

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 313

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO SCHOOL COUNSELORS; AMENDING SECTION 33-1002, IDAHO CODE, TO PRO-  
2 VIDE AN AMOUNT NEEDED FOR SCHOOL COUNSELING SUPPORT AND TO MAKE TECHNICAL  
3 CORRECTIONS; AMENDING SECTION 33-1212, IDAHO CODE, TO REVISE PRO-  
4 VISIONS AND TO ESTABLISH ADDITIONAL PROVISIONS RELATING TO SCHOOL COUN-  
5 SELORS; AND AMENDING CHAPTER 12, TITLE 33, IDAHO CODE, BY THE ADDITION  
6 OF A NEW SECTION 33-1212A, IDAHO CODE, TO PROVIDE FOR ACADEMIC AND COL-  
7 LEGE OR CAREER ADVISORS AND STUDENT MENTORS, TO GRANT SCHOOL DISTRICTS  
8 AND CHARTER SCHOOLS THE AUTHORITY TO EMPLOY CERTAIN STAFF, TO REQUIRE  
9 SCHOOL DISTRICTS TO PROVIDE PROFESSIONAL DEVELOPMENT FOR CERTAIN STAFF  
10 AND TO PROVIDE NOTICE AND REPORTING REQUIREMENTS.  
11

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

13 SECTION 1. That Section 33-1002, Idaho Code, be, and the same is hereby  
14 amended to read as follows:

15 33-1002. EDUCATIONAL SUPPORT PROGRAM. The educational support pro-  
16 gram is calculated as follows:

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

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

22 (a) Pupil tuition-equivalency allowances as provided in section  
23 33-1002B, Idaho Code;

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

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

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

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

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

36 (g) Salary-based apportionment calculated as provided in sections  
37 33-1004 through 33-1004F, Idaho Code;

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

40 (i) For expenditure as provided by the public school technology pro-  
41 gram;

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

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

5 (l) For charter school facilities funds and reimbursements paid pur-  
6 suant to section 33-5208(5), Idaho Code;

7 (m) For an online course portal as provided for in section 33-1024,  
8 Idaho Code;

9 (n) For advanced opportunities as provided for in section 33-1626,  
10 Idaho Code;

11 (o) For the "8 in 6 Program" as provided for in section 33-1628, Idaho  
12 Code;

13 (p) For additional math and science courses for high school students as  
14 provided in section 33-1021, Idaho Code;

15 (q) For leadership premiums as provided in section 33-1004J, Idaho  
16 Code;

17 (r) For the support of provisions that provide a safe environment con-  
18 ductive to student learning and maintain classroom discipline, an allo-  
19 cation of three hundred dollars (\$300) per support unit; and

20 (s) An amount specified in the appropriation bill for the public  
21 schools educational support program for counseling support as provided  
22 for in section 33-1212A, Idaho Code, shall be distributed, in full or  
23 pro rata, based on one hundred twenty dollars (\$120) per first report-  
24 ing period support unit for grades 8 through 12 or ten thousand dollars  
25 (\$10,000), whichever is greater; and

26 (t) Any additional amounts as required by statute to effect administra-  
27 tive adjustments or as specifically required by the provisions of any  
28 bill of appropriation;

29 to secure the total educational support distribution funds.

30 (3) Average Daily Attendance. The total state average daily attendance  
31 shall be the sum of the average daily attendance of all of the school dis-  
32 tricts of the state. The state board of education shall establish rules set-  
33 ting forth the procedure to determine average daily attendance and the time  
34 for, and method of, submission of such report. Average daily attendance cal-  
35 culation shall be carried out to the nearest hundredth. Computation of av-  
36 erage daily attendance shall also be governed by the provisions of section  
37 33-1003A, Idaho Code.

38 (4) Support Units. The total state support units shall be determined  
39 by using the tables set out hereafter called computation of kindergarten  
40 support units, computation of elementary support units, computation of sec-  
41 ondary support units, computation of exceptional education support units,  
42 and computation of alternative school secondary support units. The sum of  
43 all of the total support units of all school districts of the state shall be  
44 the total state support units.

1 COMPUTATION OF KINDERGARTEN SUPPORT UNITS

|    |                    |                    |                       |
|----|--------------------|--------------------|-----------------------|
| 2  | Average Daily      |                    |                       |
| 3  | Attendance         | Attendance Divisor | Units Allowed         |
| 4  | 41 or more....     | 40.....            | 1 or more as computed |
| 5  | 31 - 40.99 ADA.... | -.....             | 1                     |
| 6  | 26 - 30.99 ADA.... | -.....             | .85                   |
| 7  | 21 - 25.99 ADA.... | -.....             | .75                   |
| 8  | 16 - 20.99 ADA.... | -.....             | .6                    |
| 9  | 8 - 15.99 ADA....  | -.....             | .5                    |
| 10 | 1 - 7.99 ADA....   | -.....             | count as elementary   |

11 COMPUTATION OF ELEMENTARY SUPPORT UNITS

|    |                       |                                   |               |
|----|-----------------------|-----------------------------------|---------------|
| 12 | Average Daily         |                                   | Minimum Units |
| 13 | Attendance            | Attendance Divisor                | Allowed       |
| 14 | 300 or more ADA.....  | .....                             | .. 15         |
| 15 |                       | ..23...grades 4, 5 & 6....        |               |
| 16 |                       | ..22...grades 1, 2 & 3....1994-95 |               |
| 17 |                       | ..21...grades 1, 2 & 3....1995-96 |               |
| 18 |                       | ..20...grades 1, 2 & 3....1996-97 |               |
| 19 |                       | and each year thereafter.         |               |
| 20 | 160 to 299.99 ADA...  | 20.....                           | 8.4           |
| 21 | 110 to 159.99 ADA...  | 19.....                           | 6.8           |
| 22 | 71.1 to 109.99 ADA... | 16.....                           | 4.7           |
| 23 | 51.7 to 71.0 ADA...   | 15.....                           | 4.0           |
| 24 | 33.6 to 51.6 ADA...   | 13.....                           | 2.8           |
| 25 | 16.6 to 33.5 ADA...   | 12.....                           | 1.4           |
| 26 | 1.0 to 16.5 ADA...    | n/a.....                          | 1.0           |

27 COMPUTATION OF SECONDARY SUPPORT UNITS

|    |                      |                           |               |
|----|----------------------|---------------------------|---------------|
| 28 | Average Daily        |                           | Minimum Units |
| 29 | Attendance           | Attendance Divisor        | Allowed       |
| 30 | 750 or more....      | 18.5.....                 | 47            |
| 31 | 400 - 749.99 ADA.... | 16.....                   | 28            |
| 32 | 300 - 399.99 ADA.... | 14.5.....                 | 22            |
| 33 | 200 - 299.99 ADA.... | 13.5.....                 | 17            |
| 34 | 100 - 199.99 ADA.... | 12.....                   | 9             |
| 35 | 99.99 or fewer       | Units allowed as follows: |               |
| 36 | Grades 7-12          | .....                     | 8             |
| 37 | Grades 9-12          | .....                     | 6             |

|   |             |       |              |
|---|-------------|-------|--------------|
| 1 | Grades 7- 9 | ..... | 1 per 14 ADA |
| 2 | Grades 7- 8 | ..... | 1 per 16 ADA |

3                                    COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

| 4  | Average Daily  |                    | Minimum Units |
|----|----------------|--------------------|---------------|
| 5  | Attendance     | Attendance Divisor | Allowed       |
| 6  | 14 or more.... | 14.5.....          | 1 or more as  |
| 7  |                |                    | computed      |
| 8  | 12 - 13.99.... | - .....            | 1             |
| 9  | 8 - 11.99....  | - .....            | .75           |
| 10 | 4 - 7.99....   | - .....            | .5            |
| 11 | 1 - 3.99....   | - .....            | .25           |

12                                    COMPUTATION OF ALTERNATIVE SCHOOL SECONDARY SUPPORT UNITS

| 13 | Pupils in Attendance | Attendance Divisor | Minimum Units |
|----|----------------------|--------------------|---------------|
| 14 |                      |                    | Allowed       |
| 15 | 12 or more.....      | 12.....            | 1 or more as  |
| 16 |                      |                    | computed      |

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

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

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

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

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

21 (iii) The total number of support units of the district shall  
22 be the sum of the total support units for regular students,  
23 ~~subsection (6) (a) subparagraph (i) of this section paragraph,~~ and  
24 the support units allowance for the approved exceptional child  
25 program, ~~subsection (6) (a) subparagraph (ii) of this section~~  
26 paragraph.

27 (b) Total District Allowance Educational Program. Multiply the dis-  
28 trict's total number of support units, carried out to the nearest hun-  
29 dredth, by the state distribution factor per support unit and to this  
30 product add the approved amount of programs of the district provided in  
31 subsection (2) of this section to secure the district's total allowance  
32 for the educational support program.

33 (c) District Share. The district's share of state apportionment is the  
34 amount of the total district allowance, ~~subsection (6) paragraph (b) of~~  
35 this subsection.

36 (d) Adjustment of District Share. The contract salary of every non-  
37 certificated teacher shall be subtracted from the district's share as  
38 calculated from the provisions of ~~subsection (6) paragraph (c) of this~~  
39 subsection.

40 (7) Property Tax Computation Ratio. In order to receive state funds  
41 pursuant to this section a charter district shall utilize a school mainte-  
42 nance and operation property tax computation ratio for the purpose of cal-  
43 culating its maintenance and operation levy, that is no greater than that  
44 which it utilized in tax year 1994, less four-tenths of one percent (.4%). As  
45 used herein, the term "property tax computation ratio" shall mean a ratio de-  
46 termined by dividing the district's certified property tax maintenance and  
47 operation budget by the actual or adjusted market value for assessment pur-  
48 poses as such values existed on December 31, 1993. Such maintenance and op-  
49 eration levy shall be based on the property tax computation ratio multiplied

1 by the actual or adjusted market value for assessment purposes as such values  
2 existed on December 31 of the prior calendar year.

3 SECTION 2. That Section 33-1212, Idaho Code, be, and the same is hereby  
4 amended to read as follows:

5 33-1212. ~~ELEMENTARY~~ SCHOOL COUNSELORS. (1) In recognition of the di-  
6 verse and complicated demands upon students, their families and the public  
7 school system, the legislature finds that ~~the~~ counseling offered at ~~the el-~~  
8 ~~ementary Idaho public schools level~~ should be flexible and responsive. For  
9 purposes of ~~elementary~~ counselor services, a counselor shall be defined as  
10 an individual who meets the requirements of an approved program of gradu-  
11 ate study in school guidance and counseling from a college or university ap-  
12 proved by the Idaho state board of education and who meets the requirements  
13 of rules adopted by the board, or an individual licensed as provided by chap-  
14 ter 32, title 54, Idaho Code, as a certified social worker and who meets the  
15 requirements of the state board of education.

16 (2) School counselors spend most of their time in direct service to and  
17 contact with students. School counselors' duties are focused on the overall  
18 delivery of guidance, individual student planning and responsive services.  
19 A small amount of their time is devoted to indirect services called system  
20 support.

21 (3) The state board of education shall adopt rules to implement the pro-  
22 visions of this section, and shall specifically provide that certified so-  
23 cial workers meet the requirement for ~~elementary~~ school counselors. A local  
24 school district may request a waiver from the state board of education of the  
25 counselor/counseling requirements, provided that data is submitted to and  
26 annually approved by the state department of education to substantiate that  
27 the intent of the board's rules in these areas is being met by an alternative  
28 program model.

29 SECTION 3. That Chapter 12, Title 33, Idaho Code, be, and the same is  
30 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
31 ignated as Section 33-1212A, Idaho Code, and to read as follows:

32 33-1212A. ACADEMIC AND COLLEGE OR CAREER ADVISORS AND STUDENT MEN-  
33 TORS. (1) Academic and college or career advising and student mentoring is an  
34 essential component of students' educational experience. Such advising and  
35 mentoring provide all students with an early opportunity to identify aca-  
36 demic strengths, areas in need of improvement and areas of interest for the  
37 purpose of making informed choices and setting postsecondary education and  
38 career goals. The focus of academic and career planning is to help students  
39 acquire the knowledge and skills necessary to achieve academic success and  
40 to be college and career ready upon high school graduation.

41 (2) School districts and charter schools may employ noncertificated  
42 staff to serve in the role of academic and college or career advisors and  
43 student mentors. Appropriate alternative forms of advising and mentoring  
44 shall be research-based and may include the following:

- 45 (a) High contact programs such as:  
46 (i) Near peer or college student mentors; and  
47 (ii) Counselor, teacher or paraprofessional as advisor or mentor;

- 1 (b) Collaborative programs such as:  
2 (i) Student ambassadors; and  
3 (ii) Cooperative agreements with other school districts or post-  
4 secondary institutions; and  
5 (c) Virtual coach or mentor programs.
- 6 (3) School districts shall provide professional development in the  
7 area of college and career advising to certificated counselors and instruc-  
8 tional staff as well as noncertificated staff serving in the role of student  
9 mentors or advisors. All individuals providing services in the role of an  
10 academic and college or career advisor must have a basic level of training or  
11 experience in the area of advising or mentoring to provide such services.
- 12 (4) School districts shall notify parents or guardians of all students  
13 in grades 8 through 12 of the availability of college or career advising pro-  
14 vided by the district and how to access such services.
- 15 (5) School districts shall report annually on the effectiveness of  
16 their academic and college or career advising programs in a form and time es-  
17 tablished by the state board of education through the promulgation of rules.