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LEGISLATURE OF THE STATE OF IDAHO  
Sixty-sixth Legislature First Regular Session - 2021  
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1 AN ACT  
2 RELATING TO PUBLIC SCHOOL FUNDING; AMENDING SECTION 33-1004, IDAHO CODE,  
3 TO REVISE PROVISIONS REGARDING STAFF ALLOWANCE; AND DECLARING AN EMER-  
4 GENCY.

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

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

8 33-1004. STAFF ALLOWANCE. For each school district, a staff allowance  
9 shall be determined as follows:

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

14 (2) Determine the instructional staff allowance by multiplying the  
15 support units by 1.021. A district must demonstrate that it actually employs  
16 the number of certificated instructional staff allowed, except as provided  
17 in subsection (6) (f) and (g) of this section. If the district does not employ  
18 the number allowed, the staff allowance shall be reduced to the actual number  
19 employed, except as provided in subsection (6) (f) and (g) of this section;

20 (3) Determine the pupil service staff allowance by multiplying the sup-  
21 port units by 0.079;

22 (4) Determine the administrative staff allowance by multiplying the  
23 support units by .075;

24 (5) Determine the classified staff allowance by multiplying the sup-  
25 port units by .375;

26 (6) Additional conditions governing staff allowance:

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

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

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

41 (i) The instructional staff allowance shall be calculated  
42 applying the actual number of support units. If the actual in-

1 instructional staff employed in the school year is greater than the  
2 instructional staff allowance, then the instructional staff al-  
3 lowance shall be increased by one-half (1/2) staff allowance; and  
4 (ii) The administrative staff allowance shall be calculated ap-  
5 plying the actual number of support units. If the actual adminis-  
6 trative staff employed in the school year is greater than the ad-  
7 ministrative staff allowance, then the administrative staff al-  
8 lowance shall be increased by one-half (1/2) staff allowance.  
9 (iii) Additionally, for any district with less than twenty (20)  
10 support units, the instructional staff allowance shall be calcu-  
11 lated applying the actual number of support units. If the number  
12 of instructional staff employed in the school year is greater than  
13 the instructional staff allowance, the staff allowance shall be  
14 increased as provided in subparagraphs (i) and (ii) of this para-  
15 graph, and by an additional one-half (1/2) instructional staff al-  
16 lowance.

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

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

29 (f) A district may utilize up to fifteen percent (15%) of the moneys  
30 associated with positions funded pursuant to subsection (2) of this  
31 section to pay another school district or public charter school for  
32 instructional services or to defray the cost of providing virtual edu-  
33 cation coursework, including virtual dual credit coursework, without a  
34 reduction in the number of funded positions being imposed.

35 (g) A district may employ ~~nine and one-half~~ fifteen percent (~~9.5~~15%)  
36 fewer positions than funded pursuant to subsections (2) and (3) of this  
37 section, without a reduction in the number of funded positions being  
38 imposed. ~~Beginning in fiscal year 2016, this figure shall be reduced by~~  
39 ~~one percent (1%) each year for each school district in which the average~~  
40 ~~class size, as determined from prior fiscal year data reported to the~~  
41 ~~state department of education, was at least one (1) student greater than~~  
42 ~~the statewide average class size. The state department of education~~  
43 ~~shall report to the legislature every February, beginning in 2015, on~~  
44 ~~the reductions scheduled to take place in this figure, by school dis-~~  
45 ~~trict, in the ensuing fiscal year.~~

46 (7) In the event that the staff allowance in any category is insuffi-  
47 cient to meet accreditation standards, a district may appeal to the state  
48 board of education, demonstrating the insufficiency, and the state board may  
49 grant a waiver authorizing sufficient additional staff to be included within  
50 the staff allowance to meet accreditation standards. Such a waiver shall be

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1 limited to one (1) year, but may be renewed upon showing of continuing justifi-  
2 cation.

3 (8) A district may utilize a portion of the instructional staff al-  
4 lowance provided for in this section for kindergarten teachers to visit the  
5 parents or guardians of students during the first week of the kindergarten  
6 school year. Such visits may take place at school, at the student's home  
7 or at another location agreed to by the teacher and parents or guardians.  
8 The purpose of such visits is to help strengthen the working relationship  
9 between the teacher, the parents or guardians, and the student. The visits  
10 should be used as an opportunity to help establish the teacher's expecta-  
11 tions of the student. The visit should also provide an opportunity for the  
12 parents or guardians to explain their expectations. The amount of moneys to  
13 be expended for such visits by the district may not exceed the amount equal  
14 to one (1) week of instructional staff allowance computed for kindergarten  
15 instructors in the district.

16 SECTION 2. An emergency existing therefor, which emergency is hereby  
17 declared to exist, this act shall be in full force and effect on and after its  
18 passage and approval.