

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 557

BY EDUCATION COMMITTEE

AN ACT

RELATING TO EDUCATION AND STAFF ALLOWANCE; REPEALING SECTIONS 2, 3 AND 4, CHAPTER 349, LAWS OF 2013, RELATING TO STAFF ALLOWANCE AND EFFECTIVE DATES; AND AMENDING SECTION 33-1004, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES, TO REMOVE LANGUAGE RELATING TO A CERTAIN TIME PERIOD AND TO REVISE PROVISIONS RELATING TO A DISTRICT EMPLOYING FEWER POSITIONS THAN FUNDED.

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

SECTION 1. That Sections 2, 3 and 4, Chapter 349, Laws of 2013, be, and the same are hereby repealed.

SECTION 2. That Section 33-1004, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

(2) Determine the instructional staff allowance by multiplying the support units by 1.1. A district must demonstrate that it actually employs the number of certificated instructional staff allowed, except as provided in subsection (5)(f) ~~and~~ (g) ~~and (h)~~ of this section. If the district does not employ the number allowed, the staff allowance shall be reduced to the actual number employed, except as provided in subsection (5)(f) ~~and~~ (g) ~~and (h)~~ of this section;

(3) Determine the administrative staff allowance by multiplying the support units by .075;

(4) Determine the classified staff allowance by multiplying the support units by .375;

(5) Additional conditions governing staff allowance:

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

(b) If there are circumstances preventing eligible use of staff allowance to which a district is entitled as provided in subsections (2) and (3) of this section, an appeal may be filed with the state depart-

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

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

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

(ii) The administrative staff allowance shall be calculated applying the actual number of support units. If the actual administrative staff employed in the school year is greater than the administrative staff allowance, then the administrative staff allowance shall be increased by one-half (1/2) staff allowance.

(iii) Additionally, for any district with less than twenty (20) support units, the instructional staff allowance shall be calculated applying the actual number of support units. If the number of instructional staff employed in the school year is greater than the instructional staff allowance, the staff allowance shall be increased as provided in subparagraphs (i) and (ii) of this paragraph, and by an additional one-half (1/2) instructional staff allowance.

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

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

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

~~(g) For the period July 1, 2009, through June 30, 2011, only, a district may shift up to five percent (5%) of the positions funded pursuant to subsection (2) of this section to federal funds, without a reduction in the number of funded positions being imposed.~~

~~(h) A district may employ nine and one-half percent (9.5%) fewer positions than funded pursuant to subsection (2) of this section, without a reduction in the number of funded positions being imposed. Beginning in fiscal year 2016, this figure shall be reduced by one percent (1%) each year for each school district in which the average class size, as determined from prior fiscal year data reported to the state department of education, was at least one (1) student greater than the statewide av-~~

1 erage class size. The state department of education shall report to the
2 legislature every February, beginning in 2015, on the reductions sched-
3 uled to take place in this figure, by school district, in the ensuing
4 fiscal year.

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

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