

IN THE SENATE

SENATE BILL NO. 1184

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-125, IDAHO CODE, TO PROVIDE FOR A FISCAL REPORT CARD; REPEALING SECTION 33-129, IDAHO CODE, RELATING TO MATCHING GRANTS FOR SCIENCE EDUCATION PROGRAMS; AMENDING SECTION 33-357, IDAHO CODE, TO REVISE PROVISIONS RELATING TO A CERTAIN INTERNET BASED WEBSITE; AMENDING SECTION 33-1002, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE EDUCATIONAL SUPPORT PROGRAM; AMENDING SECTION 33-1002, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE EDUCATIONAL SUPPORT PROGRAM; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1002A, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO FRACTIONAL AVERAGE DAILY ATTENDANCE; AMENDING SECTION 33-1004, IDAHO CODE, TO REVISE PROVISIONS RELATING TO STAFF ALLOWANCES; AMENDING SECTION 33-1004A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE EXPERIENCE AND EDUCATION MULTIPLIER; AMENDING SECTION 33-1004E, IDAHO CODE, TO REVISE PROVISIONS RELATING TO DISTRICT'S SALARY-BASED APPORTIONMENT; AMENDING SECTION 33-1004F, IDAHO CODE, TO REVISE PROVISIONS RELATING TO OBLIGATIONS TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM AND TO SOCIAL SECURITY; AMENDING SECTION 33-1020, IDAHO CODE, TO REVISE PROVISIONS RELATING TO MONEYS DISTRIBUTED TO THE IDAHO DIGITAL LEARNING ACADEMY; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1021, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO THE DISTRIBUTION OF MONEYS TO SCHOOL DISTRICTS FOR CERTAIN MATH AND SCIENCE COURSES; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1022, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO PUBLIC SCHOOL TECHNOLOGY AND TO PROVIDE PROVISIONS RELATING TO THE EXPENDITURES OR DISTRIBUTIONS OF MONEYS FOR SUCH; AMENDING CHAPTER 16, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1626, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO DUAL CREDIT; AMENDING CHAPTER 16, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1627, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO ONLINE COURSES AND MOBILE COMPUTING DEVICES AND TO PROVIDE FOR CERTAIN EXPENDITURES OR DISTRIBUTIONS OF MONEYS; AMENDING CHAPTER 52, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-5216, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO PUBLIC POSTSECONDARY INSTITUTIONS BEING AUTHORIZED TO OPERATE PUBLIC CHARTER HIGH SCHOOLS; TO PROVIDE THAT NOTHING IN THIS ACT SHALL PREVENT THE LEGISLATURE FROM ADJUSTING COMPONENTS OF CERTAIN FUNDING FORMULAS PURSUANT TO THE NEEDS OF PUBLIC SCHOOLS AND THE CONSTITUTIONAL REQUIREMENT THAT THE STATE MAINTAIN A BALANCED BUDGET; PROVIDING SEVERABILITY; AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. That Section 33-125, Idaho Code, be, and the same is hereby amended to read as follows:

1 33-125. STATE DEPARTMENT OF EDUCATION -- CREATION -- DUTIES. There is
 2 hereby established as an executive agency of the state board of education a
 3 department known as the state department of education. The state superin-
 4 tendent shall serve as the executive officer of such department and shall
 5 have the responsibility for carrying out policies, procedures and duties au-
 6 thorized by law or established by the state board of education for all ele-
 7 mentary and secondary school matters, and to ~~administer grants for the pro-~~
 8 ~~motion of science education as provided in sections 33-128 and 33-129, Idaho~~
 9 ~~Code~~ post a fiscal report card on each school district and charter school on
 10 the department's internet site. The department shall perform the duties as-
 11 signed to it as specified in section 67-5745D, Idaho Code, relating to the
 12 Idaho education network.

13 SECTION 2. That Section 33-129, Idaho Code, be, and the same is hereby
 14 repealed.

15 SECTION 3. That Section 33-357, Idaho Code, be, and the same is hereby
 16 amended to read as follows:

17 33-357. CREATION OF INTERNET BASED EXPENDITURE WEBSITE. (1) As used
 18 in this section, unless otherwise required:

19 (a) "Education provider" means:

- 20 (i) A school district, including a specially chartered district
- 21 organized and existing pursuant to law;
- 22 (ii) A cooperative services agency ~~or intermediate school dis-~~
- 23 ~~trict;~~
- 24 (iii) A public charter school authorized pursuant to state law;
- 25 (iv) A publicly funded governmental entity established by the
- 26 state for the express purpose of providing online courses.

27 (b) "Entity" means a corporation, association, union, limited liabil-
 28 ity company, limited liability partnership, grantee, contractor, local
 29 government or other legal entity, including a nonprofit corporation or
 30 an employee of the education provider.

31 (c) "Public record" shall have the same meaning as set forth in chapter
 32 3, title 9, Idaho Code.

33 (2) (a) No later than December 1, 2011, each education provider shall
 34 develop and maintain a publicly available website where the education
 35 provider's expenditures are posted in a nonsearchable PDF format, a
 36 searchable PDF format, a spreadsheet or in a database format.

37 (b) The internet based website shall include the following data con-
 38 cerning all expenditures made by the education provider:

- 39 (i) The name and location or address of the entity receiving mon-
- 40 eys;
- 41 (ii) The amount of expended moneys;
- 42 (iii) The date of the expenditure;
- 43 (iv) A description of the purpose of the expenditure, unless the
- 44 expenditure is self-describing;
- 45 (v) Supporting contracts and performance reports upon which the
- 46 expenditure is related when these documents already exist; ~~and~~
- 47 (vi) To the extent possible, a unique identifier for each expen-
- 48 diture;

(vii) The annual budget approved by the education provider's governing board, to be posted within thirty (30) days after its approval; and

(viii) Any current master labor agreements approved by the education provider's governing board.

(c) The expenditure data shall be provided in an open structured data format that may be downloaded by the user.

(d) The internet based website shall contain only information that is a public record or that is not confidential or otherwise exempt from public disclosure pursuant to state or federal law.

(3) The education provider shall:

(a) Update the expenditures contained on the internet based website at least monthly;

(b) Archive all expenditures, which shall remain accessible and on the internet based website for a number of years, consistent with state law regarding keeping and retention of records;

(c) Make the internet based website easily accessible from the main page of the education provider's website; and

(d) The website shall include those records beginning on the effective date of this act on July 1, 2011, and all data prior to that date shall be available by way of a public records request.

SECTION 4. That Section 33-1002, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

- (i) ~~For expenditure as provided by the public school technology program as provided in section 33-1022, Idaho Code;~~
- (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 dual credit courses as provided in section 33-1626, Idaho Code;
- (m) For additional math and science courses for high school students as provided in section 33-1021, Idaho Code;
- (n) For certificated employee severance payment reimbursement as provided in section 33-515B, Idaho Code;
- (o) For the support of provisions that provide a safe environment conducive to student learning and maintain classroom discipline, an allocation of \$300 per support unit; and
- (~~mp~~) Any additional amounts as required by statute to effect administrative adjustments or as specifically required by the provisions of any bill of appropriation;
- to secure the total educational support distribution funds.
- (3) Average Daily Attendance. The total state average daily attendance shall be the sum of the average daily attendance of all of the school districts of the state. The state board of education shall establish rules setting forth the procedure to determine average daily attendance and the time for, and method of, submission of such report. Average daily attendance 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 secondary 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
<u>.01</u> - 7.99 ADA....	-.....	count as elementary

COMPUTATION OF ELEMENTARY SUPPORT UNITS

1	Average Daily		Minimum Units
2	Attendance	Attendance Divisor	Allowed
3	300 or more ADA.....		.. 15
4		..23...grades 4,5 & 6....	
5		..22...grades 1,2 & 3....1994-95	
6		..21...grades 1,2 & 3....1995-96	
7		..20...grades 1,2 & 3....1996-97	
8		and each year thereafter.	
9	160 to 299.99 ADA...	20.....	8.4
10	110 to 159.99 ADA...	19.....	6.8
11	71.1 to 109.99 ADA...	16.....	4.7
12	51.7 to 71.0 ADA...	15.....	4.0
13	33.6 to 51.6 ADA...	13.....	2.8
14	16.6 to 33.5 ADA...	12.....	1.4
15	±.01 to 16.5 ADA...	n/a.....	1.0

16 COMPUTATION OF SECONDARY SUPPORT UNITS

17	Average Daily		Minimum Units
18	Attendance	Attendance Divisor	Allowed
19	750 or more	18.5.....	47
20	400 - 749.99 ADA....	16.....	28
21	300 - 399.99 ADA....	14.5.....	22
22	200 - 299.99 ADA....	13.5.....	17
23	100 - 199.99 ADA....	12.....	9
24	99.99 or fewer	Units allowed as follows:	
25	Grades 7-12		8
26	Grades 9-12		6
27	Grades 7-9		1 per 14 ADA
28	Grades 7- 8		1 per 16 ADA

29 COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

30	Average Daily		Minimum Units
31	Attendance	Attendance Divisor	Allowed
32	14 or more	14.5.....	1 or more as computed
33			
34	12 - 13.99.....	-.....	1
35	8 - 11.99.....	-.....	.75
36	4 - 7.99.....	-.....	.5
37	<u>.01</u> - 3.99.....	-.....	.25

COMPUTATION OF ALTERNATIVE SCHOOL SECONDARY SUPPORT UNITS

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

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

(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 secondary students. Calculations in application of this subsection shall be carried out to the nearest tenth.

(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 tenth 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, subsection (6) (a) (i) of this section, and the support units allowance for the approved exceptional child program, subsection (6) (a) (ii) of this section.

(b) Total District Allowance Educational Program. Multiply the district's total number of support units, carried out to the nearest tenth, 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, subsection (6) (b) of this section.

(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 subsection (6) (c) of this section.

(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.

SECTION 5. That Section 33-1002, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

(i) For public school technology as provided in section 33-1022, Idaho Code;

(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 dual credit courses as provided in section 33-1626, Idaho Code;

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

(n) For costs associated with mobile computing devices and teacher training as provided in section 33-1627, Idaho Code;

(o) For certificated employee severance payment reimbursement as provided in section 33-515B, Idaho Code;

(p) For pay for performance as provided in section 33-1004I, Idaho Code;

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

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

to secure the total educational support distribution funds.

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

1	Average Daily		
2	Attendance	Attendance Divisor	Units Allowed
3	8 - 15.99 ADA....	-.....	.5
4	.01 - 7.99 ADA....	-.....	count as elementary

5 COMPUTATION OF ELEMENTARY SUPPORT UNITS

6	Average Daily		Minimum Units
7	Attendance	Attendance Divisor	Allowed
8	300 or more ADA.....		.. 15
9		..23...grades 4,5 & 6....	
10		..22...grades 1,2 & 3....1994-95	
11		..21...grades 1,2 & 3....1995-96	
12		..20...grades 1,2 & 3....1996-97	
13		and each year thereafter.	
14	160 to 299.99 ADA...	20.....	8.4
15	110 to 159.99 ADA...	19.....	6.8
16	71.1 to 109.99 ADA...	16.....	4.7
17	51.7 to 71.0 ADA...	15.....	4.0
18	33.6 to 51.6 ADA...	13.....	2.8
19	16.6 to 33.5 ADA...	12.....	1.4
20	.01 to 16.5 ADA...	n/a.....	1.0

21 COMPUTATION OF SECONDARY SUPPORT UNITS

22	Average Daily		Minimum Units
23	Attendance	Attendance Divisor	Allowed
24	750 or more	18.5.....	47
25	400 - 749.99 ADA....	16.....	28
26	300 - 399.99 ADA....	14.5.....	22
27	200 - 299.99 ADA....	13.5.....	17
28	100 - 199.99 ADA....	12.....	9
29	99.99 or fewer	Units allowed as follows:	
30	Grades 7-12		8
31	Grades 9-12		6
32	Grades 7- 8		1 per 16 ADA

33 COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

34	Average Daily		Minimum Units
35	Attendance	Attendance Divisor	Allowed
36	14 or more	14.5.....	1 or more as

1			computed
2	12 - 13.99....	-	1
3	8 - 11.99....	-	.75
4	4 - 7.99....	-	.5
5	.01 - 3.99....	-	.25

6 COMPUTATION OF ALTERNATIVE SCHOOL SECONDARY SUPPORT UNITS

7	Pupils in Attendance	Attendance Divisor	Minimum Units
8			Allowed
9	12 or more.....	12.....	1 or more as
10			computed

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

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

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

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

39 (ii) Divide the combined totals of the average daily attendance
 40 of all preschool, kindergarten, elementary, secondary, juvenile
 41 detention center students and students with disabilities approved
 42 for inclusion in the exceptional child program of the district by
 43 the appropriate divisor from the table for computation of excep-
 44 tional education support units to obtain the number of support
 45 units allowed for the district's approved exceptional child pro-

gram. Calculations for this subsection shall be carried out to the nearest tenth 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, subsection (6) (a) (i) of this section, and the support units allowance for the approved exceptional child program, subsection (6) (a) (ii) of this section.

(b) Total District Allowance Educational Program. Multiply the district's total number of support units, carried out to the nearest tenth, 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, subsection (6) (b) of this section.

(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 subsection (6) (c) of this section.

(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.

SECTION 6. That Chapter 10, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1002A, Idaho Code, and to read as follows:

33-1002A. FRACTIONAL AVERAGE DAILY ATTENDANCE. (1) For students attending school in more than one (1) school district or public charter school, or who are enrolled in one (1) or more online courses in which the student's home school district or public charter school is not the content provider, attendance shall be counted and divided based on the portion of the student's daily attendance time that is spent in attendance at each school district, public charter school or online course. This provision shall not apply to:

(a) An online course in which the school district or public charter school has a contract in place for the provision of online courses.

(b) Any online course which causes the total number of courses in which a student is enrolled to exceed the maximum number of periods of instruction offered at the school in which the student is enrolled. If a student is enrolled in multiple online courses and one (1) or more online course falls within this limitation and one (1) or more fall beyond it, then the most expensive courses shall be subject to fractional aver-

age daily attendance. School districts and public charter schools may choose to pay for any online courses that fall beyond the limitation of this paragraph, at their discretion. The parents or guardians of students shall be responsible for paying the cost of any online courses in which the student is enrolled beyond the limitation of this paragraph, unless such cost has been paid by the student's school district or public charter school. A student's home school district or public charter school shall notify the student's parent or guardian at the time of registration if any online courses in which the student is enrolling exceed the maximum provided in this paragraph.

(2) For online courses subject to fractional counting and division, the average daily attendance shall be counted and funded as part of the student's home school district or public charter school attendance. However, the state department of education shall identify the fraction attributable to such attendance for each student and furnish the home school district or public charter school with a dollar amount of funding attributable to each such fraction. The home school district or public charter school shall then remit two-thirds (2/3) of such amount to each online course content provider.

(3) For the purposes of this section and section 33-1627, Idaho Code, the term "online course" means a course which delivers a sequential program of synchronous and/or asynchronous instruction primarily through the use of technology, in which the instructor is not physically located at the school or place in which the student is receiving instruction. Nothing in this definition shall prohibit a blended course that includes face-to-face, in person instruction, provided that a majority of the instruction is delivered as stated herein.

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

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

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

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

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

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

(5) Additional conditions governing staff allowance:

(a) In determining the number of staff in subsections (2), (3) and (4) of this section, a district may contract separately for services to be rendered by nondistrict employees and such employees may be counted

1 in the staff allowance. A "nondistrict employee" means a person for
2 whom the school district does not pay the employer's obligations for
3 employee benefits. When a district contracts for the services of a
4 nondistrict employee, only the salary portion of the contract shall be
5 allowable for computations.

6 (b) If there are circumstances preventing eligible use of staff al-
7 lowance to which a district is entitled as provided in subsections (2)
8 and (3) of this section, an appeal may be filed with the state depart-
9 ment of education outlining the reasons and proposed alternative use of
10 these funds, and a waiver may be granted.

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

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

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

22 (iii) Additionally, for any district with less than twenty (20)
23 support units, the instructional staff allowance shall be calcu-
24 lated applying the actual number of support units. If the number
25 of instructional staff employed in the school year is greater than
26 the instructional staff allowance, the staff allowance shall be
27 increased as provided in paragraphs (i) and (ii) of this subsec-
28 tion, and by an additional one-half (1/2) instructional staff al-
29 lowance.

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

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

42 (f) A district may utilize up to ~~five~~ fifteen percent (15%) of the mon-
43 eys associated with positions funded pursuant to subsection (2) of this
44 section to pay another school district or public charter school for in-
45 structional services or to defray the cost of providing virtual educa-
46 tion coursework, including virtual dual credit coursework, without a
47 reduction in the number of funded positions being imposed.

48 (g) For the period July 1, 2009, through June 30, 2011, only, a district
49 may shift up to five percent (5%) of the positions funded pursuant to

subsection (2) of this section to federal funds, without a reduction in the number of funded positions being imposed.

(h) A district may employ fewer positions than funded pursuant to subsection (2) of this section, without a reduction in the number of funded positions being imposed, subject to the following limits on the percent of such positions that may be reduced:

<u>Fiscal Year</u>	<u>Percentage</u>
<u>2012</u>	<u>6%</u>
<u>2013</u>	<u>8%</u>
<u>2014 and each fiscal year thereafter</u>	<u>10%</u>

(6) 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.

SECTION 8. That Section 33-1004A, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004A. EXPERIENCE AND EDUCATION MULTIPLIER. Each instructional and administrative staff position shall be assigned an appropriate multiplier based upon the following table:

EXPERIENCE AND EDUCATION

		MA	MA + 12	MA + 24	MA + 36			
Years	BA	BA + 12	BA + 24	BA + 36	BA + 48	BA + 60	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	
		MA	MA + 12	MA + 24	MA + 36			
Years	BA	BA + 12	BA + 24	BA + 36	BA + 48	BA + 60	ES/DR	

1 13 or

2 more 1.39290 1.49930 1.55550 1.61380 1.73710 1.86980 2.01260

3 In determining the experience factor, the actual years of teaching
4 or administrative service in a public school, in an accredited private or
5 parochial school, or beginning in the 2005-06 school year and thereafter in
6 an accredited college or university shall be credited, minus two (2); pro-
7 vided however, that the experience factor cannot be less than zero (0).

8 In determining the education factor, only credits earned after initial
9 certification, based upon a transcript on file with the teacher certifica-
10 tion office of the state department of education, earned at an institution of
11 higher education accredited by the state board of education or a regional ac-
12 crediting association, shall be allowed. Provided however, that successful
13 completion of a state-approved mathematical thinking for instruction course
14 shall be counted as transcribed credit. Instructional staff whose initial
15 certificate is an occupational specialist certificate shall be treated as
16 BA degree prepared instructional staff. Credits earned by such occupational
17 specialist instructional staff after initial certification shall be cred-
18 ited toward the education factor. ~~For the time period July 1, 2010, through~~
19 ~~June 30, 2011, instructional and administrative staff shall not advance on~~
20 ~~the education portion of the multiplier table.~~

21 In determining the statewide average multiplier for instructional
22 staff, no multiplier in excess of 1.59092 shall be used. If the actual
23 statewide average multiplier for instructional staff, as determined by this
24 section, exceeds 1.59092, then each school district's instructional staff
25 multiplier shall be multiplied by the result of 1.59092 divided by the actual
26 statewide average multiplier for instructional staff.

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

33 SECTION 9. That Section 33-1004E, Idaho Code, be, and the same is hereby
34 amended to read as follows:

35 33-1004E. DISTRICT'S SALARY-BASED APPORTIONMENT. Each district shall
36 be entitled to a salary-based apportionment calculated as provided in this
37 section.

38 1. To determine the apportionment for instructional staff, first de-
39 termine the district average experience and education index by placing all
40 eligible district certificated instructional employees on the statewide
41 index provided in section 33-1004A, Idaho Code. The resulting average is the
42 district index. ~~Districts with an index above the state average index shall~~
43 ~~receive their actual index but not more than the state average plus .03 for~~
44 ~~the 1994-95 school year, and shall receive their actual index but not more~~
45 ~~than the state average plus .06 for the 1995-96 school year, and thereafter~~
46 ~~shall receive their actual district index.~~ The district instructional staff
47 index shall be multiplied by the instructional base salary of \$23,565. 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. The instructional salary allocation shall be further increased by the amount necessary for each full-time equivalent instructional staff member placed on the experience and education index to be allocated at least the minimum salary mandated by this section. 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 \$29,655\$30,000. ~~If an instructional staff member has been certified by the national board for professional teaching standards, the staff member shall be designated as a master teacher and receive \$2,000 per year for five (5) years. The instructional salary shall be increased by \$2,000 for each master teacher 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. For purposes of this section, teachers qualifying for the salary increase as master teacher shall be those who have been recognized as national board certified teachers as of July 1 of each year. After the base and minimum salaries established pursuant to this subsection have reached the amounts that were in effect in fiscal year 2009, all further increases to these base and minimum salaries shall be allocated such that the percentage increase in the minimum salary is one and one-half (1.5) times the percentage increase in the base salary.~~

2. 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.~~ The district administrative staff index shall be multiplied by the base salary of \$32,441. The amount so determined shall be multiplied by the district staff allowance for administrative staff determined as provided in section 33-1004(3), Idaho Code. The resulting amount is the district's salary-based apportionment for administrative staff.

3. To determine the apportionment for classified staff, multiply \$19,041 by the district classified staff allowance determined as provided in section 33-1004(4), Idaho Code. The amount so determined is the district's apportionment for classified staff.

4. The district's salary-based apportionment shall be the sum of the apportionments calculated in subsections 1., 2. and 3., of this section, adjusted by the following percentages:

<u>Fiscal Year</u>	<u>Percentage</u>
<u>2012</u>	<u>(1.67%)</u>

1	<u>2013</u>	<u>(4.05%)</u>
2	<u>2014</u>	<u>(6.30%)</u>
3	<u>2015</u>	<u>(6.42%)</u>
4	<u>2016</u>	<u>(6.21%)</u>
5	<u>2017 and each fiscal year thereafter</u>	<u>(5.74%)</u>

6 plus the benefit apportionment as provided in section 33-1004F, Idaho Code.

7 SECTION 10. That Section 33-1004F, Idaho Code, be, and the same is
8 hereby amended to read as follows:

9 33-1004F. OBLIGATIONS TO RETIREMENT AND SOCIAL SECURITY BENEFITS. ~~1-~~
10 Based upon the actual salary-based apportionment, as determined in section
11 33-1004E, Idaho Code, plus distributions made pursuant to section 33-1004I,
12 Idaho Code, there shall be allocated that amount required to meet the em-
13 ployer's obligations to the public employee retirement system and to social
14 security.

15 ~~2. If a district's qualifying salaries total more than the district's~~
16 ~~salary-based apportionment, there shall be allocated an additional amount~~
17 ~~to meet the employer's obligation to the public employee retirement system~~
18 ~~and to social security equal to two-thirds (2/3) of the additional obliga-~~
19 ~~tion for the school year 1994-95. If a district's qualifying salaries total~~
20 ~~more than the district's salary-based apportionment, there shall be allo-~~
21 ~~cated an additional amount to meet the employer's obligation to the public~~
22 ~~employee retirement system and to social security equal to one-third (1/3)~~
23 ~~of the additional obligation for the school year 1995-96. Thereafter, the~~
24 ~~benefit allocation shall be based solely upon the provisions of subsection~~
25 ~~1. of this section.~~

26 SECTION 11. That Section 33-1020, Idaho Code, be, and the same is hereby
27 amended to read as follows:

28 33-1020. IDAHO DIGITAL LEARNING ACADEMY FUNDING. Of the moneys appro-
29 priated for the educational support program, an amount shall be distributed
30 to support the Idaho digital learning academy, created pursuant to chapter
31 55, title 33, Idaho Code. For the purposes of this section, an "enrollment"
32 shall be counted each time an Idaho school age child enrolls in an Idaho dig-
33 ital learning academy class. A single child enrolled in multiple classes
34 shall count as multiple enrollments. Summer enrollments shall be included
35 in the fiscal year that begins that summer. The amount distributed shall be
36 calculated as follows:

37 (1) A fixed base amount shall be distributed, equal to the current fis-
38 cal year's statewide average salary-based apportionment funding per midterm
39 support unit, multiplied by seven (7).

40 (2) A variable base amount shall be distributed each time the number
41 of enrollments meets or exceeds an increment of five thousand (5,000). The
42 amount so distributed shall be equal to the number of such increments, mul-
43 tiplied by the current fiscal year's statewide average salary-based appor-
44 tionment funding per midterm support unit, multiplied by four and thirty-
45 three hundredths (4.33).

~~(3) A variable amount shall be distributed, equal to the number of enrollments multiplied by the current fiscal year's statewide average salary-based apportionment funding per midterm support unit, divided by one hundred forty-three (143).~~

If the revenue received by the Idaho digital learning academy pursuant to this section, section 33-1002A, Idaho Code, and any contracts with school districts or public charter schools, is less than \$3,500,000 in fiscal year 2013 or fiscal year 2014, then the moneys distributed to the Idaho digital learning academy pursuant to this section shall be increased by the amount necessary to ensure that the total dollars received by the Idaho digital learning academy from all such sources is equal to \$3,500,000 for each of the stated fiscal years.

The state department of education shall make an estimated distribution of funds to the Idaho digital learning academy by no later than July 31 of each fiscal year, consisting of eighty percent (80%) of the estimated funding for the fiscal year. The balance of all remaining funds to be distributed, pursuant to the calculations in this section, shall be distributed by no later than May 15 of the same fiscal year.

SECTION 12. That Chapter 10, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1021, Idaho Code, and to read as follows:

33-1021. MATH AND SCIENCE REQUIREMENT. In order to meet state graduation requirements regarding math and science courses, moneys shall be distributed to school districts to defray the cost of providing additional math and science courses. Moneys so distributed shall be used to hire additional high school math and science teachers or to defray costs associated with providing math and science courses to high school students. Moneys shall be distributed to school districts from the moneys appropriated to the educational support program for each regular high school, not including alternative schools, based on the following criteria:

(1) For each school with enrollment of 99 or less, distribute the equivalent of one ninth (1/9) of a classified staff position.

(2) For each school with enrollment of 100 to 159, distribute the equivalent of one and one-quarter (1.25) of a classified staff position.

(3) For each school with enrollment of 160 to 319, distribute the equivalent of two sevenths (2/7) of a classified staff position.

(4) For each school with enrollment of 320 to 639, distribute the equivalent of one (1.0) instructional staff position, based on the statewide average funding per position.

(5) For each school with enrollment of 640 or more, distribute the equivalent of one (1.0) instructional staff position, based on the statewide average funding per position, and three-quarters (0.75) of a classified staff position.

For the purposes of these school size classifications for regular high schools that serve only grades 10-12, ninth grade students who will attend the regular high school upon matriculating to tenth grade shall be included as enrolled in the regular high school.

SECTION 13. That Chapter 10, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1022, Idaho Code, and to read as follows:

33-1022. PUBLIC SCHOOL TECHNOLOGY. (1) Moneys shall be expended or distributed from the educational support program for public school technology as follows:

(a) For fiscal year 2012, an amount equal to one hundred eighty-six (186) multiplied by the per statewide support unit value of salary-based apportionment and discretionary funds. Of this amount, the following percentages shall be utilized pursuant to the following paragraphs of subsection (3) of this section:

Subsection (3)	Percentage
Paragraphs (a) and (c)	77%
Paragraph (d)	23%

(b) For fiscal year 2013, an amount equal to one hundred ninety-one (191) multiplied by the per statewide support unit value of salary-based apportionment and discretionary funds. Of this amount, the following percentages shall be utilized pursuant to the following paragraphs of subsection (3) of this section:

Subsection (3)	Percentage
Paragraphs (a) and (c)	77%
Paragraph (d)	23%

(c) For fiscal year 2014, an amount equal to one hundred ninety-five (195) multiplied by the per statewide support unit value of salary-based apportionment and discretionary funds. Of this amount, the following percentages shall be utilized pursuant to the following paragraphs of subsection (3) of this section:

Subsection (3)	Percentage
Paragraph (a)	16%
Paragraph (b)	36%
Paragraph (c)	31%
Paragraph (d)	17%

(d) For fiscal year 2015, an amount equal to one hundred ninety-five (195) multiplied by the per statewide support unit value of salary-based apportionment and discretionary funds. Of this amount, the following percentages shall be utilized pursuant to the following paragraphs of subsection (3) of this section:

Subsection (3)	Percentage
Paragraph (a)	16%
Paragraph (b)	36%

1 Paragraph (c) 31%

2 Paragraph (d) 17%

3 (e) For fiscal year 2016, an amount equal to one hundred fifty-seven
4 (157) multiplied by the per statewide support unit value of salary-
5 based apportionment and discretionary funds. Of this amount, the
6 following percentages shall be utilized pursuant to the following para-
7 graphs of subsection (3) of this section:

8 Subsection (3) Percentage

9 Paragraph (a) 18%

10 Paragraph (b) 41%

11 Paragraph (c) 35%

12 Paragraph (d) 6%

13 (f) For fiscal year 2017 and each fiscal year thereafter, an amount
14 equal to one hundred fifty-seven (157) multiplied by the per statewide
15 support unit value of salary-based apportionment and discretionary
16 funds. Of this amount, the following percentages shall be utilized pur-
17 suant to the following paragraphs of subsection (3) of this section:

18 Subsection (3) Percentage

19 Paragraph (a) 20%

20 Paragraph (b) 37%

21 Paragraph (c) 37%

22 Paragraph (d) 6%

23 (g) The dollars allocated for paragraphs (a) through (d) of subsection
24 (3) of this section may be reallocated among said subsections by the su-
25 perintendent of public instruction, subject to a ten percent (10%) max-
26 imum cumulative change in the allocated amounts.

27 (2) For the purposes of subsection (1) of this section, the support unit
28 figure used shall be statewide support units used to calculate the distribu-
29 tion of salary-based apportionment funds in the current fiscal year.

30 (3) Moneys expended or distributed pursuant to this section shall be
31 utilized for one (1) or more of the following:

32 (a) Moneys shall be expended for the installation, repair, replacement
33 and support of wireless technology in each public school serving high
34 school grades, of sufficient capacity to support utilization of mobile
35 computing devices by all students in such grades.

36 (b) Moneys shall be expended for high quality digital learning re-
37 sources and software linked to state and local curricula, including
38 model lesson plans, content and formative and summative assessments
39 tied to rigorous college and career-ready standards and safe and secure
40 online knowledge sharing and collaboration systems.

41 (c) Moneys shall be expended or distributed for classroom technology
42 that assists teachers in the effective and efficient delivery of in-
43 struction. At least ninety-seven percent (97%) of the moneys expended
44 or distributed for this paragraph shall be distributed to school dis-

1 tricts, public charter schools and the Idaho school for the deaf and
2 blind.

3 (d) Moneys shall be expended or distributed for professional devel-
4 opment and training that promotes the effective use of technology by
5 students, staff and parents, the integration of technology into pub-
6 lic school curricula and instructional methods, and the development of
7 plans at the school, district and statewide level for the improved use
8 and integration of technology in learning. As part of this paragraph,
9 the superintendent of public instruction shall convene a task force
10 to study and develop plans for the implementation of online course re-
11 quirements, including the issue of online summer and overload courses,
12 and the provision and support of one-to-one mobile computing devices
13 for students, including an examination of the experience of other
14 states and school districts, beginning in the 2012-2013 school year,
15 and other topics determined by the task force chairman. The superinten-
16 dent of public instruction shall serve as the task force chairman, and
17 shall appoint to the task force, at a minimum, four (4) school district
18 superintendents, two (2) school district technology directors, two (2)
19 secondary school principals, one (1) school district business manager,
20 one (1) head of school of a public virtual charter school, one (1) head
21 of school of a traditional public charter school serving at least grades
22 9-12, two (2) secondary school classroom teachers, one (1) private sec-
23 tor education technology expert who is neither employed by, represents,
24 nor is an agent of any entity that provides online courses or mobile
25 computing devices and three (3) representatives of the business com-
26 munity. In addition, the Idaho house of representatives and the Idaho
27 senate shall each appoint two (2) members, and each of the following
28 organizations shall appoint one (1) individual to the task force: Idaho
29 education association, northwest professional educators, Idaho school
30 boards association, Idaho association of school administrators, Idaho
31 business coalition for education excellence, Idaho digital learning
32 academy and the office of the governor. The superintendent shall report
33 the findings, plans and recommendations of this task force, including
34 any recommendations for changes to statute or rule, to the senate and
35 house of representatives education committees by no later than January
36 31, 2012.

37 (4) The state superintendent of public instruction shall include
38 information on the uses, planned uses and impact of moneys distributed
39 pursuant to this section as part of the annual report required by section
40 33-4805, Idaho Code.

41 SECTION 14. That Chapter 16, Title 33, Idaho Code, be, and the same is
42 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
43 ignated as Section 33-1626, Idaho Code, and to read as follows:

44 33-1626. DUAL CREDIT FOR EARLY COMPLETERS. Students completing all
45 state high school graduation requirements, except the senior project, by
46 no later than the start of the twelfth grade shall be eligible for up to
47 thirty-six (36) postsecondary credits of dual credit courses during their
48 twelfth grade year. Average daily attendance shall be counted as normal
49 for such twelfth grade students for public school funding purposes. In ad-

dition, the state department of education shall distribute funds from the moneys appropriated for the educational support program to defray the per credit cost charged for such dual credit courses by accredited postsecondary institutions. The amount so distributed shall not exceed seventy-five dollars (\$75.00) per credit hour.

SECTION 15. That Chapter 16, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1627, Idaho Code, and to read as follows:

33-1627. ONLINE COURSES -- MOBILE COMPUTING DEVICES AND TEACHER TRAINING. (1) The legislature finds that in order to better provide students with the skills that they will need to be successful as students, employees, entrepreneurs and parents in the future, more exposure is needed to online learning and informational environments.

(2) Beginning with the 2012-2013 school year, parents and guardians of secondary students shall have the right to enroll such students in any online course, with or without the permission of the school district or public charter school in which the student is enrolled, provided the following criteria are met:

(a) The course is offered by a provider accredited by the organization that accredits Idaho high schools, or an organization whose accreditation of providers is recognized by the organization that accredits Idaho high schools;

(b) The state department of education has verified that the teacher is certificated by the state of Idaho and is qualified to teach the course;

(c) The state department of education or the Idaho digital learning academy has verified that the course meets state content standards;

(d) The parent or guardian registers the student for the course through the school district or public charter school's normal registration process, which shall be made to accommodate enrollment in courses meeting the requirements of paragraphs (a) through (c) of this subsection. Provided however, that school districts and public charter schools shall accommodate such enrollment requests if a student's parent or guardian makes such request no later than thirty (30) days prior to the end of the term immediately previous to the one for which the student is enrolling, or no later than the end of the school year, in the case of a term ending at the end of the school year.

(3) A student's transcript at the school district or public charter school at which the student is enrolled shall include the credits earned and grades received by each student for any online courses taken pursuant to this section.

(4) In order to assist in providing students with access to online courses, the state department of education shall contract for the provision of mobile computing devices for the students and teachers of each high school. Such devices shall be provided to all high school teachers beginning in the 2012-2013 school year, unless the teacher already has a computing device available and requests that one not be provided. Such devices for teachers shall be replaced every four (4) years. Devices shall be provided for high school students beginning in the 2013-2014 school year. The number of devices provided to students each year shall be equal to one-third (1/3)

of the high school students through the 2015-2016 school year, after which the number shall be equal to the number of ninth grade students. School districts and public charter schools in which high school begins in tenth grade may elect to have all of the provisions of this section that apply to ninth grade students apply instead to tenth grade students. School districts and public charter schools that already have one (1) modern functioning computing device for each student in each appropriate class in grades 9-12 who is able to use such a device shall receive an allocation of funds equal to the cost of purchasing mobile computing devices pursuant to this section, in lieu of receiving such devices, to be used at the school district or public charter school's discretion. The department shall use the same laws, rules and policies in issuing and awarding such contract as would an executive branch agency in which an appointed director reports directly to the governor. Such devices shall include technology that provides for compliance with the provisions of section 33-132, Idaho Code. Such contract shall also provide for the maintenance, repair and technical support of such devices. The cost of such contract and distributions made pursuant to this subsection shall be paid from the moneys appropriated for the educational support program. Each school district or public charter school shall develop a policy on student use of the mobile computing devices outside of the school day. Such policy shall be in compliance with the provisions of section 33-132, Idaho Code. The state department of education shall develop a policy addressing the issue of damage, loss, repair and replacement of the mobile computing devices.

(5) The state department of education shall expend or distribute an amount equal to twelve (12) multiplied by the per statewide support unit value of salary-based apportionment and discretionary funds for fiscal year 2013 through fiscal year 2016, from the amount appropriated to the educational support program, to train high school staff in the use of mobile computing devices by students in the classroom, and the integration of such use into the curriculum. For the purposes of this subsection, the support units used to calculate this statewide figure shall be the statewide support units used to calculate the distribution of salary-based apportionment funds in the current fiscal year.

(6) The state board of education shall promulgate rules to implement the provisions of this section, including a requirement for online courses needed for graduation beginning with the graduating class of 2016, and the development of digital citizenship standards for students to which this graduation requirement applies.

SECTION 16. That Chapter 52, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-5216, Idaho Code, and to read as follows:

33-5216. PUBLIC POSTSECONDARY INSTITUTIONS -- PUBLIC CHARTER HIGH SCHOOLS. (1) Any public postsecondary institution located in this state is hereby authorized to operate a public charter high school in Idaho. The provisions of chapter 52, title 33, Idaho Code, shall apply to each such public charter high 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

1 exception of certain conditions and applications as specifically provided
2 in this section.

3 (2) With the consent of the state board of education, a public postsec-
4 ondary institution may petition to establish a public charter high school
5 to the public charter school commission or to the local board of trustees.
6 Any provision or reference to the public charter school commission found in
7 chapter 52, title 33, Idaho Code, shall mean, for the purposes of this sec-
8 tion, the state board of education.

9 (3) The president or chief executive officer of such postsecondary in-
10 stitution, or his designee(s), shall serve as the board of trustees of any
11 public charter high school opened for educational instruction pursuant to
12 this section.

13 (4) For the purposes of this section, the term "high school" means a
14 school serving any grades from ninth grade or higher.

15 SECTION 17. Nothing in this act shall prevent the Legislature from
16 adjusting any component of any public school funding formula in any fiscal
17 year, pursuant to the needs of public schools and the constitutional re-
18 quirement that the state of Idaho maintain a balanced budget.

19 SECTION 18. SEVERABILITY. The provisions of this act are hereby de-
20 clared to be severable and if any provision of this act or the application
21 of such provision to any person or circumstance is declared invalid for any
22 reason, such declaration shall not affect the validity of the remaining por-
23 tions of this act.

24 SECTION 19. Sections 1, 2, 3, 4, 7, 8, 9, 12, 13, 14, 15, 16, 17 and 18 of
25 this act shall be in full force and effect on and after July 1, 2011. Sections
26 5, 6, 10 and 11 of this act shall be in full force and effect on and after July
27 1, 2012.