

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 557

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION AND STAFF ALLOWANCE; REPEALING SECTIONS 2, 3 AND 4,  
2 CHAPTER 349, LAWS OF 2013, RELATING TO STAFF ALLOWANCE AND EFFECTIVE  
3 DATES; AND AMENDING SECTION 33-1004, IDAHO CODE, TO PROVIDE CORRECT  
4 CODE REFERENCES, TO REMOVE LANGUAGE RELATING TO A CERTAIN TIME PERIOD  
5 AND TO REVISE PROVISIONS RELATING TO A DISTRICT EMPLOYING FEWER POSI-  
6 TIONS THAN FUNDED.  
7

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

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10 the same are hereby repealed.

11 SECTION 2. 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, determine the total support units for the district  
18 in the manner provided in section 33-1002(6)(a), Idaho Code;

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

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

28 (4) Determine the classified staff allowance by multiplying the sup-  
29 port units by .375;

30 (5) Additional conditions governing staff allowance:

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

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

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

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

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

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

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

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

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

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

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

44 ~~(h) A district may employ nine and one-half percent (9.5%) fewer posi-~~  
45 ~~tions than funded pursuant to subsection (2) of this section, without a~~  
46 ~~reduction in the number of funded positions being imposed. Beginning in~~  
47 ~~fiscal year 2016, this figure shall be reduced by one percent (1%) each~~  
48 ~~year for each school district in which the average class size, as deter-~~  
49 ~~mined from prior fiscal year data reported to the state department of~~  
50 ~~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.