

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 278

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO SCHOOL COUNSELORS; AMENDING SECTION 33-1002, IDAHO CODE, TO PRO-
2 VIDE AN AMOUNT NEEDED FOR SCHOOL COUNSELING SUPPORT AND TO MAKE TECHNICAL
3 CORRECTIONS; AMENDING SECTION 33-1212, IDAHO CODE, TO REVISE PRO-
4 VISIONS AND TO ESTABLISH ADDITIONAL PROVISIONS RELATING TO SCHOOL COUN-
5 SELORS; AND AMENDING CHAPTER 12, TITLE 33, IDAHO CODE, BY THE ADDITION
6 OF A NEW SECTION 33-1212A, IDAHO CODE, TO PROVIDE FOR ACADEMIC AND COL-
7 LEGE OR CAREER ADVISORS AND STUDENT MENTORS, TO GRANT SCHOOL DISTRICTS
8 AND CHARTER SCHOOLS THE AUTHORITY TO EMPLOY CERTAIN STAFF, TO REQUIRE
9 SCHOOL DISTRICTS TO PROVIDE PROFESSIONAL DEVELOPMENT FOR CERTAIN STAFF
10 AND TO PROVIDE NOTICE AND REPORTING REQUIREMENTS.
11

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

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

15 33-1002. EDUCATIONAL SUPPORT PROGRAM. The educational support pro-
16 gram is calculated as follows:

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

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

22 (a) Pupil tuition-equivalency allowances as provided in section
23 33-1002B, Idaho Code;

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

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

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

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

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

36 (g) Salary-based apportionment calculated as provided in sections
37 33-1004 through 33-1004F, Idaho Code;

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

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

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

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

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

7 (m) For an online course portal as provided for in section 33-1024,
8 Idaho Code;

9 (n) For advanced opportunities as provided for in section 33-1626,
10 Idaho Code;

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

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

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

17 (r) For the support of provisions that provide a safe environment con-
18 ductive to student learning and maintain classroom discipline, an allo-
19 cation of three hundred dollars (\$300) per support unit; and

20 (s) An amount specified in the appropriation bill for the public
21 schools educational support program for counseling support as provided
22 for in section 33-1212A, Idaho Code, shall be distributed, in full or
23 pro rata, based on one hundred twenty dollars (\$120) per first report-
24 ing period support unit for grades 8 through 12 or ten thousand dollars
25 (\$10,000), whichever is greater; and

26 (t) Any additional amounts as required by statute to effect administra-
27 tive adjustments or as specifically required by the provisions of any
28 bill of appropriation;

29 to secure the total educational support distribution funds.

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

38 (4) Support Units. The total state support units shall be determined
39 by using the tables set out hereafter called computation of kindergarten
40 support units, computation of elementary support units, computation of sec-
41 ondary support units, computation of exceptional education support units,
42 and computation of alternative school secondary support units. The sum of
43 all of the total support units of all school districts of the state shall be
44 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. In
20 applying the kindergarten table to a kindergarten program of less days than
21 a full school year, the support unit allowance shall be in ratio to the num-
22 ber of days of a full school year. The attendance of students attending an
23 alternative secondary school in a school district reporting less than one
24 hundred (100) secondary students in average daily attendance shall not be
25 assigned to the alternative secondary table if the student is from a school
26 district reporting less than one hundred (100) secondary students in average
27 daily attendance, but shall instead be assigned to the secondary table of
28 the school district in which they are attending the alternative secondary
29 school, unless the alternative secondary school in question serves students
30 from multiple districts reporting less than one hundred (100) secondary
31 students in average daily attendance. The tables for exceptional educa-
32 tion and alternative school secondary support units shall be applicable
33 only for programs approved by the state department of education following
34 rules established by the state board of education. Moneys generated from
35 computation of support units for alternative schools shall be utilized for
36 alternative school programs. School district administrative and facility
37 costs may be included as part of the alternative school expenditures.

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

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

3 (a) (i) Divide the actual average daily attendance, excluding stu-
4 dents approved for inclusion in the exceptional child educational
5 program, for the administrative schools and each of the separate
6 schools and attendance units by the appropriate divisor from the
7 tables of support units in this section, then add the quotients
8 to obtain the district's support units allowance for regular stu-
9 dents, kindergarten through grade 12 including alternative school
10 secondary students. Calculations in application of this subsec-
11 tion shall be carried out to the nearest hundredth.

12 (ii) Divide the combined totals of the average daily attendance
13 of all preschool, kindergarten, elementary, secondary, juvenile
14 detention center students and students with disabilities approved
15 for inclusion in the exceptional child program of the district by
16 the appropriate divisor from the table for computation of excep-
17 tional education support units to obtain the number of support
18 units allowed for the district's approved exceptional child pro-
19 gram. Calculations for this subsection shall be carried out to the
20 nearest hundredth when more than one (1) unit is allowed.

21 (iii) The total number of support units of the district shall
22 be the sum of the total support units for regular students,
23 ~~subsection (6) (a) subparagraph (i) of this section paragraph,~~ and
24 the support units allowance for the approved exceptional child
25 program, ~~subsection (6) (a) subparagraph (ii) of this section~~
26 ~~paragraph.~~

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

33 (c) District Share. The district's share of state apportionment is the
34 amount of the total district allowance, ~~subsection (6) paragraph (b) of~~
35 ~~this subsection.~~

36 (d) Adjustment of District Share. The contract salary of every non-
37 certificated teacher shall be subtracted from the district's share as
38 calculated from the provisions of ~~subsection (6) paragraph (c) of this~~
39 ~~subsection.~~

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

1 by the actual or adjusted market value for assessment purposes as such values
2 existed on December 31 of the prior calendar year.

3 SECTION 2. That Section 33-1212, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 33-1212. ~~ELEMENTARY~~ SCHOOL COUNSELORS. (1) In recognition of the di-
6 verse and complicated demands upon students, their families and the public
7 school system, the legislature finds that ~~the~~ counseling offered at ~~the el-~~
8 ~~ementary Idaho public schools level~~ should be flexible and responsive. For
9 purposes of ~~elementary~~ counselor services, a counselor shall be defined as
10 an individual who meets the requirements of an approved program of gradu-
11 ate study in school guidance and counseling from a college or university ap-
12 proved by the Idaho state board of education and who meets the requirements
13 of rules adopted by the board, or an individual licensed as provided by chap-
14 ter 32, title 54, Idaho Code, as a certified social worker and who meets the
15 requirements of the state board of education.

16 (2) School counselors spend most of their time in direct service to and
17 contact with students. School counselors' duties are focused on the overall
18 delivery of guidance, individual student planning and responsive services.
19 A small amount of their time is devoted to indirect services called system
20 support. The following activities are appropriate for school counselors:

- 21 (a) Individual student academic program planning;
- 22 (b) Interpreting cognitive, aptitude and achievement tests;
- 23 (c) Providing counseling to students who are tardy or absent or who have
24 disciplinary problems;
- 25 (d) Collaborating with teachers to present school counseling curricu-
26 lum lessons;
- 27 (e) Analyzing grade-point averages in relationship to achievement;
- 28 (f) Interpreting student records;
- 29 (g) Providing teachers with suggestions for effective classroom man-
30 agement;
- 31 (h) Ensuring student records are maintained and safeguarded as per
32 state and federal regulations;
- 33 (i) Helping the school administrator identify and resolve student is-
34 ssues, needs and problems;
- 35 (j) Providing individual and small group counseling services to stu-
36 dents; and
- 37 (k) Advocating for students at individual education plan meetings,
38 student study teams and school attendance review boards.

39 (3) The list of appropriate activities in subsection (2) of this sec-
40 tion is not an exhaustive or an exclusive list. The list illustrates the fun-
41 damental principle that school counselors must be utilized to bring their
42 unique skill sets to the task of counseling students.

43 (4) The following activities are not appropriate for school coun-
44 selors:

- 45 (a) Serving as data entry clerks;
- 46 (b) Coordinating paperwork and data entry of all new students;
- 47 (c) Coordinating testing programs;
- 48 (d) Signing excuses for students who are tardy or absent;

- 1 (e) Performing disciplinary actions or assigning discipline conse-
 2 quences;
 3 (f) Teaching classes when teachers are absent;
 4 (g) Computing grade-point averages;
 5 (h) Maintaining student records, other than those directly related to
 6 their counseling duties;
 7 (i) Supervising classrooms or common areas;
 8 (j) Recording and maintaining clerical records; and
 9 (k) Assisting with duties in the administrator's office.
 10 (5) The state board of education shall adopt rules to implement the pro-
 11 visions of this section, and shall specifically provide that certified so-
 12 cial workers meet the requirement for ~~elementary~~ school counselors. A local
 13 school district may request a waiver from the state board of education of the
 14 counselor/counseling requirements, provided that data is submitted to and
 15 annually approved by the state department of education to substantiate that
 16 the intent of the board's rules in these areas is being met by an alternative
 17 program model.

18 SECTION 3. That Chapter 12, Title 33, Idaho Code, be, and the same is
 19 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 20 ignated as Section 33-1212A, Idaho Code, and to read as follows:

21 33-1212A. ACADEMIC AND COLLEGE OR CAREER ADVISORS AND STUDENT MEN-
 22 TORS. (1) Academic and college or career advising and student mentoring is an
 23 essential component of students' educational experience. Such advising and
 24 mentoring provide all students with an early opportunity to identify aca-
 25 demic strengths, areas in need of improvement and areas of interest for the
 26 purpose of making informed choices and setting postsecondary education and
 27 career goals. The focus of academic and career planning is to help students
 28 acquire the knowledge and skills necessary to achieve academic success and
 29 to be college and career ready upon high school graduation.

30 (2) School districts and charter schools may employ noncertificated
 31 staff to serve in the role of academic and college or career advisors and
 32 student mentors. Appropriate alternative forms of advising and mentoring
 33 shall be research-based and may include the following:

- 34 (a) High contact programs such as:
 35 (i) Near peer or college student mentors; and
 36 (ii) Counselor, teacher or paraprofessional as advisor or mentor;
 37 (b) Collaborative programs such as:
 38 (i) Student ambassadors; and
 39 (ii) Cooperative agreements with other school districts or post-
 40 secondary institutions; and
 41 (c) Virtual coach or mentor programs.

42 (3) School districts shall provide professional development in the
 43 area of college and career advising to certificated counselors and instruc-
 44 tional staff as well as nonclassified staff serving in the role of student
 45 mentors or advisors. All individuals providing services in the role of an
 46 academic and college or career advisor must have a basic level of training or
 47 experience in the area of advising or mentoring to provide such services.

1 (4) School districts shall notify parents or guardians of all students
2 in grades 8 through 12 of the availability of college or career advising pro-
3 vided by the district and how to access such services.

4 (5) School districts shall report annually on the effectiveness of
5 their academic and college or career advising programs in a form and time es-
6 tablished by the state board of education through the promulgation of rules.