

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 271

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO COURSES OF INSTRUCTION; AMENDING SECTION 33-1004, IDAHO  
 2 CODE, TO REVISE PROVISIONS RELATING TO INSTRUCTIONAL STAFF  
 3 ALLOWANCE; AND AMENDING CHAPTER 16, TITLE 33, IDAHO CODE, BY  
 4 THE ADDITION OF A NEW SECTION 33-1619, IDAHO CODE, TO AUTHORIZE  
 5 SCHOOL DISTRICTS TO OFFER INSTRUCTION IN THE MANNER DESCRIBED  
 6 FOR A VIRTUAL SCHOOL, TO PROVIDE FOR COUNTING AND REPORTING  
 7 OF AVERAGE DAILY ATTENDANCE, TO AUTHORIZE SCHOOL DISTRICTS TO  
 8 OFFER INSTRUCTION THAT IS A BLEND OF VIRTUAL AND TRADITIONAL  
 9 INSTRUCTION AND TO PROVIDE FOR THE COUNTING AND REPORTING OF  
 10 AVERAGE DAILY ATTENDANCE.  
 11

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

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

15 33-1004. STAFF ALLOWANCE. For each school district, a staff allowance shall be  
 16 determined as follows:

17 (1) Using the daily attendance reports that have been submitted for computing  
 18 the February 15 apportionment of state funds as provided in section 33-1009, Idaho  
 19 Code, determine the total support units for the district in the manner provided in section  
 20 33-1002(6)(a), Idaho Code;

21 (2) Determine the instructional staff allowance by multiplying the support units by 1.1.  
 22 A district must demonstrate that it actually employs the number of certificated instructional  
 23 staff allowed. If the district does not employ the number allowed, the staff allowance shall be  
 24 reduced to the actual number employed. Provided however, that a district may employ no less  
 25 than ninety-five percent (95%) of the number allowed without such a reduction being imposed,  
 26 if the funds associated with such positions are utilized to defray the cost of providing virtual  
 27 education coursework, including virtual dual credit coursework;

28 (3) Determine the administrative staff allowance by multiplying the support units by  
 29 .075;

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

31 (5) Additional conditions governing staff allowance:

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

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

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

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

10 (ii) The administrative staff allowance shall be calculated applying the actual  
 11 number of support units. If the actual administrative staff employed in the school  
 12 year is greater than the administrative staff allowance, then the administrative staff  
 13 allowance shall be increased by one-half (1/2) staff allowance.

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

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

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

29 (6) In the event that the staff allowance in any category is insufficient to meet  
 30 accreditation standards, a district may appeal to the state board of education, demonstrating the  
 31 insufficiency, and the state board may grant a waiver authorizing sufficient additional staff to  
 32 be included within the staff allowance to meet accreditation standards. Such a waiver shall be  
 33 limited to one (1) year, but may be renewed upon showing of continuing justification.

34 SECTION 2. That Chapter 16, Title 33, Idaho Code, be, and the same is hereby amended  
 35 by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1619,  
 36 Idaho Code, and to read as follows:

37 33-1619. VIRTUAL EDUCATION PROGRAMS. School districts are hereby authorized  
 38 to offer instruction in the manner described for a virtual school in section 33-5202A, Idaho  
 39 Code. For programs meeting such definition, the school district may count and report the  
 40 average daily attendance of the program's students in the manner provided for in section  
 41 33-5208(8)(b), Idaho Code. School districts may also offer instruction that is a blend of virtual  
 42 and traditional instruction. For such blended programs, the school district may count and  
 43 report the average daily attendance of the program's students in the manner provided for in  
 44 section 33-5208(8)(b), Idaho Code. Alternatively, the school district may count and report the  
 45 average daily attendance of the blended program's students in the same manner as provided

1 for traditional programs of instruction, for the days or portions of days in which such students  
2 attend a physical public school. For the balance of days or portions of days, average daily  
3 attendance may be counted in the manner provided for in section 33-5208(8)(b), Idaho Code.