

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 279

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO EDUCATION; PROVIDING LEGISLATIVE INTENT; AMENDING SECTION
2 33-1001, IDAHO CODE, TO DEFINE A TERM; AMENDING SECTION 33-1002, IDAHO
3 CODE, TO REVISE PROVISIONS REGARDING THE EDUCATIONAL SUPPORT PROGRAM;
4 AMENDING SECTION 33-1004B, IDAHO CODE, TO REVISE PROVISIONS REGARDING
5 THE CAREER LADDER; AMENDING SECTION 33-1009, IDAHO CODE, TO REVISE PRO-
6 VISIONS REGARDING PAYMENTS FROM THE PUBLIC SCHOOL INCOME FUND; AMENDING
7 SECTION 33-1018, IDAHO CODE, TO REVISE PROVISIONS REGARDING PUBLIC
8 SCHOOL DISCRETIONARY FUNDING VARIABILITY; AMENDING SECTION 33-5207,
9 IDAHO CODE, TO REVISE PROVISIONS REGARDING PUBLIC CHARTER SCHOOL FI-
10 NANCIAL SUPPORT; AMENDING SECTION 33-512D, IDAHO CODE, TO PROVIDE A
11 CORRECT CODE REFERENCE; AMENDING SECTION 33-515, IDAHO CODE, TO PROVIDE
12 A CORRECT CODE REFERENCE; AMENDING SECTION 33-911, IDAHO CODE, TO PRO-
13 VIDE A CORRECT CODE REFERENCE; AMENDING SECTION 33-915, IDAHO CODE, TO
14 PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 33-1004, IDAHO CODE,
15 TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 33-1201A, IDAHO
16 CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND DECLARING AN EMERGENCY
17 AND PROVIDING AN EFFECTIVE DATE.
18

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

20 SECTION 1. LEGISLATIVE INTENT. (1) It is the intent of the Legislature
21 for the State of Idaho to move toward an education funding model that dis-
22 tributes funds on a per-student basis that is calculated based on the num-
23 ber of students currently attending each school. Although the provisions of
24 this act do not complete this goal, this act is intended to be a first step in
25 shifting the model for education funding in this direction.

26 (2) It is further the intent of the Legislature that the per-student
27 funding model should be refined to encompass a weighted per-student fund-
28 ing formula that allocates education funding to school districts and public
29 charter schools using a base amount per student and an additional amount for
30 certain weighted student characteristics.

31 (3) It is further the intent of the Legislature to revise the education
32 funding payment schedule to schools.
33

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

36 33-1001. DEFINITIONS. As used in this chapter:

37 (1) "Administrative schools" means and applies to all elementary
38 schools and kindergartens within a district that are situated ten (10) miles
39 or less from both the other elementary schools and the principal administra-
40 tive office of the district and all secondary schools within a district that

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

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

7 (3) "At-risk student" means a student in grades 6 through 12 who:

8 (a) Meets at least three (3) of the following criteria:

9 (i) Has repeated at least one (1) grade;

10 (ii) Has absenteeism greater than ten percent (10%) during the
11 preceding semester;

12 (iii) Has an overall grade point average less than 1.5 on a 4.0
13 scale prior to enrolling in an alternative secondary program;

14 (iv) Has failed one (1) or more academic subjects in the past year;

15 (v) Is below proficient, based on local criteria, standardized
16 tests, or both;

17 (vi) Is two (2) or more credits per year behind the rate required
18 to graduate or for grade promotion; or

19 (vii) Has attended three (3) or more schools within the previous
20 two (2) years, not including dual enrollment; or

21 (b) Meets any of the following criteria:

22 (i) Has documented substance abuse or a pattern of substance
23 abuse;

24 (ii) Is pregnant or a parent;

25 (iii) Is an emancipated youth or unaccompanied youth;

26 (iv) Is a previous dropout;

27 (v) Has a serious personal, emotional, or medical issue or is-
28 sues;

29 (vi) Has a court or agency referral; or

30 (vii) Demonstrates behavior detrimental to the student's academic
31 progress.

32 (4) "Average daily attendance" or "pupils in average daily attendance"
33 means the aggregate number of days enrolled students are present, divided by
34 the number of days of school in the reporting period; provided, however, that
35 students for whom no Idaho school district is a home district shall not be
36 considered in such computation.

37 (5) "Career ladder" means the compensation table used for determining
38 the allocations districts receive for instructional staff and pupil service
39 staff based on specific performance criteria and is made up of a residency
40 compensation rung and a professional compensation rung.

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

48 (7) "Compensation rung" means the rung on the career ladder that corre-
49 sponds with the compensation level performance criteria.

50 (8) "Economically disadvantaged student" means a student who:

1 (a) Is eligible for a free or reduced-price lunch under the Richard B.
2 Russell national school lunch act, 42 U.S.C. 1751 et seq., excluding
3 students who are eligible only through a school's community eligibility
4 program;

5 (b) Resides with a family receiving assistance under the program of
6 block grants to states for temporary assistance for needy families
7 (TANF) established under part A of title IV of the social security act,
8 42 U.S.C. 601 et seq.;

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

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

14 (9) "Elementary grades" or "elementary average daily attendance" means
15 and applies to students enrolled in grades 1 through 6, inclusive, or any
16 combination thereof.

17 (10) "Elementary schools" are schools that serve grades 1 through 6, in-
18 clusive, or any combination thereof.

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

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

24 (13) "Gifted and talented" shall have the same meaning as provided in
25 section 33-2001(4), Idaho Code.

26 (14) "Homebound student" means any student who would normally and regu-
27 larly attend school but is confined to home or hospital because of an illness
28 or accident for a period of ten (10) or more consecutive days.

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

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

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

43 (18) "Measurable student achievement" means the measurement of student
44 academic achievement or growth within a given interval of instruction for
45 those students who have been enrolled in and attended eighty percent (80%)
46 of the interval of instruction. Measures and targets shall be chosen at the
47 school level in collaboration with the staff member impacted by the measures
48 and applicable district staff and approved by the school board. Measures and
49 targets must also align with the performance measures and benchmarks in the
50 continuous improvement plan described in section 33-320, Idaho Code. The

1 most effective measures and targets are those generated as close to the ac-
 2 tual work as possible. Targets may be based on grade- or department-level
 3 achievement or growth goals that create collaboration within groups. In-
 4 dividual measurable student achievement targets and the percentage of stu-
 5 dents meeting individual targets must be reported annually to the state. As-
 6 sessment tools that may be used for measuring student achievement and growth
 7 include:

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

27 (19) "Per-student funding" means allocating education funding to
 28 school districts and public charter schools using a base amount per student.
 29 For each school district or public charter school, the formula shall be based
 30 on the average daily attendance counts for verified students reported pur-
 31 suant to section 33-1003A, Idaho Code.

32 ~~(19)~~ (20) "Performance criteria" means the standards specified for
 33 instructional staff and pupil service staff to demonstrate teaching pro-
 34 ficiency for a given compensation rung. Each element of the professional
 35 compensation rung and advanced professional compensation rung performance
 36 criteria, as identified in this section and as applicable to a staff member's
 37 position, shall be documented, reported, and subject to review for determin-
 38 ing movement on the career ladder.

39 ~~(20)~~ (21) (a) "Professional compensation rung performance criteria"
 40 means:

- 41 (i) An overall rating of proficient or higher, and no components
 42 rated as unsatisfactory, on the state framework for teaching eval-
 43 uation or equivalent for pupil service staff or principal or other
 44 school level administrator evaluation aligned to the state frame-
 45 work for teaching evaluation; and
- 46 (ii) Demonstrating the majority of students have met measurable
 47 student achievement targets or student success indicator targets.

48 (b) "Advanced professional compensation rung performance criteria"
 49 means:

1 (i) An overall rating of proficient or higher, no components
2 rated as unsatisfactory or basic, and rated as distinguished
3 overall in domain two -- classroom environment or domain three
4 -- instruction and use of assessment on the state framework for
5 teaching evaluation or equivalent for pupil service staff or prin-
6 cipal or other school level administrator evaluation aligned to
7 the state framework for teaching evaluation; and

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

11 ~~(21)~~ (22) "Public school district" or "school district" or "district"
12 means any public school district organized under the laws of this state, in-
13 cluding specially chartered school districts.

14 ~~(22)~~ (23) "Pupil service staff" means those who provide services to stu-
15 dents, but are not involved in direct instruction of those students, and hold
16 a pupil personnel services certificate.

17 ~~(23)~~ (24) "School board" means a school district board of trustees or
18 the board of directors of a public charter school.

19 ~~(24)~~ (25) "Secondary grades" or "secondary average daily attendance"
20 means and applies to students enrolled in grades 7 through 12, inclusive, or
21 any combination thereof.

22 ~~(25)~~ (26) "Secondary schools" are schools that serve grades 7 through
23 12, inclusive, or any combination thereof.

24 ~~(26)~~ (27) "Separate elementary school" means an elementary school lo-
25 cated more than ten (10) miles on an all-weather road from both the near-
26 est elementary school and elementary/secondary school serving like grades
27 within the same school district and from the location of the office of the su-
28 perintendent of schools of such district, or from the office of the chief ad-
29 ministrative officer of such district if the district employs no superinten-
30 dent of schools.

31 ~~(27)~~ (28) "Separate kindergarten" means a kindergarten located more
32 than ten (10) miles on an all-weather road from both the nearest kindergarten
33 school within the same school district and from the location of the office
34 of the superintendent of schools of such district, or from the office of the
35 chief administrative officer of such district if the district employs no
36 superintendent of schools.

37 ~~(28)~~ (29) "Separate secondary school" means any secondary school lo-
38 cated more than fifteen (15) miles on an all-weather road from any other
39 secondary school and elementary/secondary school serving like grades oper-
40 ated by the district.

41 ~~(29)~~ (30) "Special education" means specially designed instruction or
42 speech/language therapy at no cost to the parent to meet the unique needs of a
43 student who is a child with a disability, including instruction in the class-
44 room, the home, hospitals, institutions, and other settings; instruction
45 in physical education; speech therapy and language therapy; transition ser-
46 vices; travel training; assistive technology services; and vocational edu-
47 cation.

48 ~~(30)~~ (31) "Student learning plan" means a plan that outlines a student's
49 program of study, which should include a rigorous academic core and a related

1 sequence of electives in academics, career technical education, or humani-
2 ties aligned with the student's post-graduation goals.

3 ~~(31)~~ (32) "Student success indicators" means measurable indicators of
4 student achievement or growth, other than academic, within a predefined in-
5 terval of time for a specified group of students. Measures and targets shall
6 be chosen at the district or school level in collaboration with the pupil
7 service staff member impacted by the measures and applicable district staff.
8 Individual measurable student achievement targets and the percentage of
9 students meeting each target must be reported annually to the state. Student
10 success indicators include:

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

13 (b) Quantifiable goals stated in a student's behavior improvement
14 plan.

15 (c) School- or district-identified measurable student objectives for a
16 specified student group or population.

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

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

24 ~~(32)~~ (33) "Support program" means the educational support program as
25 described in section 33-1002, Idaho Code, the transportation support pro-
26 gram described in section 33-1006, Idaho Code, and the exceptional education
27 support program as described in section 33-1007, Idaho Code.

28 ~~(33)~~ (34) "Support unit" means a function of average daily attendance
29 used in the calculations to determine financial support provided to the pub-
30 lic school districts.

31 ~~(34)~~ (35) "Teacher" means any person employed in a teaching, instruc-
32 tional, supervisory, educational administrative or educational and scien-
33 tific capacity in any school district. In case of doubt, the state board of
34 education shall determine whether any person employed requires certifica-
35 tion as a teacher.

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

38 33-1002. EDUCATIONAL SUPPORT PROGRAM. The educational support pro-
39 gram is calculated as follows:

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

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

45 (a) Pupil tuition-equivalency allowances as provided in section
46 33-1002B, Idaho Code;

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

- 1 (c) Feasibility studies allowance as provided in section 33-1007A,
2 Idaho Code;
- 3 (d) The approved costs for border district allowance, provided in sec-
4 tion 33-1403, Idaho Code, as determined by the state superintendent of
5 public instruction;
- 6 (e) The approved costs for exceptional child approved contract al-
7 lowance, provided in subsection 2. of section 33-2004, Idaho Code, as
8 determined by the state superintendent of public instruction;
- 9 (f) Salary-based apportionment calculated as provided in sections
10 33-1004 through 33-1004F, Idaho Code;
- 11 (g) Unemployment insurance benefit payments according to the provi-
12 sions of section 72-1349A, Idaho Code;
- 13 (h) For expenditure as provided by the public school technology pro-
14 gram;
- 15 (i) For employee severance payments as provided in section 33-521,
16 Idaho Code;
- 17 (j) For distributions to the Idaho digital learning academy as provided
18 in section 33-1020, Idaho Code;
- 19 (k) For charter school facilities funds and reimbursements paid pur-
20 suant to section 33-5207, Idaho Code;
- 21 (l) For an online course portal as provided for in section 33-1024,
22 Idaho Code;
- 23 (m) For advanced opportunities as provided for in chapter 46, title 33,
24 Idaho Code;
- 25 (n) For additional math and science courses for high school students as
26 provided in section 33-1021, Idaho Code;
- 27 (o) For master teacher premiums as provided in section 33-1004I, Idaho
28 Code;
- 29 (p) For the support of provisions that provide a safe environment con-
30 ductive to student learning and maintain classroom discipline, an allo-
31 cation of three hundred dollars (\$300) per support unit;
- 32 (q) An amount specified in the appropriation bill for the public
33 schools educational support program for counseling support as provided
34 for in section 33-1212A, Idaho Code, shall be distributed for grades 8
35 through 12 as follows:
- 36 (i) For school districts and public charter schools with one hun-
37 dred (100) or more students enrolled in grades 8 through 12, a pro
38 rata distribution based on students enrolled in grades 8 through
39 12 or eighteen thousand dollars (\$18,000), whichever is greater;
- 40 (ii) For school districts and public charter schools with fewer
41 than one hundred (100) students enrolled in grades 8 through 12,
42 one hundred eighty dollars (\$180) per student enrolled in grades
43 8 through 12 or nine thousand dollars (\$9,000), whichever is
44 greater;
- 45 (r) An amount specified in the public schools educational support pro-
46 gram appropriation bill for literacy intervention. The disbursements
47 made to the school districts and public charter schools shall be calcu-
48 lated as follows:

- 1 (i) Fifty percent (50%) based on average full-time equivalent
- 2 enrollment of students in kindergarten through grade 3 as of the
- 3 first Friday in November;
- 4 (ii) Fifty percent (50%) based on the number of kindergarten
- 5 through grade 3 students who move a full level or who are profi-
- 6 cient from the spring-to-spring administration of the statewide
- 7 reading assessment in the prior fiscal year or, if there is not a
- 8 prior spring assessment for the student, from fall to spring; and
- 9 (iii) Funds will be distributed to the school district or pub-
- 10 lic charter school where the student is enrolled and takes the
- 11 statewide reading assessment. Any school district or public char-
- 12 ter school that has greater than one (1) but fewer than five (5)
- 13 students in kindergarten through grade 3 will receive a minimum of
- 14 two thousand dollars (\$2,000). Economically disadvantaged stu-
- 15 dents shall count as one and three quarters (1.75) students for the
- 16 purpose of calculating the distribution of the funds in subpara-
- 17 graph (ii) of this paragraph.
- 18 (s) For mastery-based education as provided for in section 33-1632,
- 19 Idaho Code;
- 20 (t) For pay for success contracting as provided in section 33-125B,
- 21 Idaho Code; and
- 22 (u) Any additional amounts as required by statute to effect administra-
- 23 tive adjustments or as specifically required by the provisions of any
- 24 bill of appropriation;

25 to secure the total educational support distribution funds.

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

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

41 COMPUTATION OF KINDERGARTEN SUPPORT UNITS

| | | | |
|----|--------------------|--------------------|-----------------------|
| 42 | Average Daily | | |
| 43 | Attendance | Attendance Divisor | Units Allowed |
| 44 | 41 or more.... | 40..... | 1 or more as computed |
| 45 | 31 - 40.99 ADA.... | -..... | 1 |
| 46 | 26 - 30.99 ADA.... | -..... | .85 |
| 47 | 21 - 25.99 ADA.... | -..... | .75 |

| | | | |
|---|--------------------|--------|---------------------|
| 1 | 16 - 20.99 ADA.... | -..... | .6 |
| 2 | 8 - 15.99 ADA.... | -..... | .5 |
| 3 | 1 - 7.99 ADA.... | -..... | count as elementary |

4 COMPUTATION OF ELEMENTARY SUPPORT UNITS

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

20 COMPUTATION OF SECONDARY SUPPORT UNITS

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

33 COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

| | | | |
|----|----------------|--------------------|-----------------------|
| 34 | Average Daily | | Minimum Units |
| 35 | Attendance | Attendance Divisor | Allowed |
| 36 | 14 or more.... | 14.5..... | 1 or more as computed |
| 37 | | | |

| | | | |
|---|----------------|---------|-----|
| 1 | 12 - 13.99.... | - | 1 |
| 2 | 8 - 11.99.... | - | .75 |
| 3 | 4 - 7.99.... | - | .5 |
| 4 | 1 - 3.99.... | - | .25 |

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

| | | | |
|----|----------------------|--------------------|--------------------------|
| 8 | Pupils in Attendance | Attendance Divisor | Minimum Units Allowed |
| 9 | | | |
| 10 | 12 or more..... | 12 | 1 or more as computed |
| 11 | | | |

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

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

38 ~~(6)~~ (5) District Support Units. The number of support units for each
39 school district in the state shall be determined as follows:

40 (a) (i) Divide the actual average daily attendance, excluding stu-
41 dents approved for inclusion in the exceptional child educational
42 program for the administrative schools and each of the separate
43 schools and attendance units, by the appropriate divisor from the
44 tables of support units in this section, then add the quotients
45 to obtain the district's support units allowance for regular stu-
46 dents, kindergarten through grade 12 including alternative school

1 students. Calculations in application of this subsection shall be
2 carried out to the nearest hundredth.

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

12 (iii) The total number of support units of the district shall be
13 the sum of the total support units for regular students, subpara-
14 graph (i) of this paragraph, and the support units allowance for
15 the approved exceptional child program, subparagraph (ii) of this
16 paragraph.

17 (b) Total District Allowance Educational Program. Multiply the dis-
18 trict's total number of ~~support units~~ students as determined by the
19 average daily attendance count, as verified by the state department
20 of education and the legislative services office, pursuant to section
21 33-1003A, Idaho Code, carried out to the nearest hundredth, by the state
22 distribution factor per support unit per-student amount and to this
23 product add the approved amount of programs of the district provided in
24 subsection (2) of this section to secure the district's total allowance
25 for the educational support program.

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

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

32 ~~(7)~~ (6) Property Tax Computation Ratio. In order to receive state funds
33 pursuant to this section, a charter district shall utilize a school mainte-
34 nance and operation property tax computation ratio for the purpose of calcu-
35 lating its maintenance and operation levy that is no greater than that which
36 it utilized in tax year 1994, less four-tenths of one percent (.4%). As used
37 herein, the term "property tax computation ratio" shall mean a ratio deter-
38 mined by dividing the district's certified property tax maintenance and op-
39 eration budget by the actual or adjusted market value for assessment pur-
40 poses as such values existed on December 31, 1993. Such maintenance and op-
41 eration levy shall be based on the property tax computation ratio multiplied
42 by the actual or adjusted market value for assessment purposes as such values
43 existed on December 31 of the prior calendar year.

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

46 33-1004B. CAREER LADDER. School districts shall receive an allocation
47 for instructional staff and pupil service staff based on their staffs' posi-
48 tion on the career ladder as follows:

1 (1) Instructional staff and pupil service staff who are in their first
2 year of holding an Idaho certificate shall be placed in the first cell of the
3 residency compensation rung and shall move one (1) cell on the residency com-
4 pensation rung for each year they hold an Idaho certificate and are employed
5 in an Idaho public school thereafter for up to three (3) years, at which point
6 they will remain in the third cell of the residency rung until they earn a
7 professional endorsement.

8 (2) Instructional staff and pupil service staff in their first year of
9 holding a professional endorsement shall be placed in the first cell of the
10 professional compensation rung.

11 (3) Instructional staff and pupil service staff on the professional
12 compensation rung with four (4) years of experience shall move one (1) cell
13 on the professional compensation rung unless they have failed to meet the
14 professional compensation rung performance criteria for three (3) of the
15 previous four (4) years. Instructional staff and pupil service staff on the
16 professional compensation rung who meet the performance criteria for three
17 (3) of the previous five (5) years, one (1) of which must be during the fourth
18 or fifth year, shall move one (1) cell. Allocations for instructional staff
19 and pupil service staff who do not meet the professional compensation rung
20 performance criteria for three (3) of the previous five (5) years, one (1) of
21 which must be during the fourth or fifth year, shall remain at the previous
22 fiscal year allocation level. This also applies to the educational alloca-
23 tion.

24 (4) Instructional staff and pupil service staff in their first year of
25 holding an advanced professional endorsement shall be placed in the first
26 cell of the advanced professional compensation rung.

27 (5) Instructional staff and pupil service staff on the advanced profes-
28 sional compensation rung who met the performance criteria for the advanced
29 professional rung in the previous year shall move one (1) cell on the ad-
30 vanced professional compensation rung. Allocations for instructional staff
31 and pupil service staff who do not meet the advanced professional compensa-
32 tion rung performance criteria shall remain at the previous fiscal year al-
33 location level. This also applies to the additional education allocation.

34 (6) Career technical education instructional staff holding an occupa-
35 tional specialist certificate shall be placed on the career ladder as fol-
36 lows:

37 (a) Instructional staff new to working in an Idaho public school:

38 (i) With two (2) or three (3) years of industry experience in a
39 field closely related to the subjects they seek to teach shall be
40 placed in an equivalent cell to instructional staff who have been
41 on the career ladder and met the movement requirements for one (1)
42 year;

43 (ii) With four (4) or five (5) years of industry experience in a
44 field closely related to the subjects they seek to teach shall be
45 placed in an equivalent cell to instructional staff who have been
46 on the career ladder and met the movement requirements for two (2)
47 years;

48 (iii) With six (6) or seven (7) years of industry experience in a
49 field closely related to the subjects they seek to teach shall be
50 placed in an equivalent cell to instructional staff who have been

1 on the career ladder and met the movement requirements for three
2 (3) years; and

3 (iv) With eight (8) or more years of industry experience in a
4 field closely related to the subjects they seek to teach shall be
5 placed in an equivalent cell to instructional staff who have been
6 on the career ladder and met the movement requirements for four (4)
7 years; and

8 (b) Existing career technical education instructional staff on the
9 residency compensation rung shall have their placement updated con-
10 sistent with the provisions of paragraph (a) of this subsection if the
11 update would result in a rung higher than their current placement.

12 (7) Instructional staff or pupil service staff entering their first
13 year on the career ladder, but with prior certificated instructional, pupil
14 service, administrative, or equivalent elementary or secondary school ex-
15 perience, including in an accredited private or parochial school, shall be
16 placed on the career ladder as follows:

17 (a) Instructional staff and pupil service staff who have been awarded a
18 professional endorsement shall be placed as follows:

19 (i) Those with four (4) years of certificated experience and doc-
20 umentation from the hiring school district or charter school ad-
21 ministrative, attesting the individual has provided evidence that
22 the individual has met the professional compensation rung perfor-
23 mance criteria in two (2) of the previous four (4) years, shall be
24 placed in an equivalent cell on the career ladder to instructional
25 staff or pupil service staff who have met the movement criteria for
26 four (4) years; or

27 (ii) Those with five (5) or more years of certificated experi-
28 ence and documentation from the hiring school district or charter
29 school administrator, attesting the individual has provided evi-
30 dence that the individual has met the professional compensation
31 rung performance criteria in three (3) of the previous five (5)
32 years, with one (1) year being the fourth or fifth year, shall be
33 placed in an equivalent cell on the career ladder to instructional
34 staff or pupil service staff who have met the movement criteria for
35 the equivalent number of years as they have verified experience.

36 (b) Instructional staff and pupil service staff who have been awarded
37 an advanced professional endorsement with nine (9) or more years of cer-
38 tificated experience and documentation from the hiring school district
39 or charter school administrator, attesting the individual has provided
40 evidence that the individual has met the professional compensation rung
41 performance criteria in three (3) of the previous five (5) years, with
42 one (1) year being the fourth or fifth year, shall be placed in an equiv-
43 alent cell on the career ladder to instructional staff or pupil service
44 staff who have met the movement criteria for the equivalent number of
45 years as they have verified experience.

46 (8) In addition to the allocation amount specified for the applicable
47 cell on the career ladder, school districts shall receive an additional al-
48 location amount for career technical education instructional staff holding
49 an occupational specialist certificate in the area for which they are teach-
50 ing in the amount of three thousand dollars (\$3,000), which shall be des-

1 designated for career technical education staff and included as part of their
2 salary.

3 (9) In addition to the allocation amount specified for the applicable
4 cell on the career ladder, school districts shall receive an additional
5 allocation amount for instructional staff and pupil service staff holding
6 a professional or an advanced professional endorsement who have acquired
7 additional education and meet the professional or advanced professional
8 compensation rung performance criteria. In determining the additional ed-
9 ucation allocation amount, only transcribed credits and degrees on file
10 with the teacher certification office of the state department of education,
11 earned at an institution of higher education accredited by a body recognized
12 by the state board of education or credits earned through an internship or
13 work experience approved by the state board of education, shall be allowed.
14 All credits and degrees earned must be in a relevant pedagogy or content area
15 as determined by the state department of education. Additional education
16 allocation amounts are not cumulative. Instructional staff whose initial
17 certificate is an occupational specialist certificate shall be treated as BA
18 degree-prepared instructional staff. Credits earned by such occupational
19 specialist instructional staff after initial certification shall be cred-
20 ited toward the education allocation. Additional education allocations
21 are:

22 (a) For instructional staff and pupil service staff holding a profes-
23 sional or an advanced professional endorsement, a baccalaureate degree
24 and twenty-four (24) or more credits, two thousand dollars (\$2,000) per
25 fiscal year.

26 (b) For instructional staff and pupil service staff holding a profes-
27 sional or an advanced professional endorsement and a master's degree,
28 three thousand five hundred dollars (\$3,500) per fiscal year.

29 ~~(c) Effective July 1, 2021, the allocation shall be:~~

30 Base

| 31 Allocation | 1 | 2 | 3 | 4 | 5 |
|-----------------|----------|----------|----------|----------|----------|
| 32 Residency | \$40,369 | \$40,990 | \$41,611 | | |
| 33 Professional | \$42,991 | \$44,836 | \$46,681 | \$48,526 | \$50,370 |
| 34 Advanced | | | | | |
| 35 Professional | \$52,734 | \$53,207 | | | |

36 ~~(d) Effective July 1, 2022, the allocation shall be:~~

37 Base

| 38 Allocation | 1 | 2 | 3 | 4 | 5 |
|-----------------|----------|----------|----------|----------|----------|
| 39 Residency | \$40,742 | \$41,486 | \$42,231 | | |
| 40 Professional | \$43,488 | \$45,302 | \$47,116 | \$48,930 | \$50,743 |
| 41 Advanced | | | | | |
| 42 Professional | \$53,478 | \$54,442 | \$55,389 | | |

43 ~~(e) Effective July 1, 2023, the allocation shall be:~~

44 Base

| 45 Allocation | 1 | 2 | 3 | 4 | 5 |
|---------------|----------|----------|----------|---|---|
| 46 Residency | \$41,118 | \$41,988 | \$42,860 | | |

| | | | | | | |
|---|--------------|----------|----------|----------|----------|----------|
| 1 | Professional | \$43,990 | \$45,773 | \$47,555 | \$49,337 | \$51,119 |
| 2 | Advanced | | | | | |
| 3 | Professional | \$54,233 | \$55,705 | \$57,165 | \$58,613 | |

4 ~~(f) Effective July 1, 2024, the allocation shall be:~~

| | | | | | | |
|----|--------------|----------|----------|----------|----------|----------|
| 5 | Base | | | | | |
| 6 | Allocation | <u>1</u> | <u>2</u> | <u>3</u> | <u>4</u> | <u>5</u> |
| 7 | Residency | \$41,500 | \$42,500 | \$43,500 | | |
| 8 | Professional | \$44,500 | \$46,250 | \$48,000 | \$49,750 | \$51,500 |
| 9 | Advanced | | | | | |
| 10 | Professional | \$55,000 | \$57,000 | \$59,000 | \$61,000 | \$63,000 |

11 (c) Effective July 1, 2023, the allocation shall be:

| | | | | | | |
|----|--------------|----------|----------|----------|----------|----------|
| 12 | Base | | | | | |
| 13 | Allocation | <u>1</u> | <u>2</u> | <u>3</u> | <u>4</u> | <u>5</u> |
| 14 | Residency | \$47,477 | \$48,347 | \$49,219 | | |
| 15 | Professional | \$50,349 | \$52,132 | \$53,914 | \$55,696 | \$57,478 |
| 16 | Advanced | | | | | |
| 17 | Professional | \$60,592 | \$62,064 | \$63,524 | \$64,972 | |

18 (d) Effective July 1, 2024, the allocation shall be:

| | | | | | | |
|----|--------------|----------|----------|----------|----------|----------|
| 19 | Base | | | | | |
| 20 | Allocation | <u>1</u> | <u>2</u> | <u>3</u> | <u>4</u> | <u>5</u> |
| 21 | Residency | \$47,859 | \$48,859 | \$49,859 | | |
| 22 | Professional | \$50,859 | \$52,609 | \$54,359 | \$56,109 | \$57,859 |
| 23 | Advanced | | | | | |
| 24 | Professional | \$61,359 | \$63,359 | \$65,359 | \$67,359 | \$69,359 |

25 (10) Effective July 1, 2025, the educator salary-based apportionment
 26 program compensation rung cell amounts shall be adjusted by an amount equiv-
 27 alent to the salary-based apportionment adjustment for administrative and
 28 classified staff positions.

29 (11) A review of a sample of evaluations completed by administrators
 30 shall be conducted annually to verify such evaluations are being conducted
 31 with fidelity to the state framework for teaching evaluation, including
 32 each domain and identification of which domain or domains the administrator
 33 is focusing on for the instructional staff or pupil service staff member
 34 being evaluated, as outlined in administrative rule. The review shall be
 35 completed prior to November 1 of each year. The state board of education
 36 shall randomly select a sample of administrators throughout the state. A
 37 portion of such administrators' instructional staff and pupil service staff
 38 employee evaluations shall be independently reviewed. The ratio of in-
 39 structional staff evaluations to pupil service staff evaluations shall be
 40 equal to the ratio of the statewide instructional staff salary allowance to
 41 pupil service staff salary allowance. The state board of education, with
 42 input from the Idaho-approved teacher preparation programs and the state
 43 department of education, shall identify individuals and a process to conduct
 44 the reviews. Administrator certificate holders shall be required to par-
 45 ticipate in ongoing evaluation training pursuant to section 33-1204, Idaho
 46 Code. The state board of education shall report annually the findings of

1 such reviews to the senate education committee, the house of representatives
2 education committee, the state board of education and the deans of Idaho's
3 approved teacher preparation programs. The state board of education shall
4 promulgate rules implementing the provisions of this subsection.

5 (12) School districts shall submit annually to the state the data nec-
6 essary to determine if an instructional staff or pupil service staff member
7 has met the performance criteria for movement on the applicable compensation
8 rung. Such data shall include the individuals' performance on each of the
9 performance criteria as defined in section 33-1001, Idaho Code, including
10 the percentage of students meeting their measurable student achievement and
11 student success indicator targets. The department of education shall calcu-
12 late whether or not instructional staff and pupil service staff have met the
13 compensation rung performance criteria based on the data submitted during
14 the previous five (5) years. Individually identifiable performance evalu-
15 ation ratings submitted to the state remain part of the employee's person-
16 nel record and are exempt from public disclosure pursuant to section 74-106,
17 Idaho Code.

18 SECTION 5. That Section 33-1009, Idaho Code, be, and the same is hereby
19 amended to read as follows:

20 33-1009. PAYMENTS FROM THE PUBLIC SCHOOL INCOME FUND.

21 1. a. Payments of the state general account appropriation for public
22 school support shall be made each year by the state department of edu-
23 cation to the public school districts of the state in four (4) payments.
24 Payments to the districts shall be made not later than the fifteenth day
25 of August, the fifteenth day of November, the fifteenth day of February,
26 and the fifteenth day of May each year. The first payment by the state
27 department of education shall be approximately fifty percent (50%) of
28 the total general account appropriation for the fiscal year, while the
29 second and third payments shall be approximately twenty percent (20%)
30 each, and the fourth payment approximately ten percent (10%) respec-
31 tively, except as provided for in section 33-5207, Idaho Code. Amounts
32 apportioned due to a special transfer to the public school income fund
33 to restore or reduce a deficiency in the prior year's transfer pursuant
34 to subsection 4. of this section shall not be subject to this limita-
35 tion.

36 b. Payments of moneys, other than the state general account appropri-
37 ation, that accrue to the public school income fund shall be made by the
38 state department of education to the school districts of the state on
39 the fifteenth day of November, February, May and July each year. The
40 total amount of such payments shall be determined by the state depart-
41 ment of education and shall not exceed the amount of moneys available
42 and on deposit in the public school income fund at the time such payment
43 is made.

44 c. Amounts apportioned due to a special transfer to the public school
45 income fund to restore or reduce a deficiency in the prior year's trans-
46 fer pursuant to subsection 4. of this section shall not be subject to
47 the limitation imposed by paragraphs a. and b. of this subsection.

48 2. Payments made to the school districts in August and November are ad-
49 vance payments for the current year and may be based upon payments from the

1 public school income fund for the preceding school year. Each school dis-
2 trict may receive its proportionate share of the advance payments in the same
3 ratio that its total payment for the preceding year was to the total payments
4 to all school districts for the preceding year.

5 3. No later than the fifteenth day of February in each year, the
6 state department of education shall compute the ~~state distribution factor~~
7 per-student funding based on the total average daily attendance through the
8 first Friday in November. The ~~factor~~ per-student funding will be used in
9 payments of state funds in February and May. Attendance shall be reported in
10 a format and at a time specified by the state department of education.

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

16 a. The average daily attendance of the several school districts for the
17 twenty-eight (28) best weeks of the school year completed not later than
18 the thirtieth of June;

19 b. All funds available in the public school income fund for the fiscal
20 year ending on the thirtieth of June;

21 c. All payments distributed for the current fiscal year to the several
22 school districts;

23 d. The adjustment based on the actual amount of discretionary funds
24 per ~~support unit~~ student required by the provisions of section 33-1018,
25 Idaho Code;

26 e. Payments made or due for the transportation support program and the
27 exceptional education support program. The state department of educa-
28 tion shall apportion and direct the payment to the several school dis-
29 tricts the moneys in the public school income fund in each year, taking
30 into account the advance made under subsection 2. of this section, in
31 such amounts as will provide in full for each district its support pro-
32 gram, and not more than therefor required, and no school district shall
33 receive less than fifty dollars (\$50.00).

34 4. If the full amount appropriated to the public school income fund
35 from the general account by the legislature is not transferred to the public
36 school income fund by the end of the fiscal year, the deficiency resulting
37 therefrom shall either be restored or reduced through a special trans-
38 fer from the general account in the first sixty (60) days of the following
39 fiscal year, or shall be calculated in computing district levies, and any
40 additional levy shall be certified by the state superintendent of public
41 instruction to the board of county commissioners and added to the district's
42 maintenance and operation levy. If the deficiency is restored or reduced
43 by special transfer, the amount so transferred shall be in addition to the
44 amount appropriated to be transferred in such following fiscal year and
45 shall be apportioned to each school district in the same amount as each would
46 have received had the transfer been made in the year the deficiency occurred.
47 The state department of education shall distribute to the school district
48 the full amount of the special transfer as soon as practical after such
49 transfer is made. In making the levy computations required by this subsec-
50 tion the state department of education shall take into account and consider

1 the full amount of money receipted into the public school income fund from
2 all sources for the given fiscal year. Deficits in the transfer of the ap-
3 propriated amount of general account revenue to the public school income
4 fund shall be reduced by the amount, if any, that the total amount receipted
5 from other sources into the public school income fund exceeds the official
6 estimated amount from those sources. The official estimate of receipts from
7 other sources shall be the total amount stated by the legislature in the ap-
8 propriation bill. The provisions of this subsection shall not apply to any
9 transfers to or from the public education stabilization fund.

10 5. Any apportionments in any year, made to any school district, which
11 may within the succeeding three (3) year period be found to have been in error
12 either of computation or transmittal, may be corrected during the three (3)
13 year period by reduction of apportionments to any school district to which
14 over-apportionments may have been made or received, and corresponding ad-
15 ditions to apportionments to any school district to which under-apportion-
16 ments may have been made or received.

17 SECTION 6. That Section 33-1018, Idaho Code, be, and the same is hereby
18 amended to read as follows:

19 33-1018. PUBLIC SCHOOL DISCRETIONARY FUNDING VARIABILITY. (1) The
20 legislature shall annually state in the appropriation for the educational
21 support program/~~division of operations~~ the estimate of the total discre-
22 tionary the base funding provided per support unit student. The state
23 department of education shall, before the end of each fiscal year, calculate
24 the actual discretionary funding available per support unit student.

25 ~~(1) If the total estimated discretionary funding per support unit~~
26 ~~stated in the appropriation for the educational support program/division~~
27 ~~of operations is lower than the actual discretionary funding available per~~
28 ~~support unit, then the state controller shall multiply the difference by~~
29 ~~the number of actual support units, and transfer the result from the public~~
30 ~~school income fund to the public education stabilization fund and the final~~
31 ~~distributions to school districts from the department of education shall be~~
32 ~~reduced by a like amount.~~

33 ~~(2) If the total estimated discretionary funding per support unit~~
34 ~~stated in the appropriation for the educational support program/division of~~
35 ~~operations is greater than the actual discretionary funding available per~~
36 ~~support unit, then the state controller shall multiply the difference by the~~
37 ~~number of actual support units, and transfer the result from the public edu-~~
38 ~~cation stabilization fund to the public school income fund. This transfer~~
39 ~~shall be limited to moneys available in the public education stabilization~~
40 ~~fund. Moneys transferred from the public education stabilization fund to~~
41 ~~the public school income fund under the provisions of this section are hereby~~
42 ~~continuously appropriated for the educational support program/division of~~
43 ~~operations.~~

44 (2) In fiscal year 2026, if the allocation of general discretionary
45 funds for a school district or public charter school is less than one hundred
46 percent (100%) of what the allocation would have been if the allocation was
47 based on support units, then the school district or public charter school
48 shall be funded based on support units.

1 SECTION 7. That Section 33-5207, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 33-5207. PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT. (1) Except as oth-
4 erwise provided for in this section, the state department of education shall
5 make the following apportionment to each charter school for each fiscal year
6 based on attendance figures submitted in a manner and time as required by the
7 state department of education.

8 (2) Per student support. Computation of support units for each public
9 charter school shall be calculated as if it were a separate school according
10 to the schedules in section 33-1002(4), Idaho Code, except that public char-
11 ter schools with fewer than one hundred (100) secondary ADA shall use a divi-
12 sor of twelve (12) and the minimum units shall not apply. No public charter
13 school shall receive an increase in support units that exceeds the support
14 units it received in the prior year by more than forty (40), except in cases
15 of state declared emergencies that have been approved by the authorizer as
16 having an impact on public education. Funding from the state educational
17 support program shall be equal to the total ~~distribution factor~~ per-student
18 funding, plus the salary-based apportionment provided in chapter 10, title
19 33, Idaho Code. Provided, however, any public charter school that is formed
20 by the conversion of an existing traditional public school shall be assigned
21 divisors, pursuant to section 33-1002, Idaho Code, that are no lower than the
22 divisors of the school district in which the traditional public school is lo-
23 cated, for each category of pupils listed.

24 (3) Special education. For each student enrolled in the public char-
25 ter school who is entitled to special education services, the public charter
26 school shall receive the state and federal funds from the exceptional child
27 education program for that student that would have been apportioned to the
28 school district in which the public charter school is located.

29 (4) Alternative school support. Public charter schools may qualify
30 under the provisions of sections 33-1002 and 33-1002C, Idaho Code, provided
31 the public charter school meets the necessary statutory requirements and
32 students qualify for attendance at an alternative school as provided by rule
33 of the state board of education.

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

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

1 (b) The student resides within fifteen (15) miles by road of the public
2 charter school. The limitations placed by this subsection on the reim-
3 bursement of transportation costs for certain students shall not apply
4 to public virtual schools.

5 (6) Facilities funds.

6 (a) The state department of education shall distribute facilities
7 funds to public charter schools for each student in which a majority
8 of the student's instruction is received at a physical facility that
9 is owned or leased by the public charter school. Such funds shall be
10 used to defray the costs associated with payments for real property used
11 by the students or employees of the public charter school for educa-
12 tional or administrative purposes. Such funds shall be distributed at
13 four hundred dollars (\$400) per attending student pursuant to section
14 33-1003A, Idaho Code. For the purposes of this paragraph, beginning in
15 state fiscal year 2025, "attending student" means each student in aver-
16 age daily attendance in kindergarten through grade 12 at such physical
17 charter school facilities where the student is enrolled; except that,
18 upon formal approval by the state board of education, a charter school
19 may receive an exemption to the physical facility requirement pursuant
20 to the provisions of this paragraph if the student would have attended a
21 physical facility if not for a stated emergency.

22 (b) For those public charter schools that do not receive facilities
23 funds for all enrolled students, the school may submit to the state
24 department of education a reimbursement claim for any costs for which
25 facilities funds may be used. The state department of education shall
26 reduce such claim by the greater of fifty percent (50%) or the percent-
27 age of the school's enrolled students for which the school receives
28 facilities funds and shall pay the balance. Provided, however, that the
29 total reimbursements paid to a public charter school, in combination
30 with any facilities stipend received by the school, shall not exceed the
31 amount of facilities funds that would have been received by the school
32 had the school received facilities funds for all students in average
33 daily attendance pursuant to section 33-1003A, Idaho Code. For the
34 purposes of this subsection, the term "real property" shall be used as
35 defined in section 63-201, Idaho Code. A virtual public charter school
36 authorized by the public charter school commission or authorized by a
37 public school district on or after March 1, 2024, shall not be eligible
38 for funds appropriated pursuant to the provisions of this subsection.

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

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

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

9 (c) All subsequent payments, taking into account the onetime advance
10 payment made for the first year of operation, shall be made to the public
11 charter school in the same manner as other traditional public schools in
12 accordance with the provisions of section 33-1009, Idaho Code. A public
13 charter school shall comply with all applicable fiscal requirements of
14 law, except that the following provisions shall not be applicable to
15 public charter schools: that portion of section 33-1004, Idaho Code,
16 relating to reduction of the administrative and instructional staff
17 allowance and the pupil service staff allowance when there is a dis-
18 crepancy between the number allowed and the number actually employed;
19 and section 33-1004E, Idaho Code, for calculation of district staff
20 indices.

21 (8) If an authorizer has reason to believe that a public charter school
22 cannot remain fiscally sound for the remainder of its certificate term, it
23 shall provide the state department of education with written notification of
24 such concern. Upon receiving such notification, the state department of ed-
25 ucation shall have the authority to modify the percentage of the total appro-
26 priation to be paid to the public charter school pursuant to the provisions
27 of section 33-1009 1., Idaho Code, such that equal percentages are paid on
28 each of the prescribed dates.

29 (9) Each public charter school shall pay an authorizer fee to its au-
30 thorizer, not to initially exceed twenty thousand dollars (\$20,000), or, in
31 the case of existing charter schools, up to a five-percent (5%) increase of
32 the previous year's fee. Authorizers shall annually set the authorizer's
33 fee and in doing so shall document the fees to actual expenditures associated
34 with authorizing.

35 (10) Nothing in this chapter shall prevent a public charter school from:

36 (a) Applying for federal grant moneys or for career technical education
37 funding of any source; or

38 (b) Receiving funding or other financial assistance for the establish-
39 ment or operation of a public charter school from any private person or
40 organization.

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

46 (12) All federal educational funds shall be administered and dis-
47 tributed to public charter schools, including public virtual schools, that
48 have been designated as a local education agency (LEA), as provided in sec-
49 tion 33-5203, Idaho Code.

1 (13) Nothing in this section prohibits separate face-to-face learning
2 activities or services. In order to be eligible for career technical educa-
3 tion essential components funding, virtual schools may be required to offer
4 some face-to-face instruction in order to meet industry standards, licens-
5 ing requirements, work-based learning requirements, or other requirements
6 set forth by law.

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

9 SECTION 8. That Section 33-512D, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 33-512D. SELF-DIRECTED LEARNER DESIGNATION. (1) A student attending
12 public school in Idaho shall be eligible to be designated as a self-directed
13 learner. For the purposes of this section, a "self-directed learner" means a
14 full-time student:

15 (a) Who demonstrates mastery of content knowledge through grades, as-
16 sessments, or mastery-based learning rubrics;

17 (b) Whose teacher or teachers designate the student as such. The
18 teacher may consider the student's mastery of the content, academic
19 growth, timeliness for assignments, self-motivation, ability to estab-
20 lish goals, and reaching age-appropriate learning outcomes;

21 (c) Who, starting in grade 5, demonstrates mastery of addition and mul-
22 tiplication for numbers 0-10, as well as related subtraction and divi-
23 sion problems, known collectively as "math facts"; and

24 (d) Who, starting in grade 8, demonstrates an informed choice of post-
25 secondary career and education goals by:

26 (i) Completing and updating his student learning plan as defined
27 in section ~~33-1001(30)~~ 33-1001(31), Idaho Code;

28 (ii) Supplementing his student learning plan, as applicable, with
29 the following that further his postsecondary goals:

30 1. Extended learning opportunities as defined in section
31 33-6401, Idaho Code;

32 2. Courses and examinations funded in chapter 46, title 33,
33 Idaho Code; or

34 3. Any other credits or programs permitted under Idaho Code
35 or district policy as applicable to the student's learning
36 plan; and

37 (iii) Identifying and writing down self-determined personal life
38 goals, including an explanation of how attending specific classes
39 will lead to the fulfillment of personal life goals.

40 (2) Each school district or public charter school may adopt a self-di-
41 rected learner policy to provide processes:

42 (a) Through which students may seek a self-directed learner designa-
43 tion;

44 (b) By which teachers may designate a student as a self-directed
45 learner;

46 (c) To monitor and support self-directed learners;

47 (d) By which a student's teacher or teachers rescind the self-directed
48 learner designation; and

49 (e) As otherwise necessary for implementation.

1 (3) Once a student is designated a self-directed learner, the student
2 has the right to flexible learning. Flexible learning may be different for
3 each student and may include flexible attendance, attending school virtu-
4 ally, extended learning opportunities, and any other agreed-upon learning
5 inside or outside the classroom. Starting in grade 8, flexible learning
6 should further the student's progress toward postsecondary goals. Any flex-
7 ible learning permitted under this section must be agreed upon by the stu-
8 dent, his teacher or teachers, and the student's parents or legal guardian.

9 (4) In order to remain a self-directed learner, the student must meet
10 criteria agreed upon by him, his teacher or teachers, and his parents or le-
11 gal guardian. Criteria may include continued mastery of content knowledge
12 and skills, academic growth, progress toward postsecondary goals, or other
13 measures of student learning. If a student fails to meet the agreed-upon
14 criteria or fails to stay current on classroom assignments, and does not cure
15 the failure within an agreed-upon time frame, the building administrator
16 shall rescind the self-directed learner designation upon recommendation by
17 the teacher or teachers.

18 (5) A self-directed learner will be reported as enrolled as one (1.0)
19 FTE or in attendance for a full day in school for the purpose of calculat-
20 ing support units and public school funding. The district or charter school
21 will receive full funding for its self-directed learners, regardless of at-
22 tendance or actual hours of instruction up to one (1) full day of attendance
23 or one (1.0) FTE, or the remaining day or FTE if the student is shared between
24 two (2) or more school districts or public charter schools.

25 (6) Each school district or public charter school must report the num-
26 ber of self-directed learners to the state department of education annually.

27 SECTION 9. That Section 33-515, Idaho Code, be, and the same is hereby
28 amended to read as follows:

29 33-515. ISSUANCE OF RENEWABLE CONTRACTS. (1) During the third full
30 year of continuous employment by the same school district, including
31 any specially chartered district, each certificated employee named in
32 ~~subsection (34) of section 33-1001~~ section 33-1001(35), Idaho Code, and each
33 school nurse and school librarian who has obtained a professional endorse-
34 ment under section 33-1201A, Idaho Code, shall be evaluated for a renewable
35 contract and shall, upon having been offered a contract for the next ensuing
36 year, and upon signing and timely returning a contract for a fourth full
37 year, be placed on a renewable contract status with said school district
38 entitling such individual to the right to automatic renewal of contract,
39 subject to the provisions included in this chapter, provided that instruc-
40 tional staff who have not obtained a professional endorsement under section
41 33-1201A, Idaho Code, may not be placed on a renewable contract status,
42 provided however, if the career ladder pursuant to section 33-1004B, Idaho
43 Code, is not funded, then a professional endorsement shall not be required.
44 Additionally, any individual who has not successfully completed the three
45 (3) year nontraditional route program while on a three (3) year interim cer-
46 tificate and has not yet been issued a five (5) year renewable certificate
47 may not be placed on a renewable contract. Such individual will remain on
48 a category 3 contract, even after serving three (3) continuous years of em-
49 ployment with the same school district.

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

8 (3) Any contract automatically renewed under the provisions of this
9 section may be renewed for a shorter term, longer term or the same length
10 of term as stated in the current contract and at a greater, lesser or equal
11 salary as that stated in the current contract. Absent the board's applica-
12 tion of a formal reduction in force, renewals of standard teacher contracts
13 may be for a shorter term, longer term or the same length of term as stated
14 in the current standard teacher contract and at a greater, lesser or equal
15 salary, and shall be uniformly applied to all employees based upon the dis-
16 trict's adopted salary schedule to the extent allowable in section 33-1004E,
17 Idaho Code.

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

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

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

33 (4) Nothing in this section shall prevent the board of trustees from of-
34 fering a renewed contract increasing the salary of any certificated person,
35 or from reassigning an administrative employee to a nonadministrative posi-
36 tion with appropriate reduction of salary from the preexisting salary level.
37 In the event the board of trustees reassigns an administrative employee to a
38 nonadministrative position, the board shall give written notice to the em-
39 ployee that contains a statement of the reasons for the reassignment. The
40 employee, upon written request to the board, shall be entitled to an informal
41 review of that decision. The process and procedure for the informal review
42 shall be determined by the local board of trustees.

43 (5) Before a board of trustees can determine not to renew for reasons of
44 an unsatisfactory report of the performance of any certificated person whose
45 contract would otherwise be automatically renewed, such person shall be en-
46 titled to a reasonable period of probation. This period of probation shall
47 be preceded by a written notice from the board of trustees with reasons for
48 such probationary period and with provisions for adequate supervision and
49 evaluation of the person's performance during the probationary period. Such
50 period of probation shall not affect the person's renewable contract status.

1 Consideration of probationary status for certificated personnel is consid-
2 eration of the status of an employee within the meaning of section 74-206,
3 Idaho Code, and may be held in executive session. If the consideration re-
4 sults in probationary status, the individual on probation shall not be named
5 in the minutes of the meeting. A record of the decision shall be placed in the
6 teacher's personnel file.

7 (6) If the board of trustees takes action to immediately discharge
8 or discharge upon termination of the current contract a certificated per-
9 son whose contract would otherwise be automatically renewed, the action
10 of the board shall be consistent with the procedures specified in section
11 33-513(5), Idaho Code, and, furthermore, the board shall notify the employee
12 in writing whether there is just and reasonable cause not to renew the con-
13 tract or to reduce the salary of the affected employee, and, if so, what
14 reasons it relied upon in that determination.

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

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

28 (b) Upon receipt of such notice, the board of trustees, acting through
29 its duly authorized administrative official, shall give the affected
30 employees written notice of the reductions and the recommendation of
31 the change in the length of the term stated in the current contract or
32 the reduction of salary, along with written notice of a hearing be-
33 fore the board of trustees prior to any determination by the board of
34 trustees.

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

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

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

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

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

47 (h) The board of trustees shall cause an electronic record of the hear-
48 ing to be made or shall employ a competent reporter to take stenographic
49 or stenotype notes of all the testimony at the hearing. A transcript of

1 the hearing shall be provided at cost by the board of trustees upon re-
2 quest of the employee.

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

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

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

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

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

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

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

35 SECTION 10. That Section 33-911, Idaho Code, be, and the same is hereby
36 amended to read as follows:

37 33-911. SCHOOL DISTRICT FACILITIES FUND. (1) There is hereby cre-
38 ated in the state treasury the school district facilities fund. The fund
39 shall consist of moneys provided pursuant to sections 57-811, 63-3638, and
40 67-7434, Idaho Code, and any legislative transfers or appropriations. In-
41 terest earned from the investment of moneys in the fund shall be returned to
42 the fund.

43 (2) The moneys in the fund shall be distributed by the state controller
44 to the state department of education by August 1 each year for the purpose
45 of construction or renovation of school facilities. The moneys shall be
46 distributed by the state department of education to each school district, as
47 defined in section ~~33-1001(21)~~ 33-1001(22), Idaho Code, first as provided
48 in subsection (7) of this section and then on a per-pupil basis using the
49 average daily attendance calculation provided in section 33-1003A, Idaho

1 Code, for each student in kindergarten through grade 12 at physical facil-
2 ities that are part of and on school grounds of the school district in which
3 the student is enrolled with verification, as needed, by the office of the
4 state board of education. Upon formal approval by the state board of edu-
5 cation, a school district may receive an exemption to the physical facility
6 requirement pursuant to this subsection if the student would have attended
7 a physical facility in the school district if not for a stated emergency.
8 The state department of education shall transfer the moneys by no later than
9 August 31 each year to each school district. Such moneys shall be used in
10 place of property tax levy moneys and shall be expended by a school district
11 for one (1) or more of the purposes set forth in paragraphs (a) through (d) of
12 this subsection. Moneys in the fund must be used by a school district in the
13 following order of priority:

14 (a) Payment of existing school bonds authorized pursuant to chapter 11,
15 title 33, Idaho Code;

16 (b) Payment of supplemental school levies authorized pursuant to sec-
17 tion 33-802, Idaho Code, excluding indefinite term supplemental levies
18 described in section 33-802(5), Idaho Code;

19 (c) Payment of school plant facility levies authorized pursuant to sec-
20 tions 33-804 and 33-804A, Idaho Code; and

21 (d) Any moneys that remain following the payments provided in para-
22 graphs (a) through (c) of this subsection may be: used for construction
23 of a new school facility, renovation, or maintenance needs; used to
24 secure and make payments on a new school facilities bond; or saved in
25 a reserve account by the school district for future school facility
26 needs. Uses of funds shall include regular and routine facilities
27 maintenance, including preventive maintenance, building repairs, and
28 building security, and periodic major facilities projects that involve
29 planning, design, construction, renovation, retrofitting, and replac-
30 ing of buildings and building systems, components, and features, as
31 well as site acquisition, site improvements, and new construction.

32 (3) The amount of moneys received by a school district pursuant to this
33 section must be deducted from a school levy that would otherwise have been
34 paid by property taxpayers. Such moneys may not be duplicated by the collec-
35 tion of property tax, and no property taxes may be collected in order to make
36 extra payments on expenses described in subsection (2) of this section in ex-
37 cess of required amounts.

38 (4) Each school district shall identify the amount received in the cur-
39 rent year pursuant to this section in the certification of its budget in ac-
40 cordance with section 63-803, Idaho Code. Said amount must be subtracted
41 from the amount to be levied. The amount of moneys thereby saved from being
42 collected by a property tax levy shall be reported on each property tax no-
43 tice pursuant to section 63-902, Idaho Code.

44 (5) Each school district shall report annually to the state department
45 of education, in a manner prescribed by it, on the expenditure of moneys it
46 has received pursuant to this section. The state department of education
47 shall present the reports to the legislature each January.

48 (6) For the purposes of this section, the Idaho school for the deaf and
49 the blind shall be considered a school district and shall receive a distribu-
50 tion based on the average daily attendance of the school.

1 (7) (a) For state fiscal year 2025 only, any school district that would
 2 have received support from the bond levy equalization support program
 3 for a qualified bond passed prior to January 1, 2024, and for which prop-
 4 erty taxes were levied in property tax year 2023 pursuant to the amount
 5 intended by the bond shall receive a distribution of funds from the dis-
 6 tribution provided under subsection (2) of this section of at least as
 7 much as would have been provided through bond levy equalization support
 8 on July 1, 2024.

9 (b) For state fiscal year 2026 only, any school district that would have
 10 received support from the bond levy equalization support program for a
 11 qualified bond passed prior to January 1, 2024, and for which property
 12 taxes were levied in property tax year 2024 pursuant to the amount in-
 13 tended by the bond shall receive a distribution of funds from the dis-
 14 tribution provided under subsection (2) of this section of at least as
 15 much as would have been provided through bond levy equalization support
 16 on July 1, 2025.

17 (c) The state department of education may adjust distributions for re-
 18 maining districts proportionally as necessary pursuant to this para-
 19 graph. On and after July 1, 2024, school districts may use funds pro-
 20 vided in this section and section 33-913, Idaho Code, to offset the bond
 21 levy equalization support.

22 SECTION 11. That Section 33-915, Idaho Code, be, and the same is hereby
 23 amended to read as follows:

24 33-915. FIXED DISTRIBUTION -- SCHOOL MODERNIZATION FACILITIES
 25 FUND. (1) The state department of education shall establish a fixed distri-
 26 bution of funds to be made available for voluntary election to each school
 27 district subject to the conditions in this section.

28 (a) The distribution shall be calculated in state fiscal year 2025 for
 29 each school district, as defined in section ~~33-1001(21)~~ 33-1001(22),
 30 Idaho Code, that is in operation as of July 1, 2024.

31 (b) The distribution shall be calculated by multiplying the following
 32 two (2) factors, both of which shall be based on the most recent data
 33 available in the state fiscal year coinciding with the distribution
 34 calculation:

- 35 (i) Calculate the per-pupil amount, using the average daily at-
 36 tendance calculation provided in section 33-1003A, Idaho Code,
 37 for each student in kindergarten through grade 12 at physical
 38 facilities that are part of and on school grounds of the school
 39 district in which the student is enrolled with verification, as
 40 needed, by the office of the state board of education. Upon formal
 41 approval by the state board of education, a school district may re-
 42 ceive an exemption to the physical facility requirement pursuant
 43 to this subsection if the student would have attended a physical
 44 facility in the school district if not for a stated emergency; and
 45 (ii) Calculate, together with the Idaho state building authority,
 46 the total amount that a bond issuance would generate, based on the
 47 amount established in section 63-3638(19), Idaho Code.

1 (c) In no case shall the amount awarded to any school district be less
2 than twenty-five thousand dollars (\$25,000) over the ten (10) year pe-
3 riod.

4 (d) In no case shall the amount awarded to any school district with an
5 active charter district maintenance and operation levy pursuant to sec-
6 tion 33-802(6), Idaho Code, or a charter district supplemental mainte-
7 nance and operation levy pursuant to section 33-802(4), Idaho Code, ex-
8 ceed forty million dollars (\$40,000,000) over the ten (10) year period.
9 Excess funds shall be distributed proportionately according to the
10 factors established in paragraph (b) of this subsection to remaining
11 school districts that received initial allocations below forty million
12 dollars (\$40,000,000). Any districts receiving reallocations under
13 this paragraph shall not exceed forty million dollars (\$40,000,000).

14 (e) For the purposes of this section, the Idaho school for the deaf and
15 the blind shall be considered a school district and shall receive a dis-
16 tribution based on the average daily attendance of the school.

17 (2) The provisions of this section shall be null, void, and of no force
18 and effect on and after June 30, 2034.

19 SECTION 12. That Section 33-1004, Idaho Code, be, and the same is hereby
20 amended to read as follows:

21 33-1004. STAFF ALLOWANCE. For each school district, a staff allowance
22 shall be determined as follows:

23 (1) Using the daily attendance reports that have been submitted for
24 computing the February 15 apportionment of state funds as provided in sec-
25 tion 33-1009, Idaho Code, calculate the total support units for the district
26 in the manner provided in section 33-1002~~(6)(a)~~(5)(a), Idaho Code. If the
27 support units used to calculate discretionary funding pursuant to sections
28 33-1009 and 33-1018, Idaho Code, are at least three percent (3%) greater,
29 seventy-five percent (75%) of the difference shall be added to the support
30 units used for the February 15 apportionment of state funds;

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

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

39 (4) Determine the administrative staff allowance by multiplying the
40 support units by .075;

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

43 (6) Additional conditions governing staff allowance:

44 (a) In determining the number of staff in subsections (2), (3), (4) and
45 (5) of this section, a district may contract separately for services to
46 be rendered by nondistrict employees and such employees may be counted
47 in the staff allowance. A "nondistrict employee" means a person for
48 whom the school district does not pay the employer's obligations for
49 employee benefits. When a district contracts for the services of a

1 nondistrict employee, only the salary portion of the contract shall be
2 allowable for computations.

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

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

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

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

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

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

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

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

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

1 department of education, was at least one (1) student greater than the
2 statewide average class size. The state department of education shall
3 report to the legislature every February, beginning in 2015, on the re-
4 ductions scheduled to take place in this figure, by school district, in
5 the ensuing fiscal year.

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

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

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

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

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

42 SECTION 13. That Section 33-1201A, Idaho Code, be, and the same is
43 hereby amended to read as follows:

44 33-1201A. IDAHO PROFESSIONAL ENDORSEMENT -- ELIGIBILITY. (1) Any in-
45 structional staff employee or any pupil service staff employee will receive
46 mentoring as outlined in such employee's individualized professional learn-
47 ing plan during the initial three (3) years of holding such certificate.
48 Upon holding a certificate for three (3) years, any such instructional staff
49 or pupil service staff employee may apply for an Idaho professional endorse-

1 ment. Upon holding a professional endorsement for five (5) years or more,
 2 any such instructional staff or pupil service staff employee may apply for an
 3 Idaho advanced professional endorsement. Individuals who hold an instruc-
 4 tional staff certificate and a pupil service staff certificate shall have
 5 their experience based on the overall years of experience if held consec-
 6 tively or the certificate they have held the longest if dually certificated.

7 (2) To be eligible for an Idaho professional endorsement, the instruc-
 8 tional staff or pupil service staff employee must:

9 (a) Have held a certificate and been employed in a public school for at
 10 least three (3) years or have completed a state board of education-ap-
 11 proved interim certificate of three (3) years or longer;

12 (b) Show they met the professional compensation rung performance cri-
 13 teria for two (2) of the three (3) previous years or the third year;

14 (c) Have a written recommendation from the employing school district;
 15 and

16 (d) Have an annual individualized professional learning plan developed
 17 in conjunction with the employee's school district supervisor.

18 Instructional staff employees may provide additional evidence demonstrat-
 19 ing effective teaching that may be considered in exceptional cases for
 20 purposes of determining proficiency and student achievement in the event
 21 required standards for professional endorsement are not met. Pupil service
 22 staff employees may provide additional evidence demonstrating effective
 23 student achievement or success that may be considered in exceptional cases
 24 for purposes of determining proficiency and student achievement or success
 25 in the event required standards for professional endorsement are not met.

26 (3) To be eligible for an Idaho advanced professional endorsement, the
 27 instructional staff or pupil service staff employee must:

28 (a) Have held a renewable certificate and been employed in a public
 29 school for at least eight (8) years or more or have completed a state
 30 board of education-approved interim certificate of three (3) years or
 31 longer and held a renewable certificate and been employed in a public
 32 school for five (5) years or more;

33 (b) Show they met the professional compensation rung performance cri-
 34 teria for four (4) of the five (5) previous years or the third, fourth,
 35 and fifth year;

36 (c) During three (3) of the previous five (5) years, have served in
 37 an additional building or district leadership role in an Idaho public
 38 school, including but not limited to:

39 (i) Instructional specialist or instructional coach;

40 (ii) Mentor;

41 (iii) Curriculum or assessment committee member;

42 (iv) Team or committee leadership position;

43 (v) Data coach; or

44 (vi) Other leadership positions identified by the school dis-
 45 trict;

46 (d) Have a written recommendation from the employing school district;

47 (e) Have an annual individualized professional learning plan developed
 48 in conjunction with the employee's supervisor and a self-evaluation;
 49 and

1 (f) (i) Effective July 1, 2020, through June 30, 2021, show they
 2 have met the advanced professional compensation rung performance
 3 criteria for three (3) of the five (5) previous years or the fifth
 4 year;

5 (ii) Effective July 1, 2021, through June 30, 2022, show they have
 6 met the advanced professional compensation rung performance cri-
 7 teria for three (3) of the five (5) previous years or the fourth and
 8 fifth year; or

9 (iii) Effective July 1, 2022, show they have met the advanced pro-
 10 fessional compensation rung performance criteria for three (3) of
 11 the five (5) previous years.

12 Instructional staff employees may provide additional evidence demon-
 13 strating effective teaching that may be considered in exceptional cases
 14 for purposes of determining proficiency and student achievement in the
 15 event required standards for the advanced professional endorsement are not
 16 met. Pupil service staff employees may provide additional evidence demon-
 17 strating effective student achievement or success that may be considered
 18 in exceptional cases for purposes of determining proficiency and student
 19 achievement or success in the event required standards for the advanced pro-
 20 fessional endorsement are not met.

21 (4) Instructional staff and pupil service staff who have been certified
 22 in another state shall be eligible for the professional endorsement if they:

23 (a) Have a written recommendation from the employing school district;

24 (b) Have worked in a certificated position in a compact-member state
 25 other than Idaho pursuant to section 33-4104, Idaho Code; and

26 (c) Would have been eligible to work in a certificated position in an
 27 Idaho public school based on that certification for three (3) to eight
 28 (8) years.

29 (5) Instructional staff and pupil service staff who have been certified
 30 in another state shall be eligible for the advanced professional endorsement
 31 if they:

32 (a) Have a written recommendation from the employing school district;

33 (b) Have worked in a certificated position in a compact-member state
 34 other than Idaho pursuant to section 33-4104, Idaho Code; and

35 (c) Would have been eligible to work in a certificated position in an
 36 Idaho public school based on that certification for nine (9) years or
 37 more.

38 (6) Instructional staff and pupil service staff who have worked in
 39 an accredited private school and maintained their instructional or pupil
 40 service staff certification may use their years of private school work ex-
 41 perience to meet the years of experience requirements for the professional
 42 and advanced professional endorsement. Such staff may provide additional
 43 evidence demonstrating effective teaching that may be considered in excep-
 44 tional cases for purposes of determining proficiency and student achieve-
 45 ment requirements for professional and advanced professional eligibility
 46 criteria.

47 (7) Individuals holding a professional endorsement or an advanced pro-
 48 fessional endorsement will be annually evaluated in at least two (2) domains
 49 in the state evaluation framework approved by the state board of education.
 50 All other instructional or pupil service staff employees must be evaluated

1 across all domains in the evaluation framework. Ratings in the domains de-
2 scribed in section ~~33-1001(20)(b)~~ 33-1001(21)(b), Idaho Code, are required
3 as part of the advanced professional compensation rung performance crite-
4 ria.

5 (8) The state board of education shall promulgate rules implementing
6 the provisions of this section.

7 (9) For the purposes of this section:

8 (a) "Certificate" means an Idaho instructional certificate, pupil
9 service staff certificate, or out-of-state educator certificate that
10 meets the requirements for reciprocity under rules promulgated by the
11 state board of education;

12 (b) In conjunction with the Idaho evaluation framework, "individual-
13 ized professional learning plan" means an individualized professional
14 development plan based on the Idaho framework for teaching evaluation
15 and includes, at a minimum, identified interventions based on the indi-
16 vidual's strengths and areas of needed growth, how the individual will
17 set student achievement and growth goals, and areas of identified pro-
18 fessional development and mentoring that target continuous improvement
19 in professional areas, future student achievement, and school building
20 or district culture;

21 (c) "Instructional staff" means those involved in the direct instruc-
22 tion of a student or group of students and who hold a certificate issued
23 under section 33-1201, Idaho Code;

24 (d) "Pupil service staff" means those who provide services to students
25 but are not involved in direct instruction of those students and who
26 hold a certificate issued under section 33-1201, Idaho Code; and

27 (e) "School district" means a school district or a public charter
28 school.

29 SECTION 14. An emergency existing therefor, which emergency is hereby
30 declared to exist, this act shall be in full force and effect on and after
31 July 1, 2025.