LEGISLATURE OF THE STATE OF IDAHO
Sixty-sixth Legislature First Regular Session - 2021

IN THE SENATE

SENATE BILL NO. 1046, As Amended, As Amended

BY EDUCATION COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING CHAPTER 16, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1636, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING INNOVATION CLASSROOMS.

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

SECTION 1. That Chapter 16, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1636, Idaho Code, and to read as follows:

33-1636. INNOVATION CLASSROOMS. (1) For purposes of this section:
(a) "Alternative curriculum" means a curriculum in one (1) or more subject areas that is different than the curriculum in such area or areas offered by a school district. An alternative curriculum may encompass one (1) or more subject areas but must include, at a minimum, an alternative curriculum in mathematics, history, English language arts, or science.
(b) "Innovation classroom" means a classroom in which an alternative curriculum is offered.
(c) "Requesting party" means a person or group of persons that requests an innovation classroom agreement from a school district. Such person or group must include:
(i) A certified teacher or teachers in a school district; or
(ii) A parent or parents whose child or children attend school in a school district.
(2) A school district may enter into an innovation classroom agreement with a requesting party if the requesting party represents a group of students that is equal to or greater than the average class size in the school. The school district must indicate willingness or nonwillingness to enter into negotiation within sixty (60) days of the receipt of the request.
(3) An innovation classroom agreement must include:
(a) The name of any teacher or other certificated staff member who will be working in the innovation classroom. Any such teacher must be agreed upon by the school district and the parents of the students who will be receiving instruction in the innovation classroom;
(b) The names of the students participating in the innovation classroom;
(c) A description of how and where the innovation classroom's instruction will take place and whether instruction will include in-person, hybrid, or virtual components. If requested, the school district must provide a classroom for the innovation classroom;
(d) Growth criteria or other measures of student learning, such as those found in section 33-1001(18), Idaho Code;
(e) The alternative curriculum and instructional materials to be used in the innovation classroom. The parents of the participating students must agree to the alternative curriculum, and the school district will determine whether the alternative curriculum meets state standards and recommend ways to supplement the alternative curriculum, if applicable;

(f) A description of an innovation classroom student's access to or use of the school district's transportation, playground, cafeteria, after-school activities, special education, and other services or facilities; and

(g) The date upon which the innovation classroom will start.

(4) Students in an innovation classroom may use transportation services offered by the school district if the schedule of the innovation classroom is consistent with the school district's schedule or if the parties provide for transportation services in the innovation classroom agreement.

(5) For purposes of compensation, any teacher or other certificated staff member working in an innovation classroom will be an employee of the school district and will be entitled to receive or participate in the public employee retirement system of Idaho, federal social security, unemployment insurance, worker's compensation, health insurance, and other benefits and compensation to the same extent as other employees in the school district.

(6) Students enrolled in an innovation classroom will be enrolled in the school district for the purpose of calculating educational support program funds apportioned to the school district. The school district must apportion funds for instructional use in an innovation classroom in an amount substantially similar to funds apportioned for instruction of students at the same grade level who do not participate in the innovation classroom.

(7) Students participating in an innovation classroom will not be included in the public school accountability results for the school district unless the school district so desires or such inclusion is required by applicable law or rule. The school district will not be responsible for services for participating students, except those services described in the innovation classroom agreement.

(8) Students in an innovation classroom must take any required state testing.

(9) Innovation classrooms must:

(a) Comply with the conditions or procedures established in the innovation classroom agreement; and

(b) Comply with applicable laws, including state, federal, and local laws prohibiting discrimination and laws governing safety, including but not limited to sections 33-122 and 33-130, Idaho Code.