

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 504

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; PROVIDING LEGISLATIVE INTENT; AMENDING SECTION  
2 33-1002, IDAHO CODE, TO PROVIDE FOR A SUBTRACTION FROM TOTAL STATE FUNDS  
3 FOR LEADERSHIP PREMIUMS; AMENDING SECTION 33-1004C, IDAHO CODE, TO PRO-  
4 VIDE THAT THE LEGISLATURE SHALL ANNUALLY REVIEW BASE SALARY FIGURES,  
5 MINIMUM INSTRUCTIONAL SALARY FIGURES AND LEADERSHIP PREMIUM FIGURES;  
6 AMENDING SECTION 33-1004F, IDAHO CODE, TO REVISE PROVISIONS RELATING  
7 TO OBLIGATIONS TO RETIREMENT AND SOCIAL SECURITY BENEFITS; AND AMEND-  
8 ING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION  
9 33-1004J, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO LEADERSHIP  
10 PREMIUMS FOR INSTRUCTIONAL STAFF EMPLOYEES, TO PROVIDE THAT LEADERSHIP  
11 PREMIUMS MAY BE MADE FOR CERTAIN REASONS, TO PROVIDE FOR MULTIPLE PREMI-  
12 UMS, TO PROVIDE FOR REPORTS, TO DEFINE TERMS AND TO PROVIDE FOR RULES.  
13

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

15 SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature to  
16 support and implement the recommendation of the 2013 Task Force for Improv-  
17 ing Education regarding leadership awards and the career ladder compensa-  
18 tion model (Task Force Summary Recommendation 12 and Fiscal Stability/Ef-  
19 fective Teachers and Leaders Subcommittee Recommendation 1.2).

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

22 33-1002. EDUCATIONAL SUPPORT PROGRAM. The educational support pro-  
23 gram is calculated as follows:

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

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

29 (a) Pupil tuition-equivalency allowances as provided in section  
30 33-1002B, Idaho Code;

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

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

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

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

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

3 (g) Salary-based apportionment calculated as provided in sections  
4 33-1004 through 33-1004F, Idaho Code;

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

7 (i) For expenditure as provided by the public school technology pro-  
8 gram;

9 (j) For employee severance payments as provided in section 33-521,  
10 Idaho Code;

11 (k) For distributions to the Idaho digital learning academy as provided  
12 in section 33-1020, Idaho Code;

13 (l) For charter school facilities funds and reimbursements paid pur-  
14 suant to section 33-5208(5), Idaho Code;

15 (~~l~~m) For an online course portal as provided for in section 33-1024,  
16 Idaho Code;

17 (~~m~~n) For advanced opportunities as provided for in section 33-1626,  
18 Idaho Code;

19 (~~o~~) For the "8 in 6 Program" as provided for in section 33-1628, Idaho  
20 Code;

21 (~~p~~) For additional math and science courses for high school students  
22 as provided in section 33-1021, Idaho Code;

23 (q) For leadership premiums as provided in section 33-1004J, Idaho  
24 Code;

25 (~~r~~) For the support of provisions that provide a safe environment  
26 conducive to student learning and maintain classroom discipline, an al-  
27 location of \$300 per support unit; and

28 (~~s~~) Any additional amounts as required by statute to effect adminis-  
29 trative adjustments or as specifically required by the provisions of  
30 any bill of appropriation;

31 to secure the total educational support distribution funds.

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

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

1 COMPUTATION OF KINDERGARTEN SUPPORT UNITS

|    |                    |                    |                       |
|----|--------------------|--------------------|-----------------------|
| 2  | Average Daily      |                    |                       |
| 3  | Attendance         | Attendance Divisor | Units Allowed         |
| 4  | 41 or more....     | 40.....            | 1 or more as computed |
| 5  | 31 - 40.99 ADA.... | -.....             | 1                     |
| 6  | 26 - 30.99 ADA.... | -.....             | .85                   |
| 7  | 21 - 25.99 ADA.... | -.....             | .75                   |
| 8  | 16 - 20.99 ADA.... | -.....             | .6                    |
| 9  | 8 - 15.99 ADA....  | -.....             | .5                    |
| 10 | 1 - 7.99 ADA....   | -.....             | count as elementary   |

11 COMPUTATION OF ELEMENTARY SUPPORT UNITS

|    |                       |                                   |               |
|----|-----------------------|-----------------------------------|---------------|
| 12 | Average Daily         |                                   | Minimum Units |
| 13 | Attendance            | Attendance Divisor                | Allowed       |
| 14 | 300 or more ADA.....  | .....                             | .. 15         |
| 15 |                       | ..23...grades 4, 5 & 6....        |               |
| 16 |                       | ..22...grades 1, 2 & 3....1994-95 |               |
| 17 |                       | ..21...grades 1, 2 & 3....1995-96 |               |
| 18 |                       | ..20...grades 1, 2 & 3....1996-97 |               |
| 19 |                       | and each year thereafter.         |               |
| 20 | 160 to 299.99 ADA...  | 20.....                           | 8.4           |
| 21 | 110 to 159.99 ADA...  | 19.....                           | 6.8           |
| 22 | 71.1 to 109.99 ADA... | 16.....                           | 4.7           |
| 23 | 51.7 to 71.0 ADA...   | 15.....                           | 4.0           |
| 24 | 33.6 to 51.6 ADA...   | 13.....                           | 2.8           |
| 25 | 16.6 to 33.5 ADA...   | 12.....                           | 1.4           |
| 26 | 1.0 to 16.5 ADA...    | n/a.....                          | 1.0           |

27 COMPUTATION OF SECONDARY SUPPORT UNITS

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

|   |             |       |              |
|---|-------------|-------|--------------|
| 1 | Grades 7- 9 | ..... | 1 per 14 ADA |
| 2 | Grades 7- 8 | ..... | 1 per 16 ADA |

3                    COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

|    |                |                    |               |
|----|----------------|--------------------|---------------|
| 4  | Average Daily  |                    | Minimum Units |
| 5  | Attendance     | Attendance Divisor | Allowed       |
| 6  | 14 or more.... | 14.5.....          | 1 or more as  |
| 7  |                |                    | computed      |
| 8  | 12 - 13.99.... | - .....            | 1             |
| 9  | 8 - 11.99....  | - .....            | .75           |
| 10 | 4 - 7.99....   | - .....            | .5            |
| 11 | 1 - 3.99....   | - .....            | .25           |

12                    COMPUTATION OF ALTERNATIVE SCHOOL SECONDARY SUPPORT UNITS

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

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.  
20 In applying the kindergarten table to a kindergarten program of less days  
21 than a full school year, the support unit allowance shall be in ratio to  
22 the number of days of a full school year. The tables for exceptional edu-  
23 cation and alternative school secondary support units shall be applicable  
24 only for programs approved by the state department of education following  
25 rules established by the state board of education. Moneys generated from  
26 computation of support units for alternative schools shall be utilized for  
27 alternative school programs. School district administrative and facility  
28 costs may be included as part of the alternative school expenditures.

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

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

36            (a) (i) Divide the actual average daily attendance, excluding stu-  
37 dents approved for inclusion in the exceptional child educational  
38 program, for the administrative schools and each of the separate  
39 schools and attendance units by the appropriate divisor from the  
40 tables of support units in this section, then add the quotients  
41 to obtain the district's support units allowance for regular stu-  
42 dents, kindergarten through grade 12 including alternative school

1 secondary students. Calculations in application of this subsection  
2 shall be carried out to the nearest hundredth.

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

12 (iii) The total number of support units of the district shall be  
13 the sum of the total support units for regular students, subsec-  
14 tion (6) (a) (i) of this section, and the support units allowance  
15 for the approved exceptional child program, subsection (6) (a) (ii)  
16 of this section.

17 (b) Total District Allowance Educational Program. Multiply the dis-  
18 trict's total number of support units, carried out to the nearest hun-  
19 dredth, by the state distribution factor per support unit and to this  
20 product add the approved amount of programs of the district provided in  
21 subsection (2) of this section to secure the district's total allowance  
22 for the educational support program.

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

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

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

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

43 33-1004C. BASE AND MINIMUM SALARY SALARIES -- LEADERSHIP PREMIUMS --  
44 EDUCATION AND EXPERIENCE INDEX. The base salary following shall be reviewed  
45 annually by the legislature-;

46 (a) The base salary figures pursuant to subsections 1., 2. and 3. of  
47 section 33-1004E, Idaho Code;

48 (b) The minimum instructional salary figure pursuant to subsection 1.  
49 of section 33-1004E, Idaho Code; and

1        (c) The leadership premium figures pursuant to subsections (1) and (2)  
 2        of section 33-1004J, Idaho Code.

3        (2) The statewide education and experience index (or state average in-  
 4        dex, or state index) is the average of all qualifying employees, instruc-  
 5        tional and administrative respectively. It is determined by totaling the  
 6        index value for all qualifying employees and dividing by the number of em-  
 7        ployees.

8        SECTION 4. That Section 33-1004F, Idaho Code, be, and the same is hereby  
 9        amended to read as follows:

10        33-1004F. OBLIGATIONS TO RETIREMENT AND SOCIAL SECURITY BENEFITS. ~~1-~~  
 11        Based upon the actual salary-based apportionment, as determined in section  
 12        33-1004E, Idaho Code, and the leadership premiums distributed pursuant to  
 13        section 33-1004J, Idaho Code, there shall be allocated that amount required  
 14        to meet the employer's obligations to the public employee retirement system  
 15        and to social security.

16        ~~2. If a district's qualifying salaries total more than the district's~~  
 17        ~~salary-based apportionment, there shall be allocated an additional amount~~  
 18        ~~to meet the employer's obligation to the public employee retirement system~~  
 19        ~~and to social security equal to two-thirds (2/3) of the additional obliga-~~  
 20        ~~tion for the school year 1994-95. If a district's qualifying salaries total~~  
 21        ~~more than the district's salary-based apportionment, there shall be allo-~~  
 22        ~~cated an additional amount to meet the employer's obligation to the public~~  
 23        ~~employee retirement system and to social security equal to one-third (1/3)~~  
 24        ~~of the additional obligation for the school year 1995-96. Thereafter, the~~  
 25        ~~benefit allocation shall be based solely upon the provisions of subsection~~  
 26        ~~1. of this section.~~

27        SECTION 5. That Chapter 10, Title 33, Idaho Code, be, and the same is  
 28        hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
 29        ignated as Section 33-1004J, Idaho Code, and to read as follows:

30        33-1004J. LEADERSHIP PREMIUMS. (1) Of the moneys available to the  
 31        educational support program, eight hundred fifty dollars (\$850) shall be  
 32        distributed per full-time equivalent instructional staff position employed  
 33        by each school district. Such moneys shall be paid to instructional staff  
 34        employees for leadership activities as provided in paragraphs (a) through  
 35        (h) of this subsection. Such premiums shall be valid only for the fiscal year  
 36        for which the premiums are made and shall be made for one (1) or more of the  
 37        following reasons as identified as leadership priorities by the board of  
 38        trustees:

- 39        (a) Providing instruction in a subject in which the employee holds a  
 40        content area master's degree;  
 41        (b) Teaching a course in which students earn both high school and col-  
 42        lege credit;  
 43        (c) Teaching a course to middle school students in which the students  
 44        earn both middle school and high school credit;  
 45        (d) Holding and providing service in multiple nonadministrative cer-  
 46        tificate or subject endorsement areas;

1 (e) Serving in an instructional position designated as hard to fill by  
2 the board of trustees;

3 (f) Providing mentoring, peer assistance or professional development  
4 pursuant to section 33-512(17), Idaho Code;

5 (g) Having received professional development in career and academic  
6 counseling, and then providing career or academic counseling for stu-  
7 dents, with such services incorporated within or provided in addition  
8 to the teacher's regular classroom instructional duties;

9 (h) Other leadership duties designated by the board of trustees, exclu-  
10 sive of duties related to student activities or athletics. Such duties  
11 shall require that the employee work additional time as a condition of  
12 the receipt of a leadership premium.

13 (2) Local school district boards of trustees may provide leadership  
14 premiums to instructional staff employees consistent with the provisions  
15 of this section. The decision as to whom and how many receive leadership  
16 premiums, and in what amounts, shall not be subject to collective bar-  
17 gaining, any other provision of law notwithstanding. A board may provide  
18 multiple leadership premiums to an instructional staff employee. However,  
19 no such employee shall receive cumulative leadership premiums in excess of  
20 twenty-five percent (25%) of the base salary amount designated in section  
21 33-1004E, Idaho Code, nor less than eight hundred fifty dollars (\$850).

22 (3) The state department of education may require reports of informa-  
23 tion as needed to implement the provisions of this section. Also, the de-  
24 partment shall report, on or before January 15, 2016, and on or before Jan-  
25 uary 15 of each subsequent year, to the governor, the senate education com-  
26 mittee and the house of representatives education committee relevant infor-  
27 mation regarding leadership premiums, including the following:

28 (a) The number of leadership premiums issued, by district;

29 (b) The average dollar amount of leadership premiums issued, by dis-  
30 trict;

31 (c) The highest and lowest leadership premium issued, by district; and

32 (d) The percent of instructional staff positions receiving leadership  
33 premiums and the cumulative amount of such premiums, by district.

34 (4) For the purposes of this section, the term "school district" also  
35 means "public charter school," and the term "board of trustees" also means  
36 "board of directors."

37 (5) The state board of education is hereby authorized to promulgate  
38 rules to implement the provisions of this section.