

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 275

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING SECTION 33-1004, IDAHO CODE, TO PROVIDE  
2 THAT A DISTRICT MAY UTILIZE UP TO FIFTEEN PERCENT OF CERTAIN MONEYS TO  
3 PAY ANOTHER SCHOOL DISTRICT OR PUBLIC CHARTER SCHOOL FOR CERTAIN SER-  
4 VICES OR TO DEFRAY CERTAIN COSTS, TO PROVIDE THAT A DISTRICT MAY EMPLOY  
5 FEWER POSITIONS THAN FUNDED WITHOUT A REDUCTION IN THE NUMBER OF FUNDED  
6 POSITIONS BEING IMPOSED, TO MAKE A CODIFIER'S CORRECTION AND TO MAKE  
7 TECHNICAL CORRECTIONS; REPEALING SECTION 33-1004, IDAHO CODE, RELATING  
8 TO STAFF ALLOWANCE; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE  
9 ADDITION OF A NEW SECTION 33-1004, IDAHO CODE, TO ESTABLISH PROVISIONS  
10 RELATING TO DETERMINING A STAFF ALLOWANCE, TO ESTABLISH ADDITIONAL  
11 CONDITIONS GOVERNING STAFF ALLOWANCE AND TO PROVIDE FOR AN APPEAL AND A  
12 WAIVER; AND PROVIDING EFFECTIVE DATES.  
13

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

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

17 33-1004. STAFF ALLOWANCE. For each school district, a staff allowance  
18 shall be determined as follows:

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

23 (2) Determine the instructional staff allowance by multiplying the  
24 support units by 1.1. A district must demonstrate that it actually employs  
25 the number of certificated instructional staff allowed, except as provided  
26 in subsection (5) (f), ~~and (g) and (h)~~ of this section. If the district does  
27 not employ the number allowed, the staff allowance shall be reduced to the  
28 actual number employed, except as provided in subsection (5) (f), ~~and (g) and~~  
29 (h) of this section;

30 (3) Determine the administrative staff allowance by multiplying the  
31 support units by .075;

32 (4) Determine the classified staff allowance by multiplying the sup-  
33 port units by .375;

34 (5) Additional conditions governing staff allowance:

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

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

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

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

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

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

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

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

37 (f) A district may utilize up to five fifteen percent (15%) of the mon-  
38 eys associated with positions funded pursuant to subsection (2) of this  
39 section to pay another school district or public charter school for in-  
40 structional services or to defray the cost of providing virtual educa-  
41 tion coursework, including virtual dual credit coursework, without a  
42 reduction in the number of funded positions being imposed.

43 (g) For the period July 1, 2009, through June 30, 2011, only, a district  
44 may shift up to five percent (5%) of the positions funded pursuant to  
45 subsection (2) of this section to federal funds, without a reduction in  
46 the number of funded positions being imposed.

47 (h) A district may employ nine and one-half percent (9.5%) fewer posi-  
48 tions than funded pursuant to subsection (2) of this section, without a  
49 reduction in the number of funded positions being imposed.

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

8 SECTION 2. That Section [33-1004](#), Idaho Code, be, and the same is hereby  
9 repealed.

10 SECTION 3. That Chapter 10, Title 33, Idaho Code, be, and the same is  
11 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
12 ignated as Section 33-1004, Idaho Code, and to read as follows:

13 33-1004. STAFF ALLOWANCE. For each school district, a staff allowance  
14 shall be determined as follows:

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

19 (2) Determine the instructional staff allowance by multiplying the  
20 support units by 1.1. A district must demonstrate that it actually employs  
21 the number of certificated instructional staff allowed, except as provided  
22 in subsection (5) (f) and (g) of this section. If the district does not employ  
23 the number allowed, the staff allowance shall be reduced to the actual number  
24 employed, except as provided in subsection (5) (f) and (g) of this section;

25 (3) Determine the administrative staff allowance by multiplying the  
26 support units by .075;

27 (4) Determine the classified staff allowance by multiplying the sup-  
28 port units by .375;

29 (5) Additional conditions governing staff allowance:

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

38 (b) If there are circumstances preventing eligible use of staff al-  
39 lowance to which a district is entitled as provided in subsections (2)  
40 and (3) of this section, an appeal may be filed with the state depart-  
41 ment of education outlining the reasons and proposed alternative use of  
42 these funds, and a waiver may be granted.

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

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

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

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

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

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

26 (f) A district may utilize up to five percent (5%) of the moneys asso-  
27 ciated with positions funded pursuant to subsection (2) of this section  
28 to defray the cost of providing virtual education coursework, includ-  
29 ing virtual dual credit coursework, without a reduction in the number of  
30 funded positions being imposed.

31 (g) For the period July 1, 2009, through June 30, 2011, only, a district  
32 may shift up to five percent (5%) of the positions funded pursuant to  
33 subsection (2) of this section to federal funds, without a reduction in  
34 the number of funded positions being imposed.

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

42 SECTION 4. The provisions of Section 1 of this act shall be in full force  
43 and effect on and after July 1, 2013. The provisions of sections 2 and 3 of  
44 this act shall be in full force and effect on and after July 1, 2014.