

IN THE SENATE

SENATE BILL NO. 1418

BY FINANCE COMMITTEE

AN ACT

1 REDUCING THE APPROPRIATION TO THE PUBLIC SCHOOL INCOME FUND FOR FISCAL YEAR
2 2010; APPROPRIATING ADDITIONAL MONEYS TO THE PUBLIC SCHOOL INCOME FUND
3 FOR FISCAL YEAR 2010; REDUCING THE APPROPRIATION TO THE EDUCATIONAL
4 SUPPORT PROGRAM/DIVISION OF OPERATIONS FOR FISCAL YEAR 2010; APPROPRI-
5 ATING ADDITIONAL MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF
6 OPERATIONS FOR FISCAL YEAR 2010; STATING FUND SOURCES FOR THE APPROPRI-
7 ATION FOR PUBLIC SCHOOLS FOR FISCAL YEAR 2011; APPROPRIATING MONEYS FOR
8 THE TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING MONEYS TO
9 THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF ADMINISTRATORS FOR FISCAL
10 YEAR 2011; APPROPRIATING MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DI-
11 VISION OF TEACHERS FOR FISCAL YEAR 2011; APPROPRIATING MONEYS TO THE
12 EDUCATIONAL SUPPORT PROGRAM/DIVISION OF OPERATIONS FOR FISCAL YEAR
13 2011; APPROPRIATING MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION
14 OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2011; APPROPRIATING MONEYS TO
15 THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF FACILITIES FOR FISCAL
16 YEAR 2011; TRANSFERRING \$14,400,000 FROM THE GENERAL FUND TO THE BOND
17 LEVY EQUALIZATION FUND; LIMITING THE AMOUNT OF REVENUE DISTRIBUTED
18 TO THE GENERAL FUND; APPROPRIATING MONEYS TO THE EDUCATIONAL SUPPORT
19 PROGRAM/DIVISION OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND
20 FOR FISCAL YEAR 2011; EXPRESSING LEGISLATIVE INTENT THAT CERTAIN STATE
21 FUNDED BENEFITS BE PAID; EXPRESSING LEGISLATIVE INTENT RELATING TO
22 UNEMPLOYMENT INSURANCE; AMENDING SECTION 33-1004E, IDAHO CODE, TO
23 PROVIDE FOR DECREASES IN BASE SALARIES, MINIMUM SALARY AND MASTER
24 TEACHER AWARDS; DIRECTING THAT \$754,300 BE DISTRIBUTED FOR THE REPLACE-
25 MENT OF CERTAIN LEVY FUNDS; PROVIDING THAT THE FUNDS FROM THE SCHOOL
26 DISTRICT BUILDING ACCOUNT BE USED AS DISCRETIONARY FUNDS; PROVIDING
27 THAT \$7,481,400 OF TOBACCO, CIGARETTE AND LOTTERY INCOME TAX FUNDS AND
28 \$3,300,000 OF DRIVER'S TRAINING FUNDS BE USED AS DISCRETIONARY FUNDS;
29 PROVIDING THAT NO MONEYS BE APPROPRIATED DIRECTLY FOR THE EXPECTANT
30 OR DELIVERED MOTHERS PROGRAM; PROVIDING AN ESTIMATE OF DISCRETIONARY
31 FUNDS PER SUPPORT UNIT AND PLACING RESTRICTIONS ON THE USE OF DISCRE-
32 TIONARY FUNDS; PROVIDING FOR A TEN PERCENT REDUCTION IN TRANSPORTATION
33 COSTS; DIRECTING THE USE OF \$318,600 OF TOBACCO, CIGARETTE AND LOTTERY
34 INCOME TAX MONEYS; DIRECTING THE USE OF SAFE AND DRUG-FREE SCHOOLS
35 MONEYS; DIRECTING THE USE OF \$9,400,000 FOR CHILDREN'S PROGRAMS AND
36 TECHNOLOGY INITIATIVES; DIRECTING THE USE OF \$4,000,000 FOR LIMITED
37 ENGLISH PROFICIENCY PROGRAMS; DIRECTING THE USE OF \$5,000,000 FOR THE
38 IDAHO DIGITAL LEARNING ACADEMY; GRANTING THE AUTHORITY TO TRANSFER
39 FUNDS AMONG FIVE DIVISIONS OF THE EDUCATIONAL SUPPORT PROGRAM; RE-
40 LIEVING THE STATE OF THE REQUIREMENT TO PROVIDE SCHOOL MAINTENANCE
41 MATCHING FUNDS; GRANTING THE AUTHORITY TO DEPOSIT FUNDS INTO CERTAIN
42 RESERVE ACCOUNTS; AMENDING SECTION 33-1004A, IDAHO CODE, RESTRICTING
43 MOVEMENT FOR EXPERIENCE AND EDUCATION ON THE MULTIPLIER TABLE; AMENDING
44 SECTION 33-1006, IDAHO CODE, TO REVISE SPECIFIC TRANSPORTATION COSTS AS
45

1 NONREIMBURSABLE; DECLARING THAT CERTAIN PROVISIONS OF SECTION 33-522,
 2 IDAHO CODE, ARE MET FOR ALL SCHOOL DISTRICTS; PROVIDING THAT THE CONDI-
 3 TIONS OF SECTION 33-522, IDAHO CODE, SATISFY THE CONDITIONS OF SECTION
 4 33-515(3), IDAHO CODE; DIRECTING THE USE OF CERTAIN FISCAL YEAR 2010
 5 APPROPRIATIONS; AND DECLARING AN EMERGENCY.

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

7 SECTION 1. Notwithstanding any other provision of law to the contrary,
 8 the amount appropriated and transferred to the Public School Income Fund
 9 in Section 2, Chapter 272, Laws of 2009, is hereby reduced by the following
 10 amount from the listed fund for the period July 1, 2009, through June 30,
 11 2010:

12 FROM:
 13 General Fund \$82,771,300

14 SECTION 2. In addition to the amount appropriated and transferred to
 15 the Public School Income Fund in Section 2, Chapter 272, Laws of 2009, there
 16 is hereby appropriated and transferred the following amount from the listed
 17 fund for the period July 1, 2009, through June 30, 2010:

18 FROM:
 19 Public Education Stabilization Fund \$49,255,500

20 SECTION 3. Notwithstanding any other provision of law to the contrary,
 21 the amount appropriated to the Educational Support Program/Division of Op-
 22 erations in Section 3, Chapter 272, Laws of 2009, is hereby reduced by the
 23 following amount from the listed fund for the period July 1, 2009, through
 24 June 30, 2010:

25 FROM:
 26 Public School Income Fund \$33,515,800

27 SECTION 4. In addition to the appropriation made in Section 3, Chapter
 28 272, Laws of 2009, there is hereby appropriated to the Educational Support
 29 Program/Division of Operations the following amount to be expended from the
 30 listed fund for the period July 1, 2009, through June 30, 2010:

31 FROM:
 32 American Reinvestment Fund \$33,515,800

33 SECTION 5. The following amount shall be expended from state sources
 34 for the Educational Support Program for the period July 1, 2010, through June
 35 30, 2011:

36 FROM:
 37 General Fund \$1,214,280,400
 38 Bond Levy Equalization Fund 3,500,000
 39 School District Building Fund 17,125,000
 40 Driver's Training Fund 3,300,000
 41 American Reinvestment Fund 7,406,300
 42 Miscellaneous Revenue 184,200

| | | |
|---|--|--------------------|
| 1 | Public Schools Other Income | 5,000,000 |
| 2 | School for the Deaf and the Blind Endowment | 98,800 |
| 3 | Cigarette, Tobacco and Lottery Income Taxes | 7,800,000 |
| 4 | Public Education Stabilization Fund | 754,300 |
| 5 | Public School Endowment Earnings Reserve Fund Transfer | 53,292,400 |
| 6 | Federal Grant | <u>269,587,100</u> |
| 7 | TOTAL | \$1,582,328,500 |

8 SECTION 6. Notwithstanding the provisions of Sections 33-907, 33-1018,
9 33-1018A and 33-1018B, Idaho Code, there is hereby appropriated the follow-
10 ing amounts to be transferred to the Public School Income Fund for the period
11 July 1, 2010, through June 30, 2011:
12 FROM:

| | | |
|----|-------------------------------------|-----------------|
| 13 | General Fund | \$1,199,880,400 |
| 14 | Public Education Stabilization Fund | <u>754,300</u> |
| 15 | TOTAL | \$1,200,634,700 |

16 SECTION 7. There is hereby appropriated to the Educational Support Pro-
17 gram/Division of Administrators, pursuant to law and the provisions of this
18 act, the following amount to be expended from the listed funds for the period
19 July 1, 2010, through June 30, 2011:
20 FROM:

| | | |
|----|----------------------------|----------------|
| 21 | Public School Income Fund | \$76,138,900 |
| 22 | American Reinvestment Fund | <u>434,500</u> |
| 23 | TOTAL | \$76,573,400 |

24 SECTION 8. There is hereby appropriated to the Educational Support Pro-
25 gram/Division of Teachers, pursuant to law and the provisions of this act,
26 the following amount to be expended from the listed funds for the period July
27 1, 2010, through June 30, 2011:
28 FROM:

| | | |
|----|----------------------------|-------------------|
| 29 | Public School Income Fund | \$684,694,100 |
| 30 | American Reinvestment Fund | 3,921,800 |
| 31 | Federal Grant Fund | <u>30,000,000</u> |
| 32 | TOTAL | \$718,615,900 |

33 SECTION 9. There is hereby appropriated to the Educational Support Pro-
34 gram/Division of Operations, pursuant to law and the provisions of this act,
35 the following amount to be expended from the listed funds for the period July
36 1, 2010, through June 30, 2011:
37 FROM:

| | | |
|----|-------------------------------|------------------|
| 38 | Public School Income Fund | \$473,112,500 |
| 39 | School District Building Fund | 17,125,000 |
| 40 | Driver's Training Fund | 3,300,000 |
| 41 | American Reinvestment Fund | 3,050,000 |
| 42 | Federal Grant Fund | <u>8,000,000</u> |
| 43 | TOTAL | \$504,587,500 |

1 SECTION 10. There is hereby appropriated to the Educational Support
 2 Program/Division of Children's Programs pursuant to law and the provisions
 3 of this act, the following amount to be expended from the listed funds for the
 4 period July 1, 2010, through June 30, 2011:
 5 FROM:
 6 Public School Income Fund \$25,702,900
 7 Federal Grant Fund 231,383,000
 8 TOTAL \$257,085,900

9 SECTION 11. There is hereby appropriated to the Educational Support
 10 Program/Division of Facilities, pursuant to law and the provisions of this
 11 act, the following amount to be expended from the listed funds for the period
 12 July 1, 2010, through June 30, 2011:
 13 FROM:
 14 General Fund \$14,400,000
 15 Bond Levy Equalization Fund 3,500,000
 16 TOTAL \$17,900,000

17 SECTION 12. Of the General Fund moneys appropriated in Section 11
 18 of this act to support the provisions of Section 33-906, Idaho Code,
 19 \$14,400,000 is hereby transferred from the General Fund to the Bond Levy
 20 Equalization Fund.

21 SECTION 13. The provisions of subsection (4) of Section 63-2520, Idaho
 22 Code, notwithstanding, the amount of revenue distributed to the General Fund
 23 shall be \$14,400,000 for the period July 1, 2010, through June 30, 2011.

24 SECTION 14. There is hereby appropriated to the Educational Support
 25 Program/Educational Services for the Deaf and the Blind, pursuant to law
 26 and the provisions of this act, the following amount to be expended from the
 27 listed funds for the period July 1, 2010, through June 30, 2011:
 28 FROM:
 29 Public School Income Fund \$7,078,700
 30 Miscellaneous Revenue 184,200
 31 School for the Deaf and the Blind Endowment 98,800
 32 Federal Grant Fund 204,100
 33 TOTAL \$7,565,800

34 SECTION 15. It is legislative intent that public school employee bene-
 35 fits paid by the state, pursuant to Section 33-1004F, Idaho Code, be paid for
 36 all eligible employees that a school district or charter school actually em-
 37 ploys with its salary-based apportionment allotment, regardless of whether
 38 such employees are categorized as administrative, instructional or classi-
 39 fied staff.

40 SECTION 16. Of the moneys appropriated in Section 8 of this act, the
 41 amount necessary for the Unemployment Insurance Program shall be expended
 42 according to Section 72-1349A, Idaho Code, for the period July 1, 2010,
 43 through June 30, 2011.

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

3 33-1004E. DISTRICT'S SALARY-BASED APPORTIONMENT. Each district shall
4 be entitled to a salary-based apportionment calculated as provided in this
5 section.

6 1. To determine the apportionment for instructional staff, first
7 determine the district average experience and education index by placing
8 all eligible district certificated instructional employees on the statewide
9 index provided in section 33-1004A, Idaho Code. The resulting average is the
10 district index. Districts with an index above the state average index shall
11 receive their actual index but not more than the state average plus .03 for
12 the 1994-95 school year, and shall receive their actual index but not more
13 than the state average plus .06 for the 1995-96 school year, and thereafter
14 shall receive their actual district index. The district instructional staff
15 index shall be multiplied by the instructional base salary of \$24,56723,565.
16 The amount so determined shall be multiplied by the district staff allowance
17 for instructional staff determined as provided in section 33-1004(2), Idaho
18 Code. The instructional salary allocation shall be further increased by
19 the amount necessary for each full-time equivalent instructional staff
20 member placed on the experience and education index to be allocated at
21 least the minimum salary mandated by this section. Full-time instructional
22 staff salaries shall be determined from a salary schedule developed by each
23 district and submitted to the state department of education. No full-time
24 instructional staff member shall be paid less than \$30,91529,655. If an
25 instructional staff member has been certified by the national board for
26 professional teaching standards, the staff member shall be designated
27 as a master teacher and receive \$2,000 per year for five (5) years. The
28 instructional salary shall be increased by \$2,000 for each master teacher
29 provided however, that no such awards shall be paid for the period July 1,
30 2010, through June 30, 2011, nor shall any liabilities accrue or payments
31 be made pursuant to this section in the future to any individuals who would
32 have otherwise qualified for a payment during this stated time period.
33 The resulting amount is the district's salary-based apportionment for
34 instructional staff. For purposes of this section, teachers qualifying for
35 the salary increase as master teacher shall be those who have been recognized
36 as national board certified teachers as of July 1 of each year.

37 2. To determine the apportionment for district administrative staff,
38 first determine the district average experience and education index by
39 placing all eligible certificated administrative employees on the statewide
40 index provided in section 33-1004A, Idaho Code. The resulting average
41 is the district index. Districts with an index above the state average
42 index shall receive their actual index but not more than the state average
43 plus .03 for the school year 1994-95, and shall receive their actual index
44 but not more than the state average index plus .06 for the 1995-96 school
45 year, and thereafter shall receive their actual district index. The dis-
46 trict administrative staff index shall be multiplied by the base salary of
47 \$34,70532,441. The amount so determined shall be multiplied by the district
48 staff allowance for administrative staff determined as provided in section

1 33-1004(3), Idaho Code. The resulting amount is the district's salary-based
2 apportionment for administrative staff.

3 3. To determine the apportionment for classified staff, multiply
4 ~~\$19,840~~19,041 by the district classified staff allowance determined as
5 provided in section 33-1004(4), Idaho Code. The amount so determined is the
6 district's apportionment for classified staff.

7 4. The district's salary-based apportionment shall be the sum of the
8 apportionments calculated in subsections 1., 2. and 3., of this section,
9 plus the benefit apportionment as provided in section 33-1004F, Idaho Code.

10 SECTION 18. Of the moneys appropriated in Section 9 of this act, the
11 Superintendent of Public Instruction shall distribute \$754,300 to school
12 districts, allocated according to the same proportions as the moneys dis-
13 tributed in fiscal year 2007, pursuant to Section 63-3638(10), Idaho Code,
14 for the replacement of school maintenance and operation levy funds.

15 SECTION 19. Notwithstanding the provisions of Sections 33-905 and
16 33-1019, Idaho Code, for the period July 1, 2010, through June 30, 2011,
17 all moneys appropriated from the School District Building Account shall be
18 distributed as discretionary funds and school districts and charter schools
19 are hereby relieved of any restrictions on the use of such funds, apart from
20 restrictions that apply to the use of discretionary funds.

21 SECTION 20. Notwithstanding the provisions of any law to the contrary,
22 of the moneys appropriated in Section 9 of this act, up to \$7,481,400 from
23 funds determined by available Tobacco, Cigarette and Lottery income tax
24 revenues accruing pursuant to Sections 63-2506, 63-2552A and 67-7439, Idaho
25 Code, and \$3,300,000 from revenues accruing to the Driver's Training Fund
26 pursuant to Sections 49-306(8)(g) and (i) and 49-307, Idaho Code, for the
27 period July 1, 2010, through June 30, 2011, shall be distributed as discre-
28 tionary funds, and school districts and charter schools are hereby relieved
29 of any restrictions on the use of such funds, apart from restrictions that
30 apply to the use of discretionary funds.

31 SECTION 21. No moneys shall be distributed for programs for expectant
32 or delivered mothers for the period July 1, 2010, through June 30, 2011, the
33 provisions of Sections 33-1002, 33-2006 and 33-2007, Idaho Code, notwith-
34 standing.

35 SECTION 22. Pursuant to the provisions of Section 33-1018, Idaho Code,
36 it is estimated that the appropriation of state funds to the Educational
37 Support Program/Division of Operations will result in total discretionary
38 funds of \$21,795 per support unit. Notwithstanding the provisions of any
39 law to the contrary, for the period July 1, 2010, through June 30, 2011,
40 discretionary funds shall not be used to augment an employee's salary
41 or wages above those which were received during the previous year at the
42 same school district or charter school. School districts shall report
43 to the Superintendent of Public Instruction as to how state appropriated
44 discretionary funds were expended during the period July 1, 2010, through
45 June 30, 2011, in a format prescribed by the Superintendent of Public

1 Instruction. The Superintendent of Public Instruction shall report to the
2 Joint Finance-Appropriations Committee and the House and Senate Education
3 Committees by no later than February 1, 2012, on school district uses of
4 state appropriated discretionary funds.

5 SECTION 23. Notwithstanding the provisions of Section 33-1006, Idaho
6 Code, for the period July 1, 2010, through June 30, 2011, the total moneys
7 paid to school districts for eligible transportation costs shall be reduced
8 by ten percent (10%).

9 SECTION 24. Of the moneys appropriated in Section 10 of this act,
10 \$318,600 from funds determined by available revenues accruing pursuant to
11 Sections 63-2506 and 63-2552A, Idaho Code, and other such moneys that may
12 become available pursuant to Idaho laws, for the period July 1, 2010, through
13 June 30, 2011, shall be distributed as follows: the provisions of Section
14 63-2552A(3), Idaho Code, notwithstanding, \$200,000 shall be remitted to
15 the Idaho State Police; \$40,000 may be utilized by the Superintendent of
16 Public Instruction for program administration, technical assistance and
17 evaluation; and up to \$78,600 in grants may be authorized to the Commission
18 on Hispanic Affairs.

19 SECTION 25. It is legislative intent that school districts continuing
20 to use discretionary funds for safe and drug-free purposes may include the
21 following:

22 (1) Prevention programs, student assistance programs that address
23 early identification and referral, and aftercare.

24 (2) An advisory board to assist each district in making decisions re-
25 lating to their program.

26 SECTION 26. Of the moneys appropriated in Section 10 of this act,
27 \$9,400,000 shall be used for literacy programs, as outlined in Sections
28 33-1207A(2), 33-1614 and 33-1615, Idaho Code, remedial coursework for
29 students failing to achieve proficiency in the Idaho Standards Achievement
30 Test and to fund computerized remediation services to schools, and math
31 initiative efforts, in dollar amounts determined by the Superintendent
32 of Public Instruction. Of this amount, up to \$120,000 may be expended
33 by the Superintendent of Public Instruction for staff support related to
34 the implementation and coordination of technology initiatives in public
35 schools, including the state's longitudinal data project. It is legislative
36 intent that the State Board of Education and State Department of Education
37 coordinate federally funded literacy programs with state literacy pro-
38 grams, resulting in well-coordinated, complementary literacy efforts. The
39 Superintendent of Public Instruction shall report to the Joint Finance-Appropriations Committee and the House and Senate Education Committees, by no later than February 1, 2012, on the uses of funds and effectiveness of the programs and efforts.

43 SECTION 27. Of the moneys appropriated in Section 10 of this act,
44 \$4,000,000 shall be distributed for support of programs for students with
45 non-English or limited English proficiency, as follows:

1 (1) The State Department of Education shall distribute \$3,500,000 to
2 school districts pro rata, based upon the population of limited English pro-
3 ficient students under criteria established by the department.

4 (2) The State Department of Education shall use \$500,000 to continue
5 the competitive grant program for school districts in which the population
6 of English language learners failed to meet Adequate Yearly Progress (AYP)
7 in math or reading, as defined in federal law. Of this amount, \$450,000 shall
8 be distributed annually to school districts in three (3) year grant cycles,
9 in which the recipients will receive full grant awards each of the three (3)
10 years, contingent on appropriation. The remaining \$50,000 will be used for
11 evaluation and administration of the program.

12 (3) The department shall develop the program elements governing the
13 use of these funds, modeled on the training, intervention and remediation
14 elements of the literacy program described in Section 26 of this act. The
15 purpose of these funds is to improve the English language skills of English
16 language learners, to enable such students to better access the educational
17 opportunities offered in public schools. The Superintendent of Public
18 Instruction shall report to the Joint Finance-Appropriations Committee and
19 the House and Senate Education Committees by no later than February 1, 2012,
20 on the program design, uses of funds and effectiveness of the program.

21 SECTION 28. Notwithstanding Section 33-1020, Idaho Code, the Idaho
22 Digital Learning Academy (IDLA), created pursuant to Chapter 55, Title 33,
23 Idaho Code, shall utilize state appropriated funds not to exceed \$5,000,000
24 for the period July 1, 2010, through June 30, 2011, to achieve the following:

25 (1) Tuition charged by IDLA to Idaho students shall not increase by more
26 than \$50.00 per enrollment.

27 (2) Provide remedial coursework for students failing to achieve profi-
28 ciency in one (1) or more areas of the Idaho Standards Achievement Test.

29 (3) Pursuant to the fiscal impact statement for the State Board of Ed-
30 ucation rule, IDAPA 08.02.03, Docket Number 08-0203-0605, provide advanced
31 learning opportunities for students.

32 (4) Pursuant to State Board of Education rule, IDAPA 08.02.03, Docket
33 Number 08-0203-0605, work with institutions of higher education to provide
34 dual credit coursework. The preceding list shall not be construed as exclud-
35 ing other instruction and training that may be provided by the Idaho Digital
36 Learning Academy.

37 SECTION 29. The State Department of Education is hereby granted the au-
38 thority to transfer funds between the Administrators, Teachers, Operations,
39 Children's Programs, and Facilities divisions of the Educational Support
40 Program budget, in any amount necessary, to comply with the public school
41 funding provisions of appropriations and the Idaho Code.

42 SECTION 30. The provisions of Sections 33-1018B and 33-1019, Idaho
43 Code, notwithstanding, for the period July 1, 2010, through June 30, 2011,
44 only, the state is hereby temporarily relieved from the requirement to pro-
45 vide its portion of the school maintenance matching funds normally required
46 by such sections, nor shall school districts be required to make up such
47 portion that would otherwise be provided by the state.

1 SECTION 31. The Idaho Bureau of Educational Services for the Deaf and
 2 the Blind may deposit General Funds appropriated in Section 1, Chapter 204,
 3 Laws of 2009, into a contingency reserve fund created pursuant to Section
 4 33-3409, Idaho Code. If such deposit of funds exceeds the amount that may
 5 be deposited in the contingency fund, pursuant to the provisions of Section
 6 33-3409, then those funds shall be deposited into the Public Education Sta-
 7 bilization Fund.

8 SECTION 32. That Section 33-1004A, Idaho Code, be, and the same is
 9 hereby amended to read as follows:

10 33-1004A. EXPERIENCE AND EDUCATION MULTIPLIER. Each instructional
 11 and administrative staff position shall be assigned an appropriate multi-
 12 plier based upon the following table:

| | | EXPERIENCE AND EDUCATION | | | | | | | |
|---------------|---------|--------------------------|---------|---------|---------|---------|---------|---------|--|
| | | MA | | MA + 12 | | MA + 24 | | MA + 36 | |
| Years | BA | BA + 12 | BA + 24 | BA + 36 | BA + 48 | BA + 60 | ES/DR | | |
| 0 | 1.00000 | 1.03750 | 1.07640 | 1.11680 | 1.15870 | 1.20220 | 1.24730 | | |
| 1 | 1.03750 | 1.07640 | 1.11680 | 1.15870 | 1.20220 | 1.24730 | 1.29410 | | |
| 2 | 1.07640 | 1.11680 | 1.15870 | 1.20220 | 1.24730 | 1.29410 | 1.34260 | | |
| 3 | 1.11680 | 1.15870 | 1.20220 | 1.24730 | 1.29410 | 1.34260 | 1.39290 | | |
| 4 | 1.15870 | 1.20220 | 1.24730 | 1.29410 | 1.34260 | 1.39290 | 1.44510 | | |
| 5 | 1.20220 | 1.24730 | 1.29410 | 1.34260 | 1.39290 | 1.44510 | 1.49930 | | |
| 6 | 1.24730 | 1.29410 | 1.34260 | 1.39290 | 1.44510 | 1.49930 | 1.55550 | | |
| 7 | 1.29410 | 1.34260 | 1.39290 | 1.44510 | 1.49930 | 1.55550 | 1.61380 | | |
| 8 | 1.34260 | 1.39290 | 1.44510 | 1.49930 | 1.55550 | 1.61380 | 1.67430 | | |
| 9 | 1.39290 | 1.44510 | 1.49930 | 1.55550 | 1.61380 | 1.67430 | 1.73710 | | |
| 10 | 1.39290 | 1.49930 | 1.55550 | 1.61380 | 1.67430 | 1.73710 | 1.80220 | | |
| 11 | 1.39290 | 1.49930 | 1.55550 | 1.61380 | 1.73710 | 1.80220 | 1.86980 | | |
| 12 | 1.39290 | 1.49930 | 1.55550 | 1.61380 | 1.73710 | 1.86980 | 1.93990 | | |
| 13 or more | 1.39290 | 1.49930 | 1.55550 | 1.61380 | 1.73710 | 1.86980 | 2.01260 | | |

31 In determining the experience factor, the actual years of teaching
 32 or administrative service in a public school, in an accredited private or
 33 parochial school, or beginning in the 2005-06 school year and thereafter in
 34 an accredited college or university shall be credited, minus ~~one~~ two (±2);
 35 provided however, that the experience factor cannot be less than zero (0).

36 In determining the education factor, only credits earned after initial
 37 certification, based upon a transcript on file with the teacher certifica-
 38 tion office of the state department of education, earned at an institution of
 39 higher education accredited by the state board of education or a regional ac-
 40 crediting association, shall be allowed. Instructional staff whose initial
 41 certificate is an occupational specialist certificate shall be treated as
 42 BA degree prepared instructional staff. Credits earned by such occupational

1 specialist instructional staff after initial certification shall be cred-
2 ited toward the education factor. For the time period July 1, 2010, through
3 June 30, 2011, instructional and administrative staff shall not advance on
4 the education portion of the multiplier table.

5 In determining the statewide average multiplier for instructional
6 staff, no multiplier in excess of 1.59092 shall be used. If the actual
7 statewide average multiplier for instructional staff, as determined by this
8 section, exceeds 1.59092, then each school district's instructional staff
9 multiplier shall be multiplied by the result of 1.59092 divided by the actual
10 statewide average multiplier for instructional staff.

11 In determining the statewide average multiplier for administrative
12 staff, no multiplier in excess of 1.86643 shall be used. If the actual
13 statewide average multiplier for administrative staff, as determined by
14 this section, exceeds 1.86643, then each school district's administrative
15 staff multiplier shall be multiplied by the result of 1.86643 divided by the
16 actual statewide average multiplier for administrative staff.

17 SECTION 33. That Section 33-1006, Idaho Code, be, and the same is hereby
18 amended to read as follows:

19 33-1006. TRANSPORTATION SUPPORT PROGRAM. (1) The state board of
20 education shall determine what costs of transporting pupils, including
21 maintenance, operation and depreciation of basic vehicles, insurance,
22 payments under contract with other public transportation providers whose
23 vehicles used to transport pupils comply with federal transit adminis-
24 tration regulations, "bus testing," 49 C.F.R. part 665, and any revision
25 thereto, as provided in subsection (4) (d) of this section, or other state de-
26 partment of education approved private transportation providers, salaries
27 of drivers, and any other costs, shall be allowable in computing the trans-
28 portation support program of school districts. Provided however, that
29 the only miles for which costs may be reimbursed, shall be those directly
30 associated with transporting students for the purposes of regular school
31 attendance during regular days and hours, ~~or for approved school activities~~
32 ~~as provided in subsection (4) of this section.~~

33 (2) Any costs associated with the addition of vehicle features that are
34 not part of the basic vehicle shall not be allowable in computing the trans-
35 portation support program of school districts. A basic vehicle is hereby de-
36 fined as the cost of the vehicle without optional features, plus the addition
37 of essential safety features and features necessary for the transportation
38 of pupils with disabilities.

39 (3) Each school district shall maintain records and make reports as are
40 required for the purposes of this section.

41 (4) The transportation support program of a school district shall be
42 based upon the allowable costs of:

43 (a) Transporting public school pupils one and one-half (1 1/2) miles or
44 more to school;

45 (b) Transporting pupils less than one and one-half (1 1/2) miles as pro-
46 vided in section 33-1501, Idaho Code, when approved by the state board
47 of education;

1 (c) The costs of payments when transportation is not furnished, as pro-
2 vided in section 33-1503, Idaho Code;

3 (d) The transportation program for grades six (6) through twelve (12),
4 upon the costs of payments pursuant to a contract with other public or
5 private transportation providers entered into as provided in section
6 33-1510, Idaho Code, if the school district establishes that the reim-
7 bursable costs of transportation under the contract are equal to or less
8 than the costs for school buses;

9 ~~(e) The costs of providing transportation to and from approved school~~
10 ~~activities as may be approved by rules of the state board of education;~~

11 ~~(f) The employer's share of contributions to the public employee re-~~
12 ~~retirement system and to social security.~~

13 (5) The state's share of the transportation support program shall be
14 fifty percent (50%) of reimbursable transportation costs of the district
15 incurred during the immediately preceding state fiscal year, except for
16 the cost of state department of education training and fee assessments
17 and bus depreciation and maintenance, for which the state's share shall be
18 eighty-five percent (85%) of such costs. For school districts that contract
19 for pupil transportation services, the state's share shall be the average
20 state share of costs for district-run operations, based on the statewide
21 total of such costs. Provided however, that the reimbursable costs for
22 any school district shall not exceed one hundred three percent (103%)
23 of the statewide average reimbursable cost per mile or the state average
24 reimbursable cost per student rider, whichever is more advantageous to the
25 school district. If a school district's costs exceed the one hundred three
26 percent (103%) limit when computed by the more advantageous of the two (2)
27 methods, that school district shall be reimbursed at the appropriate per-
28 centage designated by this subsection, multiplied by the maximum limit for
29 whichever method is more favorable to the school district. A school district
30 may appeal the application of the one hundred three percent (103%) limit on
31 reimbursable costs to the state board of education, which may establish for
32 that district a new percentile limit for reimbursable costs compared to the
33 statewide average, which is higher than one hundred three percent (103%).
34 In doing so, the state board of education may set a new limit that is greater
35 than one hundred three percent (103%), but is less than the percentile limit
36 requested by the school district. However, the percentage increase in the
37 one hundred three percent (103%) cap shall not exceed the percentage of the
38 district's bus runs that qualify as a hardship bus run, pursuant to this
39 subsection. Any costs above the new level established by the state board of
40 education shall not be reimbursed. Such a change shall only be granted by the
41 state board of education for hardship bus runs. To qualify as a hardship bus
42 run, such bus run shall meet at least two (2) of the following criteria:

43 (a) The number of student riders per mile is less than fifty percent
44 (50%) of the statewide average number of student riders per mile;

45 (b) Less than a majority of the miles on the bus run are by paved sur-
46 face, concrete or asphalt, road;

47 (c) Over ten percent (10%) of the miles driven on the bus run are a five
48 percent (5%) slope or greater.

49 The legislative audits section of the legislative services office shall re-
50 view cap increases granted by the state board of education pursuant to this

1 section, and shall include findings in the board's regular audit report for
2 any instances in which such increases failed to meet the standards set forth
3 in this subsection.

4 (6) Beginning on July 1, 2005, any eligible home-based public virtual
5 school may claim transportation reimbursement for the prior fiscal year's
6 cost of providing educational services to students. In order to be eligible,
7 such a school shall have at least one (1) average daily attendance divisor,
8 pursuant to section 33-1002, Idaho Code, that is greater than the median
9 divisor shown for any category of pupils, among the actual divisors listed.
10 For the purposes of paragraphs (a), (b) and (c) of this subsection (6),
11 "education provider" means the home-based public virtual school or an entity
12 that has legally contracted with the home-based public virtual school to
13 supply education services. Reimbursable costs shall be limited to the costs
14 of:

15 (a) Providing an internet connection service between the student and
16 the education provider, not including the cost of telephone service;

17 (b) Providing electronic and computer equipment used by the student
18 to transmit educational material between the student and the education
19 provider;

20 (c) Providing a toll-free telephone service for students to communi-
21 cate with the education provider;

22 (d) Providing education-related, face-to-face visits by representa-
23 tives of the home-based public virtual school, with such reimbursements
24 limited to the mileage costs set for state employee travel by the state
25 board of examiners; and

26 (e) Any actual pupil transportation costs that would be reimbursable if
27 claimed by a school district.

28 The total reimbursement for such home-based public virtual schools shall be
29 exempt from the statewide average cost per mile limitations of this section.
30 The state's share of reimbursable costs shall be eighty-five percent (85%),
31 subject to the statewide cost per student rider provisions of this section.
32 For the purposes of such home-based public virtual school, the number of stu-
33 dent riders shall be the same as the number of pupils in average daily atten-
34 dance.

35 (7) The state department of education shall calculate the amount of
36 state funds lost in fiscal year 2010 by each school district as a result
37 of the decrease in the state reimbursement from eighty-five percent (85%)
38 to fifty percent (50%) of certain eligible costs, including the reduction
39 calculated for districts that contract for pupil transportation services,
40 and excluding any reductions made due to the limitation on reimbursable
41 expenses, all pursuant to subsection (5) of this section. The amount so
42 calculated shall be distributed to each school district in fiscal year 2010.
43 For each fiscal year thereafter, the amount distributed pursuant to this
44 subsection (7) for each school district shall be determined as follows:

45 (a) Divide the amount distributed to the district pursuant to this sub-
46 section (7) in fiscal year 2010 by the district's support units for fis-
47 cal year 2010;

48 (b) Multiply the result of the calculation found in subsection (7) (a)
49 of this section by the number of support units in the current fiscal
50 year;

1 (c) Determine the percentage change in statewide transportation reim-
2 bursements as provided for in subsection (5) of this section since fis-
3 cal year 2010;

4 (d) Determine the percentage change in statewide student enrollment
5 since fiscal year 2010;

6 (e) Subtract the result of the calculation found in subsection (7) (d)
7 of this section from the result of the calculation found in subsection
8 (7) (c) of this section;

9 (f) Adjust the result of the calculation found in subsection (7) (b) of
10 this section by the percentage result from subsection (7) (e) of this
11 section.

12 For school districts divided after fiscal year 2010, the calculation
13 in subsection (7) (a) of this section shall still be based on the fiscal year
14 2010 figures for the formerly consolidated district. For public charter
15 schools beginning operations on or after July 1, 2009, all calculations in
16 this subsection (7) that are based on fiscal year 2010 shall instead be based
17 on the public charter school's first fiscal year of operations. For the pur-
18 poses of this subsection (7), the support units used shall be the number used
19 for calculating salary-based apportionment. Funds distributed pursuant to
20 this subsection (7) shall be used to defray the cost of pupil transportation.
21 If the amount distributed is in excess of a school district's actual pupil
22 transportation costs, less any state reimbursements provided by subsection
23 (5) of this section, the excess funds may be used at the school district's
24 discretion.

25 SECTION 34. The Idaho Legislature declares that the conditions and
26 intent of subsection (2), paragraphs (a), (b) and (c), Section 33-522, Idaho
27 Code, are met for all Idaho school districts for the contract year 2010-2011,
28 and therefore, notwithstanding the provisions of Section 33-522(2)(f),
29 Idaho Code, financial emergency status is declared for all school districts
30 for the purposes of reopening the salary and benefits compensation aspects
31 of the negotiated agreement, including the length of the certificated
32 employee contracts and the amount of compensation and benefits; and if the
33 parties to the negotiated agreement mutually agree, reopen other matters
34 contained within the negotiated agreement directly affecting the financial
35 circumstances in the school district in accordance with subsections (3),
36 (4), (5) and (6) of Section 33-522, Idaho Code.

37 SECTION 35. The Idaho Legislature declares that the financial emer-
38 gency declared in Section 34 shall be interpreted to satisfy the conditions
39 of Section 33-515(3), Idaho Code.

40 SECTION 36. The provisions of Sections 6 and 7, Chapter 271, Sections
41 4 and 6, Chapter 272, and Sections 4, 5 and 6, Chapter 273, Laws of 2009,
42 notwithstanding, any moneys received by the various school districts or
43 charter schools for the purposes specified in those sections that remain
44 unspent or unobligated at the end of fiscal year 2010, may be used for the
45 period July 1, 2010, through June 30, 2011, at the discretion of the various
46 school districts or charters schools according to guidance in the fiscal
47 year 2011 Public Schools appropriation.

1 SECTION 37. An emergency existing therefor, which emergency is hereby
2 declared to exist, Sections 1, 2, 3, 4, 34 and 35 of this act shall be in full
3 force and effect on and after passage and approval.