

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
SEPTEMBER 14, 2015

SUBJECT

Legislation – 2016 Session

REFERENCE

June 2015 The Board approved legislative ideas to be submitted through the Governor's Executive Agency Legislation process for the 2016 Session and authorized the Executive Director to identify additional potential legislation for submittal.

BACKGROUND/ DISCUSSION

The Board approved legislative ideas and authorized the Executive Director to submit additional ideas identified by Board staff to the Governor's Office through the Division of Financial Management at the June 2015 Board meeting. The attached legislation summaries have been submitted as legislative ideas and have now been approved by the Governor's Office to move forward through the Governor's Executive Agency legislative process for the 2016 Legislative Session.

The Board initially approved fifteen (15) Legislative Ideas, with one being a place holder for additional legislation that may be needed for recommendations of the Task Force's Public School Funding subcommittee. Six (6) additional legislative ideas were identified by Board staff and submitted for consideration. Of the twenty-one (21) total legislation ideas submitted one (1) was withdrawn following Board action at the August Board meeting and two (2) were not approved by the Governor's Office. Seventeen (17) legislative ideas have been approved by the Governor's Office to move forward. The legislative ideas that were not approved to move forward were the Student Financial Aid Trust Fund and Philanthropic Endowment submitted to the Board by the University of Idaho and the Professional-Technical High School Funding Model changes submitted by the Division of Professional Technical Education. Due to the ongoing work of the Task Force subcommittee it was felt that any changes to professional-technical secondary school funding needed to be folded into the work of the Public School Funding subcommittee prior to any legislation regarding this issue is moved forward to the legislature.

Two (2) of the approved legislative ideas were dependent on action from the Task Force Public School Funding subcommittee. The Public School Funding subcommittee met on September 11th and approved two initial recommendations for the Board to consider as part of the Boards 2016 Legislative Agenda. The subcommittee's first action was to adopt the Pupil Service Staff recommendation to incorporate the Pupil Service staff into the Career Ladder as outline in Attachment 2. The subcommittee's second was to approve an initial first step in amendments to the state public school funding formula.

The recommendation regarding the Pupil Service Staff and the Career Ladder would incorporate this group of school personnel into the existing framework for instructional staff. Originally, this group was excluded due to the difficulty in

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determining student outcomes for them. The original Career Ladder subcommittee was concerned that the Student Achievement/Growth requirement could make it difficult for them to move on the Career Ladder. The Public School Funding subcommittee formed a work group consisting of the various types of Pupil Services staff. This group was able to identify a number of quantifiable measure that could be used for their movement on the career ladder. These measures have been termed “student success indicators” and consist of three categories, objectives identified on a student’s 504 or IEP plan, objectives identified on a student behavior plan, or objectives identified by the school for a group or population of students. A detailed summary is outlined in Attachment 2.

The state’s public school funding formula is based on calculations derived from a calculated average daily attendance (ADA) of students within the public school and charter schools. These calculations are then used to compute the number of support units for each school district and charter school which is then used for determining the districts salary based apportionment and discretionary funds. Salary based apportionment calculations are based on ADA counts during the first ten (10) weeks of the school year (referenced as mid-term count) while discretionary funds are based on ADA counts for the schools best twenty-eight (28) weeks during the school year. The committee discussed issues of student mobility and having funding follow the student as much as possible without funding a single student for a full year twice in a given year and still provide some stability in funding for the school districts and charter schools. The committee’s initial recommendations are to move to a single ADA count for all school funding that uses ADA as part of its calculation. This count would be based on either the mid-term count or the average of a mid-term and late-term count. The late-term count would be based on the ADA count from January through March. Attachment 3 gives an example of how this change could impact the number of support units that are calculated. The subcommittee will be continuing its work over the upcoming months with a complete recommendation addressing public school funding prepared for the Board’s consideration during the summer of 2016. Additional areas the committee will be addressing are funding for at-risk students, exceptional students, virtual school funding and professional-technical school funding as well as other areas of public school funding.

ATTACHMENT

Attachment 2 – Legislative Summaries	Page 5
Attachment 1 – Pupil Service Staff Career Ladder Recommendation	Page 9
Attachment 3 – ADA Calculation Recommendation – example based on FY15 counts	Page 13
Attachment 4 – Draft Legislative Language	Page 16

IMPACT

Any legislation not approved by the Board will be withdrawn from the Governor’s legislative process. The Board office will continue to work with the Governor’s Office, the Division of Financial Management and Legislative Services Offices (LSO) to finalize approve legislation prior to the start of the legislative session.

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STAFF COMMENTS AND RECOMMENDATIONS

Legislative language is due to the Governor's Office on September 14th. Once legislation is approved by the Board it will be resubmitted to the Governor's Office. Following review by the Governor's Office the legislation will then be submitted to the Legislative Services Office; following review by the Legislative Services Office the legislation will be turned into Bill's and then submitted to the legislature. During any one of these stages additional technical changes to legislation may be necessary.

Staff recommends approval.

BOARD ACTION

I move to adopt the recommendation of the Task Force Public School Funding subcommittee to incorporate pupil service staff into the career ladder as outlined in Attachment 2 and the ADA count as described herein.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

AND

I move to approve the proposed legislation in substantial conformance to the summaries provided and to authorize the Executive Director to make additional changes as necessary as the legislation moves forward through the legislative process.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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Legislative Summary

1. Youth Education Fund

Title 33, Chapter 47, Idaho Code, established the Youth Education Fund, the Fund does not currently exist and does not appear to have actually been established since the Xhapter's enactment in 1992. The original intent of the legislation was to establish the Fund within the State Treasury and have it be comprised of appropriations, donations, contributions, gifts or grants. The Board, the Department of Health and Welfare, the Idaho State Police and the Idaho Transportation Department could contribute funds to and seek grants from the Fund. Monies from the Fund were to be used exclusively for the production and purchase of radio and television advertising designed to advise children of the risks and problems associated with the use of alcohol, drugs, and tobacco. Resources are currently provided through the public school budget process for the states Safe and Drug Free School program.

2. Residency for Tuition Purposes

Amend Section 33-3717B, Idaho Code, to streamline the process for determining residency for tuition purposes at Idaho public postsecondary institutions and to specify that all students who graduate from an Idaho high school and attend a public postsecondary institution within six (6) years of graduation or attended an Idaho high school for ten (10) years and enrolled in an Idaho public postsecondary institution within six (6) years of completing secondary education would be eligible for resident tuition. Additional changes moves relevant section into section 33-2110A or 33-3717B, Idaho code, as applicable, and repeal the remainder of Section 33-2110B, Idaho code which outlines state residency requirements for community college students. Section 33-2110, Idaho code is being amended to reference section 33-3717B, Idaho code for the purposes of determining state residency for a community college. In district community college residency would be treated the same as the current practice. Additional amendments would clarify the language regarding current processes outlined in sections 33-2110 and 33-2110A, Idaho code. Streamlining the state residency determination process will allow for greater access to students as well as reduce the staff time necessary to make these determinations. Section 33-3717B and 33-2110B, Idaho code are currently in alignment with each other. The past practice has been to amend Section 33-3717B in regards to state residency for the four (4) year institutions and to then follow-up the following year with identical amendments to Section 33-2110B so that the state residency requirements are consistent for all public postsecondary education students. This was last done in 2013 and 2014 respectively, combining the two sections would be more efficient than the current practice and would assure that students who attend either a four (4) year university or college are held to the same state residency standard as those attending a community college, resulting in increased transparency for our postsecondary students. The resulting change is anticipated to increase the number of resident student who might not otherwise go on to a public postsecondary education institution in Idaho because they don't understand the process of proving residency if they are no longer a dependent of an Idaho resident.

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3. Transfer of Accrued Sick Leave Between Education Agencies

Amendments would provide clarification regarding the transfer of sick leave for state employees who have worked for a state educational entity and transfer to another state entity or state agency. This would include staff who have worked for either a public four-year institution, the Idaho Digital Learning Academy or a school district employee who accepts a new position at a community college or vice versa and defining the currently undefined term "state educational agencies."

4. Charter School Law Clarification and Non-profit Corporation Limitations and Authorizations

Proposed amendments to Chapter 53, Title 33 provide for additional transparency regarding the management of charter schools as well as allowing for a streamlined process for charter holders to replicate high achieving charter schools. Specific amendments would specify that the non-profit corporation authorized to organize and manage one or more charter schools may not operate enterprises other than public charters schools, but can contract with other organizations to provide administrative and program services; clarify that a single non-profit may hold multiple charters; outline the process for replication of effective charter schools; and add the defined terms "charter holder" and "educational services provider."

5. Tax Commission Reporting

Amend language in Sections 63-315 and 63-1312, Idaho Code, to remove the requirement that the Tax Commission report to the Department of Education certain findings or calculations regarding property valuations. These reports are not used by the Department of Education and are unnecessary. Reducing the reporting requirement would lighten the burden of the Idaho Tax Commission.

6. School Counselor Certification

Provide a technical correction to language in Section 33-1212, Idaho Code, regarding the certification requirements for individuals licensed as social workers pursuant to Chapter 32, Title 54, Idaho Code who wish to work in Idaho public schools. The current language in this section defines counselors as those that meet certain requirements of the State Board of Education or are licensed as provided by chapter 32, Title 54, Idaho code. In the past, the Board approved a rule providing for a certificate and endorsement for these individuals and practice has been to require these individuals to hold this certification. The proposed amendment would clarify that those individuals who hold a valid social workers license must also comply with the certification rules of the State Board of Education as is the current practice.

7. Community College Property Acquisition

Amend existing law to require community colleges to follow the same requirements as school districts when acquiring and disposing of real property. This amend would result in a requirement that the community colleges obtain an appraisal prior to entering into a purchase agreement for real property.

8. State Scholarships

Amend Chapter 43, Title 33, Idaho Code, to provide clarifying language regarding the disability determination for the Armed Forces and Public Safety Officer Scholarship and

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to make technical corrections to the Board Office managed scholarships. Additional changes would move responsibility for the investment of the Opportunity Scholarship Fund from the State Treasurer to the Endowment Fund Investment Board.

9. Proprietary School Registration

Proposed changes would amend section 33-2403, Idaho Code, adding clarifying language regarding which schools are exempt from registration. Currently individuals or entities that are regulated by another state agency, commission or board pursuant to Title 54, Idaho Code are exempt from registration. Additional clarifying language will be added regarding the exemption of proprietary schools that provide training for these individuals.

10. Career Technical Secondary Education Incentive Funding

Amend section 33-1629, Idaho Code, to provide incentive funding for exemplary Career-Technical Education (CTE) secondary programs. It would provide for incentive-based funding opportunities currently available only for Agricultural and Natural Resources education programs established in 2014 (Section 33-1629, Idaho Code) to all CTE secondary education programs. The incentive based funding for the CTE Agricultural and Natural Resources education program is driving improvements in the quality of these education programs and this legislation would provide this type of incentive-based funding for the other five CTE education program areas, which include: Business Management and Marketing, Engineering and Technology, Family and Consumer Sciences, Health Professions, and Skilled and Technical Sciences. This performance based approach would more clearly demonstrate the return on investment provided by professional-technical education and hold CTE programs more accountable for producing results. The performance measures and procedures for CTE program incentive based funding would be established by the Idaho Division of Professional-Technical Education and approved by the Board.

11. Career Technical Education/Professional Technical Education Name Change

Nationally professional-technical education is referred to as career-technical education, the proposed amendments would update all references in Idaho code from professional-technical education to career-technical education. These changes would bring Idaho code into alignment with the common nomenclature used when referencing this type of education.

12. Professional Standards Commission Investigative Costs

Amend section 33-1209, Idaho code to allow the Professional Standards Commission to assess the costs of investigation, including hearing costs and attorney fees against the certificate holder when the investigation concludes that there are sufficient grounds to determine there has been unethical conduct on the part of the certificate holder.

13. Vocational Rehabilitation

Amend Chapter 23, Title 33, Idaho Code, to make necessary updates pursuant to changes in federal regulations impacting the Rehabilitation Act of 1973, which governs the Idaho Division of Vocation Rehabilitation. Specially, the Rehabilitation Act of 1973, P.L. 93-112, 93rd Congress, as amended by the Workforce Innovation and Opportunity Act (WIOA), P.L. 113-128, 113th Congress.

Task Force Related Legislation

14. Pupil Service Staff/Career Ladder

Amend existing law to establish outcome based criteria for Pupil Service Staff and move them onto the Career Ladder, and make additional technical correction that have been identified during the first year of implementation. Technical corrections include clarifying language in the definition of pupil service staff, removing a reference to instructional staff that was left in a previous section of code, and adding clarification to the credit requirements for determining the additional educational allotment during implementation.

15. Literacy Recommendations

Amend Section 33-1615, Idaho Code, to clean-up existing language and expand reading interventions for students in kindergarten through grade three, including, but not limited to, full day kindergarten for kindergarten students who have been identified at or below a specified level of proficiency. Additional changes would amend sections 33-1614 and 33-1616, Idaho Code. The proposed changes would make technical corrections to section 33-1614 Idaho Code, regarding the states reading assessment and remove unnecessary details, including specifics about what the skills should be tested through the states reading assessment as these details are more appropriately the Idaho Comprehensive Literacy Plan and moving reporting requirements from section 33-1616, Idaho Code and then repealing the remainder of this section as it has become outdated an unnecessary.

16. District Continuous Improvement Plans

Amend section 33-320, Idaho Code to incorporate the Accountability and Autonomy Task Force subcommittee recommendations into the school district continuous improvement plan process. This includes the addition of definitions for terms to assure there is a common understanding of the requirements and the addition of a requirement for districts to incorporate metrics specific to student readiness and student improvement. This includes a Career and College Readiness Score, a Career and College Readiness Improvement Score, a High School Readiness Score, a High School Readiness Improvement Score, 7th Grade Readiness Score, and 7th Grade Readiness Improvement Score, these scores will be applicable based on grade three grade bands: High School, K-8, and K-6. Improvement scores will be based on year over year improvement in the level of readiness produced by the school and would be shown as a percentage of change in the applicable readiness score.

17. ADA Calculation

Salary based apportionment calculations are based on ADA counts during the first ten (10) weeks of school (referenced as mid-term count) while discretionary funds are based on ADA counts for the schools best twenty-eight (28) weeks. Amendments would move to a single ADA count for all school funding that uses ADA as part of its calculation. This count will be based on either the mid-term count or the average of a mid-term and late-term count. The late-term count will be based on the ADA count from January through March. Those districts whose late term count results in more support units than the mid-term count would be funded based on the average ADA of the mid-term and late-term counts.

**Fiscal Stability/Effective Teachers and Leaders Committee
School Funding Subcommittee**

**Pupil Service Staff Work Group
Report and Recommendations**

Members:

Laura Mundy (Chair), Boise School District
Jeanie Buschine, West Ada School District
Mary Dennis, Nampa School District
Denise Driver, Nampa School District
Kimberly Ennis, Boise School District
Tamara Fredrickson, Boise School District
Mary Ellen Frischmuth, Boise School District
Joetta Fulgenzi, COSSA Schools
Joy Harris, Vallivue School District
Wes Hunt, Boise School District
Alicia Jordan, Kuna School District
Darcy Kennedy, Boise School District
Trent Keppner, Bonneville School District
Colene Letterle, West Ada School District
Sue McDonald, West Ada School District
Cindy Perry, Coeur d'Alene School District
Brandy Smith, COSSA Schools
Lisa Sterling, Boise School District
Pamela Waldorf, Boise School District
Marcia Williams, American Falls School District
Alex Zamora, Idaho Virtual Academy

Work Group Charge: To determine how pupil service staff can be incorporated within the career ladder salary apportionment structure

TASK FORCE RECOMENDATION

#12: Career Ladder Compensation Model

Work Group Deliverables:

- Recommendation regarding whether or not pupil service staff could be included in the career ladder and move from "cell to cell" based on the a the state's framework for evaluation and a student performance measure.
- Recommendation regarding the appropriate student performance measure for pupil service staff.

The career ladder salary apportionment legislation (H296) was passed during the 63rd Idaho Legislature, 1st Regular Session (2015), and signed into law by Governor C.L. "Butch" Otter. The legislation restructured the state's salary apportionment model for instructional staff by increasing state funding for teacher salaries and basing that funding on a teacher's summative performance evaluation and an agreed upon measure of the teacher's students growth or achievement. The original recommendation from the Task Force Career Ladder Subcommittee excluded pupil service staff due to the student achievement/growth requirement and recognition that it would not be a fair

measure for all of the varied positions that served as Pupil Service Staff. At that time there was some discussion as to whether they should be grouped with individuals that are currently grouped with classified staff and also require specific credentials or higher levels of compensation like IT Managers, Business Officers, etc.

The legislation that passed established a five-year implementation schedule starting with fiscal year 2016. During the 2015 legislative session, there was a desire to make sure Pupil Service Staff were address in one form or another. To that end, the legislation (Section 33-1004A, Idaho Code) also stated that "Notwithstanding any other law, to the contrary, on and after July 1, 2016, pupil service staff shall be deemed instructional staff for purposes of sections 33-1004B and 33-1004I, Idaho Code." This provision would move pupil service staff onto the career ladder and place the same requirements applicable to instructional staff in determining movement within the cells and rungs. The term pupil service staff is defined as those individuals who provide services to students but are not involved in direct instruction of those students and hold a pupil services certificate (IDAPA 08.02.02.027) – counselors, school psychologists, school nurses, speech-language pathologists, audiologists, and school social workers.

The Task Force Public School Funding Subcommittee was asked to make a recommendation for consideration during the 2016 legislative session whether pupil service staff should be included on the career ladder or grouped with the higher credentialed classified staff and funded separately. Further, if the recommendation was to fold them into the career ladder what the student outcome criteria should be used for movement along the ladder. The Public School Funding subcommittee initially agreed that including pupil service staff in the Career Ladder should be considered and tasked State Board of Education staff in assembling a work group of practitioners to make recommendations regarding specific provisions for movement.

The work group membership was comprised of recommendations from the school funding subcommittee, the Idaho Education Association, the state professional associations of the six pupil service staff professions and additional recommendations from the pupil service staff work group.

The work group focused their efforts on identifying how the services they provide to students impact student achievement and how that impact could be measured qualitatively or quantitatively. Some individual professions within pupil services saw their impact as aligning with the same student growth or achievement measures already identified in the career ladder for instructional staff. For example, counselors sited student learning objectives as a possible student growth or achievement measure that could apply to instructional staff or them. However, since many pupil service staff have more direct impact on individual education plans (IEPs), 504 plans, and behavior improvement plans, all of which may include measurable outcomes, the work group saw an opportunity to include those impacts for their inclusion on the career ladder. Moreover, the work group also sited specific programs that may be implemented in a school building to target an area of improvement for a specific group or population of students.

As a result, the pupil services work group developed a recommendation for their inclusion on the career ladder with additional student outcome measures.

Recommendations:

1. Pupil service staff be included on the career ladder effective July 1, 2016.

The pupil service staff would be “folded-in” to the year 2 implementation of the career ladder based on FY16 salary based apportionment for placement in existing instructional staff cohorts.

ESTIMATED FISCAL IMPACT (increase over previous year):

FY17 \$2,636,272

FY18 \$3,501,626

FY19 \$3,461,315

FY20 \$2,800,755

2. We recommend that the additional student growth/achievement criteria termed student success indicators be included as options for determining movement for pupil service staff on the career ladder as part of the student/achievement requirement.

Currently, instructional staff and local districts must use one of 13 criteria as the student growth/achievement indicator for determining movement on the career ladder. The work group agreed that those options may be applicable to individuals in their fields. However, in other cases, the quantifiable measures of a new category called student success indicators may be more applicable. Student success indicators would be defined by each individual school district in collaboration with their pupil service staff. Student success indicators would consist of:

- Quantifiable goals stated in a student’s 504 plan or IEP
- Quantifiable goals stated in a student’s Behavior Improvement Plan
- School identified student objectives
 - Ex.: improve attendance among a school-specified student group or population

PUPIL SERVICE STAFF CAREER LADDER FRAMEWORK

New Student Outcomes to be used in addition to the existing student achievement/growth criteria:

Student Success Indicators

- Student success indicators will be defined by each individual school district in collaboration with pupil service staff. Tools that may be used for measuring student success indicators include:
 - Quantifiable goals stated in each student’s 504 plan or IEP
 - Quantifiable goals stated in each student’s Behavior Improvement Plan
 - School identified student objectives
 - Ex.: improve attendance among a school-specified student population

Existing Student Achievement/Growth Criteria that may be used by the school district:

Student Achievement/Growth Criteria

- Student achievement or growth criteria will be defined by each individual school district in collaboration with pupil service staff. Tools that may be used for measuring achievement include:
 - Idaho Standards Achievement Test
 - Student Learning Objectives
 - Formative Assessments

Task Force Implementation Committees

2015

- Teacher-constructed Assessments of Student Growth
- Pre- and Post-tests
- Performance-based Assessments
- Idaho Reading Indicator
- College Entrance Exams (PSAT, SAT, ACT)
- District Adopted Assessments
- End of Course Exams
- Advanced Placement Exams
- Professional-technical Exams

How Pupil Service Staff would fit within the existing Career Ladder at full implementation:

Residency Compensation Rung

- New, pupil service staff start at the first cell of the residency compensation rung.
- Pupil service staff move to the 2nd cell in year 2 and the 3rd cell in year 3 as they work toward earning their professional endorsement.

Professional Endorsement Criteria for Pupil Service Staff

- Minimum 3 years pupil service experience.
- Meet the professional compensation rung performance criteria for 2 of the previous 3 years:
 - Overall rating of proficient on the state framework for evaluation;
 - No components rated as unsatisfactory; and
 - Majority of students meet measurable student success indicators or student achievement/growth targets.
- Have a written recommendation from the employing school district.
- Have an annual Individualized Professional Learning Plan.
- May provide additional artifacts to demonstrate evidence of effective service.

What if a pupil service staff person does not earn a professional endorsement?

- The pupil service staff person will keep his/her certificate and can continue to work in Idaho public schools.
- The district's salary apportionment for that pupil service staff person will remain in the final cell of the residency compensation rung until a professional endorsement is earned.
- The pupil service staff person will not be eligible for the education bonus until a professional endorsement is earned.

Professional Compensation Rung Performance Criteria

- Pupil service staff with a professional endorsement move to the first cell of the professional compensation rung.
- Movement across the professional compensation rung is based on meeting the professional compensation rung performance criteria for 3 out of the previous 5 years, 1 of which must be in the 4th or 5th year.
 - Overall rating of proficient on the state framework for evaluation;
 - No components rated as unsatisfactory; and
 - Majority of students meet measurable student success indicators or student achievement/growth targets.
 - Only those students who have been enrolled and attended 80% or more of the instructional interval will be considered when determining student outcomes.

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School District / Charter School	Mid term (First Day through FF in Nov)	Late term (FF in Jan through FF in Mar)	Average	Mid term > Late Term	Average	Average less Mid term	Cost @ \$90,000
001 BOISE INDEPENDENT DISTRICT	1,254.65	1,225.95	1,240.30	1,254.65			
002 JOINT SCHOOL DISTRICT NO. 2	1,770.24	1,739.04	1,754.64	1,770.24			
003 KUNA JOINT DISTRICT	249.90	245.81	247.86	249.90			
011 MEADOWS VALLEY DISTRICT	13.64	13.66	13.65		13.65	0.01	\$900
013 COUNCIL DISTRICT	16.31	16.17	16.24	16.31			
021 MARSH VALLEY JOINT DISTRICT	68.67	68.27	68.47	68.67			
025 POCA TELLO DISTRICT	590.65	580.43	585.54	590.65			
033 BEAR LAKE COUNTY DISTRICT	60.17	60.43	60.30		60.30	0.13	\$11,700
041 ST MARIES JOINT DISTRICT	51.27	50.67	50.97	51.27			
044 PLUMMER-WORLEY JOINT DISTRICT	22.17	20.15	21.16	22.17			
052 SNAKE RIVER DISTRICT	87.44	86.52	86.98	87.44			
055 BLACKFOOT DISTRICT	199.36	196.36	197.86	199.36			
058 ABERDEEN DISTRICT	41.44	40.36	40.90	41.44			
059 FIRTH DISTRICT	41.46	41.59	41.53		41.53	0.07	\$6,300
060 SHELLEY JOINT DISTRICT	104.59	102.42	103.51	104.59			
061 BLAINE COUNTY DISTRICT	158.12	155.01	156.57	158.12			
071 GARDEN VALLEY DISTRICT	15.68	15.55	15.62	15.68			
072 BASIN SCHOOL DISTRICT	22.89	22.21	22.55	22.89			
073 HORSESHOE BEND SCHOOL DISTRICT	16.88	16.57	16.73	16.88			
083 WEST BONNER COUNTY DISTRICT	61.15	60.06	60.61	61.15			
084 LAKE PEND OREILLE SCHOOL DISTRICT	176.50	172.14	174.32	176.50			
091 IDAHO FALLS DISTRICT	493.65	482.90	488.28	493.65			
092 SWAN VALLEY ELEMENTARY DIST	3.17	3.29	3.23		3.23	0.06	\$5,400
093 BONNEVILLE JOINT DISTRICT	562.54	553.38	557.96	562.54			
101 BOUNDARY COUNTY DISTRICT	70.96	70.43	70.70	70.96			
111 BUTTE COUNTY JOINT DISTRICT	26.14	25.07	25.61	26.14			
121 CAMAS COUNTY DISTRICT	13.87	13.64	13.76	13.87			
131 NAMPA SCHOOL DISTRICT	710.41	695.22	702.82	710.41			
132 CALDWELL DISTRICT	301.14	296.62	298.88	301.14			
133 WILDER DISTRICT	24.77	24.63	24.70	24.77			
134 MIDDLETON DISTRICT	184.28	180.25	182.27	184.28			
135 NOTUS DISTRICT	24.34	24.22	24.28	24.34			
136 MELBA JOINT DISTRICT	44.04	43.28	43.66	44.04			
137 PARMA DISTRICT	53.49	53.37	53.43	53.49			
139 VALLIVUE SCHOOL DISTRICT	378.09	369.10	373.60	378.09			
148 GRACE JOINT DISTRICT	30.44	30.36	30.40	30.44			
149 NORTH GEM DISTRICT	14.20	13.73	13.97	14.20			
150 SODA SPRINGS JOINT DISTRICT	42.77	42.79	42.78		42.78	0.01	\$900
151 CASSIA COUNTY JOINT DISTRICT	273.08	268.65	270.87	273.08			
161 CLARK COUNTY DISTRICT	13.25	13.25	13.25				
171 OROFINO JOINT DISTRICT	66.78	66.66	66.72	66.78			
181 CHALLIS JOINT DISTRICT	26.71	26.27	26.49	26.71			
182 MACKAY JOINT DISTRICT	14.21	13.95	14.08	14.21			
191 PRAIRIE ELEMENTARY DISTRICT	1.06	1.12	1.09		1.09	0.03	\$2,700
192 GLENNS FERRY JOINT DISTRICT	26.00	25.65	25.83	26.00			
193 MOUNTAIN HOME DISTRICT	183.22	176.42	179.82	183.22			
201 PRESTON JOINT DISTRICT	117.65	114.80	116.23	117.65			
202 WEST SIDE JOINT DISTRICT	34.59	34.15	34.37	34.59			
215 FREMONT COUNTY JOINT DISTRICT	116.19	115.35	115.77	116.19			
221 EMMETT INDEPENDENT DIST	122.31	122.52	122.42		122.42	0.11	\$9,900
231 GOODING JOINT DISTRICT	63.17	62.96	63.07	63.17			
232 WENDELL DISTRICT	60.66	58.20	59.43	60.66			
233 HAGERMAN JOINT DISTRICT	21.74	20.94	21.34	21.74			
234 BLISS JOINT DISTRICT	13.49	13.30	13.40	13.49			
242 COTTONWOOD JOINT DISTRICT	24.43	23.50	23.97	24.43			
243 SALMON RIVER JOINT SCHOOL DIST	12.16	12.14	12.15	12.16			
244 MOUNTAIN VIEW SCHOOL DISTRICT	66.17	65.73	65.95	66.17			
251 JEFFERSON COUNTY JT DISTRICT	247.44	244.45	245.95	247.44			
252 RIRIE JOINT DISTRICT	39.61	38.46	39.04	39.61			
253 WEST JEFFERSON DISTRICT	37.37	36.75	37.06	37.37			
261 JEROME JOINT DISTRICT	177.50	175.19	176.35	177.50			
262 VALLEY DISTRICT	34.49	33.68	34.09	34.49			
271 COEUR D'ALENE DISTRICT	497.19	487.45	492.32	497.19			
272 LAKELAND DISTRICT	204.69	200.85	202.77	204.69			
273 POST FALLS DISTRICT	274.58	266.09	270.34	274.58			

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
SEPTEMBER 14, 2015**

Average Daily Attendance Count

School District / Charter School	Mid term (First Day through FF in Nov)	Late term (FF in Jan through FF in Mar)	Average	Mid term > Late Term	Average	Average less Mid term	Cost @ \$90,000
274 KOOTENAI DISTRICT	13.11	12.99	13.05	13.11			
281 MOSCOW DISTRICT	108.81	106.27	107.54	108.81			
282 GENESEE JOINT DISTRICT	19.13	18.74	18.94	19.13			
283 KENDRICK JOINT DISTRICT	15.94	16.31	16.13		16.13	0.19	\$17,100
285 POTLATCH DISTRICT	29.17	27.73	28.45	29.17			
287 TROY SCHOOL DISTRICT	19.40	19.82	19.61		19.61	0.21	\$18,900
288 WHITEPINE JT SCHOOL DISTRICT	16.93	16.45	16.69	16.93			
291 SALMON DISTRICT	43.64	42.51	43.08	43.64			
292 SOUTH LEMHI DISTRICT	12.62	12.68	12.65		12.65	0.03	\$2,700
302 NEZPERCE JOINT DISTRICT	13.00	13.00	13.00				
304 KAMIAH JOINT DISTRICT	26.21	25.31	25.76	26.21			
305 HIGHLAND JOINT DISTRICT	13.95	13.93	13.94	13.95			
312 SHOSHONE JOINT DISTRICT	31.51	31.32	31.42	31.51			
314 DIETRICH DISTRICT	15.93	15.52	15.73	15.93			
316 RICHFIELD DISTRICT	14.82	14.30	14.56	14.82			
321 MADISON DISTRICT	249.23	244.51	246.87	249.23			
322 SUGAR-SALEM JOINT DISTRICT	81.30	80.01	80.66	81.30			
331 MINIDOKA COUNTY JOINT DISTRICT	203.63	196.67	200.15	203.63			
340 LEWISTON INDEPENDENT DISTRICT	232.42	226.74	229.58	232.42			
341 LAPWAI DISTRICT	28.58	28.42	28.50	28.58			
342 CULDESAC JOINT DISTRICT	11.80	11.85	11.83		11.83	0.03	\$2,700
351 ONEIDA COUNTY DISTRICT	44.73	45.39	45.06		45.06	0.33	\$29,700
363 MARSING JOINT DISTRICT	46.22	44.06	45.14	46.22			
364 PLEASANT VALLEY ELEM DIST	1.00	1.00	1.00				
365 BRUNEAU-GRAND VIEW JOINT SCHOOL DISTRICT	20.16	19.76	19.96	20.16			
370 HOMEDALE JOINT DISTRICT	60.76	60.03	60.40	60.76			
371 PAYETTE JOINT DISTRICT	78.32	76.34	77.33	78.32			
372 NEW PLYMOUTH DISTRICT	52.68	51.33	52.01	52.68			
373 FRUITLAND DISTRICT	88.20	87.16	87.68	88.20			
381 AMERICAN FALLS JOINT DISTRICT	74.35	72.97	73.66	74.35			
382 ROCKLAND DISTRICT	14.20	14.11	14.16	14.20			
383 ARBON ELEMENTARY DISTRICT	1.59	1.63	1.61		1.61	0.02	\$1,800
391 KELLOGG JOINT DISTRICT	58.28	57.11	57.70	58.28			
392 MULLAN DISTRICT	12.08	12.28	12.18		12.18	0.10	\$9,000
393 WALLACE DISTRICT	30.19	29.85	30.02	30.19			
394 AVERY SCHOOL DISTRICT	9.00	9.00	9.00				
401 TETON COUNTY DISTRICT	83.05	80.32	81.69	83.05			
411 TWIN FALLS DISTRICT	424.82	420.73	422.78	424.82			
412 BUHL JOINT DISTRICT	64.59	63.03	63.81	64.59			
413 FILER DISTRICT	80.26	79.31	79.79	80.26			
414 KIMBERLY DISTRICT	88.49	86.75	87.62	88.49			
415 HANSEN DISTRICT	20.54	19.82	20.18	20.54			
416 THREE CREEK JT ELEM DISTRICT	1.06	1.06	1.06				
417 CASTLEFORD DISTRICT	19.82	19.31	19.57	19.82			
418 MURTAUGH JOINT DISTRICT	16.56	16.56	16.56				
421 MCCALL-DONNELLY JT. SCHOOL DISTRICT	55.23	53.97	54.60	55.23			
422 CASCADE DISTRICT	18.35	18.07	18.21	18.35			
431 WEISER DISTRICT	78.48	76.22	77.35	78.48			
432 CAMBRIDGE JOINT DISTRICT	12.06	11.68	11.87	12.06			
433 MIDVALE DISTRICT	13.83	13.67	13.75	13.83			
451 VICTORY CHARTER SCHOOL	26.42	25.97	26.20	26.42			
452 IDAHO VIRTUAL ACADEMY	118.19	114.78	116.49	118.19			
453 IDAHO VIRTUAL HIGH SCHOOL DISTRICT	19.82	27.05	23.44		23.44	3.62	\$325,800
454 ROLLING HILLS CHARTER SCHOOL	13.81	13.62	13.72	13.81			
455 COMPASS CHARTER SCHOOL	36.40	35.76	36.08	36.40			
456 FALCON RIDGE CHARTER SCHOOL	15.31	15.24	15.28	15.31			
457 INSPIRE VIRTUAL CHARTER	47.44	51.02	49.23		49.23	1.79	\$161,100
458 LIBERTY CHARTER	27.32	27.19	27.26	27.32			
460 THE ACADEMY DISTRICT	15.48	15.25	15.37	15.48			
461 TAYLORS CROSSING CHARTER SCHOOL	25.86	25.62	25.74	25.86			
462 XAVIER CHARTER SCHOOL	36.58	36.45	36.52	36.58			
463 VISION CHARTER SCHOOL	37.70	36.49	37.10	37.70			
464 WHITE PINE CHARTER SCHOOL	24.05	23.33	23.69	24.05			
465 NORTH VALLEY ACADEMY	17.30	16.43	16.87	17.30			

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School District / Charter School	Mid term (First Day through FF in Nov)	Late term (FF in Jan through FF in Mar)	Average	Mid term > Late Term	Average	Average less Mid term	Cost @ \$90,000
466 ISUCCEED VIRTUAL HIGH SCHOOL	18.60	18.02	18.31	18.60			
468 IDAHO SCIENCE & TECHNOLOGY CHARTER	20.81	19.84	20.33	20.81			
469 IDAHO CONNECTS ONLINE CHARTER DISTRICT	18.92	20.61	19.77		19.77	0.85	\$76,500
470 KOOTENAI BRIDGE ACADEMY	16.73	16.33	16.53	16.73			
472 PALOUSE PRAIRIE CHARTER	10.11	9.83	9.97	10.11			
473 THE VILLAGE CHARTER SCHOOL DISTRICT	15.29	14.73	15.01	15.29			
474 MONTICELLO MONTESSORI CHARTER SCHOOL	10.40	9.73	10.07	10.40			
475 SAGE INTERNATIONAL SCHOOL OF BOISE	45.26	44.75	45.01	45.26			
476 ANOTHER CHOICE VIRTUAL CHARTER DISTRICT	24.51	26.67	25.59		25.59	1.08	\$97,200
477 BLACKFOOT CHARTER COMMUNITY LEARNING CENTER	14.82	14.75	14.79	14.82			
478 LEGACY CHARTER SCHOOL DISTRICT	17.58	16.83	17.21	17.58			
479 HERITAGE ACADEMY DISTRICT	10.37	10.41	10.39		10.39	0.02	\$1,800
480 NORTH IDAHO STEM CHARTER ACADEMY DISTRICT	21.25	19.90	20.58	21.25			
481 HERITAGE COMMUNITY CHARTER DISTRICT	24.75	24.88	24.82		24.82	0.07	\$6,300
482 AMERICAN HERITAGE CHARTER DISTRICT	13.97	13.82	13.90	13.97			
483 CHIEF TAHGEE ELEMENTARY ACADEMY DISTRICT	5.56	5.09	5.33	5.56			
485 IDAHO STEM ACADEMY DISTRICT	4.92	4.73	4.83	4.92			
486 UPPER CARMEN PUBLIC CHARTER DISTRICT	6.32	6.28	6.30	6.32			
487 FORREST M. BIRD CHARTER DISTRICT	23.54	22.01	22.78	23.54			
488 SYRINGA MOUNTAIN SCHOOL	7.06	6.67	6.87	7.06			
489 IDAHO COLLEGE & CAREER READINESS ACADEMY	2.59	4.52	3.56		3.56	0.97	\$87,300
490 IDAHO DISTANCE EDUCATION ACADEMY DISTRICT	39.90	37.15	38.53	39.90			
491 COEUR D'ALENE CHARTER ACADEMY DISTRICT	41.70	40.05	40.88	41.70			
492 ANSER CHARTER SCHOOL	20.41	19.71	20.06	20.41			
493 NORTH STAR CHARTER DISTRICT	51.65	50.39	51.02	51.65			
494 POCATELLO COMMUNITY CHARTER	18.85	18.50	18.68	18.85			
555 CANYON-OWYHEE SCHOOL SERVICE AGENCY (COSSA)	9.03	9.09	9.06		9.06	0.03	\$2,700
559 THOMAS JEFFERSON CHARTER	25.94	25.31	25.63	25.94			
751 SOUTHEAST IDAHO PROFESSIONAL TECHNICAL DISTRICT	16.17	15.95	16.06	16.17			
768 MERIDIAN TECHNICAL CHARTER DISTRICT	16.38	15.52	15.95	16.38			
785 MERIDIAN MEDICAL ARTS CHARTER	15.34	14.28	14.81	15.34			
790 ARTEC CHARTER DISTRICT	16.72	16.07	16.40	16.72			
794 PAYETTE RIVER TECHNICAL ACADEMY CHARTER	7.60	3.31	5.46	7.60			
795 IDAHO ARTS CHARTER SCHOOL	42.38	41.52	41.95	42.38			
813 MOSCOW CHARTER SCHOOL	10.05	10.07	10.06		10.06	0.01	\$900
TOTAL	14,668.41	14,399.25	14,533.83 -134.58			9.77	\$879,300

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~~33-4701. YOUTH EDUCATION FUND ESTABLISHED. There is hereby established in the state treasury a fund to be known as the youth education fund. Moneys in the fund shall be used exclusively for the production and purchase of radio and television advertising designed to advise children of the risks and problems associated with the use of alcohol, drugs and tobacco. Moneys in the fund shall be comprised of appropriations, donations, contributions, gifts or grants from any source for purposes consistent with the provisions of this chapter. Moneys in the fund are subject to appropriation to the governor's commission on alcohol and drug abuse for expenditure pursuant to the provisions of this chapter.~~

~~The state board of education, the department of health and welfare, the Idaho state police and the transportation department may contribute funds and seek grants to the youth education fund.~~

~~Not less than seventy percent (70%) of the moneys in the fund shall be used each year for advertising pertaining to alcohol and alcohol abuse.~~

~~33-4702. ADMINISTRATION OF THE ACCOUNT. The governor's commission on alcohol and drug abuse is charged with the administration of the youth education account and is hereby authorized to enter into contracts for the production of radio and television advertising and for the purchase of broadcast time utilizing funds derived exclusively from the account; but no elected officer or candidate for elective office may participate in the advertising. Broadcast time shall be purchased throughout the state, with the extent and concentration of time purchased to be determined by the population of the area to be reached.~~

~~33-4703. ADVISORY COMMITTEE ESTABLISHED. (1) The youth education account advisory committee is hereby established. The committee shall be comprised of four (4) members, two (2) members to be appointed by the governor and two (2) members to be appointed by the superintendent of public instruction. The term of office for each committee member shall be two (2) years. Each member of the committee shall be a citizen of the United States and a bona fide resident of this state and shall have broadcast advertising experience. Vacancies in any unexpired term shall be filled by the original appointing authority for the remainder of the unexpired term. In the performance of their official duties each committee member shall be compensated as provided in section 59-509(b), Idaho Code.~~

~~(2) The committee shall prepare a yearly advertising plan, shall produce or review proposed advertising and shall provide advice and assistance to the governor's commission on alcohol and drug abuse on the administration of the youth education account.~~

~~(3) Neither advisory committee members nor their employers may contract for services to be paid with moneys from the youth education account.~~

~~33-4704. ANNUAL REPORT. The governor's commission on alcohol and drug abuse shall annually submit a report to the governor, the superintendent of public~~

~~instruction and the legislature on the source of moneys deposited into the account and the purposes for which disbursements from the account have been made.~~

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33-3717B. RESIDENCY REQUIREMENTS. (1) For any Idaho public institution of higher education ~~in Idaho~~, a "resident student" is:

(a) Any student who has one (1) or more parent or parents or court-appointed guardians who are domiciled in the state of Idaho, and the parent, parents or guardians provide at least fifty percent (50%) of the student's support. Domicile, as used in this section, means that individual's true, fixed and permanent home and place of habitation. It is the place where that individual intends to remain, and to which that individual expects to return when that individual leaves without intending to establish a new domicile elsewhere. To qualify under this section, the parent, parents or guardians must have maintained a ~~bona fide~~ domicile in the state of Idaho for at least twelve (12) months prior to the opening day of the term for which the student matriculates.

(b) Any student who receives less than fifty percent (50%) of the student's support from a parent, parents or legal guardians and who has continuously resided and maintained a bona fide domicile in the state of Idaho primarily for purposes other than educational for twelve (12) months ~~next~~ preceding the opening day of the term ~~during which the student proposes to attend the college or university~~ for which the student matriculates.

(c) ~~Subject to subsection (2) of this section, a~~ Any student who is a graduate of an accredited secondary school in the state of Idaho pursuant to section 33-119, Idaho code, is domiciled in Idaho, and who matriculates at ~~a college or university in the state of Idaho during the term an Idaho public institution of higher education within six (6) years immediately following such secondary school graduation~~ regardless of the residence domicile of the student's parent or guardian, ~~or any student who completes ten (10) years of elementary and secondary education in Idaho, is domiciled in Idaho, and matriculates at an Idaho public institution of higher education within six (6) years immediately following completion of secondary education.~~

(d) The spouse of a person who is classified, or is eligible for classification, as a resident of the state of Idaho for the purposes of attending ~~a college or university~~ an Idaho public institution of higher education, except that a student who was enrolled as a full-time student in any term during the twelve (12) month period before the term in which the student proposes to enroll as a resident student must independently establish domicile under subsection (2) of this section.

(e) A member of the armed forces of the United States who entered service as an Idaho resident and who has maintained Idaho resident status, but is not stationed within the state of Idaho on military orders.

(f) A member of the armed forces of the United States, stationed in the state of Idaho on military orders.

(g) An officer or an enlisted member of the Idaho national guard.

(h) A person separated, under honorable conditions, from the United States armed forces after at least two (2) years of service, who at the time of separation designates the state of Idaho as his intended domicile or who has Idaho as the home of record in service and enters a college or university in the state of Idaho within one (1) year of the date of separation, or who moves to Idaho for the purpose of establishing domicile; provided however, to maintain status as a resident student, such person must actively establish domicile in Idaho within one (1) year of matriculation in a public institution of higher education in Idaho.

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(i) The dependent child of a person who qualifies as a resident student under the provisions of subsection (1)(e) through (h) of this section and who receives at least fifty percent (50%) support from such person shall also be a resident student and shall not lose that resident status if, after he or she enters ~~a college or university in the state of Idaho~~ an Idaho public institution of higher education, the parent or guardian is transferred out of the state of Idaho on military orders.

~~(j) Any individual who has been domiciled in the state of Idaho, has qualified and would otherwise be qualified under the provisions of this statute and who is away from the state for a period of less than thirty (30) months and has not established legal residence elsewhere, provided a twelve (12) month period of continuous residence has been established immediately prior to departure; provided however, time spent away from the state while enrolled in a postsecondary education program shall not be included in the thirty (30) months. Such time spent away from the state while enrolled shall include normal academic year breaks, such as summer breaks or breaks between semesters or quarters, that occur prior to the receipt of the postsecondary degree.~~

(k) A student who is a member of an Idaho Native American Indian tribe, whose traditional and customary tribal boundaries included portions of the state of Idaho, or whose Indian tribe was granted reserved lands within the state of Idaho. The state board of education shall maintain a list of tribes who meet these requirements.

~~(2) A "nonresident student" shall mean any student who does not qualify as a "resident student" under the provisions of subsection (1) of this section and shall include:~~

~~(a) A student attending an institution in this state with the aid of financial assistance provided by another state or governmental unit or agency thereof, such nonresidency continuing for one (1) year after the completion of the semester for which such assistance is last provided.~~

~~(b) A person who is not a citizen of the United States of America, who does not have permanent or temporary resident status or does not hold "refugee-parolee" or "conditional entrant" status with the United States immigration and naturalization service or is not otherwise permanently residing in the United States under color of the law and who does not also meet and comply with all applicable requirements of this section.~~

~~(3) The establishment of a new domicile in Idaho by a person formerly domiciled in another state has occurred if such person has resided in Idaho for the prior twelve (12) months and is physically present in Idaho primarily for purposes other than educational and can show satisfactory proof that such person is without a present intention to return to such other state or to acquire a domicile at some other place outside of Idaho. A student who is enrolled for more than eight (8) hours as a full-time student in any semester or quarter term during the prior twelve (12) month period shall be presumed to be in Idaho for primarily educational purposes. Such period of enrollment shall not be counted toward the establishment of a bona fide domicile in this state unless the student proves, in fact, establishment of a bona fide domicile in this state primarily for purposes other than educational. Institutions determining whether a student is domiciled in the state of Idaho primarily for purposes other than educational shall consider, but shall not be limited to, the following factors:~~

~~(a) Any of the following, if done for at least twelve (12) months before the term in which the student proposes to enroll as a resident student, proves the establishment and~~

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~~maintenance of domicile in Idaho for purposes other than educational and supports classification of a student as an Idaho resident:~~

~~(i) Filing of Idaho state income tax returns covering a period of at least can provide proof of full-time employment in Idaho for twelve (12) months before the term in which the student proposes to enroll as a resident student and the filing of an Idaho state resident income tax return for the prior tax year;~~

~~(ii) Permanent full-time employment or the hourly equivalent thereof in the state of Idaho; or~~

~~(iii) Ownership by the student of the student's living quarters.~~

~~(b) The following, if done for at least twelve (12) months before the term in which the student proposes to enroll as a resident student, lend support to domiciliary intent and the absence of which indicates a lack of domiciliary intent. By themselves, the following do not constitute sufficient evidence of the establishment and maintenance of a domicile in Idaho for purposes other than educational:~~

~~(i) Registration and payment of Idaho taxes or fees on a motor vehicle, mobile home, travel trailer or other item of personal property for which state registration and the payment of a state tax or fee is required;~~

~~(ii) Registration to vote for state elected officials in Idaho at a general election;~~

~~(iii) Holding an Idaho driver's license;~~

~~(iv) Evidence of abandonment of a previous domicile;~~

~~(v) Presence of household goods in Idaho;~~

~~(vi) Establishment of accounts with Idaho financial institutions; and~~

~~(vii) Other similar factors indicating intent to be domiciled in Idaho and the maintenance of such domicile.~~

~~(3) A student attending an Idaho public institution of higher education with financial assistance provided by another country, state or governmental unit or agency thereof, shall not be considered a resident student, such nonresidency shall continue for twelve (12) months after the completion of the last semester for which such assistance was provided, notwithstanding Section 1 or 2.~~

~~(4) The state board of education and the board of regents of the university of Idaho shall adopt uniform and standard rules applicable to all state colleges and universitiesIdaho public institutions of higher education now or hereafter established to determine resident residency status of any student and to establish procedures for review of that status.~~

~~(56) Appeal from a final determination denying resident status may be initiated by the filing of an action in the district court of the county in which the affected college or universitypublic institution of higher education is located; ~~a~~An appeal from the district court shall lie as in all civil actions.~~

~~(67) Nothing contained herein shall prevent the state board of education and the board of regents of the university of Idaho from establishing quotas, standards for admission, standards for readmission, or other terms and requirements governing persons who are not residents for purposes of higher education.~~

~~(78) For students who apply for special graduate and professional programs including, but not limited to, the WWAMI (Washington, Wyoming, Alaska, Montana, Idaho) regional medical program, the WICHE student exchange programs, Creighton university school of dental scienceIdaho dental educational program, the university of~~

Utah ~~college-school~~ of medicine, and the Washington-Idaho-~~Utah (W+U)~~ regional program in veterinary medicine, no applicant shall be certified or otherwise designated as a beneficiary of such special program who ~~has not been a resident of the state of Idaho for at least one (1) calendar year previous to the application date~~does not meet the definition of resident student in section 33-3717B(1), Idaho code.

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67-5302. Definitions. As used in this chapter, and other applicable sections of the Idaho Code, each of the terms defined in this section shall have the meaning given in this section unless a different meaning is clearly required by the context. Such terms and their definitions are:

(1) "Administrative employee" means any person, nonclassified or classified appointed to a position which meets the criteria set forth in the federal fair labor standards act, 29 U.S.C. section 201, et seq. Final designation of a classified position as "administrative" within this definition shall be made by the administrator of the division of human resources. Exceptions to this designation which do not violate the federal fair labor standards act, 29 U.S.C. section 201, et seq., may be made by the administrator.

(2) "Administrator" means the administrator of the division of human resources in the governor's office.

(3) "Appointing authority" means the officer, board, commission, person or group of persons authorized by statute or lawfully delegated authority to make appointments to or employ personnel in any department.

(4) "Class" means a group of positions sufficiently similar as to the duties performed, degree of supervision exercised or required, minimum requirements of training, experience or skill, and other characteristics, that the same title, the same tests of fitness and the same schedule of compensation may be applied to each position in the group.

(5) "Classified officer or employee" means any person appointed to or holding a position in any department of the state of Idaho which position is subject to the provisions of the merit examination, selection, retention, promotion and dismissal requirements of chapter 53, title 67, Idaho Code.

(6) "Commission" means the Idaho personnel commission.

(7) "Compensatory time" means approved time off from duty provided in compensation for overtime hours worked.

(8) "Computer worker" means any person, nonclassified or classified, appointed to a position which meets the criteria set forth in the federal fair labor standards act, 29 U.S.C. section 201, et seq. Final designation of a classified position as "computer worker" within this definition shall be made by the administrator of the division of human resources. Exceptions to this designation which do not violate the federal fair labor standards act, 29 U.S.C. section 201, et seq., may be made by the administrator.

(9) "Department" means any department, agency, institution or office of the state of Idaho.

(10) "Disabled veteran" is as defined in section 65-502, Idaho Code.

(11) "Eligible" means a person who has been determined to be qualified for a classified position and whose name has been placed on the register of eligibles.

(12) "Executive employee" means any person, nonclassified or classified, appointed to a position equivalent to a bureau chief or above as provided in section 67-2402, Idaho Code, or any employee meeting the following criteria:

(a) An individual whose primary duty is management of a department, division or bureau; and

(b) Who customarily and regularly directs the work of at least two (2) or more other employees therein; and

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(c) Who has the authority to hire and fire, or to recommend hiring and firing; or whose recommendation on these and other actions affecting employees is given particular weight; and

(d) Who customarily and regularly exercises discretionary powers; and

(e) Who is classified to a position allocated to the pay grade equivalent to two hundred sixty (260) points or higher pursuant to the rating system established by rule.

(f) Final designation of a classified position as "executive" in this definition shall be made by the administrator. Exceptions to this designation which do not violate the federal fair labor standards act, 29 U.S.C. section 201, et seq., may be made by the administrator.

(13) "Exempt employee" means any employee, classified or nonclassified, who is determined to be an executive, professional or administrative employee as defined herein, or who qualifies for any other exemption from cash compensation for overtime under applicable federal law. Final designation of a classified position as exempt shall be made by the administrator.

(14) "Full-time employee" means any employee working a forty (40) hour work week.

(15) "Holiday" means the following:

January 1 (New Year's Day);

Third Monday in January (Martin Luther King, Jr.-Idaho Human Rights Day);

Third Monday in February (Washington's Birthday);

Last Monday in May (Memorial Day);

July 4 (Independence Day);

First Monday in September (Labor Day);

Second Monday in October (Columbus Day);

November 11 (Veterans Day);

Fourth Thursday in November (Thanksgiving);

December 25 (Christmas).

In addition, the term "holiday" shall mean any day so designated by the President of the United States or the governor of this state for a public fast, thanksgiving or holiday.

In the event that a holiday occurs on a Saturday, the preceding Friday shall be a holiday, and if the holiday falls on a Sunday, the following Monday shall be a holiday.

A holiday is a day of exemption from work granted to nonexecutive employees during which said employees shall be compensated as if they actually worked. Employees classified as executive exempt are entitled to ten (10) paid holidays per year. If such an employee works on one (1) of the official holidays listed in this subsection, then such employee may take an alternative day off but shall not receive additional compensation.

(16) "Hours worked" means those hours actually spent in the performance of the employee's job on any day including holidays, and shall not include vacation or sick leave or other approved leave of absence.

(17) "Nonclassified employee" means any person appointed to or holding a position in any department of the state of Idaho, which position is exempted from the provisions of chapter 53, title 67, Idaho Code, as provided for in section 67-5303, Idaho Code.

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(18) "Normal work week" means any forty (40) hours worked during a particular one hundred sixty-eight (168) hour period as previously established by the employee's appointing authority.

(19) "Open competitive examination" means an examination which may be taken by qualified applicants to compete on an equal basis for listing on the register of eligibles.

(20) "Overtime work" means time worked on holidays and time worked in excess of forty (40) hours in a period of one hundred sixty-eight (168) consecutive hours, except that in the case of those employees engaged in law enforcement, correctional and fire protection activities characterized by irregular shift work schedules, time worked in excess of one hundred sixty (160) hours in a period of twenty-eight (28) consecutive days shall constitute overtime work within the meaning of this chapter. Such employees may also be paid overtime for specific hours worked in addition to their normal schedules upon emergency declaration by the governor or with the approval of the appointing authority and the board of examiners.

(21) "Participating department" means any department of the state of Idaho which employs persons in classified positions subject to the merit examination, selection, retention, promotion and dismissal requirements of this chapter.

(22) "Part-time employee" means any employee whose usually scheduled work is less than forty (40) hours in a period of one hundred sixty-eight (168) consecutive hours, and who shall not be entitled to sick leave accruals provided in section 67-5333, Idaho Code, vacation leave provided in section 67-5334, Idaho Code, nor holiday pay as defined in subsection (15) of this section, unless contributions are being made to the public employee retirement system in accordance with chapter 13, title 59, Idaho Code, and rules promulgated by the public employee retirement system board.

(23) "Personnel system" means the procedure for administering employees in accordance with this chapter.

(24) "Political office" means a public office for which partisan politics is a basis for nomination, election or appointment.

(25) "Political organization" means a party which sponsors candidates for election to political office.

(26) "Position" means a group of duties and responsibilities legally assigned or delegated by one (1) or more appointing authorities and requiring the employment of one (1) person.

(27) "Professional employee" means any person, nonclassified or classified, appointed to a position which meets the criteria set forth in the federal fair labor standards act, 29 U.S.C. section 201, et seq. Final designation of a classified position as "professional" within this definition shall be made by the administrator. Exceptions to this designation which do not violate the federal fair labor standards act, 29 U.S.C. section 201, et seq., may be made by the administrator.

(28) "Provisional appointment" means appointment to a classified position pending the establishment of a register for such position and employment shall not be continued in this status longer than thirty (30) days after establishment of a register.

(29) "Qualifying examination" means an examination or evaluation given to a selected person to determine eligibility for reclassification or appointment to a position in a classification.

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(30) "Register" means a list of names of persons who have been determined to be eligible for employment in a classified position as determined on the basis of examination and merit factors as established by the administrator.

(31) "Seasonal appointment" means an appointment to a position which is permanent in nature, but which has intermittent work periods throughout the year.

(32) "Service rating" means a recorded evaluation of work performance and promotional potential of an employee by his supervisor.

(33) "State educational agency" means a state agency or department supervised by the Idaho Board of Education pursuant to section 33-107(3), Idaho code, including public higher education institutions, community colleges, public school districts, public charter schools, and the Idaho Digital Learning Academy.

(3334) "Temporary appointment" means appointment to a position which is not permanent in nature, and in which employment will not exceed one thousand three hundred eighty-five (1,385) hours during any twelve (12) month period. No person holding a temporary appointment may work in excess of one thousand three hundred eighty-five (1,385) hours during a twelve (12) month period of time for any one (1) department, except upon petition by the appointing authority of the department of lands that demonstrates good cause, the administrator of the division of human resources may extend the one thousand three hundred eighty-five (1,385) hour limit for employees of the department who are required to perform fire suppression activities.

(354) "Vacation leave" means a period of exemption from work granted to employees during which time said employees shall be compensated. The term shall not include compensatory time for overtime work.

(365) "Veteran" is as defined in section 65-502, Idaho Code.

67-5333A. ~~s~~Sick leave transferred -- ~~community colleges~~State educational agency -- state employment. Notwithstanding any other provision of law to the contrary, any employee who has accrued sick leave while in the employment of one (1) of Idaho's ~~community colleges~~state educational agencies and who, ~~on or after January 1, 2012, is transferred~~ transfers to or otherwise becomes an eligible employee of a ~~different state educational agency~~ state of Idaho educational agency immediately following termination of employment with ~~a community college~~the prior state educational agency shall be credited ~~by the state of Idaho~~with the amount of sick leave accrued and unused ~~upon the commencement of employment.~~ Employees of a community college who to transfers or otherwise becomes an eligible employee of a different state educational agency immediately following termination of employment with a community college shall be credited with the amount of sick leave accrued ~~up to a maximum of ninety (90) days~~, upon commencement of ~~state~~employment. After such transfer, the use of sick leave shall be governed by the laws and rules ~~applicable to state employees~~ and any applicable policies of the state ~~educational agency or entity~~ thereafter employing such employee.

33-1217. Accumulation of unused sick leave -- Transfer -- Sick leave when districts divide or consolidate. Unused sick leave shall be accumulated from year to year as long as an employee remains continuously in the service of the same school district, including charter districts, to ninety (90) days accumulation of leave.

Termination of employment in any district shall terminate sick leave rights, both current and accumulated, except when such employee is employed by another district or another state educational agency, [as defined in section 67-5302\(33\), Idaho code](#) during the school year immediately following the year of termination or within three (3) school years immediately following the year of termination if termination of employment is due to a reduction in force; and the accumulated leave up to a maximum of ninety (90) days shall be secured for, and credited to, the employee by the district or state educational agency thereafter employing such employee. Any employee employed by a school district who was employed by a state educational agency during the current or prior school year shall be credited any unused sick leave accumulated [during state employment](#) up to a maximum of ninety (90) days. Whenever new school districts are formed by the consolidation or by the division of existing districts, the accumulated sick leave of school district employees who continue in service in the new district or districts created by such consolidation or division shall have such accumulated sick leave secured for and credited to them in such newly created district or districts.

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33-5201. SHORT TITLE. This chapter shall be known and may be cited as the "Public Charter Schools Act of 1998."

33-5202. LEGISLATIVE INTENT. It is the intent of the legislature to provide opportunities for teachers, parents, students and community members to establish and maintain public charter schools which operate independently from the existing traditional school district structure but within the existing public school system as a method to accomplish any of the following:

- (1) Improve student learning;
- (2) Increase learning opportunities for all students, with special emphasis on expanded learning experiences for students;
- (3) Include the use of different and innovative teaching methods;
- (4) Utilize virtual distance learning and on-line learning;
- (5) Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site;
- (6) Provide parents and students with expanded choices in the types of educational opportunities that are available within the public school system;
- (7) Hold the schools established under this chapter accountable for meeting measurable student educational standards.

33-5202A. DEFINITIONS. As used in this chapter, unless the context requires otherwise:

- (1) "Authorized chartering entity" means any of the following:
 - (a) A local board of trustees of a school district in this state;
 - (b) The public charter school commission created pursuant to the provisions of this chapter;
 - (c) An Idaho public college, university or community college;
 - (d) A private, nonprofit Idaho-based, nonsectarian college or university that is accredited by the same organization that accredits Idaho public colleges and universities.
- (2) "Charter" means the grant of authority approved by the authorized chartering entity to the board of directors of the public charter school.
- (3) "Charter holder" means the public charter school's board of directors to which a charter is granted pursuant chapter 52, title 33, Idaho code.
- (4) "Educational services provider" means a non-profit or for-profit entity that contracts with a public charter school to provide educational services and resources including administrative support and educational design, implementation or management.
- (35) "Founder" means a person, including employees or staff of a public charter school, who makes a material contribution toward the establishment of a public charter school in accordance with criteria determined by the board of directors of the public charter school, and who is designated as such at the time the board of directors acknowledges and accepts such contribution. The criteria for determining when a person is a founder shall not discriminate against any person on any basis prohibited by the federal or state constitutions or any federal, state or local law. The designation of a person as a founder, and the admission preferences available to the children of a founder, shall not constitute pecuniary benefits.

(46) "Performance certificate" means a fixed-term, renewable certificate between a public charter school and an authorized chartering entity that outlines the roles, powers, responsibilities and performance expectations for each party to the certificate.

(57) "Petition" means the document submitted by a person or persons to the authorized chartering entity to request the creation of a public charter school.

(68) "Professional-technical regional public charter school" means a public charter secondary school authorized under this chapter to provide programs in professional-technical education which meet the standards and qualifications established by the division of professional-technical education. A professional-technical regional public charter school may be approved by an authorized chartering entity and, by the terms of its charter, shall operate in association with at least two (2) school districts. Notwithstanding the provisions of section [33-5205\(3\)\(j\)](#), Idaho Code, participating school districts need not be contiguous.

(79) "Public charter school" means a school that is authorized under this chapter to deliver public education in Idaho.

(810) "Traditional public school" means any school existing or to be built that is operated and controlled by a school district in this state.

(911) "Virtual school" means a school that delivers a full-time, sequential program of synchronous and/or asynchronous instruction primarily through the use of technology via the internet in a distributed environment. Schools classified as virtual must have an online component to their school with online lessons and tools for student and data management.

33-5203. AUTHORIZATION -- LIMITATIONS. (1) The creation of public charter schools is hereby authorized. Public charter schools shall be part of the state's program of public education.

(2) New public charter schools which may begin educational instruction in any one (1) school year shall be subject to the following:

(a) No whole school district may be converted to a charter district or any configuration which includes all schools as public charter schools; and

(b) A petition must be received by the initial authorized chartering entity no later than September 1 to be eligible to begin instruction the first complete school year following receipt of the petition; and

(c) To begin operations, a newly chartered public school must be authorized by no later than January 1 of the previous school year.

(3) A public charter school may be formed either by creating a new public charter school [or replicating an existing high performing public charter school](#), which charter may be approved by any authorized chartering entity, or by converting an existing traditional public school to a public charter school, which charter may only be approved by the board of trustees of the school district in which the existing public school is located.

(4) No charter shall be approved under this chapter:

(a) Which provides for the conversion of any existing private or parochial school to a public charter school.

(b) To a for-profit entity or any school which is operated by a for-profit entity, provided however, nothing herein shall prevent the board of directors of a public charter

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school from legally contracting with for-profit entities for the provision of products or services that aid in the operation of the school.

(c) By the board of trustees of a school district if the public charter school's physical location is outside the boundaries of the authorizing school district.

(5) A public virtual school charter may be approved by any authorized chartering entity except a local school district board of trustees. In addition, a charter may also be approved by the state board of education pursuant to section [33-5207](#)(5)(b), Idaho Code.

(6) A charter holder may not operate enterprises other than the public charter school(s) for which it has been authorized.

(67) The state board of education shall adopt rules, subject to law, to establish a consistent application and review process for the approval and maintenance of all public charter schools.

(78) Each public charter school authorized by an authorized chartering entity other than a local school district board of trustees is hereby designated as a local education agency (LEA) as such term is defined in 34 CFR 300.28. Public charter schools chartered by the board of trustees of a school district may also be designated by the board of trustees as an LEA, with the concurrence of the public charter school board of directors. Otherwise, the public charter school shall be included in that district's LEA.

33-5204. NONPROFIT CORPORATION -- LIABILITY --
INSURANCE.[EFFECTIVE UNTIL JULY 1, 2018] (1) A public charter school shall be organized and managed under the Idaho nonprofit corporation act. The board of directors of a public charter school shall be deemed public agents authorized by a public school district, the public charter school commission, or the state board of education to control the public charter school, but shall function independently of any school board of trustees in any school district in which the public charter school is located or independently of the public charter school commission, except as provided in the charter. The nonprofit board may hold multiple charters under the following conditions:

(a) Each public charter school must have its own performance certificate; and

(b) Each public charter school must be independently accountable for its academic, financial and operational outcomes.

(2) For the purposes of section [59-1302](#)(15), Idaho Code, a public charter school created pursuant to this chapter shall be deemed a governmental entity. Pursuant to the provisions of section [63-3622O](#), Idaho Code, sales to or purchases by a public charter school are exempt from payment of the sales and use tax. A public charter school and the board of directors of a public charter school are subject to the provisions of:

(a) Sections [18-1351](#) through [18-1362](#), Idaho Code, on bribery and corrupt influence, except as provided by section [33-5204A](#)(2), Idaho Code;

(b) [Chapter 5, title 74](#), Idaho Code, on prohibitions against contracts with officers;

(c) [Chapter 4, title 74](#), Idaho Code, on ethics in government;

(d) [Chapter 2, title 74](#), Idaho Code, on open public meetings; and

(e) [Chapter 1, title 74](#), Idaho Code, on disclosure of public records;

in the same manner that a traditional public school and the board of school trustees of a school district are subject to those provisions.

(23) A public charter school may sue or be sued, purchase, receive, hold and convey real and personal property for school purposes, and borrow money for such

purposes, to the same extent and on the same conditions as a traditional public school district, and its employees, directors and officers shall enjoy the same immunities as employees, directors and officers of traditional public school districts and other public schools, including those provided by [chapter 9, title 6](#), Idaho Code. The authorized chartering entity that approves a public school charter shall have no liability for the acts, omissions, debts or other obligations of a public charter school, except as may be provided in the charter. A local public school district shall have no liability for the acts, omissions, debts or other obligations of a public charter school located in its district that has been approved by an authorized chartering entity other than the board of trustees of the local school district.

(34) Nothing in this chapter shall prevent the board of directors of a public charter school, operating as a nonprofit corporation, from borrowing money to finance the purchase or lease of school building facilities, equipment and furnishings of those school building facilities. Subject to the terms of a contractual agreement between the board and a lender, nothing herein shall prevent the board from using the facility, its equipment and furnishings as collateral for the loan.

(45) Public charter schools shall secure insurance for liability and property loss.

(56) It shall be unlawful for:

(a) Any director to have pecuniary interest, directly or indirectly, in any contract or other transaction pertaining to the maintenance or conduct of the authorized chartering entity and charter or to accept any reward or compensation for services rendered as a director except as may be otherwise provided in this subsection. The board of directors of a public charter school may accept and award contracts involving the public charter school to businesses in which the director or a person related to him by blood or marriage within the second degree has a direct or indirect interest, provided that the procedures set forth in section [18-1361](#) or [18-1361A](#), Idaho Code, are followed. The receiving, soliciting or acceptance of moneys of a public charter school for deposit in any bank or trust company, or the lending of moneys by any bank or trust company to any public charter school, shall not be deemed to be a contract pertaining to the maintenance or conduct of a public charter school and authorized chartering entity within the meaning of this section; nor shall the payment by any public charter school board of directors of compensation to any bank or trust company for services rendered in the transaction of any banking business with such public charter school board of directors be deemed the payment of any reward or compensation to any officer or director of any such bank or trust company within the meaning of this section.

(b) The board of directors of any public charter school to enter into or execute any contract with the spouse of any member of such board, the terms of which said contract require, or will require, the payment or delivery of any public charter school funds, moneys or property to such spouse, except as provided in paragraph (c) of this subsection or in section [18-1361](#) or [18-1361A](#), Idaho Code.

(c) No spouse of any director may be employed by a public charter school physically located within the boundaries of a school district with a fall student enrollment population of greater than one thousand two hundred (1,200) in the prior school year. For public charter schools physically located within the boundaries of a school district with a fall student enrollment population of one thousand two hundred (1,200) or less in the prior

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school year, such spouse may be employed in a nonadministrative position for a school year if each of the following conditions has been met:

(i) The position has been listed as open for application on the public charter school website or in a local newspaper, whichever is consistent with the school's current practice, and the position shall be listed for at least sixty (60) days, unless the opening occurred during the school year, in which case the position shall be so listed for at least fifteen (15) days. If the position is listed in a newspaper, the listing shall be made in a manner consistent with the provisions of section [60-106](#), Idaho Code;

(ii) No applications were received that met the minimum certification, endorsement, education or experience requirements of the position other than such spouse;

(iii) The director abstained from voting in the employment of the spouse and was absent from the meeting while such employment was being considered and determined.

The public charter school may employ such spouse for further school years, provided that the conditions contained in this paragraph are met for each school year in which such spouse is employed. The director shall abstain from voting in any decisions affecting the compensation, benefits, individual performance evaluation or disciplinary action related to the spouse and shall be absent from the meeting while such issues are being considered and determined. Such limitation shall include, but not be limited to: any matters relating to negotiations regarding compensation and benefits; discussion and negotiation with district benefits providers; and any matter relating to the spouse and letters of reprimand, direction, probation or termination. Such limitations shall not prohibit the trustee spouse from participating in deliberation and voting upon the district's annual fiscal budget or annual audit report. Any spouse of a director employed as a certificated employee pursuant to this paragraph shall be employed under a category 1 contract pursuant to section [33-514A](#), Idaho Code.

(67) When any relative of any director or relative of the spouse of a director related by affinity or consanguinity within the second degree is to be considered for employment in a public charter school, such director shall abstain from voting in the election of such relative and shall be absent from the meeting while such employment is being considered and determined.

33-5204. NONPROFIT CORPORATION -- LIABILITY --
INSURANCE.[EFFECTIVE JULY 1, 2018] (1) A public charter school shall be organized and managed under the Idaho nonprofit corporation act. The board of directors of a public charter school shall be deemed public agents authorized by a public school district, the public charter school commission, or the state board of education to control the public charter school, but shall function independently of any school board of trustees in any school district in which the public charter school is located or independently of the public charter school commission, except as provided in the charter. The nonprofit board may hold multiple charters under the following conditions:

(a) Each public charter school must have its own performance certificate; and
(b) Each public charter school must be independently accountable for its academic, financial and operational outcomes.

(2) For the purposes of section [59-1302](#)(15), Idaho Code, a public charter school created pursuant to this chapter shall be deemed a governmental entity. Pursuant to the

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provisions of section [63-3622O](#), Idaho Code, sales to or purchases by a public charter school are exempt from payment of the sales and use tax. A public charter school and the board of directors of a public charter school are subject to the provisions of:

- (a) Sections [18-1351](#) through [18-1362](#), Idaho Code, on bribery and corrupt influence, except as provided by section [33-5204A\(2\)](#), Idaho Code;
 - (b) [Chapter 5, title 74](#), Idaho Code, on prohibitions against contracts with officers;
 - (c) [Chapter 4, title 74](#), Idaho Code, on ethics in government;
 - (d) [Chapter 2, title 74](#), Idaho Code, on open public meetings; and
 - (e) [Chapter 1, title 74](#), Idaho Code, on disclosure of public records;
- in the same manner that a traditional public school and the board of school trustees of a school district are subject to those provisions.

(2) A public charter school may sue or be sued, purchase, receive, hold and convey real and personal property for school purposes, and borrow money for such purposes, to the same extent and on the same conditions as a traditional public school district, and its employees, directors and officers shall enjoy the same immunities as employees, directors and officers of traditional public school districts and other public schools, including those provided by [chapter 9, title 6](#), Idaho Code. The authorized chartering entity that approves a public school charter shall have no liability for the acts, omissions, debts or other obligations of a public charter school, except as may be provided in the charter. A local public school district shall have no liability for the acts, omissions, debts or other obligations of a public charter school located in its district that has been approved by an authorized chartering entity other than the board of trustees of the local school district.

(3) Nothing in this chapter shall prevent the board of directors of a public charter school, operating as a nonprofit corporation, from borrowing money to finance the purchase or lease of school building facilities, equipment and furnishings of those school building facilities. Subject to the terms of a contractual agreement between the board and a lender, nothing herein shall prevent the board from using the facility, its equipment and furnishings as collateral for the loan.

(4) Public charter schools shall secure insurance for liability and property loss.

(5) It shall be unlawful for:

(a) Any director to have pecuniary interest, directly or indirectly, in any contract or other transaction pertaining to the maintenance or conduct of the authorized chartering entity and charter or to accept any reward or compensation for services rendered as a director except as may be otherwise provided in this subsection. The board of directors of a public charter school may accept and award contracts involving the public charter school to businesses in which the director or a person related to him by blood or marriage within the second degree has a direct or indirect interest, provided that the procedures set forth in section [18-1361](#) or [18-1361A](#), Idaho Code, are followed. The receiving, soliciting or acceptance of moneys of a public charter school for deposit in any bank or trust company, or the lending of moneys by any bank or trust company to any public charter school, shall not be deemed to be a contract pertaining to the maintenance or conduct of a public charter school and authorized chartering entity within the meaning of this section; nor shall the payment by any public charter school board of directors of compensation to any bank or trust company for services rendered in the transaction of any banking business with such public charter school board of directors be deemed the

payment of any reward or compensation to any officer or director of any such bank or trust company within the meaning of this section.

(b) The board of directors of any public charter school to enter into or execute any contract with the spouse of any member of such board, the terms of which said contract require, or will require, the payment or delivery of any public charter school funds, moneys or property to such spouse, except as provided in section [18-1361](#) or [18-1361A](#), Idaho Code.

(6) When any relative of any director or relative of the spouse of a director related by affinity or consanguinity within the second degree is to be considered for employment in a public charter school, such director shall abstain from voting in the election of such relative and shall be absent from the meeting while such employment is being considered and determined.

33-5204A. APPLICABILITY OF PROFESSIONAL CODES AND STANDARDS -- LIMITATIONS UPON AUTHORITY. (1) Every person who serves in a public charter school, either as an employee, contractor, or otherwise, in the capacity of teacher, supervisor, administrator, education specialist, school nurse or librarian, must comply with the professional codes and standards approved by the state board of education, including standards for ethics or conduct.

(2) Every employee of a public charter school and every member of the board of directors of a public charter school, whether compensated or noncompensated, shall comply with the standards of ethics or conduct applicable to public officials including, but not limited to, [chapter 4, title 74](#), Idaho Code, except that section [74-405](#), Idaho Code, which permits a noncompensated public official to have an interest in a contract made or entered into by the board of which he is a member under certain conditions, shall not apply to the board of directors of a public charter school. A member of the board of directors of a public charter school is prohibited from receiving a personal pecuniary benefit, directly or indirectly, pertaining to a contractual relationship with the public charter school.

33-5205. PETITION TO ESTABLISH PUBLIC CHARTER SCHOOL. (1) Any group of persons may petition to establish a new public charter school, or to convert an existing traditional public school to a public charter school. The purpose of the charter petition is to present the proposed public charter school's academic and operational vision and plans, demonstrate the petitioner's capacities to execute the proposed vision and plans and provide the authorized chartering entity a clear basis for assessing the applicant's plans and capacities. An approved charter petition shall not serve as the school's performance certificate.

(a) A petition to establish a new public charter school, including a public virtual charter school, shall be signed by not fewer than thirty (30) qualified electors of the attendance area designated in the petition, unless it is a petition for approval by an authorized chartering entity permitted pursuant to ~~subsection (1)(c) or (1)(d) of section 33-5202A(1)(d) or (e)~~, Idaho Code. Proof of elector qualifications shall be provided with the petition. A petition to establish a new public charter school may be submitted directly to an authorized chartering entity permitted pursuant to ~~subsection (1)(c) or (1)(d) of section 33-5202A(1)(d) or (e)~~, Idaho Code; provided however, that no such individual

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authorized chartering entity shall approve more than one (1) new public charter school each year within the boundaries of a single school district. Approval of replication public charter school within the boundaries of a single school district shall not be counted towards this limitation. ~~or replication~~ Except as provided in ~~this paragraph (a) and (c),~~ authorized chartering entities permitted pursuant to ~~the provisions of subsection (1)(c) or (1)(d) of section 33-5202A(1)(d) or (e),~~ Idaho Code, shall be governed by the same laws and rules in approving new public charter schools as the public charter school commission.

~~(b) A petition to establish a new public virtual school shall not be submitted directly to a local school district board of trustees.~~ Except as provided in paragraph ~~(a)~~ of this subsection, a petition to establish a new public charter school, other than a new public virtual school, shall first be submitted to the local board of trustees in which the public charter school will be located. A petition shall be considered to be received by an authorized chartering entity as of the next regularly scheduled meeting of the authorized chartering entity after submission of the petition.

(c) Petitions meeting the following conditions may be submitted directly to the public charter school commission or Idaho university or college pursuant to section 33-5202A, Idaho code: (i) A petition to establish a new virtual public charter school; or (ii) A petition for a new or replication school from an existing charter holder authorized by the public charter school commission or an Idaho university or college pursuant to section 33-5202A, Idaho code; or an existing charter holder authorized by the public charter school commission or an Idaho university or college pursuant to section 33-5202A, Idaho code may submit a petition for an additional new charter directly to its existing authorizer.

(ed) The board of trustees may either: (i) consider the petition and approve the charter; or (ii) consider the petition and deny the charter; or (iii) refer the petition to the public charter school commission, but such referral shall not be made until the local board has documented its due diligence in considering the petition. Such documentation shall be submitted with the petition to the public charter school commission. If the petitioners and the local board of trustees have not reached mutual agreement on the provisions of the charter, after a reasonable and good faith effort, within seventy-five (75) days from the date the charter petition is received, the petitioners may withdraw their petition from the local board of trustees and may submit their charter petition to the public charter school commission. Documentation of the reasonable and good faith effort between the petitioners and the local board of trustees must be submitted with the petition to the public charter school commission.

(de) A petition to convert an existing traditional public school shall be submitted to the board of trustees of the district in which the school is located for review and approval. The petition shall be signed by not fewer than sixty percent (60%) of the teachers currently employed by the school district at the school to be converted, and by one (1) or more parents or guardians of not fewer than sixty percent (60%) of the students currently attending the school to be converted. Each petition submitted to convert an existing school or to establish a new charter school shall contain a copy of the articles of incorporation and the bylaws of the nonprofit corporation, which shall be deemed incorporated into the petition.

(2) Not later than seventy-five (75) days after receiving a petition for a new or replication public charter school, the authorized chartering entity shall hold a public

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hearing for the purpose of discussing the provisions of the charter, at which time the authorized chartering entity shall consider the merits of the petition and the level of employee and parental support for the petition. In the case of a petition submitted to the public charter school commission, such public hearing must be not later than seventy-five (75) days after receipt of the petition, which may be extended for an additional specified period of time if both parties agree to an extension. Such agreement shall be established in writing and signed by representatives of both parties.

(a) In the case of a petition for a public virtual charter school, if the primary attendance area described in the petition of a proposed public virtual charter school extends within the boundaries of five (5) or fewer local school districts, the prospective authorizer shall provide notice in writing of the public hearing no less than thirty (30) days prior to such public hearing to those local school districts. Such public hearing shall include any oral or written comments that an authorized representative of the local school districts may provide regarding the merits of the petition and any potential impacts on the school districts.

(b) In the case of a petition for a non-virtual new or replication public charter school submitted to the public charter school commission, the board of the district in which the proposed public charter school will be physically located, shall be notified of the hearing in writing, by the public charter school commission, no less than thirty (30) days prior to the public hearing. Such public hearing shall include any oral or written comments that an authorized representative of the school district in which the proposed public charter school would be physically located may provide regarding the merits of the petition and any potential impacts on the school district. The hearing shall include any oral or written comments that petitioners may provide regarding any potential impacts on such school district. If the school district chooses not to provide any oral or written comments as provided for in this subsection, such school district shall notify the public charter school commission of such decision. This public hearing shall be an opportunity for public participation and oral presentation by the public. This hearing is not a contested case hearing as described in chapter 52, title 67, Idaho Code. Following review of any petition and any public hearing provided for in this section, the authorized chartering entity shall within seventy-five (75) days either:

- (a) Approve the charter;
- (b) Deny the charter; or
- (c) Provide a written response identifying the specific deficiencies in the petition.

(c) If the authorized chartering entity exercises the option provided for in ~~paragraph (c)~~ subsection (2)(iii) of this ~~subsection~~ section, then the petitioners may revise the petition and resubmit such within thirty (30) days. Within forty-five (45) days of receiving a revised petition, the authorized chartering entity shall review the revised petition and either approve or deny the petition based upon whether the petitioners have adequately addressed the specific deficiencies identified in the authorized chartering entity's written response, or based upon any other changes made to the petition, and upon no other criteria.

(3) An authorized chartering entity may approve a charter under the provisions of this chapter only if it determines that the petition contains the requisite signatures, the information required by subsections (4) and (5) of this section, and additional statements describing all of the following:

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(a) The proposed educational program of the public charter school, designed among other things, to identify what it means to be an "educated person" in the twenty-first century, and how learning best occurs. The goals identified in the program shall include how all educational thoroughness standards as defined in section [33-1612](#), Idaho Code, shall be fulfilled.

(b) The measurable student educational standards identified for use by the public charter school. "Student educational standards" for the purpose of this chapter means the extent to which all students of the public charter school demonstrate they have attained the skills and knowledge specified as goals in the school's educational program.

(c) The method by which student progress in meeting those student educational standards is to be measured.

(d) A provision by which students of the public charter school will be tested with the same standardized tests as other Idaho public school students.

(e) A provision which ensures that the public charter school shall be state accredited as provided by rule of the state board of education.

(f) The governance structure of the public charter school including, but not limited to, the person or entity who shall be legally accountable for the operation of the public charter school, and the process to be followed by the public charter school to ensure parental involvement.

(g) The qualifications to be met by individuals employed by the public charter school. Instructional staff shall be certified teachers as provided by rule of the state board of education.

(h) The procedures that the public charter school will follow to ensure the health and safety of students and staff.

(i) A plan for the requirements of section [33-205](#), Idaho Code, for the denial of school attendance to any student who is an habitual truant, as defined in section [33-206](#), Idaho Code, or who is incorrigible, or whose conduct, in the judgment of the board of directors of the public charter school, is such as to be continuously disruptive of school discipline, or of the instructional effectiveness of the school, or whose presence in a public charter school is detrimental to the health and safety of other pupils, or who has been expelled from another school district in this state or any other state.

(j) The primary attendance area of the charter school, which shall be composed of a compact and contiguous area. For the purposes of this section, if services are available to students throughout the state, the state of Idaho is considered a compact and contiguous area.

(k) Admission procedures, including provision for overenrollment. Such admission procedures shall provide that the initial admission procedures for a new public charter school [or replication public charter school](#), including provision for overenrollment, will be determined by lottery or other random method, except as otherwise provided herein. If initial capacity is insufficient to enroll all pupils who submit a timely application, then the admission procedures may provide that preference shall be given in the following order: first, to children of founders, provided that this admission preference shall be limited to not more than ten percent (10%) of the capacity of the public charter school; second, to siblings of pupils already selected by the lottery or other random method; third, to pupils seeking to transfer from another Idaho public charter school at which they have been enrolled for at least one (1) year, provided that this admission preference shall be subject

to an existing written agreement for such preference between the subject charter schools; fourth, to students residing within the primary attendance area of the public charter school; and fifth, by an equitable selection process such as a lottery or other random method. If so stated in its petition, a new public charter school [or replication public charter school](#) may include the children of full-time employees of the public charter school within the first priority group subject to the limitations therein. Otherwise, such children shall be included in the highest priority group for which they would otherwise be eligible. If capacity is insufficient to enroll all pupils who submit a timely application for subsequent school terms, then the admission procedures may provide that preference shall be given in the following order: first, to pupils returning to the public charter school in the second or any subsequent year of its operation; second, to children of founders, provided that this admission preference shall be limited to not more than ten percent (10%) of the capacity of the public charter school; third, to siblings of pupils already enrolled in the public charter school; fourth, to pupils seeking to transfer from another Idaho public charter school at which they have been enrolled for at least one (1) year, provided that this admission preference shall be subject to an existing written agreement for such preference between the subject charter schools; fifth, to students residing within the primary attendance area of the public charter school; and sixth, by an equitable selection process such as a lottery or other random method. There shall be no carryover from year to year of the list maintained to fill vacancies. A new lottery shall be conducted each year to fill vacancies which become available. If so stated in its petition, a public charter school may include the following children within the second priority group subject to the limitations therein:

(i) The children of full-time employees of the public charter school;

(ii) Children who previously attended the public charter school within the previous three (3) school years, but who withdrew as a result of the relocation of a parent or guardian due to an academic sabbatical, employer or military transfer or reassignment.

Otherwise, such children shall be included in the highest priority group for which they would otherwise be eligible.

(l) The manner in which annual audits of the financial operations of the public charter school are to be conducted.

(m) The disciplinary procedures that the public charter school will utilize, including the procedure by which students may be suspended, expelled and reenrolled, and the procedures required by section [33-210](#), Idaho Code.

(n) A provision which ensures that all staff members of the public charter school will be covered by the public employee retirement system, federal social security, unemployment insurance, worker's compensation insurance, and health insurance.

(o) If the public charter school is a conversion of an existing traditional public school, the public school attendance alternative for students residing within the school district who choose not to attend the public charter school.

(p) A description of the transfer rights of any employee choosing to work in a public charter school that is approved by the board of trustees of a school district, and the rights of such employees to return to any noncharter school in the same school district after employment at such charter school.

(q) A provision which ensures that the staff of the public charter school shall be considered a separate unit for purposes of collective bargaining.

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(r) The manner by which special education services will be provided to students with disabilities who are eligible pursuant to the federal individuals with disabilities education act, including disciplinary procedures for these students.

(s) A plan for working with parents who have students who are dually enrolled pursuant to section [33-203](#), Idaho Code.

(t) The process by which the citizens in the primary attendance area shall be made aware of the enrollment opportunities of the public charter school.

(u) A proposal for transportation services including estimated first year costs.

(v) A plan for termination of the charter by the board of directors, to include:

(i) Identification of who is responsible for dissolution of the charter school;

(ii) A description of how payment to creditors will be handled;

(iii) A procedure for transferring all records of students with notice to parents of how to request a transfer of student records to a specific school; and

(iv) A plan for the disposal of the public charter school's assets.

(4) An authorized chartering entity, except for a school district board of trustees, may approve a charter for a public virtual school under the provisions of this chapter only if it determines that the petition contains the requirements of subsections (3) and (5) of this section and the additional statements describing the following:

(a) The learning management system by which courses will be delivered;

(b) The role of the online teacher, including the consistent availability of the teacher to provide guidance around course material, methods of individualized learning in the online course and the means by which student work will be assessed;

(c) A plan for the provision of professional development specific to the public virtual school environment;

(d) The means by which public virtual school students will receive appropriate teacher-to-student interaction, including timely and frequent feedback about student progress;

(e) The means by which the public virtual school will verify student attendance and award course credit. Attendance at public virtual schools shall focus primarily on coursework and activities that are correlated to the Idaho state thoroughness standards;

(f) A plan for the provision of technical support relevant to the delivery of online courses;

(g) The means by which the public virtual school will provide opportunity for student-to-student interaction; and

(h) A plan for ensuring equal access to all students, including the provision of necessary hardware, software and internet connectivity required for participation in online coursework.

(5) The petitioner shall provide information regarding the proposed operation and potential effects of the public charter school including, but not limited to, the facilities to be utilized by the public charter school, the manner in which administrative services of the public charter school are to be provided and the potential civil liability effects upon the public charter school and upon the authorized chartering entity.

(67) An initial charter, if approved, shall be granted for a term of three (3) operating years. This term shall commence on the public charter school's first day of operation.

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33-5205A. TRANSFER OF CHARTER. (1) A charter and performance certificate for a public charter school may be transferred to, and placed under the chartering authority of, any authorized chartering entity if the current authorizer, the receiving authorizer, and the board of directors of the public charter school all agree to such transfer, including any revision to the charter and performance certificate that may be required in connection with such transfer. Provided however, that a charter and performance certificate shall not be transferred to a school district board of trustees in which the public charter school is not physically located. A request to transfer a charter may be initiated by the board of directors of a public charter school or by the authorized chartering entity with chartering authority over the charter of such public charter school.

(2) A public charter school, authorized by any authorized chartering entity except a school district board of trustees, which has a primary attendance area located within more than one (1) school district, may transfer the physical location of its public charter school within its primary attendance area to locate the facilities within the boundaries of another school district within the primary attendance area if the authorized chartering entity, the board of trustees of each of the relevant school districts and the board of directors of the public charter school all approve of such transfer of facilities location, and if the authorized chartering entity approves any revisions to the charter that may be required in connection with such transfer.

(3) If all parties fail to reach agreement in regard to the request to transfer a charter and performance certificate, as required herein, then the matter may be appealed directly to the state board of education. With respect to such appeal, the state board of education shall substantially follow the procedure as provided in section [33-5207\(5\)\(b\)](#), Idaho Code. A transferred charter school shall not be considered a new public charter school.

33-5205B. PERFORMANCE CERTIFICATES. (1) Within seventy-five (75) days of approval of a charter application, the authorized chartering entity and the governing board of the approved public charter school shall execute a performance certificate that clearly sets forth the academic and operational performance expectations and measures by which the public charter school will be judged and the administrative relationship between the authorized chartering entity and public charter school, including each party's rights and duties. The performance expectations and measures set forth in the performance certificate shall include, but need not be limited to, applicable federal and state accountability requirements. The performance provisions may be refined or amended by mutual agreement after the public charter school is operating and has collected baseline achievement data for its enrolled students.

(2) The performance certificate shall be signed by the president of the authorized chartering entity's governing board and the president of the public charter school's governing body. Within fourteen (14) days of executing a performance certificate, the authorized chartering entity shall submit to the state board of education written notification of the performance certificate execution, including a copy of the performance certificate.

(3) No public charter school may commence operations without a performance certificate executed in accordance with this provision and approved in an open meeting of the authorized chartering entity's governing board.

(4) All public charter schools approved prior to July 1, 2013, shall execute performance certificates with their authorizers no later than July 1, 2014. Such certificates

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shall ensure that each public charter school approved prior to July 1, 2014, is evaluated for renewal or nonrenewal between March 1, 2016, and March 1, 2019.

33-5205C. CHARTER SCHOOL REPLICATION. (1) Public charter schools may petition for replication, subject to the following provisions:

(a) The public charter schools must have successfully completed at least one (1) renewal cycle and be eligible for a non-conditional renewal; or

(b) Public charter schools authorized prior to July 1, 2014 that are scheduled to be evaluated for renewal or nonrenewal between March 1, 2016, and March 1, 2019 must be rated in the top twenty (20) percent of all Idaho public schools by the state's accountability system for the two previous years.

(2) Replication charter schools must serve the same, or a subset of the same, grades as the public charter school being replicated and the operational model must be the same as that of the public charter school being replicated.

(3) A public charter school authorized by the public charter school commission or an Idaho college or university pursuant to section 33-5202A, Idaho code must provide written notice and opportunity to comment to the school district for which the replication school will be located at least thirty (30) days prior to submitting the replication request to the authorizing entity.

(a) The petitioner must provide written notice to the state department of education at the time the petition is submitted to the authorized chartering entity.

(4) A school district authorizer may not approve the replication of a public charter school that is physically located outside of the authorizer's school district boundaries.

(5) Replication petitions are not subject to a sufficiency review by the state department of education.

(6) The replicated charter schools under a single charter holder shall be authorized and funded as separate schools. The charter holder must obtain annual independent comprehensive fiscal audits that treats each school as a separate component unit. Funds appropriated by the state must be used toward the operations of the public charter school for which they were appropriated. This does not prohibit multiple public charter schools under a single charter holder from combining resources toward administrative or program costs or prohibit public charter schools from participating in cooperative education services pursuant to sections 33-315 and 33-316, Idaho code.

(7) Authorized chartering entities must establish policies regarding the criteria that will be considered when evaluating a petition for replication. Such criteria must include at a minimum the following replication petition requirements:

(a) A description of the capacity of the charter holder to successfully replicate an additional school;

(b) A description of how the charter holder will manage multiple charter schools while maintaining a high level of academic and fiscal performance in the original public charter school and the replication school; and

(c) How the charter holder will incorporate representation and input in the school operations from the local area where the replication charter school is physically located if the location is outside of the school district of the public charter school being replicated.

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33-5206. REQUIREMENTS AND PROHIBITIONS UPON APPROVAL OF A PUBLIC CHARTER SCHOOL. (1) In addition to any other requirements imposed in this chapter, a public charter school shall be nonsectarian in its programs, affiliations, admission policies, employment practices, and all other operations, shall not charge tuition, levy taxes or issue bonds, and shall not discriminate against any student on any basis prohibited by the federal or state constitutions or any federal, state or local law. Admission to a public charter school shall not be determined according to the place of residence of the student, or of the student's parent or guardian within the district, except that a new, [replication](#) or conversion public charter school established under the provisions of this chapter shall adopt and maintain a policy giving admission preference to students who reside within the primary attendance area of that public charter school.

(2) No board of trustees shall require any employee of the school district to be involuntarily assigned to work in a public charter school.

(3) Certified teachers in a public charter school shall be considered public school teachers. Educational experience shall accrue for service in a public charter school and such experience shall be counted by any school district for any teacher who has been employed in a public charter school.

(4) Employment of charter school teachers and administrators shall be on written contract in form as approved by the state superintendent of public instruction, conditioned upon a valid certificate being held by such professional personnel at the time of entering upon the duties thereunder.

(5) No board of trustees shall require any student enrolled in the school district to attend a public charter school.

(6) Authorized chartering entities may establish reasonable pre-opening requirements or conditions to monitor the start-up progress of newly approved public charter schools and ensure that they are prepared to open smoothly on the date agreed, and to ensure that each school meets all building, health, safety, insurance and other legal requirements for school opening.

(7) Each public charter school shall annually submit the audit of the fiscal operations as required in section [33-5205\(3\)\(l\)](#), Idaho Code, and a copy of the public charter school's accreditation report to the authorized chartering entity that approved its charter.

(8) A public charter school or the authorized chartering entity may enter into negotiations to revise a charter or performance certificate at any time. If a public charter school petitions to revise its charter or performance certificate, the authorized chartering entity's review of the revised petition shall be limited in scope solely to the proposed revisions. Except for public charter schools authorized by a school district board of trustees, when a non-virtual public charter school submits a proposed charter revision to its authorized chartering entity and such revision includes a proposal to increase such public charter school's approved student enrollment cap by ten percent (10%) or more, the authorized chartering entity shall hold a public hearing on such petition. The authorized chartering entity shall provide the board of the local school district in which the public charter school is physically located notice in writing of such hearing no later than thirty (30) days prior to the hearing. The public hearing shall include any oral or written comments that an authorized representative of the school district in which the public charter school is physically located may provide regarding the impact of the proposed

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charter revision upon the school district. Such public hearing shall also include any oral or written comments that any petitioner may provide regarding the impact of the proposed charter revision upon such school district.

(9) When a charter is nonrenewed pursuant to the provisions of section [33-5209B](#), Idaho Code, revoked pursuant to section [33-5209C](#), Idaho Code, or the board of directors of the public charter school terminates the charter, the assets of the public charter school remaining after all debts of the public charter school have been satisfied must be returned to the authorized chartering entity for distribution in accordance with applicable law.

(10) Public Charter Schools may contract with educational services providers subject to the following provisions:

(a) Educational services providers, whether for-profit or non-profit, shall be third party entities separate from the public charter schools with which they contract. Educational services providers shall not be considered governmental entities.

(b) No more than one-third of the public charter school's board membership may be comprised of non-profit educational services provider representatives. Non-profit educational services provider representatives may not be employees of the public charter school or the educational services provider, and may not hold office as president or treasurer on the public charter school's board. For-profit educational services providers may not have representatives on the public charter school's board of directors.

(c) Public charter school board of director members shall annually disclose any existing and potential conflicts of interest, pecuniary or otherwise, with affiliated educational services providers.

(d) Charter holders shall retain responsibility for academic, fiscal, and organizational operations and outcomes of the school, any may not relinquish this responsibility to any other entity through a management contract.

(e) Management contracts must ensure that school boards retain the right to terminate the contract for failure to meet defined performance standards.

(f) Management contracts must ensure that assets purchased by educational services providers on behalf of the school, using public funds, shall remain assets of the school; this provision shall not prevent educational services providers from acquiring assets using revenue acquired through management fees.

(g) Charter holders shall consult legal counsel independent of the party for whom they are contracting for purposes of reviewing the school's management contract and facility lease or purchase agreements.

(h) Charter holders must ensure that their facility contracts are separate from any and all management contracts.

(i) Prior to approval of the charter petition indicating the school board's intention to contract with an educational services provider, authorized chartering entities shall conduct a thorough evaluation of the academic, financial, and organizational outcomes of other schools that have contracted with the educational services provider; and evidence of the educational services provider's capacity to successful grow the public charter school while maintaining quality management and instruction in existing schools.

33-5207. CHARTER APPEAL PROCEDURE. (1) If a local school board of trustees, acting in its capacity as an authorized chartering entity, approves a petition for

the conversion of an existing traditional public school within the school district over the objection of thirty (30) or more persons or employees of the district, or if an authorized chartering entity denies a petition for the establishment of a new or replication public charter school for any reason including, but not limited to, failure by the petitioner to follow procedures or for failure to provide required information, then such decisions may be appealed to the state superintendent of public instruction within thirty (30) days of the date of the written decision, at the request of persons opposing the conversion of an existing traditional public school, or at the request of the petitioner whose request for a new charter was denied.

(2) The state superintendent of public instruction shall select a hearing officer to review the action of the authorized chartering entity, pursuant to section [67-5242](#), Idaho Code. The hearing officer shall, within thirty (30) days of receipt of the request, review the full record regarding the charter petition and convene a public hearing regarding the charter petition. Within ten (10) days of the public hearing, the hearing officer shall submit a written recommendation to the authorized chartering entity and to the persons requesting the review. The recommendation by the hearing officer either to affirm or reverse the decision of the authorized chartering entity shall be based upon the full record regarding the charter petition, including the standards and criteria contained in this chapter and upon any public charter school rules adopted by the state board of education. The recommendation shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the recommendations based on the applicable statutory provisions and factual information contained in the record.

(3) Within thirty (30) days following receipt of the hearing officer's written recommendation, the authorized chartering entity shall hold a meeting open to the public for the purpose of reviewing the hearing officer's written recommendation. Within ten (10) days of such meeting, the authorized chartering entity shall either affirm or reverse its initial decision. The authorized chartering entity's decision shall be in writing and contain findings which explain the reasons for its decision.

(4) If, upon reconsideration of a decision to approve the conversion of a traditional public school to a public charter school, the local school board:

(a) Affirms its initial decision to authorize such conversion, the charter shall be approved and there shall be no further appeal.

(b) Reverses its initial decision and denies the conversion, that decision is final and there shall be no further appeal.

(5) If, upon reconsideration of a decision to deny a petition for a public charter school, the authorized chartering entity:

(a) Reverses its initial decision and approves the public charter school petition, there shall be no further appeal.

(b) Affirms its initial decision denying the public charter school petition, the board of directors of the nonprofit corporation identified in the petition may appeal to the state board of education. The state board of education shall hold a public hearing within a reasonable time after receiving notice of such appeal but no later than sixty (60) calendar days after receiving such notice, and after the public hearing, shall take any of the following actions: (i) approve or deny the petition for the public charter school, provided that the state board of education shall only approve the petition if it determines that the

authorized chartering entity failed to appropriately consider the charter petition, or if it acted in an arbitrary manner in denying the petition; or (ii) in the case of a denial by the board of a local school district, redirect the matter to the public charter school commission for further review. Such public hearing shall be conducted pursuant to procedures as set by the state board of education.

(6) A public charter school for which a charter is approved by the state board of education shall qualify fully as a public charter school for all funding and other purposes of this chapter. The public charter school commission shall assume the role of the authorized chartering entity for any charter approved by the state board of education as provided in subsection (5)(b) of this section. Employees of a public charter school approved by the state board of education shall not be considered employees of the local school district in which the public charter school is located, nor of the state board of education, nor of the commission.

(7) The decision of the state board of education shall be subject to review pursuant to [chapter 52, title 67](#), Idaho Code. Nothing in this section shall prevent a petitioner from bringing a new petition for a public charter school at a later time.

(8) There shall be no appeal of a decision by a local school board of trustees which denies the conversion of an existing traditional public school within that district to a public charter school, or by an authorized chartering entity which approves a petition for a public charter school.

33-5208. PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT. Except as provided in subsection (10) of this section, from the state educational support program the state department of education shall make the following apportionment to each public charter school for each fiscal year based on attendance figures submitted in a manner and time as required by the department of education:

(1) Per student support. Computation of support units for each public charter school shall be calculated as if it were a separate school according to the schedules in section [33-1002](#)(4), Idaho Code, except that public charter schools with fewer than one hundred (100) secondary ADA shall use a divisor of twelve (12) and the minimum units shall not apply, and no public charter school shall receive an increase in support units that exceeds the support units it received in the prior year by more than thirty (30). Funding from the state educational support program shall be equal to the total distribution factor, plus the salary-based apportionment provided in [chapter 10, title 33](#), Idaho Code. Provided however, any public charter school that is formed by the conversion of an existing traditional public school shall be assigned divisors, pursuant to section [33-1002](#), Idaho Code, that are no lower than the divisors of the school district in which the traditional public school is located, for each category of pupils listed.

(2) Special education. For each student enrolled in the public charter school who is entitled to special education services, the state and federal funds from the exceptional child education program for that student that would have been apportioned for that student to the school district in which the public charter school is located.

(3) Alternative school support. Public charter schools may qualify under the provisions of sections [33-1002](#) and [33-1002C](#), Idaho Code, provided the public charter school meets the necessary statutory requirements, and students qualify for attendance at an alternative school as provided by rule of the state board of education.

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(4) Transportation support. Support shall be paid to the public charter school as provided in [chapter 15, title 33](#), Idaho Code, and section [33-1006](#), Idaho Code. Each public charter school shall furnish the department with an enrollment count as of the first Friday in November, of public charter school students who are eligible for reimbursement of transportation costs under the provisions of this subsection and who reside more than one and one-half (1 1/2) miles from the school. The state department of education is authorized to include in the annual appropriation to the charter school sixty percent (60%) of the estimated transportation cost. The final appropriation payment in July shall reflect reimbursements of actual costs pursuant to section [33-1006](#), Idaho Code. To be eligible for state reimbursement under the provisions of section [33-1006](#), Idaho Code, the student to be transported must reside within the public charter school's primary attendance area, and must meet at least one (1) of the following two (2) criteria:

(a) The student resides within the school district in which the public charter school is physically located; or

(b) The student resides within fifteen (15) miles of the public charter school, by road.

The limitations placed by this subsection on the reimbursement of transportation costs for certain students shall not apply to public virtual schools.

(5) Facilities funds. The state department of education shall distribute facilities funds to public charter schools for each enrolled student in which a majority of the student's instruction is received at a facility that is owned or leased by the public charter school. Such funds shall be used to defray the purchase, fee, loan or lease costs associated with payments for real property used by the students or employees of the public charter school for educational or administrative purposes. Such funds shall be distributed from the moneys appropriated to the educational support program, and shall be calculated as a percentage of the statewide average amount of bond and plant facility funds levied per student by Idaho school districts, as follows:

Fiscal Year 2014	Twenty Percent (20%)
Fiscal Year 2015	Thirty Percent (30%)

For fiscal year 2016 and each fiscal year thereafter, this percentage shall increase by ten percent (10%) each time the total appropriation of state funds for the educational support program increases by three percent (3%) or more over the prior fiscal year, and shall decrease by ten percent (10%) each time the total appropriation of state funds for the educational support program decreases as compared to the prior fiscal year. Provided however, that the percentage shall be no less than twenty percent (20%) and no greater than fifty percent (50%), and that the average amount of funding received per public charter school shall not exceed the average amount of funding received by each school district pursuant to the provisions of section [33-906](#), Idaho Code.

For those public charter schools that do not receive facilities funds for all enrolled students, the school may submit to the state department of education a reimbursement claim for any costs for which facilities funds may be used. The state department of education shall reduce such claim by the greater of fifty percent (50%) or the percentage of the school's enrolled students for which the school receives facilities funds, and shall pay the balance. Provided however, that the total reimbursements paid to a public charter school, in combination with any facilities stipend received by the school, shall not exceed the amount of facilities funds that would have been received by the school had the school

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received facilities funds for all enrolled students. For the purposes of this subsection, the term "real property" shall be used as defined in section [63-201](#), Idaho Code.

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

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

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

(c) All subsequent payments, taking into account the one-time advance payment made for the first year of operation, shall be made to the public charter school in the same manner as other traditional public schools in accordance with the provisions of section [33-1009](#), Idaho Code.

A public charter school shall comply with all applicable fiscal requirements of law, except that the following provisions shall not be applicable to public charter schools: that portion of section [33-1004](#), Idaho Code, relating to reduction of the administrative and instructional staff allowance and the pupil service staff allowance when there is a discrepancy between the number allowed and the number actually employed; and section [33-1004E](#), Idaho Code, for calculation of district staff indices.

(7) Nothing in this chapter shall be construed to prohibit any private person or organization from providing funding or other financial assistance to the establishment or operation of a public charter school.

(8) Each public charter school shall pay an authorizer fee to its authorized chartering entity, to defray the actual documented cost of monitoring, evaluation and oversight, which, in the case of public charter schools authorized by the public charter school commission, shall include each school's proportional fee share of moneys appropriated from the public charter school authorizers fund to the public charter school commission, plus fifteen percent (15%). Provided however, that each public charter school's board of directors may direct up to ten percent (10%) of the calculated fee to pay membership fees to an organization or association that provides technical assistance, training and advocacy for Idaho public charter schools. Unless the authorized chartering entity declines payment, such fee shall be paid by March 15 of each fiscal year and shall not exceed the greater of:

(a) All state funds distributed to public schools on a support unit basis for the prior fiscal year, divided by the statewide number of public school students in average daily attendance in the first reporting period in the prior fiscal year; or

(b) The lesser of:

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(i) The result of the calculation in subsection (8)(a) of this section, multiplied by four (4); or

(ii) One and one-half percent (1.5%) of the result of the calculation in subsection (8)(a) of this section, multiplied by the public charter school's average daily attendance in the first reporting period in the current fiscal year.

(9) Nothing in this chapter shall prevent a public charter school from applying for federal grant moneys.

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

(b) All federal educational funds shall be administered and distributed to public charter schools, including public virtual schools, that have been designated as a local education agency (LEA), as provided in section [33-5203](#)(7), Idaho Code.

(11) Nothing in this section prohibits separate face-to-face learning activities or services.

(12) The provisions of section [33-1021](#), Idaho Code, shall apply to public charter schools provided for in this chapter.

33-5209A. ACCOUNTABILITY. (1) Performance framework. The performance provisions within the performance certificate shall be based upon a performance framework that clearly sets forth the academic and operational performance indicators, measures and metrics that will guide the authorized chartering entity's evaluations of each public charter school. The performance framework shall include indicators, measures and metrics for, at a minimum:

(a) Student academic proficiency;

(b) Student academic growth;

(c) College and career readiness (for high schools); and

(d) Board performance and stewardship, including compliance with all applicable laws, regulations and terms of the performance certificate.

(2) Measurable performance targets shall be set by each [charter holder for each public charter school for which it holds a charter](#) in conjunction with its authorized chartering entity and shall, at a minimum, require that each school meet applicable federal, state and authorized chartering entity goals for student achievement.

(3) The performance framework shall allow the inclusion of additional rigorous, valid and reliable indicators proposed by a [public charter school charter holder](#) to augment external evaluations of its performance, provided that the authorized chartering entity approves the quality and rigor of such school-proposed indicators, and that they are consistent with the purposes of this chapter.

(4) For each public charter school it oversees, the authorized chartering entity shall be responsible for analyzing and reporting all data from state assessments in accordance with the performance framework.

33-5209B. CHARTER RENEWALS. (1) A charter may be renewed for successive five (5) year terms of duration. An authorized chartering entity may grant renewal with specific, written conditions for necessary improvements to a public charter

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school. Any such specific, written conditions shall state the date by which the conditions must be met.

(2) Following the initial three (3) year term, an authorized chartering entity may nonrenew or grant renewal for an additional five (5) years, based upon the performance of the public charter school on the performance indicators, measures and metrics contained in the performance certificate. Subsequent renewals shall be for a term of five (5) years.

(3) No later than November 15, the authorized chartering entity shall issue a public charter school performance report and charter renewal application guidance to any charter holder with a public charter school whose charter will expire the following year. The performance report shall summarize the public charter school's performance record to date, based upon the data required by this chapter and the performance certificate, and shall provide notice of any weaknesses or concerns determined by the authorized chartering entity concerning the public charter school that may jeopardize its position in seeking renewal, if not timely rectified. The ~~public charter school~~ charter holder shall have thirty (30) days to respond to the performance report and submit any corrections or clarifications for the report.

(4) The renewal application guidance shall, at a minimum, provide an opportunity for the ~~public charter school~~ charter holder to:

(a) Present additional evidence, beyond the data contained in the performance report, supporting its case for charter renewal; and

(b) Describe improvements undertaken or planned for the school.

(5) The renewal application guidance shall include or refer explicitly to the criteria that will guide the authorized chartering entity's renewal decisions, which shall be based on independent fiscal audits and the performance framework set forth in the performance certificate.

(6) No later than December 15, the ~~governing board of a public charter school~~ charter holder seeking renewal shall submit a renewal application to the authorized chartering entity pursuant to the renewal application guidance issued by the authorized chartering entity. The authorized chartering entity shall vote on the renewal application no later than March 15.

(7) In making charter renewal decisions, every authorized chartering entity shall:

(a) Ground its decisions in evidence of the school's performance over the term of the performance certificate in accordance with the performance framework set forth in the performance certificate;

(b) Ensure that data used in making renewal decisions are available to the school and the public; and

(c) Provide a public report summarizing the evidence basis for each decision.

(8) An authorized chartering entity must develop revocation and nonrenewal processes that:

(a) Provide the charter holders with a timely notification of the prospect of revocation or nonrenewal and of the reasons for such possible closure, which shall be limited to failure to meet the terms of the performance certificate or the written conditions established pursuant to the provisions of subsection (1) of this section;

(b) Allow the charter holders a reasonable amount of time in which to prepare a response;

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(c) Provide the charter holders with an opportunity to submit documents and give testimony challenging the rationale for closure and in support of the continuation of the school at an orderly proceeding held for that purpose;

(d) Allow the charter holders to be represented by counsel and to call witnesses on their behalf;

(e) Permit the recording of such proceedings; and

(f) After a reasonable period for deliberation, require a final determination to be made and conveyed in writing to the charter holders.

(9) An authorized chartering entity shall renew any charter in which the public charter school met all of the terms of its performance certificate at the time of renewal. An authorized chartering entity may renew or nonrenew any charter in which the public charter school failed to meet one (1) or more of the terms of its performance certificate.

33-5209C. ENFORCEMENT -- REVOCATION -- APPEAL. (1) An authorized chartering entity shall continually monitor the performance and legal compliance of the public charter schools it oversees, including collecting and analyzing data to support ongoing evaluation according to the performance certificate. Every authorized chartering entity shall have the authority to conduct or require oversight activities that enable the authorized chartering entity to fulfill its responsibilities pursuant to the provisions of this chapter, including conducting appropriate inquiries and investigations, so long as those activities are consistent with the intent of this chapter, adhere to the terms of the performance certificate and do not unduly inhibit the autonomy granted to public charter schools.

(2) Each authorized chartering entity shall annually publish and make available to the public a performance report for each public charter school it oversees, in accordance with the performance framework set forth in the performance certificate and section [33-5209A](#), Idaho Code. The authorized chartering entity may require each public charter school it oversees to submit an annual report to assist the authorized chartering entity in gathering complete information about each school consistent with the performance framework. Each public charter school shall publish its annual performance report on the school's website.

(3) If an authorized chartering entity has reason to believe that a public charter school cannot remain fiscally sound for the remainder of its certificate term, it shall provide the state department of education with written notification of such concern. Upon receiving such notification, the state department of education shall have the authority to modify the percentage of the total appropriation to be paid to the public charter school pursuant to the provisions of section [33-1009](#)(1), Idaho Code, such that equal percentages are paid on each of the prescribed dates.

(4) If an authorized chartering entity has reason to believe that a [charter holder or public charter school](#) has violated any provision of law, it shall notify the ~~public charter school~~ [charter holder](#) and the entity responsible for administering said law of the possible violation.

(5) If an authorized chartering entity revokes or does not renew a charter, the authorized chartering entity shall clearly state, in a resolution of its governing board, the reasons for the revocation or nonrenewal.

(6) Within fourteen (14) days of taking action to renew, not renew or revoke a charter, the authorized chartering entity shall report to the state board of education the action taken and shall provide a copy of the report to the ~~public charter school~~ charter holder at the same time that the report is submitted to the state board of education. The report shall include a copy of the authorized chartering entity's resolution setting forth the action taken and reasons for the decision and assurances as to compliance with all of the requirements set forth in this chapter.

(7) A charter may be revoked by the authorized chartering entity if the public charter school has failed to meet any of the specific, written conditions for necessary improvements established pursuant to the provisions of section [33-5209B\(1\)](#), Idaho Code, by the dates specified. Revocation may not occur until the ~~public charter school~~ charter holder has been afforded a public hearing, unless the authorized chartering entity determines that the continued operation of the public charter school presents an imminent public safety issue, in which case the charter may be revoked immediately. Public hearings shall be conducted by the authorized chartering entity or such other person or persons appointed by the authorized chartering entity to conduct public hearings and receive evidence as a contested case in accordance with the provisions of section [67-5242](#), Idaho Code. Notice and opportunity to reply shall include, at a minimum, written notice setting out the basis for consideration of revocation, a period of not less than thirty (30) days within which the ~~public charter school~~ charter holder can reply in writing, and a public hearing within thirty (30) days of the receipt of the written reply.

(8) A decision to revoke or nonrenew a charter or to deny a revision of a charter may be appealed directly to the state board of education. With respect to such appeal, the state board of education shall substantially follow the procedure as provided in section [33-5207\(5\)\(b\)](#), Idaho Code. In the event the state board of education reverses a decision of revocation or nonrenewal, the ~~public charter school~~ charter holder subject to such action shall then be placed under the chartering authority of the public charter school commission.

33-5210. APPLICATION OF SCHOOL LAW -- ACCOUNTABILITY -- EXEMPTION FROM STATE RULES. (1) All public charter schools are under the general supervision of the state board of education.

(2) Every authorized chartering entity that approves a charter shall be responsible for ensuring that each public charter school program approved by that authorized chartering entity meets the terms of the charter, complies with the general education laws of the state unless specifically directed otherwise in this [chapter 52, title 33](#), Idaho Code, and operates in accordance with the state educational standards of thoroughness as defined in section [33-1612](#), Idaho Code.

(3) Each charter school shall comply with the financial reporting requirements of section [33-701](#), subsections 5. through 10., Idaho Code, in the same manner as those requirements are imposed upon school districts.

(4) Each public charter school is otherwise exempt from rules governing school districts which have been promulgated by the state board of education, with the exception of state rules relating to:

(a) Waiver of teacher certification as necessitated by the provisions of section [33-5205\(3\)\(g\)](#), Idaho Code;

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(b) Accreditation of the school as necessitated by the provisions of section [33-5205](#)(3)(e), Idaho Code;

(c) Qualifications of a student for attendance at an alternative school as necessitated by the provisions of section [33-5208](#)(3), Idaho Code;

(d) The requirement that all employees of the school undergo a criminal history check as required by section [33-130](#), Idaho Code; and

(e) All rules which specifically pertain to public charter schools promulgated by the state board of education. ~~Public charter schools authorized by the public charter school commission are also subject to rules promulgated by the public charter school commission.~~

33-5211. TECHNICAL SUPPORT AND INFORMATION. (1) The state department of education shall provide technical assistance to persons or groups preparing or revising charter petitions and to existing public charter schools in the same manner as such assistance is provided to traditional public schools and school districts.

(2) Upon request, the state department of education shall provide the following information concerning a public charter school whose petition has been approved:

(a) The public charter school's charter and performance certificate;

(b) The annual audit performed at the public charter school pursuant to the public charter school petition; and

(c) Any written report by the state board of education to the legislature reviewing the educational effectiveness of public charter schools.

(3) At least one (1) person among a group of petitioners of a prospective public charter school shall attend a public charter school workshop offered by the state department of education. The state department of education shall provide notice of dates and locations when workshops will be held and shall provide proof of attendance to workshop attendees. Such proof shall be submitted by the petitioners to an authorized chartering entity along with the charter petition.

(4) Prior to submission of a petition for a new or conversion public charter school to an authorized chartering entity, the state department of education must conduct a sufficiency review of the petition and provide to the petitioners, in writing, the findings of such review.

33-5212. SCHOOL CLOSURE AND DISSOLUTION. (1) Prior to any public charter school closure decision, an authorized chartering entity shall have developed a public charter school closure protocol to ensure timely notification to parents, orderly transition of students and student records to new schools, and proper disposition of school funds, property and assets in accordance with the requirements of this chapter. The protocol shall specify tasks, timelines and responsible parties, including delineating the respective duties of the school and the authorized chartering entity. In the event of a public charter school closure for any reason, the authorized chartering entity shall oversee and work with the closing school to ensure a smooth and orderly closure and transition for students and parents, as guided by the closure protocol. The closing school's board of directors shall be responsible for executing the school's closure.

(2) In the event of a public charter school closure for any reason, the assets of the school shall be distributed first to satisfy outstanding payroll obligations for employees of

the school, including any tax, public employee retirement system and other employee benefit obligations, then to creditors of the school, and then to the authorized chartering entity in the case of a public charter school authorized by the board of a local school district. In the case of a public charter school authorized by any other authorized chartering entity, any remaining assets shall be distributed to the public school income fund. Assets purchased using federal funds shall be returned to the authorized chartering entity for redistribution among other public charter schools. If the assets of the school are insufficient to pay all parties to whom the school owes compensation, the prioritization of the distribution of assets may be determined by decree of a court of law.

33-5213. PUBLIC CHARTER SCHOOL COMMISSION. (1) There is hereby created an independent public charter school commission, referred to hereinafter as the commission, to be located in the office of the state board of education, pursuant to section [33-105](#), Idaho Code. It shall be the responsibility and duty of the executive director of the state board of education, or his designee, acting at the direction of the commission to administer and enforce the provisions of this chapter, and the director or his designee shall serve as secretary to the commission.

(2) The public charter school commission shall adopt policies, subject to law, regarding the governance and administration of the commission and make recommendations to the state board of education regarding the oversight of public charter schools.

(3) The commission shall be composed of seven (7) members:

(a) Three (3) members shall be appointed by the governor, subject to the advice and consent of the senate;

(b) Two (2) members shall be appointed by the speaker of the house of representatives; and

(c) Two (2) members shall be appointed by the president pro tempore of the senate.

Commissioner appointments made pursuant to this section prior to July 1, 2013, shall remain valid through the duration of the term to which each commissioner was appointed. To establish a transition to the appointing authority structure contained in this subsection, the first four (4) appointments available on or after July 1, 2013, shall be made in an alternating sequence for each appointment by the speaker of the house of representatives and the president pro tempore of the senate, followed by three (3) appointments by the governor. Subsequent appointments shall be made by the same appointing authority that originally appointed the commissioner whose term expired.

(4) The term of office for commission members shall be four (4) years. In making such appointments, the appointing authorities shall consider regional balance. Members appointed to the commission shall collectively possess strong experience and expertise in public and nonprofit governance, management and finance, public school leadership, assessment, curriculum and instruction and public education law. All members of the commission shall have demonstrated understanding of and commitment to charter schools as a strategy for strengthening public education. No commissioner shall serve more than two (2) consecutive four (4) year terms. Members of the commission shall hold office until the expiration of the term to which the member was appointed and until a successor has been duly appointed, unless sooner removed for cause by the appointing

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authority. Whenever a vacancy occurs, the appointing authority shall appoint a qualified person to fill the vacancy for the unexpired portion of the term.

(5) All members of the commission shall be citizens of the United States and residents of the state of Idaho for not less than two (2) years.

(6) The members of the commission shall, at their first regular meeting following the effective date of this act, and every two (2) years thereafter, elect, by a majority vote of the members of the commission, a chairman and a vice-chairman. The chairman shall preside at meetings of the commission, and the vice-chairman shall preside at such meetings in the absence of the chairman. A majority of the members of the commission shall constitute a quorum. The commission shall meet at such times and places as determined to be necessary and convenient, or at the call of the chair.

(7) Each member of the commission not otherwise compensated by public moneys shall be compensated as provided in section [59-509](#)(h), Idaho Code.

33-5214. PUBLIC CHARTER SCHOOL AUTHORIZERS FUND. There is hereby created in the state treasury a fund to be known as the "Public Charter School Authorizers Fund," hereinafter referred to as "the fund." All authorizer fees paid pursuant to section [33-5208](#)(8), Idaho Code, for public charter schools under the governance of the public charter school commission shall be deposited in the fund. Moneys in the fund shall be appropriated to defray the commission's cost of operations and the state department of education's cost of reviewing, approving and overseeing any charter school authorizers requiring department approval.

33-5215. PROFESSIONAL-TECHNICAL REGIONAL PUBLIC CHARTER SCHOOL. (1) A professional-technical regional public charter school is hereby declared to be a public charter school and as such, the provisions of [chapter 52, title 33](#), Idaho Code, shall apply to each professional-technical regional public charter school in the same manner and to the same extent as the provisions of charter school law apply to other public charter schools, with the exception of certain conditions and applications as specifically provided in this section.

(2) In addition to the approval provisions of this chapter, approval of a professional-technical regional public charter school by an authorized chartering entity shall not be final until the petition has also been reviewed by the division of professional-technical education.

(3) Funding for a professional-technical regional public charter school shall be the same as provided in section [33-5208](#), Idaho Code, except that:

(a) The salary-based apportionment for a professional-technical regional public charter school shall be the statewide average index for public charter schools. Such salary-based apportionment may be used for payment of contracted services or for direct hire of staff;

(b) The board of directors may contract for the services of certificated and noncertificated personnel, to procure the use of facilities and equipment, and to purchase materials and equipment, which in the judgment of the board of directors is necessary or desirable for the conduct of the business of the professional-technical regional public charter school; and

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(c) Transportation support shall be paid to the professional-technical regional public charter school in accordance with the provisions of [chapter 15, title 33](#), Idaho Code.

(4) A professional-technical regional public charter school shall provide assurances in state attendance reports that it has verified attendance reports, which generate ADA with its participating school districts, to make certain that the districts and the charter school do not duplicate enrollment or ADA claims.

33-5217. PUBLIC CHARTER SCHOOL DEBT RESERVE.[EFFECTIVE JULY 1, 2016] (1) There is hereby created the public charter school debt reserve to assist qualifying charter schools in obtaining favorable financing for facility improvements and construction. A public charter school seeking to use the public charter school debt reserve must receive approval from the Idaho housing and finance association pursuant to the criteria set forth in this section.

(2) A public charter school shall be qualified to use the public charter school debt reserve only upon satisfaction of the following conditions:

(a) The public charter school must demonstrate it has obtained one (1) of the following:

- (i) A letter of commitment from a national or state chartered financial institution;
- (ii) A letter of commitment from a nonprofit corporation;
- (iii) A letter of commitment from a community development financial institution; or
- (iv) A letter of commitment from a qualified underwriter or an investment firm;

(b) The public charter school must provide annual budgets and cash flow statements and must demonstrate satisfaction of each of the following criteria:

(i) Projected future budgets, cash flows and operating reserves greater than sixty (60) days of cash on hand to support a debt service coverage greater than 1.20x;

(ii) Cost to operate facility, including debt service, occupancy cost and operating expenses, not to exceed twenty percent (20%) of revenue;

(iii) Audited financial statements with unqualified opinions for the prior three (3) years; and

(iv) Certification from a school administrator that projected future budgets and cash flows are based on reasonable assumptions related to level or increasing projected enrollment or waitlist and projected total income, including any matching funds and donations contingent on receipt of a loan under this section; and

(c) The public charter school must obtain approval for issuance by the Idaho housing and finance association to act as a conduit issuer.

(3) Public charter schools that satisfy the requirements set forth in subsection (2) of this section shall receive approval from the Idaho housing and finance association to rely on the public charter school debt reserve for assistance in obtaining favorable financing for facility improvements and construction, so long as sufficient moneys exist pursuant to subsection (4) of this section. Eligible schools shall receive approval on a first-come basis according to date of completed application, in an amount not to exceed twenty-four (24) months of principal and interest payments.

(4) There is hereby established in the state treasury the public charter school debt reserve fund that shall consist of moneys made available through appropriations, fees, grants, gifts or any other source to fulfill the purposes of this section. Moneys in the fund are hereby continuously appropriated for the purposes of this section, and shall only be

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expended for the purposes stated herein. Qualifying schools annually shall pay an amount equal to ten (10) basis points of the principal amount of the debt for which it qualified to use the public charter school debt reserve, which shall be deposited into the public charter school debt reserve fund.

(5) Subject to the limitations of subsection (3) of this section, if a qualified public charter school defaults on an outstanding debt for which the Idaho housing and finance association has made the debt reserve available, and there is no other money available to the charter school to make the payment, money shall be withdrawn from the public charter school debt reserve fund to pay the principal, redemption price or interest on the outstanding debt. Upon certification by the Idaho housing and finance association to the superintendent of public instruction, payment shall be made from the public charter school debt reserve fund toward the outstanding debt.

(6) If money has been withdrawn from the public charter school debt reserve fund for a public charter school pursuant to subsection (5) of this section, then the superintendent of public instruction shall redirect the money from such public charter school's allocation of facilities funds pursuant to section [33-5208\(5\)](#), Idaho Code. Any money redirected shall be according to a determined time and sequence of payments, over a period of years until the amount so withdrawn has been repaid to the fund so long as the redirection does not cause an event of default under the agreement(s) governing the public charter school's obligation for which the debt reserve was made available, excepting that any money withdrawn during any fiscal year shall be repaid within ten (10) years.

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63-315. ASSESSMENT RATIOS AND THE DETERMINATION OF ADJUSTED MARKET VALUE FOR ASSESSMENT PURPOSES FOR SCHOOL DISTRICTS. (1) The provisions of this section shall apply only to charter districts levying a maintenance and operation levy in the prior calendar year. For the purpose of this section, adjusted market value for assessment purposes shall be the adjusted market value for assessment purposes of all property assessed for property tax purposes for the year referred to in sections [33-802](#) and [33-1002](#), Idaho Code.

(2) The state tax commission shall conduct a ratio study to annually ascertain the ratio between the assessed value and the market value for assessment purposes of all property assessed for property tax purposes. Said ratio study shall be conducted in accordance with nationally accepted procedures. From the ratio so ascertained the state tax commission shall compute the adjusted market value of all property assessed for property tax purposes.

(3) The ratio shall be computed in each school district and applied to the market value for assessment purposes within each school district.

(4) Sales used in determining the ratio required by this section shall be arm's length, market value property sales occurring in the year beginning on October 1 of the year preceding the year for which the adjusted market value is to be determined. The state tax commission may, at its discretion, modify the sales period when doing so produces provably better representativeness of the actual ratio in any school district. The state tax commission may also add independently conducted appraisals when the state tax commission believes that this procedure will improve the representativeness and reliability of the ratio.

(5) Whenever the state tax commission is unable to determine with reasonable statistical certainty that the assessed value within any school district differs from the market value for assessment purposes, the state tax commission may certify the assessed value to be the adjusted market value of any school district.

(6) The state tax commission shall certify the adjusted market value of each school district to the state department of education and each county auditor no later than the first Monday in April each year. The state tax commission shall prepare a report indicating procedures used in computing the adjusted market value and showing statistical measures computed in the ratio study. ~~This report shall be submitted to the state department of education at the same time as the certification of adjusted market value.~~ The report of the state tax commission shall also be made available for public inspection in the office of the county auditor.

(7) The state tax commission shall promulgate rules to implement the ratio study described in this section.

33-2107. GENERAL POWERS OF THE BOARD OF TRUSTEES. The board of trustees of each junior-community college district shall have the power:

(1.) To adopt rules-policies and regulations for its own government and the government of the college;

(2.) To employ legal counsel and other professional, and nonprofessional persons, and to prescribe their qualifications;

(3.) To acquire and hold, and to dispose of, real and personal property, and to construct, repair, remodel and remove buildings in the manner prescribed for trustees of school districts;

(4.) To contract for the acquisition, purchase or repair of buildings, in the manner prescribed for trustees of school districts;

(5.) To dispose of real and personal property in the manner prescribed for trustees of school districts;

(6.) To issue general obligation or revenue bonds in the manner now, or as may be, prescribed by law;

(7.) To convey and transfer real property of the district upon which no college buildings used for instruction are situated, to nonprofit corporations, school districts, junior college housing commissions, counties or municipalities, with or without consideration; to rent real or personal property for the use of the college, its students or faculty, for such terms as may be determined by the board of trustees; to lease real property of the district not actually in use for college instructional purposes for such terms as may be determined by the board; and to lease real property and improvements to the Idaho state building authority, for a term not to exceed fifty (50) years, with or without consideration, and to enter into agreements with the Idaho state building authority for the Idaho state building authority to provide a facility, pursuant to section 67-6410, Idaho Code;

(8.) To acquire, hold, and dispose of, water rights;

(9.) To accept grants or gifts of money, materials or property of any kind from any governmental agency, or from any person, firm or association, on such terms as may be determined by the grantor;

(10.) To cooperate with any governmental agency, or any person, firm or association in the conduct of any educational program; to accept grants from any source for the conduct of such program; and to conduct such program on, or off, campus;

(11.) To invest any funds of the district in such securities, and apply the interest or profits from such investment, as prescribed for the investment of the funds, and the application of the interest or profits, in the case of school district boards of trustees.

33-4302. ARMED FORCES AND PUBLIC SAFETY OFFICER SCHOLARSHIPS. (1) The following individuals shall be eligible for the scholarship program provided for herein:

(a) Any spouse or child of any Idaho citizen who, while such person is or was a resident of the state of Idaho, has been determined by the federal government to be a prisoner of war or missing in action; or to have died of, or become totally and permanently disabled by, injuries or wounds sustained in action in any area of armed conflict in which the United States is a party; and

(b) Any spouse or child of any member of the armed forces of the United States who is stationed in the state of Idaho on military orders and who is deployed from the state of Idaho to any area of armed conflict in which the United States is a party and who has been determined by the federal government to be a prisoner of war or missing in action; or to have died of, or become totally and permanently disabled by, injuries or wounds sustained in action as a result of such deployment.

(c) Any spouse or child of a full-time or part-time public safety officer, as defined in subsection (d) of this section, employed by or volunteering for the state of Idaho or for a political subdivision of the state of Idaho, which public safety officer is or was a resident of the state of Idaho at the time such officer was killed or totally and permanently disabled in the line of duty. The death or disability shall have occurred on or after January 1, 1975. The scholarship provided for in this section shall not be available unless it is determined that:

(i) The death or disablement of the public safety officer occurred in the performance of the officer's duties;

(ii) The death or disablement was not caused by the intentional misconduct of the public safety officer or by such officer's intentional infliction of injury; and

(iii) The public safety officer was not voluntarily intoxicated at the time of death.

(d) For purposes of this section the following terms have the following meanings:

(i) "Public safety officer" means a peace officer or firefighter, a paramedic or emergency medical technician as those terms are defined in section [56-1012](#), Idaho Code.

(ii) "Volunteering" means contributing services as a bona fide member of a legally organized law enforcement agency, fire department or licensed emergency medical service provider organization.

(2) (a) To be eligible for the scholarship provided for herein, a child of a military member or a public safety officer must be a resident of the state of Idaho and must have completed secondary school or its equivalent in the state of Idaho. A child already born, or born after a military member or public safety officer is determined to be imprisoned or missing in action, or is killed or becomes totally and permanently disabled, shall be eligible for this scholarship;

(b) To be eligible for the scholarship provided for herein, the spouse of a military member or public safety officer must be a resident of the state of Idaho and must have been married to such person at the time the military member or public safety officer was determined to be imprisoned or missing in action, or was killed or became totally and permanently disabled. Provided however, that in the situation of disability, the spouse must be currently married to such person.

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(3) An eligible individual who applies for the scholarship provided for herein shall, after verification of eligibility, receive the scholarship and be admitted to attend undergraduate studies at any public institution of higher education or public professional-technical college within the state of Idaho without the necessity of paying tuition and fees therefor; such student shall be provided with books, equipment and supplies necessary for pursuit of such program of enrollment not to exceed five hundred dollars (\$500) per quarter, semester, intensified semester, or like educational period; such student shall be furnished on-campus institution housing and subsistence for each month he or she is enrolled full-time under this program and actually resides in such on-campus facility; provided however, that such undergraduate educational benefits shall not exceed a total of thirty-six (36) months or four (4) nine (9) month periods. Provided further, that the initiation of such educational benefits shall extend for a period of ten (10) years after achieving a high school diploma or its equivalency, or for a period of ten (10) years after the event giving rise to the eligibility for the scholarship, whichever is longer.

(4) The eligible individual shall meet such other educational qualifications as such institution of higher education or professional-technical college has established for other prospective students of this state, as well as any additional educational qualifications established by the state board of education and board of regents of the university of Idaho.

(5) Application for eligibility under this section shall be made to the state board of education and the board of regents of the university of Idaho or the state board of vocational-technical education. The board shall verify the eligibility of the applicant and communicate such eligibility to such person and the affected institution or college.

(6) Affected institutions shall in their preparation of future budgets include therein costs resultant from such tuition, fee, book, equipment, supply, housing and subsistence loss for reimbursement thereof from appropriations of state funds.

(7) For the purposes of this section, a member of the armed forces of the United States is considered totally and permanently disabled if at the time of application a current disability determination made by the United States social security administration is in effect with respect to such individual.

(8) For the purposes of this section, a public safety officer is considered totally and permanently disabled if at the time of application a current disability determination made by the public employee retirement system of Idaho is in effect with respect to such individual.

(89) The state board of education and board of regents of the university of Idaho may adopt rules to implement and administer the scholarship program provided for in this section.

33-4303. IDAHO OPPORTUNITY SCHOLARSHIP. (1) The purposes of this section are to:

- (a) Recognize that all Idaho citizens benefit from an educated citizenry;
- (b) Increase individual economic vitality and improve the overall quality of life for many of Idaho's citizens;
- (c) Provide access to eligible Idaho postsecondary education through funding to remove financial barriers;
- (d) Increase the opportunity for economically disadvantaged Idaho students; and

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(e) Incentivize students to complete a postsecondary education degree or certificate.

(2) For the purposes of this section the following definitions shall apply:

(a) "Educational costs" means the dollar amount determined annually by the state board of education as necessary for student tuition, fees, books and such other expenses reasonably related to attendance at an eligible Idaho postsecondary educational institution.

(b) "Eligible Idaho postsecondary educational institution" means: A public postsecondary organization governed or supervised by the state board, the board of regents of the university of Idaho, a board of trustees of a community college established pursuant to the provisions of [chapter 21, title 33](#), Idaho Code, or the state board for professional-technical education or any educational organization located in Idaho that is:

(i) Operated privately;

(ii) Classified as not-for-profit under state law;

(iii) Under the control of an independent board and not directly controlled or administered by a public or political subdivision; and

(iv) Accredited by an organization recognized by the state board as provided in section [33-2402](#), Idaho Code.

(c) "Eligible student" means a student who:

(i) Is an Idaho resident as defined in section [33-3717B](#), Idaho Code;

(ii) Has or will graduate from an accredited high school or its equivalent in Idaho as determined by the state board;

(iii) Has enrolled or applied to an eligible Idaho postsecondary educational institution;

(iv) Is a postsecondary undergraduate student who has not previously completed a baccalaureate (bachelor's) degree or higher; and

(v) Meets need and merit criteria as set by the state board.

"Eligible student" also means a student who has met the eligibility requirements and was awarded an opportunity scholarship prior to June 30, 2014. Continued eligibility shall be based upon the eligibility requirements at the time of the original award.

(d) "Opportunity scholarship program" means the scholarship program described in this section and in the rules established by the state board.

(e) "Shared model of responsibility" means a model set by the board to determine the required and expected contributions of the student, the student's family and available federal financial aid.

(f) "State board" means the state board of education.

(3) The state board shall promulgate rules to determine student eligibility, academic and financial eligibility, a process for eligible students to apply, amount of awards, how eligible students will be selected and when the awards shall be made, as well as other rules necessary for the administration of this section.

(4) An eligible student must:

(a) Apply or have applied for federal student financial assistance available to an eligible student who will attend or is enrolled in an eligible Idaho postsecondary educational institution; and

(b) Meet need and merit criteria established by the state board in rule.

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(5) Funds that are available for the opportunity scholarship program shall be used to provide scholarships based upon a shared model of responsibility between the scholarship recipient and the recipient's family, the federal government and the participating eligible Idaho postsecondary educational institution that the recipient attends for covering the educational costs.

(6) The opportunity scholarship award shall not exceed the actual educational costs at the eligible Idaho postsecondary educational institution that the student attends. The amount of scholarship shall not exceed the educational costs established by the state board.

(7) Award payments shall be made annually to an eligible Idaho postsecondary educational institution. In no instance may the entire amount of an award be paid to or on behalf of such student in advance.

(8) If an eligible student becomes ineligible for a scholarship under the provisions of this chapter, or if a student discontinues attendance before the end of any semester, quarter, term or equivalent, covered by the award after receiving payment under this chapter, the eligible Idaho postsecondary educational institution shall remit, up to the amount of any payments made under this program, any prorated tuition or fee balances to the state board.

(9) There is hereby created an account in the state treasury to be designated the opportunity scholarship program account.

(a) The account shall consist of moneys appropriated to the account by the legislature, moneys contributed to the account from other sources and the earnings on such moneys. The executive director of the state board may receive on behalf of the state board any moneys or real or personal property donated, bequeathed, devised or conditionally granted to the state board for purposes of providing funding for such account. Moneys received directly or derived from the sale of such property shall be deposited by the state treasurer in the account.

(b) Earnings from moneys in the account or specified gifts shall be distributed annually to the state board to implement the opportunity scholarship program as provided for under the provisions of this chapter.

(c) All moneys placed in the account and earnings thereon are hereby perpetually appropriated to the state board for the purpose described in subsection (9)(b) of this section. All expenditures from the account shall be paid out in warrants drawn by the state controller upon presentation of the proper vouchers. Up to fifty thousand dollars (\$50,000) of the annual earnings distribution to the state board may be used by the state board annually for administrative costs related to the implementation of the provisions of this chapter.

(d) Allowable administrative costs include, but are not limited to, operating expenses for the implementation and maintenance of a database, operating expenses to administer the program, personnel costs necessary to administer the program and costs related to promoting awareness of the program.

(e) Any unused annual funds shall be deposited into the opportunity scholarship program account.

(f) Pending use, surplus moneys in the account shall be invested by the state treasurer or endowment fund investment board in the same manner as provided under

section [67-1210](#) or [68-501](#), Idaho Code, as applicable. Interest earned on the investments shall be returned to the account.

(10) The effectiveness of the Idaho opportunity scholarship will be evaluated by the state board on a regular basis. This evaluation will include annual data collection as well as longer-term evaluations.

63-3067D. DESIGNATION BY TAXPAYER -- OPPORTUNITY SCHOLARSHIP. (1) Every taxpayer who has a refund due and payable for overpayment of taxes under the provisions of this chapter may designate any portion of such refund to be remitted to the state board of education or the board of regents of the university of Idaho for the purpose of awarding opportunity scholarships pursuant to [chapter 56, title 33](#), Idaho Code. Every taxpayer who has an income tax liability may, in addition to his tax obligation, include a donation of any amount to be remitted to the state board of education for the purpose of awarding opportunity scholarships pursuant to ~~chapter 56, title 33~~ [section 33-4303](#), Idaho Code. Such moneys shall be deposited into the opportunity scholarship program account pursuant to section ~~33-5608~~ [33-4303](#), Idaho Code.

(2) A designation under subsection (1) of this section may be made in any taxable year in such manner and form as prescribed by the state tax commission. The manner and form so prescribed shall be a conspicuous portion of the principal form provided for the purpose of individual taxation.

(3) Prior to the distribution of funds into the opportunity scholarship program account as provided in subsection (1) of this section from the refund account, the state tax commission shall retain funds for the commission's costs for collecting and administering the moneys in the account as follows: three thousand dollars (\$3,000) from the opportunity scholarship program account for start-up costs during the first year of collections, and three thousand dollars (\$3,000) or twenty percent (20%) of the moneys remitted to the opportunity scholarship program account pursuant to this section during the fiscal year, whichever is less, from the opportunity scholarship program account during each fiscal year thereafter, which amounts are hereby appropriated to the state tax commission.

Section 1. That Section 33-1001, Idaho Code, be, and the same is hereby amended to read as follows:

33-1001. DEFINITIONS. The following words and phrases used in this chapter are defined as follows:

(1) "Administrative schools" means and applies to all elementary schools and kindergartens within a district that are situated ten (10) miles or less from both the other elementary schools and the principal administrative office of the district and all secondary schools within a district that are situated fifteen (15) miles or less from other secondary schools of the district.

(2) "Administrative staff" means those who hold an administrator certificate and are employed as a superintendent, an elementary or secondary school principal, or are assigned administrative duties over and above those commonly assigned to teachers.

(3) "Average daily attendance" or "pupils in average daily attendance" means the aggregate number of days enrolled students are present, divided by the number of days of school in the reporting period; provided, however, that students for whom no Idaho school district is a home district shall not be considered in such computation.

(4) "Career ladder" means the compensation table used for determining the allocations districts receive for instructional staff and pupil services staff based on specific performance criteria and is made up of a residency compensation rung and a professional compensation rung.

(5) "Compensation rung" means the rung on the career ladder that corresponds with the compensation level performance criteria.

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

(7) "Elementary schools" are schools that serve grades one (1) through six (6) inclusive, or any combination thereof.

(8) "Elementary/secondary schools" are schools that serve grades one (1) through twelve (12) inclusive, or any combination thereof.

(9) "Homebound student" means any student who would normally and regularly attend school, but is confined to home or hospital because of an illness or accident for a period of ten (10) or more consecutive days.

(10) "Instructional staff" means those involved in the direct instruction of a student or group of students and who hold an Idaho certificate issued under section 33-1201, Idaho Code.

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

(12) "Measurable student achievement" means the measurement of student academic achievement or growth within a given interval of instruction for those students who have been enrolled in and attended eighty percent (80%) of the interval of instruction. Measures and targets shall be chosen at the district level or school level in collaboration with the teacher-staff member impacted by the measures and applicable district staff. Assessment tools that may be used for measuring student achievement and growth include:

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- (a) Idaho standards achievement test;
- (b) Student learning objectives;
- (c) Formative assessments;
- (d) Teacher-constructed assessments of student growth;
- (e) Pre- and post-tests;
- (f) Performance based assessments;
- (g) Idaho reading indicator;
- (h) College entrance exams such as PSAT, SAT and ACT;
- (i) District adopted assessment;
- (j) End of course exams;
- (k) Advance placement exams; and
- (l) Professional-technical exams.

(13) "Performance criteria" means the standards specified for instructional staff and pupil service staff to demonstrate teaching proficiency for a given compensation rung.

(14) "Professional compensation rung performance criteria" means:

(a) An overall rating of proficient and no components rated as unsatisfactory on the state framework for teaching evaluation; and

(b) Demonstrating the majority of their students have met their measurable student achievement targets or student success indicator targets.

(15) "Public school district" or "school district" or "district" means any public school district organized under the laws of this state, including specially chartered school districts.

(16) "Pupil service staff" means those who provide services to students but are not involved in direct instruction of those students, including staff and holding a pupil personnel services certificate.

(17) "Secondary grades" or "secondary average daily attendance" means and applies to students enrolled in grades seven (7) through twelve (12) inclusive, or any combination thereof.

(18) "Secondary schools" are schools that serve grades seven (7) through twelve (12) inclusive, or any combination thereof.

(19) "Separate elementary school" means an elementary school located more than ten (10) miles on an all-weather road from both the nearest elementary school and elementary/secondary school serving like grades within the same school district and from the location of the office of the superintendent of schools of such district, or from the office of the chief administrative officer of such district if the district employs no superintendent of schools.

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

(21) "Separate secondary school" means any secondary school located more than fifteen (15) miles on an all-weather road from any other secondary school and elementary/secondary school serving like grades operated by the district.

(22) "Student Success Indicators" means measurable indicators of student achievement or growth, other than academic, within a predefined interval of time for a

specified group of students. Measures and targets shall be chosen at the district or school level in collaboration with the pupil service staff member impacted by the measures and applicable district staff. Student success indicators include:

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

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

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

(2223) "Support program" means the educational support program as described in section [33-1002](#), Idaho Code, the transportation support program described in section [33-1006](#), Idaho Code, and the exceptional education support program as described in section [33-1007](#), Idaho Code.

(2324) "Support unit" means a function of average daily attendance used in the calculations to determine financial support provided the public school districts.

(2425) "Teacher" means any person employed in a teaching, instructional, supervisory, educational administrative or educational and scientific capacity in any school district. In case of doubt the state board of education shall determine whether any person employed requires certification as a teacher.

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, calculate 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 1.021. A district must demonstrate that it actually employs the number of certificated instructional staff allowed, except as provided in subsection (6)(f) and (g) 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 (6)(f) and (g) of this section;

(3) Determine the pupil service staff allowance by multiplying the support units by 0.079;

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

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

(6) Additional conditions governing staff allowance:

(a) In determining the number of staff in subsections (2), (3), (4) and (5) 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

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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), (3) and (4) of this section, an appeal may be filed with the state department 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, pupil service and administrative staff 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) A district may employ nine and one-half percent (9.5%) fewer positions than funded pursuant to subsections (2) and (3) 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 average class size. The state department of education shall report to the legislature every February, beginning in 2015, on the reductions scheduled to take place in this figure, by school district, in the ensuing fiscal year.

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(7) In the event that the staff allowance in any category is insufficient to meet accreditation standards, a district may appeal to the state board of education, demonstrating the insufficiency, and the state board may grant a waiver authorizing sufficient additional staff to be included within the staff allowance to meet accreditation standards. Such a waiver shall be limited to one (1) year, but may be renewed upon showing of continuing justification.

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

Section 3. That Section 33-1004A, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004A. EXPERIENCE AND EDUCATION MULTIPLIER. (1) Each ~~pupil service and~~ administrative staff position shall be assigned an appropriate multiplier based upon the following table:

Years	EXPERIENCE AND EDUCATION						
	BA	BA + 12	BA + 24	MA BA + 36	MA + 12 BA + 48	MA + 24 BA + 60	MA + 36 ES/DR
0	1.00000	1.03750	1.07640	1.11680	1.15870	1.20220	1.24730
1	1.03750	1.07640	1.11680	1.15870	1.20220	1.24730	1.29410
2	1.07640	1.11680	1.15870	1.20220	1.24730	1.29410	1.34260
3	1.11680	1.15870	1.20220	1.24730	1.29410	1.34260	1.39290
4	1.15870	1.20220	1.24730	1.29410	1.34260	1.39290	1.44510
5	1.20220	1.24730	1.29410	1.34260	1.39290	1.44510	1.49930
6	1.24730	1.29410	1.34260	1.39290	1.44510	1.49930	1.55550
7	1.29410	1.34260	1.39290	1.44510	1.49930	1.55550	1.61380
8	1.34260	1.39290	1.44510	1.49930	1.55550	1.61380	1.67430
9	1.39290	1.44510	1.49930	1.55550	1.61380	1.67430	1.73710
10	1.39290	1.49930	1.55550	1.61380	1.67430	1.73710	1.80220
11	1.39290	1.49930	1.55550	1.61380	1.73710	1.80220	1.86980
12	1.39290	1.49930	1.55550	1.61380	1.73710	1.86980	1.93990
13 or more	1.39290	1.49930	1.55550	1.61380	1.73710	1.86980	2.01260

(2) In determining the experience factor, the actual years of certificated service ~~for~~ pupil personnel services staff, ~~or~~ teaching and administrative service for administrator certificate holders in a public school, in an accredited private or parochial school, or beginning in the 2005-06 school year and thereafter in an accredited college or university shall be credited.

(3) In determining the education factor, only credits earned after initial certification, based upon a transcript on file with the teacher certification office of the state department of education, earned at an institution of higher education accredited by a body recognized by the state board of education, shall be allowed; however, successful completion of a state approved evaluation training and proof of proficiency shall be counted as up to three

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(3) transcribed credits for determination of the education factor and meeting recertification requirements.

(4) In determining the statewide average multiplier for administrative staff, no multiplier in excess of 1.86643 shall be used. If the actual statewide average multiplier for administrative staff, as determined by this section, exceeds 1.86643, then each school district's administrative staff multiplier shall be multiplied by the result of 1.86643 divided by the actual statewide average multiplier for administrative staff.

~~(5) Notwithstanding any other law to the contrary, on and after July 1, 2016, pupil service staff shall be deemed instructional staff for purposes of sections [33-1004B](#) and [33-1004I](#), Idaho Code.~~

Section 4. That Section 33-1004B, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004B. CAREER LADDER.[EFFECTIVE UNTIL JULY 1, 2020] (1) Effective July 1, 2015, all existing instructional staff shall be placed in a cohort on the career ladder starting with the second cell on the residency/professional compensation rung that corresponds with the next higher allocation amount than is currently received by the district, based on the experience and education index pursuant to section [33-1004A](#), Idaho Code, as applied in fiscal year 2015. For each year between July 1, 2015, and June 30, 2019, those instructional staff will move one (1) cell on the career ladder for each year they are employed by a district and meet the applicable performance criteria for the compensation rung and implementation year, unless such movement would result in the district receiving a lesser allocation than the district would have received if the instructional staff would have moved based on the experience and education index as applied in fiscal year 2015, for such instructional staff the district salary apportionment calculation shall use the amount that would have been applied based on the experience and education index. Applicable performance criteria used for determining movement on the career ladder will be based on previous year's performance for the applicable number of years.

(2) Effective July 1, 2016, all existing pupil service staff shall be placed in a cohort on the career ladder starting with the second cell on the residency/professional compensation rung or the next higher allocation amount than is currently received by the district, based on the experience and education index pursuant to section 33-1004A, Idaho Code, as applied in fiscal year 2016, whichever is higher. For each year between July 1, 2016, and June 30, 2019, those pupil service staff will move one (1) cell on the career ladder for each year they are employed by a district and meet the applicable performance criteria for the compensation rung and implementation year, unless such movement would result in the district receiving a lesser allocation than the district would have received if the pupil service staff would have moved based on the experience and education index as applied in fiscal year 2016, for such pupil service staff the district salary apportionment calculation shall use the amount that would have been applied based on the experience and education index. Applicable performance criteria used for determining movement on the career ladder will be based on previous year's performance for the applicable number of years.

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(a3) Instructional staff and pupil service staff who are in their first year of holding a certificate shall be placed in the first cell of the residency compensation rung and shall move one (1) cell on the residency compensation rung for each year they hold a certificate thereafter, for up to three (3) years, at which point they will remain in the third cell of the residency rung until they earn a professional endorsement.

(b4) Instructional staff new to teaching in Idaho and pupil service staff new to working in an Idaho public school district or charter school who hold a certificate from a state other than Idaho and who are approved to teach in Idaho will be placed into the cohort of instructional staff on the career ladder table equivalent to their experience and education pursuant to section 33-1004A, Idaho Code, as applied in fiscal year 2015 for instructional staff and 2016 for pupil service staff.

(e5) In addition to the allocation amount specified for the applicable cell on the career ladder, school districts shall receive an additional allocation amount for instructional staff and pupil service staff holding a professional endorsement who have acquired additional education and meet the professional compensation rung performance criteria. In determining the additional education allocation amount, only credits and degrees earned based upon a transcript on file with the teacher certification office of the state department of education, earned at an institution of higher education accredited by a body recognized by the state board of education or credits earned through an internship or other work experience approved by the state board of education, shall be credited toward the education allocation. All credits and degrees earned must be in a relevant pedagogy or content area as determined by the state department of education. Education allocation amounts are not cumulative. Instructional staff whose initial certificate is an occupational specialist certificate shall be treated as BA degree prepared instructional staff. Credits earned by such occupational specialist instructional staff after initial certification shall be credited toward the education allocation. Additional allocations are:

~~(i) Effective July 1, 2015, through June 30, 2016, the education allocation shall be:~~

~~1. For instructional staff holding a professional endorsement and a baccalaureate degree and twenty-four (24) or more credits, four hundred dollars (\$400) per fiscal year.~~

~~2. For instructional staff holding a professional endorsement and a master degree, seven hundred dollars (\$700) per fiscal year.~~

(ii) Effective July 1, 2016, through June 30, 2017, the education allocation shall be:

1. For instructional staff and pupil service staff holding a professional endorsement and a baccalaureate degree and twenty-four (24) or more credits, eight hundred dollars (\$800) per fiscal year.

2. For instructional staff and pupil service staff holding a professional endorsement and a master degree, one thousand four hundred dollars (\$1,400) per fiscal year.

(iii) Effective July 1, 2017, through June 30, 2018, the education allocation shall be:

~~1.~~(i) For instructional staff and pupil service staff holding a professional endorsement and a baccalaureate degree and twenty-four (24) or more credits, one thousand two hundred dollars (\$1,200) per fiscal year.

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~~2.~~(ii) For instructional staff and pupil service staff holding a professional endorsement and a master degree, two thousand one hundred dollars (\$2,100) per fiscal year.

~~(ivc)~~ Effective July 1, 2018, through June 30, 2019, the education allocation shall be:

~~1.~~(i) For instructional staff and pupil service staff holding a professional endorsement and a baccalaureate degree and twenty-four (24) or more credits, one thousand six hundred dollars (\$1,600) per fiscal year.

~~2.~~(ii) For instructional staff and pupil service staff holding a professional endorsement and a master degree, two thousand eight hundred dollars (\$2,800) per fiscal year.

~~(vd)~~ Effective July 1, 2019, through June 30, 2020, the education allocation shall be:

~~1.~~(i) For instructional staff and pupil service staff holding a professional endorsement and a baccalaureate degree and twenty-four (24) or more credits, two thousand dollars (\$2,000) per fiscal year.

~~2.~~(ii) For instructional staff and pupil service staff holding a professional endorsement and a master degree, three thousand five hundred (\$3,500) per fiscal year.

~~(d)~~ Effective July 1, 2015, through June 30, 2016, the allocation shall be:

Base Allocation Residency/Professional	1	2	3	4	5	6	7	8	9	10
Professional	\$32,700	\$33,200	\$33,822							
Professional	\$35,498	\$36,885	\$38,311	\$39,775	\$41,282	\$42,089	\$43,668	\$45,305	\$47,004	\$47,603

~~(e6)~~ Effective July 1, 2016, through June 30, 2017, the allocation shall be:

Base Allocation Residency/Professional	1	2	3	4	5	6	7	8	9	10
Professional	\$33,400	\$34,250	\$35,117							
Professional	\$37,249	\$38,758	\$39,546	\$41,113	\$41,961	\$43,591	\$44,503	\$46,201	\$47,183	\$48,202

~~(f7)~~ Effective July 1, 2017, through June 30, 2018, the allocation shall be:

Base Allocation Residency/Professional	1	2	3	4	5	6	7	8	9	10
Professional	\$34,600	\$35,500	\$36,411							
Professional	\$38,999	\$40,630	\$41,155	\$42,825	\$43,391	\$45,102	\$45,711	\$47,467	\$48,122	\$48,802

~~(28)~~ Effective July 1, 2018, through June 30, 2019, school districts shall receive an allocation for instructional staff and pupil service staff based on the ~~instructional staffs'~~ position on the career ladder.

(a) Instructional staff and pupil service staff in their first year of holding a professional endorsement shall be placed in the first cell of the professional compensation rung.

(b) Instructional staff and pupil service staff previously placed within a cohort shall continue to move one (1) cell on the applicable rung with their cohort unless they have failed to meet the compensation rung performance criteria for the previous three (3) years. Allocations to districts for instructional staff or pupil service staff who have failed to meet the professional compensation rung performance criteria for the previous three (3) years shall be the same as the previous fiscal year. This also applies to the educational allocation.

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(e9) Effective July 1, 2018, through June 30, 2019, the allocation shall be:

Base Allocation	1	2	3	4	5	6	7	8	9	10
Residency	\$35,800	\$36,750	\$37,706							
Professional	\$40,750	\$42,503	\$42,765	\$44,538	\$44,820	\$46,614	\$46,918	\$48,734	\$49,061	\$49,401

(310) Effective July 1, 2019, through June 30, 2020, school districts shall receive an allocation for instructional staff and pupil service staff based on the ~~instructional staffs'~~ position on the career ladder as follows:

(a) Instructional staff and pupil service staff in their first year of holding a professional endorsement shall be placed in the first cell of the professional compensation rung.

(b) Instructional staff and pupil service staff previously placed within a cohort shall continue to move one (1) cell on the applicable rung with their cohort unless they have failed to meet the professional compensation rung performance criteria for three (3) of the previous four (4) years. Allocations to districts for instructional staff and pupil service staff who have failed to meet the professional compensation rung performance criteria for three (3) of the previous four (4) years shall be the same as the previous fiscal year. This also applies to the educational allocation.

(e11) Effective July 1, 2019, through June 30, 2020, the allocation shall be:

Base Allocation	1	2	3	4	5	6	7	8	9	10
Residency	\$37,000	\$38,000	\$39,000							
Professional	\$42,500	\$44,375	\$46,250	\$48,125	\$50,000					

(412) A review of a sample of evaluations completed by administrators shall be conducted annually to verify such evaluations are being conducted with fidelity to the state framework for teaching evaluation including each evaluation component as outlined in administrative rule and the rating given for each component. The state department of education shall randomly select a sample of administrators throughout the state. A portion of such administrators' instructional staff and pupil service staff employee evaluations shall be independently reviewed. The ratio of instructional staff evaluation to pupil service staff evaluations shall be equal to the ratio of the statewide instructional staff salary allowance to pupil service staff salary allowance. The state department of education shall appoint persons to conduct the reviews. Administrator certificate holders shall be required to participate in ongoing evaluation training pursuant to section 33-1204, Idaho Code. The state department of education shall report annually the findings of such reviews to the senate education committee, the house of representatives education committee, the state board of education and the deans of Idaho's approved teacher preparation programs. The state board of education shall promulgate rules implementing the provisions of this subsection.

(13) School districts shall submit to the state annually the data necessary to determine if an instructional staff or pupil service staff member has met the performance criteria for the applicable compensation rung and implementation year. The department of education shall calculate annually whether or not instructional staff and pupil service staff have met the compensation rung performance criteria based on the data submitted during the previous years applicable to the performance criteria for that year.

(a) Individually identifiable performance evaluation ratings submitted to the state remain part of the employees personnel record and are exempt from public disclosure pursuant to section 74-106, Idaho code.

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33-1004B. CAREER LADDER.[EFFECTIVE JULY 1, 2020] School districts shall receive an allocation for instructional staff and pupil service staff based on their ~~instructional~~ staffs' position on the career ladder as follows:

(1) Instructional staff and pupil service staff who are in their first year of holding a certificate shall be placed in the first cell of the residency compensation rung and shall move one (1) cell on the residency compensation rung for each year they hold a certificate thereafter for up to three (3) years, at which point they will remain in the third cell of the residency rung until they earn a professional endorsement.

(2) Instructional staff and pupil service staff in their first year of holding a professional endorsement shall be placed in the first cell of the professional compensation rung.

(3) Instructional staff and pupil service staff on the professional compensation rung with four (4) years of experience shall move one (1) cell on the professional compensation rung unless they have failed to meet the professional compensation rung performance criteria for three (3) of the previous four (4) years. Instructional staff and pupil service staff on the professional compensation rung who meet the performance criteria for three (3) of the previous five (5) years, one (1) of which must be during the fourth or fifth year, shall move one (1) cell. Allocations for instructional staff and pupil service staff who do not meet the professional compensation rung performance criteria for three (3) of the previous five (5) years, one (1) of which must be during the fourth or fifth year, shall remain at the previous fiscal year allocation level. This also applies to the educational allocation.

(4) In addition to the allocation amount specified for the applicable cell on the career ladder, school districts shall receive an additional allocation amount for instructional staff and pupil service staff holding a professional endorsement who have acquired additional education and meet the professional compensation rung performance criteria. In determining the additional education allocation amount, only transcribed credits and degrees on file with the teacher certification office of the state department of education, earned at an institution of higher education accredited by a body recognized by the state board of education or credits earned through an internship or work experience approved by the state board of education, shall be allowed. All credits and degrees earned must be in a relevant pedagogy or content area as determined by the state department of education. Additional education allocation amounts are not cumulative. Instructional staff whose initial certificate is an occupational specialist certificate shall be treated as BA degree prepared instructional staff. Credits earned by such occupational specialist instructional staff after initial certification shall be credited toward the education allocation. Additional allocations are:

(a) For instructional staff and pupil service staff holding a professional endorsement, a baccalaureate degree and twenty-four (24) or more credits, two thousand dollars (\$2,000) per fiscal year.

(b) For instructional staff and pupil service staff holding a professional endorsement and a master degree, three thousand five hundred dollars (\$3,500) per fiscal year.

(c) Effective July 1, 2020, the allocation shall be:

Base Allocation	1	2	3	4	5
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Residency	\$37,000	\$38,000	\$39,000		
Professional	\$42,500	\$44,375	\$46,250	\$48,125	\$50,000

(5) A review of a sample of evaluations completed by administrators shall be conducted annually to verify such evaluations are being conducted with fidelity to the state framework for teaching evaluation including each evaluation component as outlined in administrative rule and the rating given for each component. The state department of education shall randomly select a sample of administrators throughout the state. A portion of such administrators' instructional staff and pupil service staff employee evaluations shall be independently reviewed. The ratio of instructional staff evaluation to pupil service staff evaluations shall be equal to the ratio of the statewide instructional staff salary allowance to pupil service staff salary allowance. The state department of education shall appoint persons to conduct the reviews. Administrator certificate holders shall be required to participate in ongoing evaluation training pursuant to section 33-1204, Idaho Code. The state department of education shall report annually the findings of such reviews to the senate education committee, the house of representatives education committee, the state board of education and the deans of Idaho's approved teacher preparation programs. The state board of education shall promulgate rules implementing the provisions of this subsection.

(6) School districts shall submit to the state annually the data necessary to determine if an instructional staff or pupil service staff member has met the performance criteria for movement on the applicable compensation rung. The department of education shall calculate whether or not instructional staff and pupil service staff have met the compensation rung performance criteria based on the data submitted during the previous five (5) years.

(a) Individually identifiable performance evaluation ratings submitted to the state remain part of the employees personnel record and are exempt from public disclosure pursuant to section 74-106, Idaho code.

Section 5. That Section 33-1004C, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004C. BASE AND MINIMUM SALARIES -- LEADERSHIP PREMIUMS -- EDUCATION AND EXPERIENCE INDEX. (1) The following shall be reviewed annually by the legislature:

(a) The base salary figures pursuant to subsections ~~(1)~~, (2), (3) and (4) of section 33-1004E, Idaho Code;

(b) The minimum instructional salary figure pursuant to subsection (1) of section 33-1004E, Idaho Code; and

(c) The leadership premium figures pursuant to subsections (1) and (2) of section 33-1004J, Idaho Code.

(2) The statewide education and experience index (or state average index, or state index) is the average of all qualifying employees, instructional and administrative respectively. It is determined by totaling the index value for all qualifying employees and dividing by the number of employees.

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Section 6. That Section 33-1004E, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004E. DISTRICT'S SALARY-BASED APPORTIONMENT. Each district shall be entitled to a salary-based apportionment calculated as provided in this section.

(1) To determine the apportionment for instructional staff, take the amounts indicated on the career ladder table plus the amounts associated with the additional education allocation amounts pursuant to section [33-1004B](#), Idaho Code, and calculate the weighted average. The amount so determined shall be multiplied by the district staff allowance for instructional staff determined as provided in section [33-1004\(2\)](#), Idaho Code. Full-time instructional staff salaries shall be determined from a salary schedule developed by each district and submitted to the state department of education. No full-time instructional staff member shall be paid less than the minimum dollar amount on the career ladder residency compensation rung pursuant to section [33-1004B](#), Idaho Code, for the applicable fiscal year.

(a) If an instructional staff member has been certified by the national board for professional teaching standards, the staff member shall receive two thousand dollars (\$2,000) per year for five (5) years from the year in which national board certification was earned. The district staff allotment shall be increased by two thousand dollars (\$2,000) for each national board certified instructional staff ~~person and pupil service staff~~ member who earned national board certification; provided however, that no such awards shall be paid for the period July 1, 2010, through June 30, 2011, nor shall any liabilities accrue or payments be made pursuant to this section in the future to any individuals who would have otherwise qualified for a payment during this stated time period. The resulting amount is the district's salary-based apportionment for instructional staff ~~and pupil service staff~~. For purposes of this section, teachers qualifying for the salary increase shall be those who have been recognized as national board certified teachers as of July 1 of each year.

(2) To determine the apportionment for pupil service staff, ~~first determine the district average experience and education index by placing all eligible district certificated pupil service employees on the statewide index pursuant to section 33-1004A, take the amounts indicated on the career ladder table plus the amounts associated with the additional education allocation amounts pursuant to section 33-1004B, Idaho Code, and calculate the weighted average. The resulting average is the district index. The district pupil service staff index shall be multiplied by the instructional base salary of twenty-four thousand fifty-five dollars (\$24,055).~~ If the district does not employ any pupil service staff, the district's pupil service average salary shall equal the district's instructional average salary for purposes of calculating pupil service salary-based apportionment. The amount so determined shall be multiplied by the district staff allowance for pupil service staff determined pursuant to section [33-1004\(3\)](#), Idaho Code. The pupil service staff salary allocation shall be further increased by the amount necessary for each full-time equivalent pupil service staff member placed on the experience and education index to be allocated at least the minimum salary mandated by this section. Full-time pupil service staff salaries shall be determined from a salary schedule developed by each district and submitted to the state department of education. The resulting amount is the district's salary-based apportionment for pupil service staff. No full-time pupil service staff member

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shall be paid less than ~~thirty-two thousand seven hundred three dollars (\$32,703)~~ the minimum dollar amount on the career ladder residency compensation rung pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year.

(3) To determine the apportionment for district administrative staff, first determine the district average experience and education index by placing all eligible certificated administrative employees on the statewide index provided in section 33-1004A, Idaho Code. The resulting average is the district index. ~~Districts with an index above the state average index shall receive their actual index but not more than the state average plus .03 for the school year 1994-95, and shall receive their actual index but not more than the state average index plus .06 for the 1995-96 school year, and thereafter shall receive their actual district index. If the district does not employ any administrative staff, the district administrative index shall equal the statewide average index for purposes of calculating administrative salary-based apportionment.~~ The district administrative staff index shall be multiplied by the base salary of thirty-three thousand one hundred sixteen dollars (\$33,116). The amount so determined shall be multiplied by the district staff allowance for administrative staff determined as provided in section 33-1004(4), Idaho Code. The resulting amount is the district's salary-based apportionment for administrative staff.

(4) To determine the apportionment for classified staff, multiply nineteen thousand eight hundred twenty-six dollars (\$19,826) by the district classified staff allowance determined as provided in section 33-1004(5), Idaho Code. The amount so determined is the district's apportionment for classified staff.

(5) The district's salary-based apportionment shall be the sum of the apportionments calculated in subsections (1), (2), (3) and (4) of this section, plus the benefit apportionment as provided in section 33-1004F, Idaho Code.

Section 7. That Section 33-1004E, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004E. DISTRICT'S SALARY-BASED APPORTIONMENT. Each district shall be entitled to a salary-based apportionment calculated as provided in this section.

(1) To determine the apportionment for instructional staff, take the amounts indicated on the career ladder table plus the amounts associated with the additional education allocation amounts pursuant to section 33-1004B, Idaho Code, and calculate the weighted average. The amount so determined shall be multiplied by the district staff allowance for instructional staff determined as provided in section 33-1004(2), Idaho Code. Full-time instructional staff salaries shall be determined from a salary schedule developed by each district and submitted to the state department of education. No full-time instructional staff member shall be paid less than the minimum dollar amount on the career ladder residency compensation rung pursuant to section 33-1004B, Idaho Code, for the applicable fiscal year.

(a) If an instructional staff member has been certified by the national board for professional teaching standards, the staff member shall receive two thousand dollars (\$2,000) per year for five (5) years from the year in which national board certification was earned. The district staff allotment shall be increased by two thousand dollars (\$2,000) for each national board certified instructional staff ~~person and pupil service staff~~ member who earned national board certification; provided however, that no such awards shall be

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paid for the period July 1, 2010, through June 30, 2011, nor shall any liabilities accrue or payments be made pursuant to this section in the future to any individuals who would have otherwise qualified for a payment during this stated time period. The resulting amount is the district's salary-based apportionment for instructional staff ~~and pupil service staff~~. For purposes of this section, teachers qualifying for the salary increase shall be those who have been recognized as national board certified teachers as of July 1 of each year.

(2) To determine the apportionment for pupil service staff, first determine the district average experience and education index by placing all eligible district certificated pupil service employees on the statewide index pursuant to section [33-1004A](#), Idaho Code. The resulting average is the district index. The district pupil service staff index shall be multiplied by the instructional base salary of twenty-four thousand fifty-five dollars (\$24,055). If the district does not employ any pupil service staff, the district's pupil service average salary shall equal the district's instructional average salary for purposes of calculating pupil service salary-based apportionment. The amount so determined shall be multiplied by the district staff allowance for pupil service staff determined pursuant to section [33-1004](#)(3), Idaho Code. The pupil service staff salary allocation shall be further increased by the amount necessary for each full-time equivalent pupil service staff member placed on the experience and education index to be allocated at least the minimum salary mandated by this section. Full-time pupil service staff salaries shall be determined from a salary schedule developed by each district and submitted to the state department of education. The resulting amount is the district's salary-based apportionment for pupil service staff. No full-time pupil service staff member shall be paid less than thirty-two thousand seven hundred three dollars (\$32,703).

(3) To determine the apportionment for district administrative staff, first determine the district average experience and education index by placing all eligible certificated administrative employees on the statewide index provided in section [33-1004A](#), Idaho Code. The resulting average is the district index. ~~Districts with an index above the state average index shall receive their actual index but not more than the state average plus .03 for the school year 1994-95, and shall receive their actual index but not more than the state average index plus .06 for the 1995-96 school year, and thereafter shall receive their actual district index. If the district does not employ any administrative staff, the district administrative index shall equal the statewide average index for purposes of calculating administrative salary-based apportionment.~~ The district administrative staff index shall be multiplied by the base salary of thirty-three thousand one hundred sixteen dollars (\$33,116). The amount so determined shall be multiplied by the district staff allowance for administrative staff determined as provided in section [33-1004](#)(4), Idaho Code. The resulting amount is the district's salary-based apportionment for administrative staff.

(4) To determine the apportionment for classified staff, multiply nineteen thousand eight hundred twenty-six dollars (\$19,826) by the district classified staff allowance determined as provided in section [33-1004](#)(5), Idaho Code. The amount so determined is the district's apportionment for classified staff.

(5) The district's salary-based apportionment shall be the sum of the apportionments calculated in subsections (1), (2), (3) and (4) of this section, plus the benefit apportionment as provided in section [33-1004F](#), Idaho Code.

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Section 8. That Section 33-1201A, Idaho Code, be, and the same is hereby amended to read as follows:

33-1201A. IDAHO PROFESSIONAL ENDORSEMENT -- ELIGIBILITY. (1) Any instructional staff employee or any pupil service staff ~~who is issued a certificate under section 33-1201, Idaho Code, on or after July 1, 2015,~~ will receive mentoring as outlined in such employee's individualized professional learning plan during the initial three (3) years of holding such certificate. Upon holding a certificate for three (3) years, any such instructional staff or pupil service staff employee may apply for an Idaho professional endorsement. To be eligible for an Idaho professional endorsement, the instructional staff or pupil service staff employee must:

- (a) Have held a certificate for at least three (3) years, or have completed a state board of education approved interim certificate of three (3) years or longer;
- (b) Show they met the professional compensation rung performance criteria for two (2) of the three (3) previous years or the third year;
- (c) Have a written recommendation from the employing school district; and
- (d) Have an annual individualized professional learning plan developed in conjunction with the employee's school district supervisor.

Instructional staff employees may provide additional evidence demonstrating effective teaching that may be considered in exceptional cases for purposes of determining proficiency and student achievement in the event required standards for professional endorsement are not met. Pupil service staff employees may provide additional evidence demonstrating effective student achievement or success that may be considered in exceptional cases for purposes of determining proficiency and student achievement or success in the event required standards for professional endorsement are not met.

(2) An instructional staff employee who has held a certificate which qualifies them to teach in the classroom for three (3) or more years prior to ~~the effective date of this act~~ July 1, 2015 or a pupil service staff employee who has held a pupil personnel services certificate for three (3) or more years prior to July 1, 2016 shall automatically obtain an Idaho professional endorsement under this section.

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

(4) For the purposes of this section, "instructional staff" means those involved in the direct instruction of a student or group of students and who hold a certificate issued under section 33-1201, Idaho Code.

(5) For the purposes of this section, "pupil service staff" means those who provide services to students but are not involved in direct instruction of those students, and who hold a certificate issued under section 33-1201, Idaho Code.

Section 9. That Section 33-5215, Idaho Code, be, and the same is hereby amended to read as follows:

33-5215. PROFESSIONAL-TECHNICAL REGIONAL PUBLIC CHARTER SCHOOL. (1) A professional-technical regional public charter school is hereby declared to be a public charter school and as such, the provisions of chapter 52, title 33, Idaho

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Code, shall apply to each professional-technical regional public charter school in the same manner and to the same extent as the provisions of charter school law apply to other public charter schools, with the exception of certain conditions and applications as specifically provided in this section.

(2) In addition to the approval provisions of this chapter, approval of a professional-technical regional public charter school by an authorized chartering entity shall not be final until the petition has also been reviewed by the division of professional-technical education.

(3) Funding for a professional-technical regional public charter school shall be the same as provided in section [33-5208](#), Idaho Code, except that:

(a) The salary-based apportionment for a professional-technical regional public charter school shall be the statewide average ~~index~~ for public charter schools. Such salary-based apportionment may be used for payment of contracted services or for direct hire of staff;

(b) The board of directors may contract for the services of certificated and noncertificated personnel, to procure the use of facilities and equipment, and to purchase materials and equipment, which in the judgment of the board of directors is necessary or desirable for the conduct of the business of the professional-technical regional public charter school; and

(c) Transportation support shall be paid to the professional-technical regional public charter school in accordance with the provisions of [chapter 15, title 33](#), Idaho Code.

(4) A professional-technical regional public charter school shall provide assurances in state attendance reports that it has verified attendance reports, which generate ADA with its participating school districts, to make certain that the districts and the charter school do not duplicate enrollment or ADA claims.

Section 10. An emergency existing therefor, which emergency is hereby declared to exist, Section 7 shall be in full force and effect on and after its passage and approval.

33-1002. EDUCATIONAL SUPPORT PROGRAM.[EFFECTIVE JULY 1, 2016, UNTIL JULY 1, 2019] 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 charter school facilities funds and reimbursements paid pursuant to section [33-5208](#)(5), Idaho Code;

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

(n) For advanced opportunities as provided for in section [33-4602](#), Idaho Code;

(o) For the "8 in 6 program" as provided for in section [33-4603](#), Idaho Code;

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

(q) For leadership premiums as provided in section [33-1004J](#), Idaho Code;

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

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

(t) An amount specified in the public schools educational support program appropriation bill for reading intervention for students in kindergarten through grade (3) as provided for in section 33-1615, Idaho Code. Kindergarten interventions shall be distributed with the first payment made by the department of education in each fiscal year

and shall be based on the average number of kindergarten students in the school district who scored basic or below basic on the fall reading screening assessment in the prior three (3) years. School districts and charter schools shall be reimbursed up to the amount necessary to provide full day kindergarten for such students. Interventions for students in grades one (1) through three (3) shall be reimbursed in full, or prorata, at a rate of one hundred dollars (\$100) per student for students who score below basic on the reading screening assessment or alternate assessment and at a rate of fifty dollars (\$50) per student for students who score basic on the reading screening assessment or alternate assessment.

(~~u~~) Any additional amounts as required by statute to effect administrative adjustments or as specifically required by the provisions of any bill of appropriation; and
~~{(u)}~~ For mastery-based education as provided for in section [33-1630](#), Idaho Code;

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 calculation shall be carried out to the nearest hundredth. Computation of average daily attendance shall also be governed by the provisions of section [33-1003A](#), Idaho Code.

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

COMPUTATION OF KINDERGARTEN SUPPORT UNITS

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

COMPUTATION OF ELEMENTARY SUPPORT UNITS

Average Daily Attendance	Attendance Divisor	Minimum Units Allowed
300 or more ADA..... 15
	..23...grades 4,5 & 6....	

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	..22...grades 1,2 & 3....1994-95	
	..21...grades 1,2 & 3....1995-96	
	..20...grades 1,2 & 3....1996-97	
	and each year thereafter.	
160 to 299.99 ADA...	20	8.4
110 to 159.99 ADA...	19	6.8
71.1 to 109.99 ADA...	16	4.7
51.7 to 71.0 ADA...	15	4.0
33.6 to 51.6 ADA...	13	2.8
16.6 to 33.5 ADA...	12	1.4
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 SUPPORT UNITS

(Computation of alternative school support units shall include
grades 6 through 12)

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 attendance of students attending an alternative school in a school district reporting less than one hundred (100) secondary students in average daily attendance shall not be assigned to the alternative table if the student is from a school district reporting less than one hundred (100) secondary students in average daily attendance, but shall instead be assigned to the secondary table of the school district in which they are attending the alternative school, unless the alternative school in question serves students from multiple districts reporting less than one hundred (100) secondary students in average daily attendance. The tables for exceptional education and alternative school 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.

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

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

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

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

(iii) The total number of support units of the district shall be the sum of the total support units for regular students, subparagraph (i) of this paragraph, and the support units allowance for the approved exceptional child program, subparagraph (ii) of this paragraph.

(b) Total District Allowance Educational Program. Multiply the district's total number of support units, carried out to the nearest hundredth, by the state distribution factor per support unit and to this product add the approved amount of programs of the district provided in subsection (2) of this section to secure the district's total allowance for the educational support program.

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

(d) Adjustment of District Share. The contract salary of every noncertificated teacher shall be subtracted from the district's share as calculated from the provisions of paragraph (c) of this subsection.

(7) Property Tax Computation Ratio. In order to receive state funds pursuant to this section, a charter district shall utilize a school maintenance and operation property tax computation ratio for the purpose of calculating its maintenance and operation levy that is no greater than that which it utilized in tax year 1994, less four-tenths of one percent (.4%). As used herein, the term "property tax computation ratio" shall mean a ratio determined by dividing the district's certified property tax maintenance and operation budget by the actual or adjusted market value for assessment purposes as such values existed on December 31, 1993. Such maintenance and operation levy shall be based on the property tax computation ratio multiplied by the actual or adjusted market value for assessment purposes as such values existed on December 31 of the prior calendar year.

33-1002. EDUCATIONAL SUPPORT PROGRAM.[EFFECTIVE JULY 1, 2019] 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 charter school facilities funds and reimbursements paid pursuant to section [33-5208](#)(5), Idaho Code;

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

(n) For advanced opportunities as provided for in section [33-4602](#), Idaho Code;

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- (o) For the "8 in 6 program" as provided for in section [33-4603](#), Idaho Code;
- (p) For additional math and science courses for high school students as provided in section [33-1021](#), Idaho Code;
- (q) For leadership premiums as provided in section [33-1004J](#), Idaho Code;
- (r) For master teacher premiums as provided in section [33-1004I](#), Idaho Code;
- [(s)](r) For the support of provisions that provide a safe environment conducive to student learning and maintain classroom discipline, an allocation of three hundred dollars (\$300) per support unit;

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

(t) An amount specified in the public schools educational support program appropriation bill for reading intervention for students in kindergarten through grade (3) as provided for in section 33-1615, Idaho Code. Kindergarten interventions shall be distributed with the first payment made by the department of education in each fiscal year and shall be based on the average number of kindergarten students in the school district who scored basic or below basic on the fall reading screening assessment in the prior three (3) years. School districts and charter schools shall be reimbursed up to the amount necessary to provide full day kindergarten for such students. Interventions for students in grades one (1) through three (3) shall be reimbursed in full, or prorata, at a rate of one hundred dollars (\$100) per student for students who score below basic on the reading screening assessment or alternate assessment and at a rate of fifty dollars (\$50) per student for students who score basic on the reading screening assessment or alternate assessment.

~~[(u)](t)~~—Any additional amounts as required by statute to effect administrative adjustments or as specifically required by the provisions of any bill of appropriation; and

~~[(v)](t)~~ For mastery-based education as provided for in section [33-1630](#), Idaho Code;

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 calculation shall be carried out to the nearest hundredth. Computation of average daily attendance shall also be governed by the provisions of section [33-1003A](#), Idaho Code.

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

COMPUTATION OF KINDERGARTEN SUPPORT UNITS

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

COMPUTATION OF ELEMENTARY SUPPORT UNITS

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

COMPUTATION OF SECONDARY SUPPORT UNITS

Average Daily Attendance	Attendance Divisor	Minimum Units 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 Attendance	Attendance Divisor	Minimum Units Allowed
14 or more....	14.5	1 or more as

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		computed
12 - 13.99....	-	1
8 - 11.99....	-75
4 - 7.99....	-5
1 - 3.99....	-25

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

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 attendance of students attending an alternative school in a school district reporting less than one hundred (100) secondary students in average daily attendance shall not be assigned to the alternative table if the student is from a school district reporting less than one hundred (100) secondary students in average daily attendance, but shall instead be assigned to the secondary table of the school district in which they are attending the alternative school, unless the alternative school in question serves students from multiple districts reporting less than one hundred (100) secondary students in average daily attendance. The tables for exceptional education and alternative school 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.

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

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

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

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

(iii) The total number of support units of the district shall be the sum of the total support units for regular students, subparagraph (i) of this [sub]paragraph, and the support units allowance for the approved exceptional child program, subparagraph (ii) of this [sub]paragraph.

(b) Total District Allowance Educational Program. Multiply the district's total number of support units, carried out to the nearest hundredth, by the state distribution factor per support unit and to this product add the approved amount of programs of the district provided in subsection (2) of this section to secure the district's total allowance for the educational support program.

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

(d) Adjustment of District Share. The contract salary of every noncertificated teacher shall be subtracted from the district's share as calculated from the provisions of paragraph (c) of this subsection.

(7) Property Tax Computation Ratio. In order to receive state funds pursuant to this section, a charter district shall utilize a school maintenance and operation property tax computation ratio for the purpose of calculating its maintenance and operation levy that is no greater than that which it utilized in tax year 1994, less four-tenths of one percent (.4%). As used herein, the term "property tax computation ratio" shall mean a ratio determined by dividing the district's certified property tax maintenance and operation budget by the actual or adjusted market value for assessment purposes as such values existed on December 31, 1993. Such maintenance and operation levy shall be based on the property tax computation ratio multiplied by the actual or adjusted market value for assessment purposes as such values existed on December 31 of the prior calendar year.

33-1614. READING ASSESSMENT. The state department of education shall be responsible for administration of all assessment efforts, train assessment personnel and report results.

(1) In continuing recognition of the critical importance of reading skills, ~~and after an appropriate phase in time as determined by the state board of education,~~ all public school students in kindergarten and grades one (1), two (2) and three (3) shall have their reading skills assessed. For purposes of this assessment, the state board approved and research-based "Idaho Comprehensive Literacy Plan" shall be the reference document. The kindergarten assessment shall include reading readiness and phonological awareness. Grades one (1), two (2) and three (3) shall test for fluency and accuracy of the student's reading. The assessment shall be by a single statewide test specified by the state board of education, and the state department of education shall ensure that testing shall take place not less than two (2) times per year in the relevant grades. Additional

assessments may be administered ~~for~~ to students ~~in the lowest twenty-five percent (25%) of reading progress who are identified for reading interventions as outlined in section 33-1615.~~ The state K-3 assessment ~~test~~ results shall be reviewed by school personnel for the purpose of providing necessary interventions to sustain or improve the students' reading skills. Reports shall be submitted by the school districts in such a manner that it is possible to determine for each school building with grades kindergarten through three (K-3) in each school district the percentage of students who are achieving proficiency on the reading assessment. Results shall be maintained and compiled by the state department of education and shall be reported annually to the state board, legislature and governor and made available to the public in a consistent manner, by school and by district.

(2) The assessment scores of the tests and interventions recommended and implemented shall be maintained in the permanent record of each student.

(3) The administration of the state K-3 assessments is to be done in the local school districts by individuals chosen by the district other than the regular classroom teacher. All those who administer the assessments shall be trained by the state department of education.

(4) It is legislative intent that curricular materials utilized by school districts for kindergarten through grade three (3) shall align with the "Idaho Comprehensive Literacy Plan."

33-1615. EXTENDED YEAR READING LITERACY INTERVENTIONS PROGRAM. ~~(1) The board of trustees of e~~ Each school district shall establish an extended year state board approved time reading literacy intervention program for students ~~identified as below grade level who do not score proficient on the fall reading screening assessments or alternate reading screening assessment~~ in kindergarten through grade three (3) and submit it to the state board of education.

(2) The program shall be the equivalent provide proven effective substantial intervention and may include full-day instruction for students in kindergarten who score below basic on the reading screening assessment, substantial supplemental instruction or full-day instruction for students in kindergarten who score basic on the reading screening assessment, a minimum of forty (40) hours of supplemental instruction for students in grades one (1) through grade three (3) who score below basic on the reading screening assessment, and a minimum of twenty (20) hours of supplemental instruction for students in grades one (1) through grade three (3) who score basic on the reading screening assessment.

(3) Subject to an amount appropriated, instructional costs of the extended year time reading literacy intervention program shall be reimbursed by the state, with the exception of transportation which shall be reimbursed at an amount not to exceed thirty dollars (\$30.00) per student per session. Programs for students scoring below basic will be given priority for appropriated funds.

(4) For the purpose of program reimbursement, the state department of education shall adopt reporting forms, establish reporting dates, and adopt such additional guidelines and standards as necessary to accomplish the program goals that every child will read fluently and comprehend printed text on grade level by the end of the third grade.

Districts shall apply for an intervention program reimbursement based on a reporting procedure developed and administered by the state department of education.

(5) To ensure students receive high-quality literacy instruction and interventions, the state department of education shall provide professional development to districts and schools on best practices supporting literacy instruction as outlined in the state board of education approved "Idaho Comprehensive Literacy Plan". Intervention program participation and effectiveness by school and district shall be presented annually to the state board, the legislature and the governor.

~~33-1616. EVALUATIONS AND INTERVENTIONS. Reports shall be submitted by the school districts in such a manner that it is possible to determine for each school building in each school district the percentage of students who are achieving at or above the appropriate grade level on the reading assessment. In order to maintain the commitment made by the legislature to reading excellence, the statewide goal for reading achievement for spring 2004 shall be not less than fifty five percent (55%) at or above grade level for kindergarten and not less than sixty percent (60%) at or above grade level for first grade; the goal for spring 2005 shall be not less than fifty five percent (55%) at or above grade level for kindergarten, not less than sixty five percent (65%) at or above grade level for first grade, and not less than seventy percent (70%) at or above grade level for second grade; the goal for spring 2006 shall be not less than sixty percent (60%) at or above grade level for kindergarten, not less than seventy percent (70%) at or above grade level for first grade, not less than eighty percent (80%) at or above grade level for second grade and not less than eighty five percent (85%) at or above grade level for third grade. Notwithstanding the statewide reading achievement goals provided herein, an individual school building will also be deemed to have met the achievement goal if the percentage reading at or above grade level is five percent (5%) or more greater than the percentage for the immediately preceding fall scores. For purposes of this section, the calculations shall be based on students who were enrolled ninety percent [(90%)] of the possible total days of attendance at that school between the fall and spring reading test within that same school year.~~

~~The state department of education shall extract data from the reporting forms, after the spring assessment period, and specifically identify those schools whose average reading scores for any grade level have not met the targeted level by the specified date. The department shall prepare a list of these schools and the grade or grades not attaining the achievement goal. This list shall be made available for the public, shall be published in the next issue of the state publication of the department and may be made available on the internet following the spring assessment. In addition, each school so identified shall be notified by the department that should the school experience a similar shortfall in the next ensuing year, a school intervention program may be initiated. The state department of education shall provide for an intervention program which will consist of at least, but not limited to, a site visit by designated personnel from schools that have achieved the state standard and may include others who are familiar with reading achievement. The intervention team shall make recommendations to the district on means for improvement in order to meet and exceed the state's reading goals.~~

33-320. CONTINUOUS IMPROVEMENT PLANS AND TRAINING. (1) Each school district and public charter school in Idaho shall develop an annual plan that is part of a continuous focus on improving the student performance of the district or public charter school.

(2) (a) The board of trustees and the superintendent shall collaborate on the plan and engage students, parents, educators and the community as appropriate. The board of directors and the administrator of a public charter school shall collaborate on the plan and engage students, parents, educators and the community as appropriate.

(b) The annual continuous improvement plan shall:

(i) Be data driven, specifically in student outcomes, and shall include, but not be limited to, analyses of demographic data, student achievement and growth data, graduation rates, and college and career readiness;

(ii) Set clear and measurable targets based on student outcomes;

(iii) Include a clearly developed and articulated vision and mission;

(iv) Include key indicators for monitoring performance;

(v) Include at a minimum the statewide student readiness and student improvement metrics; and

(vi) Include a report of progress toward the previous year's improvement goals.

(c) The annual continuous improvement plan must be reviewed and updated annually no later than October 1 each year.

(d) The board of trustees or the board of directors shall continuously monitor progress toward the goals by utilizing relevant data to measure growth. The progress shall be included in evaluations of the district superintendent or administrator of a public charter school.

(3) The plan must be made available to the public and shall be posted on the school district or charter school website.

(4) Of the moneys appropriated in the public schools educational support program, up to six thousand six hundred dollars (\$6,600), prorated based on the amount appropriated, shall be distributed to each school district and public charter school to be expended for training purposes for district superintendents and boards of trustees, public charter school administrators and boards of directors. Funds shall be distributed on a reimbursement basis based on a process prescribed by the superintendent of public instruction. Qualified training shall include training for continuous improvement processes and planning, strategic planning, finance, superintendent evaluations, public charter administrator evaluations, ethics and governance.

(5) (a) The statewide student readiness and improvement metrics as used in this section shall mean metrics established by the state board of education applicable to three (3) grade bands; high school, middle grades and elementary grades, these metrics will be referred to as the:

(i) career and college readiness metric,

(ii) career and college readiness improvement metric,

(iii) high school readiness metric,

(iv) high school readiness improvement metric,

(v) grade seven (7) readiness metric, and

(vi) grade seven (7) readiness improvement metric

(b) The readiness score shall be the percent of exiting students that are prepared to continue to the next educational level.

(c) The readiness improvement score shall be the year over year improvement in the readiness score of the school.

(d) Statewide student readiness and improvement metrics shall be reported as scores and calculated at the school level.

(56) The state board of education shall be granted rulemaking authority to establish appropriate procedures, qualifications and guidelines for qualified training providers and shall prepare a list of qualified training providers within the state of Idaho.

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33-1003A. CALCULATION OF AVERAGE DAILY ATTENDANCE. ~~In computing the average daily attendance the entire school year shall be used except that the twenty-eight (28) weeks having the highest average daily attendance, not necessarily consecutive, may be used.~~ shall be computed based on the total average daily attendance through the first Friday in November, or the average of the average daily attendance reported through the first Friday in November and the average daily attendance calculated between the first Friday in January and the first Friday in March, whichever is greater. When a school is closed, or if a school remains open but attendance is significantly reduced because of storm, flood, failure of the heating plant, loss or damage to the school building, quarantine or order of any city, county or state health agency, or for reason believed by the board of trustees to be in the best interests of the health, safety or welfare of the pupils, the board of trustees having certified to the state department of education the cause and duration of such closure or impacted attendance, the average daily attendance for such day or days of closure or impacted attendance shall be considered as being the same as for the days when the school actually was in session or when attendance was not impacted. A decision by the state department to disallow such a consideration shall be subject to appeal to the state board of education.

For illness or accident that necessitates an absence from school for more than ten (10) consecutive school days, the school district may include homebound students in its total attendance, provided that academic instruction has been given by appropriate certified professional staff employed by the district.

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, calculate 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 1.021. A district must demonstrate that it actually employs the number of certificated instructional staff allowed, except as provided in subsection (6)(f) and (g) 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 (6)(f) and (g) of this section;

(3) Determine the pupil service staff allowance by multiplying the support units by 0.079;

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

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

(6) Additional conditions governing staff allowance:

(a) In determining the number of staff in subsections (2), (3), (4) and (5) 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

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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), (3) and (4) of this section, an appeal may be filed with the state department 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, pupil service and administrative staff 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) A district may employ nine and one-half percent (9.5%) fewer positions than funded pursuant to subsections (2) and (3) 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 average class size. The state department of education shall report to the legislature every February, beginning in 2015, on the reductions scheduled to take place in this figure, by school district, in the ensuing fiscal year.

(7) In the event that the staff allowance in any category is insufficient to meet accreditation standards, a district may appeal to the state board of education, demonstrating the insufficiency, and the state board may grant a waiver authorizing sufficient additional staff to be included within the staff allowance to meet accreditation standards. Such a waiver shall be limited to one (1) year, but may be renewed upon showing of continuing justification.

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

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

~~1-(1)~~ a-(a) Payments of the state general account appropriation for public school support shall be made each year by the state department of education to the public school districts of the state in four (4) payments. Payments to the districts shall be made not later than the fifteenth day of August, the fifteenth day of November, the fifteenth day of February, and the fifteenth day of May each year. The first payment by the state department of education shall be approximately fifty percent (50%) of the total general account appropriation for the fiscal year, while the second and third payments shall be approximately twenty percent (20%) each, and the fourth payment approximately ten percent (10%) respectively, except as provided for in section [33-5209C](#), Idaho Code. Amounts apportioned due to a special transfer to the public school income fund to restore or reduce a deficiency in the prior year's transfer pursuant to subsection 4. of this section shall not be subject to this limitation.

~~b-(b)~~ Payments of moneys, other than the state general account appropriation, that accrue to the public school income fund shall be made by the state department of education to the school districts of the state on the fifteenth day of November, February, May and July each year. The total amount of such payments shall be determined by the state department of education and shall not exceed the amount of moneys available and on deposit in the public school income fund at the time such payment is made.

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

~~2-(2)~~ Payments made to the school districts in August and November are advance payments for the current year and may be based upon payments from the public school income fund for the preceding school year. Each school district may receive its proportionate share of the advance payments in the same ratio that its total payment for the preceding year was to the total payments to all school districts for the preceding year.

~~3.(3)~~ No later than the fifteenth day of February in each year, ~~the~~ state department of education shall ~~compute~~ use the estimated state distribution factor of discretionary funds from the current fiscal year's public schools appropriation for the educational support program/division of operations based on the total average daily attendance through the first Friday in November. The factor will be used ~~infor~~ payments of state funds in February and May. Average daily attendance from the first day of school through the first Friday in November shall be used for computing the February payment. The greater of (1) the average daily attendance from the first day of school through the first Friday in November, or (2) the average of the average daily attendance through the first Friday in November and the average daily attendance between the first Friday in January and the first Friday in March, will be used for computing the May payment. Attendance shall be reported in a format and at a time specified by the state department of education.

As of the thirtieth day of June of each year the state department of education shall determine final payments to be made on July fifteenth next succeeding to the several school districts from the public school income fund for the school year ended June 30. The July payments shall take into consideration:

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

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

~~c.(c)~~ All payments distributed for the current fiscal year to the several school districts;

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

~~e.(e)~~ Payments made or due for the transportation support program and the exceptional education support program. The state department of education shall apportion and direct the payment to the several school districts the moneys in the public school income fund in each year, taking into account the advance made under subsection 2. of this section, in such amounts as will provide in full for each district its support program, and not more than therefor required, and no school district shall receive less than fifty dollars (\$50.00).

~~4.(4)~~ If the full amount appropriated to the public school income fund from the general account by the legislature is not transferred to the public school income fund by the end of the fiscal year, the deficiency resulting therefrom shall either be restored or reduced through a special transfer from the general account in the first sixty (60) days of the following fiscal year, or shall be calculated in computing district levies, and any additional levy shall be certified by the state superintendent of public instruction to the board of county commissioners and added to the district's maintenance and operation levy. If the deficiency is restored or reduced by special transfer, the amount so transferred shall be in addition to the amount appropriated to be transferred in such following fiscal year and shall be apportioned to each school district in the same amount as each would have received had the transfer been made in the year the deficiency occurred. The state department of education shall distribute to the school district the full amount of the special transfer as soon as practical after such transfer is made. In making the levy computations

required by this subsection the state department of education shall take into account and consider the full amount of money received into the public school income fund from all sources for the given fiscal year. Deficits in the transfer of the appropriated amount of general account revenue to the public school income fund shall be reduced by the amount, if any, that the total amount received from other sources into the public school income fund exceeds the official estimated amount from those sources. The official estimate of receipts from other sources shall be the total amount stated by the legislature in the appropriation bill. The provisions of this subsection shall not apply to any transfers to or from the public education stabilization fund.

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

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5-343. IMMUNITY OF COLLEGES AND UNIVERSITIES ALLOWING FIREARMS. No action shall lie or be maintained for civil damages in any court of this state against the board of regents of the university of Idaho, the ~~boards of trustees of the state colleges and universities~~board of education, a dormitory housing commission, the board of ~~professional-technical~~career technical education or the boards of trustees of each of the community colleges established under [chapter 21, title 33](#), Idaho Code, where the claim arises out of the policy of the board or commission to either specifically allow or not prohibit the lawful possession and storage of firearms on its property.

15-12-213. PERSONAL AND FAMILY MAINTENANCE. (1) Unless a power of attorney otherwise provides, language in a power of attorney granting general authority with respect to personal and family maintenance authorizes the agent to:

(a) Perform the acts necessary to maintain the customary standard of living of the principal, the principal's spouse, and the following individuals, whether living when the power of attorney is executed or later born:

- (i) The principal's children;
- (ii) Other individuals legally entitled to be supported by the principal; and
- (iii) Those individuals whom the principal has customarily supported or indicated the intent to support;

(b) Make periodic payments of child support and other family maintenance required by a court or governmental agency or an agreement to which the principal is a party;

(c) Provide living quarters for those individuals described in paragraph (a) of this subsection by purchase, lease or other contract or pay the operating costs, including interest, amortization payments, repairs, improvements and taxes, on premises owned by the principal or occupied by those individuals;

(d) Provide normal domestic help, usual vacations and travel expenses, and funds for shelter, clothing, food, appropriate education, including postsecondary and ~~professional-technical~~career technical education and other current living costs for those individuals described in paragraph (a) of this subsection;

(e) Pay expenses for necessary health care and custodial care on behalf of the individuals described in paragraph (a) of this subsection;

(f) Act as the principal's personal representative pursuant to the health insurance portability and accountability act, sections 1171 through 1179 of the social security act, 42 U.S.C. section 1320d through 1320d-8, as amended, and applicable regulations, in making decisions related to the past, present or future payment for the provision of health care consented to by the principal or anyone authorized under the law of this state to consent to health care on behalf of the principal;

(g) Continue any provision made by the principal for automobiles or other means of transportation, including registering, licensing, insuring and replacing them for the individuals described in paragraph (a) of this subsection;

(h) Maintain credit and debit accounts for the convenience of the individuals described in paragraph (a) of this subsection and open new accounts to accomplish a lawful purpose; and

(i) Continue payments incidental to the membership or affiliation of the principal in a religious institution, club, society, order or other organization or to continue contributions to those organizations.

(2) Authority with respect to personal and family maintenance is neither dependent upon, nor limited by, authority that an agent may or may not have with respect to gifts under this chapter.

18-3309. AUTHORITY OF GOVERNING BOARDS OF PUBLIC COLLEGES AND UNIVERSITIES REGARDING FIREARMS.

(1) The board of regents of the university of Idaho, the ~~boards of trustees of the state colleges and universities~~board of education, the board for ~~professional-technical~~career technical education and the boards of trustees of each of the community colleges established under chapter 21, title 33, Idaho Code, hereby have the authority to prescribe rules and regulations relating to firearms.

(2) Notwithstanding any other provision of state law, this authority shall not extend to regulating or prohibiting the otherwise lawful possession, carrying or transporting of firearms or ammunition by persons licensed under section 18-3302H or 18-3302K, Idaho Code.

(a) However, a person issued a license under the provisions of section 18-3302H or 18-3302K, Idaho Code, shall not carry a concealed weapon:

- (i) Within a student dormitory or residence hall; or
- (ii) Within any building of a public entertainment facility, provided that proper signage is conspicuously posted at each point of public ingress to the facility notifying attendees of any restriction on the possession of firearms in the facility during the game or event.

(b) As used in this section:

(i) "Public entertainment facility" means an arena, stadium, amphitheater, auditorium, theater or similar facility with a seating capacity of at least one thousand (1,000) persons that is owned or operated by the board of regents of the university of Idaho, ~~a board of trustees of a state college or university~~the board of education, the state board for ~~professional-technical~~career technical education or a board of trustees of a community college established under chapter 21, title 33, Idaho Code, that is primarily designed and used for artistic, theatrical, cultural, charitable, musical, sporting or entertainment events, but does not include publicly accessible outdoor grounds or rights-of-way appurtenant to the facility, including parking lots within the facility used for the parking of motor vehicles.

(ii) "Student dormitory or residence hall" means a building owned or operated by the board of regents of the university of Idaho, a board of trustees of a state college or university, the state board for ~~professional-technical~~career technical education or a board of trustees of a community college established under chapter 21, title 33, Idaho Code, located on or within the campus area owned by the university or college to house persons residing on campus as students, but does not include off-campus housing or publicly accessible outdoor grounds or rights-of-way appurtenant to the building, including parking lots within the building used for the parking of motor vehicles.

(c) The provisions of subsection (2)(a) of this section shall not apply to the following persons:

- (i) A person or persons complying with the provisions of section [19-202A](#), Idaho Code.
- (ii) A person or an employee who is authorized to carry a firearm by the university or college board of trustees, board of regents, governing board or a person or entity with authority over the building or facility.
- (iii) A person who possesses a firearm for authorized use in an approved program, event, activity or other circumstance approved by a person or entity with authority over the building or facility.
- (iv) A person who possesses a firearm in a private vehicle while delivering students, employees or other persons to and from a university, college or public entertainment facility.
- (v) An on-duty or off-duty certified peace officer.
- (3) Any rule, regulation or policy that is contrary to this section is null and void.

33-107B. BOARD MAY ESTABLISH AN OPTIONAL RETIREMENT PROGRAM FOR COMMUNITY COLLEGES AND POSTSECONDARY ~~PROFESSIONAL-TECHNICAL-CAREER~~ ~~TECHNICAL~~ EDUCATION INSTITUTIONS.

(1) The state board of education may establish an optional retirement program under which contracts providing retirement and death benefits may be purchased for members of the teaching staff and officers of community colleges and postsecondary ~~professional-technical-career technical~~ education institutions, including north Idaho college, college of southern Idaho and eastern Idaho technical college, hired on or after July 1, 1997; provided however, that no such employee shall be eligible to participate in an optional retirement program unless he would otherwise be eligible for membership in the public employee retirement system of Idaho. The benefits to be provided for or on behalf of participants in an optional retirement program shall be provided through annuity contracts or certificates, fixed or variable in nature, or a combination thereof, whose benefits are owned by the participants in the program.

(2) The state board of education is hereby authorized to provide for the administration of the optional retirement program and to perform or authorize the performance of such functions as may be necessary for such purposes. The board shall designate the company or companies from which contracts are to be purchased under the optional retirement program and shall approve the form and contents of such contracts. In making the designation and giving approval, the board shall consider:

- (a) The nature and extent of the rights and benefits to be provided by such contracts for participants and their beneficiaries;
- (b) The relation of such rights and benefits to the amount of contributions to be made;
- (c) The suitability of such rights and benefits to the needs of the participants and the interests of the institutions in the recruitment and retention of staff members; and
- (d) The ability of the designated company to provide such suitable rights and benefits under such contracts.

(3) Elections to participate in an optional retirement program shall be as follows:

- (a) Eligible employees are the teaching staff and officers initially appointed or hired on or after the effective date of this chapter. All eligible employees, except those

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who are vested members of the public employee retirement system of Idaho, shall participate in the optional retirement program.

(b) Eligible employees who are vested members of the public employee retirement system of Idaho may make a one (1) time irrevocable election to transfer to the optional retirement program. The election shall be made in writing and within sixty (60) days of the date of initial hire or appointment, or one hundred fifty (150) days after the effective date of this chapter, whichever occurs later. The election shall be filed with the administrative officer of the employing institution. The election shall be effective not later than the first day of the second pay period following the date of the election.

(c) Teaching staff and officers employed by the institution the day before the effective date of this chapter may make a one (1) time irrevocable election to participate in the optional retirement program. The election shall be made in writing and within one hundred fifty (150) days after the effective date of this chapter. The election shall be filed with the administrative officer of the employing institution. The election shall be effective not later than the first day of the second pay period following the date of the election.

(d) The accumulated contributions of employees who make the one (1) time irrevocable election or are required to participate in the optional retirement program may be transferred by the public employee retirement system of Idaho to such qualified plan, maintained under the optional retirement program, as designated in writing by the employee.

(e) An election by an eligible employee of the optional retirement program shall be irrevocable and shall be accompanied by an appropriate application, where required, for issuance of a contract or contracts under the program.

(4) (a) Each institution shall contribute on behalf of each participant in its optional retirement program the following:

(i) To the designated company or companies, an amount equal to seven and eighty-one hundredths percent (7.81%) of each participant's salary, reduced by any amount necessary, if any, to provide contributions to a total disability program provided either by the state or by a private insurance carrier licensed and authorized to provide such benefits, or any combination thereof, but in no event less than five percent (5%) of each participant's salary;

(ii) To the public employee retirement system, an amount equal to three and eighty-three hundredths percent (3.83%) of salaries of members who are participants in the optional retirement program. This amount shall be paid until July 1, 2011, and is in lieu of amortization payments and withdrawal contributions required pursuant to [chapter 13, title 59](#), Idaho Code; and

(iii) Effective on and after July 1, 2011, the institutional contribution optional retirement program rate shall be equal to the PERSI contribution rates.

(b) For the purposes of section [59-1322](#), Idaho Code, the term "projected salaries" shall include the sum of the annual salaries of all participants in the optional retirement program established pursuant to this section.

(c) Each participant shall contribute an amount equal to six and ninety-seven hundredths percent (6.97%). Employee contributions may be made by employer pick-up pursuant to section [59-1332](#), Idaho Code.

(5) Any person participating in the optional retirement program shall be ineligible for membership in the public employee retirement system of Idaho so long as he remains continuously employed in any teaching staff position or as an officer with any of the institutions under the jurisdiction of the state board of education.

(6) A retirement, death or other benefit shall not be paid by the state of Idaho or the state board of education for services credited under the optional retirement program. Such benefits are payable to participants or their beneficiaries only by the designated company or companies in accordance with the terms of the contracts.

33-107D. CAMPUS ACCESS FOR RELIGIOUS STUDENTS. (1) No state postsecondary educational institution shall take any action or enforce any policy that would deny a religious student group any benefit available to any other student group based on the religious student group's requirement that its leaders adhere to its sincerely held religious beliefs or standards of conduct.

(2) As used in this section:

(a) "Benefits" include without limitation:

(i) Recognition;

(ii) Registration;

(iii) The use of facilities at the state postsecondary educational institution for meetings or speaking purposes;

(iv) The use of channels of communication of the state postsecondary educational institution; and

(v) Funding sources that are otherwise available to any other student group through the state postsecondary educational institution.

(b) "State postsecondary educational institution" means a public postsecondary organization governed or supervised by the state board, the board of regents of the university of Idaho, a board of trustees of a community college established pursuant to the provisions of [chapter 21, title 33](#), Idaho Code, or the state board for ~~professional-technical~~[career technical](#) education.

33-123. EDUCATION FOR INMATES UNDER JURISDICTION OF DEPARTMENT OF CORRECTION. The state board for ~~professional-technical~~[career technical](#) education, in cooperation with the state board of correction, shall ~~have~~ prepared suitable courses of study, including ~~professional-technical~~[career technical](#) training, for prisoners held under the jurisdiction of the department of correction, and the state board of correction shall make arrangements carrying into effect all provisions for the education of prisoners who are under the jurisdiction of the department of correction to the extent possible within the limits of moneys appropriated by the state legislature. Such educational opportunities shall be limited to those inmates who have a need, such need to be determined by the staff of the department of correction, and can benefit from training, and those inmates whose degree of custody classification allows participation in the classroom environment provided.

33-1002G. ~~PROFESSIONAL-TECHNICAL~~[CAREER TECHNICAL](#) SCHOOL ADDED COST UNITS. School districts may establish ~~professional-technical~~[career technical](#) schools that qualify for funding appropriated for the specific purpose of

supporting the added cost of professional-technical-career technical schools. These funds will be appropriated to the state board for professional-technical-career technical education, to be expended by the division of professional-technical-career technical education. The amount of the professional-technical-career technical school added cost unit would be calculated as an additional .33 secondary units based on full-time equivalent average daily attendance at an approved professional-technical-career technical school. In order for a school to qualify for funding as a professional-technical-career technical school, it must make application to the division of professional-technical-career technical education on or before the first Friday in July for the following fiscal year. ~~For fiscal year 1999, applications must be made by May 1.~~ All school programs must have a professional-technical-career technical component and meet at least four (4) of the five (5) following criteria:

(1) The school serves students from two (2) or more high school attendance zones with a minimum of fifteen percent (15%) of the total student body residing in attendance zones apart from the attendance zone of the majority of students.

(2) The school offers a majority of its class offerings as dual credit opportunities in conjunction with an accredited institution of higher education.

(3) All school programs involve at least one (1) supervised field experience.

(4) The school is administered and funded as a distinct school separate from schools that qualify for computation as regular secondary support units.

(5) The school is to be located at a separate site from regular high school facilities.

Hardship exemptions for the separate site requirement may be granted by the state board of education.

For funding purposes, students in attendance at a qualifying professional-technical-career technical school will be reported in full or half days. The state board of education will develop rules that will determine funding in instances where students attend a professional-technical-career technical school on a regular basis, but in increments of time that total less than 2.5 hours per day.

33-1252. PROFESSIONAL STANDARDS COMMISSION -- MEMBERS -- APPOINTMENT -- TERMS. A professional standards commission is hereby created in the department of education, consisting of eighteen (18) members, one (1) of whom shall be a member of the staff of the state department of education, and one (1) of whom shall be a member of the staff of the division of professional-technical-career technical education, to be appointed by the state board of education. The members shall be representative of the teaching profession of the state of Idaho, and not less than seven (7) members shall be certificated classroom teachers in the public school system of the state and shall include at least one (1) teacher of exceptional children and at least one (1) teacher in pupil personnel services. Such expansion of membership on the professional standards commission shall not require reaffirmation of the codes and standards of ethics and rules of procedure used by the professional standards commission.

Except for the member from the staff of the state department of education, and the member from the staff of the division of professional-technical-career technical education, three (3) nominees for each position on the commission shall be submitted to

the state superintendent of public instruction, for the consideration of the state board of education. Any state organization of teachers whose membership is open to all certificated teachers in the state may submit nominees for positions to be held by classroom teachers; the Idaho association of school superintendents may submit nominees for one (1) position, the Idaho association of secondary school principals may submit nominees for one (1) position; the Idaho association of elementary school principals may submit nominees for one (1) position; the Idaho school boards association may submit nominees for one (1) position; the Idaho association of special education administrators may submit nominees for one (1) position; the education departments of the private colleges of the state may submit nominees for one (1) position, the community colleges and the education departments of the public institutions of higher education may submit nominees for two (2) positions, and the colleges of letters and sciences of the institutions of higher education may submit nominees for one (1) position.

The state board of education shall appoint or reappoint members of the commission for terms of three (3) years.

33-1629. AGRICULTURAL AND NATURAL RESOURCE EDUCATION PROGRAMS. (1) Idaho Quality Program Standards Incentive Grants.

(a) The board for [professional-technical/career technical](#) education shall adopt and implement Idaho quality program standards for agricultural and natural resource education programs offered in any grade 9 through 12. Such standards shall apply to the areas of instruction, curriculum development, advisory committees, student development and community development. Such standards shall be used to assess the quality of local programs and to set goals for continued program improvement.

(b) The board for [professional-technical/career technical](#) education shall establish and administer an incentive grant program for instructors of agricultural and natural resource education programs offered in any grade 9 through 12 where such programs meet or exceed the applicable Idaho quality program standards as determined by the board. A district may apply to the board, on behalf of an instructor, for a grant provided for in this subsection. The board shall develop an application form and criteria to judge each application for the grant program. Grant awards shall be made by the board to instructors of programs that meet or exceed the criteria established by the board. The maximum amount of an incentive grant as provided for in this section shall be ten thousand dollars (\$10,000).

(c) There is hereby created in the state treasury the quality program standards incentive grant fund, to which shall be credited all moneys both public and private that may be appropriated, allocated, donated, distributed to or otherwise provided for by law. Moneys in the fund shall be used exclusively for incentive grants as provided for in this subsection. Moneys in the fund shall be continuously appropriated for the purposes of this incentive grant program. All idle moneys in the fund shall be invested by the state treasurer in a like manner as provided for in section [67-1210](#), Idaho Code, with respect to other surplus or idle moneys in the state treasury. Interest earned on the investments shall be returned to the fund.

(d) The board for ~~professional-technical~~career technical education shall in its annual budget request to the legislature request funding for the grant program provided for in this section.

(e) The board for ~~professional-technical~~career technical education shall adopt rules to implement the grant program established by this subsection.

(2) Agricultural Education Program Start-Up Grants.

(a) The board for ~~professional-technical~~career technical education shall establish and administer a start-up grant program for school districts and public charter schools to begin or to re-establish an agricultural and natural resource education program in any grade 9 through 12.

(b) The board shall develop an application form and criteria to judge each application for a start-up grant. Any school district or public charter school may apply for a start-up grant.

(c) There shall be no more than four (4) start-up grants awarded per school year. The maximum award for any one (1) start-up grant shall be twenty-five thousand dollars (\$25,000).

(d) There is hereby created in the state treasury the agricultural and natural resource education program start-up grant fund, to which shall be credited all moneys both public and private that may be appropriated, allocated, donated, distributed to or otherwise provided for by law. Moneys in the fund shall be used exclusively for start-up grants as provided for in this subsection. Moneys in the fund shall be continuously appropriated for the purposes of this start-up grant program. All idle moneys in the fund shall be invested by the state treasurer in a like manner as provided for in section [67-1210](#), Idaho Code, with respect to other surplus or idle moneys in the state treasury. Interest earned on the investments shall be returned to the fund.

(e) The board for ~~professional-technical~~career technical education shall in its annual budget request to the legislature request funding for the grant program provided for in this subsection.

(f) The board for ~~professional-technical~~career technical education shall adopt rules to implement the grant program established by this subsection.

(3) The provisions of this section shall apply to agricultural and natural resource education programs provided for in grades 9 through 12.

33-2110. TUITION. (1) All students of a community college shall pay tuition that shall be fixed annually by the board of trustees not later than the 1st day of August of each year. The tuition for full-time students taking normal academic courses provided by the college, who are residents of the district, shall be fixed at not less than three hundred fifty dollars (\$350) per annum, and may be increased by increments of not more than ten percent (10%) per annum to a maximum tuition of two thousand five hundred dollars (\$2,500) per annum. The tuition shall be, as nearly as is practicable, the annual costs of all elements of providing the courses of instruction, including interest on general obligation bonds, teaching, administration, maintenance, operation and depreciation of equipment and buildings, supplies and fuel, and other ordinary and necessary expenses of operation incurred in providing courses by the community college, provided that the tuition of students residing outside the district but within the county or counties wherein the district is located shall be fixed after taking into account

moneys received by the community college district from any funds allocated to the community college from the educational funds of the state of Idaho, other than allocations for ~~professional-technical~~career technical education; and provided that the tuition of students residing outside the district and the county but within the state of Idaho shall be fixed after taking into account moneys received from educational funds other than ~~professional-technical~~career technical moneys, as referred to in this chapter, from the state of Idaho. Receipt of moneys, as hereinbefore provided in this section, shall be based upon the receipts from the sources referred to during the fiscal year preceding the fixing of the tuition. A student in a community college shall not be deemed a resident of the district or of the county or of the state of Idaho, unless that student is deemed a resident as defined by section 33-2110B, Idaho Code, for the district, county or state prior to the date of his first enrollment in the community college, and no student who was not a resident of the district, county or state shall gain residence while attending and enrolled in the community college. The residence of a minor shall be deemed to be the residence of his parents or parent or guardian. Tuition shall be payable in advance, but the board may, in its discretion, permit tuition to be paid in installments.

(2) The board of trustees shall also fix fees for laboratory and other special services provided by the community college and for special courses, including, but not limited to, night school, off-campus courses, summer school, ~~professional-technical~~career technical courses, as otherwise provided in this chapter, and other special instruction provided by the community college and nothing in this chapter shall be deemed to control the amount of tuition for special courses or fees for special services, as herein provided, but the same shall be, as nearly as reasonable, sufficient to cover the cost of all elements of providing courses as above defined.

(3) In this chapter, unless the context requires otherwise, the following definitions shall be uniformly applied. The application of these definitions shall be retroactive and prospective.

(a) "Fees" shall include all charges imposed by the governing body, to students, as a whole or individually, in excess of tuition. Student fees may be imposed for special courses, instruction, and service:

(i) "Special course or instruction fee" means those fees charged for any class or educational endeavor which shall have unique costs beyond a traditional college lecture class; for example, foreign language audio or visual instruction, specialized musical instruction, computer class, art class involving supplies or audiovisual equipment, ~~professional-technical~~career technical instruction, laboratory class, remedial instruction, team teaching, satellite transmissions, outside instructor, professionally assisted instruction, etc.

(ii) "Special service fee" means those fees charged for activity, benefit, or assistance offered to students which is beyond traditional classroom instruction; for example, student government support, providing of student health staff or facilities, student union support, intramural and intercollegiate athletics, recreational opportunities, financial aid services, graduation expense, automobile parking, student yearbook/publication, insurance, registration, noncapital library user fee, etc.

Fees shall not be imposed for any capital improvements except as specifically authorized in chapter 21, title 33, Idaho Code.

(b) "Tuition" shall mean a sum charged students for cost of college instruction and shall include costs associated with maintenance and operation of physical plant, student services and institutional support.

33-2202. STATE BOARD FOR ~~PROFESSIONAL-TECHNICAL~~CAREER TECHNICAL EDUCATION -- POWERS AND DUTIES. The state board of education is hereby designated as the state board for ~~professional-technical~~career technical education for the purpose of carrying into effect the provisions of the federal act, known as the Smith-Hughes Act, amendments thereto and any subsequent acts now or in the future enacted by the Congress affecting vocational education, and is hereby authorized to cooperate with the United States office of education, vocational division, or any other agency of the United States designated to administer such legislation, in the administration and enforcement of the provisions of said act, or acts, and to exercise such powers and perform such acts as are necessary to entitle the state of Idaho to receive the benefits of the same, and to execute the laws of the state of Idaho relative to ~~professional-technical~~career technical education; to administer the funds provided by the federal government and the state of Idaho under the provisions of this chapter for promotion of education in agricultural subjects, trade and industrial subjects, home economics subjects and other subjects authorized by the board. Incident to the other powers and duties of the board for ~~professional-technical~~career technical education, the board may hold title to real property.

As used in this title, unless otherwise specifically defined, the term "~~professional-technical~~career technical education" means secondary, postsecondary and adult courses, programs, training and services administered by the division of ~~professional-technical~~career technical education for occupations or careers that require other than a baccalaureate, master's or doctoral degree. The courses, programs, training and services include, but are not limited to, vocational, technical and applied technology education. ~~They are delivered~~ through the ~~professional-technical~~career technical delivery system of public secondary and postsecondary schools and colleges.

33-2203. FURTHER POWERS OF BOARD. It shall have full power to formulate plans for the promotion of ~~professional-technical~~career technical education in such subjects as are an essential and integral part of the public school system of the state of Idaho, and to provide for the preparation of teachers of such subjects. It shall have full power to fix the compensation of such officials and assistants as may be necessary to administer the federal act herein referred to, and to pay such compensation and other necessary expenses of administration from funds appropriated in this chapter and from money received under the provisions of the federal act. It shall have authority to make studies and investigations relating to ~~professional-technical~~career technical education in such subjects, to promote and aid in the establishment of local communities of schools, departments or classes, giving training in such subjects; to cooperate with the local communities in the maintenance of such schools, departments or classes; to prescribe qualifications for teachers, directors and supervisors for such subjects, and to have full authority to provide for the certification of such teachers, directors and supervisors, subject to the laws and rules governing the state board of education; to cooperate in the maintenance of classes supported and controlled by the public for the preparation of

teachers, directors and supervisors of such subjects, or to maintain such classes under its own direction and control; to establish and determine by general rule the qualifications to be possessed by persons engaged in the training of ~~professional-technical~~career technical teachers.

33-2204. MEETINGS OF STATE BOARD. The state board of education, when acting as the state board for ~~professional-technical~~career technical education, shall hold four (4) regular meetings annually at such time and place as may be directed by said board, but special meetings may be called at any time and at a place designated in said call by the president.

33-2205. STATE BOARD TO APPOINT ADMINISTRATOR -- DESIGNATION OF ASSISTANTS -- DIVISION OF ~~PROFESSIONAL-TECHNICAL~~CAREER TECHNICAL EDUCATION -- DUTIES AND POWERS. (1) The state board of education shall appoint a person to serve as an administrator to the state board for ~~professional-technical~~career technical education, who shall be known as the administrator of ~~professional-technical~~career technical education. The administrator shall designate, by and with the advice and consent of the state board for ~~professional-technical~~career technical education, such assistants as may be necessary to properly carry out the provisions of the federal acts and this chapter for the state of Idaho. The administrator and such assistants shall together be known as the division of ~~professional-technical~~career technical education.

(2) The administrator of ~~professional-technical~~career technical education shall also carry into effect such rules as the state board for ~~professional-technical~~career technical education may adopt, and shall coordinate all efforts in ~~professional-technical~~career technical education approved by the board with the executive secretary, and shall prepare such reports concerning the condition of ~~professional-technical~~career technical education in the state as the state board for ~~professional-technical~~career technical education may require.

(3) The division of ~~professional-technical~~career technical education shall coordinate with the Idaho digital learning academy to provide approved online ~~professional-technical~~career technical education courses to any Idaho school district.

(4) The division of ~~professional-technical~~career technical education may provide incentives to Idaho public colleges and universities offering ~~professional-technical~~career technical programs that, in coordination with the division, align ~~their~~required foundational courses ~~that are required~~ in the same or substantially similar programs of study so as to achieve uniformity and transferability in the core program requirements at all such public colleges and universities. The purpose of uniformity is to ensure that postsecondary credits earned by a student in a ~~professional-technical~~career technical education program will transfer at the full credit value to any public Idaho college or university in a like program of study and to ensure that such postsecondary credits will be treated by any such public college or university as satisfying specific course requirements in the student's program of study.

(5) The state board of education may promulgate rules to implement the provisions of subsections (3) and (4) of this section.

33-2206. REPORTS. The state board for ~~professional-technical~~career technical education shall make ~~annually to the governor and legislature~~ an annual report of all moneys expended for ~~professional-technical~~career technical education both from state and federal funds, to the governor and legislature, and shall include such annual report in the annual report of the state board of education.

33-2207. CUSTODY AND DISBURSEMENT OF MONEYS APPROPRIATED. The state treasurer is hereby designated and appointed custodian of all moneys received by the state from the appropriation made by said act of Congress, and he is authorized to receive and to provide for the proper custody of the same and to make disbursement thereof in the manner provided in the said act, and for the purposes therein specified. He shall also pay out any moneys appropriated by the state of Idaho for the promotion of ~~professional-technical~~career technical education in accordance with the provisions of sections 33-2201 through 33-2207, Idaho Code, and upon the order of the state board for ~~professional-technical~~career technical education.

33-2208. EASTERN IDAHO TECHNICAL COLLEGE CREATED. There is hereby established in Bonneville County, Idaho a postsecondary technical college to be designated and known as the Eastern Idaho Technical College, consisting of such ~~professional-technical~~career technical training programs, including academic courses necessarily included in such programs as the state board for ~~professional-technical~~career technical education may, from time to time, authorize.

33-2209. COLLEGE IS BODY POLITIC AND CORPORATE -- SEAL -- POWER TO SUE AND BE SUED. The Eastern Idaho Technical College is hereby declared to be a body politic and corporate, with its own seal and having power to sue and be sued in its own name. The general supervision, government and control of the Eastern Idaho Technical College is vested in the state board for ~~professional-technical~~career technical education of the state of Idaho.

33-2210. PROGRAMS AND COURSES OFFERED -- CERTIFICATES AND DEGREES. The Eastern Idaho Technical College shall offer and give instruction in ~~professional-technical~~career technical programs or courses as approved by the state board for ~~professional-technical~~career technical education. Such courses or programs may be given or conducted on or off campus, or in night school, summer school, or by extension courses. The state board for ~~professional-technical~~career technical education shall grant certificates or associate of applied science degrees for successful completion of courses or programs prescribed by the college.

33-2211. POWERS OF STATE BOARD FOR ~~PROFESSIONAL-TECHNICAL~~CAREER TECHNICAL EDUCATION. The state board for ~~professional-technical~~career technical education shall have the power:

(1-) To adopt rules for its own government, the government of the Eastern Idaho Technical College and any ~~professional-technical~~career technical or vocational rehabilitation program, including programs under chapters 22 and 23, title 33, Idaho Code;

(2-) To employ professional and nonprofessional persons and to prescribe their qualifications;

(3-) To acquire and hold, and to dispose of, real and personal property, and to construct, repair, remodel and remove buildings;

(4-) To contract for the acquisition, purchase or repair of buildings, in the manner prescribed for trustees of school districts;

(5-) To dispose of real and personal property in the manner prescribed for trustees of school districts;

(6-) To convey and transfer real property of the college upon which no buildings used for instruction are situated, to nonprofit corporations, school districts, community college housing commissions, counties or municipalities, with or without consideration; to rent real or personal property for the use of the college, its students or faculty, for such terms as may be determined by the state board for [professional-technicalcareer technical](#) education; and to lease real or personal property of the college not actually in use for instructional purposes on such terms as may be determined by the state board for [professional-technicalcareer technical](#) education;

(7-) To acquire, hold, and dispose of, water rights;

(8-) To accept grants or gifts of money, materials, or property of any kind from any governmental agency, or from any person, firm, or association, on such terms as may be determined by the grantor;

(9-) To cooperate with any governmental agency, or any person, firm or association in the conduct of any educational program; to accept grants from any source for the conduct of such program, and to conduct such program on, or off, campus;

(10-) To employ a president of the college and, with his advice, to appoint such assistants, instructors, specialists and other employees as are required for the operation of the college; to fix salaries and prescribe duties; and to remove the president or other employees in accordance with the policies and rules of the state board of education;

(11-) With the advice of the president, to prescribe the courses and programs of study, the requirements for admission, the time and standards for completion of such courses and programs, and to grant certificates or associate of applied science degrees for those students entitled thereto;

(12-) To employ architects or engineers in planning the construction, remodeling or repair of any building or property and, whenever no other agency is designated by law so to do, to let contracts for such construction, remodeling or repair and to supervise the work thereof;

(13-) To have at all times, general supervision and control of all property, real and personal, appertaining to the college, and to insure the same.

33-2212. CREATION OF ADVISORY COUNCIL -- MEMBERS --
COMPENSATION. The state board for [professional-technicalcareer technical](#) education may appoint an advisory council consisting of not less than twelve (12) nor more than fifteen (15) persons to offer counsel and advice in the organization, establishment and conduct of the Eastern Idaho Technical College. Members of the council will serve without salary but shall be compensated as provided by section [59-509\(b\)](#), Idaho Code. Members of said council shall be appointed from as nearly as is practicable the

vocational area to be served by the Eastern Idaho Technical College as determined by the state board for ~~professional-technical~~career technical education.

33-2303. POWERS OF BOARD IN CARRYING OUT PROVISIONS. (1) The board heretofore designated as the state board for ~~professional-technical~~career technical education is hereby designated as the state board for the purpose of providing for the vocational rehabilitation of persons with disabilities, other than those who are legally blind, and is empowered and directed to cooperate in the administration of said act of Congress; to prescribe and provide such courses of vocational services as may be necessary for the vocational rehabilitation of persons with disabilities, other than those who are legally blind, and provide for the supervision of such services; to appoint such assistants as may be necessary to administer this act and said act of Congress in this state; to fix the compensation of such assistants and to direct the disbursement and administer the use of all funds provided by the federal government and the state of Idaho for the vocational rehabilitation of such persons.

(2) In order to provide vocational rehabilitation services the board for ~~professional-technical~~career technical education may enter into, or authorize a state vocational rehabilitation agency over which it has oversight to enter into, agreements with any person, corporation or association, approved by the board for ~~professional-technical~~career technical education to provide such services.

(3) Any person, corporation or association may make application to the board for ~~professional-technical~~career technical education for approval and certification to provide vocational rehabilitation services. The board for ~~professional-technical~~career technical education may either grant or deny certification or revoke certification previously granted after investigation of the applicant, in accordance with standards as set forth in rules promulgated by the board for ~~professional-technical~~career technical education, and consistent with national accreditation bodies. The board for ~~professional-technical~~career technical education may authorize a state vocational rehabilitation agency over which it has oversight to provide the approvals or certifications described in this subsection.

33-2306. REPORT OF STATE BOARD. The state board for ~~professional-technical~~career technical education shall make annually to the governor and legislature a report of all moneys expended for the vocational rehabilitation of persons with disabilities, other than those who are legally blind, both from state and federal funds, and shall include such annual report in the annual report of the state board of education.

33-3726. HIGHER EDUCATION STABILIZATION FUND. There is hereby created in the state treasury a fund to be known as the higher education stabilization fund. The higher education stabilization fund shall consist of three (3) separate accounts as follows:

(1) An account designated the strategic interest account shall consist of interest earnings from the investment of moneys deposited with the state treasurer into unrestricted current fund 0650-00, as designated by the state controller in the statewide accounting and reporting system. Annually on July 1, or as soon thereafter as is practicable, the state controller shall transfer such interest earnings to the strategic

interest account. All moneys so transferred shall be expended for the maintenance, use and support of institutions that have deposited moneys into unrestricted current fund 0650-00. All such expenditures shall be subject to legislative appropriation. Institutions shall receive a pro rata share of a legislative appropriation based upon the amount of moneys any such institution has deposited into unrestricted current fund 0650-00 in the current fiscal year compared to the total amount deposited by all institutions in the current fiscal year. Interest earned from the investment of moneys in the strategic interest account shall be retained in the strategic interest account.

(2) An account designated the surplus stabilization account shall consist of any other moneys made available through legislative transfers, appropriations or otherwise provided by law, or from any other governmental source. All such moneys shall be expended for the maintenance, use and support of institutions named in section [33-3803](#), Idaho Code. Such expenditures shall be made subject to legislative appropriation to the state board of education for college and universities. Distribution of such moneys to institutions shall be based upon the state board of education's established practices for the allocation of moneys to such institutions. Interest earned from the investment of moneys in this surplus stabilization account shall be retained in this surplus stabilization account.

(3) An account designated the surplus stabilization account for Eastern Idaho Technical College, North Idaho College, College of Southern Idaho and College of Western Idaho shall consist of any other moneys made available through legislative transfers, appropriations or otherwise provided by law, or from any other governmental source. All such moneys shall be expended for the maintenance, use and support of Eastern Idaho Technical College, North Idaho College, College of Southern Idaho and College of Western Idaho. Such expenditures shall be made subject to legislative appropriation to Eastern Idaho Technical College, through the appropriation to the division of [professional-technical/career technical](#) education, and to the community colleges. Distribution of such moneys shall be based upon established practices for the allocation of moneys to Eastern Idaho Technical College through the division of [professional-technical/career technical](#) education, or the state board of education's established practices for the allocation of moneys to the community colleges. Interest earned from the investment of moneys in this surplus stabilization account shall be retained in this surplus stabilization account.

33-3727. MILITARY EDUCATION, TRAINING AND SERVICE -- AWARD OF ACADEMIC CREDIT -- DEVELOPMENT OF POLICIES. Notwithstanding the provisions of section [33-107](#)(6)(b), Idaho Code, the state board of education, the board of regents of the university of Idaho, a board of trustees of a community college established pursuant to the provisions of section [33-2106](#), Idaho Code, and the state board for [professional-technical/career technical](#) education shall develop policies relating to the award of academic credit for education, training or service completed by an individual as a member of the armed forces or reserves of the United States, the national guard of any state, the military reserves of any state or the naval militia of any state, where such education, training or service is determined to satisfy such established policies. The boards shall work cooperatively with one another and with other state agencies as

needed in the development of such policies. The boards are authorized to adopt rules as necessary for the administration of the provisions of this section.

33-4303. IDAHO OPPORTUNITY SCHOLARSHIP. (1) The purposes of this section are to:

- (a) Recognize that all Idaho citizens benefit from an educated citizenry;
- (b) Increase individual economic vitality and improve the overall quality of life for many of Idaho's citizens;
- (c) Provide access to eligible Idaho postsecondary education through funding to remove financial barriers;
- (d) Increase the opportunity for economically disadvantaged Idaho students; and
- (e) Incentivize students to complete a postsecondary education degree or certificate.

(2) For the purposes of this section the following definitions shall apply:

(a) "Educational costs" means the dollar amount determined annually by the state board of education as necessary for student tuition, fees, books and such other expenses reasonably related to attendance at an eligible Idaho postsecondary educational institution.

(b) "Eligible Idaho postsecondary educational institution" means: A public postsecondary organization governed or supervised by the state board, the board of regents of the university of Idaho, a board of trustees of a community college established pursuant to the provisions of [chapter 21, title 33](#), Idaho Code, or the state board for ~~professional-technical~~[career technical](#) education or any educational organization located in Idaho that is:

- (i) Operated privately;
- (ii) Classified as not-for-profit under state law;
- (iii) Under the control of an independent board and not directly controlled or administered by a public or political subdivision; and
- (iv) Accredited by an organization recognized by the state board as provided in section [33-2402](#), Idaho Code.

(c) "Eligible student" means a student who:

- (i) Is an Idaho resident as defined in section [33-3717B](#), Idaho Code;
- (ii) Has or will graduate from an accredited high school or its equivalent in Idaho as determined by the state board;
- (iii) Has enrolled or applied to an eligible Idaho postsecondary educational institution;
- (iv) Is a postsecondary undergraduate student who has not previously completed a baccalaureate (bachelor's) degree or higher; and
- (v) Meets need and merit criteria as set by the state board.

"Eligible student" also means a student who has met the eligibility requirements and was awarded an opportunity scholarship prior to June 30, 2014. Continued eligibility shall be based upon the eligibility requirements at the time of the original award.

(d) "Opportunity scholarship program" means the scholarship program described in this section and in the rules established by the state board.

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(e) "Shared model of responsibility" means a model set by the board to determine the required and expected contributions of the student, the student's family and available federal financial aid.

(f) "State board" means the state board of education.

(3) The state board shall promulgate rules to determine student eligibility, academic and financial eligibility, a process for eligible students to apply, amount of awards, how eligible students will be selected and when the awards shall be made, as well as other rules necessary for the administration of this section.

(4) An eligible student must:

(a) Apply or have applied for federal student financial assistance available to an eligible student who will attend or is enrolled in an eligible Idaho postsecondary educational institution; and

(b) Meet need and merit criteria established by the state board in rule.

(5) Funds that are available for the opportunity scholarship program shall be used to provide scholarships based upon a shared model of responsibility between the scholarship recipient and the recipient's family, the federal government and the participating eligible Idaho postsecondary educational institution that the recipient attends for covering the educational costs.

(6) The opportunity scholarship award shall not exceed the actual educational costs at the eligible Idaho postsecondary educational institution that the student attends. The amount of scholarship shall not exceed the educational costs established by the state board.

(7) Award payments shall be made annually to an eligible Idaho postsecondary educational institution. In no instance may the entire amount of an award be paid to or on behalf of such student in advance.

(8) If an eligible student becomes ineligible for a scholarship under the provisions of this chapter, or if a student discontinues attendance before the end of any semester, quarter, term or equivalent, covered by the award after receiving payment under this chapter, the eligible Idaho postsecondary educational institution shall remit, up to the amount of any payments made under this program, any prorated tuition or fee balances to the state board.

(9) There is hereby created an account in the state treasury to be designated the opportunity scholarship program account.

(a) The account shall consist of moneys appropriated to the account by the legislature, moneys contributed to the account from other sources and the earnings on such moneys. The executive director of the state board may receive on behalf of the state board any moneys or real or personal property donated, bequeathed, devised or conditionally granted to the state board for purposes of providing funding for such account. Moneys received directly or derived from the sale of such property shall be deposited by the state treasurer in the account.

(b) Earnings from moneys in the account or specified gifts shall be distributed annually to the state board to implement the opportunity scholarship program as provided for under the provisions of this chapter.

(c) All moneys placed in the account and earnings thereon are hereby perpetually appropriated to the state board for the purpose described in subsection (9)(b) of this section. All expenditures from the account shall be paid out in warrants

drawn by the state controller upon presentation of the proper vouchers. Up to fifty thousand dollars (\$50,000) of the annual earnings distribution to the state board may be used by the state board annually for administrative costs related to the implementation of the provisions of this chapter.

(d) Allowable administrative costs include, but are not limited to, operating expenses for the implementation and maintenance of a database, operating expenses to administer the program, personnel costs necessary to administer the program and costs related to promoting awareness of the program.

(e) Any unused annual funds shall be deposited into the opportunity scholarship program account.

(f) Pending use, surplus moneys in the account shall be invested by the state treasurer in the same manner as provided under section [67-1210](#), Idaho Code. Interest earned on the investments shall be returned to the account.

(10) The effectiveness of the Idaho opportunity scholarship will be evaluated by the state board on a regular basis. This evaluation will include annual data collection as well as longer-term evaluations.

33-4603. "8 IN 6 PROGRAM." (1) A program is hereby established in the state department of education to be known as the "8 in 6 program."

(2) The "8 in 6 program" encourages completion of high school and the first two (2) years of college or ~~professional-technical~~career technical preparation in six (6) years instead of eight (8) years, and is accomplished by taking overload courses in addition to a full course load.

(3) Participation in the "8 in 6 program" requires parent and student agreement to program requirements and completion of the state department of education's participation form documenting the program requirements. Participation requirements are as follows:

(a) The student take and successfully complete dual credit or ~~professional-technical~~career technical education courses for at least a portion of the student's courses during the eleventh and/or twelfth grade years, provided that funding for this requirement will not be provided by the "8 in 6 program"; and

(b) The student take and successfully complete a full course load and at least one (1) overload course each year.

(4) For all students meeting the participation requirements, the state shall pay for:

(a) The lesser of the actual cost of each one (1) credit overload course or two hundred twenty-five dollars (\$225);

(b) No more than two (2) credits of overload courses per student per semester;

(c) No more than four (4) credits of overload courses per student per school year; and

(d) No more than eight (8) credits of overload courses per student total.

(5) Public schools shall establish timelines and requirements for participation in the program, including implementing procedures for the appropriate transcription of credits, reporting of program participation and financial transaction requirements. Public schools shall make reasonable efforts to ensure that any student who considers participating in the program considers the challenges and time necessary to succeed in

the program. Such efforts by the district shall be performed prior to a student participating in the program. Policies and procedures for participating in the program established by the public schools must be such that students have an opportunity to participate in the program and meet district established timelines and requirements for financial transactions, transcribing credits and state department of education reporting.

(6) Eligible courses. To qualify as an eligible course for the program, the course must be one offered by a provider accredited by the organization that accredits Idaho high schools and be taught by an individual certified to teach the grade and subject area of the course in Idaho.

(7) Parents of participating students may enroll their child in any eligible course, with or without the permission of the public school, with the exception of tribal schools, in which the student is enrolled, up to the course enrollment limits provided for in subsection (2) of this section. Tribal school students must follow their schools' enrollment policies and procedures. Public school personnel shall assist parents in the process of enrolling students in such courses. Each participating student's transcript at the public school at which the student is enrolled shall include the credits earned and grades received by the student for any overload courses taken pursuant to this section. For an eligible course to be transcribed as meeting the requirements of a core subject as identified in Idaho administrative rule, the course must meet the approved content standards for the applicable subject and grade level.

33-4803. DEFINITIONS. As used in this chapter:

(1) "Educational segments" are, individually, the public elementary and secondary school system, the Idaho bureau of educational services for the deaf and the blind, the ~~professional-technical~~career technical education system, the commission for libraries, the state historical society, Idaho public television, the community colleges, the four-year colleges and universities, the state department of education and the office of the state board of education.

(2) "Libraries" means district, city, school/community libraries, and the commission for libraries as described in chapters 25, 26 and 27, [title 33](#), Idaho Code.

(3) "Technology" means all present and future forms of computer hardware, computer software and services used or required for automated data processing, computer-related office automation or telecommunications.

(4) "Telecommunications" means all present and future forms of hardware, software or services used or required for transmitting voice, data, video or images over a distance.

33-4901. COOPERATION. In conjunction with its supervision of traffic on public highways, the Idaho transportation department is directed to cooperate with the division of ~~professional-technical~~career technical education in its establishment of a motorcycle rider safety program for the state of Idaho.

33-4902. MOTORCYCLE SAFETY PROGRAM. (1) The division of ~~professional-technical~~career technical education shall develop standards for, establish and administer the Idaho motorcycle safety program.

(2) The division of ~~professional-technical~~career technical education shall establish standards for the motorcycle rider training course, including standards for course curriculum and student evaluation and testing, and shall meet or exceed established national standards for motorcycle rider training courses in effect as of September 1, 1994.

(3) The program shall include activities to increase motorcyclists' alcohol and drug effects awareness, motorcycle rider improvement efforts, program promotion activities, and other efforts to enhance motorcycle safety through education, including enhancement of public awareness of motorcycles.

(4) The administrator of the division of ~~professional-technical~~career technical education shall appoint a program coordinator to oversee and direct the program.

(5) The division of ~~professional-technical~~career technical education shall establish standards for the training and approval of motorcycle rider training instructors and skills examiners which shall meet or exceed established national standards for such instructors and skills examiners in effect as of September 1, 1994.

33-4903. IMPLEMENTING AUTHORITY. (1) The state board for ~~professional-technical~~career technical education shall adopt rules which are necessary to carry out the motorcycle safety program.

(2) The division of ~~professional-technical~~career technical education may enter into contracts with public or private entities for course delivery and for the provision of services or materials necessary for administration and implementation of the program.

(3) The division of ~~professional-technical~~career technical education may offer motorcycle rider training courses directly and may approve courses offered by public or private entities as authorized program courses if they are administered and taught in full compliance with standards established for the state program.

(4) The division of ~~professional-technical~~career technical education may establish reasonable enrollment fees to be charged for persons who participate in a motorcycle rider training course.

(5) The division of ~~professional-technical~~career technical education may utilize available program funds to defray expenses in offering motorcycle rider training courses and may reimburse entities which offer approved courses for the expenses incurred in offering the courses in order to minimize any course enrollment fee charged to the students.

33-4904. MOTORCYCLE SAFETY PROGRAM FUND. (1) The motorcycle safety program fund is established in the state treasury and appropriated on a continual basis to the division of ~~professional-technical~~career technical education which shall administer the moneys. Money in the fund shall only be used for administration and implementation of the program, including reimbursement of entities which offer approved motorcycle rider training courses.

(2) At the end of each fiscal year, moneys remaining in the motorcycle safety program fund shall be retained in said fund and shall not revert to any other general fund. The interest and income earned on money in the fund, after deducting any applicable charges, shall be credited to and remain in the motorcycle safety program fund.

(3) Revenue credited to the fund shall include one dollar (\$1.00) of each fee for a class A, B, C or D driver's license as provided in section [49-306](#), Idaho Code.

(4) Revenue credited to the fund shall include amounts collected for each motorcycle safety program fee imposed pursuant to section [49-453](#), Idaho Code.

33-4905. ADVISORY COMMITTEE. The administrator of the division of ~~professional-technical~~[career technical](#) education shall establish a program advisory committee consisting of five (5) persons representing various interests in motorcycle safety including, but not limited to, motorcycle riding enthusiasts, dealers and law enforcement personnel. Committee members shall advise the program coordinator in developing, establishing and maintaining the program. The committee shall monitor program implementation and report to the administrator as necessary with recommendations. Members of the committee shall serve without compensation but may be reimbursed for their reasonable expenses while engaged in committee business.

33-4906. ANNUAL REPORT ON THE PROGRAM. The division of ~~professional-technical~~[career technical](#) education shall prepare a public report annually. The report shall be completed with the assistance of the program coordinator and the program advisory committee. The report shall include the number and location of various courses offered, the number of instructors approved, the number of students trained in various courses, other information about program implementation as deemed appropriate, and an assessment of the overall impact of the program on motorcycle safety in the state. The report shall also provide a complete accounting of revenue receipts of the motorcycle safety program fund and of all moneys expended under the program.

39-5002. DEFINITIONS. For purposes of this chapter:

(1) "Displaced homemaker" means a person who:

(a) Has worked in the home providing household services for family members, but who has lost the primary source of economic support and who must gain employment skills in order to earn a living; or

(b) Is a single parent with primary financial and custodial responsibility for supporting dependent children and who must gain employment skills in order to earn a living.

(2) "Administrator" means the administrator of the division of ~~professional-technical~~[career technical](#) education.

39-5009. DISPLACED HOMEMAKER ACCOUNT -- FEES ON FILING OF DIVORCE ACTION. (1) There is hereby created in the state operating fund the displaced homemaker account. All fees collected pursuant to subsection (2) of this section shall be deposited in the account. All moneys in the account shall be available for appropriation to the state board for ~~professional-technical~~[career technical](#) education for the purposes of this chapter.

(2) In addition to any other fees imposed for filing an action for divorce in the district court, there shall be collected a fee of twenty dollars (\$20.00) for each divorce action. The clerk of the district court shall remit such fees, separately identified, to the

state treasurer for deposit in the displaced homemaker account. Fees shall be remitted to the state treasurer at the same time as other court fees are remitted.

33-5202A. DEFINITIONS. As used in this chapter, unless the context requires otherwise:

- (1) "Authorized chartering entity" means any of the following:
 - (a) A local board of trustees of a school district in this state;
 - (b) The public charter school commission created pursuant to the provisions of this chapter;
 - (c) An Idaho public college, university or community college;
 - (d) A private, nonprofit Idaho-based, nonsectarian college or university that is accredited by the same organization that accredits Idaho public colleges and universities.
- (2) "Charter" means the grant of authority approved by the authorized chartering entity to the board of directors of the public charter school.
- (3) "Founder" means a person, including employees or staff of a public charter school, who makes a material contribution toward the establishment of a public charter school in accordance with criteria determined by the board of directors of the public charter school, and who is designated as such at the time the board of directors acknowledges and accepts such contribution. The criteria for determining when a person is a founder shall not discriminate against any person on any basis prohibited by the federal or state constitutions or any federal, state or local law. The designation of a person as a founder, and the admission preferences available to the children of a founder, shall not constitute pecuniary benefits.
- (4) "Performance certificate" means a fixed-term, renewable certificate between a public charter school and an authorized chartering entity that outlines the roles, powers, responsibilities and performance expectations for each party to the certificate.
- (5) "Petition" means the document submitted by a person or persons to the authorized chartering entity to request the creation of a public charter school.
- (6) "~~Professional-technical~~Career technical regional public charter school" means a public charter secondary school authorized under this chapter to provide programs in ~~professional-technical~~career technical education which meet the standards and qualifications established by the division of ~~professional-technical~~career technical education. A ~~professional-technical~~career technical regional public charter school may be approved by an authorized chartering entity and, by the terms of its charter, shall operate in association with at least two (2) school districts. Notwithstanding the provisions of section [33-5205](#)(3)(j), Idaho Code, participating school districts need not be contiguous.
- (7) "Public charter school" means a school that is authorized under this chapter to deliver public education in Idaho.
- (8) "Traditional public school" means any school existing or to be built that is operated and controlled by a school district in this state.
- (9) "Virtual school" means a school that delivers a full-time, sequential program of synchronous and/or asynchronous instruction primarily through the use of technology via the internet in a distributed environment. Schools classified as virtual must have an

online component to their school with online lessons and tools for student and data management.

33-5215. PROFESSIONAL-TECHNICAL-CAREER TECHNICAL REGIONAL PUBLIC CHARTER SCHOOL. (1) A ~~professional-technical-career technical~~ regional public charter school is hereby declared to be a public charter school and as such, the provisions of [chapter 52, title 33](#), Idaho Code, shall apply to each ~~professional-technical-career technical~~ regional public charter school in the same manner and to the same extent as the provisions of charter school law apply to other public charter schools, with the exception of certain conditions and applications as specifically provided in this section.

(2) In addition to the approval provisions of this chapter, approval of a ~~professional-technical-career technical~~ regional public charter school by an authorized chartering entity shall not be final until the petition has also been reviewed by the division of ~~professional-technical-career technical~~ education.

(3) Funding for a ~~professional-technical-career technical~~ regional public charter school shall be the same as provided in section [33-5208](#), Idaho Code, except that:

(a) The salary-based apportionment for a ~~professional-technical-career technical~~ regional public charter school shall be the statewide average index for public charter schools. Such salary-based apportionment may be used for payment of contracted services or for direct hire of staff;

(b) The board of directors may contract for the services of certificated and noncertificated personnel, to procure the use of facilities and equipment, and to purchase materials and equipment, which in the judgment of the board of directors is necessary or desirable for the conduct of the business of the ~~professional-technical-career technical~~ regional public charter school; and

(c) Transportation support shall be paid to the ~~professional-technical-career technical~~ regional public charter school in accordance with the provisions of [chapter 15, title 33](#), Idaho Code.

(4) A ~~professional-technical-career technical~~ regional public charter school shall provide assurances in state attendance reports that it has verified attendance reports, which generate ADA with its participating school districts, to make certain that the districts and the charter school do not duplicate enrollment or ADA claims.

46-314. EDUCATIONAL ENCOURAGEMENT. The adjutant general of the Idaho national guard is authorized to encourage recruitment and retention of nontechnician national guardsmen by providing incentive payments as set forth hereinafter. The adjutant general may authorize the payment of not more than one hundred percent (100%) of student registration fees or tuition for each semester for each member of the active Idaho national guard who attends a public or private institution of higher education in Idaho, a ~~vocational-career technical~~ education school, or a community college organized under the provisions of [chapter 21, title 33](#), Idaho Code. To be eligible to receive benefits, an individual must be a member in good standing of the active Idaho national guard at the beginning of and throughout the entire semester for which benefits are received.

49-304. MOTORCYCLE ENDORSEMENT. The department shall issue a motorcycle "M" endorsement on a driver's license to applicants who complete the requirements to operate a motorcycle.

(1) No person may operate a motorcycle upon a highway without a motorcycle "M" endorsement on a valid driver's license.

(2) Any person who applies for a driver's license or renewal of a license may also apply for a motorcycle "M" endorsement. The requirements for obtaining a motorcycle "M" endorsement are:

(a) The applicant shall be tested by written examination for his knowledge of safe motorcycle operating practices and traffic laws specific to the operation of motorcycles upon payment of the fee specified in section [49-306](#), Idaho Code.

(b) Upon successful completion of the knowledge test and upon payment of the fee required for an "M" endorsement, the applicant shall obtain a motorcycle "M" endorsement on his driver's license.

(3) No person under the age of twenty-one (21) years may apply for or obtain a motorcycle "M" endorsement on his driver's license unless he has successfully completed a motorcycle rider training course approved under the provisions of [chapter 49, title 33](#), Idaho Code, in addition to satisfying the requirements specified in subsection (2) of this section. The provisions of this subsection shall not be effective unless and until the motorcycle rider training course is fully implemented by the division of ~~professional-technical~~[career technical](#) education.

(4) Any person who applies for a motorcycle endorsement on a driver's license, in addition to the requirements specified in subsection (2) of this section, may also be required to pass the motorcycle "M" skills test before he can obtain the motorcycle "M" endorsement.

(5) The operation of a motorcycle upon a highway by any person who has failed to obtain a motorcycle "M" endorsement as provided in this section shall constitute an infraction.

(6) The provisions of this section shall not apply to persons operating autocycles.

49-313. EXAMINATION OF APPLICANTS. (1) The sheriff, his deputy or authorized agents of the department shall examine every applicant for an instruction permit, commercial learner's permit, restricted school attendance driving permit, seasonal driver's license, driver's license or a motorcycle endorsement, except as otherwise provided by law. The examination shall include a vision screening and a test of the applicant's ability to read and understand highway signs regulating, warning, and directing traffic. A skills test shall be required for an applicant who has not been previously licensed for the class of license requested, or who holds a license issued by another country unless a reciprocal agreement is in force. However, a skills test may be required for any and all other applicants at the discretion of the examiner or department for a class A, B, C or D driver's license or a motorcycle endorsement. In addition, the applicant's knowledge of traffic laws of this state and when a motorcycle endorsement is applied for, the applicant's knowledge of safe motorcycle operating practices and traffic laws specifically relating to motorcycle operation shall be tested by a written

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examination, except as provided in section [49-319](#), Idaho Code. At the discretion of the examiner, the prescribed written examination may be conducted orally.

(2) The knowledge and skills examinations for applicants for driver's licenses in class A, B or C shall be conducted in compliance with 49 CFR part 383.

(3) The skills test for a class A, B, C or D driver's license or for any endorsement shall be given by the department or its authorized agents. The skills examiner for a motorcycle endorsement shall be certified by the division of [professional-technical/career technical](#) education.

(4) The department shall not issue the following endorsements except as provided:

(a) A tank, double/triple trailer, or hazardous material endorsement unless the applicant, in addition to all other applicable qualifications, has passed an appropriate knowledge test.

(b) A passenger endorsement unless the applicant, in addition to all other applicable qualifications, has passed an appropriate knowledge and skills test.

(c) A school bus endorsement unless the applicant, in addition to all other applicable qualifications, has passed appropriate knowledge and skills tests. Until September 30, 2005, the department may waive the school bus endorsement skills test requirement if the applicant meets the conditions set forth in accordance with 49 CFR part 383.123.

(5) Any person failing to pass a knowledge or skills test for a class A, B, C or D driver's license, or a knowledge test for a seasonal driver's license, or any endorsement may not retake the test within three (3) calendar days of the failure.

(6) Any person retaking a knowledge or skills test for a driver's license shall pay the appropriate testing fee as specified in section [49-306](#), Idaho Code.

(7) The motorcycle skills test for a motorcycle endorsement shall be waived by the department:

(a) On and after September 1, 1998, if the applicant presents satisfactory evidence of successful completion of a recognized motorcycle rider training course approved by the division of [professional-technical/career technical](#) education;

(b) On and after September 1, 1998, if the applicant presents evidence of a motorcycle endorsement on his current license by a state or province which requires a motorcycle skills test equivalent to that required by Idaho law as determined by the division of [professional-technical/career technical](#) education;

(c) Until September 1, 1998.

(8) At the discretion of the department, an alternate skills test for the motorcycle endorsement may be administered when the endorsement is for operation of a three-wheeled motorcycle only.

(9) The department or its authorized agents may refuse to give an applicant a skills test if there are reasonable grounds to believe that the safety of the applicant, public, or the examiner would be jeopardized by doing so. Reasonable grounds would include, but not be limited to, the applicant's inability to pass the vision screening, written tests, or a statement by a licensed physician stating the applicant is not physically able to drive a motor vehicle.

(10) The department or its authorized agents may deny issuance or renewal of a driver's license or endorsement to any applicant who does not meet the licensing requirements for the class of driver's license or endorsement being renewed or issued.

(11) Skills examinations for seasonal driver's licenses shall be waived.

49-314. LOCAL EXAMINERS APPOINTED BY DEPARTMENT. (1) The department shall appoint the sheriff in each county and may appoint any deputy sheriff, chief of police, or other officials or private citizens whom the department deems qualified as examiners, who shall be agents of the department and shall perform duties prescribed in this title.

(2) The department shall appoint at least one (1) employee in the department who shall be skilled and highly qualified in the method of giving driver's license examinations, who shall have authority, and it shall be this person's duty to instruct the examiners appointed by the department in the method of giving driver's license examinations and acquaint them with the use of equipment and forms needed in examining applicants for licensure.

(3) Agents of the department appointed to administer skill tests for class A, B or C driver's licenses must be certified according to 49 CFR part 383.

(4) Agents of the department appointed to administer the skills test for a motorcycle endorsement shall be certified by the division of [professional-technical-career technical](#) education.

(5) Agents of the department to administer skills tests for class D driver's license shall be certified by the department.

54-1007. ISSUANCE OF LICENSES -- RECIPROCITY. (1) The administrator shall issue licenses to such persons as have by examination shown themselves to be fit, competent and qualified to engage in the trade of journeyman electrician, specialty electrician or master electrician as defined in section [54-1003A](#), Idaho Code, and to such persons, firms, partnerships, associations or corporations as have shown themselves to be fit, competent and qualified to engage in the business of electrical contracting or specialty electrical contracting as defined in section [54-1003A](#), Idaho Code.

(2) An apprentice electrician, as defined in section [54-1003A](#), Idaho Code, may take the journeyman's examination if he has completed the required related instruction for electrical apprentices as approved by the Idaho state board for [professional-technical-career technical](#) education, completion of which shall be evidenced by a certificate from an approved provider, and has worked the number of hours as prescribed by the Idaho electrical board, provided that for all the time he is claiming to have worked as an apprentice electrician, the apprentice shall have been registered with the division of building safety as an apprentice. The electrical board may, by rule, fix the apprentice registration fee, in an amount not to exceed the costs of issuing apprentice registration certificates and enforcing the apprentice registration provisions of this chapter, and may also by rule establish requirements relative to the manner of registration renewal, verification of employment, the number of instructional hours completed, continuation training and the number of hours worked.

(a) All verification of employment forms submitted by an apprentice shall be entered into and maintained in the apprentice's file by the division of building safety. The division of building safety shall provide the apprentice online access to this information.

(b) An apprentice who has completed the number of instructional hours and has not taken or passed the journeyman's examination within two (2) years of completion of the instructional training hours, shall provide proof of continuation training as set by rule of the electrical board.

(c) An apprentice who has not advanced in apprenticeship training for a period of two (2) years shall complete continuation training as set by rule of the electrical board.

(3) Any person who has worked as a licensed journeyman for a period of not less than four (4) years and who has worked the number of hours as prescribed by rule of the board as a licensed journeyman electrician shall be considered as qualified to apply for a master electrician's license in this state. The Idaho electrical board, in establishing by rule the requirements for a master electrician's license, shall also take into account the applicant's performance as a journeyman electrician.

(4) Any person with out-of-state experience who has worked as a journeyman electrician or as an apprentice electrician for a period of four (4) years, and who has met such other requirements as established by rule of the board, shall be considered as qualified to apply for a journeyman electrician's license in this state.

(5) To the extent that other states which provide for the licensing of electricians provide for similar action, the administrator, on the recommendation of the Idaho electrical board, may grant licenses to electricians licensed by such other states, upon payment by the applicant of the required fee and upon furnishing proof to the board that the applicant has qualifications at least equal to those provided herein for applicants for written examinations. Applicants who qualify for a license under this subsection are not required to take a written examination.

54-5003. DEFINITIONS. As used in this chapter:

(1) "Heating, ventilation and air conditioning (HVAC)" means and includes the business, trade, practice or work, materials and fixtures used in the design, construction, installation, improvement, extension and alteration of all piping, venting, ductwork, appliances and appurtenances in connection with any heating, ventilation or air conditioning system or subsystems of such.

(2) "Heating, ventilation and air conditioning apprentice" means any person who, as his principal occupation, is engaged in learning and assisting in installation, improvement, extension, alteration or repair of HVAC systems. An apprentice shall perform HVAC work under the supervision of an HVAC journeyman or HVAC contractor.

(3) "Heating, ventilation and air conditioning contractor" means any person who fabricates, installs, maintains, services and repairs warm air heating and water heating systems, heat pumps, complete with warm air appliances including, but not limited to, boilers, pool heaters, space heaters, decorative gas and solid-fuel burning appliances, and gas, propane, electric or oil-fired water heaters; ventilating systems complete with blowers and plenum chambers; air conditioning systems complete with air conditioning unit and the ducts, registers, flues, humidity and thermostatic controls of air, liquid or

gas temperatures below fifty (50) degrees fahrenheit or ten (10) degrees celsius, and air filters in connection with any of these systems.

(4) "Heating, ventilation and air conditioning journeyman" means any person who, as his principal occupation, is engaged in the installation, improvement, extension, alteration or repair of HVAC systems and who is familiar with the provisions of this chapter and who works in the employ and under direction of an HVAC contractor.

(5) "Heating, ventilation and air conditioning specialty apprentice including specialty limited heating apprentice" means any person who, as his principal occupation, is engaged in learning and assisting in a specific aspect of installation, improvement, extension, alteration or repair of HVAC systems that includes, but is not limited to, such aspects as gas piping, gas appliances and installation, or decorative gas-fired appliances. A specialty apprentice shall perform HVAC work under the supervision of an HVAC journeyman, HVAC specialty journeyman, HVAC contractor or an HVAC specialty contractor.

(6) "Heating, ventilation and air conditioning specialty contractor including specialty limited heating contractor" means any person who, as his principal occupation, is engaged in a specific aspect of the heating, ventilation and air conditioning trade that includes, but is not limited to, such aspects as gas piping, gas appliances and installation, or decorative gas-fired appliances.

(7) "Heating, ventilation and air conditioning specialty journeyman including specialty limited heating journeyman" means any person who, as his principal occupation, is engaged in a specific aspect of installation, improvement, extension, alteration or repairing of HVAC systems that includes, but is not limited to, such aspects as gas piping, gas appliances and installation, or decorative gas-fired appliances. A specialty journeyman is familiar with the provisions of this chapter and works in the employ and under direction of an HVAC contractor or an HVAC specialty contractor.

(8) "Heating, ventilation and air conditioning system" means any heating, ventilation or air conditioning system in a residential, private, public or semipublic building or structure including, but not limited to, any mechanical means of heating or air conditioning and to gas piping, venting, ductwork and controls.

(9) "Local government" means any incorporated city or any county in the state.

(10) "Specialty limited heating" as it applies to the definitions of "heating, ventilation and air conditioning specialty apprentice," "heating, ventilation and air conditioning specialty contractor" and "heating, ventilation and air conditioning specialty journeyman" means any person who installs, maintains, services and repairs LP gas-fired appliances, LP fuel gas piping and related exhaust venting. This definition of specialty limited heating shall exclude boilers, hydronic systems, ducted forced air systems, ventilating and air conditioning systems, systems with a BTU input rating over three hundred thousand (300,000), solid fuel and electric fueled systems. A "specialty limited heating journeyman" is required to meet the experience requirement and either the education or examination requirement set forth in this section to receive a certificate of competency. The education of a "specialty limited heating journeyman" shall include one hundred twenty (120) hours of instruction approved by the board for ~~professional-technical~~career technical education in LP gas specialty education. The experience requirement of a "specialty limited heating journeyman" shall be two (2) years' experience working in the trade, in compliance with the requirements of the state in

which the applicant received his supervision or as a registered HVAC apprentice or registered HVAC specialty apprentice making HVAC installation on the job under the supervision of a qualified HVAC journeyman or qualified HVAC specialty journeyman. The examination required in this section shall be developed by the board for professional-technical/career technical education and approved by the Idaho heating, ventilation and air conditioning board.

67-5303. APPLICATION TO STATE EMPLOYEES. All departments of the state of Idaho and all employees in such departments, except those employees specifically defined as nonclassified, shall be classified employees, who are subject to this chapter and to the system of personnel administration which it prescribes. Nonclassified employees shall be:

(a) Members of the state legislature and all other officers of the state of Idaho elected by popular vote, and persons appointed to fill vacancies in elective offices, and employees of the state legislature.

(b) Members of statutory boards and commissions and heads of departments appointed by and serving at the pleasure of the governor, deputy directors appointed by the director and members of advisory boards and councils appointed by the departments.

(c) All employees and officers in the office, and at the residence, of the governor; and all employees and officers in the offices of the lieutenant governor, secretary of state, attorney general, state treasurer, state controller, and state superintendent of public instruction who are appointed on and after the effective date of this chapter.

(d) Except as otherwise provided by law, not more than one (1) declared position for each board or commission and/or head of a participating department in addition to those declared to be nonclassified by other provisions of law.

(e) Part-time professional consultants who are paid on a fee basis for any form of legal, medical or other professional service, and who are not engaged in the performance of administrative duties for the state.

(f) Judges, temporary referees, receivers and jurors.

(g) All employees of the Idaho supreme court, Idaho court of appeals and district courts.

(h) All employees of the Idaho state bar.

(i) Assistant attorneys general attached to the office of the attorney general.

(j) Officers, members of the teaching staffs of state educational institutions, the professional staff of the Idaho department of education administered by the board of regents and the board of education, and the professional staffs of the Idaho division of professional-technical/career technical education and vocational rehabilitation administered by the state board for professional-technical/career technical education. "Teaching staff" includes teachers, coaches, resident directors, librarians and those principally engaged in academic research. The word "officer" means presidents, vice presidents, deans, directors, or employees in positions designated by the state board who receive an annual salary of not less than step "A" of the pay grade equivalent to three hundred fifty-five (355) Hay points in the state compensation schedule. A nonclassified employee who is designated as an "officer" on July 5, 1991, but does not meet the requirements of this subsection, may make a one (1) time irrevocable election

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to remain nonclassified. Such an election must be made not later than August 2, 1991. When such positions become vacant, these positions will be reviewed and designated as either classified or nonclassified in accordance with this subsection.

(k) Employees of the military division.

(l) Patients, inmates or students employed in a state institution.

(m) Persons employed in positions established under federal grants, which, by law, restrict employment eligibility to specific individuals or groups on the basis of nonmerit selection requirements. Such employees shall be termed "project exempt" and the tenure of their employment shall be limited to the length of the project grant, or twenty-four (24) months, or four thousand one hundred sixty (4,160) hours of credited state service, whichever is of the shortest duration. No person hired on a project-exempt appointment shall be employed in any position allocated to the classified service.

(n) Temporary employees.

(o) All employees and officers of the following named commodity commissions, and all employees and officers of any commodity commission created hereafter: the Idaho potato commission, as provided in [chapter 12, title 22](#), Idaho Code; the Idaho honey commission, as provided in [chapter 28, title 22](#), Idaho Code; the Idaho bean commission, as provided in [chapter 29, title 22](#), Idaho Code; the Idaho hop grower's commission, as provided in [chapter 31, title 22](#), Idaho Code; the Idaho wheat commission, as provided in [chapter 33, title 22](#), Idaho Code; the Idaho pea and lentil commission, as provided in [chapter 35, title 22](#), Idaho Code; the Idaho apple commission, as provided in [chapter 36, title 22](#), Idaho Code; the Idaho cherry commission, as provided in [chapter 37, title 22](#), Idaho Code; the Idaho mint grower's commission, as provided in [chapter 38, title 22](#), Idaho Code; the Idaho sheep and goat health board, as provided in [chapter 1, title 25](#), Idaho Code; the state brand inspector, and all district supervisors, as provided in [chapter 11, title 25](#), Idaho Code; the Idaho beef council, as provided in [chapter 29, title 25](#), Idaho Code; and the Idaho dairy products commission, as provided in [chapter 31, title 25](#), Idaho Code.

(p) All inspectors of the fresh fruit and vegetable inspection service of the Idaho department of agriculture, except those positions involved in the management of the program.

(q) All employees of correctional industries within the department of correction.

(r) All deputy administrators and wardens employed by the department of correction. Deputy administrators are defined as only the deputy administrators working directly for the nonclassified division administrators under the director of the department of correction.

(s) All public information positions with the exception of secretarial positions, in any department.

(t) Any division administrator.

(u) Any regional administrator or division administrator in the department of environmental quality.

(v) All employees of the division of financial management.

(w) All employees of the Idaho food quality assurance institute.

(x) The state appellate public defender, deputy state appellate public defenders and all other employees of the office of the state appellate public defender.

(y) All quality assurance specialists or medical investigators of the Idaho board of medicine.

(z) All pest survey and detection employees and their supervisors hired specifically to carry out activities under the Idaho plant pest act, [chapter 20, title 22](#), Idaho Code, including but not limited to pest survey, detection and eradication, except those positions involved in the management of the program.

72-501A. REHABILITATION DIVISION -- BUDGET AND EXPENSE -- COMPOSITION AND IMPLEMENTATION. (1) In order to assist in reducing the period of temporary disability resulting from an injury and to aid in restoring the injured employee to gainful employment with the least possible permanent physical impairment, the commission shall establish within the commission a rehabilitation division and adopt a program concerning itself with both physical and vocational rehabilitation, the latter of which shall include job placement.

(2) The commission is authorized to budget and expend for such rehabilitation program such funds as may be paid into the industrial administration fund or rehabilitation account thereof by a special premium tax provided by law for this purpose.

(3) The composition of the rehabilitation division and implementation of the rehabilitation program shall be in the discretion of the commission with the counsel, advice, cooperation and expertise of representatives of industry, labor, sureties and the legal and medical professions as well as institutions, hospitals and clinics having physical rehabilitation facilities and with the assistance of the state board for [professional-technical-career technical](#) education, when such board is carrying out the duties of [chapter 23, title 33](#), Idaho Code.

72-1347B. WORKFORCE DEVELOPMENT TRAINING FUND. (1) There is established in the state treasury a special trust fund, separate and apart from all other public funds of this state, to be known as the workforce development training fund, hereinafter "training fund." Except as provided herein, all proceeds from the training tax defined in subsection (4) of this section shall be paid into the training fund. The state treasurer shall be the custodian of the training fund and shall invest said moneys in accordance with law. Any interest earned on the moneys in the training fund shall be deposited in the training fund. Moneys in the training fund shall be disbursed in accordance with the directions of the director. In any month when the unencumbered balance in the training fund exceeds six million dollars (\$6,000,000), the excess amount over six million dollars (\$6,000,000) shall be transferred to the employment security reserve fund, section [72-1347A](#), Idaho Code. For the purposes of this subsection (1), the unencumbered balance in the training fund is the balance in such fund reduced by the sum of:

(a) The amounts that have been obligated pursuant to fully-executed workforce development training fund contracts; and

(b) Any administrative costs related to the training fund that are due and payable.

(2) All moneys in the training fund are perpetually appropriated to the director for expenditure in accordance with the provisions of this section. The purpose of the training fund is to provide or expand training and retraining opportunities in an

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expeditious manner that would not otherwise exist for Idaho's workforce. The training fund is intended to supplement, but not to supplant or compete with, money available through existing training programs. The moneys in the training fund shall be used for the following purposes:

(a) To provide training for skills necessary for specific economic opportunities and industrial expansion initiatives;

(b) To provide training to upgrade the skills of currently employed workers at risk of being permanently laid off;

(c) For refunds of training taxes erroneously collected and deposited in the workforce training fund;

(d) For all administrative expenses incurred by the department associated with the collection of the training tax and any other administrative expenses associated with the training fund.

(3) Expenditures from the training fund for purposes authorized in paragraphs (a) and (b) of subsection (2) of this section shall be approved by the director, and the director of the department of commerce, in consultation with the office of the governor, based on procedures, criteria and performance measures established by the council appointed pursuant to section [72-1336](#), Idaho Code. The activities funded by the training fund will be coordinated with similar activities funded by the state division of ~~professional-technical~~~~career technical~~ education. Expenditures from the training fund for purposes authorized in paragraphs (c) and (d) of subsection (2) of this section shall be approved by the director. The director shall pay all approved expenditures as long as the training fund has a positive balance. The council shall report annually to the governor and the joint finance-appropriations committee the commitments and expenditures made from the training fund in the preceding fiscal year and the results of the activities funded by the training fund.

(4) A training tax is hereby imposed on all covered employers required to pay contributions pursuant to section [72-1350](#), Idaho Code, with the exception of deficit employers who have been assigned a taxable wage rate from rate class six pursuant to section [72-1350](#), Idaho Code. The training tax rate shall be equal to three percent (3%) of the taxable wage rate then in effect for each eligible, standard-rated and deficit employer. The training tax shall be due and payable at the same time and in the same manner as contributions. This subsection is repealed effective January 1, 2018, unless, prior to that date, the Idaho legislature approves the continuation of this subsection by repeal of this sunset clause.

(5) The provisions of this chapter which apply to the payment and collection of contributions also apply to the payment and collection of the training tax, including the same calculations, assessments, method of payment, penalties, interest, costs, liens, injunctive relief, collection procedures and refund procedures. In the administration of the provisions of this section, the director is granted all rights, authority, and prerogatives granted under the provisions of this chapter. Moneys collected from an employer delinquent in paying contributions, reserve taxes and the training tax shall first be applied to any penalty and interest imposed pursuant to the provisions of this chapter and shall then be applied pro rata to delinquent contributions to the employment security fund, section [72-1346](#), Idaho Code, delinquent reserve taxes to the reserve fund, section [72-1347A](#), Idaho Code, and delinquent training taxes to the training fund.

Any interest and penalties collected pursuant to this subsection shall be paid into the state employment security administrative and reimbursement fund, section [72-1348](#), Idaho Code, and any interest or penalties refunded under this subsection shall be paid out of that same fund. Training taxes paid pursuant to this section shall not be credited to the employer's experience rating account and may not be deducted by any employer from the wages of individuals in its employ. All training taxes shall be deposited in the clearing account of the employment security fund, section [72-1346](#), Idaho Code, for clearance only and shall not become part of such fund. After clearance, the moneys shall be deposited in the training fund established in subsection (1) of this section.

(6) Administrative costs related to the training fund shall be paid from the training fund in accordance with subsection (3) of this section.

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~~33-1629. AGRICULTURAL AND NATURAL RESOURCE CAREER-TECHNICAL EDUCATION
SECONDARY PROGRAMS. (1) Idaho Quality Program Standards Performance-Based Incentive
Grants Funding.~~

~~(a) The board for professional technical education shall adopt and implement Idaho quality program standards for agricultural and natural resource education programs offered in any grade 9 through 12. Such standards shall apply to the areas of instruction, curriculum development, advisory committees, student development and community development. Such standards shall be used to assess the quality of local programs and to set goals for continued program improvement.~~

~~(a) The board for professional career technical education shall establish and administer a performance-based incentive funding grant program for instructors of agricultural and natural resource for high quality career technical education secondary programs offered in any grades 9 through 12 where such programs meet or exceed the applicable Idaho quality program standards as determined by the board.~~

~~(b) Performance-based incentive The grant funding will be available to approved career technical education all programs in the areas of agricultural and natural resources, business management and marketing, engineering and technology, family and consumer sciences, health professions, and skilled and technical sciences. To be considered for incentive funding the grant, a program must first meet minimum eligibility requirements, as set forth by the board. A district may apply to the board, on behalf of an instructor, for a grant provided for in this subsection. The board shall develop an application form and criteria to judge each application for the grant program. Any All approved career technical programs that meets those requirements will be considered for the incentive funding the grant.~~

~~(c) The division of career technical education will develop criteria to judge evaluate each program and will award the grant incentive funding to those programs. Grant awards shall be made by the board to instructors of programs that meet or exceed the criteria established by the board division. Specific criteria will be developed for program clusters, pathways, and career specialties. The maximum amount of an incentive grant as provided for in this section shall be ten thousand dollars (\$10,000). The amount of each award will be at the discretion of the division.~~

~~(c) There is hereby created in the state treasury the quality program standards incentive grant fund, to which shall be credited all moneys both public and private that may be appropriated, allocated, donated, distributed to or otherwise provided for by law. Moneys in the fund shall be used exclusively for incentive grants as provided for in this subsection. Moneys in the fund shall be continuously appropriated for the purposes of this incentive grant program. All idle moneys in the fund shall be invested by the state treasurer in a like manner as provided for in section 67-1210, Idaho Code, with respect to other surplus or idle moneys in the state treasury. Interest earned on the investments shall be returned to the fund.~~

~~(d) The board for professional technical education shall in its annual budget request to the legislature request funding for the grant program provided for in this section.~~

~~(e) The board for professional technical education shall adopt rules to implement the grant program established by this subsection.~~

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~~(2) Agricultural Education Program Start-Up Grants.~~

~~(a) The board for professional technical education shall establish and administer a start-up grant program for school districts and public charter schools to begin or to re-establish an agricultural and natural resource education program in any grade 9 through 12.~~

~~(b) The board shall develop an application form and criteria to judge each application for a start-up grant. Any school district or public charter school may apply for a start-up grant.~~

~~(c) There shall be no more than four (4) start-up grants awarded per school year. The maximum award for any one (1) start-up grant shall be twenty-five thousand dollars (\$25,000).~~

~~(d) There is hereby created in the state treasury the agricultural and natural resource education program start-up grant fund, to which shall be credited all moneys both public and private that may be appropriated, allocated, donated, distributed to or otherwise provided for by law. Moneys in the fund shall be used exclusively for start-up grants as provided for in this subsection. Moneys in the fund shall be continuously appropriated for the purposes of this start-up grant program. All idle moneys in the fund shall be invested by the state treasurer in a like manner as provided for in section 67-1210, Idaho Code, with respect to other surplus or idle moneys in the state treasury. Interest earned on the investments shall be returned to the fund.~~

~~(e) The board for professional technical education shall in its annual budget request to the legislature request funding for the grant program provided for in this subsection.~~

~~(f) The board for professional technical education shall adopt rules to implement the grant program established by this subsection.~~

~~(3) The provisions of this section shall apply to agricultural and natural resource education programs provided for in grades 9 through 12.~~

33-1209. PROCEEDINGS TO REVOKE, SUSPEND, DENY OR PLACE REASONABLE CONDITIONS ON A CERTIFICATE -- LETTERS OF REPRIMAND -- COMPLAINT -- SUBPOENA POWER -- HEARING. (1) The professional standards commission may conduct investigations on any signed allegation of unethical conduct of any teacher brought by:

(a) An individual with a substantial interest in the matter, except a student in an Idaho public school; or

(b) A local board of trustees.

The allegation shall state the specific ground or grounds for the allegation of unethical conduct that could lead to a possible revocation, suspension, placing reasonable conditions on the certificate, or issuance of a letter of reprimand. Upon receipt of a written and signed allegation of unethical conduct, the chief certification officer, in conjunction with the attorney general and the professional standards commission investigator, shall conduct a review of the allegation using established guidelines to determine whether to remand the issue to the school district to be resolved locally or to open an investigation and forward the case to the professional standards commission. Within fourteen (14) days of the decision to forward the case, the chief certification officer shall notify the complainant and the teacher, in writing, that an investigation will be conducted and the teacher shall be afforded an opportunity to respond to the allegation verbally and in writing prior to the issuance of the complaint. The executive committee of the professional standards commission shall review the circumstances of the forwarded case at one (1) of the two (2) next regularly scheduled meetings, and determine whether probable cause exists to warrant the filing of a complaint and the requesting of a hearing.

(2) Proceedings to revoke or suspend any certificate issued under section 33-1201, Idaho Code, or to issue a letter of reprimand or place reasonable conditions on the certificate shall be commenced by a written complaint against the holder thereof. Such complaint shall be made by the chief certification officer stating the ground or grounds for issuing a letter of reprimand, placing reasonable conditions on the certificate, or for revocation or suspension and proposing that a letter of reprimand be issued, reasonable conditions be placed on the certificate, or the certificate be revoked or suspended. A copy of the complaint shall be served upon the certificate holder, either by personal service or by certified mail, within thirty (30) days of determination by the executive committee or such other time agreed to by the teacher and the chief certification officer.

(3) Not more than thirty (30) days after the date of service of any complaint, the person complained against may request, in writing, a hearing upon the complaint. Any such request shall be made and addressed to the state superintendent of public instruction; and if no request for hearing is made, the grounds for suspension, revocation, placing reasonable conditions on the certificate, or issuing a letter of reprimand stated in the complaint shall be deemed admitted. Upon a request for hearing, the chief certification officer shall give notice, in writing, to the person requesting the hearing, which notice shall state the time and place of the hearing and which shall occur not more than ninety (90) days from the request for hearing or such other time agreed to by the teacher and the chief certification officer. The time of such hearing shall not be less than five (5) days from the date of notice thereof. Any such

hearing shall be informal and shall conform with [chapter 52, title 67](#), Idaho Code. The hearing will be held within the school district in which any teacher complained of shall teach, or at such other place deemed most convenient for all parties.

(4) Any such hearing shall be conducted by three (3) or more panel members appointed by the chairman of the professional standards commission, a majority of whom shall hold a position of employment the same as the person complained against. One (1) of the panel members shall serve as the panel chair. The panel chair shall be selected by the chairman of the professional standards commission from a list of former members of the professional standards commission who shall be instructed in conducting administrative hearings. No commission member who participated in the probable cause determination process in a given case shall serve on the hearing panel. All hearings shall be held with the object of ascertaining the truth. Any person complained against may appear in person and may be represented by legal counsel, and may produce, examine and cross-examine witnesses, and, if he chooses to do so, may submit for the consideration of the hearing panel a statement, in writing, in lieu of oral testimony, but any such statement shall be under oath and the affiant shall be subject to cross-examination.

(5) The state superintendent of public instruction, as authorized by the state board of education, has the power to issue subpoenas and compel the attendance of witnesses and compel the production of pertinent papers, books, documents, records, accounts and testimony. The state board or its authorized representative may, if a witness refuses to attend or testify or to produce any papers required by such subpoena, report to the district court in and for the county in which the proceeding is pending, by petition, setting forth that a due notice has been given of the time and place of attendance of the witnesses, or the production of the papers, that the witness has been properly summoned, and that the witness has failed and refused to attend or produce the papers required by this subpoena before the board, or its representative, or has refused to answer questions propounded to him in the course of the proceedings, and ask for an order of the court compelling the witness to attend and testify and produce the papers before the board. The court, upon the petition of the board, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in the order, the time to be not more than ten (10) days from the date of the order, and then and there shall show cause why he has not attended and testified or produced the papers before the board or its representative. A copy of the order shall be served upon the witness. If it shall appear to the court that the subpoena was regularly issued by the board and regularly served, the court shall thereupon order that the witness appear before the board at the time and place fixed in the order and testify or produce the required papers. Upon failure to obey the order, the witness shall be dealt with for contempt of court. The subpoenas shall be served and witness fees and mileage paid as allowed in civil cases in the district courts of this state.

(6) Within twenty-one (21) days of the conclusion of any hearing dealing with the revocation, suspension, denial of a certificate, placing reasonable conditions on the certificate, or issuing a letter of reprimand, the hearing panel shall submit to the chief certification officer, to the person complained against and to the chief administrative officer of the public school employing the certificate holder, if any, a concise statement of the proceedings, a summary of the testimony, and any documentary evidence

offered, together with the findings of fact and a decision. The hearing panel may determine to suspend or revoke the certificate, or ~~the panel~~ may order that reasonable conditions be placed on the certificate or a letter of reprimand be sent to the certificate holder, and may assess the costs of investigation, including hearing costs and attorney fees, against the certificate holder, or if there are not sufficient grounds, the allegation against the certificate holder is dismissed and is so recorded.

(7) Within three (3) days of issuance, the hearing panel's decision shall be made a permanent part of the record of the certificate holder. Should the final decision be to place reasonable conditions upon the certificate holder or a suspension or revocation of the teaching certificate, the professional standards commission must notify the employing public school of the hearing panel's decision and to provide notice that such may negatively impact upon the employment status of the certificated employee.

(8) The final decision of the hearing panel shall be subject to judicial review in accordance with the provisions of chapter 52, title 67, Idaho Code, in the district court of the county in which the holder of a revoked certificate has been last employed as a teacher.

(9) Whenever any certificate has been revoked, suspended or has had reasonable conditions placed upon it, or an application has been denied, the professional standards commission may, upon a clear showing that the cause constituting grounds for the listed actions no longer exists, issue a valid certificate. Provided however, that no certificate shall be issued to any person who has been convicted of any crime listed in subsection 2. of section 33-1208, Idaho Code.

(10) For any person certified in another state and applying for certification in Idaho, and for any person previously certified in this state who is applying for certification in the event their certification has lapsed or is seeking renewal of a current certification, the chief certification officer shall deny an application for a new certificate or for a renewal of a certificate, regardless of the jurisdiction where such certificate was issued, if there are any unsatisfied conditions on such current or previously issued certificate or if there is any form of pending investigation by a state agency concerning the applicant's teaching license or certificate. Provided however, the chief certification officer shall not automatically deny the application if such person authorized in writing that the chief certification officer and the professional standards commission shall have full access to the investigative files concerning the conditions on, or investigation concerning, such certificate in Idaho or any other state or province. Upon review of the information authorized for release by the applicant, the chief certification officer shall either grant or deny such application or, upon denial and upon written request made by the applicant within thirty (30) days of such denial, shall afford the applicant with the procedures set forth in subsections (3) through (9) of this section. If the applicant does not execute the written authorization discussed herein, reapplication may be made once all investigations have been completed and all conditions have been satisfied, resulting in a clear certificate from the issuing state or province.

(11) For the purposes of this section, the term "teacher" shall include any individual required to hold a certificate pursuant to section 33-1201, Idaho Code.

33-2403. REGISTRATION OF PROPRIETARY SCHOOLS. (1) Unless exempted as provided in subsection (4) of this section, each proprietary school which maintains a presence within the state of Idaho, or which operates or purports to operate from a location within the state of Idaho, shall register annually with and hold a valid certificate of registration issued by the director.

(2) The board shall prescribe by rule the procedure for registration, which shall include, but is not limited to, a description of each course or courses of study, for academic credit or otherwise, that a proprietary school intends to conduct, provide, offer or sell.

(3) The director may deny the registration of a proprietary school that does not meet the standards or criteria established in rule by the board. The administrative procedure act, [chapter 52, title 67](#), Idaho Code, shall apply to any denial of registration under this section.

(4) The following individuals or entities are specifically exempt from the registration provisions required by this section:

(a) An individual or entity that offers instruction or training solely avocational or recreational in nature, as determined by the board.

(b) An individual or entity that offers courses recognized by the board which comply in whole or in part with the compulsory education law.

(c) An individual or entity that offers a course or courses of study sponsored by an employer for the training and preparation of its own employees, and for which no tuition fee is charged to the student.

(d) An individual or entity that ~~conducts or engages in activities~~ offers courses to students related to professions regulated under that would otherwise require registration under [chapter 24, title 33](#), Idaho Code, if another state agency, commission or board regulates such activities pursuant to [title 54](#), Idaho Code.

(e) An individual or entity that offers intensive review courses designed to prepare students for certified public accountancy tests, public accountancy tests, law school aptitude tests, bar examinations or medical college admissions tests, or similar instruction for test preparation.

(f) An individual or entity offering only workshops or seminars lasting no longer than three (3) calendar days and offered no more than four (4) times per year.

(g) A parochial or denominational institution providing instruction or training relating solely to religion and for which degrees are not granted.

(h) An individual or entity that offers postsecondary credit through a consortium of public and private colleges and universities under the auspices of the western governors.

(i) An individual that offers flight instruction and that accepts payment for services for such training on a per-flight basis after the training occurs, or that accepts advance payment or a deposit for such training in a de minimus amount, as established by the board in rule.

(5) The director shall assess an annual registration fee on each proprietary school required to be registered under this section as established in rule by the board. Such annual registration fee shall not exceed five thousand dollars (\$5,000) and shall be collected by the director, and shall be dedicated for use by the director in connection with his responsibilities under this chapter.

33-2301. ACCEPTANCE OF FEDERAL ACTS. The state of Idaho hereby renews its acceptance of the provisions and benefits of the act of Congress, entitled "An act to provide for the promotion of vocational rehabilitation of persons with disabilities, other than those who are legally blind, and their return to employment," and further accepts "The Rehabilitation Act of 1973," P.L. 93-112, 93rd Congress, ~~and "The Rehabilitation Act Amendments of 1998," P.L. 105-220, 105th Congress~~ as amended by "the Workforce Innovation and Opportunity Act of 2014," P.L.113-128, 113th Congress, and all subsequent amendments thereto, and will observe and comply with all requirements of such acts.

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