

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

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

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

41 (i) Any years in which a previously approved plant facilities levy  
42 is converted to a supplemental levy pursuant to this subsection shall  
43 count against the years for which the plant facilities levy was ap-  
44 proved; and

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

48 SECTION 41. That Section 33-805, Idaho Code, be, and the same is hereby  
49 amended to read as follows:

1           33-805. SCHOOL EMERGENCY FUND LEVY. (1) Before the second Monday of  
 2 September in each year, the board of trustees of any school district which  
 3 qualifies under the provisions of this section may certify its need hereun-  
 4 der to the board of county commissioners in each county in which the district  
 5 may lie, and request a school emergency fund levy upon all taxable property  
 6 in the district.

7           (2) The board of trustees shall compute the number of ~~pupils in aver-~~  
 8 ~~age daily attendance~~ students enrolled in the schools of the district as of  
 9 such date, and if there be ~~pupils in average daily attendance~~ students en-  
 10 rolled above the number in average daily attendance of students enrolled for  
 11 the same period of the school year immediately preceding the board shall:

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

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

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

20           (4) In the case of a joint district, the board of trustees shall cer-  
 21 tify to the board of county commissioners of each county in which the dis-  
 22 trict lies, to each, that proportion of the amount computed, as hereinabove,  
 23 as the assessed value of taxable property within the district situate in each  
 24 such county bears to the total assessed value of all taxable property in the  
 25 district.

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

30           (6) The school district shall advertise its intent to seek an emer-  
 31 gency levy pursuant to this section by publishing in at least the newspaper  
 32 of largest paid circulation published in the county of the district, or if  
 33 there is no such newspaper, then in a newspaper published nearest to the dis-  
 34 trict where the advertisement is required to be published. For purposes of  
 35 this section, the definition of "newspaper" shall be as established in sec-  
 36 tions 60-106 and 60-107, Idaho Code; provided further that the newspaper of  
 37 largest circulation shall be established by the statement of average annual  
 38 paid weekday circulation listed on the newspaper's sworn statement of owner-  
 39 ship that was filed with the United States post office on a date most recently  
 40 preceding the date on which the advertisement required in this section is to  
 41 be published. The advertisement shall be run when the school district ascer-  
 42 tains that it will request an emergency school fund levy as provided in this  
 43 section and shall be published once a week for two (2) weeks following action  
 44 by the board of trustees.

45           (7) The form and content of the notice shall be substantially as fol-  
 46 lows:

47                   NOTICE OF PROPERTY TAX INCREASE BY SCHOOL BOARD

48           The (name of the school district) has proposed to increase the amount of  
 49 ad valorem tax dollars it collects by certifying a school emergency fund levy

1 pursuant to section 33-805, Idaho Code, for the period ..... to .....  
 2 . The total amount of dollars to be collected pursuant to this levy is esti-  
 3 mated to be ..... . The amount of dollars to be collected pursuant to  
 4 this levy on a typical home of \$50,000 taxable value of last year is estimated  
 5 to be ..... . The amount of dollars to be collected pursuant to this levy  
 6 on a typical farm of \$100,000 taxable last year is estimated to be ..... .  
 7 The amount of dollars to be collected pursuant to this levy on a typical busi-  
 8 ness of \$200,000 taxable value of last year is estimated to be ..... .

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

15 SECTION 42. That Section 33-905, Idaho Code, be, and the same is hereby  
 16 amended to read as follows:

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

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

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

47 (4) All payments from the school district building account shall be  
 48 paid out directly to the school district in warrants drawn by the state

1 controller upon presentation of proper vouchers from the state board of ed-  
2 ucation. Pending payments out of the school district building account, the  
3 moneys in the account shall be invested by the state treasurer in the same  
4 manner as provided under section 67-1210, Idaho Code, with respect to other  
5 idle moneys in the state treasury. Interest earned on the investments shall  
6 be returned to the school district building account.

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

14 SECTION 43. That Section 33-906, Idaho Code, be, and the same is hereby  
15 amended to read as follows:

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

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

45 (3) The provisions of this section may not be utilized to refinance  
46 existing debt or subsidize projects previously subsidized by state grants,  
47 unless the existing debt being refinanced is a bond passed on or after  
48 September 15, 2002; provided however, that any school district that has

1 issued qualifying bonds prior to June 30, 2004, in conformance with this sec-  
2 tion shall not be deemed to be refinancing existing debt when the qualifying  
3 bonds are utilized to finance the acquisition of public school facilities  
4 previously leased or financed through means other than the issuance of gen-  
5 eral obligation bonds approved by a two-thirds (2/3) vote at an election  
6 called for that purpose subject to subsection (5) of this section.

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

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

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

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

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

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

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

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

44 SECTION 44. That Section 33-906B, Idaho Code, be, and the same is hereby  
45 amended to read as follows:

46 33-906B. VALUE INDEX CALCULATION. (1) The state department of educa-  
47 tion shall establish a value index for each school district, based on each  
48 school district's market value per ~~support unit~~ average weighted student

1 count for equalization purposes, the average annual seasonally-adjusted  
2 unemployment rate in the county in which a plurality of the school district's  
3 market value for assessment purposes of taxable property is located and the  
4 per capita income in the county in which a plurality of the school district's  
5 market value for assessment purposes is located. The value index for each  
6 school district shall be calculated as the sum of the following three (3)  
7 components:

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

15 (2b) The second portion of the value index shall be calculated by di-  
16 viding the statewide unemployment rate by the unemployment rate in the  
17 county in which a plurality of the school district's market value for  
18 assessment purposes of taxable property is located, and dividing the  
19 result of this calculation by four (4). For the purposes of this sub-  
20 section, the statewide unemployment rate and county unemployment rates  
21 shall be based on the most recent average annual seasonally-adjusted  
22 unemployment rate data reported by the United States department of la-  
23 bor, for which there is a complete calendar year of data.

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

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

41 SECTION 45. That Section 33-1405, Idaho Code, be, and the same is hereby  
42 amended to read as follows:

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

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

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

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

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

31           SECTION 46. That Section 33-1406, Idaho Code, be, and the same is hereby  
32 amended to read as follows:

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

45           (2) Each bill of tuition submitted to a home district shall show the se-  
46 rial number of the tuition certificate last issued to the creditor district  
47 by the state department of education and shall show also the number of pupils



1 for whom tuition is charged, which charge shall be as shown by the said tu-  
2 tion certificate.

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

6 SECTION 47. That Section 33-1613, Idaho Code, be, and the same is hereby  
7 amended to read as follows:

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

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

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

1 abatement of unsafe and unhealthy conditions. Copies of such reports shall  
2 be provided to the administrator of the division of building safety and the  
3 board of trustees of the school district.

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

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

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

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

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

49 (ii) If the school district is levying under chapter 8, title 33,  
50 Idaho Code, at the maximum levies allowed by law for levies that

1 may be imposed by the board of trustees without an election; or,  
 2 if after increasing those levies to the maximum levies allowed by  
 3 law for levies that may be imposed by the board of trustees with-  
 4 out an election, there will still be insufficient funds to abate  
 5 unsafe or unhealthy conditions identified, the school district,  
 6 after giving notice and conducting a hearing, may declare a fi-  
 7 nancial emergency and/or may apply for a loan ~~or, if eligible, an~~  
 8 ~~interest grant from the [school] safety and health revolving loan~~  
 9 ~~and grant fund as provided in section 33-1017, Idaho Code,~~ to ob-  
 10 tain funds to abate the unsafe or unhealthy conditions identified.  
 11 (iii) Upon the declaration of a financial emergency, the board of  
 12 trustees shall have the power to impose a reduction in force, to  
 13 freeze some or all salaries in the school district, and/or to sus-  
 14 pend some or all contracts that may be legally suspended upon the  
 15 declaration of a financial emergency; provided, that when a board  
 16 of trustees declares a financial emergency, ~~or when a declaration~~  
 17 ~~of a financial emergency is imposed by the state treasurer pur-~~  
 18 ~~suant to section 33-1017, Idaho Code,~~ and there is a reduction in  
 19 force, some or all salaries are frozen, or some contracts are sus-  
 20 pended, the payments to the school district under the foundation  
 21 program of chapter 10, title 33, Idaho Code, and in particular the  
 22 staff allowances under that chapter, shall not be reduced during  
 23 the duration of the financial emergency as a result of a reduction  
 24 in force, frozen salaries, or suspended salaries from what the  
 25 staff allowance would be without the reduction in force, frozen  
 26 salaries or suspended contracts.

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

37 SECTION 48. That Section 33-1619, Idaho Code, be, and the same is hereby  
 38 amended to read as follows:

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

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

7 SECTION 49. That Section 33-1627, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

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

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

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

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

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

30 SECTION 50. That Section 33-2004, Idaho Code, be, and the same is hereby  
31 amended to read as follows:

32 33-2004. CONTRACTING BY APPROVED FORM FOR EDUCATION BY ANOTHER SCHOOL  
33 DISTRICT, APPROVED REHABILITATION CENTER OR HOSPITAL, OR A CORPORATION. (1)  
34 The trustees of a school district may contract on a form adopted by the state  
35 superintendent of public instruction for the education of exceptional chil-  
36 dren by another school district or by any private or public rehabilitation  
37 center, hospital, corporation, or state agency approved by the state de-  
38 partment of education and when the students are transferred from the school  
39 district to the institution, corporation or district, said school district  
40 shall agree to pay therefor to the institution, corporation or district con-  
41 tracting to educate the students, amounts computed as follows:

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

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

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

7 When any rehabilitation center, hospital, corporation or state agency  
8 shall have contracted for the education of any exceptional children as de-  
9 fined in this chapter all such children shall be enrolled in the district of  
10 their residence; and the institution, hospital or corporation shall certify  
11 to the home school district the ~~daily record of attendance~~ enrollment of each  
12 such ~~pupil~~ student. The home district shall be eligible for reimbursement of  
13 costs approved by the state superintendent of public instruction as provided  
14 in this subsection and in section 33-1002A, Idaho Code.

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

20 SECTION 51. That Section 33-4602, Idaho Code, be, and the same is hereby  
21 amended to read as follows:

22 33-4602. ADVANCED OPPORTUNITIES -- RULEMAKING. (1) Students attend-  
23 ing public schools in Idaho will be eligible for four thousand one hundred  
24 twenty-five dollars (\$4,125) to use toward overload courses, dual credits,  
25 postsecondary credit-bearing examinations and career technical certificate  
26 examinations. Students may access these funds in grades 7 through 12 for:

27 (a) Overload courses, the distribution of which may not exceed two  
28 hundred twenty-five dollars (\$225) per overload course. A student  
29 must take and successfully be completing a full credit load within a  
30 given school year to be eligible for funding of an overload course. An  
31 overload course must be taken for high school credit to be eligible for  
32 funding. To qualify as an eligible overload course for the program, the  
33 course must:

- 34 (i) Be offered by a provider accredited by the organization that  
35 accredits Idaho public schools; and
- 36 (ii) Be taught by an individual certified to teach the grade and  
37 subject area of the course in Idaho.

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

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

- 46 (i) Advanced placement (AP);
- 47 (ii) International baccalaureate (IB);
- 48 (iii) College-level examination program (CLEP); and

1 (iv) Career technical examinations.

2 (d) Career technical education (CTE) including assessments that lead  
3 to a badge recognized by the division of career technical education.  
4 The division of career technical education shall maintain a list of el-  
5 igible CTE examinations and costs.

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

13 (3) These moneys may be used to pay an amount not to exceed the price  
14 to the student of such courses and examinations pursuant to the limitations  
15 stated in this section. Payments made under this section shall be made from  
16 the moneys appropriated for the educational support program. No later than  
17 January 15, the state department of education shall annually report to the  
18 education committees of the senate and the house of representatives details  
19 regarding the number of students benefiting from assistance with the cost of  
20 overload courses, dual credit courses and examinations, the number of cred-  
21 its awarded and amounts paid pursuant to this section during the previous  
22 school year.

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

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

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

49 (7) For public funding purposes, ~~average daily attendance~~ student  
50 enrollment shall be counted as ~~normal~~ for students participating in dual

1 ~~credit courses~~ the same for students participating in dual credit courses  
2 pursuant to this section as it is for students who are not participating in  
3 dual credit courses.

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

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

18 (10) Public schools shall establish timelines and requirements for  
19 participation in the program, including implementing procedures for the  
20 appropriate transcription of credits, reporting of program participation  
21 and financial transaction requirements. Public schools shall make reason-  
22 able efforts to ensure that any student who considers participating in the  
23 program also considers the challenges and time necessary to succeed in the  
24 program, and schools shall make reasonable efforts to include guidance on  
25 how the student's participation in the program contributes to prospective  
26 college and career pathways. Such efforts by the district shall be performed  
27 prior to a student participating in the program and throughout the student's  
28 involvement in the program.

29 (11) Policies and procedures for participating in the program estab-  
30 lished by the public school must be such that students have an opportunity  
31 to participate in the program and meet district-established timelines and  
32 requirements for financial transactions, transcribing credits and state  
33 department of education reporting. Participation in this program requires  
34 parent and student agreement to program requirements and completion of the  
35 state department of education's participation form documenting the program  
36 requirements.

37 (12) Parents of participating students may enroll their child in any  
38 eligible course, with or without the permission of the public school in which  
39 the student is enrolled. Tribal school students must follow their schools'  
40 enrollment policies and procedures. Public school personnel shall assist  
41 parents in the process of enrolling students in such courses. Each partic-  
42 ipating student's high school transcript at the public school at which the  
43 student is enrolled shall include the credits earned and grades received by  
44 the student for any overload or dual credit courses taken pursuant to this  
45 section. For an eligible course to be transcribed as meeting the require-  
46 ments of a core subject as identified in administrative rule, the course must  
47 meet the approved content standards for the applicable subject and grade  
48 level.

49 (13) Participating public schools shall collaborate with Idaho public  
50 postsecondary educational institutions to assist students who seek to par-

1 participate in dual credit courses or graduate from high school early by en-  
2 rolling in postsecondary courses. Participating school districts, charter  
3 schools and Idaho public postsecondary educational institutions shall re-  
4 port to the state board of education and the education committees of the sen-  
5 ate and the house of representatives any difficulties or obstacles they ex-  
6 perience in providing assistance to participating students.

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

9 SECTION 52. That Section 33-5208, Idaho Code, be, and the same is hereby  
10 amended to read as follows:

11 33-5208. PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT. (1) Except as  
12 provided in subsection (10) of this section, from the state educational  
13 support program the state department of education shall make the following  
14 apportionment to each public charter school for each fiscal year based on  
15 attendance figures submitted in a manner and time as required by the depart-  
16 ment of education: otherwise specifically provided in this section, public  
17 charter schools shall be funded in the same manner and time frame as all other  
18 local education agencies pursuant to the provisions of chapter 10, title 33,  
19 Idaho Code.

20 ~~(1) Per student support. Computation of support units for each public~~  
21 ~~charter school shall be calculated as if it were a separate school accord-~~  
22 ~~ing to the schedules in section 33-1002(4), Idaho Code, except that public~~  
23 ~~charter schools with fewer than one hundred (100) secondary ADA shall use a~~  
24 ~~divisor of twelve (12) and the minimum units shall not apply, and no public~~  
25 ~~charter school shall receive an increase in support units that exceeds the~~  
26 ~~support units it received in the prior year by more than thirty (30). Funding~~  
27 ~~from the state educational support program shall be equal to the total dis-~~  
28 ~~tribution factor, plus the salary-based apportionment provided in chapter~~  
29 ~~10, title 33, Idaho Code. Provided however, any public charter school that~~  
30 ~~is formed by the conversion of an existing traditional public school shall~~  
31 ~~be assigned divisors, pursuant to section 33-1002, Idaho Code, that are no~~  
32 ~~lower than the divisors of the school district in which the traditional pub-~~  
33 ~~lic school is located, for each category of pupils listed.~~

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

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

44 ~~(4) Transportation support. Support shall be paid to the public char-~~  
45 ~~ter school as provided in chapter 15, title 33, Idaho Code, and section~~  
46 ~~33-1006, Idaho Code. Each public charter school shall furnish the depart-~~  
47 ~~ment with an enrollment count as of the first Friday in November, of public~~  
48 ~~charter school students who are eligible for reimbursement of transporta-~~



1 ~~tion costs under the provisions of this subsection and who reside more than~~  
 2 ~~one and one-half (1 1/2) miles from the school. The state department of edu-~~  
 3 ~~cation is authorized to include in the annual appropriation to the charter~~  
 4 ~~school sixty percent (60%) of the estimated transportation cost. The final~~  
 5 ~~appropriation payment in July shall reflect reimbursements of actual costs~~  
 6 ~~pursuant to section 33-1006, Idaho Code. To be eligible for state reimburse-~~  
 7 ~~ment under the provisions of section 33-1006, Idaho Code, the student to be~~  
 8 ~~transported must reside within the public charter school's primary atten-~~  
 9 ~~dance area, and must meet at least one (1) of the following two (2) criteria:~~

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

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

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

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

28 Fiscal Year 2014 Twenty Percent (20%)

29 Fiscal Year 2015 Thirty Percent (30%)

30 For fiscal year 2016 and each fiscal year thereafter, this percentage  
 31 shall increase by ten percent (10%) each time the total appropriation of  
 32 state funds for the public schools educational support program increases by  
 33 three percent (3%) or more over the prior fiscal year, and shall decrease  
 34 by ten percent (10%) each time the total appropriation of state funds for  
 35 the public schools educational support program decreases as compared to the  
 36 prior fiscal year. Provided however, that the percentage shall be no less  
 37 than twenty percent (20%) and no greater than fifty percent (50%), and that  
 38 the average amount of funding received per public charter school shall not  
 39 exceed the average amount of funding received by each school district pur-  
 40 suant to the provisions of section 33-906, Idaho Code.

41 For those public charter schools that do not receive facilities funds  
 42 for all enrolled students, the school may submit to the state department of  
 43 education a reimbursement claim for any costs for which facilities funds may  
 44 be used. The state department of education shall reduce such claim by the  
 45 greater of fifty percent (50%) or the percentage of the school's enrolled  
 46 students for which the school receives facilities funds, and shall pay the  
 47 balance. Provided however, that the total reimbursements paid to a public  
 48 charter school, in combination with any facilities stipend received by the

1 school, shall not exceed the amount of facilities funds that would have been  
2 received by the school had the school received facilities funds for all en-  
3 rolled students. For the purposes of this subsection, the term "real prop-  
4 erty" shall be used as defined in section 63-201, Idaho Code.

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

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

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

23 (c) All subsequent payments, taking into account the one-time advance  
24 payment made for the first year of operation, shall be made to the public  
25 charter school in the same manner as other traditional public schools in  
26 accordance with the provisions of section 33-10093, Idaho Code.

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

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

37 (85) Each public charter school shall pay an authorizer fee to its au-  
38 thorized chartering entity, to defray the actual documented cost of monitor-  
39 ing, evaluation and oversight, which, in the case of public charter schools  
40 authorized by the public charter school commission, shall include each  
41 school's proportional fee share of moneys appropriated from the public char-  
42 ter school authorizers fund to the public charter school commission, plus  
43 fifteen percent (15%). Provided however, that each public charter school's  
44 board of directors may direct up to ten percent (10%) of the calculated fee  
45 to pay membership fees to an organization or association that provides tech-  
46 nical assistance, training and advocacy for Idaho public charter schools.  
47 Unless the authorized chartering entity declines payment, such fee shall be  
48 paid by March 15 of each fiscal year and shall not exceed the greater of:

49 (a) All state funds distributed to public schools ~~on a support unit ba-  
50 sis based on student enrollment~~ for the prior fiscal year, divided by

1 the statewide number of public school students ~~in average daily atten-~~  
2 ~~dance~~ enrolled in the first reporting period in the prior fiscal year;  
3 or

4 (b) The lesser of:

5 (i) The result of the calculation in subsection (~~8~~5) (a) of this  
6 section, multiplied by four (4); or

7 (ii) One and one-half percent (1.5%) of the result of the calcula-  
8 tion in subsection (~~8~~5) (a) of this section, multiplied by the pub-  
9 lic charter school's ~~average daily attendance~~ student enrollment  
10 in the first reporting period in the current fiscal year.

11 (~~9~~6) Nothing in this chapter shall prevent a public charter school from  
12 applying for federal grant moneys.

13 (~~10~~7) (a) Each student ~~in attendance~~ enrolled at a public virtual  
14 school shall be funded based upon either the actual hours of attendance  
15 in the public virtual school on a flexible schedule, or the percentage  
16 of coursework completed, whichever is more advantageous to the school,  
17 up to the maximum of one (1) full-time equivalent student.

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

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

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

26 SECTION 53. That Section 33-5210, Idaho Code, be, and the same is hereby  
27 amended to read as follows:

28 33-5210. APPLICATION OF SCHOOL LAW -- ACCOUNTABILITY -- EXEMPTION  
29 FROM STATE RULES. (1) All public charter schools are under the general super-  
30 vision of the state board of education.

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

37 (3) Each public charter school shall comply with the financial report-  
38 ing requirements of section 33-701, subsections 5. through 10., Idaho Code,  
39 in the same manner as those requirements are imposed upon school districts  
40 and with laws governing safety including, but not limited to, sections  
41 33-122 and 33-130, Idaho Code, and chapter 2, title 33, Idaho Code, and rules  
42 promulgated thereunder.

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

47 (a) Teacher certification as necessitated by the provisions of section  
48 33-5206(3) and (4), Idaho Code;

- 1 (b) Accreditation of the school as necessitated by the provisions of
- 2 section 33-5206(12), Idaho Code;
- 3 (c) Qualifications of a student for attendance at an alternative school
- 4 ~~as necessitated by the provisions of section 33-5208(3), Idaho Code;~~
- 5 (d) Rules promulgated pursuant to section 33-1612, Idaho Code; and
- 6 (e) All rules that specifically pertain to public charter schools pro-
- 7 mulgated by the state board of education.

8 SECTION 54. That Section 33-5214, Idaho Code, be, and the same is hereby  
9 amended to read as follows:

10 33-5214. PUBLIC CHARTER SCHOOL AUTHORIZERS FUND. There is hereby cre-  
11 ated in the state treasury a fund to be known as the "Public Charter School  
12 Authorizers Fund," hereinafter referred to as "the fund." All authorizer  
13 fees paid pursuant to section 33-5208(85), Idaho Code, for public charter  
14 schools under the governance of the public charter school commission shall  
15 be deposited in the fund. Moneys in the fund shall be appropriated to defray  
16 the commission's cost of operations and the state department of education's  
17 cost of reviewing, approving and overseeing any charter school authorizers  
18 requiring department approval.

19 SECTION 55. That Section 33-5215, Idaho Code, be, and the same is hereby  
20 amended to read as follows:

21 33-5215. CAREER TECHNICAL REGIONAL PUBLIC CHARTER SCHOOL. (1) A ca-  
22 reer technical regional public charter school is hereby declared to be a pub-  
23 lic charter school and as such, the provisions of chapter 52, title 33, Idaho  
24 Code, shall apply to each career technical regional public charter school in  
25 the same manner and to the same extent as the provisions of charter school law  
26 apply to other public charter schools, with the exception of certain condi-  
27 tions and applications as specifically provided in this section.

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

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

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

38 ~~(b)~~ The board of directors may contract for the services of certifi-  
39 cated and noncertificated personnel, to procure the use of facilities  
40 and equipment, and to purchase materials and equipment, which in the  
41 judgment of the board of directors is necessary or desirable for the  
42 conduct of the business of the career technical regional public charter  
43 school; and

44 ~~(e)~~ Transportation support shall be paid to the career technical re-  
45 gional public charter school in accordance with the provisions of chap-  
46 ter 15, title 33, Idaho Code.

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

6 SECTION 56. That Section 33-5217, Idaho Code, be, and the same is hereby  
7 amended to read as follows:

8 33-5217. PUBLIC CHARTER SCHOOL DEBT RESERVE. (1) There is hereby cre-  
9 ated the public charter school debt reserve to assist qualifying charter  
10 schools in obtaining favorable financing for facility improvements and con-  
11 struction. A public charter school seeking to use the public charter school  
12 debt reserve must receive approval from the Idaho housing and finance asso-  
13 ciation pursuant to the criteria set forth in this section.

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

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

- 18 (i) A letter of commitment from a national or state chartered fi-  
19 nancial institution;
- 20 (ii) A letter of commitment from a nonprofit corporation;
- 21 (iii) A letter of commitment from a community development finan-  
22 cial institution; or
- 23 (iv) A letter of commitment from a qualified underwriter or an in-  
24 vestment firm;

25 (b) The public charter school must provide annual budgets and cash flow  
26 statements and must demonstrate satisfaction of each of the following  
27 criteria:

- 28 (i) Projected future budgets, cash flows and operating reserves  
29 greater than sixty (60) days of cash on hand to support a debt ser-  
30 vice coverage greater than 1.20x;
- 31 (ii) Cost to operate facility, including debt service, occupancy  
32 cost and operating expenses, not to exceed twenty percent (20%) of  
33 revenue;
- 34 (iii) Audited financial statements with unqualified opinions for  
35 the prior three (3) years; and
- 36 (iv) Certification from a school administrator that projected fu-  
37 ture budgets and cash flows are based on reasonable assumptions  
38 related to level or increasing projected enrollment or waitlist  
39 and projected total income, including any matching funds and dona-  
40 tions contingent on receipt of a loan under this section; and

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

43 (3) Public charter schools that satisfy the requirements set forth in  
44 subsection (2) of this section shall receive approval from the Idaho hous-  
45 ing and finance association to rely on the public charter school debt reserve  
46 for assistance in obtaining favorable financing for facility improvements  
47 and construction, so long as sufficient moneys exist pursuant to subsection  
48 (4) of this section. Eligible schools shall receive approval on a first-come

1 basis according to date of completed application, in an amount not to exceed  
2 twenty-four (24) months of principal and interest payments.

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

12 (5) Subject to the limitations of subsection (3) of this section, if  
13 a qualified public charter school defaults on an outstanding debt for which  
14 the Idaho housing and finance association has made the debt reserve avail-  
15 able, and there is no other money available to the charter school to make  
16 the payment, money shall be withdrawn from the public charter school debt  
17 reserve fund to pay the principal, redemption price or interest on the out-  
18 standing debt. Upon certification by the Idaho housing and finance associa-  
19 tion to the superintendent of public instruction, payment shall be made from  
20 the public charter school debt reserve fund toward the outstanding debt.

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

32 SECTION 57. That Section 50-2908, Idaho Code, be, and the same is hereby  
33 amended to read as follows:

34 50-2908. DETERMINATION OF TAX LEVIES -- CREATION OF SPECIAL FUND. (1)  
35 For purposes of calculating the rate at which taxes shall be levied by or  
36 for each taxing district in which a revenue allocation area is located, the  
37 county commissioners shall, with respect to the taxable property located in  
38 such revenue allocation area, use the equalized assessed value of such tax-  
39 able property as shown on the base assessment roll rather than on the current  
40 equalized assessed valuation of such taxable property, except the current  
41 equalized assessed valuation shall be used for calculating the tax rate for:

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

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

1 (c) Levies for voter approved general obligation bonds of any taxing  
2 district and plant facility reserve fund levies passed after December  
3 31, 2007;

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

9 (e) School levies for supplemental maintenance and operation pursuant  
10 to section 33-802(3) and (4), Idaho Code, approved after December 31,  
11 2007, and for emergency funds pursuant to section 33-805, Idaho Code,  
12 approved after July 1, 2015.

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

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

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

23 (ii) A portion of the taxes levied by the taxing district or on its  
24 behalf on the taxable property located within the revenue allo-  
25 cation area, which portion is the amount produced by applying the  
26 taxing district's tax rate determined under subsection (1) of this  
27 section to the equalized assessed valuation, as shown on the base  
28 assessment roll, of the taxable property located within the rev-  
29 enue allocation area; and

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

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

35 (3) Upon enactment of an ordinance adopting a revenue allocation fi-  
36 nancing provision as part of an urban renewal plan, the urban renewal agency  
37 shall create a special fund or funds to be used for the purposes enumerated  
38 in this chapter. The revenues allocated to the urban renewal agency pursuant  
39 to this chapter shall be paid to the agency by the treasurer of the county in  
40 which the revenue allocation district is located and shall be deposited by  
41 the agency into one (1) or more of such special funds. The agency may, in ad-  
42 dition, deposit into such special fund or funds such other income, proceeds,  
43 revenues and funds it may receive from sources other than the revenues allo-  
44 cated to it under subsection (2) (b) of this section.

45 (4) For the purposes of section 63-803, Idaho Code, during the period  
46 when revenue allocation under this chapter is in effect, and solely with re-  
47 spect to any taxing district in which a revenue allocation area is located,  
48 the county commissioners shall, in fixing any tax levy other than the levy  
49 specified in subsection (1) (a) through (e) of this section, take into con-  
50 sideration the equalized assessed valuation of the taxable property situ-

1 ated in the revenue allocation area as shown in the base assessment roll,  
2 rather than the current equalized assessed value of such taxable property.

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

8 SECTION 58. That Section 57-1303, Idaho Code, be, and the same is hereby  
9 amended to read as follows:

10 57-1303. COUNTY APPORTIONMENT OF FOREST RESERVE FUNDS. The auditor of  
11 each county receiving a portion of this fund shall within ten (10) days of re-  
12 ceipt of this money allot and distribute seventy per cent (70%) of this money  
13 to the county general road fund and to the treasurer of the highway districts  
14 and good road districts in the county in proportion to the mileage of each  
15 within the county, to be expended for the construction and repair of roads  
16 and bridges, and thirty per cent (30%) to the various school districts and  
17 joint county school districts within the county in proportion to the ~~number~~  
18 ~~of pupils in average daily attendance~~ total unweighted student enrollment  
19 count in each district in the year immediately prior to this distribution.  
20 The distribution of such moneys to the respective school districts entitled  
21 thereto shall be in addition to and without regard to any assistance to such  
22 school districts from any and all other sources in maintaining the minimum  
23 educational program and minimum transportation program.

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

26 59-1115. EMPLOYER'S PORTION OF SOCIAL SECURITY TAX FOR SCHOOL DIS-  
27 TRICT PERSONNEL. (1) The board of trustees of each class of school district,  
28 shall pay the employer's social security tax for its personnel, as required  
29 by federal law.

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

33 SECTION 60. That Section 63-315, Idaho Code, be, and the same is hereby  
34 amended to read as follows:

35 63-315. ASSESSMENT RATIOS AND THE DETERMINATION OF ADJUSTED MARKET  
36 VALUE FOR ASSESSMENT PURPOSES FOR SCHOOL DISTRICTS. (1) The provisions of  
37 this section shall apply only to charter districts levying a maintenance and  
38 operation levy in the prior calendar year. For the purpose of this section,  
39 adjusted market value for assessment purposes shall be the adjusted market  
40 value for assessment purposes of all property assessed for property tax pur-  
41 poses for the year referred to in sections ~~33-802 and 33-1002~~, Idaho Code.

42 (2) The state tax commission shall conduct a ratio study to annually as-  
43 certain the ratio between the assessed value and the market value for assess-  
44 ment purposes of all property assessed for property tax purposes. Said ratio



1 study shall be conducted in accordance with nationally accepted procedures.  
2 From the ratio so ascertained the state tax commission shall compute the ad-  
3 justed market value of all property assessed for property tax purposes.

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

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

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

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

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

29 SECTION 61. That Section 63-805, Idaho Code, be, and the same is hereby  
30 amended to read as follows:

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

43 (2) The county commissioners of each county in this state may levy upon  
44 all taxable property of said county, a property tax for the purposes set  
45 forth in the statutes authorizing a county justice fund, to be collected and  
46 paid into the county treasury and apportioned to the county justice fund,  
47 if one has been established. Said levy shall not exceed twenty hundredths  
48 percent (.20%) of market value for assessment purposes of such property, or

1 a levy sufficient to raise two hundred fifty thousand dollars (\$250,000),  
2 whichever is greater.

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

9 (3) Annually, before the second Monday in September, the board of  
10 trustees of any school district within the county having determined the num-  
11 ber, if any, of ~~pupils in average daily attendance~~ students enrolled above  
12 the number included in the last annual report thereof, and the amount of  
13 money required to provide the educational support programs and transporta-  
14 tion support programs for such additional ~~pupils in average daily attendance~~  
15 students enrolled, as defined in chapter 10, title 33, Idaho Code, the county  
16 commissioners shall determine the total of such new requirements within the  
17 county and upon the taxable property situate within the district requesting  
18 the same, and the county commissioners shall levy a tax sufficient to provide  
19 such amount, provided in no case shall the levy be more than six-hundredths  
20 percent (.06%) of the taxable value of the property to be collected and paid  
21 to the requesting district.

22 (4) (a) The county commissioners of each county in this state may levy  
23 annually upon all taxable property of its county, a property tax for the  
24 acquisition, maintenance and operation of public parks or public recre-  
25 ational facilities, to be collected and paid into the county treasury  
26 and apportioned to a fund to be designated as the "parks and recreation  
27 fund," which is hereby created, and such county commissioners may ap-  
28 appropriate otherwise unappropriated funds for such purposes. No levy  
29 made under this subsection shall exceed one-hundredth percent (.01%) of  
30 the market value for assessment purposes on all taxable property within  
31 the district.

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

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

45 SECTION 62. An emergency existing therefor, which emergency is hereby  
46 declared to exist, Section 6 of this act shall be in full force and effect on  
47 and after its passage and approval. All other Sections of this act shall be  
48 in full force and effect on and after July 1, 2020.

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1           SECTION 63. The provisions of Section 8 of this act shall be null, void  
2 and of no force and effect on and after June 30, 2023.