

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 305

BY EDUCATION COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1004, IDAHO CODE, TO REVISE PROVISIONS REGARDING STAFF ALLOWANCE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 33-1004, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

(3) Determine the pupil service staff allowance by multiplying the support units by 0.079;

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

(5) Determine the classified staff allowance by multiplying the support units by .375;

(6) Additional conditions governing staff allowance:

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

(b) If there are circumstances preventing eligible use of staff allowance to which a district is entitled as provided in subsections (2), (3) and (4) of this section, an appeal may be filed with the state de-

1 partment of education outlining the reasons and proposed alternative
2 use of these funds, and a waiver may be granted.

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

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

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

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

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

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

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

40 (g) A district may employ nine and one-half percent (9.5%) fewer posi-
41 tions than funded pursuant to subsections (2) and (3) of this section,
42 without a reduction in the number of funded positions being imposed.
43 ~~Beginning in fiscal year 2016, this figure shall be reduced by one per-~~
44 ~~cent (1%) each year for each school district in which the average class~~
45 ~~size, as determined from prior fiscal year data reported to the state~~
46 ~~department of education, was at least one (1) student greater than the~~
47 ~~statewide average class size. The state department of education shall~~
48 ~~report to the legislature every February, beginning in 2015, on the re-~~
49 ~~ductions scheduled to take place in this figure, by school district, in~~
50 ~~the ensuing fiscal year.~~

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

9 ~~(ii) The state board of education may promulgate rules outlining~~
10 ~~the method of calculation of the statewide average class size fig-~~
11 ~~ures.~~

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

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

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

37 SECTION 2. An emergency existing therefor, which emergency is hereby
38 declared to exist, this act shall be in full force and effect on and after
39 July 1, 2025.