

IN THE SENATE

SENATE BILL NO. 1096

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING SECTION 33-1001, IDAHO CODE, TO DEFINE
2 TERMS; AMENDING SECTION 33-1002, IDAHO CODE, TO REVISE PROVISIONS RE-
3 GARDING THE EDUCATIONAL SUPPORT PROGRAM; AMENDING SECTION 33-1004,
4 IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION
5 33-1009, IDAHO CODE, TO REVISE PROVISIONS REGARDING PAYMENTS FROM THE
6 PUBLIC SCHOOL INCOME FUND; AMENDING SECTION 33-1018, IDAHO CODE, TO
7 REVISE PROVISIONS REGARDING PUBLIC SCHOOL DISCRETIONARY FUNDING VARI-
8 ABILITY; AMENDING SECTION 33-1614, IDAHO CODE, TO PROVIDE A CORRECT
9 CODE REFERENCE; AMENDING SECTION 33-1632, IDAHO CODE, TO REMOVE A PRO-
10 VISION REGARDING FUNDING; AMENDING SECTION 33-5207, IDAHO CODE, TO
11 REVISE PROVISIONS REGARDING PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT;
12 AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
13

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

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

17 33-1001. DEFINITIONS. As used in this chapter:

18 (1) "Administrative schools" means and applies to all elementary
19 schools and kindergartens within a district that are situated ten (10) miles
20 or less from both the other elementary schools and the principal administra-
21 tive office of the district and all secondary schools within a district that
22 are situated fifteen (15) miles or less from other secondary schools of the
23 district.

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

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

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

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

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

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

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

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

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

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

42 (b) Meets any of the following criteria:

- 1 (i) Has documented substance abuse or a pattern of substance
2 abuse;
- 3 (ii) Is pregnant or a parent;
- 4 (iii) Is an emancipated youth or unaccompanied youth;
- 5 (iv) Is a previous dropout;
- 6 (v) Has a serious personal, emotional, or medical issue or is-
7 sues;
- 8 (vi) Has a court or agency referral; or
- 9 (vii) Demonstrates behavior detrimental to the student's academic
10 progress.
- 11 (4) "Average daily attendance" or "pupils in average daily attendance"
12 means the aggregate number of days enrolled students are present, divided by
13 the number of days of school in the reporting period; provided, however, that
14 students for whom no Idaho school district is a home district shall not be
15 considered in such computation.
- 16 (5) "Career ladder" means the compensation table used for determining
17 the allocations districts receive for instructional staff and pupil service
18 staff based on specific performance criteria and is made up of a residency
19 compensation rung and a professional compensation rung.
- 20 (6) "Child with a disability" means a child evaluated as having an
21 intellectual disability, a hearing loss including deafness, a speech or
22 language impairment, a visual impairment including blindness, an emo-
23 tional behavioral disorder, an orthopedic impairment, autism, a traumatic
24 brain injury, another health impairment, a specific learning disability,
25 deaf-blindness, or multiple disabilities and who, by reason thereof, needs
26 special education and related services.
- 27 (7) "Compensation rung" means the rung on the career ladder that corre-
28 sponds with the compensation level performance criteria.
- 29 (8) "Economically disadvantaged student" means a student who:
- 30 (a) Is eligible for a free or reduced-price lunch under the Richard B.
31 Russell national school lunch act, 42 U.S.C. 1751 et seq., excluding
32 students who are eligible only through a school's community eligibility
33 program;
- 34 (b) Resides with a family receiving assistance under the program of
35 block grants to states for temporary assistance for needy families
36 (TANF) established under part A of title IV of the social security act,
37 42 U.S.C. 601 et seq.;
- 38 (c) Is eligible to receive medical assistance under the medicaid pro-
39 gram under title XIX of the social security act, 42 U.S.C. 1396 et seq.;
- 40 or
- 41 (d) Is considered homeless for purposes of the federal McKinney-Vento
42 homeless assistance act, 42 U.S.C. 11301 et seq.
- 43 (9) "Elementary grades" or "elementary average daily attendance" means
44 and applies to students enrolled in grades 1 through 6, inclusive, or any
45 combination thereof.
- 46 (10) "Elementary schools" are schools that serve grades 1 through 6, in-
47 clusive, or any combination thereof.
- 48 (11) "Elementary/secondary schools" are schools that serve grades 1
49 through 12, inclusive, or any combination thereof.

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

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

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

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

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

17 (17) "Local salary schedule" means a compensation table adopted by a
18 school district or public charter school, which table is used for determin-
19 ing moneys to be distributed for instructional staff and pupil service staff
20 salaries. Minimum compensation provided under a local salary schedule shall
21 be at least equal to the minimum amounts established pursuant to section
22 33-1004E, Idaho Code.

23 (18) "Measurable student achievement" means the measurement of student
24 academic achievement or growth within a given interval of instruction for
25 those students who have been enrolled in and attended eighty percent (80%)
26 of the interval of instruction. Measures and targets shall be chosen at the
27 school level in collaboration with the staff member impacted by the measures
28 and applicable district staff and approved by the school board. Measures and
29 targets must also align with the performance measures and benchmarks in the
30 continuous improvement plan described in section 33-320, Idaho Code. The
31 most effective measures and targets are those generated as close to the ac-
32 tual work as possible. Targets may be based on grade- or department-level
33 achievement or growth goals that create collaboration within groups. In-
34 dividual measurable student achievement targets and the percentage of stu-
35 dents meeting individual targets must be reported annually to the state. As-
36 sessment tools that may be used for measuring student achievement and growth
37 include:

38 (a) Idaho standards achievement test (ISAT), including interim ISAT
39 assessments;

40 (b) Student learning objectives;

41 (c) Teacher-constructed assessments of student growth;

42 (d) Pre- and post-tests, including district-adopted tests;

43 (e) Performance-based assessments;

44 (f) Idaho reading indicator, which will be one (1) of the required as-
45 sessment tools for applicable staff;

46 (g) College entrance exams or preliminary college entrance exams such
47 as PSAT, SAT, PACT, and ACT;

48 (h) Advanced placement exams;

49 (i) Career technical exams;

1 (j) Number of business or industry certificates or credentials earned
2 by students in an approved career technical education program;

3 (k) Number of students completing career technical education capstone
4 courses; and

5 (l) Number of students enrolled in career technical education courses
6 that are part of a program that culminates with business or industry
7 certificates or credentials.

8 (19) "Performance criteria" means the standards specified for instruc-
9 tional staff and pupil service staff to demonstrate teaching proficiency for
10 a given compensation rung. Each element of the professional compensation
11 rung and advanced professional compensation rung performance criteria, as
12 identified in this section and as applicable to a staff member's position,
13 shall be documented, reported, and subject to review for determining move-
14 ment on the career ladder.

15 (20) (a) "Professional compensation rung performance criteria" means:

16 (i) An overall rating of proficient or higher, and no components
17 rated as unsatisfactory, on the state framework for teaching eval-
18 uation or equivalent for pupil service staff or principal or other
19 school level administrator evaluation aligned to the state frame-
20 work for teaching evaluation; and

21 (ii) Demonstrating the majority of students have met measurable
22 student achievement targets or student success indicator targets.

23 (b) "Advanced professional compensation rung performance criteria"
24 means:

25 (i) An overall rating of proficient or higher, no components
26 rated as unsatisfactory or basic, and rated as distinguished
27 overall in domain two -- classroom environment or domain three
28 -- instruction and use of assessment on the state framework for
29 teaching evaluation or equivalent for pupil service staff or prin-
30 cipal or other school level administrator evaluation aligned to
31 the state framework for teaching evaluation; and

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

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

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

41 (23) "School board" means a school district board of trustees or the
42 board of directors of a public charter school.

43 (24) "Secondary grades" or "secondary average daily attendance" means
44 and applies to students enrolled in grades 7 through 12, inclusive, or any
45 combination thereof.

46 (25) "Secondary schools" are schools that serve grades 7 through 12, in-
47 clusive, or any combination thereof.

48 (26) "Separate elementary school" means an elementary school located
49 more than ten (10) miles on an all-weather road from both the nearest elemen-
50 tary school and elementary/secondary school serving like grades within the

1 same school district and from the location of the office of the superinten-
2 dent of schools of such district, or from the office of the chief administra-
3 tive officer of such district if the district employs no superintendent of
4 schools.

5 (27) "Separate kindergarten" means a kindergarten located more than ten
6 (10) miles on an all-weather road from both the nearest kindergarten school
7 within the same school district and from the location of the su-
8 perintendent of schools of such district, or from the office of the chief ad-
9 ministrative officer of such district if the district employs no superinten-
10 dent of schools.

11 (28) "Separate secondary school" means any secondary school located
12 more than fifteen (15) miles on an all-weather road from any other secondary
13 school and elementary/secondary school serving like grades operated by the
14 district.

15 (29) "Special education" means specially designed instruction or
16 speech/language therapy at no cost to the parent to meet the unique needs
17 of a student who is a child with a disability, including instruction in the
18 classroom, the home, hospitals, institutions, and other settings; instruc-
19 tion in physical education; speech therapy and language therapy; transition
20 services; travel training; assistive technology services; and vocational
21 education.

22 (30) "Student learning plan" means a plan that outlines a student's pro-
23 gram of study, which should include a rigorous academic core and a related
24 sequence of electives in academics, career technical education, or humani-
25 ties aligned with the student's post-graduation goals.

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

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

36 (b) Quantifiable goals stated in a student's behavior improvement
37 plan.

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

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

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

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

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

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

9 (35) (a) "Weighted per-student funding formula" means allocating fund-
 10 ing to school districts and public charter schools using an amount
 11 based on average daily attendance as provided in section 33-1003A,
 12 Idaho Code, and an additional amount per student for weighted student
 13 characteristics. For each school district or public charter school,
 14 the weighted amounts for student characteristics shall be based on the
 15 average of the three (3) highest student full-time equivalent enroll-
 16 ment counts for verified students reported pursuant to section 33-1027,
 17 Idaho Code. The weighted amounts shall be as follows:

18 (i) For economically disadvantaged students, the base amount per
 19 student multiplied by one quarter (.25);

20 (ii) For English language learners, the base amount per student
 21 multiplied by one quarter (.25);

22 (iii) For special education students, the base amount per student
 23 multiplied by one and one-half (1.5);

24 (iv) For students attending a school district or public charter
 25 school with less than six hundred (600) average daily attendance,
 26 the base amount per student multiplied by three quarters (.75);

27 (v) For gifted and talented students, the base amount per student
 28 multiplied by one quarter (.25); and

29 (vi) For at-risk students attending an alternative school, the
 30 base amount per student multiplied by one (1).

31 (b) Funding for each characteristic may be combined if a student has
 32 more than one (1) of the weighted student characteristics. Any school
 33 district or public charter school that has at least one (1) student but
 34 fewer than five (5) students who meet the criteria for any characteris-
 35 tic provided for in paragraph (a) (i), (ii), (iii), (iv), (v), or (vi)
 36 of this subsection shall receive funding as if it has five (5) such stu-
 37 dents.

38 (36) "Weighted student characteristic" means a characteristic of a
 39 student that is associated with measurable student achievement and educa-
 40 tional need, including a student's status as economically disadvantaged, an
 41 English language learner, requiring special education, attending a school
 42 district or public charter school with less than six hundred (600) average
 43 daily attendance, gifted and talented, or at-risk and attending an alterna-
 44 tive school.

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

47 33-1002. EDUCATIONAL SUPPORT PROGRAM. The educational support pro-
 48 gram is calculated as follows:

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

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

6 (a) Pupil tuition-equivalency allowances as provided in section
 7 33-1002B, Idaho Code;

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

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

12 (d) The approved costs for border district allowance, provided in sec-
 13 tion 33-1403, Idaho Code, as determined by the state superintendent of
 14 public instruction;

15 (e) The approved costs for exceptional child approved contract al-
 16 lowance, provided in subsection 2. of section 33-2004, Idaho Code, as
 17 determined by the state superintendent of public instruction;

18 (f) Salary-based apportionment calculated as provided in sections
 19 33-1004 through 33-1004F, Idaho Code;

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

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

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

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

28 (k) For charter school facilities funds and reimbursements paid pur-
 29 suant to section 33-5207, Idaho Code;

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

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

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

36 ~~(o) For master teacher premiums as provided in section 33-1004I, Idaho~~
 37 ~~Code;~~

38 ~~(p)~~ (o) For the support of provisions that provide a safe environment
 39 conducive to student learning and maintain classroom discipline, an al-
 40 location of three hundred dollars (\$300) per support unit;

41 ~~(q)~~ (p) An amount specified in the appropriation bill for the public
 42 schools educational support program for counseling support as provided
 43 for in section 33-1212A, Idaho Code, shall be distributed for grades 8
 44 through 12 as follows:

45 (i) For school districts and public charter schools with one hun-
 46 dred (100) or more students enrolled in grades 8 through 12, a pro
 47 rata distribution based on students enrolled in grades 8 through
 48 12 or eighteen thousand dollars (\$18,000), whichever is greater;

49 (ii) For school districts and public charter schools with fewer
 50 than one hundred (100) students enrolled in grades 8 through 12,

1 one hundred eighty dollars (\$180) per student enrolled in grades
2 8 through 12 or nine thousand dollars (\$9,000), whichever is
3 greater;

4 ~~(r)~~ (q) An amount specified in the public schools educational support
5 program appropriation bill for literacy intervention. The disburse-
6 ments made to the school districts and public charter schools shall be
7 calculated as follows:

8 (i) Fifty percent (50%) based on average full-time equivalent
9 enrollment of students in kindergarten through grade 3 as of the
10 first Friday in November;

11 (ii) Fifty percent (50%) based on the number of kindergarten
12 through grade 3 students who move a full level or who are profi-
13 cient from the spring-to-spring administration of the statewide
14 reading assessment in the prior fiscal year or, if there is not a
15 prior spring assessment for the student, from fall to spring; and

16 (iii) Funds will be distributed to the school district or pub-
17 lic charter school where the student is enrolled and takes the
18 statewide reading assessment. Any school district or public char-
19 ter school that has greater than one (1) but fewer than five (5)
20 students in kindergarten through grade 3 will receive a minimum of
21 two thousand dollars (\$2,000). Economically disadvantaged stu-
22 dents shall count as one and three quarters (1.75) students for the
23 purpose of calculating the distribution of the funds in subpara-
24 graph (ii) of this paragraph.

25 ~~(s) For mastery-based education as provided for in section 33-1632,~~
26 ~~Idaho Code;~~

27 ~~(t)~~ (r) For pay for success contracting as provided in section 33-125B,
28 Idaho Code; and

29 ~~(u)~~ (s) Any additional amounts as required by statute to effect admin-
30 istrative adjustments or as specifically required by the provisions of
31 any bill of appropriation;

32 to secure the total educational support distribution funds.

33 (3) Average Daily Attendance. The total state average daily attendance
34 shall be the sum of the average daily attendance of all of the school dis-
35 tricts of the state. The state board of education shall establish rules set-
36 ting forth the procedure to determine average daily attendance and the time
37 for, and method of, submission of such report. Average daily attendance cal-
38 culation shall be carried out to the nearest hundredth. Computation of av-
39 erage daily attendance shall also be governed by the provisions of section
40 33-1003A, Idaho Code.

41 (4) Support Units. The total state support units shall be determined
42 by using the tables set out hereafter called computation of kindergarten
43 support units, computation of elementary support units, computation of sec-
44 ondary support units, computation of exceptional education support units,
45 and computation of alternative school support units. The sum of all of the
46 total support units of all school districts of the state shall be the total
47 state support units.

1	Average Daily		
2	Attendance	Attendance Divisor	Units Allowed
3	41 or more....	40.....	1 or more as computed
4	31 - 40.99 ADA....	-.....	1
5	26 - 30.99 ADA....	-.....	.85
6	21 - 25.99 ADA....	-.....	.75
7	16 - 20.99 ADA....	-.....	.6
8	8 - 15.99 ADA....	-.....	.5
9	1 - 7.99 ADA....	-.....	count as elementary

10 COMPUTATION OF ELEMENTARY SUPPORT UNITS

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

26 COMPUTATION OF SECONDARY SUPPORT UNITS

27	Average Daily		Minimum Units
28	Attendance	Attendance Divisor	Allowed
29	750 or more....	18.5.....	47
30	400 - 749.99 ADA....	16.....	28
31	300 - 399.99 ADA....	14.5.....	22
32	200 - 299.99 ADA....	13.5.....	17
33	100 - 199.99 ADA....	12.....	9
34	99.99 or fewer	Units allowed as follows:	
35	Grades 7 - 12	.....	8
36	Grades 9 - 12	.....	6
37	Grades 7 - 9	.....	1 per 14 ADA
38	Grades 7 - 8	.....	1 per 16 ADA

1 COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

2	Average Daily		Minimum Units
3	Attendance	Attendance Divisor	Allowed
4	14 or more....	14.5	1 or more as computed
5			
6	12 - 13.99....	-	1
7	8 - 11.99....	- .....	.75
8	4 - 7.99....	- .....	.5
9	1 - 3.99....	- .....	.25

10 COMPUTATION OF ALTERNATIVE SCHOOL SUPPORT UNITS

11 (Computation of alternative school support units shall include
12 grades 6 through 12)

13	Pupils in Attendance	Attendance Divisor	Minimum Units
14			Allowed
15	12 or more.....	12	1 or more as computed
16			

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

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

43 ~~(6)~~ (5) District Support Units. The number of support units for each
44 school district in the state shall be determined as follows:

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

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

19 (iii) The total number of support units of the district shall be
20 the sum of the total support units for regular students, subpara-
21 graph (i) of this paragraph, and the support units allowance for
22 the approved exceptional child program, subparagraph (ii) of this
23 paragraph.

24 (b) Total District Allowance Educational Program. Multiply the dis-
25 trict's ~~total number of support units~~ average daily attendance as
26 provided in section 33-1003A, Idaho Code, carried out to the near-
27 est hundredth, by the ~~state distribution factor per support unit base~~
28 amount, with weighted amounts added per student as determined by the
29 weighted per-student funding formula, and to this product add the ap-
30 proved amount of programs of the district provided in subsection (2) of
31 this section to secure the district's total allowance for the educa-
32 tional support program.

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

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

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

1 SECTION 3. That Section 33-1004, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 33-1004. STAFF ALLOWANCE. For each school district, a staff allowance
4 shall be determined as follows:

5 (1) Using the daily attendance reports that have been submitted for
6 computing the February 15 apportionment of state funds as provided in sec-
7 tion 33-1009, Idaho Code, calculate the total support units for the district
8 in the manner provided in section 33-1002-~~(6)~~-(5) (a), Idaho Code. If the
9 support units used to calculate discretionary funding pursuant to sections
10 33-1009 and 33-1018, Idaho Code, are at least three percent (3%) greater,
11 seventy-five percent (75%) of the difference shall be added to the support
12 units used for the February 15 apportionment of state funds;

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

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

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

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

25 (6) Additional conditions governing staff allowance:

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

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

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

- 40 (i) The instructional staff allowance shall be calculated
41 applying the actual number of support units. If the actual in-
42 structional staff employed in the school year is greater than the
43 instructional staff allowance, then the instructional staff al-
44 lowance shall be increased by one-half (1/2) staff allowance; and
45 (ii) The administrative staff allowance shall be calculated ap-
46 plying the actual number of support units. If the actual adminis-
47 trative staff employed in the school year is greater than the ad-
48 ministrative staff allowance, then the administrative staff al-
49 lowance shall be increased by one-half (1/2) staff allowance.

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

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

13 (e) Only instructional, pupil service and administrative staff and
14 classified personnel compensated by the school district from the gen-
15 eral maintenance and operation fund of the district shall be included in
16 the calculation of staff allowance or in any other calculations based
17 upon staff, including determination of the experience and education
18 multiplier, the reporting requirements, or the district's salary-based
19 apportionment calculation. No food service staff or transportation
20 staff shall be included in the staff allowance.

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

27 (g) A district may employ nine and one-half percent (9.5%) fewer posi-
28 tions than funded pursuant to subsections (2) and (3) of this section,
29 without a reduction in the number of funded positions being imposed.
30 Beginning in fiscal year 2016, this figure shall be reduced by one per-
31 cent (1%) each year for each school district in which the average class
32 size, as determined from prior fiscal year data reported to the state
33 department of education, was at least one (1) student greater than the
34 statewide average class size. The state department of education shall
35 report to the legislature every February, beginning in 2015, on the re-
36 ductions scheduled to take place in this figure, by school district, in
37 the ensuing fiscal year.

38 (i) In the determination of statewide average class size, the
39 state department of education shall not use a single figure de-
40 veloped through the averaging of all districts of varying size,
41 geographical location and pupil populations throughout the state.
42 The statewide average class size shall be comprised of multiple
43 figures determined through analysis of like and similarly sit-
44 uated districts and use of the divisor breakdown established in
45 section 33-1002, Idaho Code.

46 (ii) The state board of education may promulgate rules outlining
47 the method of calculation of the statewide average class size fig-
48 ures.

49 (iii) The one percent (1%) reduction required in paragraph (g) of
50 this subsection shall not be applicable for any school year subse-

1 quent to a year when the school district's boundaries have changed
2 because of division, consolidation, excision or annexation of
3 territory.

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

11 (8) A district may utilize a portion of the instructional staff al-
12 lowance provided for in this section for kindergarten teachers to visit the
13 parents or guardians of students during the first week of the kindergarten
14 school year. Such visits may take place at school, at the student's home
15 or at another location agreed to by the teacher and parents or guardians.
16 The purpose of such visits is to help strengthen the working relationship
17 between the teacher, the parents or guardians, and the student. The visits
18 should be used as an opportunity to help establish the teacher's expecta-
19 tions of the student. The visit should also provide an opportunity for the
20 parents or guardians to explain their expectations. The amount of moneys to
21 be expended for such visits by the district may not exceed the amount equal
22 to one (1) week of instructional staff allowance computed for kindergarten
23 instructors in the district.

24 SECTION 4. That Section 33-1009, Idaho Code, be, and the same is hereby
25 amended to read as follows:

26 33-1009. PAYMENTS FROM THE PUBLIC SCHOOL INCOME FUND.

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

42 b. Payments of moneys, other than the state general account appropria-
43 tion, that accrue to the public school income fund shall be made by the
44 state department of education to the school districts of the state on
45 the fifteenth day of November, February, May and July each year. The
46 total amount of such payments shall be determined by the state depart-
47 ment of education and shall not exceed the amount of moneys available
48 and on deposit in the public school income fund at the time such payment
49 is made.

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

5 2. Payments made to the school districts in August and November are ad-
6 vance payments for the current year and may be based upon payments from the
7 public school income fund for the preceding school year. Each school dis-
8 trict may receive its proportionate share of the advance payments in the same
9 ratio that its total payment for the preceding year was to the total payments
10 to all school districts for the preceding year.

11 3. No later than the fifteenth day of February in each year, the
12 state department of education shall compute the state ~~distribution factor~~
13 weighted per-student funding based on the total average daily attendance
14 through the first Friday in November. The ~~factor weighted per-student fund-~~
15 ing will be used in payments of state funds in February and May. Attendance
16 shall be reported in a format and at a time specified by the state department
17 of education.

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

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

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

28 c. All payments distributed for the current fiscal year to the several
29 school districts;

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

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

41 4. If the full amount appropriated to the public school income fund
42 from the general account by the legislature is not transferred to the public
43 school income fund by the end of the fiscal year, the deficiency resulting
44 therefrom shall either be restored or reduced through a special trans-
45 fer from the general account in the first sixty (60) days of the following
46 fiscal year, or shall be calculated in computing district levies, and any
47 additional levy shall be certified by the state superintendent of public
48 instruction to the board of county commissioners and added to the district's
49 maintenance and operation levy. If the deficiency is restored or reduced
50 by special transfer, the amount so transferred shall be in addition to the

1 amount appropriated to be transferred in such following fiscal year and
 2 shall be apportioned to each school district in the same amount as each would
 3 have received had the transfer been made in the year the deficiency occurred.
 4 The state department of education shall distribute to the school district
 5 the full amount of the special transfer as soon as practical after such
 6 transfer is made. In making the levy computations required by this subsec-
 7 tion the state department of education shall take into account and consider
 8 the full amount of money receipted into the public school income fund from
 9 all sources for the given fiscal year. Deficits in the transfer of the ap-
 10 propriated amount of general account revenue to the public school income
 11 fund shall be reduced by the amount, if any, that the total amount receipted
 12 from other sources into the public school income fund exceeds the official
 13 estimated amount from those sources. The official estimate of receipts from
 14 other sources shall be the total amount stated by the legislature in the ap-
 15 propriation bill. The provisions of this subsection shall not apply to any
 16 transfers to or from the public education stabilization fund.

17 5. Any apportionments in any year, made to any school district, which
 18 may within the succeeding three (3) year period be found to have been in error
 19 either of computation or transmittal, may be corrected during the three (3)
 20 year period by reduction of apportionments to any school district to which
 21 over-apportionments may have been made or received, and corresponding ad-
 22 ditions to apportionments to any school district to which under-apportion-
 23 ments may have been made or received.

24 SECTION 5. That Section 33-1018, Idaho Code, be, and the same is hereby
 25 amended to read as follows:

26 33-1018. PUBLIC SCHOOL DISCRETIONARY FUNDING VARIABILITY. (1) The
 27 state department of education shall calculate the weighted per-student
 28 funding formula as defined in section 33-1001, Idaho Code, to allocate ed-
 29 ucational support program funding to school districts and public charter
 30 schools. The state department of education shall utilize the information
 31 reported on weighted student characteristics as defined in section 33-1001,
 32 Idaho Code, from local education agencies pursuant to sections 33-1027 and
 33 33-1028, Idaho Code.

34 (2) In fiscal years 2026 and 2027, if the allocation of general discre-
 35 tionary funds and state educational support distributions shifted to gen-
 36 eral discretionary funds in the current year for a school district or public
 37 charter school is less than one hundred percent (100%) of what the alloca-
 38 tion would have been if the allocation was based on support units, then an ad-
 39 ditional allocation shall be made to that school district or public charter
 40 school.

41 (3) The legislature shall annually state in the appropriation for the
 42 educational support program/~~division of operations~~ ~~the estimate of the to-~~
 43 ~~tal discretionary~~ the base funding provided per ~~support unit~~ student as de-
 44 termined by the weighted per-student funding formula. The state department
 45 of education shall, before the end of each fiscal year, calculate the actual
 46 discretionary funding available per ~~support unit~~ student as determined by
 47 the weighted per-student funding formula.

48 ~~(1)~~ (4) If the total estimated discretionary funding per ~~support unit~~
 49 student as determined by the weighted per-student funding formula stated in

1 the appropriation for the educational support program/~~division of opera-~~
2 ~~tions~~ is lower than the actual discretionary funding available per ~~support~~
3 ~~unit student as determined by the weighted per-student funding formula,~~ then
4 the state controller shall ~~multiply the difference by the number of actual~~
5 ~~support units,~~ and transfer the result from the public school income fund
6 to the public education stabilization fund ~~and the final distributions to~~
7 ~~school districts from the department of education shall be reduced by a like~~
8 amount.

9 ~~(2)~~ (5) If the total estimated discretionary funding per ~~support unit~~
10 ~~student as determined by the weighted per-student funding formula~~ stated in
11 the appropriation for the educational support program/~~division of opera-~~
12 ~~tions~~ is greater than the actual discretionary funding available per ~~support~~
13 ~~unit student as determined by the weighted per-student funding formula,~~ then
14 the state controller shall ~~multiply the difference by the number of actual~~
15 ~~support units,~~ and transfer the result from the public education stabiliza-
16 tion fund to the public school income fund. This transfer shall be limited to
17 moneys available in the public education stabilization fund. Moneys trans-
18 ferred from the public education stabilization fund to the public school
19 income fund under the provisions of this section are hereby continuously
20 appropriated for the educational support program/~~division of operations.~~

21 SECTION 6. That Section 33-1614, Idaho Code, be, and the same is hereby
22 amended to read as follows:

23 33-1614. CAREER EXPLORATION. (1) Starting in fiscal year 2024, every
24 student in grade 7 or grade 8 enrolled in an Idaho public school district,
25 a specially chartered district, or a public charter school shall complete
26 one (1) or more career exploration courses. A student may opt out by sub-
27 mitting a form to the school showing the student's parent or legal guardian
28 has consented to the student not participating in the career exploration
29 courses pursuant to this section. Such courses should align to the "first
30 step" standards set by the state board of education for career technical edu-
31 cation. Such courses may be offered face-to-face, through virtual education
32 programs, as online courses, or as hybrid courses consisting of a combina-
33 tion of online and in-person instruction.

34 (2) All staff teaching a career exploration course must have partici-
35 pated in a career exploration professional development course approved by
36 the state board of education.

37 (3) The state board of education will maintain resources that can be
38 utilized or modified for the implementation of this section.

39 (4) A career pathway plan shall be developed by students with the ap-
40 proval of parents or guardians, with advice and recommendation from school
41 personnel, which shall include career exploration courses or workforce dis-
42 covery activities. The purpose of a parent-approved student career pathway
43 plan is to outline a course of study and learning activities to help students
44 become successful in life. Every student's career pathway plan shall be re-
45 viewed annually and can be revised at any time. The student's school shall
46 provide a personalized career pathway plan progress report to the student's
47 parent or guardian. The progress report may be sent via electronic communi-
48 cation.

1 (5) Funding provided in section 33-1002(2) ~~(f)~~ (g), Idaho Code, in ac-
2 cordance with section 33-1212A, Idaho Code, may be used to support career ex-
3 ploration courses.

4 (6) Professional development funding provided pursuant to section
5 33-1002, Idaho Code, may be used to provide professional development to ca-
6 reer exploration course instructors.

7 SECTION 7. That Section 33-1632, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 33-1632. MASTERY-BASED EDUCATION. (1) The legislature finds that mov-
10 ing toward mastery-based education where students progress as they demon-
11 strate mastery of a subject or grade level is in the best interest of Idaho
12 students. The legislature further finds that moving from the current time-
13 based system to a mastery-based approach will allow for more personalized
14 and differentiated learning; create a focus on explicit, measurable, trans-
15 ferable learning objectives that empower students; and emphasize competen-
16 cies that include application and knowledge along with skill development.

17 (2) The state department of education shall perform the following ac-
18 tivities to move Idaho toward mastery-based education:

19 (a) Provide ongoing statewide outreach and communications to increase
20 awareness and understanding of and promote interest in mastery-based
21 education for teachers, administrators, parents, students, business
22 leaders, and policymakers;

23 (b) Facilitate and maintain the Idaho mastery education network
24 composed of Idaho public school districts and charter schools that col-
25 laborate to transition Idaho to mastery-based education. The network
26 shall:

27 (i) Advise the superintendent of public instruction and the state
28 board of education on the progress of the transition to mastery-
29 based education;

30 (ii) Develop evidence-based recommendations for continued imple-
31 mentation;

32 (iii) Implement the policies of the legislature and the state
33 board of education for the transition to mastery-based education;
34 and

35 (iv) Provide network resources, including professional develop-
36 ment, coaching, and best practices, to Idaho public school dis-
37 tricts and charter schools; and

38 (c) Create a sustainability plan for statewide scaling of mas-
39 tery-based education and ensure that all public school districts and
40 charter schools participating in the Idaho mastery education network
41 develop plans that describe how the public school district or charter
42 school will maintain a mastery-based approach to education. Plans must
43 include a process to develop the rubrics and assessments necessary to
44 determine mastery and award credit.

45 (3) The state department of education may expend or distribute moneys
46 appropriated for purposes identified in subsection (2) of this section di-
47 rectly to public school districts and charter schools that are participating
48 in the mastery education network and have applied and been selected to re-
49 ceive mastery-based education grants. ~~The cost of activities provided for~~

1 ~~in this section shall be paid by the state department of education from mon-~~
2 ~~eys appropriated for this program in the educational support program budget~~
3 ~~as provided for in section 33-1002, Idaho Code.~~

4 (4) Any public school district or charter school may participate in the
5 mastery education network by applying to the state department of education,
6 even if such district or school is not selected to receive mastery-based edu-
7 cation grants.

8 (5) No later than January 31 of each year, the state department of edu-
9 cation shall report annually to the state board of education and the educa-
10 tion committees of the senate and the house of representatives regarding the
11 progress toward implementing mastery-based education.

12 (6) For purposes of this section:

13 (a) "Mastery-based education " means an education system where student
14 progress is based on a student's demonstration of mastery of competen-
15 cies and content, not seat time or the age or grade level of the student.

16 (b) "Network" means the Idaho mastery education network.

17 SECTION 8. That Section 33-5207, Idaho Code, be, and the same is hereby
18 amended to read as follows:

19 33-5207. PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT. (1) Except as oth-
20 erwise provided for in this section, the state department of education shall
21 make the following apportionment to each charter school for each fiscal year
22 based on attendance figures submitted in a manner and time as required by the
23 state department of education.

24 (2) Per student support. Computation of support units for each public
25 charter school shall be calculated as if it were a separate school accord-
26 ing to the schedules in section 33-1002(4), Idaho Code, except that public
27 charter schools with fewer than one hundred (100) secondary ADA shall use a
28 divisor of twelve (12) and the minimum units shall not apply. No public char-
29 ter school shall receive an increase in support units that exceeds the sup-
30 port units it received in the prior year by more than forty (40), except in
31 cases of state declared emergencies that have been approved by the autho-
32 rizer as having an impact on public education. Funding from the state ed-
33 ucational support program shall be equal to the total ~~distribution factor~~
34 weighted per-student funding, plus the salary-based apportionment provided
35 in chapter 10, title 33, Idaho Code. Provided, however, any public char-
36 ter school that is formed by the conversion of an existing traditional public
37 school shall be assigned divisors, pursuant to section 33-1002, Idaho Code,
38 that are no lower than the divisors of the school district in which the tradi-
39 tional public school is located, for each category of pupils listed.

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

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

1 (5) Transportation support. Support shall be paid to the public char-
2 ter school as provided in chapter 15, title 33, Idaho Code, and section
3 33-1006, Idaho Code. Each public charter school shall furnish the depart-
4 ment with an enrollment count as of the first Friday in November of public
5 charter school students who are eligible for reimbursement of transporta-
6 tion costs under the provisions of this subsection and who reside more than
7 one and one-half (1 1/2) miles from the school. The state department of edu-
8 cation is authorized to include in the annual appropriation to the charter
9 school sixty percent (60%) of the estimated transportation cost. The final
10 appropriation payment in July shall reflect reimbursements of actual costs
11 pursuant to section 33-1006, Idaho Code. To be eligible for state reimburse-
12 ment under the provisions of section 33-1006, Idaho Code, the student to be
13 transported must reside within the public charter school's primary atten-
14 dance area and must meet at least one (1) of the following criteria:

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

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

21 (6) Facilities funds.

22 (a) The state department of education shall distribute facilities
23 funds to public charter schools for each student in which a majority
24 of the student's instruction is received at a physical facility that
25 is owned or leased by the public charter school. Such funds shall be
26 used to defray the costs associated with payments for real property used
27 by the students or employees of the public charter school for educa-
28 tional or administrative purposes. Such funds shall be distributed at
29 four hundred dollars (\$400) per attending student pursuant to section
30 33-1003A, Idaho Code. For the purposes of this paragraph, beginning in
31 state fiscal year 2025, "attending student" means each student in aver-
32 age daily attendance in kindergarten through grade 12 at such physical
33 charter school facilities where the student is enrolled; except that,
34 upon formal approval by the state board of education, a charter school
35 may receive an exemption to the physical facility requirement pursuant
36 to the provisions of this paragraph if the student would have attended a
37 physical facility if not for a stated emergency.

38 (b) For those public charter schools that do not receive facilities
39 funds for all enrolled students, the school may submit to the state
40 department of education a reimbursement claim for any costs for which
41 facilities funds may be used. The state department of education shall
42 reduce such claim by the greater of fifty percent (50%) or the percent-
43 age of the school's enrolled students for which the school receives
44 facilities funds and shall pay the balance. Provided, however, that the
45 total reimbursements paid to a public charter school, in combination
46 with any facilities stipend received by the school, shall not exceed the
47 amount of facilities funds that would have been received by the school
48 had the school received facilities funds for all students in average
49 daily attendance pursuant to section 33-1003A, Idaho Code. For the
50 purposes of this subsection, the term "real property" shall be used as

1 defined in section 63-201, Idaho Code. A virtual public charter school
2 authorized by the public charter school commission or authorized by a
3 public school district on or after March 1, 2024, shall not be eligible
4 for funds appropriated pursuant to the provisions of this subsection.

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

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

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

23 (c) All subsequent payments, taking into account the onetime advance
24 payment made for the first year of operation, shall be made to the public
25 charter school in the same manner as other traditional public schools in
26 accordance with the provisions of section 33-1009, Idaho Code. A public
27 charter school shall comply with all applicable fiscal requirements of
28 law, except that the following provisions shall not be applicable to
29 public charter schools: that portion of section 33-1004, Idaho Code,
30 relating to reduction of the administrative and instructional staff
31 allowance and the pupil service staff allowance when there is a dis-
32 crepancy between the number allowed and the number actually employed;
33 and section 33-1004E, Idaho Code, for calculation of district staff
34 indices.

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

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

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

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

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

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

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

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

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

23 SECTION 9. An emergency existing therefor, which emergency is hereby
24 declared to exist, this act shall be in full force and effect on and after
25 July 1, 2025.