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LEGISLATURE OF THE STATE OF IDAHO
Sixty-fifth Legislature First Extraordinary Session - 2020

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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. If the sup-
14 port units used to calculate discretionary funding pursuant to sections
15 33-1009 and 33-1018, Idaho Code, are at least three percent (3%) greater,
16 seventy-five percent (75%) of the difference shall be added to the support
17 units used for the February 15 apportionment of state funds;

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

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

26 (4) Determine the administrative staff allowance by multiplying the
27 support units by .075;

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

30 (6) Additional conditions governing staff allowance:

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

39 (b) If there are circumstances preventing eligible use of staff al-
40 lowance to which a district is entitled as provided in subsections (2),

41 (3) and (4) of this section, an appeal may be filed with the state de-

1 partment of education outlining the reasons and proposed alternative
2 use of these funds, and a waiver may be granted.

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

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

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

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

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

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

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

40 (g) A district may employ ~~nine and one-half~~ fifteen percent (9.15%)
41 fewer positions than funded pursuant to subsections (2) and (3) of this
42 section, without a reduction in the number of funded positions being
43 imposed. Beginning in ~~fiscal year 2016~~, this figure shall be reduced
44 by one percent (1%) each year for each school district in which the av-
45 erage class size, as determined from prior fiscal year data reported to
46 the state department of education, was at least one (1) student greater
47 than the statewide average class size. The state department of educa-
48 tion shall report to the legislature every February, beginning in 2015,
49 on the reductions scheduled to take place in this figure, by school
50 district, in the ensuing fiscal year 2021, the state department of ed-

1 ucation shall annually report to the legislature by February 28 on the
2 number of funded positions employed versus funded positions allocated
3 for each school district and for the state, as well as the average class
4 size for each school district and for the state.

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

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

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