

---

# *Idaho Voters' Pamphlet*

*MAKING ELECTIONS MAKE SENSE*

## **YOUR QUICK GUIDE TO**

- *The law requiring voters to show ID*
  - *The Proposed Constitutional Amendments*
  - *The Proposed Ballot Referenda*
  - *Voter Information*
  - *Political Parties*
- 



## **Bring Your ID and VOTE!**

Idaho General Election, November 6, 2012

Published by  
Ben Ysursa  
Secretary of State  
State of Idaho





**STATE OF IDAHO**  
**OFFICE OF THE SECRETARY OF STATE**  
**BEN YSURSA**

Dear Idahoan:

This is your Idaho Voters' Pamphlet containing information concerning the five ballot questions (two constitutional amendments and three referenda) which will appear on the November 6, 2012 ballot. It contains the ballot questions, the statements of meaning, purpose and results to be accomplished, as well as statements for and against each proposed amendment. The statements for and against the constitutional amendments have been developed as prescribed by law by the legislative council.

In regard to the three referenda, this pamphlet contains the ballot title, the pro and con arguments and rebuttals, what your vote means, and the complete text of each referendum. The arguments for and against, as provided by law, are the opinions of the respective authors. The publishing of the arguments for the referenda does not constitute an endorsement by the State of Idaho, nor does the State warrant the accuracy or truth of any statement made in the arguments.

Important information is included regarding requiring photo identification to vote in Idaho and other information pertaining to the election process.

Read carefully the information about the proposed constitutional amendments and referenda contained in this pamphlet. You, the electorate, have the final say on amending our state constitution and influencing the laws which regulate us all.

Visit our internet site at [www.idahovotes.gov](http://www.idahovotes.gov) for additional election information.

Take advantage of this opportunity and vote on November 6, 2012.

Sincerely,

A handwritten signature in black ink that reads "Ben Yursa". The signature is written in a cursive, flowing style.

**BEN YSURSA**  
**SECRETARY OF STATE**

## **Voter Qualifications, Registration and Voting**

### **An Idaho Voter Must Be:**

A Citizen of the United States;  
 At least 18 years of age on Election Day;  
 A resident in the state and in the county for thirty (30) days prior to Election Day;  
 Registered as required by law.

### **REGISTRATION**

#### **Where and When to Register:**

Applicants may register before an election with the County Clerk up to 25 days before an election. This deadline shall also apply to any registrars the County Clerk may have appointed.

Any elector may register by mail. Any mail registration application must be received by the County Clerk not later than 25 days preceding any election provided that any mail registration application postmarked not later than 25 days prior to an election shall be deemed timely.

An individual who is eligible to vote may register on Election Day by appearing in person at the polling place for the precinct in which the individual maintains residence, by completing a registration card, making an oath in the form prescribed by the Secretary of State and providing proof of residence. All documents used in providing proof of residence shall be accompanied with a photo ID. Only the following documents showing the registrant's current address in the precinct are authorized:

- a valid Idaho driver's license issued through the department of transportation.
- a valid Idaho ID card issued through the department of transportation.
- any document which contains a valid address in the precinct together with a picture identification card.

Students may also use:

- A current valid student ID card from a post secondary educational institution in Idaho accompanied with a current student fee statement that contains the student's valid address in the precinct together with a picture identification card.

#### **Re-registration - When Required:**

Re-registration is required if the voter has failed to vote at least once at a Primary or General election

during the four years following registration, and the County Clerk has consequently canceled the registration, or if the voter moves or changes their name.

#### **Photo ID is now required to vote in Idaho:**

To vote, you must either present a photo ID or sign a Personal Identification Affidavit. Acceptable forms of photo identification include any one of the following:

- An Idaho driver's license or state issued photo ID card.
- A U.S. passport or federal photo ID card.
- A tribal photo ID card.
- A current student photo ID issued by an Idaho high school or post secondary education institution.

#### **Voting Locations:**

A polling place is selected for each election precinct by the Board of County Commissioners. Election notices are published in local newspapers naming the polling place for each election precinct, date of election, and the hours during which the polls will be open. County clerks also have this information. Every polling place is accessible to all voters in Idaho.

#### **Absentee Voting:**

Any registered voter may make application in writing to the County Clerk to receive an absentee ballot. Applications are available from the Clerk's office or send a written request with the required information (*name of elector; residence address in Idaho and mailing address to which ballot is to be forwarded*). Applications for absentee ballots may be made by using a facsimile or other electronic transmission.

October 31, 2012 is the last day for *mail-in* absentee ballot applications to be received by the County Clerk prior to General Election until 5:00 p.m. The application must be signed personally by the applicant.

Absentee ballots must be delivered to the office of the County Clerk by 8:00 p.m. on election day in order to be counted.

*In-person* absentee voting is available in the office of the County Clerk or elections office until 5:00 p.m. on November 2, 2012.

## **PROPOSED CONSTITUTIONAL AMENDMENTS**

The Legislature proposed two amendments to the Idaho Constitution to be submitted to voters on the November 6, 2012 General Election Ballot.

---

### **S.J.R. 102**

“Shall Section 5, Article X, of the Constitution of the State of Idaho be amended to provide that the State Board of Correction shall have the control, direction and management of adult felony probation and parole?”

Proposed Amendment to the Constitution of the State of Idaho: Section 5, Article X

#### **Legislative Council’s Statement of Meaning, Purpose and Result to be Accomplished of Proposed Amendment:**

Currently, Section 5, Article X, of the Constitution of the State of Idaho provides that the Board of Correction shall have the control, direction and management of adult probation and parole. The proposed amendment would insert the word “felony” before the word “probation” and would clarify that the Board of Correction’s authority is limited to the supervision and management of felony offenders. Consequently, if the proposed constitutional amendment is adopted, the Board of Correction would not have the authority to supervise or manage misdemeanor probationers. Misdemeanor probationers would continue to be supervised by Idaho counties, as is permitted by law.

#### **Statements FOR the Proposed Amendment**

1. Currently, adult felony probationers are supervised by the Board of Correction through the Idaho Department of Correction. This amendment would preserve local control of the misdemeanor probation process by clarifying that the state’s role is limited to felony offenders, while counties have supervision authority over misdemeanor probationers.
2. Because the Idaho Constitution is not clear regarding state and local supervision of adult felony and misdemeanor probationers, legal challenges could result in unwanted changes to the current system. This amendment would allow voters to provide constitutional clarification.

#### **Statements AGAINST the Proposed Amendment**

1. Changes to the Constitution should be made only for major issues of interest to the state or in the event of a constitutional crisis.
2. This Section preserves the statewide uniform felony probation system, but does not address possible different misdemeanor probation treatment among judicial districts.

---

---

### H.J.R. 2aa

“Shall Article I, of the Constitution of the State of Idaho be amended by the addition of a New Section 23, to provide that the rights to hunt, fish and trap, including by the use of traditional methods, are a valued part of the heritage of the State of Idaho and shall forever be preserved for the people and managed through the laws, rules and proclamations that preserve the future of hunting, fishing and trapping; to provide that public hunting, fishing and trapping of wildlife shall be a preferred means of managing wildlife; and to provide that the rights set forth do not create a right to trespass on private property, shall not affect rights to divert, appropriate and use water, or establish any minimum amount of water in any water body, shall not lead to a diminution of other private rights, and shall not prevent the suspension or revocation, pursuant to statute enacted by the Legislature, of an individual’s hunting, fishing or trapping license?”

Proposed Amendment to the Constitution of the State of Idaho: New Section 23, Article I

#### **Legislative Council’s Statement of Meaning, Purpose and Result to be Accomplished of Proposed Amendment:**

This proposed amendment would provide that the rights to hunt, fish and trap are a valued part of Idaho’s heritage and would preserve these rights for the people of Idaho and manage these rights through the laws of the state. This amendment specifies that hunting, fishing and trapping shall be a preferred means of managing wildlife. This amendment does not create a right to trespass or affect rights to divert or appropriate water. This amendment also will not prevent the suspension or revocation of licenses issued by the state for hunting, fishing or trapping.

#### **Statements FOR the Proposed Amendment**

1. Hunting, fishing and trapping have long been practiced by the people of Idaho, and this amendment preserves Idaho’s great sporting heritage.
2. Hunters, fishers and trappers help sustain a healthy ecosystem, and this amendment provides sportsmen meaningful and permanent protection to hunt, fish and trap.
3. Without constitutional protection, bans on certain types of hunting and trapping have been successful in other states and have incrementally eroded sportsmen’s rights.

#### **Statements AGAINST the Proposed Amendment**

1. Future legislation to address public concerns regarding inhumane and unsportsmanlike practices could be affected by this amendment.
2. This amendment is unnecessary because the rights to hunt, fish and trap are not threatened and are already protected by law.
3. The Idaho Department of Fish and Game’s wildlife management decisions could be constitutionally challenged as a result of this amendment.



**REFERENDUM TO APPROVE OR REJECT LEGISLATION LIMITING NEGOTIATED AGREEMENTS BETWEEN TEACHERS AND LOCAL SCHOOL BOARDS AND ENDING THE PRACTICE OF ISSUING RENEWABLE CONTRACTS.**

See page 15 for the text of this legislation.

**What your vote would do:**

A **YES** vote means you approve the legislation.

A **NO** vote means you reject the legislation.

(Facsimile Ballot)

**PROPOSITION ONE**

**REFERENDUM TO APPROVE OR REJECT LEGISLATION LIMITING NEGOTIATED AGREEMENTS BETWEEN TEACHERS AND LOCAL SCHOOL BOARDS AND ENDING THE PRACTICE OF ISSUING RENEWABLE CONTRACTS.**

Referendum to approve or reject S1108; relating to education: revising Idaho Code by amending 33-513, 33-514, 33-514A, 33-515, 33-515A, 33-516, 33-521, 33-522, 33-1003, 33-1004H, 33-1271, 33-1272, 33-1273, 33-1274, 33-1275, 33-1276 and 33-402; repealing 33-1004G; and, by adding new sections 33-515B, 33-523, 33-524, 33-1271A, 33-1273A and 33-1274A to revise the annual written evaluation process for professional staff; phase out renewable individual contracts; provide that professional staff employed after January 31, 2011 shall not be entitled to a formal review of decisions for not being reemployed; allow school boards to change the length of terms stated in current contracts and reduce the salaries of certificated staff with renewable contracts without due process proceedings; require school districts to disclose to employees a list of professional liability insurance providers; eliminate education support program for school districts experiencing enrollment decreases greater than one percent; eliminate teacher early retirement incentives; restrict the scope of negotiated agreements between school boards and professional staff to compensation and the duration of negotiated agreements to one year; and eliminate provisions for fact finding in professional negotiations.

**Shall the legislation limiting negotiated agreements between teachers and local school boards and ending the practice of issuing renewal contracts be approved?**

**YES**

**NO**

**Argument IN FAVOR of Proposition One**

Voting yes means supporting legislation passed in 2011 by Governor C.L. “Butch” Otter and the Idaho Legislature.

This law returns local control and authority to locally elected school boards, parents, and patrons so they can make the best possible decisions for students in their communities. It also eliminates ineffective or inefficient practices in Idaho’s K-12 education system and ensures that any cost savings from these programs is put into the classroom, where it is needed most.

Here are the key elements of this law:

- Ensures all contract negotiations between the local district and teachers’ union must happen in open, public meetings so parents and patrons from the local community can observe.
- Focuses the annual contract the district negotiates with the teacher’s union to two items – salaries and benefits. Before, these legally binding agreements could include other policies such as bell schedules, school calendar, grading policies, disciplinary actions, or even student-

**ARGUMENTS PRINTED ON THIS PAGE ARE THE OPINIONS OF THE AUTHORS AND HAVE NOT BEEN CHECKED FOR ACCURACY BY ANY OFFICIAL AGENCY.**

teacher contact time. Now, these policies are set by the locally elected school board so that other teachers, parents, and patrons can provide input and participate in the process.

- Provides parents the opportunity to give input on teacher and principal job performance evaluations each year.
- Ties at least 50 percent of teacher and administrator evaluations to how students are performing academically. These academic measures are set at the local level by the local school board.
- Repeals a program that paid retirement bonuses to teachers, saving \$4 million a year that is put into the classroom for teacher pay, technology, and other critical programs.
- Repeals a program that double-funded the same student in multiple school districts, saving about \$6 million a year that is put into the classroom for teacher pay, technology, and other critical programs.
- Phases out lifetime contracts (tenure) for teachers. New teachers in Idaho will now work under one-year or two-year contracts, similar to those of principals.
- Eliminates the archaic practice of districts firing the last teacher hired – even if that teacher was the best teacher in the district – if reductions-in-force become necessary due to declining enrollment. Instead, personnel decisions must now be based on performance or other factors, rather than seniority alone.

School leaders and parents across Idaho are already seeing great benefits from the result of the changes in these laws. District negotiations are now going more smoothly than ever, and teachers are finding new and exciting ways to engage 21st century learners with advanced technology in the classroom. Through Students Come First, the state has reformed the public education system to focus on the student and make sure we not only look for new sources of revenue for education but spend the money we currently have differently and in the best interest of our children.

*Yes For Idaho Education*

---

### **Rebuttal to Argument IN FAVOR of Proposition One**

---

Contrary to what proponents say, Proposition 1 is a top-down mandate that restricts local school boards, parents, and teachers from deciding what and how we teach our kids.

Teachers are in our children’s classrooms every day. They’re more than just educators—they’re our children’s advocates and mentors. They know what our kids need to learn and succeed in a safe environment. Proposition 1 makes it impossible for them to discuss these important issues as part of their contracts.

When debating against Proposition 1, Twin Falls Republican Rep. Leon Smith said, “I’ve read this bill through from the first page to the last page. And as I went through the bill, it became more and more apparent to me that this is a very mean-spirited bill. It goes beyond bashing unions. It bashes teachers, and that to me is not a good direction to go. It turns teachers into powerless pawns of the political system.”

State Superintendent Tom Luna decided he doesn’t want to listen to the people who know best: teachers and parents. He wrote these laws to silence the voices of teachers on issues like classroom overcrowding, safety, funding for up-to-date textbooks, and classroom supplies.

Tell Superintendent Luna that making it illegal for teachers to discuss funding for the basics that help our students succeed is bad for our kids, bad for our schools and bad for Idaho.

Vote No on Proposition 1.

*Vote NO on Propositions 1, 2, and 3*

<p><b>ARGUMENTS PRINTED ON THIS PAGE ARE THE OPINIONS OF THE AUTHORS AND HAVE NOT BEEN CHECKED FOR ACCURACY BY ANY OFFICIAL AGENCY.</b></p>
---

---

## Argument AGAINST Proposition One

---

### Proposition 1: disrespectful to teachers and harmful to students

Proposition 1 restricts the voice and limits the rights of Idaho's teachers. It is one of three harmful education laws pushed through the legislature in 2011 by State Supt. Tom Luna. This complicated, top-down mandate puts Idaho's students last. In the year since Proposition 1 took effect, class sizes have gone up, and the State Department of Education reported nearly twice as many Idaho teachers left the profession as in previous years.\*

Idaho's teachers didn't choose a teaching career to get rich - they chose it because they are about our kids. They're some of the lowest paid professionals in the state and many have a second job just to make ends meet. Yet because the politicians in the state legislature have cut funding so deeply, our teachers typically spend hundreds of dollars a year out of their own pockets just to provide the basics in their overcrowded classrooms - paper, pencils, books and even Kleenex. Our teachers are committed to their students and schools, and they are advocates for Idaho's future.

Proposition 1 prevents teachers from negotiating with their school administrators about anything *except* for wages and benefits. It makes it illegal for teachers to negotiate class-size limits, student safety protections, lesson-planning time, and funding for basic classroom supplies.

Proposition 1 takes away teachers' voices. But we need to hear what teachers have to say. They're in our children's classrooms every day; they know what our kids need to stay safe and succeed. Yet this law makes it impossible for them to even discuss these issues as part of their negotiations with schools districts. Not only is this unfair, it's disrespectful.

In an unprecedented outpouring of opposition, many hundreds of Idahoans wrote, called and spoke in person to lawmakers against Supt. Luna's controversial package of harmful laws. And when they passed, tens of thousands of Idahoans signed petitions in the bi-partisan effort overturn all three bills.

Voting NO on Proposition 1 is the first step in rejecting the Luna laws. They are bad for children, bad for teachers and bad for Idaho.

*\*Associated Press report, February 15, 2012*

*Vote NO on Propositions 1, 2, and 3*

---

## Rebuttal to Argument AGAINST Proposition One

---

A YES vote means we return local control and authority to locally elected leaders and parents in their school districts.

A NO vote means a return to union control.

*Yes For Idaho Education*



**REFERENDUM TO APPROVE OR REJECT LEGISLATION PROVIDING TEACHER PERFORMANCE PAY BASED ON STATE-MANDATED TEST SCORES, STUDENT PERFORMANCE, HARD-TO-FILL POSITIONS AND LEADERSHIP.**

**See page 27 for the text of this legislation.**

<b>What your vote would do:</b>	A <b>YES</b> vote means you approve the legislation.	A <b>NO</b> vote means you reject the legislation.
---------------------------------	--	--

(Facsimile Ballot)

**PROPOSITION TWO**

**REFERENDUM TO APPROVE OR REJECT LEGISLATION PROVIDING TEACHER PERFORMANCE PAY BASED ON STATE-MANDATED TEST SCORES, STUDENT PERFORMANCE, HARD-TO-FILL POSITIONS AND LEADERSHIP.**

Referendum to approve or reject S1110; relating to education: revising Idaho Code by adding new section 33-1004I to provide and distribute in fiscal year 2013 state share-based pay for performance bonuses to certificated instructional staff based on a school’s median student growth percentiles on state achievement tests and a school’s median standardized score on state achievement tests and local share-based pay for performance based on student test scores, graduation rates, dropout rates, percent of graduates attending postsecondary education or entering military service, meeting federal “adequate yearly progress”, number of students successfully completing dual credit or advanced placement classes; percent of students in extracurricular activities, class projects, portfolios, successful completion of special student assignments, parental involvement, teacher-assigned grades, and/or student attendance rates, and, in fiscal year 2014 and thereafter, in addition to the aforementioned bonuses, provide incentives for certificated instructional staff in hard-to-fill positions and leadership awards for certificated instructional staff who assume one or more of the following additional duties: instructional staff mentoring, content leadership, lead teacher, peer coaching, content specialist, remedial instructor, curriculum development, assessment development, data analysis, grant writing, special program coordinator, research project, professional development instructor, service on education committees, educational leadership and earning national board certification.

**Shall the legislation providing teacher performance pay based on state-mandated test scores, student performance, hard-to-fill positions and leadership be approved?** YES   
 NO

**Argument IN FAVOR of Proposition Two**

Voting yes means supporting legislation passed in 2011 by Governor C.L. “Butch” Otter and the Idaho Legislature.

This law recognizes that the most important factor in a student’s academic success is the quality of the teacher in the classroom. The system we had before made it almost impossible to financially reward great teachers and difficult to deal with ineffective teaching. This law removes the barriers to both by implementing a statewide pay-for-performance plan. The Idaho Legislature provided an additional \$38 million in new dollars to fully fund this plan. On average, each Idaho teacher can earn an additional \$2,000 a year. Some teachers could earn as much as \$8,000 in addition to their annual salary. Now local school districts have a way to recognize and financially reward great teachers for the job they do.

**ARGUMENTS PRINTED ON THIS PAGE ARE THE OPINIONS OF THE AUTHORS AND HAVE NOT BEEN CHECKED FOR ACCURACY BY ANY OFFICIAL AGENCY.**

An estimated 85 percent of Idaho's teachers will receive a bonus.

Under this pay-for-performance plan, all teachers (including P.E., special education, alternative high school teachers, etc) are eligible to receive performance bonuses in three different areas:

- Teachers can earn bonuses for working in hard-to-fill positions, as determined by the local school board. Positions could include but are not limited to math, science, special education, or even music.
- Teachers can earn bonuses for taking on leadership responsibilities as determined by the local school board, such as mentoring new teachers or developing curriculum.
- Teachers and administrators will also receive bonuses for working in schools that meet student academic growth targets set at both the state and local levels.

Idaho will distribute bonuses based on academic growth in a whole school. These bonuses will be awarded to the entire school because every teacher contributes to a student's success, whether it is in math, P.E., or art. Importantly, this concept fosters continued teamwork, collaboration, and sharing of ideas among teachers and administrators in a school. Local school districts will have the flexibility to set their own student growth measures based on student achievement goals set by the local school board, teachers, and administrators.

The student achievement portion of this plan focuses on academic growth. It measures educators' success in a school based on the academic growth or progress that the students in that school make during the school year. This is the only fair way to measure academic performance.

This plan was developed in 2009 by a group of stakeholders including the Idaho School Boards Association, Idaho Association of School Administrators, Idaho Education Association, and representatives of the Idaho Business Coalition for Education Excellence.

Previously, Idaho teachers had little or no control over how much money they earned. Teachers were paid based only on their years of experience and the amount of education they had. This made it difficult to reward excellence or to attract and retain the best and the brightest classroom teachers. Now, a teacher will continue to receive a salary based on experience and education, but also has the opportunity to earn bonuses each year above and beyond their base salary.

*Yes For Idaho Education*

---

### **Rebuttal to Argument IN FAVOR of Proposition Two**

---

Proposition 2 is another top-down mandate that will hurt our children's ability to compete in the worldwide economy. It is simply not true that the law was developed collaboratively: Superintendent Luna admitted that he drafted the pay scheme in his office with only "about twelve" administrators.\*

Like the failed "No Child Left Behind" law, this proposal emphasizes standardized testing at the expense of our children's education, treating students like widgets on an assembly line. Each child is unique, and it takes a dedicated, highly-trained teacher to reach each one. We need to make sure our children are critical thinkers and lifelong learners, not just good test takers.

Proposition 2 ties teacher pay to standardized test scores. This means teachers working with the most challenging children are likely to get paid less, as students with special needs and economic disadvantages often don't perform as well on standardized tests. That's not fair and discourages our best and brightest teachers from working with students who need them most.

There is no evidence that basing teacher pay on standardized tests improves student learning. Instead of forcing teachers to "teach to the test," we should require school principals to monitor classroom

<p><b>ARGUMENTS PRINTED ON THIS PAGE ARE THE OPINIONS OF THE AUTHORS AND HAVE NOT BEEN CHECKED FOR ACCURACY BY ANY OFFICIAL AGENCY.</b></p>
---

performance, enable experienced teachers to mentor and assess their colleagues, and give parents a role in the process.

Tell Superintendent Luna and politicians in Boise that more emphasis on standardized tests will compromise our children's education and hurt their future.

Vote No on Proposition 2.

*\*KTVB News, March 10, 2011*

*Vote NO on Propositions 1, 2, and 3*

## **Argument AGAINST Proposition Two**

### **Proposition 2: an unproven, unfair pay plan**

Proposition 2 is a top-down mandate, much like the Federal No Child Left Behind Law, that unfairly links teacher pay to standardized testing. It is part of the package of laws pushed through the legislature in 2011 by State Supt. Tom Luna. This one-size-fits-all plan puts Idaho's students and teachers last.

As one parent told lawmakers, "With these rules, even *more* weight is put on a single test score, and students are treated like widgets coming off an assembly line." The fact is, each child is unique, and it takes a dedicated, caring, highly trained teacher to reach them. We need to make sure our children are good critical thinkers, not just good test takers.

Putting more weight on standardized test scores doesn't help our teachers inspire creative thinking in our children and takes away the joy and success of learning as well as the great feeling teachers have when they see a student conquer a challenge. In fact, when the Idaho Department of Education reported that last year nearly twice as many Idaho teachers left the profession as in previous years, the new red tape in Proposition 2 was cited by many as a chief factor. Base pay for Idaho teachers is now lower than it was in 2009\* and because politicians cut already-low salaries to pay for this unproven plan, many of our teachers are forced to change careers or move to other states.

There are other unintended consequences. Proposition 2 means teachers working with the most challenging children are likely to get paid less, as students with special needs and from low-income areas typically do not score as well on standardized tests. That's not fair and discourages our best and brightest teachers from working in the schools that need them the most.

Measuring teacher performance is important, but this is the wrong way to do it. Instead of putting even more emphasis on standardized testing - like the failed federal No Child Left Behind law - we should require school principals to monitor classroom performance, have experienced teachers mentor and rate others, and allow parents to weigh in on the process.

When Superintendent Luna and the legislature wrote these laws, they didn't involve the parents and teachers. That was the wrong way to do it. To do it the right way, we need to vote No on Proposition 2 and allow parents and teachers to be part of the process of truly reforming the way Idaho's teachers are rewarded for a job well done.

*\*HB 669-Idaho Legislature 2nd Regular Session 2008 and SB 1410-Idaho Legislature 2nd Regular Session 2012*

*Vote NO on Propositions 1, 2, and 3*

## **Rebuttal to Argument AGAINST Proposition Two**

A YES vote means 85% of Idaho's teachers will earn a financial bonus of up to \$8000 per year.

A NO vote means we revert back to the old system where all teachers are paid the same regardless of their performance in the classroom.

*Yes For Idaho Education*

<b>ARGUMENTS PRINTED ON THIS PAGE ARE THE OPINIONS OF THE AUTHORS AND HAVE NOT BEEN CHECKED FOR ACCURACY BY ANY OFFICIAL AGENCY.</b>
--



This law ensures every high school teacher and student has a wireless laptop device and every high school will be equipped with wireless internet accessibility. Teachers are provided with an unprecedented amount of professional development to learn how to use this technological tool to greatest advantage in their classrooms. This device becomes the textbook for every class, the advanced math calculator, the research device, the word processor, and the portal to a world of information and knowledge. No longer will Idaho's classrooms be the least technological part of a student's day.

This law invests \$9 million a year in advanced classroom technology for elementary and middle school classrooms. Already, teachers are sharing examples of how iPods, iPads, and SmartBoard technology are helping engage students in new and exciting ways.

When Idaho students graduate and go on to further their education or enter the workforce, they will need the skills to learn and work in a digital environment to be successful. As a result, the State Board of Education determined, beginning with the Class of 2016, students must complete two (2) credits (out of 46 total credits) of digital or blended learning to graduate from high school. Students will take these courses at school, during the school day.

Additional important elements of this law include:

- For the first time, high school juniors and seniors can earn up to 36 dual college or professional-technical credits *at no cost to the student or their families*.
- The state is funding more math and science teachers in every high school ensuring students master the critical skills they need to work in science, engineering, technology, or mathematics careers.
- State per-pupil funding now *follows the student* providing students greater educational opportunities and parents and children more educational choices.

This law ensures Idaho students will be ready to meet the challenges of their world when they leave high school. The state is accomplishing all this by providing, on average, \$60 million a year in new funding to fully implement the Students Come First laws going forward.

*Yes For Idaho Education*

---

### **Rebuttal to Argument IN FAVOR of Proposition Three**

---

Republican Finance Committee Chairman Sen. Dean Cameron said regarding Proposition 3, "I'm voting against this bill because...not one stakeholder is supporting it - not the superintendents, not the school boards, not the teachers, not the parents. Every single stakeholder...has testified opposed to it."

Contrary to what Proposition 3 proponents say, this law is a costly, unfunded mandate that could lead to higher property taxes, more funding cuts, and fewer teachers in our already financially strapped local schools. It requires us to trade teachers for computers, forcing local school districts to spend our tax dollars on expensive computer equipment and software. But as parents and teachers know, computers can't diagnose a learning problem, develop critical thinking skills, or motivate a child to get excited about learning.

Proposition 3 puts our students last and big computer and online education corporations first. It requires local schools to give away expensive, taxpayer-funded laptop computers to every high school student in Idaho. Given that kids will be kids, it's estimated that equipment repairs and replacements will cost taxpayers a lot more than the politicians predict. It also requires our students to take online education courses - using tax dollars to fund unaccountable online education companies, at least one of which was caught outsourcing teaching jobs to India.

Tell Superintendent Luna and the politicians in Boise that they shouldn't be spending scarce taxpayer dollars on expensive, unproven technology. Proposition 3 is bad for children, bad for teachers and bad for Idaho.

Vote No on Proposition 3.

*Vote NO on Propositions 1, 2, and 3*

---

### **Argument AGAINST Proposition Three**

---

#### **Proposition 3: puts computers first, students and teachers last**

Proposition 3 is a largely unfunded state mandate that forces local schools to spend millions on expensive technology *before* they spend money reducing the size of overcrowded classes, providing classroom supplies, ensuring student safety and on other important priorities. It also requires all students to take online courses in order to graduate from high school. Proposition 3 is the third top-down mandate pushed through the legislature by State Supt. Tom Luna. It puts the interest of out-of-state companies that sell computers and technology *before* the interests of Idaho students and teachers.

If this measure passes, property taxes could increase in school districts across the state. Why? Because school administrators will be required to hand out expensive tax-payer funded laptop computers to every high school student in the state. Not only did the politicians in the state legislature fail to provide additional money for these purchases in years to come, but given that kids will be kids, this measure will end up costing many millions more for repairs and replacements than is currently estimated, and local school districts and taxpayers will be stuck with the bill. Local school boards will be forced to pay for the costs by further increasing class sizes, cutting pay for teachers and other school employees, shortening the school year, eliminating extra-curricular activities and enrichment programs, and/or raising local property taxes.

And while all our children might get these expensive computers, many won't be able to make good of use them. Last year, Idaho was ranked as having one of the slowest Internet speeds in the nation\*. The problem is worse in rural areas. Yet Proposition 3 requires students in every part of the state to take at least two online courses to graduate. With Internet access what it is today in Idaho, this law puts many students at a disadvantage, setting them up to fail.

Before he wrote this law, Supt. Luna received tens of thousands of dollars in campaign contributions from the companies that now stand to make millions selling computer equipment and services to the state\*\*. One of these companies, K12 Inc., that state's largest online course provider, is being sued for alleged lying about student performance and deceptive recruiting practices\*\*\*. They were even caught sending students' English essays overseas to reviewers in India for grading. The last thing we should do is use our taxpayer dollars to outsource Idaho teaching jobs and our students' education.

Everyone agrees that instruction in up-to-date technology is essential in preparing our students for the modern world. But Proposition 3's costly, top-down, one-size-fits-all mandates are the wrong way to proceed. Like the other Luna laws, it is full of unintended consequences. And like the other Luna laws, it is bad for children, bad for teachers and bad for Idaho.

\**New York Times*, September 13, 2011

\*\**Idaho Statesman*, February 20, 2011

\*\*\**Washington Post*, January 31, 2012

*Vote NO on Propositions 1, 2, and 3*

---

**Rebuttal to Argument AGAINST Proposition Three**

---

A YES vote means ALL Idaho students will have equal access to quality classes, and highly effective teachers no matter where they live in the state.

A YES vote means ALL teachers will have the technological tools and professional development necessary to excite and engage today's 21<sup>st</sup> century learners.

A NO vote means Idahoans will NOT invest millions in new funding each year for classroom technology for students, for professional development for teachers, and incentives for students to earn college credit while still in high school.

A NO vote means Idahoans will return students to an unjust education system in which some students may never reach their full potential simply because of where they live.

*Yes For Idaho Education*

---

**For More Information on the Referenda**

---

**In Favor Of**

Yes for Idaho Education  
Wendy Horman, Co-Chairman  
Millford Terrell, Co-Chairman  
PO Box 1697  
Boise, ID 83709  
(208) 385-7070  
<http://www.yes4idaho.com>

**Against**

Vote NO on Propositions 1, 2, and 3  
Mike Lanza, Chairman  
Maria Greeley, Treasurer  
PO Box 163  
Boise, ID 83701  
(208) 433-8652  
<http://votenoprop123.com>

## Text of Proposed Law - Proposition One

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

**SECTION 1.** That Section 33-513, Idaho Code, be, and the same is hereby amended to read as follows:

**33-513. PROFESSIONAL PERSONNEL.** The board of trustees of each school district including any specially chartered district; shall have the following powers and duties:

1. To employ professional personnel, on written contract in form approved by the state superintendent of public instruction, conditioned upon the provisions of section 33-523, Idaho Code, and a valid certificate being held by such professional personnel at the time of entering upon the duties thereunder. Should the board of trustees fail to enter into written contract for the employment of any such person, the state superintendent of public instruction shall withhold ensuing apportionments until such written contract be entered into. When the board of trustees has delivered a proposed contract for the next ensuing year to any such person, such person shall have a period of time to be determined by the board of trustees in its discretion, but in no event less than ten (10) days from the date the contract is delivered, in which to sign the contract and return it to the board. If the board of trustees does not make a determination as to how long the person has to sign and return the contract, the default time limit shall be twenty-one (21) days after it is delivered to the person. Delivery of a contract may be made only in person or by certified mail, return receipt requested. When delivery is made in person, delivery of the contract must be acknowledged by a signed receipt. When delivery is made by certified mail, delivery must be acknowledged by the return of the certified mail receipt from the person to whom the contract was sent. Should the person willfully refuse to acknowledge receipt of the contract or the contract is not signed and returned to the board in the designated period of time, or if no designated period of time is set by the board, the default time, the board may declare the position vacant.

(a) The board of trustees shall withhold the salary of any teacher who does not hold a teaching certificate valid in this state. No teacher whose salary is withheld pursuant to this provision shall have the right to any amounts owed, notwithstanding the provisions of the Idaho wage claims act or any other provision of law.

(b) The board of trustees It shall not contract to require any teacher to make up time spent in attending any meeting called by the state board of education or by the state superintendent of public instruction; nor while attending regularly scheduled official meetings of the state teachers' association.

2. In the case of school districts other than elementary school districts, to employ a superintendent of schools for a term not to exceed three (3) years, who shall be the executive officer of the board of trustees with such powers and duties as the board may prescribe. The superintendent shall also act as the authorized representative of the district whenever such is required, unless some other person shall be named by the board of trustees to act as its authorized representative. The board of trustees shall conduct an annual, written formal evaluation of the work of the superintendent of the district. The evaluation shall indicate the strengths and weaknesses of the superintendent's job performance in the year immediately preceding the evaluation and areas where improvement in the superintendent's job performance, in the view of the board of trustees, is called for. For all evaluations conducted after June 30, 2012, at least fifty percent (50%) of the evaluation shall be based on objective measure(s) of growth in student achievement, as determined by the board of trustees.

3. To employ through written contract principals who shall hold a valid certificate appropriate to the position for which they are employed, who shall supervise the operation and management of the school in accordance with the policies established by the board of trustees and who shall be under the supervision of the superintendent.

4. To employ assistant superintendents, directors, and principals and other district administrative employees for a term not to exceed two (2) years. Service performed under such contract shall be included in meeting the provisions of section 33-515, Idaho Code, as a teacher and persons eligible for a renewable contract as a teacher holding renewable contract status in Idaho pursuant to section 33-515, Idaho Code, immediately previous to such administrative employment shall retain such eligibility. The superintendent, the superintendent's designee, or in a school district that does not employ a superintendent, the board of trustees, shall conduct an annual, written evaluation of each such employee's performance. For all evaluations conducted after June 30, 2012, at least fifty percent (50%) of the evaluation shall be based on objective measure(s) of growth in student achievement, as determined by the board of trustees. In addition, input from the parents and guardians of students shall be considered as a factor in the evaluation of principals and any other school-based administrative employees' evaluation.

5. To suspend, grant leave of absence, place on probation or discharge certificated professional personnel for a material violation of any lawful rules or regulations of the board of trustees or of the state board of education, or for any conduct which could constitute grounds for revocation of a teaching certificate. Any certificated professional employee, except the superintendent, may be discharged during a contract term under the following procedures:

(a) The superintendent or any other duly authorized administrative officer of the school district may recommend the discharge of any certificated employee by filing with the board of trustees written notice specifying the alleged reasons for discharge.

(b) Upon receipt of such notice the board, acting through their duly authorized administrative official, shall give the

affected employee written notice of the allegations and the recommendation of discharge, along with written notice of a hearing before the board prior to any determination by the board of the truth of the allegations.

(c) The hearing shall be scheduled to take place not less than six (6) days nor more than twenty-one (21) days after receipt of the notice by the employee. The date provided for the hearing may be changed by mutual consent.

(d) The hearing shall be public unless the employee requests in writing that it be in executive session.

(e) All testimony at the hearing shall be given under oath or affirmation. Any member of the board, or the clerk of the board, may administer oaths to witnesses or affirmations by witnesses.

(f) The employee may be represented by legal counsel and/or by a representative of a local or state teachers association.

(g) The chairman of the board or the designee of the chairman shall conduct the hearing.

(h) The board shall cause an electronic record of the hearing to be made or shall employ a competent reporter to take stenographic or steno-type notes of all the testimony at the hearing. A transcript of the hearing shall be provided at cost by the board upon request of the employee.

(i) At the hearing the superintendent or other duly authorized administrative officer shall present evidence to substantiate the allegations contained in such notice.

(j) The employee may produce evidence to refute the allegations. Any witness presented by the superintendent or by the employee shall be subject to cross-examination. The board may also examine witnesses and be represented by counsel.

(k) The affected employee may file written briefs and arguments with the board within three (3) days after the close of the hearing or such other time as may be agreed upon by the affected employee and the board.

(l) Within fifteen (15) days following the close of the hearing, the board shall determine and, acting through their duly authorized administrative official, shall notify the employee in writing whether the evidence presented at the hearing established the truth of the allegations and whether the employee is to be retained, immediately discharged, or discharged upon termination of the current contract.

(m) If the employee appeals the decision of the board of trustees to the district court, the district court may affirm the board's decision or set it aside and remand the matter to the board of trustees upon the following grounds, and shall not set the same aside for any other grounds:

(i) That the findings of fact are not based on any substantial, competent evidence;

(ii) That the board of trustees has acted without jurisdiction or in excess of its authority;

(iii) That the findings by the board of trustees as a matter of law do not support the decision.

(n) The determination of the board of trustees shall be affirmed unless the employee's substantial rights, as that term is used in section 67-5279, Idaho Code, are violated.

6. The board of trustees has the authority to grant any employee's request for a leave of absence. The board may also delegate this authority to the district superintendent or any other individual so designated by the board.

7. The board of trustees has the authority to delegate its authority to the district superintendent or any other individual so designated by the board. If the board delegates this authority to the district superintendent or any other individual, the board shall ratify or nullify the action of placing an employee on a period of suspension, or involuntary leave of absence at the next regularly scheduled board meeting or at a special board meeting should the next regularly scheduled board meeting not be within a period of twenty-one (21) days from the date of such action.

(a) Should an employee of the district be in a position where there is a court order preventing the employee from being in the presence of minors or students, the district may place such an employee on a period of unpaid leave of absence or probation due to the employee's inability to perform the essential functions of the employee's position.

**SECTION 2.** That Section 33-514, Idaho Code, be, and the same is hereby amended to read as follows:

**33-514. ISSUANCE OF ANNUAL CONTRACTS -- SUPPORT PROGRAMS -- CATEGORIES OF CONTRACTS -- OPTIONAL PLACEMENT -- WRITTEN EVALUATION.** (1) The board of trustees shall establish criteria and procedures for the supervision and evaluation of certificated employees who are not employed on a renewable contract, as provided for in section 33-515, Idaho Code.

(2) There shall be ~~three~~ two (3~~2~~) categories of annual contracts available to local school districts under which to employ certificated personnel:

(a) A category ~~1~~ A contract is a limited ~~one-year~~ contract as provided in section 33-514A, Idaho Code.

(b) A category ~~2~~ contract is one (1) year contract for certificated personnel in the first and ~~second~~ or greater years of continuous employment with the same school district. Upon the decision by a local school board not to reemploy the person for the following year, the certificated employee shall be provided a written statement of reasons for non-reemployment by no later than ~~May 25~~ July 1. Provided however, that no such decision shall be made until after the completion of the written evaluation required by subsection (4) of this section, unless such decision is being made pursuant to a reduction in force. No property rights shall attach to a category ~~2~~ A contract and therefore the employee shall not be entitled to a review by the ~~local board of trustees~~ of the reasons or decision not to reemploy.

(c) A category ~~3~~ contract is for certificated personnel during the third year of continuous employment by the same

school district. District procedures shall require at least one (1) evaluation prior to the beginning of the second semester of the school year and the results of any such evaluation shall be made a matter of record in the employee's personnel file. When any such employee's work is found to be unsatisfactory a defined period of probation shall be established by the board, but in no case shall a probationary period be less than eight (8) weeks. After the probationary period, action shall be taken by the board as to whether the employee is to be retained, immediately discharged, discharged upon termination of the current contract or reemployed at the end of the contract term under a continued probationary status. Notwithstanding the provisions of sections 67-2344 and 67-2345, Idaho Code, a decision to place certificated personnel on probationary status may be made in executive session and the employee shall not be named in the minutes of the meeting. A record of the decision shall be placed in the employee's personnel file. This procedure shall not preclude recognition of unsatisfactory work at a subsequent evaluation and the establishment of a reasonable period of probation. In all instances, the employee shall be duly notified in writing of the areas of work which are deficient, including the conditions of probation. Each such certificated employee on a category 3 contract shall be given notice, in writing, whether he or she will be reemployed for the next ensuing year. Such notice shall be given by the board of trustees no later than the twenty-fifth day of May of each such year. If the board of trustees has decided not to reemploy the certificated employee, then the notice must contain a statement of reasons for such decision and the employee shall, upon request, be given the opportunity for an informal review of such decision by the board of trustees. The parameters of an informal review shall be determined by the local board. B contract is a limited two (2) year contract that may be offered at the sole discretion of the board of trustees for certificated personnel in their fourth or greater year of continuous employment with the same school district. The board of trustees may, at its sole discretion, add an additional year to such a contract upon the expiration of the first year, resulting in a new two (2) year contract. The board of trustees may, at its sole discretion, terminate the second year of a category B contract upon the conclusion of the first year, in the event of a reduction in force. Upon the decision by a board of trustees not to reemploy the person employed on a category B contract for the following year, the certificated employee shall be provided a written statement of reasons for non-reemployment by no later than July 1. The employee shall, upon request, be given the opportunity for an informal review of such decision by the board of trustees. The parameters of an informal review shall be determined by the local board. Provided however, that no such decision shall be made until after the completion of the written evaluation required by subsection (4) of this section, unless such decision is being made pursuant to a reduction in force. No property rights shall attach to a category B contract and therefore the employee shall not be entitled to a formal review by the board of trustees of the reasons or decision not to reemploy.

(3) School districts hiring an employee who has been on renewable contract status as provided in section 33-515, Idaho Code, with another Idaho district or has out-of-state experience which would otherwise qualify the certificated employee for renewable contract status in Idaho, shall have the option to immediately grant renewable contract status, or to place the employee on a category 3 annual A or B contract. Such employment on a category 3 contract under the provisions of this subsection may be for one (1), two (2) or three (3) years. A certificated instructional employee hired with previous out-of-state experience shall not be eligible to receive a renewable contract, but may be offered a category A or B contract, based on the employee's years of experience, including out-of-state years of experience as if such years had been worked in Idaho.

(4) There shall be a minimum of two one (21) written evaluations in each of the annual contract years of employment, and at least one (1) evaluation the first portion of which shall be completed before January February 1 of each year, and shall include input from parents and guardians of students as a factor. The provisions of this subsection (4) shall not apply to employees on a category 1 contract. A second portion shall be included for all evaluations conducted after June 30, 2012. This second portion shall comprise at least fifty percent (50%) of the total written evaluation and shall be based on objective measure(s) of growth in student achievement. The requirement to provide at least one (1) written evaluation does not exclude additional evaluations that may be performed. No civil action for money damages shall arise for failure to comply with this subsection.

**SECTION 3.** That Section 33-514A, Idaho Code, be, and the same is hereby amended to read as follows:

**33-514A. ISSUANCE OF LIMITED CONTRACT-- TRANSITION TO CATEGORY 1 A AND B CONTRACTS.**

After August 1, the board of trustees may exercise the option of employing certified personnel on a one (1) year limited contract, which may also be referred to as a category 1 contract consistent with the provisions of section 33-514, Idaho Code. Such a contract is specifically offered for the limited duration of the ensuing school year, and no further notice is required by the district to terminate the contract at the conclusion of the contract year. (1) Any certificated employee employed pursuant to a category 1 or 2 contract, as defined by sections 33-514 and 33-514A, Idaho Code, as such sections existed on January 31, 2011, who will be offered an employment contract by the same school district for the ensuing school year, shall be employed pursuant to a category A contract.

(2) Any certificated employee employed pursuant to a category 3 contract, as defined in section 33-514, Idaho Code, as such section existed on January 31, 2011, who will be offered an employment contract by the same school district for the ensuing school year, shall be employed pursuant to a category A or B contract, as determined by the board of trustees.

**SECTION 4.** That Section 33-515, Idaho Code, be, and the same is hereby amended to read as follows:

**33-515. ISSUANCE OF RENEWABLE CONTRACTS.** (1) ~~During the third full year of continuous employment by the same school district, including any specially chartered district, each certificated employee named in subsection (16) of section 33-1001, Idaho Code, and each school nurse and school librarian shall be evaluated for a renewable contract and shall, upon having been offered a contract for the next ensuing year, having given notice of acceptance of renewal and upon signing a contract for a fourth full year, be placed on a renewable contract status with said school district subject to the provisions included in this chapter~~ It is the intent of the legislature that after January 31, 2011, no new employment contract between a school district and a certificated employee shall result in the vesting of tenure, continued expectations of employment or property rights in an employment relationship. Therefore, no board of trustees shall have the authority to enter into any renewable contract with any certificated or other employee hired by such district, except as specifically addressed by this section and section 33-514 (3), Idaho Code. For any certificated employees already holding renewable contract status with a district as of January 31, 2011, the provisions of this section shall apply.

(2) ~~After the third full year of employment and a~~ At least once annually, the performance of each such certificated employee, school nurse, or school librarian employed pursuant to a grandfathered renewable contract shall be evaluated according to criteria and procedures established by the board of trustees in accordance with section 33-514(4), Idaho Code, and general guidelines approved by the state board of education. Except as otherwise provided, that person the employee employed pursuant to a grandfathered renewable contract shall have the right to the continued automatic renewal of that employee's employment contract by giving notice, in writing, of acceptance of renewal. Such notice shall be given to the board of trustees of the school district then employing such person not later than the first twentieth day of June preceding the expiration of the term of the current contract July. Except as otherwise provided by this paragraph, the board of trustees shall notify each person entitled to be employed on a grandfathered renewable contract of the requirement that such person must give the notice hereinabove and that failure to do so may be interpreted by the board as a declination of the right to automatic renewal or the offer of another contract. Such notification shall be made, in writing, not later than the fifteenth first day of May July, in each year, except to those persons to whom the board, prior to said date, has sent proposed contracts for the next ensuing year, or to whom the board has given the notice required by this section. These deadlines may not be altered by contract, including any currently existing or future negotiated agreement or master contract entered into pursuant to the professional negotiations act, sections 33-1271 through 33-1276, Idaho Code. Should any existing negotiated agreement or master contract contain such a provision as of January 31, 2011, such provision is declared to be null and void and of no force and effect as of January 31, 2011.

(3) Any contract automatically renewed under the provisions of this section shall be for the same length as the term stated in the current contract and at a salary no lower than that specified therein, to which shall be added such increments as may be determined by the statutory or regulatory rights of such employee by reason of training, service, or performance, except where a board of trustees has declared a financial emergency pursuant to section 33-522, Idaho Code may be renewed for a shorter term, longer term or the same length of term as the length of term stated in the current contract, and at a greater, lesser or equal salary to that stated in the current contract.

(4) Should the board of trustees determine to reassign an administrative employee who, prior to being employed as an administrative employee was employed pursuant to a renewable contract to a nonadministrative position, the board of trustees, at its discretion, shall employ such nonadministrative employee pursuant to a grandfathered renewable contract. Such contract shall be deemed to have continued in place as if the nonadministrative employee was employed by the district pursuant to a renewable contract since January 31, 2011. Such grandfathered renewable contract is subject to the provisions of this section.

(a) If the board of trustees reassigns an administrative employee to a nonadministrative position, the board shall give written notice to the employee which contains a statement of the reasons for the reassignment. The employee, upon written request to the board, shall be entitled to an informal review of that decision. The process and procedure for the informal review shall be determined by the board of trustees.

(4b) Nothing in this section shall prevent the board of trustees from offering a renewed grandfathered renewable contract increasing the salary of any certificated person, or from reassigning an administrative employee to a nonadministrative position with appropriate reduction of salary from the preexisting salary level. In the event the board of trustees reassigns an administrative employee to a nonadministrative position, the board shall give written notice to the employee which contains a statement of the reasons for the reassignment. The employee, upon written request to the board, shall be entitled to an informal review of that decision. The process and procedure for the informal review shall be determined by the local board of trustees who is eligible to receive such a contract.

(5) Before a board of trustees can determine not to renew for ~~reasons of an~~ the ~~unsatisfactory report of the performance of any certificated person whose who holds a grandfathered renewable contract would otherwise be automatically renewed, or to renew the contract of any such person at a reduced salary, such person shall be entitled to a reasonable period of probation lasting at least six (6) instructional weeks, following an observation, evaluation or partial evaluation.~~ This period of probation shall be preceded by a written notice from the board of trustees or its designee with reasons for such

probationary period and with provisions for adequate supervision and evaluation of the person's performance during the probationary period. Such period of probation shall not affect the person's grandfathered renewable contract status. Consideration of probationary status for certificated personnel is consideration of the status of an employee within the meaning of section 67-2345, Idaho Code, and the consideration and decision to place an employee on probation may be held in executive session. If the consideration results in probationary status, the individual on probation shall not be named in the minutes of the meeting. A record of the decision shall be placed in the teacher's personnel file.

(6) If the board of trustees takes action to immediately discharge or discharge upon termination of the current contract a certificated person whose contract would otherwise be automatically renewed, ~~or to renew the contract of any such person at a reduced salary~~; the action of the board shall be consistent with the procedures specified in section 33-513(5), Idaho Code, and furthermore, the board shall notify the employee in writing whether there is just and reasonable cause not to renew the contract or to reduce the salary of the affected employee, and if so, what reasons it relied upon in that determination.

(7) If the board of trustees takes action after the declaration of a financial emergency pursuant to section 33-522, Idaho Code, and such action is directed at more than one (1) certificated employee and, if mutually agreed to by both parties, a single informal review shall be conducted. Without mutual consent of both parties, the board of trustees shall use the following procedure to conduct a single due process hearing within sixty-seven (67) days of the declaration of financial emergency pursuant to section 33-522(2), Idaho Code, or on or before June 22, whichever shall occur first:

- (a) The superintendent or any other duly authorized administrative officer of the school district may recommend the change in the length of the term stated in the current contract or reduce the salary of any certificated employee by filing with the board of trustees written notice specifying the purported reasons for such changes.
- (b) Upon receipt of such notice, the board of trustees, acting through its duly authorized administrative official, shall give the affected employees written notice of the reductions and the recommendation of the change in the length of the term stated in the current contract or the reduction of salary, along with written notice of a hearing before the board of trustees prior to any determination by the board of trustees.
- (c) The hearing shall be scheduled to take place not less than six (6) days nor more than fourteen (14) days after receipt of the notice by the employees. The date provided for the hearing may be changed by mutual consent.
- (d) The hearing shall be open to the public.
- (e) All testimony at the hearing shall be given under oath or affirmation. Any member of the board, or the clerk of the board of trustees, may administer oaths to witnesses or affirmations by witnesses.
- (f) The employees may be represented by legal counsel and/or by a representative of a local or state education association.
- (g) The chairman of the board of trustees or the designee of the chairman shall conduct the hearing.
- (h) The board of trustees shall cause an electronic record of the hearing to be made or shall employ a competent reporter to take stenographic or steno-type notes of all the testimony at the hearing. A transcript of the hearing shall be provided at cost by the board of trustees upon request of the employee.
- (i) At the hearing the superintendent or other duly authorized administrative officer shall present evidence to substantiate the reduction contained in such notice.
- (j) The employees may produce evidence to refute the reduction. Any witness presented by the superintendent or by the employees shall be subject to cross-examination. The board of trustees may also examine witnesses and be represented by counsel.
- (k) The affected employees may file written briefs and arguments with the board of trustees within three (3) days after the close of the hearing or such other time as may be agreed upon by the affected employees and the board of trustees.
- (l) Within seven (7) days following the close of the hearing, the board of trustees shall determine and, acting through its duly authorized administrative official, shall notify the employees in writing whether the evidence presented at the hearing established the need for the action taken.

The due process hearing pursuant to this subsection (7) shall not be required if the board of trustees and the local education association reach an agreement on issues agreed upon pursuant to section 33-522(3), Idaho Code unless the decision to discharge upon termination has been made as part of a reduction in force, or the decision to immediately discharge has been made pursuant to section 33-515B, Idaho Code.

(8) If the board of trustees, ~~for reasons other than unsatisfactory service, for the ensuing contract year, determines to change the length of the term stated in the current contract; or reduce the salary or not renew the contract of a certificated person whose contract would otherwise be~~ is being automatically renewed, nothing herein shall require any due process proceedings or probationary period.

(8) If the board of trustees, for reason of a reduction in force, for the ensuing contract year determines not to renew the grandfathered renewable contract of a certificated person whose contract would otherwise be automatically renewed, nothing herein shall require any probationary period.

**SECTION 5.** That Section 33-515A, Idaho Code, be, and the same is hereby amended to read as follows:

**33-515A. SUPPLEMENTAL CONTRACTS.** (1) In addition to the provisions of sections 33-514, ~~33-514A~~ and

33-515, Idaho Code, a board of trustees may enter into supplemental contracts to provide extra duty assignments for certificated employees. An extra duty assignment is, and supplemental contracts may be used for, an assignment which is not part of a certificated employee's regular teaching duties. Any such supplemental extra duty contract shall be separate and apart from an ~~annual~~, a category A, B or a grandfathered renewable or a ~~limited one (1) year~~ contract, and no property rights shall attach to a supplemental extra duty contract. The supplemental extra duty contract shall be in a form approved by the state superintendent of public instruction.

~~(2) If a board of trustees determines not to reissue a supplemental contract, the board shall give written notice to the employee describing reasons for the decision not to reissue. The employee, upon written request to the board, shall be entitled to an informal review. The process and procedure for the informal review shall be determined by the local board of trustees. Within fifteen (15) days following the meeting with the employee, the board shall notify the employee of its final decision in the matter. Should a school district provide for additional procedures, nothing in this statute shall be interpreted to limit those procedures.~~ In addition to the provisions of sections 33-514 and 33-515, Idaho Code, a board of trustees may enter into supplemental contracts to provide extra day assignments for certificated employees. An extra day assignment is an assignment of days of service in addition to the standard contract length used for the majority of certificated employees of the district. Such additional days may or may not be in service of the same activities of the employee's regular teaching duties. Any such contract shall be separate and apart from a category A, B or a grandfathered renewable contract and no property rights shall attach to a supplemental extra day contract. The supplemental extra day contract shall be in a form approved by the state superintendent of public instruction.

**SECTION 6.** That Chapter 5, 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 33-515B, Idaho Code, and to read as follows:

**33-515B. REDUCED ENROLLMENT -- CONTRACT TERMINATION AND SEVERANCE STIPEND.** (1) Each certificated employee contract shall include a provision allowing the board of trustees to terminate the contract in the event of a reduction in student enrollment of greater than one percent (1%). The percent of certificated employees that may be so terminated shall be limited to the percent that enrollment decreased beyond said one percent (1%) reduction. The enrollment figures used for such calculations shall be the same as those used for the calculation of emergency levies pursuant to section 33-805, Idaho Code.

(2) The school district shall notify those employees whose contracts are being terminated by no later than October 1. Such termination shall be effective as of a date specified by the board of trustees, but shall be no earlier than two (2) weeks after the date that the employee received notification, and no later than the end of the current term. No other notification, hearing or other process shall be required to terminate the contracts of employees pursuant to this section.

(3) Selection of which employee contracts are to be terminated shall be at the sole discretion of the board of trustees, provided however, that the board of trustees shall not use seniority or contract status as a factor in making such determinations.

(4) Employees whose contracts are terminated under the provisions of this section shall receive a severance payment from the school district equal to ten percent (10%) of the moneys that had yet to be earned under the contract for the remainder of the school year.

(5) School districts shall furnish the state department of education with a list of employees whose contracts were terminated pursuant to this section, the dates on which such terminations were effective and the percentage of salary that had yet to be earned under the contract for the remainder of the school year. The state department of education shall calculate the salary-based apportionment and state-paid employee benefit amounts for each such employee, and, after reducing this allocation to account for the percent of the employee's salary that had already been earned for the school year, distribute ten percent (10%) of the remaining allocation to the school district as a reimbursement for severance payments made, from moneys appropriated to the educational support program.

**SECTION 7.** That Section 33-516, Idaho Code, be, and the same is hereby amended to read as follows:

**33-516. RIGHT TO RENEWABLE CONTRACT WHEN DISTRICT IS DIVIDED, CONSOLIDATED OR REORGANIZED.** If, by reason of the division of a school district, including any specially chartered district, or by reason of the consolidation of such a district with another district, or other districts, or by reason of the reorganization of such a district, the position held by any teacher entitled to a grandfathered renewable contract is transferred from the control of one (1) board of trustees to the control of a new or different board of trustees, the right to automatic renewal is not thereby lost, and such new or different board of trustees shall be subject to all of the provisions of this chapter with respect to such teacher in the same manner as if such teacher were its employee and had been its employee during the time such teacher was actually employed by the board of trustees from whose control the position was transferred.

**SECTION 8.** That Section 33-521, Idaho Code, be, and the same is hereby amended to read as follows:

**33-521. EMPLOYEE SEVERANCE IN CONSOLIDATED DISTRICT.** The board of trustees of any school district newly formed within the last twelve (12) months through the consolidation of two (2) or more school districts may offer a one (1) time severance payment to a maximum of ten percent (10%) of the employees that were previously employed by the separate school districts. Such severance offers shall be made entirely at the discretion of the board of trustees; and shall

not be bound by custom, seniority or contractual commitment. Employees are under no obligation to accept a severance offer. Any employee accepting a severance payment shall not be eligible for reemployment by the school district for a one (1) year period thereafter.

The severance payment shall consist of fifty-five percent (55%) of the salary-based apportionment funds allocated for the employee in the last year, plus any applicable state paid employee benefits. ~~Such severance shall be reduced by one-half (1/2) for any employee who is simultaneously receiving a disbursement of early retirement incentive funds, pursuant to section 33-1004G, Idaho Code.~~ The state department of education shall reimburse eligible school districts for one hundred percent (100%) of such costs, upon application by the school district.

**SECTION 9.** That Section 33-522, Idaho Code, be, and the same is hereby amended to read as follows:

**33-522. FINANCIAL EMERGENCY REDUCTIONS IN FORCE.** (1) ~~Prior to declaring a financial emergency, the board of trustees shall hold a public meeting for the purpose of receiving input concerning possible solutions to the financial problems facing the school district.~~

(2) ~~If the state department of education certifies that one (1) or more of the conditions in paragraph (a), (b) or (c) of this subsection are met, then the board of trustees may declare a financial emergency if it determines that the condition in paragraph (f) of this subsection is also met. Alternatively, the board of trustees may declare a financial emergency if it determines that either of the conditions in paragraph (d) or (e) of this subsection are met and the state department of education certifies that the condition set forth in paragraph (f) of this subsection is also met.~~

(a) ~~Any of the base salary multipliers in section 33-1004E, Idaho Code, are reduced by one and one-half percent (1 1/2%) or more from any prior fiscal year.~~

(b) ~~The minimum instructional salary provision in section 33-1004E, Idaho Code, is reduced by one and one-half percent (1 1/2%) or more from any prior fiscal year.~~

(c) ~~The amount of total general fund money appropriated per support unit is reduced by greater than three percent (3%) from the original general fund appropriation per support unit of any prior fiscal year.~~

(d) ~~The amount of property tax revenue to be collected by the school district that may be used for any general fund purpose, with the exception of any emergency levy funds, is reduced from the prior fiscal year, and the amount of said reduction represents more than five percent (5%) of the school district's general fund budget for combined state and local revenues from the prior fiscal year.~~

(e) ~~The school district's general fund has decreased by at least three percent (3%) from the previous year's level due to a decrease in funding or natural disaster, but not as a result of a drop in the number of support units or the index multiplier calculated pursuant to section 33-1004A, Idaho Code, or a change in the emergency levy.~~

(f) ~~The school district's unrestricted general fund balance, which excludes funds restricted by state or federal law and considering both anticipated expenditures and revenue, is less than five and one-half percent (5 1/2%) of the school district's unrestricted general fund budget at the time the financial emergency is declared or for the fiscal year for which the financial emergency is declared.~~

(3) ~~Upon its declaration of a financial emergency, the board of trustees shall:~~

(a) ~~Have the power to reopen the salary and benefits compensation aspects of the negotiated agreement, including the length of the certificated employee contracts and the amount of compensation and benefits; and~~

(b) ~~If the parties to the negotiated agreement mutually agree, reopen other matters contained within the negotiated agreement directly affecting the financial circumstances in the school district.~~

~~If the board of trustees exercises the power provided in this subsection consistent with the requirements of subsection (2) of this section, both the board of trustees and the local education association shall meet and confer in good faith for the purpose of reaching an agreement on such issues.~~

(4) ~~If, after the declaration of a financial emergency pursuant to subsection (2) of this section, both parties have met and conferred in good faith and an agreement has not been reached, the board of trustees may impose its last, best offer, following the outcome of the due process hearing held pursuant to section 33-515(7), Idaho Code.~~

(5) ~~A financial emergency declared pursuant to subsection (2) of this section shall be effective for only one (1) fiscal year at a time and shall not be declared by the board of trustees for a second consecutive year, unless so qualified by additional reductions pursuant to the conditions listed in subsection (2) of this section.~~

(6) ~~The time requirements of sections 33-514(2) and 33-515(2), Idaho Code, shall not apply in the event a financial emergency is declared pursuant to subsection (2) of this section. The decision to institute a reduction in force, and the selection of employee(s) subject to such reduction, shall be at the sole discretion of the board of trustees, except for the following limitation: The decision as to which employee(s) shall be subject to such reduction shall be made without consideration of employee seniority or contract status.~~

**SECTION 10.** That Chapter 5, 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 33-523, Idaho Code, and to read as follows:

**33-523. PRINCIPALS TO DETERMINE NEW STAFFING.** The legislature finds that in order to fairly evaluate the performance of principals based on the growth in student performance at their schools, it is necessary to grant them more

control over the hiring and assignment of certificated employees to their schools. To this end, no certificated employee shall be transferred to a principal's school without the principal's permission, unless the transfer is being made due to shifting student population levels, nor shall a certificated individual who the board of trustees wishes to hire be assigned to the principal's school without the principal's permission. As a consequence of this requirement, no new certificated individual shall be considered hired, nor shall a contract be issued to such individual, until a principal has given permission for the assignment to their school. In the case of a transfer that is being made due to shifting student population levels, the principal shall be provided with a choice of at least two (2) individuals to be transferred for each position to be filled, unless there is only one (1) individual whose certificates or endorsements qualify them for the position. For the purposes of this section, the term "principal" also means the head of school of a public charter school.

**SECTION 11.** That Chapter 5, 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 33-524, Idaho Code, and to read as follows:

**33-524. LIABILITY INSURANCE.** The legislature finds and declares:

(1) Educators make decisions everyday that may affect their families' financial future and therefore finds a need for educators to have accessible information about providers of professional liability insurance for educators.

(2) School districts seek to protect their employees from harmful liability and are also in the best position to inform employees about protections available to them.

(3) All employees of a school district shall be informed of all of their options in regards to professional liability insurance for educators. To that end school districts shall disclose to all employees a professional liability insurance for educators provider list. Districts shall encourage employees who have interaction with students to have such insurance although no employee is required to carry such insurance.

(4) School districts shall create a list for such disclosure. Any provider authorized by the state shall be added to the school district's list by request, if the insurance provided is underwritten by a licensed insurance company with an A.M. Best rating of B+ or better. No provider shall be denied if the provider is properly authorized within the state and meets the provisions of this section.

(5) Providers are required to submit complete and accurate information regarding their insurance to each school district in the state by June 30 in order for information to be included on the list for the ensuing school year. School districts receiving information regarding insurance after June 30 shall not be required to include the information in the list of insurance options.

(6) "Complete and accurate information" is defined as name of provider, business mailing address, telephone number and website information.

(7) School districts shall provide name of provider, business mailing address, telephone number and website information to all employees. School districts shall not endorse any provider, product or service.

(8) School districts are hereby required to provide all employees with a list of insurance options on the first day all teachers and staff are required to report back to school for the start of the school year. All employees shall be required to sign a form indicating that they have received information about their insurance options. School districts shall require employees to review and sign the disclosure each year he or she is employed with the district. Disclosure forms shall list the names of insurance providers disclosed to employees and remain on file with the school district. The disclosure forms shall be held for a period of three (3) years and shall be accessible to the public by request.

(9) School districts are required to provide substitute teachers and pre-service teachers with a list of insurance options prior to their first day of teaching in the school district. Substitute teachers and pre-service teachers will be required to sign a form indicating that they have received information about their insurance options. This form shall list the names of insurance providers disclosed to employees.

(10) Each school district shall have an updated list available upon request from an employee of that district. School districts may post such information on a staff website or the intranet.

(11) For the purposes of this section, "providers" refers to any provider of professional liability insurance for educators. "Employees" refers to all certificated and noncertificated staff in a school district. "List" refers to the document containing a description of all providers offering professional liability insurance for educators to employees of the school district. "Form" refers to a document to be signed by school district employees who acknowledge such disclosure.

**SECTION 12.** That Section 33-1003, Idaho Code, be, and the same is hereby amended to read as follows:

**33-1003. SPECIAL APPLICATIONS OF EDUCATIONAL SUPPORT PROGRAM.** (1) ~~Decrease in Average Daily Attendance. -- Any school district which has a decrease in total average daily attendance of one percent (1%) of its average daily attendance in the then current school year from the total average daily attendance used for determining the allowance in the educational support program for the school year immediately preceding, the allowance of funds from the educational support program may be based on the average daily attendance of the school year immediately preceding, less one percent (1%). When this provision is applied, the decrease in average daily attendance shall be proportionately distributed among the various categories of support units that are appropriate for the district.~~

(2) Application of Support Program to Separate Schools/Attendance Units in District.

(a) Separate Elementary School. -- Any separate elementary school shall be allowed to participate in the educational support program as though the school were the only elementary school operated by the district.

(b) Hardship Elementary School. -- Upon application of the board of trustees of a school district, the state board of education is empowered to determine that a given elementary school or elementary schools within the school district, not otherwise qualifying, are entitled to be counted as a separate elementary school as defined in section 33-1001, Idaho Code, when, in the discretion of the state board of education, special conditions exist warranting the retention of the school as a separate attendance unit and the retention results in a substantial increase in cost per pupil in average daily attendance above the average cost per pupil in average daily attendance of the remainder of the district's elementary grade school pupils. An elementary school operating as a previously approved hardship elementary school shall continue to be considered as a separate attendance unit, unless the hardship status of the elementary school is rescinded by the state board of education.

(c) Separate Secondary School. -- Any separate secondary school shall be allowed to participate in the educational support program as though the school were the only secondary school operated by the district.

(d) Elementary/Secondary School Attendance Units. -- Elementary grades in an elementary/secondary school will be funded as a separate attendance unit if all elementary grades served are situated more than ten (10) miles distance from both the nearest like elementary 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. Secondary grades in an elementary/secondary school will be funded as a separate attendance unit if all secondary grades served are located more than fifteen (15) miles by an all-weather road from the nearest like secondary grades operated by the district.

(e) Hardship Secondary School. -- Any district which operated two (2) secondary schools separated by less than fifteen (15) miles, but which district was created through consolidation subsequent to legislative action pursuant to chapter 111, laws of 1947, and which school buildings were constructed prior to 1935, shall be entitled to count the schools as separate attendance units.

(f) Minimum Pupils Required. -- Any elementary school having less than ten (10) pupils in average daily attendance shall not be allowed to participate in the state or county support program unless the school has been approved for operation by the state board of education.

(32) Remote Schools. -- The board of trustees of any Idaho school district which operates and maintains a school which is remote and isolated from the other schools of the state because of geographical or topographical conditions may petition the state board of education to recognize and approve the school as a remote and necessary school. The petition shall be in form and content approved by the state board of education and shall provide such information as the state board of education may require. Petitions for the recognition of a school as a remote and necessary school shall be filed annually at least ninety (90) days prior to the date of the annual meeting of the board of trustees as established in section 33-510, Idaho Code.

Within forty-five (45) days after the receipt of a petition for the recognition of a remote and necessary school, the state board of education shall either approve or disapprove the petition and notify the board of trustees of its decision. Schools which the state board of education approves as being necessary and remote shall be allowed adequate funding within the support program for an acceptable educational program for the students of the school. In the case of a remote and necessary secondary school, grades 7-12, the educational program shall be deemed acceptable when, in the opinion of the state board of education, the accreditation standard relating to staff size, established in accordance with section 33-119, Idaho Code, has been met. The final determination of an acceptable program and adequate funding in the case of a remote and necessary elementary school shall be made by the state board of education.

(43) Support Program When District Boundaries are Changed.

(a) In new districts formed by the division of a district, the support program computed for the district, divided in its last year of operation, shall be apportioned to the new districts created by the division, in the proportion that the average daily attendance of pupils, elementary and secondary combined, residing in the area of each new district so created, is to the average daily attendance of all pupils, elementary and secondary combined, in the district divided in its last year of operation before the division.

(b) When boundaries of districts are changed by excision or annexation of territory, the support program of any district from which territory is excised for the last year of operation before such excision shall be divided, and apportioned among the districts involved, as prescribed in ~~subsection (4) paragraph (a)~~ of this subsection.

(c) In new districts formed by consolidation of former districts after January 1, 2007, the support program allowance, for a seven (7) year period following the formation of the new district, shall not be less than the combined support program allowances of the component districts in the last year of operation before consolidation. After the expiration of this period, the state department of education shall annually calculate the number of support units that would have

been generated had the previous school districts not consolidated. All applicable state funding to the consolidated district shall then be provided based on a support unit number that is halfway between this figure and the actual support units, provided that it cannot be less than the actual support units.

**SECTION 13.** That Section 33-1004G, Idaho Code, be, and the same is hereby repealed.

**SECTION 14.** That Section 33-1004H, Idaho Code, be, and the same is hereby amended to read as follows:

**33-1004H. EMPLOYING RETIRED TEACHERS AND ADMINISTRATORS.** (1) Notwithstanding the provisions of section 33-514, 33-1271 or 33-1273, Idaho Code, school districts may employ certificated school teachers and administrators who are receiving retirement benefits from the public employee retirement system of Idaho, except those who received benefits under the early retirement program previously provided in section 33-1004G, Idaho Code, by the state in positions requiring such certification, as at-will employees. Any employment contract between the retiree and the school district shall be separate and apart from the collective bargaining agreement of the school district.

(2) Retirees employed under this section shall accrue one (1) day per month of sick leave, with no annual sick leave accumulation unless additional sick leave is negotiated between the candidate and the school district at the time of employment. No sick leave accrued under this section qualifies for unused sick leave benefits under section 33-1228, Idaho Code.

(3) School districts are not required to provide health insurance or life insurance benefits to persons employed under this section. Post-termination benefits may be negotiated between the school district and the certificated employee at the time of rehiring but in no event can the parties affect or attempt to affect the provisions governing the public employee retirement system.

**SECTION 15.** That Section 33-1271, Idaho Code, be, and the same is hereby amended to read as follows:

**33-1271. SCHOOL DISTRICTS -- PROFESSIONAL EMPLOYEES -- NEGOTIATION AGREEMENTS.** The board of trustees of each school district, including specially chartered districts, or the designated representative(s) of such district, is hereby empowered to and shall, upon its own initiative or upon the request of a local education organization representing a majority of the professional employees, enter into a negotiation agreement request negotiations with the local education organization or the designated representative(s) of such organization on behalf of the professional employees employed by the school district and negotiate with such party in good faith on those matters specified in any such negotiation agreement between the local board of trustees and the local education organization related to compensation of professional employees. A request for negotiations may be initiated by either party to such negotiation agreement the local education organization or entity seeking to be designated the local education organization, or the board of trustees.

(1) Accurate records or minutes of the proceedings shall be kept; and shall be available for public inspection at the offices of the board of education during normal business hours.

(2) Joint ratification of all final offers of settlement shall be made in open meetings and notice of the ratification activity shall be provided to the parties to the agreement.

(3) As the subject matter of negotiations is compensation provided through public funding, all negotiation sessions of the parties shall be conducted in open session, with all members of the public able to attend.

**SECTION 16.** That Chapter 12, 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 33-1271A, Idaho Code, and to read as follows:

**33-1271A. EXISTING AGREEMENTS.** The legislature finds the inclusion of evergreen or continuation clauses in master contracts or negotiated agreements to be against the public policy of the state of Idaho. Such clauses purport to bind in perpetuity the actions of future elected boards of trustees, subvert the ability of the people to direct their own affairs through the free election of trustees, and are contrary to the tenets of a free republic. Therefore, it is the intent of the legislature that any master contract or negotiated agreement, by any name or title, existing as a result of negotiations between a board of trustees and a local education organization shall be subject to the terms of this act, regardless of any evergreen or continuation clause included in such contract or agreement.

**SECTION 17.** That Section 33-1272, Idaho Code, be, and the same is hereby amended to read as follows:

**33-1272. DEFINITIONS.** Definition of terms as used in this act:

1. "Professional employee" means any certificated employee of a school district, including charter districts; provided, however, that superintendents, supervisors or principals may be excluded from the professional employee group if a negotiation agreement between the board and local education organization so specifies.

2. "Local education organization" means any local district organization duly chosen and selected by a majority of the professional employees as their representative organization for negotiations under this act. For the purposes of this definition, "majority" shall mean one (1) certificated professional employee more than fifty percent (50%) or greater of the professional employees in the district.

3. "Negotiations" means meeting and conferring in good faith in open session by a local board of trustees and the authorized local education organization, or the respective designated representatives of both parties, for the purpose of reaching an agreement, upon matters and conditions subject to negotiations as specified in a negotiation agreement between said parties related to the compensation of professional employees.

4. "Compensation" means salary and benefits for the professional employee.

5. "Benefits" includes employee insurance, leave time and sick leave benefits.

**SECTION 18.** That Section 33-1273, Idaho Code, be, and the same is hereby amended to read as follows:

**33-1273. SCHOOL DISTRICTS -- PROFESSIONAL EMPLOYEES -- NEGOTIATIONS DESIGNATION OF THE LOCAL EDUCATION ORGANIZATION -- DESIGNATION OF REPRESENTATIVES -- OBLIGATION TO NEGOTIATE.** (1) The local education organization selected by a majority of the qualifying professional employees shall be the exclusive representative for all professional employees in that district for purposes of negotiations.

(a) At the commencement of each school year, the local education association identified in the agreement from the prior year, if such existed, shall certify to the board of trustees that the local education association has been selected and designated as the local education organization for the professional employees of the district. This certification shall be provided in writing on a form agreed upon between the parties as one (1) of the options detailed below. The purpose of such certification is to provide the district's administration and board with notice of the appropriate entity for the administration and board to work with relating to personnel matters.

(b) Within ten (10) days of the date a request for negotiations is initiated by either the local education organization or the board of trustees or its designee, the local education organization must provide proof that it has been duly chosen by a majority of the professional employees of the district as their representative organization for negotiations under this act. Such proof may be:

(i) A list of certificated professional employees, who would be subject to the agreement, who are members of the local education organization as of the date that the request for negotiations is initiated; or

(ii) Other evidence that the professional employees have chosen and selected the local education organization as their representative organization as of the date that the request for negotiations is initiated.

(c) If the local education organization or entity seeking to be declared the local education organization cannot provide evidence that the majority of the professional employees have chosen and selected it as the representative organization, the district shall have no obligation or authority to enter into negotiations as provided in this act.

(2) The individual or individuals selected to negotiate for the professional employees shall be a member of the organization designated to represent the professional employees and shall be a certificated professional employee of the local school district. However, in the event a local board of trustees chooses to designate any individual(s) other than the superintendent or elected trustee(s) of the school district as its representative(s) for negotiations, the local educational organization is authorized to designate any individual(s) of its choosing to act as its representative(s) for negotiations. A local board of trustees or its designated representative(s) shall negotiate matters covered by a negotiations agreement pursuant to section 33-1272, Idaho Code, only with the local education organization or its designated representative(s).

(3) Should there be no entity that qualifies as a local education organization by May 10, the board has no obligation or authority to negotiate as required under this act, and may establish compensation for professional employees for the ensuing school year as it deems appropriate.

**SECTION 19.** That Chapter 12, 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 33-1273A, Idaho Code, and to read as follows:

**33-1273A. NEGOTIATIONS IN OPEN SESSION.** Any other provision of law notwithstanding, including any provisions to the contrary in section 67-2345, Idaho Code, all negotiations or meetings allowed or required pursuant to this act shall be in open session and shall be open and available for the public to attend. In addition, all documentation exchanged between the parties during negotiations, including all offers, counteroffers and meeting minutes shall be subject to public writings disclosure laws.

**SECTION 20.** That Section 33-1274, Idaho Code, be, and the same is hereby amended to read as follows:

**33-1274. APPOINTMENT OF MEDIATORS -- COMPENSATION MEDIATION -- ESTABLISHMENT OF COMPENSATION TERMS UPON FAILURE TO AGREE.** (1) In the event the parties in negotiations are not able to come to an agreement upon items submitted for negotiations under a negotiations agreement between the parties, one or more mediators may be appointed. The issue or issues in dispute shall be submitted to mediation at the request of either party in an effort to induce the representatives of the board and the local education organization to resolve the conflict. The procedures for appointment of and compensation for the mediators shall be determined by both parties compensation for professional employees by May 10, if agreed to by both parties, a mediator may be appointed. The issue or issues in dispute shall be submitted to mediation in an effort to induce the representatives of the board of trustees and the local education organization to resolve the conflict. The procedure for appointment of and compensation for the mediator shall be determined by both parties. Mediation is nonbinding, and the recommendation or recommendations of the mediator, if any, shall not be construed as having any force or effect.

(2) If no agreement regarding compensation has been reached by the parties on or before June 10, the board of trustees, at a meeting held no later than June 22, shall establish compensation for professional employees for the ensuing school year as it deems appropriate.

(3) If the board of trustees establishes compensation pursuant to subsection (2) of this section, no hearing need be held by the board.

(4) The dates of June 10 and June 22 are not arbitrary or discretionary dates that may be modified by agreement of the parties. The only instance in which the days may be extended is if June 10 or June 22 fall on a Sunday. In such situation the board of trustees may, at its discretion, extend these days to June 11 or June 23.

**SECTION 21.** That Chapter 12, 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 33-1274A, Idaho Code, and to read as follows:

**33-1274A. PROCEDURES UPON AGREEMENT.** (1) In the event the parties in negotiations agree regarding compensation of professional employees at any time prior to June 10, such agreement shall be placed in writing by the persons who negotiated on behalf of the board of trustees and the local education organization. Such written agreement shall be offered for approval and ratification by the local education organization at an open meeting on or before June 15. If such written agreement is approved and ratified by the local education organization on or before June 15, it shall thereafter be approved or disapproved by the board of trustees at a board meeting held on or before June 22.

(2) Should the local education association or the board of trustees fail to ratify and approve the written agreement as provided for in this section, the board of trustees shall establish other compensation terms, as independently determined by the board and not controlled by the terms which failed ratification, for professional employees as provided in section 33-1274, Idaho Code.

**SECTION 22.** That Section 33-1275, Idaho Code, be, and the same is hereby amended to read as follows:

**33-1275. ~~FACT-FINDERS -- APPOINTMENT -- HEARINGS~~ TERMS OF AGREEMENTS.** ~~1. If mediation fails to bring agreement on all negotiable issues, the issues which remain in dispute may be submitted to fact-finding by request of either party. One or more fact-finders shall be appointed by the parties by mutual agreement. If such agreement cannot be reached within thirty (30) days of the request for such appointment, the state superintendent of public instruction shall make such appointment. The fact-finder shall have authority to establish procedural rules, conduct investigations and hold hearings during which each party to the dispute shall be given an opportunity to present its case with supporting evidence~~

(1) All negotiated agreements or master contracts, by any name or title, entered into pursuant to the provisions of this act, shall have a term of July 1 through June 30 of the ensuing fiscal year. The board of trustees shall not have the authority to enter into any agreement negotiated under the provisions of this act that has any clause or provision which allows for such agreement to be in any force or effect for multiple years or indefinitely, or otherwise does not expire on its own terms on or before June 30 of the ensuing fiscal year.

2. Within thirty (30) days following designation of the fact-finder, he shall submit a report in writing to the respective representatives of the board and the professional employees, setting forth findings of fact and recommendations on the issues submitted (2) Any agreement or contract previously entered pursuant to the provisions of sections 33-1271 through 33-1276, Idaho Code, shall be deemed to expire as of June 30, 2011, regardless of any evergreen, continuation or other clause included in such contract which provides for continuation beyond June 30, 2011. In addition, any term of any existing agreement which conflicts with the current provisions of title 33, Idaho Code, is hereby declared void and unenforceable from the date of July 1, 2011.

**SECTION 23.** That Section 33-1276, Idaho Code, be, and the same is hereby amended to read as follows:

**33-1276. INTENT OF ACT.** Nothing contained herein is intended to or shall conflict with, or abrogate, the powers or duties and responsibilities vested in the legislature, state board of education, and the board of trustees of school districts by the laws of the state of Idaho. Each school district board of trustees is entitled, ~~without negotiation or reference to any negotiated agreement,~~ to take action that may be necessary to carry out its responsibility due to situations of emergency or acts of God.

**SECTION 24.** That Section 33-402, Idaho Code, be, and the same is hereby amended to read as follows:

**33-402. NOTICE REQUIREMENTS.**

~~(1) (a) (b) (c) (d) (e) (f) (g) (2) a b c d e (3) (4) (5)~~

(6) Notice of annual meeting of elementary school districts as provided for in section 33-510, Idaho Code, and of intent to discontinue a school, as provided for in section 33-511, Idaho Code, and annual budget hearing as provided for in section 33-801, Idaho Code, shall be given by posting (2) for not less than ten (10) days, and publishing once in a newspaper as provided in section 60-106, Idaho Code, published within the district, or, if there be none, then in a newspaper as provided in section 60-106, Idaho Code, published in the county in which such district lies. If more than one (1) newspaper is printed and published in said district or county, then in the newspaper most likely to give best general notice of the election within said district; provided that if no newspaper is published in the said district or county, then in a newspaper as provided in section 60-106, Idaho Code, most likely to give best general notice of the election within the district. If a financial emergency has been declared pursuant to section 33-522, Idaho Code, the notice of annual meeting and the notice of the annual budget hearing shall be posted pursuant to subsection (2) of this section, for not less than five (5) days, and by such further notice as shall provide reasonable notice to the patrons of the school district if publication in a newspaper is not feasible.

(7) Notices calling for bids for the acquisition, use, or disposal of real and personal property as provided for in section 33-601, Idaho Code, and contracting for transportation services as provided for in section 33-1510, Idaho Code, shall be given in a newspaper of general circulation as required by chapter 1, title 60, Idaho Code, except that the notice for

contracting for transportation services shall be made not less than four (4) weeks before the date of opening bids.

(83) Proof of posting notice shall be upon the affidavit of the person posting the same; and proof of publication shall be upon the affidavit of the publisher of the newspaper or newspapers respectively. Such affidavits shall be filed with the board by the clerk responsible for the posting and the publishing of said notice.

**SECTION 25. SEVERABILITY.** The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

**SECTION 26.** An emergency existing therefor, which emergency is hereby declared to exist, Sections 1, 2, 3, 4, 5, 7, 8, 9, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25 of this act shall be in full force and effect on and after passage and approval. Sections 6, 10, 11 and 12, shall be in full force and effect on and after July 1, 2011.

## **Text of Proposed Law - Proposition Two**

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

**SECTION 1.** That Chapter 10, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a **NEW SECTION**, to be known and designated as Section 33-1004I, Idaho Code, and to read as follows:

**33-1004I. PAY FOR PERFORMANCE -- HARD TO FILL POSITIONS -- LEADERSHIP AWARDS.** (1) In addition to the moneys provided pursuant to the calculations for salary-based apportionment, the following amounts shall be distributed and paid, from the moneys appropriated to the educational support program, subject to the criteria contained in this section:

(a) For fiscal year 2013, an amount equal to five hundred seven (507) multiplied by the per statewide support unit value of salary-based apportionment and discretionary funds shall be distributed pursuant to subsection (2) of this section.

(b) For fiscal year 2014, an amount equal to six hundred eighty (680) multiplied by the per statewide support unit value of salary-based apportionment and discretionary funds shall be distributed pursuant to subsections (2), (3) and (4) of this section, in the following proportions:

(i) Seventy-four and one-tenth percent (74.1%) pursuant to subsection (2) of this section;

(ii) Seven and four-tenths percent (7.4%) pursuant to subsection (3) of this section;

(iii) Eighteen and one-half percent (18.5%) pursuant to subsection (4) of this section.

(c) For fiscal year 2015 and each fiscal year thereafter, an amount equal to six hundred eighty (680) multiplied by the per statewide support unit value of salary-based apportionment and discretionary funds shall be distributed pursuant to subsections (2), (3) and (4) of this section, plus fifty percent (50%) of any moneys appropriated for increased pay for certificated staff beyond the amount needed to fund the base and minimum instructional salaries, pursuant to section 33-1004E, Idaho Code, that were in effect during fiscal year 2009. Such distributions made pursuant to subsections (2), (3) and (4) of this section shall be made according to the allocations established in subsection (1)(b) of this section.

(d) The provision in subsection (1) (c) of this section that directs that fifty percent (50%) of certain moneys be distributed pursuant to subsections (2), (3) and (4) of this section shall be effective until such time as fifteen percent (15%) of the total moneys appropriated for certificated staff salaries are being distributed pursuant to this section. After this allocation is attained, fifteen percent (15%) of the total moneys appropriated for certificated staff salaries shall be distributed pursuant to subsections (2), (3) and (4) of this section. Such distributions made pursuant to subsections (2), (3) and (4) of this section shall be made according to the allocations established in subsection (1) (b) of this section.

(e) For the purposes of this subsection, the term "statewide support units" shall mean the total number of support units calculated for the purposes of distributing salary-based apportionment in the current fiscal year.

(f) In the event of a reduction in the moneys appropriated for certificated staff salaries, the calculations established pursuant to subsections (1) (b) through (d) of this section shall be performed in reverse.

(2) Share-based pay for performance bonuses for student achievement growth and excellence.

(a) Certificated employees shall be awarded state shares based on the performance of whole schools.

(i) Growth -- Utilizing a state longitudinal data system for students, the state department of education shall develop a system for measuring individual student growth. Such system shall compare spring student scores on the state-mandated summative achievement tests ("spring test") from one year to the next, and establish percentile rankings for individual student growth by comparing students with an identical spring test score in the previous year with each other in the current year. A separate growth percentile shall be established for each student for each subject in which the spring test is given in consecutive grades. The median student growth percentile, based on measuring all eligible students, shall be the growth score for each school. All certificated employees at a school with a median growth score in the following ranked quartiles shall be awarded state shares as follows:

	Instructional	Administrative
1st Highest Quartile	1.00 shares	2.00 shares
2nd Highest Quartile	0.50 shares	1.00 shares
3rd Highest Quartile	0.25 shares	0.50 shares
4th Highest Quartile	0.00 shares	0.00 shares

(ii) Excellence -- The state department of education shall develop a system for comparing and ranking school spring test scores based on standardized scores, utilizing all grades and subjects tested. Based on each school's median standardized score, all certificated employees of a school in the following ranked quartiles shall be awarded state shares as follows:

	Instructional	Administrative
1st Highest Quartile	0.50 shares	1.00 shares
2nd Highest Quartile	0.25 shares	0.50 shares
3rd Highest Quartile	0.00 shares	0.00 shares
4th Highest Quartile	0.00 shares	0.00 shares

(iii) No certificated instructional employee shall receive more than one (1.00) share, the results of the quartile award tables for growth and excellence notwithstanding. No certificated administrative employee shall receive more than two (2.00) shares, the results of the quartile award tables for growth and excellence notwithstanding.

(iv) Students whose spring test results are excluded from the school's results for federal accountability purposes shall be excluded from school growth and excellence calculations.

(v) For schools that do not administer the spring test, or for which no spring test growth calculation is possible, the school and its certificated employees shall be included with the school to which the students matriculate.

(vi) For certificated employees assigned more than one (1) school, state shares shall be earned pro rata, based on the percentage of the employee's time assigned to each school at the time that students take their spring tests. In addition, for part-time employees, state shares shall be earned pro rata, based on such employee's full-time equivalency status.

(vii) The number of schools in each quartile shall be based on the number of certificated employees employed at the schools, with as close to twenty-five percent (25%) of such employees falling within each quartile as possible.

(viii) For certificated employees not assigned to a specific school, all new employment contracts signed on or after July 1, 2011, shall provide that at least five percent (5%) of the total available compensation be based on growth in student achievement, as determined by the board of trustees. Such percentage shall increase to ten percent (10%) of the total available compensation for contracts signed on or after July 1, 2015, and fifteen percent (15%) for contracts signed on or after July 1, 2019.

(b) Local shares shall be awarded to certificated employees based on performance. Each board of trustees shall develop a plan for awarding local pay for performance shares in consultation with certificated employees. Local share awards to certificated instructional employees shall be based on the performance of groups of such employees, unless there is only one (1) such employee in the school district. No employee shall receive more than one (1.00) local share. For part-time employees, local shares shall be earned pro rata, based on such employee's full-time equivalency status. Local share awards shall be based on one (1) or more of the following measures:

- (i) Student test scores;
- (ii) Student graduation rate;
- (iii) Student dropout rate;
- (iv) Percent of graduates attending postsecondary education or entering military service;
- (v) Making federally approved adequate yearly progress;
- (vi) Number of students successfully completing dual credit or advanced placement classes;
- (vii) Percent of students involved in extracurricular activities;
- (viii) Class projects;
- (ix) Portfolios;
- (x) Successful completion of special student assignments;
- (xi) Parental involvement;
- (xii) Teacher-assigned grades; and
- (xiii) Student attendance rate.

For any school district in which the board of trustees fails to adopt a plan for awarding local pay for performance shares by September 1, local shares awarded for performance in that school year shall be identical to the number of

state shares awarded for each certificated employee.

(c) Individual pay for performance bonuses shall be calculated as follows:

(i) Divide the moneys available for pay for performance bonuses by the total number of state shares earned by certificated employees statewide.

(ii) To determine the amount of pay for performance bonus funds to distribute to each school district, multiply the result of subparagraph (i) of this subsection by the number of state shares earned by certificated employees in the school district.

(iii) To establish the value of a share in each school district, the school district shall divide the funds distributed by the state department of education pursuant to subparagraph (ii) of this subsection by the total number of state and local shares earned by all certificated employees who earned at least a fraction of both a state and local share.

(iv) Multiply the total number of state and local shares earned by each certificated employee of the school district who earned at least a fraction of a state and local share by the result of subparagraph (iii) of this subsection. Certificated employees who do not earn at least a fraction of both a state and local share shall not be eligible to receive a pay for performance bonus. Pay for performance bonuses shall be paid by school districts to qualifying certificated employees in a lump sum by no later than December 15 following the spring test of the prior school year.

(3) Hard to fill position bonuses.

(a) The state board of education shall designate certificates and endorsements held by certificated instructional staff for hard to fill position bonuses. The board shall rank the certificates or endorsements to be so designated based on the relative difficulty of school districts' ability to recruit and retain such personnel. No additional certificates or endorsements may be added to the rankings beyond the first such certificate or endorsement that causes the number of certificates or endorsements to equal or exceed one-third (1/3) of the total certificates and endorsements held by certificated instructional public school employees in the state. The board shall review and alter such rankings and designations at least once every two (2) years based on market conditions. Any changes in rankings and designations shall be made by the board by no later than March 31 of the previous school year, and school districts shall be promptly notified of any changes.

(b) School district boards of trustees may choose to designate certificates and endorsements held by certificated instructional employees for hard to fill position bonuses, provided such certificates and endorsements have been so designated by the state board of education as provided in subsection (3) (a) of this section. School boards of trustees choosing to make such designations shall rank the certificates and endorsements based on the relative difficulty of recruiting and retaining such personnel. No additional certificates or endorsements may be added to the rankings beyond the first such certificate or endorsement that causes the number of the district's full-time equivalent employees utilizing such certificates and endorsements to equal or exceed ten percent (10%) of the certificated instructional positions employed by the district; provided however, the number of such employees who may be designated shall not be less than one (1). The amount distributed for utilization by each district shall be based on each district's share of the total certificated instructional employees statewide. Funds so distributed shall be paid solely to certificated instructional personnel holding the certifications and endorsements designated by the local school board, in amounts that shall be determined at the discretion of the local board, which may vary between, but not within, individual certificate and endorsement areas; provided however, no award shall exceed twice the statewide average bonus paid per certificated instructional employee pursuant to subsection (2) of this section.

(c) School districts may apply to the state board of education to waive the requirement that a certificate or endorsement designated by the school district for hard to fill position bonuses first be designated for such by the state board of education. The state board of education may grant such a waiver for good and rational cause.

(d) In order to receive a hard to fill position bonus, an individual must actually be providing instruction or service within the designated certificate or endorsement area.

(e) If an individual qualifies for a hard to fill position bonus in more than one (1) certificate or endorsement, the individual shall be allocated and paid on a full-time equivalency basis, based on the relative time spent in each of the qualifying areas.

(f) School district boards of trustees choosing to utilize hard to fill position bonus funds shall designate a new list of certificates and endorsements for such bonuses for each school year by no later than June 11 of the previous school year. The new list may be identical to the list from the previous school year, subject to the current ten percent (10%) limitation requirements.

(g) If the board of trustees determines that it will be unable to attract a qualified candidate to serve in a hard to fill position, even with the addition of such bonus funds, the board may use such funds to pay for the training and coursework needed by a currently unqualified employee or other individual to gain such qualification. If such payment is authorized, the amount paid for an individual in a fiscal year shall not exceed twice the statewide average bonus paid per certificated instructional employee pursuant to subsection (2) of this section. The individual for whom training and

coursework is paid in such manner must earn a passing grade for the training and coursework that is paid by the school district and must work for the school district at least one (1) year in the designated certificate or endorsement area for each fiscal year in which the school district made payments for training and coursework, or repay the funds.

(h) Hard to fill position bonuses shall be paid by school districts to qualifying certificated instructional employees by no later than December 15, in a lump sum payment.

(4) Leadership awards.

(a) School district boards of trustees may designate up to twenty-five percent (25%) of their certificated instructional employees for leadership awards. Such awards shall recognize excellence, be valid only for the fiscal year for which the awards are made and require one (1) or more of the following additional duties:

- (i) Teacher or other instructional staff mentoring;
- (ii) Content leadership;
- (iii) Lead teacher;
- (iv) Peer teaching coach;
- (v) Content specialist;
- (vi) Remedial instructor;
- (vii) Curriculum development;
- (viii) Assessment development;
- (ix) Data analysis;
- (x) Grant writing;
- (xi) Special program coordinator;
- (xii) Research project;
- (xiii) Teaching professional development course;
- (xiv) Service on local/state/national education committee or task force;
- (xv) Providing leadership to a professional learning community; and
- (xvi) Earning national board certification.

Duties related to student activities and athletics shall not be eligible for leadership awards.

(b) Local school district boards of trustees shall require that the employee work additional time as a condition of the receipt of a leadership award.

(c) Local school district boards of trustees may grant multiple leadership awards with multiple additional duties. No employee, however, shall receive leadership awards in excess of twice the statewide average bonus paid per certificated instructional employee pursuant to subsection (2) of this section.

(d) Leadership awards shall be paid by school districts to qualifying certificated instructional employees in a lump sum payment upon completion of the additional duty.

(e) Employees with fewer than three (3) years of experience shall not be eligible for leadership awards. The term "experience" shall be as used for certificated instructional staff in section 33-1004A, Idaho Code.

(f) Notwithstanding the provisions of subsection (4) (a) through (e) of this section, employees who earned national board certification prior to July 1, 2011, and who are no longer receiving payments for earning such certification pursuant to section 33-1004E, Idaho Code, due to the repeal of the provision providing for such payments, shall be paid two thousand dollars (\$2,000) per year from the moneys allocated pursuant to this subsection (4) until all moneys that would have been paid under the previous provisions of section 33-1004E, Idaho Code, have been paid.

(5) School districts may shift moneys between the allocations for subsections (3) and (4) of this section. The ten percent (10%) limitation established in subsection (3) of this section and the twenty-five percent (25%) limitation established in subsection (4) of this section shall be adjusted accordingly.

(6) All distributions of moneys to school districts shall be made as part of the third payment to school districts required by section 33-1009, Idaho Code.

(7) School districts shall not enter into any contract that discriminates against those receiving a bonus award pursuant to this section.

(8) The state department of education may require reports of information as needed to implement the provisions of this section and provide reports to the governor, the legislature and the public.

(9) For the purposes of this section, the term "school district" also means "public charter school," and the term "board of trustees" also means "board of directors."

**SECTION 2.** Nothing in this act shall prevent the Legislature from adjusting any component of any public school funding formula in any fiscal year, pursuant to the needs of public schools and the constitutional requirement that the state of Idaho maintain a balanced budget.

**SECTION 3. SEVERABILITY.** The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

**SECTION 4.** Sections 1, 2 and 3 of this act shall be in full force and effect on and after July 1, 2012.

## Text of Proposed Law - Proposition Three

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:

**33-125. STATE DEPARTMENT OF EDUCATION -- CREATION -- DUTIES.** There is hereby established as an executive agency of the state board of education a department known as the state department of education. The state superintendent shall serve as the executive officer of such department and shall have the responsibility for carrying out policies, procedures and duties authorized by law or established by the state board of education for all elementary and secondary school matters, and to ~~administer grants for the promotion of science education as provided in sections 33-128 and 33-129, Idaho Code~~ post a fiscal report card on each school district and charter school on the department's internet site. The department shall perform the duties assigned to it as specified in section 67-5745D, Idaho Code, relating to the Idaho education network.

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

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

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

(a) "Education provider" means:

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

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

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

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

(b) The internet based website shall include the following data concerning all expenditures made by the education provider:

- (i) The name and location or address of the entity receiving moneys;
- (ii) The amount of expended moneys;
- (iii) The date of the expenditure;
- (iv) A description of the purpose of the expenditure, unless the expenditure is self-describing;
- (v) Supporting contracts and performance reports upon which the expenditure is related when these documents already exist; ~~and~~
- (vi) To the extent possible, a unique identifier for each expenditure;
- (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 - 7.99 ADA....</u>	-.....	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
±.01 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 computed
12 - 13.99....	-.....	1
8 - 11.99....	-.....	.75
4 - 7.99....	-.....	.5
.01 - 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;
- (~~q~~) 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
- (~~r~~) 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
.01 - 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
.01 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- 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 computed
12 - 13.99....	-.....	1
8 - 11.99....	-.....	.75
4 - 7.99....	-.....	.5
.01 - 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 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 average 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 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 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) and (3) 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 paragraphs (i) and (ii) of this subsection, 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, administrative 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 ~~five~~ 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) For the period July 1, 2009, through June 30, 2011, only, a district 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							
Years	BA	BA + 12	BA + 24	MA	MA + 12	MA + 24	MA + 36
				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
13 or more	1.39290	1.49930	1.55550	1.61380	1.73710	1.86980	2.01260

In determining the experience factor, the actual years of teaching or administrative service 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, minus two (2); provided however, that the experience factor cannot be less than zero (0).

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 the state board of education or a regional accrediting association, shall be allowed. Provided however, that successful completion of a state-approved mathematical thinking for instruction course shall be counted as transcribed credit. 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 factor. ~~For the time period July 1, 2010, through June 30, 2011, instructional and administrative staff shall not advance on the education portion of the multiplier table.~~

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

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.

**SECTION 9.** 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, first determine the district average experience and education index by placing all eligible district certificated instructional 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 1994-95 school year, and shall receive their actual index but not more than the state average plus .06 for the 1995-96 school year, and thereafter shall receive their actual district index.~~ The district instructional staff 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>
<u>2013</u>	<u>(4.05%)</u>
<u>2014</u>	<u>(6.30%)</u>
<u>2015</u>	<u>(6.42%)</u>
<u>2016</u>	<u>(6.21%)</u>
<u>2017 and each fiscal year thereafter</u>	<u>(5.74%)</u>

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

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

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

2. If a district's qualifying salaries total more than the district's salary-based apportionment, there shall be allocated an additional amount to meet the employer's obligation to the public employee retirement system and to social security equal to two-thirds (2/3) of the additional obligation for the school year 1994-95. If a district's qualifying salaries total more than the district's salary-based apportionment, there shall be allocated an additional amount to meet the employer's obligation to the public employee retirement system and to social security equal to one-third (1/3) of the additional obligation for the school year 1995-96. Thereafter, the benefit allocation shall be based solely upon the provisions of subsection 1. of this section.

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

**33-1020. IDAHO DIGITAL LEARNING ACADEMY FUNDING.** Of the moneys appropriated for the educational support program, an amount shall be distributed to support the Idaho digital learning academy, created pursuant to chapter 55, title 33, Idaho Code. For the purposes of this section, an “enrollment” shall be counted each time an Idaho school age child enrolls in an Idaho digital learning academy class. A single child enrolled in multiple classes shall count as multiple enrollments. Summer enrollments shall be included in the fiscal year that begins that summer. The amount distributed shall be calculated as follows:

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

(2) A variable base amount shall be distributed each time the number of enrollments meets or exceeds an increment of five thousand (5,000). The amount so distributed shall be equal to the number of such increments, multiplied by the current fiscal year’s statewide average salary-based apportionment funding per midterm support unit, multiplied by four and thirty-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%
Paragraph (c)	31%
Paragraph (d)	17%

(e) For fiscal year 2016, an amount equal to one hundred fifty-seven (157) 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)	18%
Paragraph (b)	41%
Paragraph (c)	35%
Paragraph (d)	6%

(f) For fiscal year 2017 and each fiscal year thereafter, an amount equal to one hundred fifty-seven (157) 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)	20%
Paragraph (b)	37%
Paragraph (c)	37%
Paragraph (d)	6%

(g) The dollars allocated for paragraphs (a) through (d) of subsection (3) of this section may be reallocated among said subsections by the superintendent of public instruction, subject to a ten percent (10%) maximum cumulative change in the allocated amounts.

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

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

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

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

(c) Moneys shall be expended or distributed for classroom technology that assists teachers in the effective and efficient delivery of instruction. At least ninety-seven percent (97%) of the moneys expended or distributed for this paragraph

shall be distributed to school districts, public charter schools and the Idaho school for the deaf and blind.

(d) Moneys shall be expended or distributed for professional development and training that promotes the effective use of technology by students, staff and parents, the integration of technology into public school curricula and instructional methods, and the development of plans at the school, district and statewide level for the improved use and integration of technology in learning. As part of this paragraph, the superintendent of public instruction shall convene a task force to study and develop plans for the implementation of online course requirements, including the issue of online summer and overload courses, and the provision and support of one-to-one mobile computing devices for students, including an examination of the experience of other states and school districts, beginning in the 2012-2013 school year, and other topics determined by the task force chairman. The superintendent of public instruction shall serve as the task force chairman, and shall appoint to the task force, at a minimum, four (4) school district superintendents, two (2) school district technology directors, two (2) secondary school principals, one (1) school district business manager, one (1) head of school of a public virtual charter school, one (1) head of school of a traditional public charter school serving at least grades 9-12, two (2) secondary school classroom teachers, one (1) private sector education technology expert who is neither employed by, represents, nor is an agent of any entity that provides online courses or mobile computing devices and three (3) representatives of the business community. In addition, the Idaho house of representatives and the Idaho senate shall each appoint two (2) members, and each of the following organizations shall appoint one (1) individual to the task force: Idaho education association, northwest professional educators, Idaho school boards association, Idaho association of school administrators, Idaho business coalition for education excellence, Idaho digital learning academy and the office of the governor. The superintendent shall report the findings, plans and recommendations of this task force, including any recommendations for changes to statute or rule, to the senate and house of representatives education committees by no later than January 31, 2012.

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

**SECTION 14.** 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 33-1626, Idaho Code, and to read as follows:

**33-1626. DUAL CREDIT FOR EARLY COMPLETERS.** Students completing all state high school graduation requirements, except the senior project, by no later than the start of the twelfth grade shall be eligible for up to thirty-six (36) postsecondary credits of dual credit courses during their twelfth grade year. Average daily attendance shall be counted as normal for such twelfth grade students for public school funding purposes. In addition, 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 exception of certain conditions and applications as specifically provided in this section.

(2) With the consent of the state board of education, a public postsecondary institution may petition to establish a public charter high school to the public charter school commission or to the local board of trustees. Any provision or reference to the public charter school commission found in chapter 52, title 33, Idaho Code, shall mean, for the purposes of this section, the state board of education.

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

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

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

**SECTION 18. SEVERABILITY.** The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

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



**COUNTY ELECTION OFFICE**

<b>Ada</b>	400 N Benjamin Ln, Ste 100 Boise, ID 83704	287-6860
<b>Adams</b>	PO Box 48, Council, ID 83612-0048	253-4561
<b>Bannock</b>	PO Box 6094, Pocatello, ID 83205-6094	236-7334
<b>Bear Lake</b>	PO Box 190, Paris, ID 83261-0190	945-2212
<b>Benewah</b>	701 W College Ave Ste 101, St Maries, ID 83861-1852	245-3212
<b>Bingham</b>	501 N Maple St #205, Blackfoot, ID 83221-1776	782-3164
<b>Blaine</b>	206 1st Ave South #200, Hailey, ID 83333-8429	788-5510
<b>Boise</b>	PO Box 1300, Idaho City, ID 83631-1300	392-4431
<b>Bonner</b>	1500 Hwy 2 Ste 336, Sandpoint, ID 83864-1794	255-3631
<b>Bonneville</b>	605 N Capital Ave, Idaho Falls, ID 83402-3582	529-1363
<b>Boundary</b>	PO Box 419, Bonners Ferry, ID 83805-0419	267-2242
<b>Butte</b>	PO Box 737, Arco, ID 83213-0737	527-3021
<b>Camas</b>	PO Box 430, Fairfield, ID 83327-0430	764-2242
<b>Canyon</b>	1102 E Chicago, Caldwell, ID 83605-3522	454-7563
<b>Caribou</b>	PO Box 775, Soda Springs, ID 83276-0775	547-4324
<b>Cassia</b>	1459 Overland Ave, Burley, ID 83318-1862	878-5240
<b>Clark</b>	PO Box 205, Dubois, ID 83423-0205	374-5304
<b>Clearwater</b>	PO Box 586, Orofino, ID 83544-0586	476-5615
<b>Custer</b>	PO Box 385, Challis, ID 83226-0385	879-2360
<b>Elmore</b>	150 S 4th E #3, Mountain Home, ID 83647-3000	587-2131
<b>Franklin</b>	39 W Oneida, Preston, ID 83263-1232	852-1090
<b>Fremont</b>	151 W 1st N #12, St Anthony, ID 83445-1548	624-7332
<b>Gem</b>	415 E Main, Room 202, Emmett, ID 83617-3096	365-4561
<b>Gooding</b>	PO Box 417, Gooding, ID 83330-0417	934-4841
<b>Idaho</b>	320 W Main Rm 5, Grangeville, ID 83530-1948	983-2751
<b>Jefferson</b>	210 Courthouse Way Ste 100, Rigby, ID 83442-5294	745-7756
<b>Jerome</b>	300 N Lincoln Rm 301, Jerome, ID 83338-2344	644-2714
<b>Kootenai</b>	PO Box 9000, Coeur d'Alene, ID 83816-9000	446-1030
<b>Latah</b>	PO Box 8068, Moscow, ID 83843-0568	883-2249
<b>Lemhi</b>	206 Courthouse Drive, Salmon, ID 83467-3900	756-2815
<b>Lewis</b>	510 Oak St Rm 1, Nezperce, ID 83543-5065	937-2661
<b>Lincoln</b>	111 West B St Ste C, Shoshone, ID 83352-5364	886-7641
<b>Madison</b>	PO Box 389, Rexburg, ID 83440-0389	359-6219
<b>Minidoka</b>	PO Box 368, Rupert, ID 83350-0368	436-9511
<b>Nez Perce</b>	PO Box 896, Lewiston, ID 83501-0896	799-3020
<b>Oneida</b>	10 Court Street, Malad, ID 83252-1200	766-4116
<b>Owyhee</b>	PO Box 128, Murphy, ID 83650-0128	495-2421
<b>Payette</b>	1130 3rd Ave N Rm 104, Payette, ID 83661-2473	642-6000
<b>Power</b>	543 Bannock Ave, American Falls, ID 83211-1200	226-7611
<b>Shoshone</b>	700 Bank Street #120, Wallace, ID 83873-2348	752-1264
<b>Teton</b>	150 Courthouse Dr. #208, Driggs, ID 83422	354-8780
<b>Twin Falls</b>	PO Box 126, Twin Falls, ID 83303-0126	736-4004
<b>Valley</b>	PO Box 1350, Cascade, ID 83611-1350	382-7100
<b>Washington</b>	PO Box 670, Weiser, ID 83672-0670	414-2092



**BEN YSURSA  
SECRETARY OF STATE  
BOISE, IDAHO 83720-0080**

PRESORTED STANDARD  
U.S. POSTAGE PAID  
PERMIT NO. 1  
BOISE, ID

---

#### **Political Parties**

***Idaho Democratic Party***

P.O. Box 445  
Boise, Idaho 83701  
Phone: (208) 336-1815  
or 800-542-4737  
Fax: (208) 336-1817  
Larry Grant, Chairman

***Idaho Republican Party***

P.O. Box 2267  
Boise, Idaho 83701  
Phone: (208) 343-6405  
Fax: (208) 343-6414  
Barry Peterson, Chairman

***Constitution Party***

P.O. Box 695  
Parma, ID 83660  
Phone: (208) 906-8299  
Paul Venable, Chairman

***Libertarian Party of Idaho***

1421 Dearborn St.  
Caldwell, ID 83605  
Phone: (208) 459-1032  
Rob Oates, Chairman

*The Secretary of State and the Idaho Commission for Libraries have partnered to provide this voter information in a format accessible to the visually impaired. An audio version of this pamphlet is available from the Talking Books Service (TBS) for TBS users or on the [idahovotes.gov](http://idahovotes.gov) website.*