

IN THE SENATE

SENATE BILL NO. 1196

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING THE HEADING FOR CHAPTER 10, TITLE 33, IDAHO  
2 CODE; AMENDING SECTION 33-1001, IDAHO CODE, TO REMOVE DEFINITIONS, TO  
3 REVISE DEFINITIONS, AND TO DEFINE TERMS; REPEALING SECTION 33-1002,  
4 IDAHO CODE, RELATING TO THE EDUCATIONAL SUPPORT PROGRAM; AMENDING CHAP-  
5 TER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1002,  
6 IDAHO CODE, TO PROVIDE FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PRO-  
7 GRAM AND STUDENT-BASED FOUNDATION FUNDING; AMENDING CHAPTER 10, TITLE  
8 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1002A, IDAHO CODE,  
9 TO PROVIDE A TRANSITION TO STUDENT-BASED FUNDING, TO ESTABLISH A HOLD  
10 HARMLESS PROVISION AND PROVISIONS REGARDING ANNUAL FUND INCREASES, AND  
11 TO PROVIDE A LIMITATION; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY  
12 THE ADDITION OF A NEW SECTION 33-1002B, IDAHO CODE, TO PROVIDE FOR SPE-  
13 CIAL PROGRAMS SUPPORT; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE  
14 ADDITION OF A NEW SECTION 33-1002C, IDAHO CODE, TO PROVIDE FOR WEIGHTS  
15 AND RULEMAKING; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDI-  
16 TION OF A NEW SECTION 33-1002D, IDAHO CODE, TO ESTABLISH PROVISIONS FOR  
17 STUDENT ENROLLMENT COUNTS AND RULEMAKING; REPEALING SECTION 33-1003,  
18 IDAHO CODE, RELATING TO SPECIAL APPLICATION OF THE EDUCATIONAL SUPPORT  
19 PROGRAM; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION  
20 OF A NEW SECTION 33-1003, IDAHO CODE, TO PROVIDE FOR PAYMENTS TO LOCAL  
21 EDUCATION AGENCIES; REPEALING SECTION 33-1003A, IDAHO CODE, RELAT-  
22 ING TO THE CALCULATION OF AVERAGE DAILY ATTENDANCE; REPEALING SECTION  
23 33-1003C, IDAHO CODE, RELATING TO SPECIAL APPLICATION OF TECHNOLOGY  
24 INSTRUCTION; REPEALING SECTION 33-1004, IDAHO CODE, RELATING TO STAFF  
25 ALLOWANCE; REPEALING SECTION 33-1004A, IDAHO CODE, RELATING TO THE EX-  
26 PERIENCE AND EDUCATION MULTIPLIER; AMENDING SECTION 33-1004B, IDAHO  
27 CODE, AS AMENDED BY SECTION 5, CHAPTER 169, LAWS OF 2018, TO REDESIG-  
28 NATE THE SECTION, TO AMEND PROVISIONS REGARDING THE CAREER LADDER, AND  
29 TO ESTABLISH PROVISIONS REGARDING LOCAL SALARY SCHEDULES; REPEALING  
30 SECTION 33-1004C, IDAHO CODE, RELATING TO BASE AND MINIMUM SALARIES,  
31 LEADERSHIP PREMIUMS, AND THE EDUCATION AND EXPERIENCE INDEX; AMENDING  
32 SECTION 33-1004E, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REMOVE  
33 PROVISIONS REGARDING SALARY-BASED APPORTIONMENT; AMENDING SECTION  
34 33-1004F, IDAHO CODE, AS AMENDED BY SECTION 2, CHAPTER 92, LAWS OF 2017,  
35 TO REDESIGNATE THE SECTION, TO REVISE PROVISIONS REGARDING OBLIGATIONS  
36 TO RETIREMENT AND SOCIAL SECURITY BENEFITS, AND TO PROVIDE CORRECT  
37 CODE REFERENCES; AMENDING SECTION 33-1004I, IDAHO CODE, AS AMENDED  
38 BY SECTION 1, CHAPTER 92, LAWS OF 2017, TO REDESIGNATE THE SECTION,  
39 TO REVISE TERMINOLOGY, AND TO REMOVE A DEFINITION; AMENDING SECTION  
40 33-1004J, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE TERMINOL-  
41 OGY, TO PROVIDE A CORRECT CODE REFERENCE, TO REMOVE A DEFINITION, AND  
42 TO REQUIRE THAT CERTAIN PROVISIONS ARE REVIEWED BY THE LEGISLATURE;  
43 AMENDING SECTION 33-1002B, IDAHO CODE, TO REDESIGNATE THE SECTION,  
44 TO REMOVE REFERENCES TO SUPPORT UNIT AND AVERAGE DAILY ATTENDANCE, TO  
45

1 PROVIDE REFERENCES TO THE FOUNDATION AND STUDENT ENROLLMENT COUNTS,  
2 AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-1002C, IDAHO  
3 CODE, TO REDESIGNATE THE SECTION, TO PROVIDE FOR NIGHT SCHOOL PROGRAMS,  
4 AND TO REVISE PROVISIONS REGARDING SUMMER SCHOOL PROGRAMS AND JUVENILE  
5 DETENTION FACILITIES; AMENDING SECTION 33-1002F, IDAHO CODE, TO REDES-  
6 IGNATE THE SECTION AND TO REVISE PROVISIONS REGARDING AN ALTERNATIVE  
7 SCHOOL REPORT; AMENDING SECTION 33-1002E, IDAHO CODE, TO REDESIGNATE  
8 THE SECTION; AMENDING SECTION 33-1002G, IDAHO CODE, TO REDESIGNATE THE  
9 SECTION AND TO REMOVE A CAREER TECHNICAL SCHOOL REQUIREMENT REGARDING  
10 SECONDARY SUPPORT UNITS; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY  
11 THE ADDITION OF A NEW SECTION 33-1005E, IDAHO CODE, TO PROVIDE FOR THE  
12 PUBLIC SCHOOL CLASSROOM TECHNOLOGY PROGRAM; REPEALING SECTION 33-1009,  
13 IDAHO CODE, RELATING TO PAYMENTS FROM THE PUBLIC SCHOOL INCOME FUND;  
14 AMENDING SECTION 33-1007A, IDAHO CODE, TO REDESIGNATE THE SECTION, TO  
15 REVISE TERMINOLOGY, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SEC-  
16 TION 33-1010, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO  
17 MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-1005, IDAHO CODE, TO  
18 REDESIGNATE THE SECTION, TO REVISE TERMINOLOGY, TO REMOVE A REFERENCE  
19 TO AVERAGE DAILY ATTENDANCE, AND TO PROVIDE FOR STUDENT ENROLLMENT  
20 COUNTS; REPEALING SECTION 33-1017, IDAHO CODE, RELATING TO THE SCHOOL  
21 SAFETY AND HEALTH REVOLVING LOAN AND GRANT FUND; AMENDING SECTION  
22 33-1018, IDAHO CODE, TO REMOVE REFERENCES TO DISCRETIONARY FUNDING AND  
23 TO PROVIDE FOR PUBLIC SCHOOL STUDENT-BASED FOUNDATION FUNDING VARI-  
24 ABILITY; AMENDING SECTION 33-1020, IDAHO CODE, TO REVISE PROVISIONS  
25 REGARDING A BASE AMOUNT AND A VARIABLE AMOUNT OF IDAHO DIGITAL LEARNING  
26 ACADEMY FUNDING TO BE DISTRIBUTED; REPEALING SECTION 33-1021, IDAHO  
27 CODE, RELATING TO MATH AND SCIENCE REQUIREMENTS; AMENDING SECTION  
28 33-1024, IDAHO CODE, TO REVISE PROVISIONS REGARDING MONEYS FOR CERTAIN  
29 ONLINE PORTALS; AMENDING SECTION 33-309, IDAHO CODE, TO REMOVE A REFER-  
30 ENCE TO AVERAGE DAILY ATTENDANCE AND TO PROVIDE FOR STUDENT ENROLLMENT  
31 COUNT; AMENDING SECTION 33-317, IDAHO CODE, TO PROVIDE A CORRECT CODE  
32 REFERENCE; AMENDING SECTION 33-507, IDAHO CODE, TO REMOVE OBSOLETE  
33 LANGUAGE; AMENDING SECTION 33-515, IDAHO CODE, TO REVISE PROVISIONS  
34 REGARDING RENEWABLE CONTRACTS; AMENDING SECTION 33-522, IDAHO CODE, TO  
35 REVISE PROVISIONS REGARDING A FINANCIAL EMERGENCY; AMENDING SECTION  
36 33-701, IDAHO CODE, TO REVISE A DATE AND TO PROVIDE CORRECT CODE REF-  
37 ERENCES; AMENDING SECTION 33-801A, IDAHO CODE, TO REMOVE A PROVISION  
38 REGARDING SUPPORT UNITS AND TO MAKE A TECHNICAL CORRECTION; AMENDING  
39 SECTION 33-804, IDAHO CODE, TO REVISE QUALIFICATIONS FOR SUBMITTING A  
40 CERTAIN QUESTION TO ELECTORS OF A SCHOOL DISTRICT AND TO MAKE TECHNICAL  
41 CORRECTIONS; AMENDING SECTION 33-805, IDAHO CODE, TO REVISE PROVISIONS  
42 REGARDING THE SCHOOL EMERGENCY FUND LEVY AND TO MAKE TECHNICAL COR-  
43 RECTIONS; AMENDING SECTION 33-905, IDAHO CODE, TO REVISE PROVISIONS  
44 REGARDING THE SCHOOL DISTRICT BUILDING ACCOUNT AND TO PROVIDE A COR-  
45 RECT CODE REFERENCE; AMENDING SECTION 33-906, IDAHO CODE, TO REMOVE  
46 CODE REFERENCES; AMENDING SECTION 33-906B, IDAHO CODE, TO REVISE PRO-  
47 VISIONS REGARDING THE VALUE INDEX CALCULATION AND TO MAKE TECHNICAL  
48 CORRECTIONS; AMENDING SECTION 33-1405, IDAHO CODE, TO REVISE PROVI-  
49 SIONS REGARDING RATES OF TUITION, TO PROVIDE CORRECT TERMINOLOGY, AND  
50 TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-1406, IDAHO CODE,

1 TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS;  
 2 AMENDING SECTION 33-1613, IDAHO CODE, TO REMOVE PROVISIONS REGARDING  
 3 THE SCHOOL SAFETY AND HEALTH REVOLVING LOAN AND GRANT FUND; AMENDING  
 4 SECTION 33-1619, IDAHO CODE, TO REVISE PROVISIONS REGARDING VIRTUAL ED-  
 5 UCATION PROGRAMS AND TO PROVIDE CORRECT CODE REFERENCES; AMENDING SEC-  
 6 TION 33-1627, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE MONEYS AP-  
 7 PROPRIATED FOR THE MATH INITIATIVE PROGRAM; AMENDING SECTION 33-2001,  
 8 IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 33-2004, IDAHO  
 9 CODE, TO REMOVE REFERENCES TO DAILY ATTENDANCE, TO ESTABLISH PROVI-  
 10 SIONS REGARDING STUDENT ENROLLMENT, TO REVISE TERMINOLOGY, TO PROVIDE  
 11 A CORRECT CODE REFERENCE, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING  
 12 SECTION 33-4602, IDAHO CODE, TO REVISE PROVISIONS REGARDING DUAL CREDIT  
 13 COURSES AND TO REVISE TERMINOLOGY; AMENDING SECTION 33-5208, IDAHO  
 14 CODE, TO REVISE PROVISIONS REGARDING PUBLIC CHARTER SCHOOL FINANCIAL  
 15 SUPPORT; AMENDING SECTION 33-5210, IDAHO CODE, TO REVISE TERMINOLOGY  
 16 AND TO REMOVE OBSOLETE LANGUAGE; AMENDING SECTION 33-5214, IDAHO CODE,  
 17 TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 33-5215, IDAHO  
 18 CODE, TO REMOVE A REFERENCE TO SALARY-BASED APPORTIONMENT, TO REMOVE  
 19 REFERENCES TO ADA, AND TO ESTABLISH PROVISIONS FOR ENROLLMENT REPORTS;  
 20 AMENDING SECTION 33-5217, IDAHO CODE, TO PROVIDE A CORRECT CODE REFER-  
 21 ENCE; AMENDING SECTION 50-2908, IDAHO CODE, TO REMOVE A CODE REFERENCE;  
 22 AMENDING SECTION 57-1303, IDAHO CODE, TO REMOVE A REFERENCE TO AVERAGE  
 23 DAILY ATTENDANCE, TO ESTABLISH PROVISIONS FOR AN UNWEIGHTED STUDENT  
 24 ENROLLMENT COUNT, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION  
 25 59-1115, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE  
 26 TECHNICAL CORRECTIONS; AMENDING SECTION 63-315, IDAHO CODE, TO REMOVE A  
 27 CODE REFERENCE; AMENDING SECTION 63-805, IDAHO CODE, TO REMOVE REFER-  
 28 ENCES TO AVERAGE DAILY ATTENDANCE AND TO ESTABLISH PROVISIONS REGARDING  
 29 STUDENTS ENROLLED; DECLARING AN EMERGENCY; PROVIDING AN EFFECTIVE  
 30 DATE; AND PROVIDING A SUNSET DATE.

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

32 SECTION 1. That the Heading for Chapter 10, Title 33, Idaho Code, be,  
 33 and the same is hereby amended to read as follows:

34 CHAPTER 10  
 35 ~~FOUNDATION PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM -- STATE AID --~~  
 36 APPORTIONMENT STUDENT-BASED FOUNDATION FUNDING

37 SECTION 2. That Section 33-1001, Idaho Code, be, and the same is hereby  
 38 amended to read as follows:

39 33-1001. DEFINITIONS. ~~The following words and phrases~~ As used in this  
 40 chapter are defined as follows:

41 (1) ~~"Administrative schools" means and applies to all elementary~~  
 42 ~~schools and kindergartens within a district that are situated ten (10) miles~~  
 43 ~~or less from both the other elementary schools and the principal administra-~~  
 44 ~~tive office of the district and all secondary schools within a district that~~  
 45 ~~are situated fifteen (15) miles or less from other secondary schools of the~~  
 46 ~~district.~~

1       ~~(2) "Administrative staff" means those who hold an administrator cer-~~  
 2 ~~tificate and are employed as a superintendent, an elementary or secondary~~  
 3 ~~school principal, or are assigned administrative duties over and above those~~  
 4 ~~commonly assigned to teachers.~~

5       ~~(3) "Average daily attendance" or "pupils in average daily attendance"~~  
 6 ~~means the aggregate number of days enrolled students are present, divided by~~  
 7 ~~the number of days of school in the reporting period; provided, however, that~~  
 8 ~~students for whom no Idaho school district is a home district shall not be~~  
 9 ~~considered in such computation.~~

10       ~~(4) "Career ladder" means the compensation table specific performance~~  
 11 ~~criteria set forth in section 33-1004, Idaho Code, and the associated state~~  
 12 ~~career ladder schedule used by the state department of education for deter-~~  
 13 ~~mining the allocations districts receive for placement of instructional~~  
 14 ~~staff and pupil service staff based on specific performance criteria and is~~  
 15 ~~made up of a on the state career ladder schedule's residency compensation~~  
 16 ~~rung and a professional compensation rung.~~

17       (2) "Child with a disability" means a child evaluated as having an in-  
 18 tellectual disability, a hearing impairment including deafness, a speech or  
 19 language impairment, a visual impairment including blindness, an emotional  
 20 behavioral disorder, an orthopedic impairment, autism, a traumatic brain  
 21 injury, another health impairment, a specific learning disability, deaf-  
 22 blindness, or multiple disabilities, and who, by reason thereof, needs spe-  
 23 cial education and related services.

24       (53) "Compensation rung" means the rung on the state career ladder  
 25 schedule that corresponds with the compensation level performance criteria.

26       (4) "Economically disadvantaged" means a student who:

27       (a) Is eligible for a free or reduced-price lunch under the Richard B.  
 28 Russell national school lunch act (42 U.S.C. 1751 et seq.), excluding  
 29 students who are only eligible through a school's community eligibility  
 30 program;

31       (b) Resides with a family receiving assistance under the program of  
 32 block grants to states for temporary assistance for needy families  
 33 (TANF) established under part A of title IV of the social security act  
 34 (42 U.S.C. 601 et seq.);

35       (c) Is eligible to receive medical assistance under the medicaid pro-  
 36 gram under title XIX of the social security act (42 U.S.C. 1396 et seq.);

37       or

38       (d) Is considered homeless for purposes of the federal McKinney-Vento  
 39 homeless assistance act (42 U.S.C. 11301 et seq.).

40       For purposes of section 33-1002C, Idaho Code, a student identified as  
 41 economically disadvantaged may be weighted only once, even if the student  
 42 meets more than one (1) of the criteria provided in this subsection.

43       ~~(65) "Elementary grades" or "elementary average daily attendance"~~  
 44 ~~means and applies to students enrolled in grades 1 through 6 inclusive, or~~  
 45 ~~any combination thereof.~~

46       ~~(76) "Elementary schools" are schools that serve grades 1 through 6 in-~~  
 47 ~~clusive, or any combination thereof.~~

48       ~~(87) "Elementary/secondary schools" are schools that serve grades 1~~  
 49 ~~through 12 inclusive, or any combination thereof.~~

1       (98) "English language learner" or "ELL" means a student who does not  
2 score proficient on the English language development assessment established  
3 by rule of the state board of education.

4       (9) "Gifted and talented" shall have the same meaning as provided in  
5 section 33-2001(4), Idaho Code.

6       (10) "Homebound student" means any student who would normally and reg-  
7 ularly attend school, but is confined to home or hospital because of an ill-  
8 ness or accident for a period of ten (10) or more consecutive days.

9       (101) "Instructional staff" means those who hold an Idaho certificate  
10 issued under section 33-1201, Idaho Code, and who are either involved in the  
11 direct instruction of a student or group of students or who serve in a mentor  
12 or teacher leader position for individuals who hold an Idaho certificate is-  
13 ssued under section 33-1201, Idaho Code.

14       (112) "Kindergarten" or "kindergarten average daily attendance" means  
15 and applies to all students enrolled in a school year, less than a school  
16 year, or summer kindergarten program.

17       (13) "Local education agency" or "LEA" means:

18       (a) A public school district;

19       (b) A public charter school authorized by a chartering entity other  
20 than a school district board of trustees; or

21       (c) A public charter school authorized by a school district board  
22 of trustees, if designated as an LEA by the school district board of  
23 trustees with the concurrence of the public charter school's board of  
24 directors.

25       (14) "Local salary schedule" means a compensation table developed by  
26 each LEA that is not inconsistent with the provisions of section 33-1004,  
27 Idaho Code, and that is used by LEAs for determining amounts to be dis-  
28 tributed for instructional staff and pupil service staff salaries.

29       (125) "Measurable student achievement" means the measurement of stu-  
30 dent academic achievement or growth within a given interval of instruction  
31 for those students who have been enrolled in and attended eighty percent  
32 (80%) of the interval of instruction. Measures and targets shall be chosen  
33 at the district level or school level in collaboration with the staff member  
34 impacted by the measures and applicable district staff. Assessment tools  
35 that may be used for measuring student achievement and growth include:

36       (a) Idaho standards achievement test;

37       (b) Student learning objectives;

38       (c) Formative assessments;

39       (d) Teacher-constructed assessments of student growth;

40       (e) Pre- and post-tests;

41       (f) Performance-based assessments;

42       (g) Idaho reading indicator;

43       (h) College entrance exams or preliminary college entrance exams such  
44 as PSAT, SAT and ACT;

45       (i) District-adopted assessment;

46       (j) End-of-course exams;

47       (k) Advanced placement exams; and

48       (l) Career technical exams.

49       (136) "Performance criteria" means the standards specified for  
50 instructional staff and pupil service staff to demonstrate teaching pro-

1     ficiency for a given compensation rung. Each element of the performance  
 2     criteria, as identified in subsection (147) of this section, shall be re-  
 3     ported ~~for determining movement on the career ladder~~ as provided in section  
 4     33-1004, Idaho Code.

5     (147) "Professional compensation rung performance criteria" means:

6     (a) An overall rating of proficient, and no components rated as unsat-  
 7     isfactory on the state framework for teaching evaluation; and

8     (b) Demonstrating the majority of their students have met their measur-  
 9     able student achievement targets or student success indicator targets.

10    (158) "Public school district" or "school district" or "district" means  
 11    any public school district organized under the laws of this state, including  
 12    specially chartered school districts.

13    (169) "Pupil service staff" means those who provide services to stu-  
 14    dents but are not involved in direct instruction of those students, and hold  
 15    a pupil personnel services certificate.

16    (20) "Remote school" means:

17    (a) A school that is remote and isolated from the other schools of the  
 18    state because of geographical or topographical conditions and that is  
 19    approved as such by the state board of education;

20    (b) A kindergarten located more than ten (10) miles on an all-weather  
 21    road from both the nearest kindergarten school within the same school  
 22    district and from the location of the office of the superintendent of  
 23    schools of such district, or from the office of the chief administrative  
 24    officer of such district if the district employs no superintendent of  
 25    schools;

26    (c) An elementary school located more than ten (10) miles on an  
 27    all-weather road from both the nearest elementary school and ele-  
 28    mentary/secondary school serving like grades within the same school  
 29    district and from the location of the office of the superintendent of  
 30    schools of such district, or from the office of the chief administrative  
 31    officer of such district if the district employs no superintendent of  
 32    schools; or

33    (d) A secondary school located more than fifteen (15) miles on an all-  
 34    weather road from any other secondary school and elementary/secondary  
 35    school serving like grades operated by the district.

36    (1721) "~~Secondary grades~~" ~~or "secondary average daily attendance"~~  
 37    means and applies to students enrolled in grades 7 through 12 inclusive, or  
 38    any combination thereof.

39    (1822) "Secondary schools" are schools that serve grades 7 through 12  
 40    inclusive, or any combination thereof.

41    ~~(19) "Separate elementary school" means an elementary school located~~  
 42    ~~more than ten (10) miles on an all-weather road from both the nearest elemen-~~  
 43    ~~tary school and elementary/secondary school serving like grades within the~~  
 44    ~~same school district and from the location of the office of the superinten-~~  
 45    ~~dent of schools of such district, or from the office of the chief administra-~~  
 46    ~~tive officer of such district if the district employs no superintendent of~~  
 47    ~~schools.~~

48    ~~(20) "Separate kindergarten" means a kindergarten located more than ten~~  
 49    ~~(10) miles on an all-weather road from both the nearest kindergarten school~~  
 50    ~~within the same school district and from the location of the office of the su-~~

1 ~~perintendent of schools of such district, or from the office of the chief ad-~~  
 2 ~~ministrative officer of such district if the district employs no superinten-~~  
 3 ~~dent of schools.~~

4 ~~(21) "Separate secondary school" means any secondary school located~~  
 5 ~~more than fifteen (15) miles on an all-weather road from any other secondary~~  
 6 ~~school and elementary/secondary school serving like grades operated by the~~  
 7 ~~district.~~

8 (23) "Special education" means specially designed instruction or  
 9 speech/language therapy at no cost to the parent to meet the unique needs  
 10 of a student who is a child with a disability, including instruction in the  
 11 classroom, the home, hospitals, institutions, and other settings; instruc-  
 12 tion in physical education; speech therapy and language therapy; transition  
 13 services; travel training; assistive technology services; and vocational  
 14 education.

15 (224) "Student success indicators" means measurable indicators of stu-  
 16 dent achievement or growth, other than academic, within a predefined inter-  
 17 val of time for a specified group of students. Measures and targets shall be  
 18 chosen at the district or school level in collaboration with the pupil ser-  
 19 vice staff member impacted by the measures and applicable district staff.  
 20 Student success indicators include:

21 (a) Quantifiable goals stated in a student's 504 plan or individualized  
 22 education plan.

23 (b) Quantifiable goals stated in a student's behavior improvement  
 24 plan.

25 (c) School or district identified measurable student objectives for a  
 26 specified student group or population.

27 ~~(23) "Support program" means the educational support program as de-~~  
 28 ~~scribed in section 33-1002, Idaho Code, the transportation support program~~  
 29 ~~described in section 33-1006, Idaho Code, and the exceptional education~~  
 30 ~~support program as described in section 33-1007, Idaho Code.~~

31 ~~(24) "Support unit" means a function of average daily attendance used~~  
 32 ~~in the calculations to determine financial support provided to the public~~  
 33 ~~school districts.~~

34 (25) "Teacher" means any person employed in a teaching, instructional,  
 35 supervisory, educational administrative or educational and scientific ca-  
 36 pacity in any school district. In case of doubt, the state board of educa-  
 37 tion shall determine whether any person employed requires certification as a  
 38 teacher.

39 SECTION 3. That Section [33-1002](#), Idaho Code, be, and the same is hereby  
 40 repealed.

41 SECTION 4. That Chapter 10, Title 33, Idaho Code, be, and the same is  
 42 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
 43 ignated as Section 33-1002, Idaho Code, and to read as follows:

44 33-1002. PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM -- STUDENT-BASED  
 45 FOUNDATION FUNDING. The public schools educational support program and the  
 46 student-based foundation funding (the foundation) shall be calculated annu-  
 47 ally by the legislature as follows:

1 (1) Add the state appropriation, including the moneys available in the  
2 public school income fund, together with all appropriated miscellaneous  
3 revenues to determine the total state funds for the public schools educa-  
4 tional support program.

5 (2) From the total state funds for the public schools educational sup-  
6 port program, subtract the total amount needed for state support of special  
7 programs set forth in section 33-1002B, Idaho Code, to determine the total  
8 foundation moneys.

9 (3) Divide the total foundation moneys by the estimated total statewide  
10 weighted student enrollment count to determine the annual foundation amount  
11 per student.

12 SECTION 5. That Chapter 10, Title 33, Idaho Code, be, and the same is  
13 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
14 ignated as Section 33-1002A, Idaho Code, and to read as follows:

15 33-1002A. TRANSITION TO STUDENT-BASED FOUNDATION FUNDING -- HOLD  
16 HARMLESS -- ANNUAL FUNDING INCREASE -- LIMITATION. The legislature intends  
17 that LEAs are held financially harmless in totality of state funds during a  
18 three (3) year transition period to the new student-based foundation funding  
19 set forth in section 33-1002, Idaho Code.

20 (1) For the 2020-2021 school year, each LEA shall receive a funding  
21 increase of at least two percent (2%) of what it received in the 2019-2020  
22 school year.

23 (2) For the 2021-2022 school year, each LEA shall receive a funding  
24 increase of at least two percent (2%) of what it received in the 2020-2021  
25 school year.

26 (3) For the 2022-2023 school year, each LEA shall receive a funding  
27 increase of at least two percent (2%) of what it received in the 2021-2022  
28 school year.

29 (4) No LEA shall receive an annual funding increase of more than seven  
30 and one-half percent (7.5%) per enrolled student of what is calculated for  
31 the per student amount for the previous school year.

32 SECTION 6. That Chapter 10, Title 33, Idaho Code, be, and the same is  
33 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
34 ignated as Section 33-1002B, Idaho Code, and to read as follows:

35 33-1002B. SPECIAL PROGRAMS SUPPORT. Pursuant to section 33-1002(2),  
36 Idaho Code, the following amounts are needed for state support of special  
37 programs provided by LEAs:

38 (1) Transportation support program as provided in section 33-1006,  
39 Idaho Code;

40 (2) The approved costs for border district allowance as provided in  
41 section 33-1403, Idaho Code, as determined by the state superintendent of  
42 public instruction;

43 (3) The approved costs for exceptional child approved contract al-  
44 lowance provided in section 33-2004(1)(b), Idaho Code, as determined by the  
45 state superintendent of public instruction; and pupil tuition-equivalency  
46 allowances as provided in section 33-1005, Idaho Code;



1 (4) Bond levy equalization support program as provided in section  
2 33-906, Idaho Code;

3 (5) For the support of provisions that provide a safe environment con-  
4 ductive to student learning and maintain classroom discipline, an allocation  
5 of fifteen dollars (\$15.00) for each student enrolled in a school district or  
6 public charter school;

7 (6) Advanced opportunities as provided in chapter 46, title 33, Idaho  
8 Code;

9 (7) Instructional staff members certified by the national board for  
10 professional teaching standards as provided in section 33-1004A, Idaho  
11 Code; and additional education allocations pursuant to section 33-1004(3),  
12 Idaho Code;

13 (8) School district facilities funds as provided in sections 67-7434,  
14 33-905, and 33-1019, Idaho Code;

15 (9) Charter school facilities funds and reimbursements paid pursuant  
16 to section 33-5208(2), Idaho Code;

17 (10) Master educator premiums as provided in section 33-1004C, Idaho  
18 Code;

19 (11) Leadership premiums as provided in section 33-1004E, Idaho Code;

20 (12) Mastery-based education as provided for in section 33-1632, Idaho  
21 Code;

22 (13) Expenditures as provided by the public school classroom technology  
23 program as provided in section 33-1005E, Idaho Code;

24 (14) Continuous improvement plans and training as provided in section  
25 33-320, Idaho Code;

26 (15) Support for schools subject to special conditions, as determined  
27 by the legislature. Such schools may include, but are not limited to,  
28 schools with fewer than thirty (30) students; and

29 (16) Any additional amounts as required by statute to effect adminis-  
30 trative adjustments or as specifically required by the provisions of any  
31 bill of appropriation including, but not limited to:

32 (a) Feasibility studies allowance as provided in section 33-1009,  
33 Idaho Code;

34 (b) Unemployment insurance benefit payments as provided in section  
35 72-1349A, Idaho Code; and

36 (c) Employee severance payments as provided in section 33-521, Idaho  
37 Code.

38 SECTION 7. That Chapter 10, Title 33, Idaho Code, be, and the same is  
39 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
40 ignated as Section 33-1002C, Idaho Code, and to read as follows:

41 33-1002C. WEIGHTS -- RULEMAKING. (1) A weight shall be added to cer-  
42 tain students' unweighted FTE enrollment counts for the LEAs in which such  
43 students attend. The weight shall be determined for each fiscal year as fol-  
44 lows:

45 (a) For each student identified as economically disadvantaged:

46 (i) A weight of ten percent (10%) for fiscal year 2021; and

47 (ii) A weight of ten percent (10%) in each subsequent fiscal year.

48 Subject to appropriation, the weight may be increased, not to ex-  
49 ceed a total weight of twenty-five percent (25%).

- 1 (b) For each student identified as an English language learner:  
 2 (i) A weight of ten percent (10%) for fiscal year 2021; and  
 3 (ii) A weight of ten percent (10%) in each subsequent fiscal year.  
 4 Subject to appropriation, the weight may be increased, not to ex-  
 5 ceed a total weight of twenty-five percent (25%).
- 6 (c) For each student identified as gifted and talented, a weight of two  
 7 percent (2%).
- 8 (d) For each student who qualifies for special education:  
 9 (i) A weight of ten percent (10%) for fiscal year 2021; and  
 10 (ii) A weight of ten percent (10%) in each subsequent fiscal year.  
 11 Subject to appropriation, the weight may be increased, not to ex-  
 12 ceed a total weight of twenty-five percent (25%).
- 13 (2) A weight shall be added to the official unweighted student enroll-  
 14 ment counts for qualifying schools and districts as follows:
- 15 (a) Grade weight. For each student enrolled in grades K through 3, or  
 16 in grades 9 through 12, a weight of ten percent (10%) shall be added  
 17 to the student enrollment count for the LEA in which such student at-  
 18 tends. Subject to appropriation, the weight for each student enrolled  
 19 in grades K through 3 may be increased.
- 20 (b) Remote school weight. The weight to be multiplied by the unweighted  
 21 student enrollment count for qualifying remote schools to determine the  
 22 additional weighted student count shall be as follows:

23 UNWEIGHTED ENROLLMENT COUNT	WEIGHT
24 30 or less	2.05
25 Between 31 and 164	$1.2625 + (.7875 - (\text{enrollment} \times .00477))$
26 Between 165 and 329	$.7375 + (.7875 - (\text{enrollment} \times .00159))$

- 27 (c) Small LEA weight. The weight to be multiplied by the unweighted  
 28 student enrollment count for small LEAs to determine the additional  
 29 weighted student count shall be as follows:

30 UNWEIGHTED ENROLLMENT COUNT	WEIGHT
31 Kindergarten through Elementary 32 Grades:	
33 30 or less	2.05
34 Between 30.01 and 164	$1.2625 + (.7875 - (\text{enrollment} \times .00477))$
35 Between 164.01 and 329	$.7375 + (.7875 - (\text{enrollment} \times .00159))$
36 Secondary Grades:	
37 30 or less	2.05
38 Between 30.01 and 434	$1.2625 + (.7875 - (\text{enrollment} \times .00181))$
39 Between 434.01 and 869	$.7375 + (.7875 - (\text{enrollment} \times .0006))$

- 40 (d) School district economic weight. In each fiscal year, subject to  
 41 appropriation, an economic weight may be applied to a school district's  
 42 unweighted student enrollment count, according to a formula determined  
 43 by the legislature.

1 (3) An LEA shall distribute the additional weighted foundation moneys  
2 allocated to it for the students identified in subsection (1) of this section  
3 to the school or district programs in which such students are enrolled.

4 (4) If a student is identified for more than one (1) weight set forth in  
5 subsection (1) of this section, then such weights shall be cumulative.

6 (5) The state board of education shall promulgate rules implementing  
7 the provisions of this section, which shall include, but not be limited to,  
8 procedures for determining weighted counts and a process for reporting such  
9 weighted counts.

10 SECTION 8. 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 33-1002D, Idaho Code, and to read as follows:

13 33-1002D. STUDENT ENROLLMENT COUNTS AND RULEMAKING. The state board  
14 of education shall promulgate rules that set forth the procedures for deter-  
15 mining student enrollment counts and the process for reporting such counts.  
16 Such rules shall be consistent with the following:

17 (1) Full-time enrollment (FTE) shall be based on enrollment in any LEA;

18 (2) A student shall not exceed a total of one (1.0) unweighted FTE in a  
19 single school year, except as provided in subsection (4) of this section;

20 (3) A kindergarten student shall not exceed a total of one-half (0.5)  
21 unweighted enrollment in a single school year;

22 (4) A student attending a summer school or night school program shall  
23 not exceed a total of one-fourth (0.25) unweighted enrollment. Such student  
24 may be counted pursuant to both this subsection and subsection (2) of this  
25 section;

26 (5) A fractional enrollment count schedule shall be specified for any  
27 student enrolled less than one (1.0) FTE at a given LEA;

28 (6) FTE is based on the courses a student is enrolled in at the time of  
29 the official count, as specified in board rule, except that a student may be  
30 counted as enrolled if the term for which such student is enrolled begins af-  
31 ter the time of the official count;

32 (7) Each LEA shall conduct an official count of enrolled students in  
33 its LEA on the first day of October, the first day of December, the first day  
34 of February, and the first day of April, or the previous school day if those  
35 dates do not fall on a school day;

36 (8) An LEA may not count as enrolled any student who has unexcused  
37 absences totaling eleven (11) or more consecutive school days immediately  
38 prior to and including the official count date;

39 (9) Any elementary school having fewer than ten (10) enrolled students  
40 shall not be allowed to participate in the foundation for public schools un-  
41 less such school has been approved for operation by the state board of educa-  
42 tion; and

43 (10) Effective July 1, 2020, the following shall apply to qualifying  
44 public school districts:

45 (a) If a public school district reports an unweighted student enroll-  
46 ment count of less than thirty (30), then an unweighted student enroll-  
47 ment count of thirty (30) shall be used for the purpose of determining  
48 the foundation amount per student pursuant to section 33-1002, Idaho

1 Code, and for determining such school district's allocation amounts  
2 pursuant to section 33-1003, Idaho Code.

3 (b) If a public school district reports an unweighted student enroll-  
4 ment count in secondary grades of less than one hundred (100), then an  
5 unweighted student enrollment count of one hundred (100) shall be used  
6 as the secondary grades enrollment count for the purpose of determining  
7 the foundation amount per student pursuant to section 33-1002, Idaho  
8 Code, and for determining such school district's allocation amounts  
9 pursuant to section 33-1003, Idaho Code.

10 (c) A public school district may qualify under either paragraph (a) or  
11 (b) of this subsection, but not both. The provisions of this subsection  
12 do not apply to public charter schools.

13 SECTION 9. That Section [33-1003](#), Idaho Code, be, and the same is hereby  
14 repealed.

15 SECTION 10. That Chapter 10, Title 33, Idaho Code, be, and the same is  
16 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
17 ignated as Section 33-1003, Idaho Code, and to read as follows:

18 33-1003. PAYMENTS TO LOCAL EDUCATION AGENCIES. (1) (a) Payments of the  
19 moneys specified in the annual appropriation to the public schools educa-  
20 tional support program shall be made each year by the state department of ed-  
21 ucation to the LEAs in six (6) payments. Payments to the LEAs shall be made no  
22 later than the fifteenth day of August, October, December, February, April,  
23 and June of each fiscal year. The August payment by the state department of  
24 education shall be approximately thirty percent (30%) of the student-based  
25 foundation funding appropriation for the fiscal year, while the October and  
26 December payments shall be approximately twenty percent (20%) each, and the  
27 February and April payments shall be approximately fifteen percent (15%)  
28 each, except as provided in section 33-5209C, Idaho Code.

29 (b) Payments of moneys other than the state general account appropri-  
30 ation that accrue to the public school income fund shall be made by the  
31 state department of education to the LEAs no later than the fifteenth  
32 day of February, April, and June each year. The total amount of such  
33 payments shall be determined by the state department of education and  
34 shall not exceed the amount of moneys available and on deposit in the  
35 public school income fund at the time such payment is made.

36 (c) Amounts apportioned due to a special transfer to the public school  
37 income fund to restore or reduce a deficiency in the prior year's trans-  
38 fer pursuant to subsection (4) of this section shall not be subject to  
39 the limitations imposed by paragraphs (a) and (b) of this subsection.

40 (2) Payments made to the LEAs in August and October are advance payments  
41 for the current year and may be based on payments from the public school in-  
42 come fund for the preceding school year. Each LEA may receive its propor-  
43 tionate share of the advance payments in the same ratio that its total pay-  
44 ment for the preceding year was to the total payments to all LEAs for the pre-  
45 ceding year.

46 (3) Payments made pursuant to this subsection shall be based on the  
47 current fiscal year's annual foundation amount per student set forth in

1 section 33-1002, Idaho Code, and shall take into consideration all payments  
2 distributed for the current fiscal year to the LEAs.

3 (a) December payments to LEAs will be based on the LEA's official  
4 weighted student enrollment count from October.

5 (b) February payments to LEAs will be based on the LEA's average offi-  
6 cial weighted student enrollment count from October and December.

7 (c) April payments to LEAs will be based on the LEA's average official  
8 weighted student enrollment count from October, December, and Febru-  
9 ary.

10 (d) June payments to LEAs will be based on the LEA's average official  
11 weighted student enrollment count from October, December, February,  
12 and April. The June payments shall take into consideration:

13 (i) All funds available in the public school income fund for the  
14 fiscal year ending June 30; and

15 (ii) The adjustment based on the foundation amount per student re-  
16 quired by the provisions of section 33-1018, Idaho Code.

17 (4) Any apportionments in any year made to any LEA that may within the  
18 succeeding one (1) year period be found to have been in error either of com-  
19 putation or transmittal may be corrected during the current fiscal year by  
20 reduction of apportionments to any LEA to which over-apportionments may have  
21 been made or received and corresponding additions to apportionments to any  
22 LEA to which under-apportionments may have been made or received.

23 SECTION 11. That Section [33-1003A](#), Idaho Code, be, and the same is  
24 hereby repealed.

25 SECTION 12. That Section [33-1003C](#), Idaho Code, be, and the same is  
26 hereby repealed.

27 SECTION 13. That Section [33-1004](#), Idaho Code, be, and the same is hereby  
28 repealed.

29 SECTION 14. That Section [33-1004A](#), Idaho Code, be, and the same is  
30 hereby repealed.

31 SECTION 15. That Section 33-1004B, Idaho Code, as amended by Section 5,  
32 Chapter 169, Laws of 2018, be, and the same is hereby amended to read as fol-  
33 lows:

34 33-1004B. LOCAL SALARY SCHEDULES -- CAREER LADDER. Each LEA shall,  
35 subject to section 33-1271 et seq., Idaho Code, as applicable, develop a  
36 local salary schedule.

37 (1) ~~School districts~~ Each LEA shall receive an allocation for submit  
38 information required by the state department of education to place the LEA's  
39 instructional staff and pupil service staff based on their staffs' position  
40 on the career ladder as follows:

41 (1a) Instructional staff and pupil service staff who are in their first  
42 year of holding a certificate shall be placed in the first cell of the  
43 residency compensation rung and shall move one (1) cell on the residency  
44 compensation rung for each year they hold a certificate thereafter for

1 up to three (3) years, at which point they will remain in the third cell  
2 of the residency rung until they earn a professional endorsement.

3 (2b) Instructional staff and pupil service staff in their first year of  
4 holding a professional endorsement shall be placed in the first cell of  
5 the professional compensation rung.

6 (3c) Instructional staff and pupil service staff on the professional  
7 compensation rung with four (4) years of experience shall move one (1)  
8 cell on the professional compensation rung unless they have failed to  
9 meet the professional compensation rung performance criteria for three  
10 (3) of the previous four (4) years. Instructional staff and pupil ser-  
11 vice staff on the professional compensation rung who meet the perfor-  
12 mance criteria for three (3) of the previous five (5) years, one (1) of  
13 which must be during the fourth or fifth year, shall move one (1) cell.  
14 ~~Allocations for i~~Instructional staff and pupil service staff who do not  
15 meet the professional compensation rung performance criteria for three  
16 (3) of the previous five (5) years, one (1) of which must be during the  
17 fourth or fifth year, shall remain at ~~the previous fiscal year alloca-~~  
18 ~~tion level. This also applies to the educational allocation~~ their cur-  
19 rent position on the professional compensation rung.

20 (42) ~~In addition to the allocation any amounts specified for the ap-~~  
21 ~~licable cell on the career ladder, school districts a local salary sched-~~  
22 ~~ule, LEAs shall receive distribute~~ an additional allocation amount for to  
23 each career technical education instructional staff member holding an oc-  
24 cupational specialist certificate in the area for which they are teaching  
25 in the an amount of three thousand dollars (\$3,000) to be determined by each  
26 LEA.

27 (53) ~~In addition to the allocation amount specified for the applicable~~  
28 ~~cell on the career ladder, school districts shall receive an additional al-~~  
29 ~~location amount Pursuant to section 33-1002B, Idaho Code, a portion of the~~  
30 total state funds for the public schools educational support program shall  
31 be allocated to LEAs for instructional staff and pupil service staff hold-  
32 ing a professional endorsement who have acquired additional education and  
33 meet the professional compensation rung performance criteria. In determin-  
34 ing the additional education allocation amount, only transcribed credits  
35 and degrees on file with the teacher certification office of the state de-  
36 partment of education, earned at an institution of higher education accred-  
37 ited by a body recognized by the state board of education or credits earned  
38 through an internship or work experience approved by the state board of edu-  
39 cation, shall be allowed. All credits and degrees earned must be in a rele-  
40 vant pedagogy or content area as determined by the state department of educa-  
41 tion. Additional education allocation amounts are not cumulative. Instruc-  
42 tional staff whose initial certificate is an occupational specialist cer-  
43 tificate shall be treated as BA degree-prepared instructional staff. Cred-  
44 its earned by such occupational specialist instructional staff after ini-  
45 tial certification shall be credited toward the additional education allo-  
46 cation. Additional education allocations are:

47 (a) For instructional staff and pupil service staff holding a profes-  
48 sional endorsement, a baccalaureate degree and twenty-four (24) or more  
49 credits, two thousand dollars (\$2,000) per fiscal year.

1 (b) For instructional staff and pupil service staff holding a profes-  
 2 sional endorsement and a master's degree, three thousand five hundred  
 3 dollars (\$3,500) per fiscal year.

4 (e4) Effective July 1, 2020, the allocation minimum compensation on a  
 5 local salary schedule shall be equal to or greater than the amount provided  
 6 in the first cell of the residency compensation rung on the following state  
 7 career ladder schedule. For instructional staff and pupil service staff  
 8 holding a professional endorsement, the minimum compensation on a local  
 9 salary schedule shall be equal to or greater than the amount provided in  
 10 the first cell of the professional compensation rung on the following state  
 11 career ladder schedule:

12 Base					
13 Allocation	1	2	3	4	5
14 Residency	\$37,000	\$38,000	\$39,000		
15 Professional	\$42,500	\$44,375	\$46,250	\$48,125	\$50,000

16 The legislature shall annually identify the percentage of the foundation  
 17 amount per student associated with the state career ladder schedule. Except  
 18 as otherwise provided in this subsection, an LEA may but is not required to  
 19 conform its local salary schedule to either the structure of or the amounts  
 20 provided in the state career ladder schedule.

21 (65) A review of a sample of evaluations completed by administrators  
 22 shall be conducted annually to verify such evaluations are being conducted  
 23 with fidelity to the state framework for teaching evaluation, including  
 24 each evaluation component as outlined in administrative rule and the rat-  
 25 ing given for each component. The state board of education shall randomly  
 26 select a sample of administrators throughout the state. A portion of such  
 27 administrators' instructional staff and pupil service staff employee eval-  
 28 uations shall be independently reviewed. The ratio of instructional staff  
 29 evaluations to pupil service staff evaluations shall be equal to the ra-  
 30 tio of the statewide instructional staff ~~salary allowance~~ to pupil service  
 31 staff ~~salary allowance~~. The state board of education with input from the  
 32 Idaho-approved teacher preparation programs and the state department of  
 33 education shall identify individuals and a process to conduct the reviews.  
 34 Administrator certificate holders shall be required to participate in ongo-  
 35 ing evaluation training pursuant to section 33-1204, Idaho Code. The state  
 36 board of education shall report annually the findings of such reviews to the  
 37 senate education committee, the house of representatives education commit-  
 38 tee, the state board of education and the deans of Idaho's approved teacher  
 39 preparation programs. The state board of education shall promulgate rules  
 40 implementing the provisions of this subsection.

41 (76) ~~School districts~~ LEAs shall submit annually to the state the data  
 42 necessary to determine: (a) if an instructional staff or pupil service staff  
 43 member has met the performance criteria for movement on the applicable com-  
 44 pensation rung. ~~The department of education shall calculate whether or not~~  
 45 ~~instructional staff and pupil service staff have met the compensation rung~~  
 46 ~~performance criteria based on the data submitted during the previous five~~  
 47 ~~(5) years of the career ladder; and (b) the placement of the district's in-~~

1 structional staff and pupil service staff on the state career ladder sched-  
2 ule. Individually identifiable performance evaluation ratings submitted to  
3 the state remain part of the employee's personnel record and are exempt from  
4 public disclosure pursuant to section 74-106, Idaho Code.

5 SECTION 16. That Section 33-1004C, Idaho Code, be, and the same is  
6 hereby repealed.

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

9 33-1004EA. DISTRICT'S SALARY-BASED APPORTIONMENT NATIONAL CERTIFI-  
10 CATION PREMIUM. Each district shall be entitled to a salary-based appor-  
11 tionment calculated as provided in this section.

12 ~~(1) To determine the apportionment for instructional staff, take~~  
13 ~~the amounts indicated on the career ladder table plus the amounts associ-~~  
14 ~~ated with the additional education allocation amounts pursuant to section~~  
15 ~~33-1004B, Idaho Code, and calculate the weighted average. The amount so~~  
16 ~~determined shall be multiplied by the district staff allowance for instruc-~~  
17 ~~tional staff determined as provided in section 33-1004(2), Idaho Code.~~  
18 ~~Full-time instructional staff salaries shall be determined from a salary~~  
19 ~~schedule developed by each district and submitted to the state department of~~  
20 ~~education. No full-time instructional staff member shall be paid less than~~  
21 ~~the minimum dollar amount on the career ladder residency compensation rung~~  
22 ~~pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year.~~

23 ~~(2) If an instructional staff member has been certified by the national~~  
24 ~~board for professional teaching standards, the staff member shall receive~~  
25 ~~two thousand dollars (\$2,000) per year for five (5) years from the year in~~  
26 ~~which national board certification was earned. The district staff allot-~~  
27 ~~ment shall be increased by two thousand dollars (\$2,000) for each national~~  
28 ~~board-certified instructional staff member who earned national board cer-~~  
29 ~~tification; provided however, that no such awards shall be paid for the pe-~~  
30 ~~riod July 1, 2010, through June 30, 2011, nor shall any liabilities accrue~~  
31 ~~or payments be made pursuant to this section in the future to any individu-~~  
32 ~~als who would have otherwise qualified for a payment during this stated time~~  
33 ~~period. The resulting amount is the district's salary-based apportionment~~  
34 ~~for instructional staff. For purposes of this section, teachers qualifying~~  
35 ~~for the salary increase shall be those who have been recognized as national~~  
36 ~~board-certified teachers as of July 1 of each year.~~

37 ~~(3) To determine the apportionment for pupil service staff, take~~  
38 ~~the amounts indicated on the career ladder table plus the amounts associ-~~  
39 ~~ated with the additional education allocation amounts pursuant to section~~  
40 ~~33-1004B, Idaho Code, and calculate the weighted average. If the district~~  
41 ~~does not employ any pupil service staff, the district's pupil service staff~~  
42 ~~average salary shall equal the district's instructional staff average~~  
43 ~~salary for purposes of calculating pupil service salary-based appor-  
44 tionment. The amount so determined shall be multiplied by the district staff al-  
45 lowance for pupil service staff determined pursuant to section 33-1004(3),  
46 Idaho Code. Full-time pupil service staff salaries shall be determined from  
47 a salary schedule developed by each district and submitted to the state de-  
48 partment of education. The resulting amount is the district's salary-based~~



1 apportionment for pupil service staff. No full-time pupil service staff  
 2 member shall be paid less than the minimum dollar amount on the career ladder  
 3 residency compensation rung pursuant to section 33-1004B, Idaho Code, for  
 4 the applicable fiscal year.

5 (4) To determine the apportionment for district administrative staff,  
 6 first determine the district average experience and education index by plac-  
 7 ing all eligible certificated administrative employees on the statewide in-  
 8 dex provided in section 33-1004A, Idaho Code. The resulting average is the  
 9 district index. If the district does not employ any administrative staff,  
 10 the district administrative index shall equal the statewide average index  
 11 for purposes of calculating administrative salary-based apportionment. The  
 12 district administrative staff index shall be multiplied by the base salary  
 13 of thirty-six thousand one hundred eighty-six dollars (\$36,186). The amount  
 14 so determined shall be multiplied by the district staff allowance for admin-  
 15 istrative staff determined as provided in section 33-1004(4), Idaho Code.  
 16 The resulting amount is the district's salary-based apportionment for ad-  
 17 ministrative staff.

18 (5) To determine the apportionment for classified staff, multi-  
 19 ply twenty-one thousand six hundred sixty-five dollars (\$21,665) by the  
 20 district classified staff allowance determined as provided in section  
 21 33-1004(5), Idaho Code. The amount so determined is the district's appor-  
 22 tionment for classified staff.

23 (6) The district's salary-based apportionment shall be the sum of the  
 24 apportionments calculated in subsections (1), (2), (3), (4) and (5) of this  
 25 section, plus the benefit apportionment as provided in section 33-1004F,  
 26 Idaho Code.

27 SECTION 18. That Section 33-1004F, Idaho Code, as amended by Section 2,  
 28 Chapter 92, Laws of 2017, be, and the same is hereby amended to read as fol-  
 29 lows:

30 33-1004FB. OBLIGATIONS TO RETIREMENT AND SOCIAL SECURITY BENE-  
 31 FITS. Based upon the actual salary-based apportionment, as determined in  
 32 section 33-1004E, Idaho Code, There shall be allocated and distributed  
 33 that amount required to meet the employer's obligations to the public em-  
 34 ployee retirement system and to social security for additional education  
 35 allocations made pursuant to section 33-1004, Idaho Code, the national cer-  
 36 tification premiums distributed pursuant to section 33-1004A, Idaho Code,  
 37 the master educator premiums distributed pursuant to section 33-1004FC,  
 38 Idaho Code, and the leadership premiums distributed pursuant to section  
 39 33-1004JE, Idaho Code, there shall be allocated that amount required to meet  
 40 the employer's obligations to the public employee retirement system and to  
 41 social security.

42 SECTION 19. That Section 33-1004I, Idaho Code, as amended by Section 1,  
 43 Chapter 92, Laws of 2017, be, and the same is hereby amended to read as fol-  
 44 lows:

45 33-1004IC. MASTER EDUCATOR PREMIUMS. (1) A portion of the moneys  
 46 available to the education total state funds for the public schools ed-  
 47 ucational support program shall be distributed per full-time equivalent

1 instructional staff and pupil services staff positions employed by each  
 2 ~~school district~~ LEA. Such moneys shall be paid to instructional staff and  
 3 pupil service staff employees who have earned a master educator designation  
 4 by meeting the minimum qualifications set forth in subsection (2) of this  
 5 section and the additional qualifications developed or adopted by the em-  
 6 ploying ~~school district~~ LEA pursuant to subsection (3) of this section, in an  
 7 amount set forth in subsection (4) of this section.

8 (2) The minimum qualifications for an instructional staff or a pupil  
 9 service staff employee to earn a master educator designation shall be as fol-  
 10 lows:

11 (a) An instructional staff or pupil service staff employee must have  
 12 eight (8) or more years of teaching experience provided that the three  
 13 (3) years immediately preceding the award must be continuous and in  
 14 Idaho. The remainder of the teaching experience making up the eight (8)  
 15 years must have been earned in Idaho or in a compact-member state pur-  
 16 suant to section 33-4101, Idaho Code;

17 (b) An instructional staff or pupil service staff employee must demon-  
 18 strate mastery of instructional techniques for no fewer than three (3)  
 19 of the previous five (5) years of instruction through:

20 (i) Artifacts demonstrating evidence of effective teaching; and

21 (ii) Successful completion of an annual individualized profes-  
 22 sional learning plan; and

23 (c) A majority of an instructional staff employee's students must meet  
 24 measurable student achievement as defined in section 33-1001, Idaho  
 25 Code, for no fewer than three (3) of the previous five (5) years.

26 (d) A majority of a pupil service staff employee's students must meet  
 27 measurable student achievement or measurable student success indica-  
 28 tors, as defined in section 33-1001, Idaho Code, for no fewer than three  
 29 (3) of the previous five (5) years.

30 (3) In addition to the minimum qualifications for a master educator  
 31 designation set forth in subsection (2) of this section:

32 (a) ~~Local school districts~~ LEAs may develop and require additional  
 33 qualifications showing demonstrated mastery of instructional tech-  
 34 niques and professional practice through multiple measures, provided  
 35 that such qualifications shall be developed by a committee consisting  
 36 of teachers, administrators and other ~~school district~~ LEA stakeholders  
 37 and shall first be approved by the state board of education;

38 (b) ~~Local school districts~~ LEAs may develop plans that recognize groups  
 39 of teachers based on measurable student achievement goals aligned with  
 40 ~~school district~~ LEA approved continuous improvement plans. Groups may  
 41 be school-wide or may be smaller groups such as grade levels or by sub-  
 42 ject matter. Each teacher in a master educator group shall receive a  
 43 master educator premium if goals are met according to the ~~district~~ LEA  
 44 plans. Plans shall be developed by a committee consisting of teachers,  
 45 administrators and other ~~school district~~ LEA stakeholders and shall  
 46 first be approved by the state board of education. Any ~~school district~~  
 47 LEA that does not follow their preapproved plan shall not receive future  
 48 master educator premium dollars; or

49 (c) If a ~~local school district~~ LEA has not developed qualifications  
 50 pursuant to paragraph (a) or (b) of this subsection, then eligible

1 ~~school district~~ LEA staff may apply to the state board of education by  
 2 showing demonstrated mastery of instructional techniques and profes-  
 3 sional practice through multiple measures as developed by a committee  
 4 facilitated by the state board of education consisting of teachers, ad-  
 5 ministrators and other stakeholders, which measures shall be approved  
 6 by the state board of education.

7 (4) The amount of the master educator premium paid to a qualified in-  
 8 structional staff employee shall be four thousand dollars (\$4,000) each year  
 9 for three (3) years starting with the initial award of the master educator  
 10 premium. After the third year of receiving the master educator premium, the  
 11 instructional staff employee must continue to demonstrate that he or she  
 12 meets the master educator premium qualifications in each subsequent year.  
 13 If the qualifications are not met, then the premium will be discontinued  
 14 until such time as the qualifications are met.

15 (5) ~~Local school district~~ LEA boards of trustees or boards of directors  
 16 may provide master educator premiums to instructional staff employees con-  
 17 sistent with the provisions of this section.

18 (6) ~~For the purposes of this section, the term "school district" also~~  
 19 ~~means "public charter school" and the term "board of trustees" also means~~  
 20 ~~"board of directors."~~

21 ~~(7)~~ The state board of education may promulgate rules implementing the  
 22 provisions of this section.

23 SECTION 20. That Section 33-1004J, Idaho Code, be, and the same is  
 24 hereby amended to read as follows:

25 33-1004JE. LEADERSHIP PREMIUMS. (1) ~~Of the moneys available to the~~  
 26 total state funds for the public schools educational support program, eight  
 27 hundred fifty dollars (\$850) shall be distributed per full-time equivalent  
 28 instructional and pupil service staff position employed by each ~~school dis-~~  
 29 ~~trict~~ LEA. Such moneys shall be paid to instructional and pupil service staff  
 30 employees for leadership activities as provided in paragraphs (a) through  
 31 (h) of this subsection. Such premiums shall be valid only for the fiscal  
 32 year for which the premiums are made and shall be made for one (1) or more  
 33 of the following reasons identified as leadership priorities by a committee  
 34 consisting of teachers, administrators and other ~~school district~~ LEA stake-  
 35 holders and shall be approved by the board of trustees or board of directors:

36 (a) Teaching a course in which students earn both high school and col-  
 37 lege credit;

38 (b) Teaching a course to middle school students in which the students  
 39 earn both middle school and high school credit;

40 (c) Holding and providing service in multiple nonadministrative cer-  
 41 tificate or subject endorsement areas;

42 (d) Serving or being hired to serve in an instructional or pupil service  
 43 position designated as hard to fill by the board of trustees or board of  
 44 directors;

45 (e) Serving or being hired to serve in a hard to fill instructional po-  
 46 sition in a career technical education program;

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

1 (g) Having received professional development in career and academic  
2 counseling, and then providing career or academic counseling for stu-  
3 dents, with such services incorporated within or provided in addition  
4 to the teacher's regular classroom instructional or pupil service du-  
5 ties;

6 (h) Other leadership duties designated by the board of trustees or  
7 board of directors, exclusive of duties related to student activities  
8 or athletics. Such duties shall require that the employee work addi-  
9 tional time as a condition of the receipt of a leadership premium.

10 (2) ~~Local school district~~ LEA boards of trustees or boards of direc-  
11 tors shall provide leadership premiums to instructional or pupil service  
12 staff employees consistent with the provisions of this section and may not  
13 distribute moneys provided pursuant to this section unless employees meet  
14 one (1) of the criteria specified in subsection (1) of this section. The  
15 decision as to whom and how many receive leadership premiums, and in what  
16 amounts, shall not be subject to collective bargaining, any other provision  
17 of law notwithstanding. A board may provide multiple leadership premiums to  
18 an instructional or pupil service staff employee. However, no such employee  
19 shall receive cumulative leadership premiums in excess of twenty-five per-  
20 cent (25%) of the minimum salary as designated on ~~the career ladder~~ a local  
21 salary schedule pursuant to section 33-1004B, Idaho Code, nor less than nine  
22 hundred dollars (\$900), regardless of such employees full- or part-time  
23 status.

24 (3) The state department of education may require reports of informa-  
25 tion as needed to implement the provisions of this section. At a minimum,  
26 ~~school districts~~ LEAs shall report the information necessary for the depart-  
27 ment to fulfill the provisions of this section. The department shall report,  
28 on or before January 15 each year, to the governor, the senate education com-  
29 mittee and the house of representatives education committee relevant infor-  
30 mation regarding leadership premiums, including the following:

31 (a) The number of instructional and pupil service staff employees in  
32 the ~~district~~ LEA;

33 (b) The number of instructional and pupil service staff employees that  
34 received a leadership premium;

35 (c) The number of leadership premiums issued, by ~~district~~ LEA;

36 (d) The average dollar amount of leadership premiums issued, by  
37 ~~district~~ LEA;

38 (e) The highest and lowest leadership premium issued, by ~~district~~ LEA;

39 (f) The percent of instructional and pupil service staff positions re-  
40 ceiving leadership premiums and the cumulative amount of such premiums,  
41 by ~~district~~ LEA; and

42 (g) The reasons identified as leadership priorities approved by the  
43 board of trustees or board of directors as listed in subsection (1) of  
44 this section, including a description of the other leadership duties  
45 designated by the board of trustees or board of directors as provided in  
46 subsection (1) (h) of this section and the number of the premiums awarded  
47 per leadership activity as identified in subsection (1) (a) through (h)  
48 of this section.

49 (4) ~~For the purposes of this section, the term "school district" also~~  
50 ~~means "public charter school," and the term "board of trustees" also means~~

1 ~~"board of directors."~~ Subsections (1) and (2) of this section shall be re-  
 2 viewed annually by the legislature.

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

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

7 33-1002B5. PUPIL TUITION-EQUIVALENCY ALLOWANCES. ~~(1-)~~ Districts  
 8 which educate pupils placed by Idaho court order in licensed homes, agen-  
 9 cies, institutions or juvenile detention facilities shall be eligible for an  
 10 allowance equivalent to forty-two percent (42%) of the previous year's gross  
 11 per pupil cost calculated on a daily basis. This district allowance shall be  
 12 in addition to ~~support unit~~ the foundation funding and included in district  
 13 apportionment payments, subject to approval of district applications by the  
 14 state superintendent of public instruction.

15 ~~(2-)~~ Districts which educate pupils placed by Idaho court order in a ju-  
 16 venile detention facility with a summer school program shall be eligible for  
 17 an allowance equivalent to one-half (1/2) of forty-two percent (42%) of the  
 18 previous year's gross per pupil cost calculated on a daily basis. This dis-  
 19 trict allowance shall be in addition to ~~support unit~~ the foundation funding  
 20 and included in district apportionment payments, subject to approval of dis-  
 21 trict applications by the state superintendent of public instruction.

22 ~~(3-)~~ Districts which educate school age special education students  
 23 who, due to the nature and severity of their disabilities, are residing  
 24 in licensed public or private residential facilities or homes, and whose  
 25 parents are not patrons of the district, shall be eligible for an allowance  
 26 equivalent to forty-two percent (42%) of the previous year's gross per pupil  
 27 cost per child plus the excess cost rate that is annually determined by the  
 28 state superintendent of public instruction. This district allowance shall  
 29 be in addition to ~~exceptional~~ the foundation funding and the special edu-  
 30 cation support unit weight funding and included in district apportionment  
 31 payments, subject to approval of district applications by the state superin-  
 32 tendent of public instruction.

33 ~~(4-)~~ For school age special education students from outside the state  
 34 of Idaho who, due to the nature and severity of their disabilities, are re-  
 35 siding in licensed public or private residential facilities within the state  
 36 of Idaho, the local school district shall provide education services to such  
 37 students if requested by the licensed public or private residential facil-  
 38 ity, provided that the local school district has been given the opportunity  
 39 to provide input on any federally required education plans for any such stu-  
 40 dents. A local school district providing education services for such stu-  
 41 dents shall sign a contract with any such licensed public or private resi-  
 42 dential facilities, which contract shall delineate the education services  
 43 to be provided by the local school district and the amount to be paid by the  
 44 licensed public or private residential facility. The amount paid shall be  
 45 equal to the local school district's full cost of providing the education  
 46 services delineated by the contract, as determined by the local school dis-  
 47 trict. Such students shall be excluded from all ~~average daily attendance~~  
 48 student enrollment counts and other reports provided to the state that would  
 49 result in the distribution of state funding to the local school district.

1        ~~(5-)~~ For school age nonspecial education students from outside the  
 2 state of Idaho who are residing in licensed public or private residential  
 3 facilities within the state of Idaho, the local school district may provide  
 4 education services to such students if requested by the licensed public or  
 5 private residential facility. A local school district providing education  
 6 services for such students shall sign a contract with any such licensed pub-  
 7 lic or private residential facilities, which contract shall delineate the  
 8 education services to be provided by the local school district and the amount  
 9 to be paid by the licensed public or private residential facility. The  
 10 amount paid shall be equal to the local school district's full cost of pro-  
 11 viding the education services delineated by the contract, as determined by  
 12 the local school district. Such students shall be excluded from all ~~average~~  
 13 ~~daily attendance~~ student enrollment counts and other reports provided to the  
 14 state that would result in the distribution of state funding to the local  
 15 school district.

16        SECTION 22. That Section 33-1002C, Idaho Code, be, and the same is  
 17 hereby amended to read as follows:

18        ~~33-1002C5A. SUMMER AND NIGHT SCHOOL PROGRAM SUPPORT UNITS -- ALTERNA-~~  
 19 ~~TIVE SCHOOL FUNDING -- JUVENILE DETENTION FACILITY. (1) Alternative s~~Summer  
 20 and night school programs for at-risk students, as defined by state board  
 21 of education rule, of not less than two hundred twenty-five (225) hours  
 22 of instruction, which shall be included in the ~~educational support units~~  
 23 enrollment totals calculated as provided in section 33-1002D, Idaho Code,  
 24 may be established as approved by the state board of education. ~~The aver-~~  
 25 ~~age daily attendance divided by forty (40) shall determine the number of~~  
 26 ~~allowable support units which shall be included in the alternative school~~  
 27 ~~support units calculated for the school district for the succeeding school~~  
 28 ~~term~~ Summer and night school enrollment counts pursuant to section 33-1002D,  
 29 Idaho Code, shall be added to the first count of the ensuing school year.

30        (2) For any ~~alternative school youth intervention program~~ designated  
 31 pursuant to section 46-805, Idaho Code, ~~full-term average daily attendance~~  
 32 enrollment shall be used to calculate ~~support units enrollment~~  
 33 cohort of students that meets the minimum instructional hours requirement  
 34 provided for in section 33-512, Idaho Code. The support units enrollment  
 35 so calculated shall be used for all state funding formulas in which support  
 36 units are student enrollment is used.

37        (3) Districts which educate ~~pupils~~ students placed by court order in  
 38 a juvenile detention facility may establish a summer school program which  
 39 shall be included in the ~~educational support units~~ student enrollment calcu-  
 40 lated as provided in section 33-1002D, Idaho Code. ~~The average daily atten-~~  
 41 ~~dance divided by forty (40) shall determine the number of allowable support~~  
 42 ~~units which shall be included in the exceptional education school support~~  
 43 ~~units calculated for the school district for the succeeding school term.~~

44        (4) ~~Average daily attendance and the support units so generated by this~~  
 45 ~~section shall not be included in or subject to the provisions of section~~  
 46 ~~33-1003, Idaho Code, and shall be included as an addition to any other sup-~~  
 47 ~~port units generated pursuant to Idaho Code.~~

1 SECTION 23. That Section 33-1002F, Idaho Code, be, and the same is  
2 hereby amended to read as follows:

3 33-1002F5B. ALTERNATIVE SCHOOL REPORT. Annually, prior to the tenth  
4 legislative day, the department of education shall file with the legislature  
5 a report detailing the alternative school programs within the state. On July  
6 1 of each year, or as soon thereafter as feasible, each ~~school district LEA~~  
7 with an alternative school program receiving moneys pursuant to the alterna-  
8 tive school support units factor in section 33-1002, Idaho Code, or section  
9 33-1002C, Idaho Code, under the public schools educational support program  
10 shall file with the state department a comprehensive report of ~~the amount of~~  
11 ~~money received in the district,~~ the expenditures on alternative school pro-  
12 grams, and the programs provided. This information shall be compiled by the  
13 department for transmission to the legislature.

14 SECTION 24. That Section 33-1002E, Idaho Code, be, and the same is  
15 hereby amended to read as follows:

16 33-1002E5C. PUPILS ATTENDING SCHOOL IN ANOTHER STATE. In any school  
17 district which abuts upon the border of another state, the resident pupils  
18 of said district may attend schools in the other state as provided in section  
19 33-1403, Idaho Code.

20 SECTION 25. That Section 33-1002G, Idaho Code, be, and the same is  
21 hereby amended to read as follows:

22 33-1002G5D. CAREER TECHNICAL SCHOOL FUNDING AND ELIGIBILITY. (1)  
23 School districts may establish career technical schools that qualify for  
24 funding appropriated for the specific purpose of supporting the added cost  
25 of career technical schools. These funds will be appropriated to the state  
26 board for career technical education, to be expended by the division of ca-  
27 reer technical education. In order for a school to qualify for funding as a  
28 career technical school, it must make application to the division of career  
29 technical education on or before the fifteenth of April for the following  
30 fiscal year. This includes applicants for new schools and renewal applica-  
31 tions. All career technical schools must meet all three (3) of the following  
32 criteria:

33 (a) The school serves students from two (2) or more high schools. No one  
34 (1) high school can comprise more than eighty-five percent (85%) of the  
35 total enrolled career technical school students. In the event a student  
36 enrolled in the career technical school is not enrolled in a public high  
37 school, the eighty-five percent (85%) will be calculated based on the  
38 public high school attendance area where the student resides.

39 (b) The majority of the school's program offerings lead to some form of  
40 postsecondary credit, such as dual credit or other advanced opportuni-  
41 ties, as defined by the state board of education, or include apprentice-  
42 ship opportunities.

43 (c) All school programs offer at least one (1) supervised field experi-  
44 ence for all students.

45 (2) All career technical schools must also meet at least one (1) of the  
46 following ~~three~~ two (~~3~~2) requirements:

1       (a) ~~The school is funded separately from schools that qualify for com-~~  
2 ~~putation using regular secondary support units.~~

3 ~~(b)~~ The school has a separate and distinct governing board.

4       (eb) The majority of the school programs are provided at dedicated fa-  
5 cilities that are separate from the regular high school facilities.

6       SECTION 26. That Chapter 10, Title 33, Idaho Code, be, and the same is  
7 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
8 ignated as Section 33-1005E, Idaho Code, and to read as follows:

9       33-1005E. PUBLIC SCHOOL CLASSROOM TECHNOLOGY PROGRAM. Technology  
10 program funding shall be distributed for classroom technology, classroom  
11 technology infrastructure, and instructional management systems that as-  
12 sist educators and students in effective and efficient instruction or  
13 learning. Funding shall be distributed based on a formula prescribed by the  
14 superintendent of public instruction. Moneys so distributed shall be used  
15 to implement and operate an instructional management system that meets the  
16 individual learning needs and progress of all students. An instructional  
17 management system must include individual student learning plans, monitor-  
18 ing of interventions, integration with a district's student information  
19 system (SIS), and analysis of student and classroom levels of learning.

20       SECTION 27. That Section 33-1009, Idaho Code, be, and the same is hereby  
21 repealed.

22       SECTION 28. That Section 33-1007A, Idaho Code, be, and the same is  
23 hereby amended to read as follows:

24       33-1007A9. FEASIBILITY STUDY AND PLAN FOR SCHOOL CLOSURES AND/OR  
25 SCHOOL DISTRICT CONSOLIDATION. (1) The state superintendent of public in-  
26 struction shall determine the reimbursable costs to any school district  
27 which are incurred under the provisions of section 33-310B, Idaho Code. The  
28 school district shall be entitled to reimbursement of all allowable costs  
29 pursuant to rules and regulations promulgated by the state board of educa-  
30 tion.

31       (2) In school districts where the implementation of a school closure  
32 plan requires the consolidation of one (1) or more schools, the public  
33 schools educational support program allowance for the consolidated school  
34 for a seven (7) year period following school consolidation, shall not be less  
35 than the combined public schools educational support program allowance of  
36 the component schools in the last year of operation.

37       SECTION 29. That Section 33-1010, Idaho Code, be, and the same is hereby  
38 amended to read as follows:

39       33-1010. APPORTIONMENTS WHEN MINES NET PROFITS CONSIDERED. (1) In  
40 any school district in which mines net profits are made a part of the total  
41 assessed value of taxable property, should the amount of such net profits  
42 certified as required by section 63-2803, Idaho Code, be lower in any year  
43 than for the immediately preceding year in an amount equaling five ~~per cent~~  
44 percent (5%) or more of the total assessed value of taxable property of the



1 district for the preceding year, then the state department of education  
 2 shall compute the adjusted value of taxable property in the district for the  
 3 purposes of section 33-1009~~3~~, Idaho Code, by subtracting from the adjusted  
 4 value of property in the district for the preceding year, the total of such  
 5 decrease in mines net profits tax.

6 (2) The county auditor of each county in which the net profits of mines  
 7 are made a part of the total assessed value of taxable property of any school  
 8 district, shall annually examine the reports of mines net profits certified  
 9 to the county assessor as required by section 63-2803, Idaho Code, and shall  
 10 certify to the state department of education ~~not~~ no later than the fifteenth  
 11 day of June of each year, the net profits of mines creditable to each school  
 12 district in said county.

13 SECTION 30. That Section 33-1005, Idaho Code, be, and the same is hereby  
 14 amended to read as follows:

15 33-1005~~14~~. DISTRICTS RECEIVING FEDERAL FUNDS. In school districts  
 16 which receive moneys for the maintenance and operation of the schools from  
 17 agencies of the federal government, the public schools educational support  
 18 program shall be computed on the basis of the ~~average daily attendance of~~  
 19 ~~pupils~~ student enrollment counts as set forth in this chapter and without  
 20 regard to the manner in which such allowance from the federal government may  
 21 be computed.

22 SECTION 31. That Section 33-1017, Idaho Code, be, and the same is hereby  
 23 repealed.

24 SECTION 32. That Section 33-1018, Idaho Code, be, and the same is hereby  
 25 amended to read as follows:

26 33-1018. PUBLIC SCHOOL ~~DISCRETIONARY~~ STUDENT-BASED FOUNDATION FUND-  
 27 ING VARIABILITY. The legislature shall annually state in the appropriation  
 28 for the public schools educational support program/~~division of operations~~  
 29 the estimate of the ~~total discretionary funding provided per support unit.~~  
 30 The foundation amount per student pursuant to section 33-1002, Idaho Code.  
 31 Before the end of each fiscal year, the department of education shall, be-  
 32 fore the end of each fiscal year, calculate the actual discretionary funding  
 33 available per support unit foundation amount per student.

34 (1) If the total estimated ~~discretionary funding~~ foundation amount per  
 35 ~~support unit student~~ student stated in the appropriation for the public schools ed-  
 36 ~~ucational support program/division of operations~~ is lower than the actual  
 37 ~~discretionary funding available~~ foundation amount per ~~support unit~~ student,  
 38 then the state controller shall multiply the difference by the ~~number of ac-~~  
 39 ~~tual support units~~ statewide weighted student enrollment count, and trans-  
 40 fer the result from the public school income fund to the public education  
 41 stabilization fund and the final distributions to ~~school districts~~ LEAs from  
 42 the department of education shall be reduced by a like amount.

43 (2) If the total estimated ~~discretionary funding~~ foundation amount per  
 44 ~~support unit student~~ student stated in the appropriation for the public schools ed-  
 45 ~~ucational support program/division of operations~~ is greater than the actual  
 46 ~~discretionary funding available~~ foundation amount per ~~support unit~~ student,

1 then the state controller shall multiply the difference by the ~~number of ac-~~  
 2 ~~tual support units~~ statewide weighted student enrollment count, and trans-  
 3 fer the result from the public education stabilization fund to the public  
 4 school income fund. This transfer shall be limited to moneys available in  
 5 the public education stabilization fund. Moneys transferred from the public  
 6 education stabilization fund to the public school income fund under the pro-  
 7 visions of this section are hereby continuously appropriated for the public  
 8 schools educational support program/division of operations.

9 SECTION 33. That Section 33-1020, Idaho Code, be, and the same is hereby  
 10 amended to read as follows:

11 33-1020. IDAHO DIGITAL LEARNING ACADEMY FUNDING. Of the moneys appro-  
 12 priated for the educational support program, an amount shall be distributed  
 13 to support the Idaho digital learning academy, created pursuant to chapter  
 14 55, title 33, Idaho Code. For the purposes of this section, an "enrollment"  
 15 shall be counted each time an Idaho school age child enrolls in an Idaho dig-  
 16 ital learning academy class. A single child enrolled in multiple classes  
 17 shall count as multiple enrollments. Summer enrollments shall be included  
 18 in the fiscal year that begins that summer. The amount distributed shall be  
 19 calculated determined as follows:

20 (1) A base amount no less than one million, six hundred thousand dol-  
 21 lars (\$1,600,000) shall be distributed, ~~equal to the current fiscal year's~~  
 22 ~~statewide average salary-based apportionment funding per midterm support~~  
 23 ~~unit, multiplied by twenty-six (26).~~

24 (2) A variable amount shall be distributed, equal to the number of en-  
 25 rollments multiplied by ~~the current fiscal year's appropriation of state~~  
 26 ~~funds for the educational support program per student reported in attendance~~  
 27 ~~for the first reporting period, divided by twenty-three (23)~~ two hundred  
 28 seventy-five (275).

29 The state department of education shall make an estimated distribu-  
 30 tion of funds to the Idaho digital learning academy by no later than July  
 31 31 of each fiscal year, consisting of eighty percent (80%) of the estimated  
 32 funding for the fiscal year. The balance of all remaining funds to be dis-  
 33 tributed, pursuant to the calculations in this section, shall be distributed  
 34 by no later than May 15 of the same fiscal year.

35 SECTION 34. That Section 33-1021, Idaho Code, be, and the same is hereby  
 36 repealed.

37 SECTION 35. That Section 33-1024, Idaho Code, be, and the same is hereby  
 38 amended to read as follows:

39 33-1024. ONLINE PORTALS. (1) Of the moneys appropriated to the  
 40 educational support program state department of education, up to one hundred  
 41 fifty thousand dollars (\$150,000) may be expended for the development and  
 42 maintenance of an internet-based portal of available online, nonsectarian  
 43 K-12 or dual credit courses; an adult education portal; and a parent resource  
 44 portal.

45 (2) The nonsectarian K-12 or dual credit courses portal shall include  
 46 any of the following:

- 1 (a) Idaho digital learning academy;  
 2 (b) Idaho public school districts;  
 3 (c) Idaho public charter schools;  
 4 (d) Idaho public colleges and universities;  
 5 (e) Idaho private colleges and universities accredited by the same  
 6 organization that accredits Idaho's public colleges and universities;  
 7 and  
 8 (f) Any provider of online courses; provided however, that the courses  
 9 available on the portal have been verified and approved by the state de-  
 10 partment of education to meet state content standards.

11 (3) At a minimum, the nonsectarian K-12 or dual credit courses portal  
 12 shall:

13 (a) Include and display customer ratings from students and parents,  
 14 based upon previous student enrollment with the online course, provider  
 15 and instructor. Such ratings shall, at a minimum, evaluate the quality  
 16 of content, instruction, communications and ease of use;

17 (b) Include the capacity for parents to notify their student's home  
 18 school of their desire to enroll their student in an online course  
 19 listed on the portal; and

20 (c) Facilitate communications between listed online course providers,  
 21 students and parents and the home school in which the student is en-  
 22 rolled.

23 (4) At a minimum, the adult education or parent resource portal shall  
 24 provide access to tools and resources focused on K-12 education.

25 SECTION 36. That Section 33-309, Idaho Code, be, and the same is hereby  
 26 amended to read as follows:

27 33-309. LAPSED DISTRICTS -- ANNEXATION. (1) If the state board of edu-  
 28 cation shall find any school district:

29 (a) Has not operated its school for a period of one (1) school year;

30 (b) In which the ~~average daily attendance~~ unweighted student enroll-  
 31 ment count during each term of not less than seven (7) months in the two  
 32 (2) school years last past has been less than five (5) pupils; or

33 (c) For a period of not less than one (1) year last past has had an insuf-  
 34 ficient number of members on its board of trustees lawfully to conduct  
 35 the business of the district;

36 the state board may enter its order declaring any such district to be lapsed,  
 37 and which district shall lapse as of the first day of July next following the  
 38 date of said order.

39 (2) Upon entering its order declaring a school district lapsed pursuant  
 40 to subsection (1) of this section, the state board shall designate some  
 41 proper person a hearing officer to conduct a public hearing or hearings on  
 42 the matter of annexing the lapsed district to a school district or districts  
 43 contiguous thereto. The state board shall cause notice of such hearing or  
 44 hearings to be published in a newspaper of general circulation in the area  
 45 and the notice shall state the time and place of the hearing or hearings and  
 46 the subject matter involved.

47 (3) Upon concluding any hearing or hearings the hearing officer shall  
 48 make his report and recommendation to the state board, and the state board  
 49 shall thereafter order the lapsed area annexed to such contiguous district

1 or districts as in the judgment of the state board seems equitable and just.  
2 Any such annexation shall be effective as of the fifteenth day of August next  
3 following the date of the order of annexation.

4 (4) Whenever there is any outstanding unpaid bonded debt owed by the  
5 lapsed district, the state board shall, in its order of annexation, require  
6 the district, or one (1) of the districts, to which the lapsed area is an-  
7 nexed, to keep and maintain the bond register and to pay the principal and  
8 interest, when the same are due, out of the proceeds of any levy made for  
9 that purpose. The said order of annexation shall also provide for the trans-  
10 fer, or apportionment, to the annexing district or districts of the prop-  
11 erty and current liabilities of the lapsed district as in the judgment of the  
12 state board is equitable and just; provided however, that if the lapsed dis-  
13 trict shall have excess of liquid assets over current liabilities, and if  
14 such lapsed district shall have any outstanding unpaid bonded debt, then and  
15 in that event such excess shall be ordered transferred to a fund for the pay-  
16 ment of the principal of and interest on such debt.

17 (5) When annexation has been completed, as hereinabove authorized,  
18 the state board shall give notice of such annexation to the officers of the  
19 lapsed district, if any there be, and to the board of county commissioners  
20 of any county in which shall lie any district, the boundaries of which have  
21 been changed by the annexation of the lapsed area. The notice to any board  
22 of county commissioners shall be accompanied by a legal description of the  
23 boundaries of the district or districts as changed by the annexation.

24 SECTION 37. That Section 33-317, Idaho Code, be, and the same is hereby  
25 amended to read as follows:

26 33-317. COOPERATIVE SERVICE AGENCY -- POWERS -- DUTIES -- LIMITA-  
27 TIONS. (1) Two (2) or more school districts may join together for educational  
28 purposes to form a service agency to purchase materials and/or provide  
29 services for use individually or in combination. The cooperative service  
30 agency thus formed shall be empowered to adopt bylaws, and act as a body cor-  
31 porate and politic with such powers as are assigned through its bylaws but  
32 limited to the powers and duties of local school districts. In its corporate  
33 capacity, this agency may sue and be sued and may acquire, hold and convey  
34 real and personal property necessary to its existence. The employees of the  
35 service agency shall be extended the same general rights, privileges and  
36 responsibilities as comparable employees of a school district. The cooper-  
37 ative service agency may elect to be its own fiscal agent for the purposes of  
38 providing an alternative school program, with the concurrence of the school  
39 districts for which it provides such services. In doing so the educational  
40 support program payments made pursuant to section 33-100~~23~~, Idaho Code,  
41 that would have been distributed to the school district acting as the fiscal  
42 agent, shall instead be distributed to the cooperative service agency.

43 (2) A properly constituted cooperative service agency may request from  
44 its member school districts funding to be furnished by a tax levy not to  
45 exceed one-tenth of one percent (.1%) for a period not to exceed ten (10)  
46 years by such member school districts. Such levy must be authorized by an  
47 election held subject to the provisions of section 34-106, Idaho Code, and  
48 be conducted in each of the school districts pursuant to chapter 14, title  
49 34, Idaho Code, and approved by a majority of the district electors voting

1 in such election. Moneys received by the member school districts from this  
2 source shall be transferred to the cooperative service agency upon receipt  
3 of billing from the agency. Excess revenue over billing must be kept in a  
4 designated account by the district, with accrued interest, and may only be  
5 spent as budgeted by the agency.

6 (3) For the purpose of constructing and maintaining facilities of a  
7 cooperative service agency, in addition to the levy authorized in subsection  
8 (2) of this section, a properly constituted cooperative service agency may  
9 request from its member school districts additional funding to be furnished  
10 by a tax levy not to exceed four-tenths of one percent (.4%) for a period not  
11 to exceed ten (10) years. Such levy must be authorized by an election held  
12 subject to the provisions of section 34-106, Idaho Code, and be conducted in  
13 each of the school districts pursuant to chapter 14, title 34, Idaho Code,  
14 and approved by sixty-six and two-thirds percent (66 2/3%) of the district  
15 electors voting in such election. If one (1) or more of the member districts  
16 fails to approve the tax levy in such election, the cooperative service  
17 agency may construct the facility through the support of the member dis-  
18 tricts approving the levy, but in no event shall the levy limits authorized  
19 in this subsection (3) be exceeded. Nothing shall prevent a member dis-  
20 trict that initially failed to approve the levy from conducting a subsequent  
21 election, held pursuant to section 34-106, Idaho Code, to authorize that  
22 district's participation in construction of the facility. Electors of the  
23 districts may approve continuation of such levy for an additional ten (10)  
24 years at an election held for that purpose. There is no limit on the number of  
25 elections which may be held for the purpose of continuing the levy authorized  
26 under this subsection (3) for an additional ten (10) years. The administra-  
27 tion and accounting of moneys received by imposition of the levy shall be the  
28 same as provided in subsection (2) of this section.

29 SECTION 38. That Section 33-507, Idaho Code, be, and the same is hereby  
30 amended to read as follows:

31 33-507. LIMITATION UPON AUTHORITY OF TRUSTEES. (1) It shall be unlaw-  
32 ful for any trustee to have pecuniary interest, directly or indirectly, in  
33 any contract or other transaction pertaining to the maintenance or conduct  
34 of the school district or to accept any reward or compensation for services  
35 rendered as a trustee except as may be otherwise provided in this section.  
36 The board of trustees of a school district may accept and award contracts in-  
37 volving the school district to businesses in which a trustee or a person re-  
38 lated to him by blood or marriage within the second degree has a direct or  
39 indirect interest provided that the procedures set forth in section 18-1361  
40 or 18-1361A, Idaho Code, are followed. The receiving, soliciting or accep-  
41 tance of moneys of a school district for deposit in any bank or trust company,  
42 or the lending of money by any bank or trust company to any school district,  
43 shall not be deemed to be a contract pertaining to the maintenance or conduct  
44 of a school district within the meaning of this section; nor shall the pay-  
45 ment by any school district board of trustees of compensation to any bank or  
46 trust company, for services rendered in the transaction of any banking busi-  
47 ness with such district board of trustees, be deemed the payment of any re-  
48 ward or compensation to any officer or director of any such bank or trust com-  
49 pany within the meaning of this section.

1 (2) It shall be unlawful for the board of trustees of any class of school  
2 district to enter into or execute any contract with the spouse of any member  
3 of such board, the terms of which said contract requires or will require the  
4 payment or delivery of any school district funds, money or property to such  
5 spouse, except as provided in subsection (3) of this section or in section  
6 18-1361 or 18-1361A, Idaho Code.

7 (3) No spouse of any trustee may be employed by a school district with  
8 a fall student enrollment population of greater than one thousand two hun-  
9 dred (1,200) in the prior school year. For school districts with a fall stu-  
10 dent enrollment population of one thousand two hundred (1,200) or less in the  
11 prior school year ~~and for schools funded pursuant to the provisions of sec-~~  
12 ~~tion 33-1003(2), Idaho Code,~~ such spouse may be employed in a nonadministra-  
13 tive position for a school year if each of the following conditions has been  
14 met:

15 (a) The position has been listed as open for application on the school  
16 district website or in a local newspaper, whichever is consistent with  
17 the district's current practice, and the position shall be listed for  
18 at least sixty (60) days, unless the opening occurred during the school  
19 year, in which case the position shall be so listed for at least fifteen  
20 (15) days. If the position is listed in a newspaper, the listing shall  
21 be made in a manner consistent with the provisions of section 60-106,  
22 Idaho Code;

23 (b) No applications were received that met the minimum certification,  
24 endorsement, education or experience requirements of the position  
25 other than such spouse;

26 (c) The trustee abstained from voting in the employment of the spouse  
27 and was absent from the meeting while such employment was being consid-  
28 ered and determined.

29 The school district or school may employ such spouse for further school  
30 years, provided that the conditions contained in this subsection are met for  
31 each school year in which such spouse is employed. The trustee shall abstain  
32 from voting in any decisions affecting the compensation, benefits, indi-  
33 vidual performance evaluation or disciplinary action related to the spouse  
34 and shall be absent from the meeting while such issues are being considered  
35 and determined. Such limitation shall include, but not be limited to: any  
36 matters relating to negotiations regarding compensation and benefits; dis-  
37 cussion and negotiation with district benefits providers; and any matter  
38 relating to the spouse and letters of reprimand, direction, probation or  
39 termination. Such limitations shall not prohibit the trustee spouse from  
40 participating in deliberation and voting upon the district's annual fiscal  
41 budget or annual audit report. Any spouse of a trustee employed as a cer-  
42 tificated employee pursuant to this subsection shall be employed under a  
43 category 1 contract pursuant to section 33-514A, Idaho Code.

44 (4) When any relative of any trustee or relative of the spouse of a  
45 trustee related by affinity or consanguinity within the second degree is  
46 considered for employment in a school district, such trustee shall abstain  
47 from voting in the election of such relative and shall be absent from the  
48 meeting while such employment is being considered and determined.

49 SECTION 39. That Section 33-515, Idaho Code, be, and the same is hereby  
50 amended to read as follows:

1 33-515. ISSUANCE OF RENEWABLE CONTRACTS. (1) During the third full  
2 year of continuous employment by the same school district, including any  
3 specially chartered district, each certificated employee named in subsec-  
4 tion (25) of section 33-1001, Idaho Code, and each school nurse and school  
5 librarian shall be evaluated for a renewable contract and shall, upon hav-  
6 ing been offered a contract for the next ensuing year, and upon signing and  
7 timely returning a contract for a fourth full year, be placed on a renew-  
8 able contract status with said school district entitling such individual  
9 to the right to automatic renewal of contract, subject to the provisions  
10 included in this chapter, ~~provided that i.~~ Instructional staff who have not  
11 obtained a professional endorsement under section 33-1201A, Idaho Code,  
12 may not be placed on a renewable contract status, provided however, that if  
13 student-based foundation funding is insufficient to cover salaries conform-  
14 ing to the state career ladder schedule pursuant to section 33-1004B, Idaho  
15 Code, is not funded, then a professional endorsement shall not be required.

16 (2) At least once annually, the performance of each renewable contract  
17 certificated employee, school nurse, or school librarian shall be evaluated  
18 according to criteria and procedures established by the board of trustees in  
19 accordance with general guidelines approved by the state board of education.  
20 Such an evaluation shall be completed no later than June 1 of each year. The  
21 evaluation shall include a minimum of two (2) documented observations, one  
22 (1) of which shall be completed prior to January 1 of each year.

23 (3) Any contract automatically renewed under the provisions of this  
24 section may be renewed for a shorter term, longer term or the same length  
25 of term as stated in the current contract and at a greater, lesser or equal  
26 salary as that stated in the current contract. Absent the board's applica-  
27 tion of a formal reduction in force, renewals of standard teacher contracts  
28 may be for a shorter term, longer term or the same length of term as stated  
29 in the current standard teacher contract and at a greater, lesser or equal  
30 salary, and shall be uniformly applied to all employees based upon the dis-  
31 trict's adopted salary schedule ~~to the extent allowable in section 33-1004E,~~  
32 ~~Idaho Code.~~

33 (a) Contracts issued pursuant to this section shall be issued on or be-  
34 fore the first day of July each year.

35 (b) At the discretion of the board, the district may issue letters of  
36 intent for employment for the next ensuing school year to renewable  
37 contract status employees during May of each school year. Such let-  
38 ter of intent shall not state a specific duration of the contract or  
39 salary/benefits term for the next ensuing school year.

40 (c) Unless otherwise negotiated and ratified by both parties pursuant  
41 to sections 33-1271, et seq., Idaho Code, standard teacher renewals for  
42 terms shorter in length than that stated in the current standard con-  
43 tract of renewable certificated employees, should be considered and im-  
44 plemented only after the district has determined that the ~~salary-based~~  
45 ~~apportionment reimbursement that state funds it estimates it will~~  
46 ~~receive~~ be available for paying the salaries of certificated profes-  
47 sional employees for the ensuing school year ~~is~~ are less than the sum the  
48 district would otherwise be paying for such salaries ~~for certificated~~  
49 ~~professional employees.~~

1 (4) Nothing in this section shall prevent the board of trustees from of-  
2 fering a renewed contract increasing the salary of any certificated person,  
3 or from reassigning an administrative employee to a nonadministrative posi-  
4 tion with appropriate reduction of salary from the preexisting salary level.  
5 In the event the board of trustees reassigns an administrative employee to a  
6 nonadministrative position, the board shall give written notice to the em-  
7 ployee that contains a statement of the reasons for the reassignment. The  
8 employee, upon written request to the board, shall be entitled to an informal  
9 review of that decision. The process and procedure for the informal review  
10 shall be determined by the local board of trustees.

11 (5) Before a board of trustees can determine not to renew for reasons of  
12 an unsatisfactory report of the performance of any certificated person whose  
13 contract would otherwise be automatically renewed, such person shall be en-  
14 titled to a reasonable period of probation. This period of probation shall  
15 be preceded by a written notice from the board of trustees with reasons for  
16 such probationary period and with provisions for adequate supervision and  
17 evaluation of the person's performance during the probationary period. Such  
18 period of probation shall not affect the person's renewable contract status.  
19 Consideration of probationary status for certificated personnel is consid-  
20 eration of the status of an employee within the meaning of section 74-206,  
21 Idaho Code, and may be held in executive session. If the consideration re-  
22 sults in probationary status, the individual on probation shall not be named  
23 in the minutes of the meeting. A record of the decision shall be placed in the  
24 teacher's personnel file.

25 (6) If the board of trustees takes action to immediately discharge  
26 or discharge upon termination of the current contract a certificated per-  
27 son whose contract would otherwise be automatically renewed, the action  
28 of the board shall be consistent with the procedures specified in section  
29 33-513(5), Idaho Code, and furthermore, the board shall notify the employee  
30 in writing whether there is just and reasonable cause not to renew the con-  
31 tract or to reduce the salary of the affected employee, and if so, what  
32 reasons it relied upon in that determination.

33 (7) If the board of trustees takes action after the declaration of a fi-  
34 nancial emergency pursuant to section 33-522, Idaho Code, and such action is  
35 directed at more than one (1) certificated employee, and if mutually agreed  
36 to by both parties, a single informal review shall be conducted. Without  
37 mutual consent of both parties, the board of trustees shall use the follow-  
38 ing procedure to conduct a single due process hearing within sixty-seven  
39 (67) days of the declaration of financial emergency pursuant to section  
40 33-522(2), Idaho Code, or on or before June 22, whichever shall occur first:

41 (a) The superintendent or any other duly authorized administrative of-  
42 ficer of the school district may recommend the change in the length of  
43 the term stated in the current contract or reduce the salary of any cer-  
44 tificated employee by filing with the board of trustees written notice  
45 specifying the purported reasons for such changes.

46 (b) Upon receipt of such notice, the board of trustees, acting through  
47 its duly authorized administrative official, shall give the affected  
48 employees written notice of the reductions and the recommendation of  
49 the change in the length of the term stated in the current contract or  
50 the reduction of salary, along with written notice of a hearing be-



1 fore the board of trustees prior to any determination by the board of  
2 trustees.

3 (c) The hearing shall be scheduled to take place not less than six (6)  
4 days nor more than fourteen (14) days after receipt of the notice by the  
5 employees. The date provided for the hearing may be changed by mutual  
6 consent.

7 (d) The hearing shall be open to the public.

8 (e) All testimony at the hearing shall be given under oath or affirma-  
9 tion. Any member of the board, or the clerk of the board of trustees, may  
10 administer oaths to witnesses or affirmations by witnesses.

11 (f) The employees may be represented by legal counsel and/or by a repre-  
12 sentative of a local or state education association.

13 (g) The chairman of the board of trustees or the designee of the chair-  
14 man shall conduct the hearing.

15 (h) The board of trustees shall cause an electronic record of the hear-  
16 ing to be made or shall employ a competent reporter to take stenographic  
17 or stenotype notes of all the testimony at the hearing. A transcript of  
18 the hearing shall be provided at cost by the board of trustees upon re-  
19 quest of the employee.

20 (i) At the hearing, the superintendent or other duly authorized admin-  
21 istrative officer shall present evidence to substantiate the reduction  
22 contained in such notice.

23 (j) The employees may produce evidence to refute the reduction. Any  
24 witness presented by the superintendent or by the employees shall be  
25 subject to cross-examination. The board of trustees may also examine  
26 witnesses and be represented by counsel.

27 (k) The affected employees may file written briefs and arguments with  
28 the board of trustees within three (3) days after the close of the hear-  
29 ing or such other time as may be agreed upon by the affected employees  
30 and the board of trustees.

31 (l) Within seven (7) days following the close of the hearing, the board  
32 of trustees shall determine and, acting through its duly authorized ad-  
33 ministrative official, shall notify the employees in writing whether  
34 the evidence presented at the hearing established the need for the ac-  
35 tion taken.

36 The due process hearing pursuant to this subsection shall not be required if  
37 the board of trustees and the local education association reach an agreement  
38 on issues agreed upon pursuant to section 33-522(3), Idaho Code.

39 (8) If the board of trustees, for reasons other than unsatisfactory  
40 service, for the ensuing contract year, determines to change the length of  
41 the term stated in the current contract, reduce the salary or not renew the  
42 contract of a certificated person whose contract would otherwise be automat-  
43 ically renewed, nothing herein shall require a probationary period.

44 (9) If the board of trustees, for reasons other than unsatisfactory  
45 service, for the ensuing contract year, determines to change the length  
46 of the term stated in the current contract or reduce the salary of a cer-  
47 tificated person whose contract would otherwise be automatically renewed,  
48 nothing herein shall require any individualized due process proceeding. In  
49 such circumstance, the board shall hold a single informal review for all im-

1     pected employees. The process and procedure for the single informal review  
2     shall be determined by the local board of trustees.

3             SECTION 40. That Section 33-522, Idaho Code, be, and the same is hereby  
4     amended to read as follows:

5             33-522. FINANCIAL EMERGENCY. (1) Prior to declaring a financial emer-  
6     gency, the board of trustees shall hold a public meeting for the purpose of  
7     receiving input concerning possible solutions to the financial problems  
8     facing the school district.

9             (2) If the state department of education certifies that one (1) or more  
10    of the conditions in paragraph (a) ~~or~~ (b) ~~or (c)~~ of this subsection are met,  
11    then the board of trustees may declare a financial emergency if it determines  
12    that the condition in paragraph (~~f~~e) of this subsection is also met. Alter-  
13    natively, the board of trustees may declare a financial emergency if it de-  
14    termines that either of the conditions in paragraph (~~d~~c) or (~~e~~d) of this sub-  
15    section are met and the state department of education certifies that the con-  
16    dition set forth in paragraph (~~f~~e) of this subsection is also met.

17            (a) ~~Any of the base salary multipliers in~~ The percentage of the founda-  
18            tion amount per student associated with the state career ladder sched-  
19            ule, as identified pursuant to section 33-1004E(4), Idaho Code, are is  
20            reduced by one and one-half percent (1 1/2%) or more from any prior fis-  
21            cal year.

22            (b) ~~The minimum instructional salary provision in section 33-1004E,~~  
23            ~~Idaho Code, is reduced by one and one-half percent (1 1/2%) or more from~~  
24            ~~any prior fiscal year.~~

25            ~~(c) The amount of total general fund money appropriated per support~~  
26            ~~unit student-based foundation funding is reduced by greater than three~~  
27            ~~percent (3%) from the original general fund appropriation per support~~  
28            ~~unit of any prior fiscal year.~~

29            (~~d~~c) The amount of property tax revenue to be collected by the school  
30            district that may be used for any general fund purpose, with the excep-  
31            tion of any emergency levy funds, is reduced from the prior fiscal year,  
32            and the amount of said reduction represents more than one and one-half  
33            percent (1 1/2%) of the school district's general fund budget for com-  
34            bined state and local revenues from the prior fiscal year.

35            (~~e~~d) The school district's general fund has decreased by at least one  
36            and one-half percent (1 1/2%) from the previous year's level due to a  
37            decrease in funding or natural disaster, but not as a result of a drop  
38            in the ~~number of support units or the index multiplier calculated pur-~~  
39            ~~suant to section 33-1004A, Idaho Code, or a change in the emergency levy~~  
40            ~~student enrollment count.~~

41            (~~f~~e) The school district's unrestricted general fund balance, which  
42            excludes funds restricted by state or federal law and considering both  
43            anticipated expenditures and revenue, is less than five and one-half  
44            percent (5 1/2%) of the school district's unrestricted general fund  
45            budget at the time the financial emergency is declared or for the fiscal  
46            year for which the financial emergency is declared.

47            (3) Upon its declaration of a financial emergency, the board of  
48     trustees shall:

1 (a) Have the power to reopen the salary and benefits compensation as-  
 2 pects of the negotiated agreement, including the length of the certifi-  
 3 cated employee contracts and the amount of compensation and benefits;  
 4 and

5 (b) If the parties to the negotiated agreement mutually agree, reopen  
 6 other matters contained within the negotiated agreement directly af-  
 7 fecting the financial circumstances in the school district.

8 If the board of trustees exercises the power provided in this subsection con-  
 9 sistent with the requirements of subsection (2) of this section, both the  
 10 board of trustees and the local education association shall meet and confer  
 11 in good faith for the purpose of reaching an agreement on such issues.

12 (4) If, after the declaration of a financial emergency pursuant to  
 13 subsection (2) of this section, both parties have met and conferred in good  
 14 faith and an agreement has not been reached, the board of trustees may impose  
 15 its last, best offer, following the outcome of the due process hearing held  
 16 pursuant to section 33-515(7), Idaho Code.

17 (5) A financial emergency declared pursuant to subsection (2) of this  
 18 section shall be effective for only one (1) fiscal year at a time and shall  
 19 not be declared by the board of trustees for a second consecutive year, un-  
 20 less so qualified by additional reductions pursuant to the conditions listed  
 21 in subsection (2) of this section.

22 (6) The time requirements of sections 33-514(2) and 33-515(2), Idaho  
 23 Code, shall not apply in the event a financial emergency is declared pursuant  
 24 to subsection (2) of this section.

25 SECTION 41. That Section 33-701, Idaho Code, be, and the same is hereby  
 26 amended to read as follows:

27 33-701. FISCAL YEAR -- PAYMENT AND ACCOUNTING OF FUNDS. The fiscal  
 28 year of each school district shall be a period of twelve (12) months commenc-  
 29 ing on the first day of July in each year.

30 The board of trustees of each school district shall have the following  
 31 powers and duties:

32 1. To determine and order paid all lawful expenses for salaries, wages  
 33 and purchases, whether or not there be money in the treasury for payment of  
 34 warrants drawn against any fund of the district. Warrants shall be signed  
 35 by the treasurer of the district and countersigned by the chairman or vice-  
 36 chairman of the board of trustees.

37 Whenever any school district has sufficient funds on deposit to do so,  
 38 it may pay any allowed claim for salaries, wages or purchases by regular bank  
 39 check signed by the treasurer or assistant treasurer of the district and  
 40 countersigned by the chairman, or vice-chairman, of the board of trustees.

41 The total amount of warrants or orders for warrants drawn on any fund,  
 42 together with disbursements from such fund in any other manner made, shall  
 43 not exceed ninety-five percent (95%) of the estimated income and revenue ac-  
 44 crued or accruing to such fund for the same school year, until such income and  
 45 revenue shall have been paid into the treasury to the credit of the district;

46 2. To invest all or part of any plant facilities reserve fund, or any  
 47 fund accumulated for the payment of interest on, and the redemption of, out-  
 48 standing bonds, or other obligations of the district in bonds or certifi-  
 49 cates of indebtedness of the United States of America, or in bonds or invest-

1 ments permitted by sections 67-1210 and 67-1210A, Idaho Code, or warrants of  
2 the state of Idaho, or in warrants or tax anticipation notes of any county or  
3 school district of the state of Idaho, when such investments shall be due and  
4 payable on or before the date any plant facilities reserve fund shall be re-  
5 quired to be expended or any bonds or other obligations, or interest thereon,  
6 of the investing district shall become payable.

7 Whenever in the judgment of the board of trustees, the proceeds of any  
8 bond issue should be temporarily invested pending the expenditure of such  
9 proceeds for the purposes for which such bonds were issued, the proceeds may  
10 be invested in the manner and form hereinabove prescribed. Any interest, or  
11 profits accruing from such investments shall be used for the purposes for  
12 which the bonds were issued. Unless otherwise provided by law, any interest  
13 or profits accruing from the investment of any funds shall be credited to the  
14 general fund of the district;

15 3. To insure any schoolhouse and other property, and the district,  
16 against any loss by fire, casualty, or liability, and the board, its officers  
17 and employees, and to preserve its property for the benefit of the district.  
18 In case of loss of any insured property, any proceeds from insurance:

19 (a) May be expended in constructing a temporary or permanent structure,  
20 but no sum greater than the insurance proceeds shall be so expended ex-  
21 cept upon approval of a majority of the school district electors voting  
22 in an election called for that purpose; or

23 (b) May be placed in and made a part of the school plant facilities re-  
24 serve fund of the district, if the district has such a fund; or

25 (c) May be placed in a separate account in the bond interest and redemp-  
26 tion fund of the district to repay any kind of obligation incurred by the  
27 district in replacing or restoring the property for which the insurance  
28 proceeds were received, and shall not be included in the computations  
29 of bond and bond interest levies as provided in section 33-802A, Idaho  
30 Code.

31 If the proceeds of any insurance received by a school district by reason  
32 of loss on real property shall be less than five thousand dollars (\$5,000),  
33 such proceeds may be credited to the general fund of the district;

34 4. To pay from the general fund of the district the expense of any mem-  
35 ber of the board incurred while traveling on the business of the board, or  
36 attending any meeting called by the state board of education or by the state  
37 superintendent of public instruction, or attending any annual or special  
38 meetings of the state school trustees association, and to pay the membership  
39 fee of the board of trustees in said association. Whenever any member of  
40 the board of trustees resides at such distance from the meeting place of the  
41 board as to require, in the judgment of the board, such member to incur extra-  
42 ordinary expense in traveling from his home to and from said meeting place,  
43 the board may approve payment to such member of the extraordinary expense  
44 incurred in attending any meeting of the board.

45 For the purpose of this paragraph, the term "expense" or "extraordinary  
46 expense" shall include allowance for mileage or actual travel expense in-  
47 curred;

48 5. To prepare, or cause to be prepared and published, in the manner  
49 hereinafter prescribed, within one hundred twenty (120) days from the last  
50 day of each fiscal year, an annual statement of financial condition and

1 report of the school district as of the end of such fiscal year in a form  
2 prescribed by the state superintendent of public instruction. Such annual  
3 statement shall include, but not be limited to, the amounts of money budgeted  
4 and received and from what sources, and the amounts budgeted and expended for  
5 salaries and other expenses by category. Salaries may be reported in gross  
6 amount. Each school district shall have available at the administrative  
7 office, upon request, a full and complete list of vendors and the amount paid  
8 to each and a list of the number of teachers paid at each of the several stated  
9 gross salary levels in effect in the district.

10 Nothing herein provided shall be construed as limiting any school dis-  
11 trict as to any additional or supplementary statements and reports it may  
12 elect to make for the purpose of informing the public of its financial oper-  
13 ations, either as to form, content, method, or frequency; and if all the in-  
14 formation required herein to be published shall have been published as pro-  
15 vided herein at regular intervals during the fiscal year covering successive  
16 portions of the fiscal year, then such information may be omitted from the  
17 annual statement of financial condition and report for such portions of the  
18 fiscal year as already have been reported.

19 The annual statement of financial condition and report shall be pub-  
20 lished within the time above prescribed in one (1) issue of a newspaper  
21 printed and published within the district, or, if there be none, then in a  
22 newspaper as provided in section 60-106, Idaho Code, published within the  
23 district, or, if there be none, then in a newspaper as provided in section  
24 60-106, Idaho Code, in the county in which the school district is located,  
25 or, if more than one (1) newspaper is published in said district or county,  
26 then in the newspaper most likely to give best general notice of the contents  
27 of such annual statement of financial condition and report to the residents  
28 of said district; provided, that if no newspaper is published in the district  
29 or county, then such statement of financial condition and report shall be  
30 published in a newspaper as provided in section 60-106, Idaho Code, most  
31 likely to give best general notice of the contents to the residents of said  
32 district.

33 The chairman, clerk and treasurer of each school district shall certify  
34 the annual statement of financial condition and report to be true and cor-  
35 rect, and the certification shall be included in each published statement.

36 In the event the board of trustees of any school district shall fail to  
37 prepare or cause to be prepared or to publish the annual statement of finan-  
38 cial condition and report as herein required, the state superintendent of  
39 public instruction shall cause the same to be prepared and published, and the  
40 cost thereof shall be an obligation of the school district. One (1) copy of  
41 the annual statement of financial condition and report shall be retained in  
42 the office of the clerk of the board of school trustees, where the same shall  
43 be open at all times to examination and inspection by any person;

44 6. To cause to be made a full and complete audit of the financial state-  
45 ments of the district as required in section 67-450B, Idaho Code.

46 The auditor shall be employed on written contract.

47 One (1) copy of the audit report shall be filed with the state department  
48 of education, after its acceptance by the board of trustees, but not later  
49 than November 10. If the audit report is not received by the state department  
50 of education by November 10, the department may withhold all or a portion

1 of the district's ~~November~~ December 15 distribution made pursuant to sec-  
 2 tion 33-10093, Idaho Code, for noncompliance with the audit report deadline.  
 3 Provided however, a district may appeal to the state board of education for  
 4 reconsideration, in which case the state board of education may reinstate or  
 5 adjust the funds withheld.

6 In the event the state department of education requests further ex-  
 7 planation or additional information regarding a school district's audit  
 8 report, such school district shall provide a full and complete response to  
 9 the state department of education within thirty (30) days of receipt of the  
 10 state department's request. If a school district fails to respond within the  
 11 thirty (30) day time limit, the state department of education may withhold  
 12 all or a portion of the district's next scheduled distribution to be made  
 13 pursuant to section 33-10093, Idaho Code. Provided however, a district may  
 14 appeal to the state board of education for reconsideration, in which case the  
 15 state board of education may reinstate or adjust the funds withheld;

16 7. To file annually with the state department of education such finan-  
 17 cial and statistical reports as said state superintendent of public instruc-  
 18 tion may require;

19 8. To order and have destroyed any canceled check or warrant, or any  
 20 form of claim or voucher which has been paid, at any time after five (5) years  
 21 from the date the same was canceled and paid;

22 9. To review the school district budget periodically and make appropri-  
 23 ate budget adjustments to reflect the availability of funds and the require-  
 24 ments of the school district. Any person or persons proposing a budget ad-  
 25 justment under this section shall notify in writing each member of the board  
 26 of trustees one (1) week prior to the meeting at which such proposal will be  
 27 made. Prior to the final vote on such a proposal, notice shall be posted and  
 28 published once, as prescribed in section 33-402, Idaho Code. A budget ad-  
 29 justment shall not be approved unless voted affirmatively by sixty percent  
 30 (60%) of the members of the board of trustees. Such amended budgets shall be  
 31 submitted to the state superintendent of public instruction;

32 10. To invest any money coming into the hands of the school district in  
 33 investments permitted by section 67-1210, Idaho Code. Unless otherwise pro-  
 34 vided by law, any interest or profits accruing from the investment of any  
 35 funds shall be credited to the general fund of the district.

36 SECTION 42. That Section 33-801A, Idaho Code, be, and the same is hereby  
 37 amended to read as follows:

38 33-801A. GENERAL FUND CONTINGENCY RESERVE. The board of trustees of  
 39 any school district may create and establish a general fund contingency re-  
 40 serve within the annual school district budget. Such general fund contin-  
 41 gency reserve shall not exceed five ~~per cent~~ percent (5%) of the total gen-  
 42 eral fund budget, ~~or the equivalent value of one (1) support unit computed~~  
 43 ~~as required by section 33-1002, Idaho Code, whichever is greater.~~ Disburse-  
 44 ments from said fund may be made by resolution from time to time as the board  
 45 of trustees determines necessary for contingencies that may arise. The bal-  
 46 ance of said fund shall not be accumulated beyond the budgeted fiscal year.  
 47 If any money remains in the contingency reserve it shall be treated as an item  
 48 of income in the following year's budget.

1 SECTION 43. That Section 33-804, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3 33-804. SCHOOL PLANT FACILITIES RESERVE FUND LEVY. In any school dis-  
4 trict in which a school plant facilities reserve fund has been created, ei-  
5 ther by resolution of the board of trustees or by apportionment to new dis-  
6 tricts according to the provisions of section 33-901, Idaho Code, to provide  
7 funds therefor the board of trustees shall submit to the qualified school  
8 electors of the district the question of a levy not to exceed four-tenths of  
9 one percent (.4%) of market value for assessment purposes in each year, as  
10 such valuation existed on December 31 of the previous year, for a period not  
11 to exceed ten (10) years.

12 The question of a levy to be submitted to the electors of the district  
13 and the notice of such election shall state the dollar amount proposed to be  
14 collected each year during the period of years in each of which the collec-  
15 tion is proposed to be made, the percentage of votes in favor of the proposal  
16 which are needed to approve the proposed dollar amount to be collected, and  
17 the purposes for which such funds shall be used. Said notice shall be given,  
18 the election shall be held subject to the provisions of section 34-106, Idaho  
19 Code, and conducted and the returns canvassed as provided in title 34, Idaho  
20 Code; and the dollar amount to be collected shall be approved only if:

21 (1-) Fifty-five percent (55%) of the electors voting in such election  
22 are in favor thereof if the levy will result in a total levy for school plant  
23 facilities and bonded indebtedness of less than two-tenths of one percent  
24 (.2%) of market value for assessment purposes as such valuation existed on  
25 December 31 of the year immediately preceding the election;

26 (2-) Sixty percent (60%) of the electors voting in such election are in  
27 favor thereof if the levy will result in a total levy for school plant facil-  
28 ities and bonded indebtedness of two-tenths of one percent (.2%) or more and  
29 less than three-tenths of one percent (.3%) of market value for assessment  
30 purposes as such valuation existed on December 31 of the year immediately  
31 preceding the election; or

32 (3-) Two-thirds (2/3) of the electors voting in such election are in fa-  
33 vor thereof if the levy will result in a total levy for school plant facili-  
34 ties and bonded indebtedness of three-tenths of one percent (.3%) or more of  
35 market value for assessment purposes as such valuation existed on December  
36 31 of the year immediately preceding the election.

37 If the question be approved, the board of trustees may make a levy, not  
38 to exceed four-tenths of one percent (.4%) of market value for assessment  
39 purposes as such valuation existed on December 31 of the previous year, in  
40 each year for which the collection was approved, sufficient to collect the  
41 dollar amount approved and may again submit the question at the expiration  
42 of the period of such levy, for the dollar amount to be collected during each  
43 year, and the number of years which the board may at that time determine. Or,  
44 during the period approved at any such election, if such period be less than  
45 ten (10) years or the levy be less than four-tenths of one percent (.4%) of  
46 market value for assessment purposes as such valuation existed on December  
47 31 of the previous year, the board of trustees may submit to the qualified  
48 school electors in the same manner as before, the question whether the number  
49 of years, or the levy, or both, be increased, but not to exceed the maximum

1 herein authorized. If such increase or increases be approved by the elec-  
2 tors, the terms of such levy shall be in lieu of those approved in the first  
3 instance, but disapproval shall not affect any terms theretofore in effect.

4 Any bonded indebtedness incurred in accordance with the provisions of  
5 section 33-1103, Idaho Code, subsequent to the approval of a plant facili-  
6 ties reserve fund levy shall not affect the terms of that levy for any time  
7 during which such levy is in effect.

8 ~~(4.)~~ In any fiscal year in which the state department of education cer-  
9 tifies that the ~~statewide per support unit funding for salary-based appor-~~  
10 ~~tionment and discretionary funds~~ student-based foundation funding has de-  
11 creased, in the aggregate, from the prior fiscal year, the board of trustees  
12 of any school district with a previously approved plant facilities levy may  
13 submit to the qualified electors of the school district the question of con-  
14 verting a previously approved plant facilities levy to a supplemental levy,  
15 subject to the following:

16 (a) The term of the supplemental levy shall not exceed the lesser of two  
17 (2) years or the remaining term on the previously approved plant facili-  
18 ties levy; and

19 (b) The first tax year of conversion shall be the one in which the rev-  
20 enues collected will accrue to the fiscal year in which the state de-  
21 partment of education certifies that the condition stated in subsection  
22 ~~(4.)~~ of this section exists; and

23 (c) Up to one hundred percent (100%) of the previously approved plant  
24 facilities levy amount may be converted; and

25 (d) Conversion of a plant facilities levy to a supplemental levy shall  
26 not affect any other supplemental levy; and

27 (e) The question to be submitted to the electors of the district and  
28 the notice of such election shall state the dollar amount proposed to be  
29 converted each year, the number of years to be converted, the percentage  
30 of the plant facilities levy that is proposed for conversion, and the  
31 purposes for which such funds shall be used; and

32 (f) Prior to January 1, 2011, the election notice shall be given, the  
33 election shall be conducted and the returns canvassed as provided in  
34 chapter 4, title 33, Idaho Code. On and after January 1, 2011, the elec-  
35 tion notice shall be given, the election shall be held subject to the  
36 provisions of section 34-106, Idaho Code, and conducted and the returns  
37 canvassed as provided in title 34, Idaho Code; and

38 (g) The dollar amount to be converted and collected shall be approved  
39 only if a majority of the electors voting in the election are in favor;  
40 and

41 (h) Upon expiration of the term of conversion, the supplemental levy  
42 shall revert to the previously approved plant facilities levy for any  
43 approved years remaining on the balance of its term; and

44 (i) Any years in which a previously approved plant facilities levy  
45 is converted to a supplemental levy pursuant to this subsection shall  
46 count against the years for which the plant facilities levy was ap-  
47 proved; and

48 (j) If a majority of the electors voting in the election fail to vote  
49 in favor, the previously approved plant facilities levy shall not be af-  
50 fected.



1 SECTION 44. That Section 33-805, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3 33-805. SCHOOL EMERGENCY FUND LEVY. (1) Before the second Monday of  
4 September in each year, the board of trustees of any school district which  
5 qualifies under the provisions of this section may certify its need hereun-  
6 der to the board of county commissioners in each county in which the district  
7 may lie, and request a school emergency fund levy upon all taxable property  
8 in the district.

9 (2) The board of trustees shall compute the number of ~~pupils in aver-~~  
10 ~~age daily attendance unweighted students enrolled~~ in the schools of the dis-  
11 trict as of such date, and if there be ~~pupils in average daily attendance~~  
12 ~~unweighted students enrolled~~ above the number ~~in average daily attendance of~~  
13 ~~unweighted students enrolled~~ for the same period of the school year immedi-  
14 ately preceding the board shall:

15 1. (a) Divide the total of the student-based foundation program al-  
16 lowance funding based on said last annual report by the ~~total~~ number of  
17 ~~pupils in average daily attendance unweighted students enrolled~~ shown  
18 thereon;

19 2. (b) Multiply the quotient so derived by the number of additional  
20 ~~pupils in average daily attendance unweighted students enrolled~~.

21 (3) The number of ~~pupils in average daily attendance unweighted stu-~~  
22 ~~dents enrolled~~ for each period and the amount so computed shall be certi-  
23 fied to the board of county commissioners of the county in which the district  
24 lies.

25 (4) In the case of a joint district, the board of trustees shall cer-  
26 tify to the board of county commissioners of each county in which the dis-  
27 trict lies, to each, that proportion of the amount computed, as hereinabove,  
28 as the assessed value of taxable property within the district situate in each  
29 such county bears to the total assessed value of all taxable property in the  
30 district.

31 (5) After receiving the amounts certified, as hereinabove provided,  
32 the board, or boards, of county commissioners shall determine the levy ac-  
33 cording to section 63-805(3), Idaho Code, as amended; and the proceeds of any  
34 such levy shall be credited to the general fund of the district.

35 (6) The school district shall advertise its intent to seek an emer-  
36 gency levy pursuant to this section by publishing in at least the newspaper  
37 of largest paid circulation published in the county of the district, or if  
38 there is no such newspaper, then in a newspaper published nearest to the dis-  
39 trict where the advertisement is required to be published. For purposes of  
40 this section, the definition of "newspaper" shall be as established in sec-  
41 tions 60-106 and 60-107, Idaho Code; provided further that the newspaper of  
42 largest circulation shall be established by the statement of average annual  
43 paid weekday circulation listed on the newspaper's sworn statement of owner-  
44 ship that was filed with the United States post office on a date most recently  
45 preceding the date on which the advertisement required in this section is to  
46 be published. The advertisement shall be run when the school district ascer-  
47 tains that it will request an emergency school fund levy as provided in this  
48 section and shall be published once a week for two (2) weeks following action  
49 by the board of trustees.

1       (7) The form and content of the notice shall be substantially as fol-  
2 lows:

3                   NOTICE OF PROPERTY TAX INCREASE BY SCHOOL BOARD

4       The (name of the school district) has proposed to increase the amount of  
5 ad valorem tax dollars it collects by certifying a school emergency fund levy  
6 pursuant to section 33-805, Idaho Code, for the period ..... to .....  
7 . The total amount of dollars to be collected pursuant to this levy is esti-  
8 mated to be ..... . The amount of dollars to be collected pursuant to  
9 this levy on a typical home of \$50,000 taxable value of last year is estimated  
10 to be ..... . The amount of dollars to be collected pursuant to this levy  
11 on a typical farm of \$100,000 taxable last year is estimated to be ..... .  
12 The amount of dollars to be collected pursuant to this levy on a typical busi-  
13 ness of \$200,000 taxable value of last year is estimated to be ..... .

14       CAUTION TO TAXPAYER: The amounts shown in this schedule do NOT reflect  
15 tax charges that are made because of voter approved bond levies, over-  
16 ride levies, supplemental levies, or levies applicable to newly annexed  
17 property. Also the amounts shown in this schedule are an estimate only  
18 and can vary with the amount of dollars and the levy amount certified and  
19 the taxable value of individual property.

20       SECTION 45. That Section 33-905, Idaho Code, be, and the same is hereby  
21 amended to read as follows:

22       33-905. SCHOOL DISTRICT BUILDING ACCOUNT -- PAYMENTS TO ACCOUNT --  
23 MONEYS APPROPRIATED TO STATE BOARD -- APPLICATION FOR MONEYS -- PAYMENTS  
24 TO DISTRICTS -- REPORTS ON APPLICATIONS -- USES OF MONEYS. (1) The state of  
25 Idaho, in order to fulfill its responsibility to establish and maintain a  
26 general, uniform and thorough system of public, free common schools, hereby  
27 creates and establishes the school district building account in the state  
28 treasury. The school district building account shall have paid into it such  
29 appropriations or revenues as may be provided by law.

30       (2) By not later than August 31, moneys in the account pursuant to dis-  
31 tribution from section 67-7434, Idaho Code, the lottery dividends and inter-  
32 est earned thereon, shall be distributed to each of the several school dis-  
33 tricts, in the proportion that the average daily attendance unweighted stu-  
34 dent enrollment count of that district for the previous school year bears to  
35 the total average daily attendance unweighted enrollment count of the state  
36 during the previous school year. For the purposes of this subsection (2)  
37 only, the Idaho school for the deaf and the blind shall be considered a school  
38 district, and shall receive a distribution based upon the average daily at-  
39 tendance student enrollment count of the school. Average daily attendance  
40 Student enrollment counts shall be calculated determined as provided in sec-  
41 tion 33-1002(3)B, Idaho Code, and rules promulgated pursuant to that code  
42 section. For the purposes of this subsection (2) only, any school for the  
43 deaf and the blind operated by the Idaho bureau of educational services for  
44 the deaf and the blind shall be considered a school district, and shall re-  
45 ceive a distribution based upon the average daily attendance unweighted stu-  
46 dent enrollment count of the school.

47       (3) Any other state moneys that may be made available shall be dis-  
48 tributed to meet the requirements of section 33-1019, Idaho Code. If the

1 amount of such funds exceeds the amount needed to meet the provisions of sec-  
2 tion 33-1019, Idaho Code, then the excess balance shall be transferred to the  
3 public education stabilization fund.

4 (4) All payments from the school district building account shall be  
5 paid out directly to the school district in warrants drawn by the state  
6 controller upon presentation of proper vouchers from the state board of ed-  
7 ucation. Pending payments out of the school district building account, the  
8 moneys in the account shall be invested by the state treasurer in the same  
9 manner as provided under section 67-1210, Idaho Code, with respect to other  
10 idle moneys in the state treasury. Interest earned on the investments shall  
11 be returned to the school district building account.

12 (5) Payments from the school district building account received by a  
13 school district shall be used by the school district for the purposes autho-  
14 rized in section 33-1019, Idaho Code, up to the level of the state match so  
15 required. Any payments from the school district building account received  
16 by a school district that are in excess of the state match requirements of  
17 section 33-1019, Idaho Code, may be used by the school district for the pur-  
18 poses authorized in section 33-1102, Idaho Code.

19 SECTION 46. That Section 33-906, Idaho Code, be, and the same is hereby  
20 amended to read as follows:

21 33-906. BOND LEVY EQUALIZATION SUPPORT PROGRAM. (1) Pursuant to sec-  
22 tion 33-906B, Idaho Code, school districts with a value index below one (1)  
23 shall be eligible to receive additional state financial assistance for the  
24 cost of annual bond interest and redemption payments made on bonds passed on  
25 or after September 15, 2002. However, any school district with a value index  
26 of less than one and one-half (1.5), shall receive no less than ten percent  
27 (10%) of the interest cost portion of the annual bond interest and redemption  
28 payment for bonds passed on or after September 15, 2002. The state depart-  
29 ment of education shall disburse such funds to school districts from mon-  
30 eys appropriated from the bond levy equalization fund. The department shall  
31 disburse the funds by no later than September 1 of each year for school dis-  
32 tricts in which voters have approved the issuance of qualifying bonds by no  
33 later than January 1 of that calendar year, and which are certifying a qual-  
34 ifying bond interest and redemption payment for the fiscal year in which the  
35 disbursement is made. For districts with a value index below one (1), the  
36 percentage of each annual bond interest and redemption payment that is paid  
37 by the state shall be determined by dividing the difference between one (1)  
38 and the school district's value index by one (1).

39 (2) For the purposes of this section, the annual bond interest and re-  
40 demption payment shall be determined by dividing the total payment amounts  
41 by the number of fiscal years in which payments are to be made. The inter-  
42 est cost portion of the annual bond interest and redemption payment shall be  
43 determined by dividing the total interest paid by the number of fiscal years  
44 in which payments are to be made. For school districts not qualifying for  
45 a state payment in the first year of the bond interest and redemption pay-  
46 ment schedule, due solely to the January 1 eligibility deadline, the state  
47 department of education shall distribute an additional payment in the next  
48 fiscal year, in the amount of such funds that the school district would have  
49 otherwise qualified for in the current fiscal year.

1 (3) The provisions of this section may not be utilized to refinance  
2 existing debt or subsidize projects previously subsidized by state grants,  
3 unless the existing debt being refinanced is a bond passed on or after  
4 September 15, 2002; provided however, that any school district that has  
5 issued qualifying bonds prior to June 30, 2004, in conformance with this sec-  
6 tion shall not be deemed to be refinancing existing debt when the qualifying  
7 bonds are utilized to finance the acquisition of public school facilities  
8 previously leased or financed through means other than the issuance of gen-  
9 eral obligation bonds approved by a two-thirds (2/3) vote at an election  
10 called for that purpose subject to subsection (5) of this section.

11 (4) School districts shall annually report the status of all qualifying  
12 bonds to the state department of education by January 1 of each year, includ-  
13 ing bonds approved by the voters, but not yet issued. Information submitted  
14 shall include the following:

15 (a) The actual or estimated bond interest and redemption payment sched-  
16 ule;

17 (b) Any qualifying bond that has been paid off;

18 (c) Other information as may be required by the state department of edu-  
19 cation.

20 (5) No school district project eligible for participation in the bond  
21 levy equalization support program shall be deemed ineligible for participa-  
22 tion due to that school district project's eligibility and prior participa-  
23 tion in the safe school facilities loan and grant program or the Idaho safe  
24 schools facilities program under section 33-804A, ~~33-1017~~ or 33-1613, Idaho  
25 Code, provided that:

26 (a) Such school district notifies the state department of education of  
27 its desire and eligibility to participate in the bond levy equalization  
28 support program; and

29 (b) Such school district shall receive no state financial assistance  
30 for the project under the bond levy equalization support program until  
31 the amount to which it would otherwise have been entitled to receive  
32 shall equal the amounts received by the school district under the safe  
33 school facilities loan and grant program or the Idaho safe schools fa-  
34 cilities program under section 33-804A, ~~33-1017~~ or 33-1613, Idaho Code.

35 (6) Any school district formed as a result of the consolidation of two  
36 (2) or more school districts that passes an eligible bond within three (3)  
37 years of the successful consolidation election shall participate in the bond  
38 levy equalization support program at the district's actual value index minus  
39 twenty-five hundredths (.25). This adjustment shall apply for the duration  
40 of the bond interest and redemption payment schedule. If a school district  
41 advantaged by this subsection (6) deconsolidates either during the appli-  
42 cable bond interest and redemption payment schedule, or within a three (3)  
43 year period thereafter, each deconsolidated district shall, upon deconsol-  
44 idation, repay to the bond levy equalization fund all additional subsidies  
45 received pursuant to this subsection (6). The proportions owed by each de-  
46 consolidated district shall be determined by the proportion that each dis-  
47 trict's market value for assessment purposes bears to the whole.

48 SECTION 47. That Section 33-906B, Idaho Code, be, and the same is hereby  
49 amended to read as follows:

1           33-906B. VALUE INDEX CALCULATION. (1) The state department of educa-  
 2 tion shall establish a value index for each school district, based on each  
 3 school district's market value per ~~support unit~~ average unweighted student  
 4 counts for equalization purposes, the average annual seasonally-adjusted  
 5 unemployment rate in the county in which a plurality of the school district's  
 6 market value for assessment purposes of taxable property is located and the  
 7 per capita income in the county in which a plurality of the school district's  
 8 market value for assessment purposes is located. The value index for each  
 9 school district shall be calculated as the sum of the following three (3)  
 10 components:

11           (1a) The state department of education shall annually calculate each  
 12 school district's market value per ~~support unit~~ average unweighted stu-  
 13 dent counts, based on the market values that would be used to calculate a  
 14 bond levy, and the statewide average. The first portion of the value in-  
 15 dex shall be calculated by dividing the school district's figure by the  
 16 statewide average figure and dividing the result of this calculation by  
 17 two (2).

18           (2b) The second portion of the value index shall be calculated by di-  
 19 viding the statewide unemployment rate by the unemployment rate in  
 20 the county in which a plurality of the school district's market value  
 21 for assessment purposes of taxable property is located, and dividing  
 22 the result of this calculation by four (4). For the purposes of this  
 23 ~~subsection~~ paragraph, the statewide unemployment rate and county unem-  
 24 ployment rates shall be based on the most recent average annual season-  
 25 ally-adjusted unemployment rate data reported by the United States de-  
 26 partment of labor, for which there is a complete calendar year of data.

27           (3c) The third portion of the value index shall be calculated by divid-  
 28 ing the county per capita income in the county in which a plurality of  
 29 the school district's market value for assessment purposes of taxable  
 30 property is located by the statewide per capita income, and dividing  
 31 the result of this calculation by four (4). For the purposes of this  
 32 ~~subsection~~ paragraph, the statewide per capita income and county per  
 33 capita income shall be based on the most recent data reported by the  
 34 United States department of commerce, for which there is a complete cal-  
 35 endar year of data.

36           (2) If a bond is passed by a subdistrict created pursuant to section  
 37 33-351, Idaho Code, the index used shall be that of the school district. For  
 38 subdistricts created as a result of consolidation, for the purposes of re-  
 39 tiring prior bonded indebtedness, pursuant to section 33-311, Idaho Code,  
 40 the subdistrict shall retain the value index factor calculated in paragraph  
 41 (a) of subsection (1) of this section, as such factor was calculated in the  
 42 subdistrict's last fiscal year as a separate school district. The remaining  
 43 components of the subdistrict's value index calculation shall be that of the  
 44 consolidated school district, as calculated each year.

45           SECTION 48. That Section 33-1405, Idaho Code, be, and the same is hereby  
 46 amended to read as follows:

47           33-1405. RATES OF TUITION -- TUITION CERTIFICATES. (1) The state de-  
 48 partment of education shall prepare and distribute all necessary forms; and  
 49 shall issue to each school district, annually, a tuition certificate bearing

1 a serial number, which certificate shall authorize the receiving district to  
 2 charge and to bill for the tuition of its nonresident ~~pupils~~ students where  
 3 tuition has not been waived.

4 (2) In determining tuition rates to be charged by any creditor school  
 5 district, the state department of education shall compute the sum of that  
 6 district's maintenance and operation costs, depreciation on its buildings,  
 7 equipment, and other property, and the interest, if any paid by it on bonded  
 8 debt or registered warrants. The said state department of education shall  
 9 then compute what proportion of the sum of said costs, depreciation and in-  
 10 terest is allocable to elementary schools, and what proportion is allocable  
 11 to secondary schools, in the district. The proportion allocable to elemen-  
 12 tary schools shall then be divided by the ~~average daily attendance~~ student  
 13 enrollment count of elementary schools ~~pupils~~, and the proportion alloca-  
 14 ble to secondary schools shall be divided by the ~~average daily attendance~~  
 15 student enrollment counts of secondary schools ~~pupils~~, in the district, and  
 16 the amount so determined shall be the gross per-~~pupil~~student cost, elemen-  
 17 tary or secondary, as the case may be. The net per-~~pupil~~student cost shall be  
 18 the gross per-~~pupil~~student cost less the per-~~pupil~~student apportionment to  
 19 the district of any student-based foundation ~~program~~ funds.

20 (3) Computations of tuition rates shall be made as of the school year  
 21 next preceding the year for which tuition charges are determined and made.

22 (4) Charges for tuition made by any creditor school district shall be  
 23 its net per-~~pupil~~student cost, as hereinabove defined; except that its gross  
 24 per-~~pupil~~student cost shall be charged where any ~~pupil~~ student has trans-  
 25 ferred to the creditor district by transfer other than one prescribed by sec-  
 26 tion 33-1403, Idaho Code, or where the home district of any ~~pupil~~ student at-  
 27 tending school in the creditor district is without the state of Idaho.

28 (5) The board of trustees of a school district may request a waiver from  
 29 the state board of education of any portion of the tuition rate determined  
 30 pursuant to this section. A waiver request must be made for each individual  
 31 student, and may be requested for up to four (4) years, subject to annual re-  
 32 view by the local board of trustees. Waivers must be requested before April 1  
 33 of the year prior to the operative date.

34 SECTION 49. That Section 33-1406, Idaho Code, be, and the same is hereby  
 35 amended to read as follows:

36 33-1406. BILLS OF TUITION. (1) Bills of tuition for nonresident pupils  
 37 shall be rendered by each creditor district and for nonresident pupils at-  
 38 tending any school of the creditor district under the provisions of section  
 39 33-1403 or 33-1404, Idaho Code, the bill of tuition shall be submitted to  
 40 the home district of such pupils. In all other cases, the creditor district  
 41 may submit to the parent of any nonresident pupil attending school in its  
 42 district a bill of tuition of such pupil, and such parent shall be liable  
 43 for the payment of said tuition, if so billed. Tuition reimbursement for  
 44 nonresident pupils who are placed by court order under provisions of the  
 45 Idaho juvenile corrections or child protective acts may be obtained by the  
 46 creditor district through procedures established in section 33-1002~~5~~, Idaho  
 47 Code, for nonresident tuition-equivalency allowance.

48 (2) Each bill of tuition submitted to a home district shall show the se-  
 49 rial number of the tuition certificate last issued to the creditor district

1 by the state department of education and shall show also the number of pupils  
2 for whom tuition is charged, which charge shall be as shown by the said tu-  
3 tion certificate.

4 (3) Bills of tuition, if submitted other than annually, shall be appor-  
5 tioned according to the number of school months for which any such bill is ap-  
6 plicable. A fraction of a school month shall be deemed a school month.

7 SECTION 50. That Section 33-1613, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 33-1613. SAFE PUBLIC SCHOOL FACILITIES REQUIRED. (1) Definition. As  
10 used in this section, "public school facilities" means the physical plant of  
11 improved or unimproved real property owned or operated by a school district,  
12 a charter school, or a school for children in any grades kindergarten through  
13 twelve (12) that is operated by the state of Idaho, including school build-  
14 ings, administration buildings, playgrounds, athletic fields, etc., used by  
15 schoolchildren or school personnel in the normal course of providing a gen-  
16 eral, uniform and thorough system of public, free common schools, but does  
17 not include areas, buildings or parts of buildings closed from or not used  
18 in the normal course of providing a general, uniform and thorough system of  
19 public, free common schools. The aspects of a safe environment conducive  
20 to learning as provided by section 33-1612, Idaho Code, that pertain to the  
21 physical plant used to provide a general, uniform and thorough system of pub-  
22 lic, free common schools are hereby defined as those necessary to comply with  
23 the safety and health requirements set forth in this section.

24 (2) Inspection. It is the duty of the board of trustees of every school  
25 district and the governing body for other schools described in subsection  
26 (1) of this section at least once in every school year to require an indepen-  
27 dent inspection of the school district's or other entity's school facilities  
28 to determine whether those school facilities comply with codes addressing  
29 safety and health standards for facilities, including electrical, plumbing,  
30 mechanical, elevator, fire safety, boiler safety, life safety, structural,  
31 snow loading, and sanitary codes, adopted by or pursuant to the Idaho uni-  
32 form school building safety act, chapter 80, title 39, Idaho Code, adopted  
33 by the state fire marshal, adopted by generally applicable local ordinances,  
34 or adopted by rule of the state board of education and applicable to school  
35 facilities. The inspection shall be done pursuant to chapter 80, title 39,  
36 Idaho Code, or by an independent inspector professionally qualified to con-  
37 duct inspections under the applicable code. The results of the inspection  
38 shall be presented to the administrator of the division of building safety  
39 and the board of trustees or other governing body for its review and consid-  
40 eration.

41 (3) Abatement required -- Reporting. The board of trustees or other  
42 governing body shall require that the unsafe or unhealthy conditions be  
43 abated and shall instruct the school district's or other entity's person-  
44 nel to take necessary steps to abate unsafe or unhealthy conditions. The  
45 board of trustees or other governing body must issue a report in the same  
46 school year in which the inspections are made declaring whether any unsafe  
47 or unhealthy conditions identified have not been abated. The state board  
48 of education shall, by rule, provide for uniform reporting of unsafe and  
49 unhealthy conditions and for uniform reporting of abatement or absence of

1 abatement of unsafe and unhealthy conditions. Copies of such reports shall  
2 be provided to the administrator of the division of building safety and the  
3 board of trustees of the school district.

4 (4) Costs of and plan of abatement. If the school district or other en-  
5 tity described in subsection (1) of this section can abate all unsafe or un-  
6 healthy conditions identified with the funds available to the school dis-  
7 trict or other entity, it shall do so, and it need not separately account for  
8 the costs of abatement nor segregate funds expended for abatement. If the  
9 school district or other entity cannot abate all unsafe or unhealthy con-  
10 ditions identified with the funds available to it, the board of trustees or  
11 other governing body shall direct that a plan of abatement be prepared. The  
12 plan of abatement shall provide a timetable that shall begin no later than  
13 the following school year and that shall provide for abatement with all de-  
14 liberate speed of unsafe and unhealthy conditions identified. The abate-  
15 ment plan shall be submitted to the administrator of the division of build-  
16 ing safety. The school district or other entity shall immediately begin to  
17 implement its plan of abatement and must separately account for its costs of  
18 abatement of unsafe and unhealthy conditions and separately segregate funds  
19 for the abatement of unsafe and unhealthy conditions as required by subsec-  
20 tion (5) of this section.

21 (5) Special provisions for implementation of plan of abatement.

22 (a) Notwithstanding any other provisions of law concerning expenditure  
23 of lottery moneys distributed to the school district or other entity,  
24 all lottery moneys provided to the school district or other entity for  
25 a school year in which the school district cannot abate unsafe or un-  
26 healthy conditions identified and not legally encumbered to other uses  
27 at the time and all lottery moneys for following school years shall be  
28 segregated and expended exclusively for abatement of unsafe and un-  
29 healthy conditions identified until all of the unhealthy and unsafe  
30 conditions identified are abated, ~~provided, if the school district has~~  
31 ~~obtained a loan from the safety and health revolving loan and grant~~  
32 ~~fund, the provisions of section 33-1017, Idaho Code, and the conditions~~  
33 ~~of the loan shall determine the use of the school district's lottery~~  
34 ~~moneys during the term of the loan.~~

35 (b) If the lottery moneys referred to in paragraph (a) of this subsec-  
36 tion will, in the board of trustees' or other governing bodies' esti-  
37 mation, be insufficient to abate the unsafe and unhealthy conditions  
38 identified, the plan of abatement shall identify additional sources of  
39 funds to complete the abatement of the unsafe and unhealthy conditions.  
40 The board of trustees may choose from among the following sources, or  
41 from other sources of its own identification, but the plan of abatement  
42 must identify sufficient sources of funds for abatement.

43 (i) If the school district is not levying under chapter 8, ti-  
44 tle 33, Idaho Code, at the maximum levies allowed by law for levies  
45 that may be imposed by a board of trustees without an election, the  
46 board of trustees may increase any of those levies as allowed by  
47 law for the school year following the school year in which it was  
48 unable to abate unsafe or unhealthy conditions identified.

49 (ii) If the school district is levying under chapter 8, title 33,  
50 Idaho Code, at the maximum levies allowed by law for levies that



1 may be imposed by the board of trustees without an election; or,  
 2 if after increasing those levies to the maximum levies allowed by  
 3 law for levies that may be imposed by the board of trustees with-  
 4 out an election, there will still be insufficient funds to abate  
 5 unsafe or unhealthy conditions identified, the school district,  
 6 after giving notice and conducting a hearing, may declare a finan-  
 7 cial emergency and/or may apply for a loan ~~or, if eligible, an in-~~  
 8 ~~terest grant from the safety and health revolving loan and grant~~  
 9 ~~fund as provided in section 33-1017, Idaho Code,~~ to obtain funds to  
 10 abate the unsafe or unhealthy conditions identified.

11 (iii) Upon the declaration of a financial emergency, the board of  
 12 trustees shall have the power to impose a reduction in force, to  
 13 freeze some or all salaries in the school district, and/or to sus-  
 14 pend some or all contracts that may be legally suspended upon the  
 15 declaration of a financial emergency; provided, that when a board  
 16 of trustees declares a financial emergency, ~~or when a declaration~~  
 17 ~~of a financial emergency is imposed by the state treasurer pur-~~  
 18 ~~suant to section 33-1017, Idaho Code,~~ and there is a reduction in  
 19 force, some or all salaries are frozen, or some contracts are sus-  
 20 pended, the payments to the school district under the foundation  
 21 program of chapter 10, title 33, Idaho Code, ~~and in particular the~~  
 22 ~~staff allowances under that chapter,~~ shall not be reduced during  
 23 the duration of the financial emergency as a result of a reduction  
 24 in force, frozen salaries, or suspended salaries from what the  
 25 staff allowance would be without the reduction in force, frozen  
 26 salaries or suspended contracts.

27 (c) All costs of abatement for a program implementing plans of abate-  
 28 ment under subsection (5) of this section must be separately accounted  
 29 for and documented with regard to abatement of each unsafe or unhealthy  
 30 condition identified. ~~Funds obtained under section 33-1017, Idaho~~  
 31 ~~Code, must be used exclusively to abate unsafe or unhealthy conditions~~  
 32 ~~identified. Funds obtained pursuant to section 33-1017, Idaho Code,~~  
 33 ~~in excess of funds necessary to abate unsafe or unhealthy conditions~~  
 34 ~~identified must be returned as provided in section 33-1017, Idaho Code.~~  
 35 ~~Return of these funds shall be judicially enforceable as provided in~~  
 36 ~~section 33-1017, Idaho Code.~~

37 SECTION 51. That Section 33-1619, Idaho Code, be, and the same is hereby  
 38 amended to read as follows:

39 33-1619. VIRTUAL EDUCATION PROGRAMS. ~~School districts~~ LEAs may of-  
 40 fer instruction in the manner described for a virtual school in section  
 41 33-5202A, Idaho Code. For programs meeting such definition, the ~~school dis-~~  
 42 ~~trict~~ LEA may ~~count and report the average daily attendance~~ enrollment count  
 43 of the program's students in the manner prescribed in section 33-5208 ~~(107)~~,  
 44 Idaho Code. ~~School districts~~ LEAs may also offer instruction that is a  
 45 blend of virtual and traditional instruction. For such blended programs,  
 46 the ~~school district~~ LEA may ~~count and report the average daily attendance~~  
 47 enrollment count of the program's students in the manner prescribed in  
 48 section 33-5208 ~~(107)~~, Idaho Code. Alternatively, the ~~school district~~ LEA  
 49 may ~~count and report the average daily attendance~~ enrollment count of the

1 blended program's students in the same manner as provided for traditional  
 2 programs of instruction, for the days or portions of days in which such stu-  
 3 dents attend a physical public school. For the balance of days or portions  
 4 of days, ~~average daily attendance student enrollment~~ may be counted in the  
 5 manner prescribed in section 33-5208(107), Idaho Code.

6 SECTION 52. That Section 33-1627, Idaho Code, be, and the same is hereby  
 7 amended to read as follows:

8 33-1627. MATH INITIATIVE. (1) The legislature finds that mathematical  
 9 skills are increasingly important to the future academic and career success  
 10 of students. The legislature further finds that student mathematical skills  
 11 are not currently meeting the needs of Idaho's economy and must be improved.  
 12 To this end, the state department of education shall promote the improvement  
 13 of mathematical instruction and student achievement through one (1) or more  
 14 of the following activities:

15 (a) Provide high quality professional development for teachers that is  
 16 intensive, ongoing and connected to classroom practice, that focuses on  
 17 student learning, aligns with school improvement priorities and goals,  
 18 and builds strong working relationships among teachers;

19 (b) Provide statewide online mathematical instruction programs that  
 20 furnish mathematical tutoring, remedial instruction and advanced in-  
 21 struction;

22 (c) Provide formative assessments to assist teachers in identifying  
 23 student mathematical skill levels, areas of deficiency and areas of  
 24 advancement.

25 (2) The cost of math initiative activities provided for in this section  
 26 shall be paid by the state department of education from moneys appropriated  
 27 for this program in the ~~educational support program~~ department's budget.

28 SECTION 53. That Section 33-2001, Idaho Code, be, and the same is hereby  
 29 amended to read as follows:

30 33-2001. DEFINITIONS. (1) "Ancillary personnel" means those persons  
 31 who render special services to exceptional children in regular or in addi-  
 32 tion to regular or special class instruction as defined by the state board of  
 33 education.

34 (2) "~~Children with disabilities~~" means ~~those children with cognitive~~  
 35 ~~impairments, hearing impairments, deafness, speech or language impair-~~  
 36 ~~ments, visual impairments, blindness, deaf-blindness, serious emotional~~  
 37 ~~disturbance, orthopedic impairments, severe or multiple disabilities,~~  
 38 ~~autism, traumatic brain injury, developmental delay or specific learning~~  
 39 ~~disabilities, and who by reason of the qualifying disability require special~~  
 40 ~~education and related services~~ children evaluated as having an intellectual  
 41 disability, a hearing impairment including deafness, a speech or language  
 42 impairment, a visual impairment including blindness, an emotional behav-  
 43 ioral disorder, an orthopedic impairment, autism, a traumatic brain injury,  
 44 another health impairment, a specific learning disability, deaf-blindness,  
 45 or multiple disabilities, and who, by reason thereof, need special education  
 46 or related services.

1 (3) "Exceptional children" means both children with disabilities and  
2 gifted/talented children with regard to funding for school districts.

3 (4) "Gifted/talented children" means those students who are identified  
4 as possessing demonstrated or potential abilities that give evidence of high  
5 performing capabilities in intellectual, creative, specific academic or  
6 leadership areas, or ability in the performing or visual arts and who require  
7 services or activities not ordinarily provided by the school in order to  
8 fully develop such capabilities.

9 (5) "Special education" or "special instructional service" means spe-  
10 cially designed instruction or a related service, at no cost to the parents,  
11 to meet the unique needs of an exceptional child.

12 SECTION 54. That Section 33-2004, Idaho Code, be, and the same is hereby  
13 amended to read as follows:

14 33-2004. CONTRACTING BY APPROVED FORM FOR EDUCATION BY ANOTHER SCHOOL  
15 DISTRICT, APPROVED REHABILITATION CENTER OR HOSPITAL, OR A CORPORATION. (1)  
16 The trustees of a school district may contract on a form adopted by the state  
17 superintendent of public instruction for the education of exceptional chil-  
18 dren by another school district or by any private or public rehabilitation  
19 center, hospital, corporation, or state agency approved by the state de-  
20 partment of education and when the students are transferred from the school  
21 district to the institution, corporation or district, said school district  
22 shall agree to pay therefor to the institution, corporation or district con-  
23 tracting to educate the students, amounts computed as follows:

24 ~~1-~~ (a) For each resident student educated by another school district,  
25 the amount of the tuition rate certified for the receiving district un-  
26 der the provisions of section 33-1405, Idaho Code;

27 When public school districts contract for the education of exceptional  
28 children residing within the several districts, one (1) district shall be  
29 designated as the educating district for the purpose herein.

30 ~~2-~~ (b) For each resident student educated by contract by a rehabilita-  
31 tion center, hospital, corporation or state agency, the contract amount  
32 cannot be greater than the educational costs of the student.

33 When any rehabilitation center, hospital, corporation or state agency  
34 shall have contracted for the education of any exceptional children as de-  
35 fined in this chapter all such children shall be enrolled in the district of  
36 their residence; and the institution, hospital or corporation shall certify  
37 to the home school district the ~~daily record of attendance~~ enrollment of each  
38 such ~~pupil~~ unweighted student. The home district shall be eligible for re-  
39 imbursement of costs approved by the state superintendent of public instruc-  
40 tion as provided in this subsection and in section 33-1002B, Idaho Code.

41 (2) Reimbursement of approved costs shall be part of the district's  
42 exceptional child contract allowance and cannot exceed the amount of state  
43 support contracted students would generate if they were enrolled in an ed-  
44 ucational program for which ~~average daily attendance~~ an unweighted student  
45 enrollment count is computed.

46 SECTION 55. That Section 33-4602, Idaho Code, be, and the same is hereby  
47 amended to read as follows:

1 33-4602. ADVANCED OPPORTUNITIES -- RULEMAKING. (1) Students attend-  
2 ing public schools in Idaho will be eligible for four thousand one hundred  
3 twenty-five dollars (\$4,125) to use toward overload courses, dual credits,  
4 postsecondary credit-bearing examinations and career technical certificate  
5 examinations. Students may access these funds in grades 7 through 12 for:

6 (a) Overload courses, the distribution of which may not exceed two  
7 hundred twenty-five dollars (\$225) per overload course. A student  
8 must take and successfully be completing a full credit load within a  
9 given school year to be eligible for funding of an overload course. An  
10 overload course must be taken for high school credit to be eligible for  
11 funding. To qualify as an eligible overload course for the program, the  
12 course must:

13 (i) Be offered by a provider accredited by the organization that  
14 accredits Idaho public schools; and

15 (ii) Be taught by an individual certified to teach the grade and  
16 subject area of the course in Idaho.

17 (b) Eligible dual credits, the distribution of which may not exceed  
18 seventy-five dollars (\$75.00) per one (1) dual credit hour. Dual credit  
19 courses must be offered by a regionally accredited postsecondary insti-  
20 tution. To qualify as an eligible dual credit course, the course must be  
21 a credit-bearing 100 level course or higher.

22 (c) Eligible postsecondary credit-bearing or career technical cer-  
23 tificate examinations. The state department of education shall main-  
24 tain a list of eligible exams and costs. Eligible examinations include:

25 (i) Advanced placement (AP);

26 (ii) International baccalaureate (IB);

27 (iii) College-level examination program (CLEP); and

28 (iv) Career technical examinations.

29 (d) Career technical education (CTE) including assessments that lead  
30 to a badge recognized by the division of career technical education.  
31 The division of career technical education shall maintain a list of el-  
32 igible CTE examinations and costs.

33 (2) A student who has earned fifteen (15) postsecondary credits using  
34 the advanced opportunities program and who wishes to earn additional cred-  
35 its must first identify his postsecondary goals. Advisors shall counsel any  
36 student who wishes to take dual credit courses that the student should ascer-  
37 tain for himself whether the particular postsecondary institution that he  
38 desires to attend will accept the transfer of coursework credits under this  
39 section.

40 (3) These moneys may be used to pay an amount not to exceed the price  
41 to the student of such courses and examinations pursuant to the limitations  
42 stated in this section. Payments made under this section shall be made from  
43 the moneys appropriated for the educational support program. No later than  
44 January 15, the state department of education shall annually report to the  
45 education committees of the senate and the house of representatives details  
46 regarding the number of students benefiting from assistance with the cost of  
47 overload courses, dual credit courses and examinations, the number of cred-  
48 its awarded and amounts paid pursuant to this section during the previous  
49 school year.

1 (4) The board of each public school may set forth criteria by which a  
2 student may challenge a course. If a student successfully meets the crite-  
3 ria set forth by the board of the public school, then the student shall be  
4 counted as having completed all required coursework for that course. The  
5 public school, with the exception of Idaho tribal schools, shall be funded  
6 for such students based upon either actual hours of attendance or the course  
7 that the student has successfully passed, whichever is more advantageous to  
8 the public school, up to the maximum of one (1) full-time student.

9 (5) Any student who successfully completes public school grades 1  
10 through 12 curriculum at least one (1) year early shall be eligible for an  
11 advanced opportunities scholarship. The scholarship may be used for tu-  
12 ition and fees at any Idaho public postsecondary educational institution.  
13 The amount of the scholarship shall equal thirty-five percent (35%) of  
14 the statewide average ~~daily attendance-driven~~ funding per enrolled ~~pupil~~  
15 student for each year of grades 1 through 12 curriculum avoided by the stu-  
16 dent's early graduation. Each public school shall receive an amount equal  
17 to each such awarded scholarship for each student that graduates early from  
18 that public school. Students must apply for the scholarship within two (2)  
19 years of graduating from a public school.

20 (6) The state department of education shall reimburse public schools  
21 or public postsecondary educational institutions, as applicable, for such  
22 costs, up to the stated limits, within one hundred twenty-five (125) days of  
23 receiving the necessary data upon which reimbursements may be paid. The sub-  
24 mission method and timelines of reimbursement data shall be determined by  
25 the state department of education. Payments will be made only for activity  
26 occurring and reported within each fiscal year.

27 (7) For public funding purposes, ~~average daily attendance student~~  
28 enrollment shall be counted as ~~normal for students participating in dual~~  
29 credit courses ~~the same for students participating in dual credit courses~~  
30 pursuant to this section as it is for students who are not participating in  
31 dual credit courses.

32 (8) If a student fails to earn credit for any course for which the de-  
33 partment has paid a reimbursement, the student must pay for and successfully  
34 earn credit for one (1) like course before the state department of education  
35 may pay any further reimbursements for the student. If a student performs  
36 inadequately on an examination for which the state department of education  
37 has paid a reimbursement, the public school shall determine whether the stu-  
38 dent must pay for and successfully pass such examination to continue receiv-  
39 ing state funding. Repeated and remedial courses or examinations are not el-  
40 igible for funding through these programs.

41 (9) The state department of education shall reimburse community col-  
42 leges or counties, as applicable, for any out-of-district county tuition  
43 pursuant to section 33-2110A, Idaho Code. Such reimbursements shall be in an  
44 amount not to exceed fifty dollars (\$50.00) per credit hour and only for dual  
45 credit courses taken pursuant to this section.

46 (10) Public schools shall establish timelines and requirements for  
47 participation in the program, including implementing procedures for the  
48 appropriate transcription of credits, reporting of program participation  
49 and financial transaction requirements. Public schools shall make reason-  
50 able efforts to ensure that any student who considers participating in the

1 program also considers the challenges and time necessary to succeed in the  
 2 program, and schools shall make reasonable efforts to include guidance on  
 3 how the student's participation in the program contributes to prospective  
 4 college and career pathways. Such efforts by the district shall be performed  
 5 prior to a student participating in the program and throughout the student's  
 6 involvement in the program.

7 (11) Policies and procedures for participating in the program estab-  
 8 lished by the public school must be such that students have an opportunity  
 9 to participate in the program and meet district-established timelines and  
 10 requirements for financial transactions, transcribing credits and state  
 11 department of education reporting. Participation in this program requires  
 12 parent and student agreement to program requirements and completion of the  
 13 state department of education's participation form documenting the program  
 14 requirements.

15 (12) Parents of participating students may enroll their child in any  
 16 eligible course, with or without the permission of the public school in which  
 17 the student is enrolled. Tribal school students must follow their schools'  
 18 enrollment policies and procedures. Public school personnel shall assist  
 19 parents in the process of enrolling students in such courses. Each partic-  
 20 ipating student's high school transcript at the public school at which the  
 21 student is enrolled shall include the credits earned and grades received by  
 22 the student for any overload or dual credit courses taken pursuant to this  
 23 section. For an eligible course to be transcribed as meeting the require-  
 24 ments of a core subject as identified in administrative rule, the course must  
 25 meet the approved content standards for the applicable subject and grade  
 26 level.

27 (13) Participating public schools shall collaborate with Idaho public  
 28 postsecondary educational institutions to assist students who seek to par-  
 29 ticipate in dual credit courses or graduate from high school early by en-  
 30 rolling in postsecondary courses. Participating school districts, charter  
 31 schools and Idaho public postsecondary educational institutions shall re-  
 32 port to the state board of education and the education committees of the sen-  
 33 ate and the house of representatives any difficulties or obstacles they ex-  
 34 perience in providing assistance to participating students.

35 (14) The state board of education may promulgate rules to implement the  
 36 provisions of this chapter.

37 SECTION 56. That Section 33-5208, Idaho Code, be, and the same is hereby  
 38 amended to read as follows:

39 33-5208. PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT. (1) Except as  
 40 provided in subsection (10) of this section, from the state educational  
 41 support program the state department of education shall make the following  
 42 apportionment to each public charter school for each fiscal year based on  
 43 attendance figures submitted in a manner and time as required by the depart-  
 44 ment of education: otherwise specifically provided in this section, public  
 45 charter schools shall be funded in the same manner and time frame as all other  
 46 local education agencies pursuant to the provisions of chapter 10, title 33,  
 47 Idaho Code.

48 ~~(1) Per student support. Computation of support units for each public~~  
 49 ~~charter school shall be calculated as if it were a separate school accord-~~

1 ing to the schedules in section 33-1002(4), Idaho Code, except that public  
2 charter schools with fewer than one hundred (100) secondary ADA shall use a  
3 divisor of twelve (12) and the minimum units shall not apply, and no public  
4 charter school shall receive an increase in support units that exceeds the  
5 support units it received in the prior year by more than thirty (30). Funding  
6 from the state educational support program shall be equal to the total dis-  
7 tribution factor, plus the salary-based apportionment provided in chapter  
8 10, title 33, Idaho Code. Provided however, any public charter school that  
9 is formed by the conversion of an existing traditional public school shall  
10 be assigned divisors, pursuant to section 33-1002, Idaho Code, that are no  
11 lower than the divisors of the school district in which the traditional pub-  
12 lic school is located, for each category of pupils listed.

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

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

23 (4) Transportation support. Support shall be paid to the public char-  
24 ter school as provided in chapter 15, title 33, Idaho Code, and section  
25 33-1006, Idaho Code. Each public charter school shall furnish the depart-  
26 ment with an enrollment count as of the first Friday in November, of public  
27 charter school students who are eligible for reimbursement of transporta-  
28 tion costs under the provisions of this subsection and who reside more than  
29 one and one-half (1 1/2) miles from the school. The state department of edu-  
30 cation is authorized to include in the annual appropriation to the charter  
31 school sixty percent (60%) of the estimated transportation cost. The final  
32 appropriation payment in July shall reflect reimbursements of actual costs  
33 pursuant to section 33-1006, Idaho Code. To be eligible for state reimburse-  
34 ment under the provisions of section 33-1006, Idaho Code, the student to be  
35 transported must reside within the public charter school's primary atten-  
36 dance area, and must meet at least one (1) of the following two (2) criteria:

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

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

41 The limitations placed by this subsection on the reimbursement of  
42 transportation costs for certain students shall not apply to public virtual  
43 schools.

44 (5) Facilities funds. The state department of education shall dis-  
45 tribute facilities funds to public charter schools for each enrolled student  
46 in which a majority of the student's instruction is received at a facility  
47 that is owned or leased by the public charter school. Such funds shall be  
48 used to defray the purchase, fee, loan or lease costs associated with pay-  
49 ments for real property used by the students or employees of the public char-  
50 ter school for educational or administrative purposes. Such funds shall be

1 distributed from the moneys appropriated to the public schools educational  
 2 support program, and shall be calculated as a percentage of the statewide  
 3 average amount of bond and plant facility funds levied per student by Idaho  
 4 school districts, as follows:

5	Fiscal Year 2014	Twenty Percent (20%)
6	Fiscal Year 2015	Thirty Percent (30%)

7 For fiscal year 2016 and each fiscal year thereafter, this percentage  
 8 shall increase by ten percent (10%) each time the total appropriation of  
 9 state funds for the public schools educational support program increases by  
 10 three percent (3%) or more over the prior fiscal year, and shall decrease  
 11 by ten percent (10%) each time the total appropriation of state funds for  
 12 the public schools educational support program decreases as compared to the  
 13 prior fiscal year. Provided however, that the percentage shall be no less  
 14 than twenty percent (20%) and no greater than fifty percent (50%), and that  
 15 the average amount of funding received per public charter school shall not  
 16 exceed the average amount of funding received by each school district pur-  
 17 suant to the provisions of section 33-906, Idaho Code.

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

30 (63) Payment schedule. The state department of education is authorized  
 31 to make an advance payment of twenty-five percent (25%) of a public charter  
 32 school's estimated annual apportionment for its first year of operation,  
 33 and each year thereafter, provided the public charter school is serving more  
 34 grades or at least ten percent (10%) more classes than the previous year, to  
 35 assist the school with initial start-up costs or payroll obligations. For a  
 36 public charter school entering its second or greater year of operations, the  
 37 state department of education may require documentation establishing the  
 38 need for such an advance payment, including comparative class schedules and  
 39 proof of a commensurate increase in the number of employees.

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

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

48 (c) All subsequent payments, taking into account the one-time advance  
 49 payment made for the first year of operation, shall be made to the public



1 charter school in the same manner as other traditional public schools in  
 2 accordance with the provisions of section 33-1009~~3~~, Idaho Code.  
 3 A public charter school shall comply with all applicable fiscal requirements  
 4 of law, ~~except that the following provisions shall not be applicable to pub-~~  
 5 ~~lic charter schools: that portion of section 33-1004, Idaho Code, relating~~  
 6 ~~to reduction of the administrative and instructional staff allowance and the~~  
 7 ~~pupil service staff allowance when there is a discrepancy between the number~~  
 8 ~~allowed and the number actually employed; and section 33-1004E, Idaho Code,~~  
 9 ~~for calculation of district staff indices.~~

10 (74) Nothing in this chapter shall be construed to prohibit any private  
 11 person or organization from providing funding or other financial assistance  
 12 to the establishment or operation of a public charter school.

13 (85) Each public charter school shall pay an authorizer fee to its au-  
 14 thorized chartering entity, to defray the actual documented cost of monitor-  
 15 ing, evaluation and oversight, which, in the case of public charter schools  
 16 authorized by the public charter school commission, shall include each  
 17 school's proportional fee share of moneys appropriated from the public char-  
 18 ter school authorizers fund to the public charter school commission, plus  
 19 fifteen percent (15%). Provided however, that each public charter school's  
 20 board of directors may direct up to ten percent (10%) of the calculated fee  
 21 to pay membership fees to an organization or association that provides tech-  
 22 nical assistance, training and advocacy for Idaho public charter schools.  
 23 Unless the authorized chartering entity declines payment, such fee shall be  
 24 paid by March 15 of each fiscal year and shall not exceed the greater of:

25 (a) All state funds distributed to public schools ~~on a support unit ba-~~  
 26 ~~sis based on student enrollment~~ for the prior fiscal year, divided by  
 27 the statewide number of public school students ~~in average daily atten-~~  
 28 ~~dance enrolled~~ in the first reporting period in the prior fiscal year;  
 29 or

30 (b) The lesser of:

31 (i) The result of the calculation in ~~subsection (8) paragraph~~ (a)  
 32 of this subsection, multiplied by four (4); or

33 (ii) One and one-half percent (1.5%) of the result of the calcu-  
 34 lation in ~~subsection (8) paragraph~~ (a) of this subsection, mul-  
 35 tiplied by the public charter school's ~~average daily attendance~~  
 36 student enrollment in the first reporting period in the current  
 37 fiscal year.

38 (96) Nothing in this chapter shall prevent a public charter school from  
 39 applying for federal grant moneys.

40 (107) (a) Each student ~~in attendance~~ enrolled at a public virtual  
 41 school shall be funded based upon either the actual hours of attendance  
 42 in the public virtual school on a flexible schedule, or the percentage  
 43 of coursework completed, whichever is more advantageous to the school,  
 44 up to the maximum of one (1) full-time equivalent student.

45 (b) All federal educational funds shall be administered and dis-  
 46 tributed to public charter schools, including public virtual schools,  
 47 that have been designated as a local education agency (LEA), as provided  
 48 in section 33-5203(8), Idaho Code.

49 ~~(11) Nothing in this section prohibits separate face-to-face learning~~  
 50 ~~activities or services.~~

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

3       SECTION 57. That Section 33-5210, Idaho Code, be, and the same is hereby  
 4 amended to read as follows:

5       33-5210. APPLICATION OF SCHOOL LAW -- ACCOUNTABILITY -- EXEMPTION  
 6 FROM STATE RULES. (1) All public charter schools are under the general super-  
 7 vision of the state board of education.

8       (2) Every authorized chartering entity that approves a charter shall be  
 9 responsible for ensuring that each public charter school program approved by  
 10 that authorized chartering entity meets the terms of the charter, complies  
 11 with the general education laws of the state unless specifically directed  
 12 otherwise in this chapter, and operates in accordance with the state educa-  
 13 tional standards of thoroughness pursuant to section 33-1612, Idaho Code.

14       (3) Each public charter school shall comply with the financial report-  
 15 ing requirements of section 33-701, subsections 5. through 10., Idaho Code,  
 16 in the same manner as those requirements are imposed upon school districts  
 17 and with laws governing safety including, but not limited to, sections  
 18 33-122 and 33-130, Idaho Code, and chapter 2, title 33, Idaho Code, and rules  
 19 promulgated thereunder.

20       (4) Other than as specified in this section, each public charter school  
 21 is exempt from rules governing school districts, which rules have been pro-  
 22 mulgated by the state board of education, with the exception of state rules  
 23 relating to:

24       (a) Teacher certification as necessitated by the provisions of section  
 25 33-5206(3) and (4), Idaho Code;

26       (b) Accreditation of the school as necessitated by the provisions of  
 27 section 33-5206(12), Idaho Code;

28       (c) Qualifications of a student for attendance at an alternative school  
 29 ~~as necessitated by the provisions of section 33-5208(3), Idaho Code;~~

30       (d) Rules promulgated pursuant to section 33-1612, Idaho Code; and

31       (e) All rules that specifically pertain to public charter schools pro-  
 32 mulgated by the state board of education.

33       SECTION 58. That Section 33-5214, Idaho Code, be, and the same is hereby  
 34 amended to read as follows:

35       33-5214. PUBLIC CHARTER SCHOOL AUTHORIZERS FUND. There is hereby cre-  
 36 ated in the state treasury a fund to be known as the "Public Charter School  
 37 Authorizers Fund," hereinafter referred to as "the fund." All authorizer  
 38 fees paid pursuant to section 33-5208(~~8~~5), Idaho Code, for public charter  
 39 schools under the governance of the public charter school commission shall  
 40 be deposited in the fund. Moneys in the fund shall be appropriated to defray  
 41 the commission's cost of operations and the state department of education's  
 42 cost of reviewing, approving and overseeing any charter school authorizers  
 43 requiring department approval.

44       SECTION 59. That Section 33-5215, Idaho Code, be, and the same is hereby  
 45 amended to read as follows:

1 33-5215. CAREER TECHNICAL REGIONAL PUBLIC CHARTER SCHOOL. (1) A ca-  
 2 reer technical regional public charter school is hereby declared to be a pub-  
 3 lic charter school and as such, the provisions of chapter 52, title 33, Idaho  
 4 Code, shall apply to each career technical regional public charter school in  
 5 the same manner and to the same extent as the provisions of charter school law  
 6 apply to other public charter schools, with the exception of certain condi-  
 7 tions and applications as specifically provided in this section.

8 (2) In addition to the approval provisions of this chapter, approval of  
 9 a career technical regional public charter school by an authorized charter-  
 10 ing entity shall not be final until the petition has also been reviewed by the  
 11 division of career technical education.

12 (3) Funding for a career technical regional public charter school shall  
 13 be the same as provided in section 33-5208, Idaho Code, except that:

14 (a) ~~The salary-based apportionment for a career technical regional~~  
 15 ~~public charter school shall be the statewide average for public charter~~  
 16 ~~schools. Such salary-based apportionment may be used for payment of~~  
 17 ~~contracted services or for direct hire of staff;~~

18 (b) The board of directors may contract for the services of certifi-  
 19 cated and noncertificated personnel, to procure the use of facilities  
 20 and equipment, and to purchase materials and equipment, which in the  
 21 judgment of the board of directors is necessary or desirable for the  
 22 conduct of the business of the career technical regional public charter  
 23 school; and

24 (eb) Transportation support shall be paid to the career technical re-  
 25 gional public charter school in accordance with the provisions of chap-  
 26 ter 15, title 33, Idaho Code.

27 (4) A career technical regional public charter school shall provide  
 28 assurances in state attendance reports that it has verified attendance  
 29 enrollment reports, ~~which generate ADA with its participating school dis-~~  
 30 ~~tricts,~~ to make certain that the districts and the charter school do not  
 31 duplicate enrollment or ADA claims.

32 SECTION 60. That Section 33-5217, Idaho Code, be, and the same is hereby  
 33 amended to read as follows:

34 33-5217. PUBLIC CHARTER SCHOOL DEBT RESERVE. (1) There is hereby cre-  
 35 ated the public charter school debt reserve to assist qualifying charter  
 36 schools in obtaining favorable financing for facility improvements and con-  
 37 struction. A public charter school seeking to use the public charter school  
 38 debt reserve must receive approval from the Idaho housing and finance asso-  
 39 ciation pursuant to the criteria set forth in this section.

40 (2) A public charter school shall be qualified to use the public charter  
 41 school debt reserve only upon satisfaction of the following conditions:

42 (a) The public charter school must demonstrate it has obtained one (1)  
 43 of the following:

44 (i) A letter of commitment from a national or state chartered fi-  
 45 nancial institution;

46 (ii) A letter of commitment from a nonprofit corporation;

47 (iii) A letter of commitment from a community development finan-  
 48 cial institution; or

- 1 (iv) A letter of commitment from a qualified underwriter or an in-  
2 vestment firm;
- 3 (b) The public charter school must provide annual budgets and cash flow  
4 statements and must demonstrate satisfaction of each of the following  
5 criteria:
- 6 (i) Projected future budgets, cash flows and operating reserves  
7 greater than sixty (60) days of cash on hand to support a debt ser-  
8 vice coverage greater than 1.20x;
- 9 (ii) Cost to operate facility, including debt service, occupancy  
10 cost and operating expenses, not to exceed twenty percent (20%) of  
11 revenue;
- 12 (iii) Audited financial statements with unqualified opinions for  
13 the prior three (3) years; and
- 14 (iv) Certification from a school administrator that projected fu-  
15 ture budgets and cash flows are based on reasonable assumptions  
16 related to level or increasing projected enrollment or waitlist  
17 and projected total income, including any matching funds and dona-  
18 tions contingent on receipt of a loan under this section; and
- 19 (c) The public charter school must obtain approval for issuance by the  
20 Idaho housing and finance association to act as a conduit issuer.
- 21 (3) Public charter schools that satisfy the requirements set forth in  
22 subsection (2) of this section shall receive approval from the Idaho hous-  
23 ing and finance association to rely on the public charter school debt reserve  
24 for assistance in obtaining favorable financing for facility improvements  
25 and construction, so long as sufficient moneys exist pursuant to subsection  
26 (4) of this section. Eligible schools shall receive approval on a first-come  
27 basis according to date of completed application, in an amount not to exceed  
28 twenty-four (24) months of principal and interest payments.
- 29 (4) There is hereby established in the state treasury the public char-  
30 ter school debt reserve fund that shall consist of moneys made available  
31 through appropriations, fees, grants, gifts or any other source to fulfill  
32 the purposes of this section. Moneys in the fund are hereby continuously  
33 appropriated for the purposes of this section, and shall only be expended for  
34 the purposes stated herein. Qualifying schools annually shall pay an amount  
35 equal to ten (10) basis points of the principal amount of the debt for which  
36 it qualified to use the public charter school debt reserve, which shall be  
37 deposited into the public charter school debt reserve fund.
- 38 (5) Subject to the limitations of subsection (3) of this section, if  
39 a qualified public charter school defaults on an outstanding debt for which  
40 the Idaho housing and finance association has made the debt reserve avail-  
41 able, and there is no other money available to the charter school to make  
42 the payment, money shall be withdrawn from the public charter school debt  
43 reserve fund to pay the principal, redemption price or interest on the out-  
44 standing debt. Upon certification by the Idaho housing and finance associa-  
45 tion to the superintendent of public instruction, payment shall be made from  
46 the public charter school debt reserve fund toward the outstanding debt.
- 47 (6) If money has been withdrawn from the public charter school debt re-  
48 serve fund for a public charter school pursuant to subsection (5) of this  
49 section, then the superintendent of public instruction shall redirect the  
50 money from such public charter school's allocation of facilities funds pur-

1 suant to section 33-5208(~~52~~), Idaho Code. Any money redirected shall be ac-  
 2 cording to a determined time and sequence of payments, over a period of years  
 3 until the amount so withdrawn has been repaid to the fund so long as the redi-  
 4 rection does not cause an event of default under the agreement(s) governing  
 5 the public charter school's obligation for which the debt reserve was made  
 6 available, excepting that any money withdrawn during any fiscal year shall  
 7 be repaid within ten (10) years.

8 SECTION 61. That Section 50-2908, Idaho Code, be, and the same is hereby  
 9 amended to read as follows:

10 50-2908. DETERMINATION OF TAX LEVIES -- CREATION OF SPECIAL FUND. (1)  
 11 For purposes of calculating the rate at which taxes shall be levied by or  
 12 for each taxing district in which a revenue allocation area is located, the  
 13 county commissioners shall, with respect to the taxable property located in  
 14 such revenue allocation area, use the equalized assessed value of such tax-  
 15 able property as shown on the base assessment roll rather than on the current  
 16 equalized assessed valuation of such taxable property, except the current  
 17 equalized assessed valuation shall be used for calculating the tax rate for:

18 (a) Levies for refunds and credits pursuant to section 63-1305, Idaho  
 19 Code, and any judgment pursuant to section 33-802(1), Idaho Code, cer-  
 20 tified after December 31, 2007;

21 (b) Levies permitted pursuant to section 63-802(3), Idaho Code, certi-  
 22 fied after December 31, 2007;

23 (c) Levies for voter approved general obligation bonds of any taxing  
 24 district and plant facility reserve fund levies passed after December  
 25 31, 2007;

26 (d) Levies set forth in paragraphs (a) through (c) of this subsection,  
 27 first certified prior to December 31, 2007, when the property affected  
 28 by said levies is included within the boundaries of a revenue allocation  
 29 area by a change in the boundaries of either the revenue allocation area  
 30 or any taxing district after December 31, 2007; and

31 (e) School levies for supplemental maintenance and operation pursuant  
 32 to section 33-802(3) and (4), Idaho Code, approved after December 31,  
 33 2007, and for emergency funds pursuant to section 33-805, Idaho Code,  
 34 approved after July 1, 2015.

35 (2) With respect to each such taxing district, the tax rate calculated  
 36 under subsection (1) of this section shall be applied to the current equal-  
 37 ized assessed valuation of all taxable property in the taxing district, in-  
 38 cluding the taxable property in the revenue allocation area. The tax rev-  
 39 enues thereby produced shall be allocated as follows:

40 (a) To the taxing district shall be allocated and shall be paid by the  
 41 county treasurer:

42 (i) All taxes levied by the taxing district or on its behalf on  
 43 taxable property located within the taxing district but outside  
 44 the revenue allocation area;

45 (ii) A portion of the taxes levied by the taxing district or on its  
 46 behalf on the taxable property located within the revenue allo-  
 47 cation area, which portion is the amount produced by applying the  
 48 taxing district's tax rate determined under subsection (1) of this  
 49 section to the equalized assessed valuation, as shown on the base

1 assessment roll, of the taxable property located within the revenue allocation area; and

2 (iii) All taxes levied by the taxing district to satisfy obligations specified in subsection (1) (a) through (e) of this section.

3 (b) To the urban renewal agency shall be allocated the balance, if any, of the taxes levied on the taxable property located within the revenue allocation area.

4 (3) Upon enactment of an ordinance adopting a revenue allocation financing provision as part of an urban renewal plan, the urban renewal agency shall create a special fund or funds to be used for the purposes enumerated in this chapter. The revenues allocated to the urban renewal agency pursuant to this chapter shall be paid to the agency by the treasurer of the county in which the revenue allocation district is located and shall be deposited by the agency into one (1) or more of such special funds. The agency may, in addition, deposit into such special fund or funds such other income, proceeds, revenues and funds it may receive from sources other than the revenues allocated to it under subsection (2) (b) of this section.

5 (4) For the purposes of section 63-803, Idaho Code, during the period when revenue allocation under this chapter is in effect, and solely with respect to any taxing district in which a revenue allocation area is located, the county commissioners shall, in fixing any tax levy other than the levy specified in subsection (1) (a) through (e) of this section, take into consideration the equalized assessed valuation of the taxable property situated in the revenue allocation area as shown in the base assessment roll, rather than the current equalized assessed value of such taxable property.

6 (5) For all other purposes, including, without limitation, for purposes of sections 33-802, ~~33-1002~~ and 63-1313, Idaho Code, reference in the Idaho Code to the term "market value for assessment purposes" (or any other such similar term) shall mean market value for assessment purposes as defined in section 63-208, Idaho Code.

7 SECTION 62. That Section 57-1303, Idaho Code, be, and the same is hereby amended to read as follows:

8 57-1303. COUNTY APPORTIONMENT OF FOREST RESERVE FUNDS. The auditor of each county receiving a portion of this fund shall within ten (10) days of receipt of this money allot and distribute ~~seventy per cent percent~~ seventy percent (70%) of this money to the county general road fund and to the treasurer of the highway districts and good road districts in the county in proportion to the mileage of each within the county, to be expended for the construction and repair of roads and bridges, and ~~thirty per cent percent~~ thirty percent (30%) to the various school districts and joint county school districts within the county in proportion to the ~~number of pupils in average daily attendance~~ total unweighted student enrollment count in each district in the year immediately prior to this distribution. The distribution of such moneys to the respective school districts entitled thereto shall be in addition to and without regard to any assistance to such school districts from any and all other sources in maintaining the minimum educational program and minimum transportation program.

9 SECTION 63. That Section 59-1115, Idaho Code, be, and the same is hereby amended to read as follows:

1           59-1115. EMPLOYER'S PORTION OF SOCIAL SECURITY TAX FOR SCHOOL DIS-  
2 TRICT PERSONNEL. (1) The board of trustees of each class of school district,  
3 shall pay the employer's social security tax for its personnel, as required  
4 by federal law.

5           (2) The department of education shall transmit to the school districts  
6 from the appropriation made for that purpose the amount determined in sec-  
7 tion 33-1004~~FB~~, Idaho Code.

8           SECTION 64. That Section 63-315, Idaho Code, be, and the same is hereby  
9 amended to read as follows:

10           63-315. ASSESSMENT RATIOS AND THE DETERMINATION OF ADJUSTED MARKET  
11 VALUE FOR ASSESSMENT PURPOSES FOR SCHOOL DISTRICTS. (1) The provisions of  
12 this section shall apply only to charter districts levying a maintenance and  
13 operation levy in the prior calendar year. For the purpose of this section,  
14 adjusted market value for assessment purposes shall be the adjusted market  
15 value for assessment purposes of all property assessed for property tax pur-  
16 poses for the year referred to in sections 33-802 and ~~33-1002~~, Idaho Code.

17           (2) The state tax commission shall conduct a ratio study to annually as-  
18 certain the ratio between the assessed value and the market value for assess-  
19 ment purposes of all property assessed for property tax purposes. Said ratio  
20 study shall be conducted in accordance with nationally accepted procedures.  
21 From the ratio so ascertained the state tax commission shall compute the ad-  
22 justed market value of all property assessed for property tax purposes.

23           (3) The ratio shall be computed in each school district and applied to  
24 the market value for assessment purposes within each school district.

25           (4) Sales used in determining the ratio required by this section shall  
26 be arm's length, market value property sales occurring in the year begin-  
27 ning on October 1 of the year preceding the year for which the adjusted mar-  
28 ket value is to be determined. The state tax commission may, at its discre-  
29 tion, modify the sales period when doing so produces provably better repre-  
30 sentativeness of the actual ratio in any school district. The state tax com-  
31 mission may also add independently conducted appraisals when the state tax  
32 commission believes that this procedure will improve the representativeness  
33 and reliability of the ratio.

34           (5) Whenever the state tax commission is unable to determine with rea-  
35 sonable statistical certainty that the assessed value within any school dis-  
36 trict differs from the market value for assessment purposes, the state tax  
37 commission may certify the assessed value to be the adjusted market value of  
38 any school district.

39           (6) The state tax commission shall certify the adjusted market value of  
40 each school district to the state department of education and each county au-  
41 ditor no later than the first Monday in April each year. The state tax com-  
42 mission shall prepare a report indicating procedures used in computing the  
43 adjusted market value and showing statistical measures computed in the ra-  
44 tio study. The report of the state tax commission shall be made available for  
45 public inspection in the office of the county auditor.

46           (7) The state tax commission shall promulgate rules to implement the  
47 ratio study described in this section.

1 SECTION 65. That Section 63-805, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3 63-805. ANNUAL LEVIES. (1) The county commissioners of each county  
4 in this state may levy annually upon all taxable property of said county, a  
5 property tax for general county purposes, including the provision of pub-  
6 lic defender services, to be collected and paid into the county treasury  
7 and apportioned to the county current expense fund which levy shall not  
8 exceed twenty-six hundredths percent (.26%) of market value for assessment  
9 purposes of such property, or a levy sufficient to raise two hundred fifty  
10 thousand dollars (\$250,000), whichever is greater. If a county establishes  
11 the justice fund, as provided in section 31-4602, Idaho Code, the maximum  
12 current expense levy shall be reduced to twenty hundredths percent (.20%)  
13 of market value for assessment purposes, or a levy sufficient to raise two  
14 hundred fifty thousand dollars (\$250,000), whichever is greater.

15 (2) The county commissioners of each county in this state may levy upon  
16 all taxable property of said county, a property tax for the purposes set  
17 forth in the statutes authorizing a county justice fund, to be collected and  
18 paid into the county treasury and apportioned to the county justice fund,  
19 if one has been established. Said levy shall not exceed twenty hundredths  
20 percent (.20%) of market value for assessment purposes of such property, or  
21 a levy sufficient to raise two hundred fifty thousand dollars (\$250,000),  
22 whichever is greater.

23 The county commissioners shall have the right to make a "general reserve  
24 appropriation," said appropriation not to exceed five percent (5%) of the  
25 county justice fund budget as finally adopted. The total levy, however, for  
26 the county justice fund, including the "general reserve appropriation,"  
27 shall be within the limitations imposed by chapter 8, title 63, Idaho Code,  
28 or by any statutes of the state of Idaho in force and effect.

29 (3) Annually, before the second Monday in September, the board of  
30 trustees of any school district within the county having determined the  
31 number, if any, of ~~pupils in average daily attendance~~ unweighted students  
32 enrolled above the number included in the last annual report thereof, and  
33 the amount of money required to provide the educational support programs and  
34 transportation support programs for such additional ~~pupils in average daily~~  
35 attendance unweighted students enrolled, as defined in chapter 10, title 33,  
36 Idaho Code, the county commissioners shall determine the total of such new  
37 requirements within the county and upon the taxable property situate within  
38 the district requesting the same, and the county commissioners shall levy a  
39 tax sufficient to provide such amount, provided in no case shall the levy be  
40 more than six-hundredths percent (.06%) of the taxable value of the property  
41 to be collected and paid to the requesting district.

42 (4) (a) The county commissioners of each county in this state may levy  
43 annually upon all taxable property of its county, a property tax for the  
44 acquisition, maintenance and operation of public parks or public recre-  
45 ational facilities, to be collected and paid into the county treasury  
46 and apportioned to a fund to be designated as the "parks and recreation  
47 fund," which is hereby created, and such county commissioners may ap-  
48 propriate otherwise unappropriated funds for such purposes. No levy  
49 made under this subsection shall exceed one-hundredth percent (.01%) of



1 the market value for assessment purposes on all taxable property within  
2 the district.

3 (b) Any funds unexpended from the "parks and recreation fund," or any  
4 funds unexpended from the current year's certified parks and recreation  
5 budget may be retained in, or deposited to, the "parks and recreation  
6 fund" for the purpose of future land acquisition, park expansion or im-  
7 provement, or the acquisition of operating equipment. The maximum ac-  
8 cumulation of funds allowable shall not exceed twice the amount of money  
9 provided by the levy authorized in paragraph (a) of this subsection.

10 (5) Upon the same property and for the same year the county commission-  
11 ers must also levy such other property taxes as may be necessary for the pay-  
12 ment of the interest on county bonds or to provide a sinking fund for the re-  
13 demption of county bonds or such other authorized taxes as may be necessary  
14 for any other or special purposes, to be collected and paid into the county  
15 treasury and apportioned as provided by the laws of this state.

16 SECTION 66. An emergency existing therefor, which emergency is hereby  
17 declared to exist, Section 8 of this act shall be in full force and effect on  
18 and after passage and approval.

19 SECTION 67. Sections 1 through 7 and Sections 9 through 65 of this act  
20 shall be in full force and effect on and after July 1, 2020.

21 SECTION 68. The provisions of Section 5 of this act shall be null, void,  
22 and of no force and effect on and after June 30, 2023.