

IN THE SENATE

SENATE BILL NO. 1086

BY EDUCATION COMMITTEE

AN ACT

RELATING TO EDUCATION AND CLASS SIZES; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1022D, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO REQUIRED MAXIMUM CLASS SIZES FOR CERTAIN PUBLIC SCHOOL CLASSROOMS, TO ESTABLISH PROVISIONS RELATING TO REPORTING REQUIREMENTS AND TO PROVIDE FOR RULES; AND AMENDING SECTION 33-1002, IDAHO CODE, TO PROVIDE FOR THE IMPLEMENTATION OF LAW.

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

SECTION 1. That Chapter 10, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1022D, Idaho Code, and to read as follows:

33-1022D. CLASS SIZE MAXIMUMS. (1) Each year, on or before October 1, the following class size maximums shall be satisfied:

(a) The maximum number of students assigned to each teacher who is teaching courses in public school classrooms for grades K through 3 may not exceed eighteen (18) students.

(b) The maximum number of students assigned to each teacher who is teaching courses in public school classrooms for grades 4 through 8 may not exceed twenty-two (22) students.

(c) The maximum number of students assigned to each teacher who is teaching courses in public school classrooms for grades 9 through 12 may not exceed twenty-five (25) students.

These maximums shall be maintained after October 1 of each year, except as provided in subsection (2) (b) of this section or due to an extreme emergency beyond the control of the district board of trustees.

(2) Each public school district and each public charter school shall report, by October 1 of each year, to the state department of education classroom size information. Such information should accurately reflect the number of students attending each class provided by the district and provided by the public charter school.

(3) (a) The state board of education shall promulgate rules to establish provisions, exceptions and protocols to use in the event a maximum class size provided for in subsection (1) of this section is exceeded. Such provisions, exceptions and protocols should be designed and implemented to ensure that classroom sizes do not exceed the maximum number provided for in this section beyond what is absolutely necessary. The board is directed to use any approach, not otherwise prohibited by law and that complies with other provisions of title 33, Idaho Code, to comply with the provisions of subsection (1) of this section.

(b) Pursuant to the provisions of paragraph (a) of this subsection, the state board of education rules shall identify limited and temporary exceptions providing for noncompliance with the class size maximums pro-

vided for in subsection (1) of this section. Such exceptions shall not provide for permanent noncompliance, but rather shall provide only for temporary noncompliance. For purposes of this act, the term "temporary noncompliance" shall mean a period of no more than one (1) school year.

SECTION 2. That Section 33-1002, Idaho Code, be, and the same is hereby amended to read as follows:

33-1002. EDUCATIONAL SUPPORT PROGRAM. The educational support program is calculated as follows:

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

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

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

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

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

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

(e) The approved costs for exceptional child approved contract allowance, provided in subsection 2. of section 33-2004, Idaho Code, as determined by the state superintendent of public instruction;

(f) Certain expectant and delivered mothers allowance as provided in section 33-2006, Idaho Code;

(g) Salary-based apportionment calculated as provided in sections 33-1004 through 33-1004F, Idaho Code;

(h) Unemployment insurance benefit payments according to the provisions of section 72-1349A, Idaho Code;

(i) For expenditure as provided by the public school technology program;

(j) For employee severance payments as provided in section 33-521, Idaho Code;

(k) For distributions to the Idaho digital learning academy as provided in section 33-1020, Idaho Code;

(l) For the support of provisions that provide a safe environment conducive to student learning and maintain classroom discipline, an allocation of \$300 per support unit; and

(m) Any additional amounts as required by statute to effect administrative adjustments or as specifically required by the provisions of any bill of appropriation;

to secure the total educational support distribution funds.

(3) Average Daily Attendance. The total state average daily attendance shall be the sum of the average daily attendance of all of the school districts of the state. The state board of education shall establish rules setting forth the procedure to determine average daily attendance and the time for, and method of, submission of such report. Average daily attendance cal-

1 culation shall be carried out to the nearest hundredth. Computation of av-
 2 erage daily attendance shall also be governed by the provisions of section
 3 33-1003A, Idaho Code.

4 (4) Support Units. The total state support units shall be determined
 5 by using the tables set out hereafter called computation of kindergarten
 6 support units, computation of elementary support units, computation of sec-
 7 ondary support units, computation of exceptional education support units,
 8 and computation of alternative school secondary support units. The sum of
 9 all of the total support units of all school districts of the state shall be
 10 the total state support units.

11 COMPUTATION OF KINDERGARTEN SUPPORT UNITS

12	Average Daily		
13	Attendance	Attendance Divisor	Units Allowed
14	41 or more	40.....	1 or more as computed
15	31 - 40.99 ADA....	-.....	1
16	26 - 30.99 ADA....	-.....	.85
17	21 - 25.99 ADA....	-.....	.75
18	16 - 20.99 ADA....	-.....	.6
19	8 - 15.99 ADA....	-.....	.5
20	1 - 7.99 ADA....	-.....	count as elementary

21 COMPUTATION OF ELEMENTARY SUPPORT UNITS

22	Average Daily		Minimum Units
23	Attendance	Attendance Divisor	Allowed
24	300 or more ADA.....	.....	.. 15
25		..23...grades 4,5 & 6....	
26		..22...grades 1,2 & 3....1994-95	
27		..21...grades 1,2 & 3....1995-96	
28		..20...grades 1,2 & 3....1996-97	
29		and each year thereafter.	
30	160 to 299.99 ADA...	20.....	8.4
31	110 to 159.99 ADA...	19.....	6.8
32	71.1 to 109.99 ADA...	16.....	4.7
33	51.7 to 71.0 ADA...	15.....	4.0
34	33.6 to 51.6 ADA...	13.....	2.8
35	16.6 to 33.5 ADA...	12.....	1.4
36	1.0 to 16.5 ADA...	n/a.....	1.0

COMPUTATION OF SECONDARY SUPPORT UNITS

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

COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

Average Daily		Minimum Units
Attendance	Attendance Divisor	Allowed
14 or more	14.5	1 or more as computed
12 - 13.99....	-	1
8 - 11.99....	- .....	.75
4 - 7.99....	- .....	.5
1 - 3.99....	- .....	.25

COMPUTATION OF ALTERNATIVE SCHOOL SECONDARY SUPPORT UNITS

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

In applying these tables to any given separate attendance unit, no school district shall receive less total money than it would receive if it had a lesser average daily attendance in such separate attendance unit. In applying the kindergarten table to a kindergarten program of less days than a full school year, the support unit allowance shall be in ratio to the number of days of a full school year. The tables for exceptional education and alternative school secondary support units shall be applicable only for programs approved by the state department of education following rules established by the state board of education. Moneys generated from computation of support units for alternative schools shall be utilized for alternative school programs. School district administrative and facility costs may be included as part of the alternative school expenditures.

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

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

8 (a) (i) Divide the actual average daily attendance, excluding stu-
9 dents approved for inclusion in the exceptional child educational
10 program, for the administrative schools and each of the separate
11 schools and attendance units by the appropriate divisor from the
12 tables of support units in this section, then add the quotients
13 to obtain the district's support units allowance for regular stu-
14 dents, kindergarten through grade 12 including alternative school
15 secondary students. Calculations in application of this subsec-
16 tion shall be carried out to the nearest tenth.

17 (ii) Divide the combined totals of the average daily attendance
18 of all preschool, kindergarten, elementary, secondary, juvenile
19 detention center students and students with disabilities approved
20 for inclusion in the exceptional child program of the district by
21 the appropriate divisor from the table for computation of excep-
22 tional education support units to obtain the number of support
23 units allowed for the district's approved exceptional child pro-
24 gram. Calculations for this subsection shall be carried out to the
25 nearest tenth when more than one (1) unit is allowed.

26 (iii) The total number of support units of the district shall be
27 the sum of the total support units for regular students, subsec-
28 tion (6) (a) (i) of this section, and the support units allowance
29 for the approved exceptional child program, subsection (6) (a) (ii)
30 of this section.

31 (b) Total District Allowance Educational Program. Multiply the dis-
32 trict's total number of support units, carried out to the nearest tenth,
33 by the state distribution factor per support unit and to this product
34 add the approved amount of programs of the district provided in subsec-
35 tion (2) of this section to secure the district's total allowance for
36 the educational support program.

37 (c) District Share. The district's share of state apportionment is the
38 amount of the total district allowance, subsection (6) (b) of this sec-
39 tion.

40 (d) Adjustment of District Share. The contract salary of every noncer-
41 tificated teacher shall be subtracted from the district's share as cal-
42 culated from the provisions of subsection (6) (c) of this section.

43 (7) Property Tax Computation Ratio. In order to receive state funds
44 pursuant to this section a charter district shall utilize a school mainte-
45 nance and operation property tax computation ratio for the purpose of cal-
46 culating its maintenance and operation levy, that is no greater than that
47 which it utilized in tax year 1994, less four-tenths of one percent (.4%). As
48 used herein, the term "property tax computation ratio" shall mean a ratio de-
49 termined by dividing the district's certified property tax maintenance and
50 operation budget by the actual or adjusted market value for assessment pur-

1 poses as such values existed on December 31, 1993. Such maintenance and op-
2 eration levy shall be based on the property tax computation ratio multiplied
3 by the actual or adjusted market value for assessment purposes as such values
4 existed on December 31 of the prior calendar year.

5 (8) Notwithstanding any other provision of title 33, Idaho Code, sup-
6 port units computed pursuant to the provisions of this section shall be al-
7 located to districts in such manner as to fully implement and comply with the
8 provisions of section 33-1022D, Idaho Code.