

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 206, As Amended in the Senate, As Amended in the Senate

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-1002, IDAHO CODE, TO
2 REVISE PROVISIONS RELATING TO STATE SUPPORT OF SPECIAL PROGRAMS; AMEND-
3 ING SECTION 33-5208, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE, TO
4 ESTABLISH PROVISIONS RELATING TO THE DISTRIBUTION OF FACILITIES FUNDS
5 TO PUBLIC CHARTER SCHOOLS, TO PROVIDE FOR THE USE OF FUNDS, TO PROVIDE
6 FOR A CALCULATION, TO PROVIDE FOR A REIMBURSEMENT CLAIM, TO DEFINE A
7 TERM AND TO ESTABLISH PROVISIONS RELATING TO AN AUTHORIZER FEE; AMEND-
8 ING CHAPTER 52, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION
9 33-5214, IDAHO CODE, TO ESTABLISH THE PUBLIC CHARTER SCHOOL AUTHORIZERS
10 FUND, TO PROVIDE FOR THE DEPOSIT OF CERTAIN MONEYS AND TO PROVIDE FOR THE
11 USE OF SUCH MONEYS; AND AMENDING SECTION 33-1619, IDAHO CODE, TO PROVIDE
12 CORRECT CODE REFERENCES.
13

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

15 SECTION 1. That Section 33-1002, Idaho Code, be, and the same is hereby
16 amended to read as follows:

17 33-1002. EDUCATIONAL SUPPORT PROGRAM. The educational support pro-
18 gram is calculated as follows:

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

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

24 (a) Pupil tuition-equivalency allowances as provided in section
25 33-1002B, Idaho Code;

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

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

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

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

36 (f) Certain expectant and delivered mothers allowance as provided in
37 section 33-2006, Idaho Code;

38 (g) Salary-based apportionment calculated as provided in sections
39 33-1004 through 33-1004F, Idaho Code;

40 (h) Unemployment insurance benefit payments according to the provi-
41 sions of section 72-1349A, Idaho Code;

- 1 (i) For expenditure as provided by the public school technology pro-
- 2 gram;
- 3 (j) For employee severance payments as provided in section 33-521,
- 4 Idaho Code;
- 5 (k) For distributions to the Idaho digital learning academy as provided
- 6 in section 33-1020, Idaho Code;
- 7 (l) For charter school facilities funds and reimbursements paid pur-
- 8 suant to section 33-5208(5), Idaho Code;
- 9 (m) For the support of provisions that provide a safe environment con-
- 10 ductive to student learning and maintain classroom discipline, an allo-
- 11 cation of \$300 per support unit; and
- 12 (n) Any additional amounts as required by statute to effect adminis-
- 13 trative adjustments or as specifically required by the provisions of
- 14 any bill of appropriation;
- 15 to secure the total educational support distribution funds.

16 (3) Average Daily Attendance. The total state average daily attendance
 17 shall be the sum of the average daily attendance of all of the school dis-
 18 tricts of the state. The state board of education shall establish rules set-
 19 ting forth the procedure to determine average daily attendance and the time
 20 for, and method of, submission of such report. Average daily attendance cal-
 21 culation shall be carried out to the nearest hundredth. Computation of av-
 22 erage daily attendance shall also be governed by the provisions of section
 23 33-1003A, Idaho Code.

24 (4) Support Units. The total state support units shall be determined
 25 by using the tables set out hereafter called computation of kindergarten
 26 support units, computation of elementary support units, computation of sec-
 27 ondary support units, computation of exceptional education support units,
 28 and computation of alternative school secondary support units. The sum of
 29 all of the total support units of all school districts of the state shall be
 30 the total state support units.

31 COMPUTATION OF KINDERGARTEN SUPPORT UNITS

32 Average Daily		
33 Attendance	Attendance Divisor	Units Allowed
34 41 or more	40.....	1 or more as computed
35 31 - 40.99 ADA.....	-.....	1
36 26 - 30.99 ADA.....	-.....	.85
37 21 - 25.99 ADA.....	-.....	.75
38 16 - 20.99 ADA.....	-.....	.6
39 8 - 15.99 ADA.....	-.....	.5
40 1 - 7.99 ADA.....	-.....	count as elementary

1 COMPUTATION OF ELEMENTARY SUPPORT UNITS

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

17 COMPUTATION OF SECONDARY SUPPORT UNITS

18	Average Daily		Minimum Units
19	Attendance	Attendance Divisor	Allowed
20	750 or more	18.5	47
21	400 - 749.99 ADA....	16	28
22	300 - 399.99 ADA....	14.5	22
23	200 - 299.99 ADA....	13.5	17
24	100 - 199.99 ADA....	12	9
25	99.99 or fewer	Units allowed as follows:	
26	Grades 7-12	.....	8
27	Grades 9-12	.....	6
28	Grades 7- 9	.....	1 per 14 ADA
29	Grades 7- 8	.....	1 per 16 ADA

30 COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

31	Average Daily		Minimum Units
32	Attendance	Attendance Divisor	Allowed
33	14 or more	14.5	1 or more as computed
34			
35	12 - 13.99....	-	1
36	8 - 11.99....	- .....	.75

1	4 - 7.99.....	- .....	.5
2	1 - 3.99.....	- .....	.25

3 COMPUTATION OF ALTERNATIVE SCHOOL SECONDARY SUPPORT UNITS

4	Pupils in Attendance	Attendance Divisor	Minimum Units
5			Allowed
6	12 or more.....	12	1 or more as
7			computed

8 In applying these tables to any given separate attendance unit, no
9 school district shall receive less total money than it would receive if it
10 had a lesser average daily attendance in such separate attendance unit.
11 In applying the kindergarten table to a kindergarten program of less days
12 than a full school year, the support unit allowance shall be in ratio to
13 the number of days of a full school year. The tables for exceptional edu-
14 cation and alternative school secondary support units shall be applicable
15 only for programs approved by the state department of education following
16 rules established by the state board of education. Moneys generated from
17 computation of support units for alternative schools shall be utilized for
18 alternative school programs. School district administrative and facility
19 costs may be included as part of the alternative school expenditures.

20 (5) State Distribution Factor per Support Unit. Divide educational
21 support program distribution funds, after subtracting the amounts necessary
22 to pay the obligations specified in subsection (2) of this section, by the
23 total state support units to secure the state distribution factor per sup-
24 port unit.

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

27 (a) (i) Divide the actual average daily attendance, excluding stu-
28 dents approved for inclusion in the exceptional child educational
29 program, for the administrative schools and each of the separate
30 schools and attendance units by the appropriate divisor from the
31 tables of support units in this section, then add the quotients
32 to obtain the district's support units allowance for regular stu-
33 dents, kindergarten through grade 12 including alternative school
34 secondary students. Calculations in application of this subsec-
35 tion shall be carried out to the nearest tenth.

36 (ii) Divide the combined totals of the average daily attendance
37 of all preschool, kindergarten, elementary, secondary, juvenile
38 detention center students and students with disabilities approved
39 for inclusion in the exceptional child program of the district by
40 the appropriate divisor from the table for computation of excep-
41 tional education support units to obtain the number of support
42 units allowed for the district's approved exceptional child pro-
43 gram. Calculations for this subsection shall be carried out to the
44 nearest tenth when more than one (1) unit is allowed.

45 (iii) The total number of support units of the district shall be
46 the sum of the total support units for regular students, subsec-

1 tion (6) (a) (i) of this section, and the support units allowance
2 for the approved exceptional child program, subsection (6) (a) (ii)
3 of this section.

4 (b) Total District Allowance Educational Program. Multiply the dis-
5 trict's total number of support units, carried out to the nearest tenth,
6 by the state distribution factor per support unit and to this product
7 add the approved amount of programs of the district provided in subsec-
8 tion (2) of this section to secure the district's total allowance for
9 the educational support program.

10 (c) District Share. The district's share of state apportionment is the
11 amount of the total district allowance, subsection (6) (b) of this sec-
12 tion.

13 (d) Adjustment of District Share. The contract salary of every noncer-
14 tificated teacher shall be subtracted from the district's share as cal-
15 culated from the provisions of subsection (6) (c) of this section.

16 (7) Property Tax Computation Ratio. In order to receive state funds
17 pursuant to this section a charter district shall utilize a school mainte-
18 nance and operation property tax computation ratio for the purpose of cal-
19 culating its maintenance and operation levy, that is no greater than that
20 which it utilized in tax year 1994, less four-tenths of one percent (.4%). As
21 used herein, the term "property tax computation ratio" shall mean a ratio de-
22 termined by dividing the district's certified property tax maintenance and
23 operation budget by the actual or adjusted market value for assessment pur-
24 poses as such values existed on December 31, 1993. Such maintenance and op-
25 eration levy shall be based on the property tax computation ratio multiplied
26 by the actual or adjusted market value for assessment purposes as such values
27 existed on December 31 of the prior calendar year.

28 SECTION 2. That Section 33-5208, Idaho Code, be, and the same is hereby
29 amended to read as follows:

30 33-5208. PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT. Except as provided
31 in subsection (§10) of this section, from the state educational support pro-
32 gram the state department of education shall make the following apportion-
33 ment to each public charter school for each fiscal year based on attendance
34 figures submitted in a manner and time as required by the department of edu-
35 cation:

36 (1) Per student support. Computation of support units for each public
37 charter school shall be calculated as if it were a separate school accord-
38 ing to the schedules in section 33-1002(4), Idaho Code, except that public
39 charter schools with fewer than one hundred (100) secondary ADA shall use a
40 divisor of twelve (12) and the minimum units shall not apply, and no public
41 charter school shall receive an increase in support units that exceeds the
42 support units it received in the prior year by more than thirty (30). Funding
43 from the state educational support program shall be equal to the total dis-
44 tribution factor, plus the salary-based apportionment provided in chapter
45 10, title 33, Idaho Code. Provided however, any public charter school that
46 is formed by the conversion of an existing traditional public school shall
47 be assigned divisors, pursuant to section 33-1002, Idaho Code, that are no
48 lower than the divisors of the school district in which the traditional pub-
49 lic school is located, for each category of pupils listed.

1 (2) Special education. For each student enrolled in the public charter
 2 school who is entitled to special education services, the state and federal
 3 funds from the exceptional child education program for that student that
 4 would have been apportioned for that student to the school district in which
 5 the public charter school is located.

6 (3) Alternative school support. Public charter schools may qualify un-
 7 der the provisions of sections 33-1002 and 33-1002C, Idaho Code, provided
 8 the public charter school meets the necessary statutory requirements, and
 9 students qualify for attendance at an alternative school as provided by rule
 10 of the state board of education.

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

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

27 (b) The student resides within fifteen (15) miles of the public charter
 28 school, by road.

29 The limitations placed by this subsection on the reimbursement of
 30 transportation costs for certain students shall not apply to public virtual
 31 schools.

32 (5) Facilities funds. The state department of education shall distrib-
 33 ute facilities funds to public charter schools for each enrolled student in
 34 which a majority of the student's instruction is received at a facility that
 35 is owned or leased by the public charter school. Such funds shall be used to
 36 defray the purchase, fee, loan or lease costs associated with payments for
 37 real property used by the students or employees of the public charter school
 38 for educational or administrative purposes. Such funds shall be distributed
 39 from the moneys appropriated to the educational support program, and shall
 40 be calculated as a percentage of the statewide average amount of bond and
 41 plant facility funds levied per student by Idaho school districts, as fol-
 42 lows:

43 Fiscal Year 2014 Twenty Percent (20%)

44 Fiscal Year 2015 Thirty Percent (30%)

45 For fiscal year 2016 and each fiscal year thereafter, this percentage
 46 shall increase by ten percent (10%) each time the total appropriation of
 47 state funds for the educational support program increases by three percent
 48 (3%) or more over the prior fiscal year, and shall decrease by ten percent
 49 (10%) each time the total appropriation of state funds for the educational

1 support program decreases as compared to the prior fiscal year. Provided
2 however, that the percentage shall be no less than twenty percent (20%) and
3 no greater than fifty percent (50%), and that the average amount of funding
4 received per public charter school shall not exceed the average amount of
5 funding received by each school district pursuant to the provisions of sec-
6 tion 33-906, Idaho Code.

7 For those public charter schools that do not receive facilities funds
8 for all enrolled students, the school may submit to the state department of
9 education a reimbursement claim for any costs for which facilities funds may
10 be used. The state department of education shall reduce such claim by the
11 greater of fifty percent (50%) or the percentage of the school's enrolled
12 students for which the school receives facilities funds, and shall pay the
13 balance. Provided however, that the total reimbursements paid to a public
14 charter school, in combination with any facilities stipend received by the
15 school, shall not exceed the amount of facilities funds that would have been
16 received by the school had the school received facilities funds for all en-
17 rolled students. For the purposes of this subsection, the term "real prop-
18 erty" shall be used as defined in section 63-201, Idaho Code.

19 (6) Payment schedule. The state department of education is authorized
20 to make an advance payment of twenty-five percent (25%) of a public charter
21 school's estimated annual apportionment for its first year of operation, and
22 each year thereafter, provided the public charter school has an increase of
23 student population in any given year of twenty (20) students or more, to as-
24 sist the school with initial start-up costs or payroll obligations.

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

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

33 (c) All subsequent payments, taking into account the one-time advance
34 payment made for the first year of operation, shall be made to the public
35 charter school in the same manner as other traditional public schools in
36 accordance with the provisions of section 33-1009, Idaho Code.

37 A public charter school shall comply with all applicable fiscal requirements
38 of law, except that the following provisions shall not be applicable to pub-
39 lic charter schools: that portion of section 33-1004, Idaho Code, relating
40 to reduction of the administrative and instructional staff allowance when
41 there is a discrepancy between the number allowed and the number actually em-
42 ployed; and section 33-1004E, Idaho Code, for calculation of district staff
43 indices.

44 (67) Nothing in this chapter shall be construed to prohibit any private
45 person or organization from providing funding or other financial assistance
46 to the establishment or operation of a public charter school.

47 (8) Each public charter school shall pay an authorizer fee to its autho-
48 riized chartering entity, to defray the actual documented cost of monitoring,
49 evaluation and oversight, which, in the case of public charter schools
50 authorized by the public charter school commission, shall include each

1 school's proportional fee share of all moneys appropriated to the public
 2 charter school commission, plus fifteen percent (15%). Provided however,
 3 that each public charter school's board of directors may direct up to ten
 4 percent (10%) of the calculated fee to pay membership fees to an organization
 5 or association that provides technical assistance, training and advocacy
 6 for Idaho public charter schools. Unless the authorized chartering entity
 7 declines payment, such fee shall be paid by February 15 of each fiscal year
 8 and shall not exceed the greater of:

9 (a) All state funds distributed to public schools on a support unit ba-
 10 sis for the prior fiscal year, divided by the statewide number of public
 11 school students in average daily attendance in the first reporting pe-
 12 riod in the prior fiscal year; or

13 (b) The lesser of:

14 (i) The result of the calculation in subsection (8) (a) of this
 15 section, multiplied by four (4); or

16 (ii) One and one-half percent (1.5%) of the result of the calcula-
 17 tion in subsection (8) (a) of this section, multiplied by the pub-
 18 lic charter school's average daily attendance in the first report-
 19 ing period in the current fiscal year.

20 (79) Nothing in this chapter shall prevent a public charter school from
 21 applying for federal grant moneys.

22 (~~810~~) (a) Each student in attendance at a public virtual school shall
 23 be funded based upon either the actual hours of attendance in the public
 24 virtual school on a flexible schedule, or the percentage of coursework
 25 completed, whichever is more advantageous to the school, up to the maxi-
 26 mum of one (1) full-time equivalent student.

27 (b) All federal educational funds shall be administered and dis-
 28 tributed to public charter schools, including public virtual schools,
 29 that have been designated by the state board of education as a local edu-
 30 cation agency (LEA), as provided in section 33-5203(7), Idaho Code.

31 (~~911~~) Nothing in this section prohibits separate face-to-face learning
 32 activities or services.

33 (~~102~~) The provisions of section 33-1021, Idaho Code, shall apply to pub-
 34 lic charter schools provided for in this chapter.

35 SECTION 3. That Chapter 52, Title 33, Idaho Code, be, and the same is
 36 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 37 ignated as Section 33-5214, Idaho Code, and to read as follows:

38 33-5214. PUBLIC CHARTER SCHOOL AUTHORIZERS FUND. There is hereby cre-
 39 ated in the state treasury a fund to be known as the "Public Charter School
 40 Authorizers Fund," hereinafter referred to as "the fund." All authorizer
 41 fees paid pursuant to section 33-5208(8), Idaho Code, for public charter
 42 schools under the governance of the public charter school commission shall
 43 be deposited in the fund. Moneys in the fund shall be appropriated to defray
 44 the commission's cost of operations and the state department of education's
 45 cost of reviewing, approving and overseeing any charter school authorizers
 46 requiring department approval.

47 SECTION 4. That Section 33-1619, Idaho Code, be, and the same is hereby
 48 amended to read as follows:

1 33-1619. VIRTUAL EDUCATION PROGRAMS. School districts may offer in-
2 struction in the manner described for a virtual school in section 33-5202A,
3 Idaho Code. For programs meeting such definition, the school district may
4 count and report the average daily attendance of the program's students in
5 the manner prescribed in section 33-5208 (~~§10~~), Idaho Code. School districts
6 may also offer instruction that is a blend of virtual and traditional in-
7 struction. For such blended programs, the school district may count and re-
8 port the average daily attendance of the program's students in the manner
9 prescribed in section 33-5208 (~~§10~~), Idaho Code. Alternatively, the school
10 district may count and report the average daily attendance of the blended
11 program's students in the same manner as provided for traditional programs
12 of instruction, for the days or portions of days in which such students at-
13 tend a physical public school. For the balance of days or portions of days,
14 average daily attendance may be counted in the manner prescribed in section
15 33-5208 (~~§10~~), Idaho Code.