

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 718

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; PROVIDING LEGISLATIVE INTENT; AMENDING SECTION
2 33-357, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DISCLOSURE OF
3 EXPENDITURES BY EDUCATION PROVIDERS; AMENDING SECTION 33-1001, IDAHO
4 CODE, TO DEFINE A TERM; AMENDING SECTION 33-1002, IDAHO CODE, TO REVISE
5 PROVISIONS REGARDING THE EDUCATIONAL SUPPORT PROGRAM; AMENDING SECTION
6 33-1009, IDAHO CODE, TO REVISE PROVISIONS REGARDING PAYMENTS FROM THE
7 PUBLIC SCHOOL INCOME FUND; AMENDING SECTION 33-1018, IDAHO CODE, TO
8 REVISE PROVISIONS REGARDING PUBLIC SCHOOL DISCRETIONARY FUNDING VARI-
9 ABILITY; REPEALING SECTION 33-1021, IDAHO CODE, RELATING TO THE MATH
10 AND SCIENCE REQUIREMENT; AMENDING SECTION 33-5207, IDAHO CODE, AS ADDED
11 BY SECTION 23 OF HOUSE BILL NO. 422, AS ENACTED BY THE SECOND REGULAR
12 SESSION OF THE SIXTY-SEVENTH IDAHO LEGISLATURE, TO REVISE PROVISIONS
13 REGARDING PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT; AMENDING SECTION
14 33-512D, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SEC-
15 TION 33-515, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING
16 SECTION 33-911, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMEND-
17 ING SECTION 33-1004, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE;
18 AMENDING SECTION 33-1201A, IDAHO CODE, TO PROVIDE A CORRECT CODE REFER-
19 ENCE; AMENDING SECTION 33-1614, IDAHO CODE, TO PROVIDE A CORRECT CODE
20 REFERENCE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
21

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

23 SECTION 1. LEGISLATIVE INTENT. (1) It is the intent of the Legislature
24 for the State of Idaho to move toward an education funding model that dis-
25 tributes funds on a per-student basis that is calculated based on the num-
26 ber of students currently attending each school. Although the provisions of
27 this act do not complete this goal, this act is intended to be a first step in
28 shifting the model for education funding in this direction.

29 (2) It is further the intent of the Legislature that the per-student
30 funding model should be refined to encompass a weighted per-student fund-
31 ing formula that allocates education funding to school districts and public
32 charter schools using a base amount per student and an additional amount for
33 certain weighted student characteristics.

34 (3) It is further the intent of the Legislature to revise the education
35 funding payment schedule to schools.
36

37 SECTION 2. That Section 33-357, Idaho Code, be, and the same is hereby
38 amended to read as follows:

39 33-357. CREATION OF INTERNET-BASED EXPENDITURE WEBSITE. (1) As used
40 in this section, unless otherwise required:

1 (a) "Administrative staff" shall have the same meaning as provided in
 2 section 33-1001, Idaho Code.

3 ~~(a)~~ (b) "Education provider" means:

4 (i) A school district, including a specially chartered district
 5 organized and existing pursuant to law;

6 (ii) A cooperative services agency or intermediate school dis-
 7 trict;

8 (iii) A public charter school authorized pursuant to state law; or

9 (iv) A publicly funded governmental entity established by the
 10 state for the express purpose of providing online courses.

11 ~~(b)~~ (c) "Entity" means a corporation, association, union, limited li-
 12 ability company, limited liability partnership, grantee, contractor,
 13 local government, or other legal entity, including a nonprofit corpora-
 14 tion or an employee of the education provider.

15 ~~(c)~~ (d) "Internet-based website" means a website developed and main-
 16 tained by the state controller pursuant to section 67-1075, Idaho Code.

17 ~~(d)~~ (e) "ISEE" means the Idaho system for educational excellence or a
 18 successor system.

19 ~~(e)~~ (f) "Public record" shall have the same meaning as set forth in
 20 chapter 1, title 74, Idaho Code.

21 (2) (a) Each education provider shall, as part of its ISEE data sub-
 22 missions, submit the education provider's expenditures and revenues
 23 accompanying general ledger codes consistent with the Idaho financial
 24 accounting reporting management system or a successor system to the
 25 state board of education on a schedule determined by the board. The
 26 education provider shall also submit all information required to be
 27 disclosed pursuant to paragraph (c) of this subsection. Within ten
 28 (10) business days of receiving such submission, the state board of
 29 education must transmit the full submission to the office of the state
 30 controller, which must then correlate the education provider's data
 31 to the uniform accounting system created pursuant to section 67-1075,
 32 Idaho Code, for posting on the state controller's website.

33 (b) The internet-based website shall include the following data con-
 34 cerning all expenditures made by the education provider:

35 (i) The name and location or address of the entity receiving mon-
 36 eys;

37 (ii) The amount of expended moneys;

38 (iii) The date of the expenditure; and

39 (iv) To the extent possible, a unique identifier for each expendi-
 40 ture.

41 (c) The internet-based website shall include the following information
 42 concerning expenditure statistics for each education provider:

43 (i) The total dollar amount expended in the previous fiscal year;

44 (ii) The average dollar amount expended per student in the previ-
 45 ous fiscal year;

46 (iii) The average yearly expenditures for the salary and benefits
 47 of administrative staff;

48 (iv) The average yearly expenditures for the salary and benefits
 49 of full-time teachers;

- 1 (v) The ratio of administrative staff to teachers to students;
 2 and
 3 (vi) The percentage of the previous fiscal year's budget that was
 4 deposited into any reserve or savings account of such education
 5 provider.
- 6 ~~(e)~~ (d) The expenditure data shall be provided in an open_structured
 7 data format that may be downloaded by the user.
- 8 ~~(d)~~ (e) The internet-based website shall contain only information that
 9 is a public record or that is not confidential or otherwise exempt from
 10 public disclosure pursuant to state or federal law.
- 11 (3) (a) The state controller must:
- 12 (i) Update the expenditures contained on the internet-based web-
 13 site upon receiving a new transmission from the state board of edu-
 14 cation; and
- 15 (ii) Archive all expenditures, which shall remain accessible and
 16 on the internet-based website for a number of years, consistent
 17 with state law regarding keeping and retention of records.
- 18 (b) The education provider shall:
- 19 (i) Link to the internet-based website from the main page of the
 20 education provider's website; and
- 21 (ii) Post the following on the education provider's website:
- 22 1. Supporting contracts and performance reports upon which
 23 the expenditure is related when these documents already ex-
 24 ist;
- 25 2. The annual budget approved by the education provider's
 26 governing board, ~~to~~ which shall include on the first page of
 27 such budget all information required pursuant to subsection
 28 (2) (c) of this section and shall be posted within thirty (30)
 29 days after its approval; and
- 30 3. Any current master labor agreements approved by the edu-
 31 cation provider's governing board.
- 32 (c) The internet-based website shall include records referenced in
 33 this section according to the schedule set forth pursuant to section
 34 67-1075, Idaho Code, and all data prior to that date shall be available
 35 by way of a public records request.

36 SECTION 3. That Section 33-1001, Idaho Code, be, and the same is hereby
 37 amended to read as follows:

38 33-1001. DEFINITIONS. As used in this chapter:

- 39 (1) "Administrative schools" means and applies to all elementary
 40 schools and kindergartens within a district that are situated ten (10) miles
 41 or less from both the other elementary schools and the principal administra-
 42 tive office of the district and all secondary schools within a district that
 43 are situated fifteen (15) miles or less from other secondary schools of the
 44 district.
- 45 (2) "Administrative staff" means those who hold an administrator cer-
 46 tificate and are employed as a superintendent, an elementary or secondary
 47 school principal, or are assigned administrative duties over and above those
 48 commonly assigned to teachers.
- 49 (3) "At-risk student" means a student in grades 6 through 12 who:

- 1 (a) Meets at least three (3) of the following criteria:
2 (i) Has repeated at least one (1) grade;
3 (ii) Has absenteeism greater than ten percent (10%) during the
4 preceding semester;
5 (iii) Has an overall grade point average less than 1.5 on a 4.0
6 scale prior to enrolling in an alternative secondary program;
7 (iv) Has failed one (1) or more academic subjects in the past year;
8 (v) Is below proficient, based on local criteria, standardized
9 tests, or both;
10 (vi) Is two (2) or more credits per year behind the rate required
11 to graduate or for grade promotion; or
12 (vii) Has attended three (3) or more schools within the previous
13 two (2) years, not including dual enrollment; or
14 (b) Meets any of the following criteria:
15 (i) Has documented substance abuse or a pattern of substance
16 abuse;
17 (ii) Is pregnant or a parent;
18 (iii) Is an emancipated youth or unaccompanied youth;
19 (iv) Is a previous dropout;
20 (v) Has a serious personal, emotional, or medical issue or is-
21 sues;
22 (vi) Has a court or agency referral; or
23 (vii) Demonstrates behavior detrimental to the student's academic
24 progress.
- 25 (4) "Average daily attendance" or "pupils in average daily attendance"
26 means the aggregate number of days enrolled students are present, divided by
27 the number of days of school in the reporting period; provided, however, that
28 students for whom no Idaho school district is a home district shall not be
29 considered in such computation.
- 30 (5) "Career ladder" means the compensation table used for determining
31 the allocations districts receive for instructional staff and pupil service
32 staff based on specific performance criteria and is made up of a residency
33 compensation rung and a professional compensation rung.
- 34 (6) "Child with a disability" means a child evaluated as having an
35 intellectual disability, a hearing loss including deafness, a speech or
36 language impairment, a visual impairment including blindness, an emo-
37 tional behavioral disorder, an orthopedic impairment, autism, a traumatic
38 brain injury, another health impairment, a specific learning disability,
39 deaf-blindness, or multiple disabilities and who, by reason thereof, needs
40 special education and related services.
- 41 (7) "Compensation rung" means the rung on the career ladder that corre-
42 sponds with the compensation level performance criteria.
- 43 (8) "Economically disadvantaged student" means a student who:
44 (a) Is eligible for a free or reduced-price lunch under the Richard B.
45 Russell national school lunch act, 42 U.S.C. 1751 et seq., excluding
46 students who are eligible only through a school's community eligibility
47 program;
48 (b) Resides with a family receiving assistance under the program of
49 block grants to states for temporary assistance for needy families

1 (TANF) established under part A of title IV of the social security act,
2 42 U.S.C. 601 et seq.;

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

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

8 (9) "Elementary grades" or "elementary average daily attendance" means
9 and applies to students enrolled in grades 1 through 6, inclusive, or any
10 combination thereof.

11 (10) "Elementary schools" are schools that serve grades 1 through 6,
12 inclusive, or any combination thereof.

13 (11) "Elementary/secondary schools" are schools that serve grades 1
14 through 12, inclusive, or any combination thereof.

15 (12) "English language learner" or "ELL" means a student who does not
16 score proficient on the English language development assessment established
17 by rule of the state board of education.

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

20 (14) "Homebound student" means any student who would normally and regu-
21 larly attend school but is confined to home or hospital because of an illness
22 or accident for a period of ten (10) or more consecutive days.

23 (15) "Instructional staff" means those who hold an Idaho certificate
24 issued under section 33-1201, Idaho Code, and who are either involved in the
25 direct instruction of a student or group of students or who serve in a mentor
26 or teacher leader position for individuals who hold an Idaho certificate is-
27 sued under section 33-1201, Idaho Code.

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

31 (17) "Local salary schedule" means a compensation table adopted by a
32 school district or public charter school, which table is used for determin-
33 ing moneys to be distributed for instructional staff and pupil service staff
34 salaries. Minimum compensation provided under a local salary schedule shall
35 be at least equal to the minimum amounts established pursuant to section
36 33-1004E, Idaho Code.

37 (18) "Measurable student achievement" means the measurement of student
38 academic achievement or growth within a given interval of instruction for
39 those students who have been enrolled in and attended eighty percent (80%)
40 of the interval of instruction. Measures and targets shall be chosen at the
41 school level in collaboration with the staff member impacted by the measures
42 and applicable district staff and approved by the school board. Measures and
43 targets must also align with the performance measures and benchmarks in the
44 continuous improvement plan described in section 33-320, Idaho Code. The
45 most effective measures and targets are those generated as close to the ac-
46 tual work as possible. Targets may be based on grade- or department-level
47 achievement or growth goals that create collaboration within groups. In-
48 dividual measurable student achievement targets and the percentage of stu-
49 dents meeting individual targets must be reported annually to the state. As-

1 assessment tools that may be used for measuring student achievement and growth
2 include:

- 3 (a) Idaho standards achievement test (ISAT), including interim ISAT
- 4 assessments;
- 5 (b) Student learning objectives;
- 6 (c) Teacher-constructed assessments of student growth;
- 7 (d) Pre- and post-tests, including district-adopted tests;
- 8 (e) Performance-based assessments;
- 9 (f) Idaho reading indicator, which will be one (1) of the required as-
- 10 sessment tools for applicable staff;
- 11 (g) College entrance exams or preliminary college entrance exams such
- 12 as PSAT, SAT, PACT, and ACT;
- 13 (h) Advanced placement exams;
- 14 (i) Career technical exams;
- 15 (j) Number of business or industry certificates or credentials earned
- 16 by students in an approved career technical education program;
- 17 (k) Number of students completing career technical education capstone
- 18 courses; and
- 19 (l) Number of students enrolled in career technical education courses
- 20 that are part of a program that culminates with business or industry
- 21 certificates or credentials.

22 (19) "Per-student funding" means allocating education funding to
23 school districts and public charter schools using a base amount per student.
24 For each school district or public charter school, the formula shall be based
25 on the average daily attendance counts for verified students reported pur-
26 suant to section 33-1003A, Idaho Code.

27 ~~(19)~~ (20) "Performance criteria" means the standards specified for
28 instructional staff and pupil service staff to demonstrate teaching pro-
29 ficiency for a given compensation rung. Each element of the professional
30 compensation rung and advanced professional compensation rung performance
31 criteria, as identified in this section and as applicable to a staff member's
32 position, shall be documented, reported, and subject to review for determin-
33 ing movement on the career ladder.

34 ~~(20)~~ (21) (a) "Professional compensation rung performance criteria"
35 means:

- 36 (i) An overall rating of proficient or higher, and no components
- 37 rated as unsatisfactory, on the state framework for teaching eval-
- 38 uation or equivalent for pupil service staff or principal or other
- 39 school level administrator evaluation aligned to the state frame-
- 40 work for teaching evaluation; and

- 41 (ii) Demonstrating the majority of students have met measurable
- 42 student achievement targets or student success indicator targets.

43 (b) "Advanced professional compensation rung performance criteria"
44 means:

- 45 (i) An overall rating of proficient or higher, no components
- 46 rated as unsatisfactory or basic, and rated as distinguished
- 47 overall in domain two -- classroom environment or domain three
- 48 -- instruction and use of assessment on the state framework for
- 49 teaching evaluation or equivalent for pupil service staff or prin-

1 cipal or other school level administrator evaluation aligned to
2 the state framework for teaching evaluation; and

3 (ii) Demonstrating seventy-five percent (75%) or more of their
4 students have met their measurable student achievement targets or
5 student success indicator targets.

6 ~~(21)~~ (22) "Public school district" or "school district" or "district"
7 means any public school district organized under the laws of this state, in-
8 cluding specially chartered school districts.

9 ~~(22)~~ (23) "Pupil service staff" means those who provide services to stu-
10 dents, but are not involved in direct instruction of those students, and hold
11 a pupil personnel services certificate.

12 ~~(23)~~ (24) "School board" means a school district board of trustees or
13 the board of directors of a public charter school.

14 ~~(24)~~ (25) "Secondary grades" or "secondary average daily attendance"
15 means and applies to students enrolled in grades 7 through 12, inclusive, or
16 any combination thereof.

17 ~~(25)~~ (26) "Secondary schools" are schools that serve grades 7 through
18 12, inclusive, or any combination thereof.

19 ~~(26)~~ (27) "Separate elementary school" means an elementary school lo-
20 cated more than ten (10) miles on an all-weather road from both the near-
21 est elementary school and elementary/secondary school serving like grades
22 within the same school district and from the location of the office of the su-
23 perintendent of schools of such district, or from the office of the chief ad-
24 ministrative officer of such district if the district employs no superinten-
25 dent of schools.

26 ~~(27)~~ (28) "Separate kindergarten" means a kindergarten located more
27 than ten (10) miles on an all-weather road from both the nearest kindergarten
28 school within the same school district and from the location of the office
29 of the superintendent of schools of such district, or from the office of the
30 chief administrative officer of such district if the district employs no
31 superintendent of schools.

32 ~~(28)~~ (29) "Separate secondary school" means any secondary school lo-
33 cated more than fifteen (15) miles on an all-weather road from any other
34 secondary school and elementary/secondary school serving like grades oper-
35 ated by the district.

36 ~~(29)~~ (30) "Special education" means specially designed instruction or
37 speech/language therapy at no cost to the parent to meet the unique needs of a
38 student who is a child with a disability, including instruction in the class-
39 room, the home, hospitals, institutions, and other settings; instruction
40 in physical education; speech therapy and language therapy; transition ser-
41 vices; travel training; assistive technology services; and vocational edu-
42 cation.

43 ~~(30)~~ (31) "Student learning plan" means a plan that outlines a student's
44 program of study, which should include a rigorous academic core and a related
45 sequence of electives in academics, career technical education, or humani-
46 ties aligned with the student's post-graduation goals.

47 ~~(31)~~ (32) "Student success indicators" means measurable indicators of
48 student achievement or growth, other than academic, within a predefined in-
49 terval of time for a specified group of students. Measures and targets shall
50 be chosen at the district or school level in collaboration with the pupil

1 service staff member impacted by the measures and applicable district staff.
 2 Individual measurable student achievement targets and the percentage of
 3 students meeting each target must be reported annually to the state. Student
 4 success indicators include:

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

7 (b) Quantifiable goals stated in a student's behavior improvement
 8 plan.

9 (c) School- or district-identified measurable student objectives for a
 10 specified student group or population.

11 (d) The percentage of students who create student learning plans in
 12 grade 8 or who annually update their student learning plans thereafter.

13 (e) The percentage of students who satisfactorily complete one (1) or
 14 more advanced opportunities options as identified in section 33-4602,
 15 Idaho Code, or who earn business or industry certificates or creden-
 16 tials. This indicator shall be one (1) of the required indicators for
 17 applicable staff.

18 ~~(32)~~ (33) "Support program" means the educational support program as
 19 described in section 33-1002, Idaho Code, the transportation support pro-
 20 gram described in section 33-1006, Idaho Code, and the exceptional education
 21 support program as described in section 33-1007, Idaho Code.

22 ~~(33)~~ (34) "Support unit" means a function of average daily attendance
 23 used in the calculations to determine financial support provided to the pub-
 24 lic school districts.

25 ~~(34)~~ (35) "Teacher" means any person employed in a teaching, instruc-
 26 tional, supervisory, educational administrative or educational and scien-
 27 tific capacity in any school district. In case of doubt, the state board of
 28 education shall determine whether any person employed requires certifica-
 29 tion as a teacher.

30 SECTION 4. That Section 33-1002, Idaho Code, be, and the same is hereby
 31 amended to read as follows:

32 33-1002. EDUCATIONAL SUPPORT PROGRAM. The educational support pro-
 33 gram is calculated as follows:

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

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

39 (a) Pupil tuition-equivalency allowances as provided in section
 40 33-1002B, Idaho Code;

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

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

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

- 1 (e) The approved costs for exceptional child approved contract al-
 2 lowance, provided in subsection 2. of section 33-2004, Idaho Code, as
 3 determined by the state superintendent of public instruction;
- 4 (f) Salary-based apportionment calculated as provided in sections
 5 33-1004 through 33-1004F, Idaho Code;
- 6 (g) Unemployment insurance benefit payments according to the provi-
 7 sions of section 72-1349A, Idaho Code;
- 8 (h) For expenditure as provided by the public school technology pro-
 9 gram;
- 10 (i) For employee severance payments as provided in section 33-521,
 11 Idaho Code;
- 12 (j) For distributions to the Idaho digital learning academy as provided
 13 in section 33-1020, Idaho Code;
- 14 (k) For charter school facilities funds and reimbursements paid pur-
 15 suant to section 33-5208(5), Idaho Code;
- 16 (l) For an online course portal as provided for in section 33-1024,
 17 Idaho Code;
- 18 (m) For advanced opportunities as provided for in chapter 46, title 33,
 19 Idaho Code;
- 20 ~~(n) For additional math and science courses for high school students as~~
 21 ~~provided in section 33-1021, Idaho Code;~~
- 22 ~~(o) For master teacher premiums as provided in section 33-1004I, Idaho~~
 23 ~~Code;~~
- 24 ~~(p)~~ (n) For the support of provisions that provide a safe environment
 25 conducive to student learning and maintain classroom discipline, an al-
 26 location of three hundred dollars (\$300) per support unit;
- 27 ~~(q)~~ (o) An amount specified in the appropriation bill for the public
 28 schools educational support program for counseling support as provided
 29 for in section 33-1212A, Idaho Code, shall be distributed for grades 8
 30 through 12 as follows:
- 31 (i) For school districts and public charter schools with one hun-
 32 dred (100) or more students enrolled in grades 8 through 12, a pro
 33 rata distribution based on students enrolled in grades 8 through
 34 12 or eighteen thousand dollars (\$18,000), whichever is greater;
- 35 (ii) For school districts and public charter schools with fewer
 36 than one hundred (100) students enrolled in grades 8 through 12,
 37 one hundred eighty dollars (\$180) per student enrolled in grades
 38 8 through 12 or nine thousand dollars (\$9,000), whichever is
 39 greater;
- 40 ~~(r)~~ (p) An amount specified in the public schools educational support
 41 program appropriation bill for literacy intervention. The disburse-
 42 ments made to the school districts and public charter schools shall be
 43 calculated as follows:
- 44 (i) Fifty percent (50%) based on average full-time equivalent
 45 enrollment of students in kindergarten through grade 3 as of the
 46 first Friday in November;
- 47 (ii) Fifty percent (50%) based on the number of kindergarten
 48 through grade 3 students who move a full level or who are profi-
 49 cient from the spring-to-spring administration of the statewide

1 reading assessment in the prior fiscal year or, if there is not a
 2 prior spring assessment for the student, from fall to spring; and
 3 (iii) Funds will be distributed to the school district or pub-
 4 lic charter school where the student is enrolled and takes the
 5 statewide reading assessment. Any school district or public char-
 6 ter school that has greater than one (1) but fewer than five (5)
 7 students in kindergarten through grade 3 will receive a minimum of
 8 two thousand dollars (\$2,000). Economically disadvantaged stu-
 9 dents shall count as one and three quarters (1.75) students for the
 10 purpose of calculating the distribution of the funds in subpara-
 11 graph (ii) of this paragraph.

12 ~~(s)~~ (q) For mastery-based education as provided for in section 33-1632,
 13 Idaho Code;

14 ~~(t)~~ (r) For pay for success contracting as provided in section 33-125B,
 15 Idaho Code; and

16 ~~(u)~~ (s) Any additional amounts as required by statute to effect admin-
 17 istrative adjustments or as specifically required by the provisions of
 18 any bill of appropriation;

19 to secure the total educational support distribution funds.

20 (3) Average Daily Attendance. The total state average daily attendance
 21 shall be the sum of the average daily attendance of all of the school dis-
 22 tricts of the state. The state board of education shall establish rules set-
 23 ting forth the procedure to determine average daily attendance and the time
 24 for, and method of, submission of such report. Average daily attendance cal-
 25 culation shall be carried out to the nearest hundredth. Computation of av-
 26 erage daily attendance shall also be governed by the provisions of section
 27 33-1003A, Idaho Code.

28 (4) Support Units. The total state support units shall be determined
 29 by using the tables set out hereafter called computation of kindergarten
 30 support units, computation of elementary support units, computation of sec-
 31 ondary support units, computation of exceptional education support units,
 32 and computation of alternative school support units. The sum of all of the
 33 total support units of all school districts of the state shall be the total
 34 state support units.

35 COMPUTATION OF KINDERGARTEN SUPPORT UNITS

36 Average Daily		
37 Attendance	Attendance Divisor	Units Allowed
38 41 or more....	40.....	1 or more as computed
39 31 - 40.99 ADA....	-.....	1
40 26 - 30.99 ADA....	-.....	.85
41 21 - 25.99 ADA....	-.....	.75
42 16 - 20.99 ADA....	-.....	.6
43 8 - 15.99 ADA....	-.....	.5
44 1 - 7.99 ADA....	-.....	count as elementary

45 COMPUTATION OF ELEMENTARY SUPPORT UNITS

1	Average Daily		Minimum Units
2	Attendance	Attendance Divisor	Allowed
3	300 or more ADA.....	.....	.. 15
4		..23...grades 4,5 & 6....	
5		..22...grades 1,2 & 3....1994-95	
6		..21...grades 1,2 & 3....1995-96	
7		..20...grades 1,2 & 3....1996-97	
8		and each year thereafter.	
9	160 to 299.99 ADA...	20	8.4
10	110 to 159.99 ADA...	19	6.8
11	71.1 to 109.99 ADA...	16	4.7
12	51.7 to 71.0 ADA...	15	4.0
13	33.6 to 51.6 ADA...	13	2.8
14	16.6 to 33.5 ADA...	12	1.4
15	1.0 to 16.5 ADA...	n/a	1.0

16 COMPUTATION OF SECONDARY SUPPORT UNITS

17	Average Daily		Minimum Units
18	Attendance	Attendance Divisor	Allowed
19	750 or more....	18.5	47
20	400 - 749.99 ADA....	16	28
21	300 - 399.99 ADA....	14.5	22
22	200 - 299.99 ADA....	13.5	17
23	100 - 199.99 ADA....	12	9
24	99.99 or fewer	Units allowed as follows:	
25	Grades 7 - 12	.....	8
26	Grades 9 - 12	.....	6
27	Grades 7 - 9	.....	1 per 14 ADA
28	Grades 7 - 8	.....	1 per 16 ADA

29 COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

30	Average Daily		Minimum Units
31	Attendance	Attendance Divisor	Allowed
32	14 or more....	14.5	1 or more as computed
33			
34	12 - 13.99....	-	1
35	8 - 11.99....	- .....	.75
36	4 - 7.99....	- .....	.5
37	1 - 3.99....	- .....	.25

1 COMPUTATION OF ALTERNATIVE SCHOOL SUPPORT UNITS
 2 (Computation of alternative school support units shall include
 3 grades 6 through 12)

4 Pupils in Attendance	Attendance Divisor	Minimum Units Allowed
6 12 or more.....	12.....	1 or more as computed

8 In applying these tables to any given separate attendance unit, no
 9 school district shall receive less total money than it would receive if it
 10 had a lesser average daily attendance in such separate attendance unit. In
 11 applying the kindergarten table to a kindergarten program of fewer days
 12 than a full school year, the support unit allowance shall be in ratio to the
 13 number of days of a full school year. The attendance of students attending
 14 an alternative school in a school district reporting fewer than one hundred
 15 (100) secondary students in average daily attendance shall not be assigned
 16 to the alternative table if the student is from a school district reporting
 17 fewer than one hundred (100) secondary students in average daily attendance,
 18 but shall instead be assigned to the secondary table of the school district
 19 in which they are attending the alternative school, unless the alternative
 20 school in question serves students from multiple districts reporting fewer
 21 than one hundred (100) secondary students in average daily attendance. The
 22 tables for exceptional education and alternative school support units shall
 23 be applicable only for programs approved by the state department of educa-
 24 tion following rules established by the state board of education. Moneys
 25 generated from computation of support units for alternative schools shall be
 26 utilized for alternative school programs. School district administrative
 27 and facility costs may be included as part of the alternative school expen-
 28 ditures.

29 ~~(5) State Distribution Factor per Support Unit. Divide educational~~
 30 ~~support program distribution funds, after subtracting the amounts necessary~~
 31 ~~to pay the obligations specified in subsection (2) of this section, by the~~
 32 ~~total state support units to secure the state distribution factor per sup-~~
 33 ~~port unit.~~

34 ~~(6)~~ (5) District Support Units. The number of support units for each
 35 school district in the state shall be determined as follows:

36 (a) (i) Divide the actual average daily attendance, excluding stu-
 37 dents approved for inclusion in the exceptional child educational
 38 program for the administrative schools and each of the separate
 39 schools and attendance units, by the appropriate divisor from the
 40 tables of support units in this section, then add the quotients
 41 to obtain the district's support units allowance for regular stu-
 42 dents, kindergarten through grade 12 including alternative school
 43 students. Calculations in application of this subsection shall be
 44 carried out to the nearest hundredth.

45 (ii) Divide the combined totals of the average daily attendance
 46 of all preschool, kindergarten, elementary, secondary, juvenile
 47 detention center students and students with disabilities approved
 48 for inclusion in the exceptional child program of the district by

1 the appropriate divisor from the table for computation of excep-
2 tional education support units to obtain the number of support
3 units allowed for the district's approved exceptional child pro-
4 gram. Calculations for this subsection shall be carried out to the
5 nearest hundredth when more than one (1) unit is allowed.

6 (iii) The total number of support units of the district shall be
7 the sum of the total support units for regular students, subpara-
8 graph (i) of this paragraph, and the support units allowance for
9 the approved exceptional child program, subparagraph (ii) of this
10 paragraph.

11 (b) Total District Allowance Educational Program. Multiply the dis-
12 trict's total number of ~~support units~~ students as determined by the
13 average daily attendance count, as verified by the state department
14 of education and the legislative services office, pursuant to section
15 33-1003A, Idaho Code, carried out to the nearest hundredth, by the state
16 distribution factor per support unit per-student amount and to this
17 product add the approved amount of programs of the district provided in
18 subsection (2) of this section to secure the district's total allowance
19 for the educational support program.

20 (c) District Share. The district's share of state apportionment is the
21 amount of the total district allowance, paragraph (b) of this subsec-
22 tion.

23 (d) Adjustment of District Share. The contract salary of every noncer-
24 tificated teacher shall be subtracted from the district's share as cal-
25 culated from the provisions of paragraph (c) of this subsection.

26 ~~(7)~~ (6) Property Tax Computation Ratio. In order to receive state funds
27 pursuant to this section, a charter district shall utilize a school mainte-
28 nance and operation property tax computation ratio for the purpose of calcu-
29 lating its maintenance and operation levy that is no greater than that which
30 it utilized in tax year 1994, less four-tenths of one percent (.4%). As used
31 herein, the term "property tax computation ratio" shall mean a ratio deter-
32 mined by dividing the district's certified property tax maintenance and op-
33 eration budget by the actual or adjusted market value for assessment pur-
34 poses as such values existed on December 31, 1993. Such maintenance and op-
35 eration levy shall be based on the property tax computation ratio multiplied
36 by the actual or adjusted market value for assessment purposes as such values
37 existed on December 31 of the prior calendar year.

38 (7) (a) The board of trustees of a school district may execute a per-
39 formance certificate that sets forth the academic and operational
40 performance expectations and measures by which the schools within such
41 school district shall be judged. The performance expectations and
42 measures set forth in the performance certificate shall include but
43 need not be limited to applicable federal and state accountability re-
44 quirements and shall take into consideration the actual and potential
45 at-risk makeup of the student body population defined by the criteria
46 set forth in section 33-1001(3) (a) and (b), Idaho Code, for all grade
47 levels and economically disadvantaged students. The performance pro-
48 visions may be refined or amended by mutual agreement between the board
49 of trustees of a school district and the schools within such district. A
50 school district may participate in the performance certificate program

1 under the provisions of this subsection only if all schools within such
2 school district participate, and all schools within a district shall be
3 subject to the same performance certificate. A virtual school shall be
4 deemed financially sufficient if there is an agreement that requires
5 an education service provider to assume the virtual school's finan-
6 cial risk when it does not have sufficient residual funds to pay the
7 education service provider. Where this subsection is applicable, the
8 education service provider shall make its audited financial statements
9 available unless the education service provider already makes such
10 audited financial statements publicly available for compliance with
11 other federal or state laws.

12 (b) The performance certificate shall be signed by the president of the
13 board of trustees of the school district and the school principal of
14 each school within the school district. Within fourteen (14) days of
15 executing a performance certificate, the school district shall submit
16 to the state board of education written notification of the performance
17 certificate execution, including a copy of the performance certifi-
18 cate. By October 1 of each year, each school within the district shall
19 submit to the board of trustees of the school district a report that in-
20 cludes all relevant information concerning the progress of such school
21 based on the performance expectations outlined in the performance cer-
22 tificate. Within thirty (30) days of receiving such report, the board
23 of trustees shall evaluate the report and determine whether each school
24 within the district has met such performance expectations and shall
25 notify each school whether such performance expectations have been met,
26 or if such performance expectations have not been met, the board shall
27 provide a detailed report that outlines the specific performance expec-
28 tations that have not been met.

29 (c) Beginning in state fiscal year 2026, a public school district in
30 which all the public schools have been in academic, operational, and fi-
31 nancial good standing according to the board of trustees for the school
32 district and each school within such district has met its performance
33 expectations and measures set forth in the performance certificate pur-
34 suant to this section for each of the previous three (3) years shall have
35 flexibility to spend its state educational support program funds pur-
36 suant to the provisions of this section for the next fiscal year in the
37 manner it deems will best support student success, notwithstanding any
38 other provision of law. This flexibility shall remain in place as long
39 as every school within a district continues to meet the performance ex-
40 pectations contained in the performance certificate as verified each
41 year pursuant to the provisions of paragraph (b) of this subsection.

42 (8) Beginning in state fiscal year 2025, a public charter school that
43 has been in academic, operational, and financial good standing according
44 to its authorizer and has for each of the previous three (3) years met its
45 performance expectations and measures set forth in the performance certifi-
46 cate pursuant to section 33-5205B, Idaho Code, shall have flexibility to
47 spend its state educational support program funds pursuant to the provisions
48 of this section in the manner it deems will best support student success,
49 notwithstanding any other provision of law. This flexibility shall remain
50 in place until the charter is renewed, at which point it shall continue as

1 long as the renewal process does not result in a finding that the school does
2 not meet standards for financial, operational, or academic purposes.

3 SECTION 5. That Section 33-1009, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 33-1009. PAYMENTS FROM THE PUBLIC SCHOOL INCOME FUND.

6 1. a. Payments of the state general account appropriation for public
7 school support shall be made each year by the state department of edu-
8 cation to the public school districts of the state in four (4) payments.
9 Payments to the districts shall be made not later than the fifteenth day
10 of August, the fifteenth day of November, the fifteenth day of February,
11 and the fifteenth day of May each year. The first payment by the state
12 department of education shall be approximately fifty percent (50%) of
13 the total general account appropriation for the fiscal year, while the
14 second and third payments shall be approximately twenty percent (20%)
15 each, and the fourth payment approximately ten percent (10%) respec-
16 tively, except as provided for in section 33-5209C, Idaho Code. Amounts
17 apportioned due to a special transfer to the public school income fund
18 to restore or reduce a deficiency in the prior year's transfer pursuant
19 to subsection 4. of this section shall not be subject to this limita-
20 tion.

21 b. Payments of moneys, other than the state general account appropria-
22 tion, that accrue to the public school income fund shall be made by the
23 state department of education to the school districts of the state on
24 the fifteenth day of November, February, May and July each year. The
25 total amount of such payments shall be determined by the state depart-
26 ment of education and shall not exceed the amount of moneys available
27 and on deposit in the public school income fund at the time such payment
28 is made.

29 c. Amounts apportioned due to a special transfer to the public school
30 income fund to restore or reduce a deficiency in the prior year's trans-
31 fer pursuant to subsection 4. of this section shall not be subject to
32 the limitation imposed by paragraphs a. and b. of this subsection.

33 2. Payments made to the school districts in August and November are ad-
34 vance payments for the current year and may be based upon payments from the
35 public school income fund for the preceding school year. Each school dis-
36 trict may receive its proportionate share of the advance payments in the same
37 ratio that its total payment for the preceding year was to the total payments
38 to all school districts for the preceding year.

39 3. No later than the fifteenth day of February in each year, the
40 state department of education shall compute the ~~state distribution factor~~
41 per-student funding based on the total average daily attendance through the
42 first Friday in November. The ~~factor~~ per-student funding will be used in
43 payments of state funds in February and May. Attendance shall be reported in
44 a format and at a time specified by the state department of education.

45 As of the thirtieth day of June of each year the state department of edu-
46 cation shall determine final payments to be made on July fifteenth next suc-
47 ceeding to the several school districts from the public school income fund
48 for the school year ended June 30. The July payments shall take into consid-
49 eration:

1 a. The average daily attendance of the several school districts for the
2 twenty-eight (28) best weeks of the school year completed not later than
3 the thirtieth of June;

4 b. All funds available in the public school income fund for the fiscal
5 year ending on the thirtieth of June;

6 c. All payments distributed for the current fiscal year to the several
7 school districts;

8 d. The adjustment based on the actual amount of discretionary funds
9 per ~~support unit~~ student required by the provisions of section 33-1018,
10 Idaho Code;

11 e. Payments made or due for the transportation support program and the
12 exceptional education support program. The state department of educa-
13 tion shall apportion and direct the payment to the several school dis-
14 tricts the moneys in the public school income fund in each year, taking
15 into account the advance made under subsection 2. of this section, in
16 such amounts as will provide in full for each district its support pro-
17 gram, and not more than therefor required, and no school district shall
18 receive less than fifty dollars (\$50.00).

19 4. If the full amount appropriated to the public school income fund
20 from the general account by the legislature is not transferred to the public
21 school income fund by the end of the fiscal year, the deficiency resulting
22 therefrom shall either be restored or reduced through a special trans-
23 fer from the general account in the first sixty (60) days of the following
24 fiscal year, or shall be calculated in computing district levies, and any
25 additional levy shall be certified by the state superintendent of public
26 instruction to the board of county commissioners and added to the district's
27 maintenance and operation levy. If the deficiency is restored or reduced
28 by special transfer, the amount so transferred shall be in addition to the
29 amount appropriated to be transferred in such following fiscal year and
30 shall be apportioned to each school district in the same amount as each would
31 have received had the transfer been made in the year the deficiency occurred.
32 The state department of education shall distribute to the school district
33 the full amount of the special transfer as soon as practical after such
34 transfer is made. In making the levy computations required by this subsec-
35 tion the state department of education shall take into account and consider
36 the full amount of money receipted into the public school income fund from
37 all sources for the given fiscal year. Deficits in the transfer of the ap-
38 propriated amount of general account revenue to the public school income
39 fund shall be reduced by the amount, if any, that the total amount receipted
40 from other sources into the public school income fund exceeds the official
41 estimated amount from those sources. The official estimate of receipts from
42 other sources shall be the total amount stated by the legislature in the ap-
43 propriation bill. The provisions of this subsection shall not apply to any
44 transfers to or from the public education stabilization fund.

45 5. Any apportionments in any year, made to any school district, which
46 may within the succeeding three (3) year period be found to have been in error
47 either of computation or transmittal, may be corrected during the three (3)
48 year period by reduction of apportionments to any school district to which
49 over-apportionments may have been made or received, and corresponding ad-

1 ditions to apportionments to any school district to which under-apportion-
2 ments may have been made or received.

3 SECTION 6. That Section 33-1018, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 33-1018. PUBLIC SCHOOL DISCRETIONARY FUNDING VARIABILITY. (1) The
6 legislature shall annually state in the appropriation for the educational
7 support program/~~division of operations~~ ~~the estimate of the total discre-~~
8 ~~tionary~~ the base funding provided per ~~support unit~~ student. The state
9 department of education shall, before the end of each fiscal year, calculate
10 the actual discretionary funding available per ~~support unit~~ student.

11 ~~(1)~~ (2) If the total estimated discretionary funding per ~~support~~
12 ~~unit~~ student stated in the appropriation for the educational support pro-
13 gram/~~division of operations~~ is lower than the actual discretionary funding
14 available per ~~support unit~~ student, then the state ~~controller~~ department
15 of education shall multiply the difference by the number of actual ~~support~~
16 ~~units~~ students, and the state controller shall transfer the result from the
17 public school income fund to the public education stabilization fund and the
18 final distributions to school districts from the state department of educa-
19 tion shall be reduced by a like amount.

20 ~~(2)~~ (3) If the total estimated discretionary funding per ~~support~~
21 ~~unit~~ student stated in the appropriation for the educational support pro-
22 gram/~~division of operations~~ is greater than the actual discretionary fund-
23 ing available per ~~support unit~~ student, then the state ~~controller~~ department
24 of education shall multiply the difference by the number of actual ~~support~~
25 ~~units~~ students, and the state controller shall transfer the result from
26 the public education stabilization fund to the public school income fund.
27 This transfer shall be limited to moneys available in the public education
28 stabilization fund. Moneys transferred from the public education stabi-
29 lization fund to the public school income fund under the provisions of this
30 section are hereby continuously appropriated for the educational support
31 program/~~division of operations~~.

32 SECTION 7. That Section 33-1021, Idaho Code, be, and the same is hereby
33 repealed.

34 SECTION 8. That Section 33-5207, Idaho Code, as added in Section 23 of
35 House Bill No. 422, as enacted by the Second Regular Session of the Sixty-
36 seventh Legislature Idaho Legislature, be, and the same is hereby amended to
37 read as follows:

38 33-5207. PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT. (1) Except as oth-
39 erwise provided for in this section, the state department of education shall
40 make the following apportionment to each charter school for each fiscal year
41 based on attendance figures submitted in a manner and time as required by the
42 state department of education.

43 (2) Per student support. Computation of support units for each public
44 charter school shall be calculated as if it were a separate school according
45 to the schedules in section 33-1002(4), Idaho Code, except that public char-
46 ter schools with fewer than one hundred (100) secondary ADA shall use a divi-

1 sor of twelve (12) and the minimum units shall not apply. No public charter
2 school shall receive an increase in support units that exceeds the support
3 units it received in the prior year by more than forty (40), except in cases
4 of state declared emergencies that have been approved by the authorizer as
5 having an impact on public education. Funding from the state educational
6 support program shall be equal to the total ~~distribution factor~~ per-student
7 funding, plus the salary-based apportionment provided in chapter 10, title
8 33, Idaho Code. Provided, however, any public charter school that is formed
9 by the conversion of an existing traditional public school shall be assigned
10 divisors, pursuant to section 33-1002, Idaho Code, that are no lower than the
11 divisors of the school district in which the traditional public school is lo-
12 cated, for each category of pupils listed.

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

18 (4) Alternative school support. Public charter schools may qualify
19 under 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 (5) 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 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 by road of the public
40 charter school. The limitations placed by this subsection on the reim-
41 bursement of transportation costs for certain students shall not apply
42 to public virtual schools.

43 (6) Facilities funds.

44 (a) The state department of education shall distribute facilities
45 funds to public charter schools for each enrolled student in which a
46 majority of the student's instruction is received at a facility that is
47 owned or leased by the public charter school. Such funds shall be used
48 to defray the costs associated with payments for real property used by
49 the students or employees of the public charter school for educational
50 or administrative purposes. Such funds shall be distributed from the

1 moneys appropriated to the educational support program and shall be
2 calculated as fifty percent (50%) of the statewide average amount of
3 bond and plant facility funds levied per student by Idaho school dis-
4 tricts.

5 (b) For those public charter schools that do not receive facilities
6 funds for all enrolled students, the school may submit to the state
7 department of education a reimbursement claim for any costs for which
8 facilities funds may be used. The state department of education shall
9 reduce such claim by the greater of fifty percent (50%) or the percent-
10 age of the school's enrolled students for which the school receives
11 facilities funds and shall pay the balance. Provided, however, that the
12 total reimbursements paid to a public charter school, in combination
13 with any facilities stipend received by the school, shall not exceed the
14 amount of facilities funds that would have been received by the school
15 had the school received facilities funds for all enrolled students. For
16 the purposes of this subsection, the term "real property" shall be used
17 as defined in section 63-201, Idaho Code.

18 (7) Payment schedule. The state department of education is authorized
19 to make an advance payment of twenty-five percent (25%) of a public charter
20 school's estimated annual apportionment for its first year of operation,
21 and each year thereafter, provided the public charter school is serving more
22 grades or at least ten percent (10%) more classes than the previous year, to
23 assist the school with initial start-up costs or payroll obligations. For
24 a public charter school entering at least its second year of operation, the
25 state department of education may require documentation establishing the
26 need for such an advance payment, including comparative class schedules and
27 proof of a commensurate increase in the number of employees.

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

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

36 (c) All subsequent payments, taking into account the onetime advance
37 payment made for the first year of operation, shall be made to the public
38 charter school in the same manner as other traditional public schools in
39 accordance with the provisions of section 33-1009, Idaho Code. A public
40 charter school shall comply with all applicable fiscal requirements of
41 law, except that the following provisions shall not be applicable to
42 public charter schools: that portion of section 33-1004, Idaho Code,
43 relating to reduction of the administrative and instructional staff
44 allowance and the pupil service staff allowance when there is a dis-
45 crepancy between the number allowed and the number actually employed;
46 and section 33-1004E, Idaho Code, for calculation of district staff
47 indices.

48 (8) If an authorizer has reason to believe that a public charter school
49 cannot remain fiscally sound for the remainder of its certificate term, it
50 shall provide the state department of education with written notification of

1 such concern. Upon receiving such notification, the state department of ed-
 2 ucation shall have the authority to modify the percentage of the total appro-
 3 priation to be paid to the public charter school pursuant to the provisions
 4 of section 33-1009 1., Idaho Code, such that equal percentages are paid on
 5 each of the prescribed dates.

6 (9) Each public charter school shall pay an authorizer fee to its au-
 7 thorizer, not to initially exceed twenty thousand dollars (\$20,000), or, in
 8 the case of existing charter schools, up to a five-percent (5%) increase of
 9 the previous year's fee. Authorizers shall annually set the authorizer's
 10 fee and in doing so shall document the fees to actual expenditures associated
 11 with authorizing.

12 (10) Nothing in this chapter shall prevent a public charter school from:
 13 (a) Applying for federal grant moneys or for career technical education
 14 funding of any source; or
 15 (b) Receiving funding or other financial assistance for the establish-
 16 ment or operation of a public charter school from any private person or
 17 organization.

18 (11) Each student in attendance at a public virtual school shall be
 19 funded based on either the actual hours of attendance in the public virtual
 20 school on a flexible schedule or the percentage of coursework completed,
 21 whichever is more advantageous to the school, up to the maximum of one (1)
 22 full-time equivalent student.

23 (12) All federal educational funds shall be administered and dis-
 24 tributed to public charter schools, including public virtual schools, that
 25 have been designated as a local education agency (LEA), as provided in sec-
 26 tion 33-5203, Idaho Code.

27 (13) Nothing in this section prohibits separate face-to-face learning
 28 activities or services. In order to be eligible for career technical educa-
 29 tion essential components funding, virtual schools may be required to offer
 30 some face-to-face instruction in order to meet industry standards, licens-
 31 ing requirements, work-based learning requirements, or other requirements
 32 set forth by law.

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

35 SECTION 9. That Section 33-512D, Idaho Code, be, and the same is hereby
 36 amended to read as follows:

37 33-512D. SELF-DIRECTED LEARNER DESIGNATION. (1) A student attending
 38 public school in Idaho shall be eligible to be designated as a self-directed
 39 learner. For the purposes of this section, a "self-directed learner" means a
 40 full-time student:

41 (a) Who demonstrates mastery of content knowledge through grades, as-
 42 sessments, or mastery-based learning rubrics;

43 (b) Whose teacher or teachers designate the student as such. The
 44 teacher may consider the student's mastery of the content, academic
 45 growth, timeliness for assignments, self-motivation, ability to estab-
 46 lish goals, and reaching age-appropriate learning outcomes;

47 (c) Who, starting in grade 5, demonstrates mastery of addition and mul-
 48 tiplication for numbers 0-10, as well as related subtraction and divi-
 49 sion problems, known collectively as "math facts"; and

1 (d) Who, starting in grade 8, demonstrates an informed choice of post-
2 secondary career and education goals by:

3 (i) Completing and updating his student learning plan as defined
4 in section ~~33-1001(30)~~ 33-1001(31), Idaho Code;

5 (ii) Supplementing his student learning plan, as applicable, with
6 the following that further his postsecondary goals:

7 1. Extended learning opportunities as defined in section
8 33-6401, Idaho Code;

9 2. Courses and examinations funded in chapter 46, title 33,
10 Idaho Code; or

11 3. Any other credits or programs permitted under Idaho Code
12 or district policy as applicable to the student's learning
13 plan; and

14 (iii) Identifying and writing down self-determined personal life
15 goals, including an explanation of how attending specific classes
16 will lead to the fulfillment of personal life goals.

17 (2) Each school district or public charter school may adopt a self-di-
18 rected learner policy to provide processes:

19 (a) Through which students may seek a self-directed learner designa-
20 tion;

21 (b) By which teachers may designate a student as a self-directed
22 learner;

23 (c) To monitor and support self-directed learners;

24 (d) By which a student's teacher or teachers rescind the self-directed
25 learner designation; and

26 (e) As otherwise necessary for implementation.

27 (3) Once a student is designated a self-directed learner, the student
28 has the right to flexible learning. Flexible learning may be different for
29 each student and may include flexible attendance, attending school virtu-
30 ally, extended learning opportunities, and any other agreed-upon learning
31 inside or outside the classroom. Starting in grade 8, flexible learning
32 should further the student's progress toward postsecondary goals. Any flex-
33 ible learning permitted under this section must be agreed upon by the stu-
34 dent, his teacher or teachers, and the student's parents or legal guardian.

35 (4) In order to remain a self-directed learner, the student must meet
36 criteria agreed upon by him, his teacher or teachers, and his parents or le-
37 gal guardian. Criteria may include continued mastery of content knowledge
38 and skills, academic growth, progress toward postsecondary goals, or other
39 measures of student learning. If a student fails to meet the agreed-upon
40 criteria or fails to stay current on classroom assignments, and does not cure
41 the failure within an agreed-upon time frame, the building administrator
42 shall rescind the self-directed learner designation upon recommendation by
43 the teacher or teachers.

44 (5) A self-directed learner will be reported as enrolled as one (1.0)
45 FTE or in attendance for a full day in school for the purpose of calculat-
46 ing support units and public school funding. The district or charter school
47 will receive full funding for its self-directed learners, regardless of at-
48 tendance or actual hours of instruction up to one (1) full day of attendance
49 or one (1.0) FTE, or the remaining day or FTE if the student is shared between
50 two (2) or more school districts or public charter schools.

1 (6) Each school district or public charter school must report the num-
2 ber of self-directed learners to the state department of education annually.

3 SECTION 10. That Section 33-515, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 33-515. ISSUANCE OF RENEWABLE CONTRACTS. (1) During the third full
6 year of continuous employment by the same school district, including
7 any specially chartered district, each certificated employee named in
8 ~~subsection (34) of section 33-1001~~ 33-1001(35), Idaho Code, and each school
9 nurse and school librarian who has obtained a professional endorsement under
10 section 33-1201A, Idaho Code, shall be evaluated for a renewable contract
11 and shall, upon having been offered a contract for the next ensuing year,
12 and upon signing and timely returning a contract for a fourth full year, be
13 placed on a renewable contract status with said school district entitling
14 such individual to the right to automatic renewal of contract, subject to the
15 provisions included in this chapter, provided that instructional staff who
16 have not obtained a professional endorsement under section 33-1201A, Idaho
17 Code, may not be placed on a renewable contract status, provided however, if
18 the career ladder pursuant to section 33-1004B, Idaho Code, is not funded,
19 then a professional endorsement shall not be required. Additionally, any
20 individual who has not successfully completed the three (3) year nonradi-
21 tional route program while on a three (3) year interim certificate and has
22 not yet been issued a five (5) year renewable certificate may not be placed on
23 a renewable contract. Such individual will remain on a category 3 contract,
24 even after serving three (3) continuous years of employment with the same
25 school district.

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

33 (3) Any contract automatically renewed under the provisions of this
34 section may be renewed for a shorter term, longer term or the same length
35 of term as stated in the current contract and at a greater, lesser or equal
36 salary as that stated in the current contract. Absent the board's applica-
37 tion of a formal reduction in force, renewals of standard teacher contracts
38 may be for a shorter term, longer term or the same length of term as stated
39 in the current standard teacher contract and at a greater, lesser or equal
40 salary, and shall be uniformly applied to all employees based upon the dis-
41 trict's adopted salary schedule to the extent allowable in section 33-1004E,
42 Idaho Code.

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

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

1 (c) Unless otherwise negotiated and ratified by both parties pursuant
2 to section 33-1271 et seq., Idaho Code, standard teacher renewals for
3 terms shorter in length than that stated in the current standard con-
4 tract of renewable certificated employees, should be considered and im-
5 plemented only after the district has determined that the salary-based
6 apportionment reimbursement that it estimates it will receive for the
7 ensuing school year is less than the sum the district would otherwise be
8 paying for salaries for certificated professional employees.

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

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

33 (6) If the board of trustees takes action to immediately discharge
34 or discharge upon termination of the current contract a certificated per-
35 son whose contract would otherwise be automatically renewed, the action
36 of the board shall be consistent with the procedures specified in section
37 33-513(5), Idaho Code, and, furthermore, the board shall notify the employee
38 in writing whether there is just and reasonable cause not to renew the con-
39 tract or to reduce the salary of the affected employee, and, if so, what
40 reasons it relied upon in that determination.

41 (7) If the board of trustees takes action after the declaration of a fi-
42 nancial emergency pursuant to section 33-522, Idaho Code, and such action is
43 directed at more than one (1) certificated employee, and if mutually agreed
44 to by both parties, a single informal review shall be conducted. Without
45 mutual consent of both parties, the board of trustees shall use the follow-
46 ing procedure to conduct a single due process hearing within sixty-seven
47 (67) days of the declaration of financial emergency pursuant to section
48 33-522(2), Idaho Code, or on or before June 22, whichever shall occur first:

49 (a) The superintendent or any other duly authorized administrative of-
50 ficer of the school district may recommend the change in the length of

1 the term stated in the current contract or reduce the salary of any cer-
2 tificated employee by filing with the board of trustees written notice
3 specifying the purported reasons for such changes.

4 (b) Upon receipt of such notice, the board of trustees, acting through
5 its duly authorized administrative official, shall give the affected
6 employees written notice of the reductions and the recommendation of
7 the change in the length of the term stated in the current contract or
8 the reduction of salary, along with written notice of a hearing be-
9 fore the board of trustees prior to any determination by the board of
10 trustees.

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

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

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

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

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

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

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

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

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

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

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

47 (8) If the board of trustees, for reasons other than unsatisfactory
48 service, for the ensuing contract year, determines to change the length of
49 the term stated in the current contract, reduce the salary or not renew the

1 contract of a certificated person whose contract would otherwise be automat-
2 ically renewed, nothing herein shall require a probationary period.

3 (9) If the board of trustees, for reasons other than unsatisfactory
4 service, for the ensuing contract year, determines to change the length
5 of the term stated in the current contract or reduce the salary of a cer-
6 tificated person whose contract would otherwise be automatically renewed,
7 nothing herein shall require any individualized due process proceeding. In
8 such circumstance, the board shall hold a single informal review for all im-
9 pacted employees. The process and procedure for the single informal review
10 shall be determined by the local board of trustees.

11 SECTION 11. That Section 33-911, Idaho Code, be, and the same is hereby
12 amended to read as follows:

13 33-911. SCHOOL DISTRICT FACILITIES FUND. (1) There is hereby created
14 in the state treasury the school district facilities fund. The fund shall
15 consist of moneys provided pursuant to sections 57-811 and 63-3638, Idaho
16 Code, and any other legislative transfers or appropriations. Interest
17 earned from the investment of moneys in the fund shall be returned to the
18 fund.

19 (2) The moneys in the fund shall be distributed by the state controller
20 to the state department of education by August 1 each year for the purpose
21 of construction or renovation of school facilities. The moneys shall be
22 distributed by the state department of education to each school district,
23 as defined in section ~~33-1001(21)~~ 33-1001(22), Idaho Code, on a per-pupil
24 basis, using the average daily attendance calculation provided in section
25 33-1003A, Idaho Code, except that a student attending less than half-time
26 through a virtual learning program shall not be counted toward that school
27 district's average daily attendance calculation. The state department of
28 education shall transfer the moneys by no later than August 31 each year to
29 each school district. Such moneys shall be used in place of property tax
30 levy moneys and shall be expended by a school district for one (1) or more
31 of the purposes set forth in paragraphs (a) through (d) of this subsection.
32 Moneys in the fund must be used by a school district in the following order of
33 priority:

34 (a) Payment of existing school bonds authorized pursuant to chapter 11,
35 title 33, Idaho Code;

36 (b) Payment of supplemental school levies authorized pursuant to sec-
37 tion 33-802, Idaho Code, excluding indefinite term supplemental levies
38 described in section 33-802(5), Idaho Code;

39 (c) Saved in a reserve account by the school district for future school
40 facility construction or renovation needs; and

41 (d) For use in securing and making payments on a new school facilities
42 bond.

43 (3) The amount of moneys received by a school district pursuant to this
44 section must be deducted from a school levy that would otherwise have been
45 paid by property taxpayers. Such moneys may not be duplicated by the collec-
46 tion of property tax, and no property taxes may be collected in order to make
47 extra payments on expenses described in subsection (2) of this section in ex-
48 cess of required amounts.

1 (4) Each school district shall identify the amount received in the cur-
2 rent year pursuant to this section in the certification of its budget in ac-
3 cordance with section 63-803, Idaho Code. Said amount must be subtracted
4 from the amount to be levied. The amount of moneys thereby saved from being
5 collected by a property tax levy shall be reported on each property tax no-
6 tice pursuant to section 63-902, Idaho Code.

7 (5) Each school district shall report annually to the state department
8 of education, in a manner prescribed by it, on the expenditure of moneys it
9 has received pursuant to this section. The state department of education
10 shall present the reports to the legislature each January.

11 SECTION 12. That Section 33-1004, Idaho Code, be, and the same is hereby
12 amended to read as follows:

13 33-1004. STAFF ALLOWANCE. For each school district, a staff allowance
14 shall be determined as follows:

15 (1) Using the daily attendance reports that have been submitted for
16 computing the February 15 apportionment of state funds as provided in sec-
17 tion 33-1009, Idaho Code, calculate the total support units for the district
18 in the manner provided in section 33-1002-~~(6)(a)~~(5)(a), Idaho Code. If the
19 support units used to calculate discretionary funding pursuant to sections
20 33-1009 and 33-1018, Idaho Code, are at least three percent (3%) greater,
21 seventy-five percent (75%) of the difference shall be added to the support
22 units used for the February 15 apportionment of state funds;

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

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

31 (4) Determine the administrative staff allowance by multiplying the
32 support units by .075;

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

35 (6) Additional conditions governing staff allowance:

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

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

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

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

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

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

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

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

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

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

48 (i) In the determination of statewide average class size, the
49 state department of education shall not use a single figure de-
50 veloped through the averaging of all districts of varying size,

1 geographical location and pupil populations throughout the state.
2 The statewide average class size shall be comprised of multiple
3 figures determined through analysis of like and similarly sit-
4 uated districts and use of the divisor breakdown established in
5 section 33-1002, Idaho Code.

6 (ii) The state board of education may promulgate rules outlining
7 the method of calculation of the statewide average class size fig-
8 ures.

9 (iii) The one percent (1%) reduction required in paragraph (g) of
10 this subsection shall not be applicable for any school year subse-
11 quent to a year when the school district's boundaries have changed
12 because of division, consolidation, excision or annexation of
13 territory.

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

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

34 SECTION 13. That Section 33-1201A, Idaho Code, be, and the same is
35 hereby amended to read as follows:

36 33-1201A. IDAHO PROFESSIONAL ENDORSEMENT -- ELIGIBILITY. (1) Any in-
37 structional staff employee or any pupil service staff employee will receive
38 mentoring as outlined in such employee's individualized professional learn-
39 ing plan during the initial three (3) years of holding such certificate.
40 Upon holding a certificate for three (3) years, any such instructional staff
41 or pupil service staff employee may apply for an Idaho professional endorse-
42 ment. Upon holding a professional endorsement for five (5) years or more,
43 any such instructional staff or pupil service staff employee may apply for an
44 Idaho advanced professional endorsement. Individuals who hold an instruc-
45 tional staff certificate and a pupil service staff certificate shall have
46 their experience based on the overall years of experience if held consec-
47 utively or the certificate they have held the longest if dually certificated.

48 (2) To be eligible for an Idaho professional endorsement, the instruc-
49 tional staff or pupil service staff employee must:

1 (a) Have held a certificate and been employed in a public school for at
2 least three (3) years or have completed a state board of education-ap-
3 proved interim certificate of three (3) years or longer;

4 (b) Show they met the professional compensation rung performance cri-
5 teria for two (2) of the three (3) previous years or the third year;

6 (c) Have a written recommendation from the employing school district;
7 and

8 (d) Have an annual individualized professional learning plan developed
9 in conjunction with the employee's school district supervisor.

10 Instructional staff employees may provide additional evidence demonstrat-
11 ing effective teaching that may be considered in exceptional cases for
12 purposes of determining proficiency and student achievement in the event
13 required standards for professional endorsement are not met. Pupil service
14 staff employees may provide additional evidence demonstrating effective
15 student achievement or success that may be considered in exceptional cases
16 for purposes of determining proficiency and student achievement or success
17 in the event required standards for professional endorsement are not met.

18 (3) To be eligible for an Idaho advanced professional endorsement, the
19 instructional staff or pupil service staff employee must:

20 (a) Have held a renewable certificate and been employed in a public
21 school for at least eight (8) years or more or have completed a state
22 board of education-approved interim certificate of three (3) years or
23 longer and held a renewable certificate and been employed in a public
24 school for five (5) years or more;

25 (b) Show they met the professional compensation rung performance cri-
26 teria for four (4) of the five (5) previous years or the third, fourth,
27 and fifth year;

28 (c) During three (3) of the previous five (5) years, have served in
29 an additional building or district leadership role in an Idaho public
30 school, including but not limited to:

31 (i) Instructional specialist or instructional coach;

32 (ii) Mentor;

33 (iii) Curriculum or assessment committee member;

34 (iv) Team or committee leadership position;

35 (v) Data coach; or

36 (vi) Other leadership positions identified by the school dis-
37 trict;

38 (d) Have a written recommendation from the employing school district;

39 (e) Have an annual individualized professional learning plan developed
40 in conjunction with the employee's supervisor and a self-evaluation;
41 and

42 (f) (i) Effective July 1, 2020, through June 30, 2021, show they
43 have met the advanced professional compensation rung performance
44 criteria for three (3) of the five (5) previous years or the fifth
45 year;

46 (ii) Effective July 1, 2021, through June 30, 2022, show they have
47 met the advanced professional compensation rung performance cri-
48 teria for three (3) of the five (5) previous years or the fourth and
49 fifth year; or

1 (iii) Effective July 1, 2022, show they have met the advanced pro-
2 fessional compensation rung performance criteria for three (3) of
3 the five (5) previous years.

4 Instructional staff employees may provide additional evidence demon-
5 strating effective teaching that may be considered in exceptional cases
6 for purposes of determining proficiency and student achievement in the
7 event required standards for the advanced professional endorsement are not
8 met. Pupil service staff employees may provide additional evidence demon-
9 strating effective student achievement or success that may be considered
10 in exceptional cases for purposes of determining proficiency and student
11 achievement or success in the event required standards for the advanced pro-
12 fessional endorsement are not met.

13 (4) Instructional staff and pupil service staff who have been certified
14 in another state shall be eligible for the professional endorsement if they:

15 (a) Have a written recommendation from the employing school district;

16 (b) Have worked in a certificated position in a compact-member state
17 other than Idaho pursuant to section 33-4104, Idaho Code; and

18 (c) Would have been eligible to work in a certificated position in an
19 Idaho public school based on that certification for three (3) to eight
20 (8) years.

21 (5) Instructional staff and pupil service staff who have been certified
22 in another state shall be eligible for the advanced professional endorsement
23 if they:

24 (a) Have a written recommendation from the employing school district;

25 (b) Have worked in a certificated position in a compact-member state
26 other than Idaho pursuant to section 33-4104, Idaho Code; and

27 (c) Would have been eligible to work in a certificated position in an
28 Idaho public school based on that certification for nine (9) years or
29 more.

30 (6) Instructional staff and pupil service staff who have worked in
31 an accredited private school and maintained their instructional or pupil
32 service staff certification may use their years of private school work ex-
33 perience to meet the years of experience requirements for the professional
34 and advanced professional endorsement. Such staff may provide additional
35 evidence demonstrating effective teaching that may be considered in excep-
36 tional cases for purposes of determining proficiency and student achieve-
37 ment requirements for professional and advanced professional eligibility
38 criteria.

39 (7) Individuals holding a professional endorsement or an advanced pro-
40 fessional endorsement will be annually evaluated in at least two (2) domains
41 in the state evaluation framework approved by the state board of education.
42 All other instructional or pupil service staff employees must be evaluated
43 across all domains in the evaluation framework. Ratings in the domains de-
44 scribed in section ~~33-1001(20)(b)~~ 33-1001(21)(b), Idaho Code, are required
45 as part of the advanced professional compensation rung performance crite-
46 ria.

47 (8) The state board of education shall promulgate rules implementing
48 the provisions of this section.

49 (9) For the purposes of this section:

- 1 (a) "Certificate" means an Idaho instructional certificate, pupil
2 service staff certificate, or out-of-state educator certificate that
3 meets the requirements for reciprocity under rules promulgated by the
4 state board of education;
- 5 (b) In conjunction with the Idaho evaluation framework, "individual-
6 ized professional learning plan" means an individualized professional
7 development plan based on the Idaho framework for teaching evaluation
8 and includes, at a minimum, identified interventions based on the indi-
9 vidual's strengths and areas of needed growth, how the individual will
10 set student achievement and growth goals, and areas of identified pro-
11 fessional development and mentoring that target continuous improvement
12 in professional areas, future student achievement, and school building
13 or district culture;
- 14 (c) "Instructional staff" means those involved in the direct instruc-
15 tion of a student or group of students and who hold a certificate issued
16 under section 33-1201, Idaho Code;
- 17 (d) "Pupil service staff" means those who provide services to students
18 but are not involved in direct instruction of those students and who
19 hold a certificate issued under section 33-1201, Idaho Code; and
- 20 (e) "School district" means a school district or a public charter
21 school.

22 SECTION 14. That Section 33-1614, Idaho Code, be, and the same is hereby
23 amended to read as follows:

24 33-1614. CAREER EXPLORATION. (1) Starting in fiscal year 2024, every
25 student in grade 7 or grade 8 enrolled in an Idaho public school district,
26 a specially chartered district, or a public charter school shall complete
27 one (1) or more career exploration courses. A student may opt out by sub-
28 mitting a form to the school showing the student's parent or legal guardian
29 has consented to the student not participating in the career exploration
30 courses pursuant to this section. Such courses should align to the "first
31 step" standards set by the state board of education for career technical edu-
32 cation. Such courses may be offered face-to-face, through virtual education
33 programs, as online courses, or as hybrid courses consisting of a combina-
34 tion of online and in-person instruction.

35 (2) All staff teaching a career exploration course must have partici-
36 pated in a career exploration professional development course approved by
37 the state board of education.

38 (3) The state board of education will maintain resources that can be
39 utilized or modified for the implementation of this section.

40 (4) A career pathway plan shall be developed by students with the ap-
41 proval of parents or guardians, with advice and recommendation from school
42 personnel, which shall include career exploration courses or workforce dis-
43 covery activities. The purpose of a parent-approved student career pathway
44 plan is to outline a course of study and learning activities to help students
45 become successful in life. Every student's career pathway plan shall be re-
46 viewed annually and can be revised at any time. The student's school shall
47 provide a personalized career pathway plan progress report to the student's
48 parent or guardian. The progress report may be sent via electronic communi-
49 cation.

1 (5) Funding provided in section 33-1002(2) ~~(r)~~ (p), Idaho Code, in ac-
2 cordance with section 33-1212A, Idaho Code, may be used to support career ex-
3 ploration courses.

4 (6) Professional development funding provided pursuant to section
5 33-1002, Idaho Code, may be used to provide professional development to ca-
6 reer exploration course instructors.

7 SECTION 15. An emergency existing therefor, which emergency is hereby
8 declared to exist, this act shall be in full force and effect on and after
9 July 1, 2024.