

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 477, As Amended, As Amended in the Senate

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO ADVANCED OPPORTUNITIES; AMENDING CHAPTER 46, TITLE 33, IDAHO
2 CODE, BY THE ADDITION OF A NEW SECTION 33-4601A, IDAHO CODE, TO GRANT
3 RULEMAKING AUTHORITY; REPEALING SECTION 33-4605, IDAHO CODE, RELATING
4 TO RULEMAKING AUTHORITY; AMENDING CHAPTER 46, TITLE 33, IDAHO CODE, BY
5 THE ADDITION OF A NEW SECTION 33-4605, IDAHO CODE, TO PROVIDE FOR THE
6 POSTSECONDARY CREDIT SCHOLARSHIP AND RELATED PROVISIONS, TO PROVIDE
7 FUNDING FOR THE POSTSECONDARY CREDIT SCHOLARSHIP AND TO ESTABLISH RE-
8 PORTING REQUIREMENTS; AMENDING SECTION 33-1002, IDAHO CODE, TO REVISE
9 A CODE REFERENCE, TO REMOVE REFERENCE TO THE "8 IN 6 PROGRAM," TO MAKE
10 CODIFIER'S CORRECTIONS AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING
11 SECTION 33-1002, IDAHO CODE, AS AMENDED BY SECTION 2, CHAPTER 229, LAWS
12 OF 2015, TO REVISE A CODE REFERENCE, TO REMOVE REFERENCE TO THE "8 IN 6
13 PROGRAM," TO MAKE CODIFIER'S CORRECTIONS AND TO MAKE TECHNICAL CORREC-
14 TIONS.
15

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

17 SECTION 1. That Chapter 46, Title 33, Idaho Code, be, and the same is
18 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
19 ignated as Section 33-4601A, Idaho Code, and to read as follows:

20 33-4601A. RULEMAKING AUTHORITY. The state board of education may pro-
21 mulgate rules to implement the provisions of this chapter.

22 SECTION 2. That Section 33-4605, Idaho Code, be, and the same is hereby
23 repealed.

24 SECTION 3. That Chapter 46, Title 33, Idaho Code, be, and the same is
25 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
26 ignated as Section 33-4605, Idaho Code, and to read as follows:

27 33-4605. POSTSECONDARY CREDIT SCHOLARSHIP. (1) Subject to the provi-
28 sions of subsections (2), (3) and (4) of this section, beginning with the
29 spring 2016 graduating class:

30 (a) Any student who has earned at least ten (10) postsecondary semester
31 credits upon graduation from an accredited high school in Idaho, or its
32 equivalent, shall be entitled to a postsecondary credit scholarship in
33 the amount of two thousand dollars (\$2,000) that shall be used for tu-
34 ition and fees at any eligible institution.

35 (b) Any student who has earned at least twenty (20) postsecondary
36 semester credits upon graduation from an accredited high school in
37 Idaho, or its equivalent, shall be entitled to a postsecondary credit
38 scholarship in the amount of four thousand dollars (\$4,000) that shall
39 be used for tuition and fees at any eligible institution.

1 (c) Any student who has earned an associate degree from an accredited
2 institution upon graduation from an accredited high school in Idaho, or
3 its equivalent, shall be entitled to a postsecondary credit scholarship
4 in the amount of eight thousand dollars (\$8,000) that shall be used for
5 tuition and fees at any eligible institution.

6 (2) For subsection (1) (a) and (b) of this section, the award amount
7 shall be limited by the number of credits accepted by the eligible institu-
8 tion where the scholarship is to be applied. For subsection (1) (a) through
9 (c) of this section, the awards shall be annual awards and one-quarter (1/4)
10 of the scholarship amount shall be distributed in each semester of full-time
11 attendance until the total scholarship is expended or expires.

12 (3) In order to be eligible for a full postsecondary credit scholarship
13 set forth in subsection (1) of this section:

14 (a) The student must be awarded a postsecondary merit-based scholar-
15 ship in an amount at least equal to the postsecondary credit scholarship
16 amount awarded in the same school year, provided that the match funds
17 for each scholarship must come from a business or industry, or entities
18 representing business or industry, and may not be from a foundation
19 affiliated with the postsecondary institution or from appropriated or
20 nonappropriated funds of the postsecondary institution;

21 (b) The student must have graduated from an accredited high school in
22 Idaho, or its equivalent; and

23 (c) Except for the first semester in which the postsecondary credit
24 scholarship amount is distributed, in order to receive the scholarship
25 distribution in a given semester, the student must have successfully
26 passed at least twelve (12) credits during the immediately preceding
27 semester in which the scholarship was distributed.

28 (4) Eligible students will be awarded the postsecondary credit schol-
29 arship based on grade point average rank subject to annual legislative ap-
30 propriation.

31 (5) A student shall use the postsecondary credit scholarship within
32 four (4) years of his or her high school graduation date, at which time the
33 scholarship shall expire and may no longer be used.

34 (6) A student is entitled to only one (1) of the postsecondary credit
35 scholarships set forth in subsection (1) of this section.

36 (7) If a student has been awarded scholarships that pay for one hun-
37 dred percent (100%) of the cost of tuition and fees, then part or all of the
38 remaining postsecondary credit scholarship moneys may be used for room and
39 board at the discretion of the eligible institution where the student will
40 attend.

41 (8) This section shall be funded from the advanced opportunities
42 program within the educational support program. The state department of
43 education shall pass through to the office of the state board of education
44 the necessary amount for distribution not to exceed one million dollars
45 (\$1,000,000) in fiscal year 2017, and not to exceed two million dollars
46 (\$2,000,000) in fiscal year 2018, and every fiscal year thereafter.

47 (9) No later than January 15 of each year, the state board of education
48 shall report to the senate and the house of representatives education com-
49 mittees the number of scholarships awarded pursuant to this section during

1 the previous school year. The report shall include the total amount of mon-
2 eys distributed for the scholarships.

3 (10) For the purposes of this section, "eligible institution" has the
4 same meaning as provided in section 33-4303(2) (b), Idaho Code.

5 (11) As used in this section, "merit-based scholarship" means a schol-
6 arship in which academic achievement at the high school level is a minimum
7 eligibility requirement and awards are made based on the achievement of the
8 student.

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

11 33-1002. EDUCATIONAL SUPPORT PROGRAM. The educational support pro-
12 gram is calculated as follows:

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

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

18 (a) Pupil tuition-equivalency allowances as provided in section
19 33-1002B, Idaho Code;

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

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

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

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

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

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

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

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

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

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

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

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

46 (n) For advanced opportunities as provided for in ~~section 33-4602~~
47 chapter 46, title 33, Idaho Code;

48 ~~(o) For the "8 in 6 program" as provided for in section 33-4603, Idaho~~
49 ~~Code;~~

- 1 ~~(p)~~ For additional math and science courses for high school students as
- 2 provided in section 33-1021, Idaho Code;
- 3 ~~(q)~~ For leadership premiums as provided in section 33-1004J, Idaho
- 4 Code;
- 5 ~~(r)~~ For the support of provisions that provide a safe environment con-
- 6 ductive to student learning and maintain classroom discipline, an allo-
- 7 cation of three hundred dollars (\$300) per support unit;
- 8 ~~(s)~~ An amount specified in the appropriation bill for the public
- 9 schools educational support program for counseling support as provided
- 10 for in section 33-1212A, Idaho Code, shall be distributed, in full or
- 11 pro rata, based on one hundred twenty dollars (\$120) per first report-
- 12 ing period support unit for grades 8 through 12 or ten thousand dollars
- 13 (\$10,000), whichever is greater; and
- 14 ~~(t)~~ Any additional amounts as required by statute to effect adminis-
- 15 trative adjustments or as specifically required by the provisions of
- 16 any bill of appropriation; and
- 17 (t) For mastery-based education as provided for in section 33-1630,
- 18 Idaho Code;

19 to secure the total educational support distribution funds.

20 (3) Average Daily Attendance. The total state average daily attendance

21 shall be the sum of the average daily attendance of all of the school dis-

22 tricts of the state. The state board of education shall establish rules set-

23 ting forth the procedure to determine average daily attendance and the time

24 for, and method of, submission of such report. Average daily attendance cal-

25 culation shall be carried out to the nearest hundredth. Computation of av-

26 erage daily attendance shall also be governed by the provisions of section

27 33-1003A, Idaho Code.

28 (4) Support Units. The total state support units shall be determined

29 by using the tables set out hereafter called computation of kindergarten

30 support units, computation of elementary support units, computation of sec-

31 ondary support units, computation of exceptional education support units,

32 and computation of alternative school support units. The sum of all of the

33 total support units of all school districts of the state shall be the total

34 state support units.

35 COMPUTATION OF KINDERGARTEN SUPPORT UNITS

36 Average Daily		
37 Attendance	Attendance Divisor	Units Allowed
38 41 or more....	40.....	1 or more as computed
39 31 - 40.99 ADA....	-.....	1
40 26 - 30.99 ADA....	-.....	.85
41 21 - 25.99 ADA....	-.....	.75
42 16 - 20.99 ADA....	-.....	.6
43 8 - 15.99 ADA....	-.....	.5
44 1 - 7.99 ADA....	-.....	count as elementary

1	4 - 7.99.....	- .....	.5
2	1 - 3.99.....	- .....	.25

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

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

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

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

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

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

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

10 (iii) The total number of support units of the district shall be
 11 the sum of the total support units for regular students, subpara-
 12 graph (i) of this paragraph, and the support units allowance for
 13 the approved exceptional child program, subparagraph (ii) of this
 14 paragraph.

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

21 (c) District Share. The district's share of state apportionment is the
 22 amount of the total district allowance, paragraph (b) of this subsec-
 23 tion.

24 (d) Adjustment of District Share. The contract salary of every noncer-
 25 tificated teacher shall be subtracted from the district's share as cal-
 26 culated from the provisions of paragraph (c) of this subsection.

27 (7) Property Tax Computation Ratio. In order to receive state funds
 28 pursuant to this section, a charter district shall utilize a school mainte-
 29 nance and operation property tax computation ratio for the purpose of calcu-
 30 lating its maintenance and operation levy that is no greater than that which
 31 it utilized in tax year 1994, less four-tenths of one percent (.4%). As used
 32 herein, the term "property tax computation ratio" shall mean a ratio deter-
 33 mined by dividing the district's certified property tax maintenance and op-
 34 eration budget by the actual or adjusted market value for assessment pur-
 35 poses as such values existed on December 31, 1993. Such maintenance and op-
 36 eration levy shall be based on the property tax computation ratio multiplied
 37 by the actual or adjusted market value for assessment purposes as such values
 38 existed on December 31 of the prior calendar year.

39 SECTION 5. That Section 33-1002, Idaho Code, as amended by Section 2,
 40 Chapter 229, Laws of 2015, be, and the same is hereby amended to read as fol-
 41 lows:

42 33-1002. EDUCATIONAL SUPPORT PROGRAM. The educational support pro-
 43 gram is calculated as follows:

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

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

- 1 (a) Pupil tuition-equivalency allowances as provided in section
2 33-1002B, Idaho Code;
- 3 (b) Transportation support program as provided in section 33-1006,
4 Idaho Code;
- 5 (c) Feasibility studies allowance as provided in section 33-1007A,
6 Idaho Code;
- 7 (d) The approved costs for border district allowance, provided in sec-
8 tion 33-1403, Idaho Code, as determined by the state superintendent of
9 public instruction;
- 10 (e) The approved costs for exceptional child approved contract al-
11 lowance, provided in subsection 2. of section 33-2004, Idaho Code, as
12 determined by the state superintendent of public instruction;
- 13 (f) Certain expectant and delivered mothers allowance as provided in
14 section 33-2006, Idaho Code;
- 15 (g) Salary-based apportionment calculated as provided in sections
16 33-1004 through 33-1004F, Idaho Code;
- 17 (h) Unemployment insurance benefit payments according to the provi-
18 sions of section 72-1349A, Idaho Code;
- 19 (i) For expenditure as provided by the public school technology pro-
20 gram;
- 21 (j) For employee severance payments as provided in section 33-521,
22 Idaho Code;
- 23 (k) For distributions to the Idaho digital learning academy as provided
24 in section 33-1020, Idaho Code;
- 25 (l) For charter school facilities funds and reimbursements paid pur-
26 suant to section 33-5208(5), Idaho Code;
- 27 (m) For an online course portal as provided for in section 33-1024,
28 Idaho Code;
- 29 (n) For advanced opportunities as provided for in ~~section 33-4602~~
30 chapter 46, title 33, Idaho Code;
- 31 ~~(o) For the "8 in 6 program" as provided for in section 33-4603, Idaho~~
32 ~~Code;~~
- 33 ~~(p)~~ For additional math and science courses for high school students as
34 provided in section 33-1021, Idaho Code;
- 35 ~~(q)~~ For leadership premiums as provided in section 33-1004J, Idaho
36 Code;
- 37 ~~(r)~~ For master teacher premiums as provided in section 33-1004I, Idaho
38 Code;
- 39 (r) For the support of provisions that provide a safe environment con-
40 ductive to student learning and maintain classroom discipline, an allo-
41 cation of three hundred dollars (\$300) per support unit;
- 42 (s) An amount specified in the appropriation bill for the public
43 schools educational support program for counseling support as provided
44 for in section 33-1212A, Idaho Code, shall be distributed, in full or
45 pro rata, based on one hundred twenty dollars (\$120) per first report-
46 ing period support unit for grades 8 through 12 or ten thousand dollars
47 (\$10,000), whichever is greater; ~~and~~
- 48 (t) Any additional amounts as required by statute to effect administra-
49 tive adjustments or as specifically required by the provisions of any
50 bill of appropriation; and

1	16.6 to 33.5 ADA...	12	1.4
2	1.0 to 16.5 ADA...	n/a	1.0

3 COMPUTATION OF SECONDARY SUPPORT UNITS

4	Average Daily		Minimum Units
5	Attendance	Attendance Divisor	Allowed
6	750 or more....	18.5	47
7	400 - 749.99 ADA....	16	28
8	300 - 399.99 ADA....	14.5	22
9	200 - 299.99 ADA....	13.5	17
10	100 - 199.99 ADA....	12	9
11	99.99 or fewer	Units allowed as follows:	
12	Grades 7-12	.....	8
13	Grades 9-12	.....	6
14	Grades 7- 9	.....	1 per 14 ADA
15	Grades 7- 8	.....	1 per 16 ADA

16 COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

17	Average Daily		Minimum Units
18	Attendance	Attendance Divisor	Allowed
19	14 or more....	14.5	1 or more as computed
20			
21	12 - 13.99....	-	1
22	8 - 11.99....	- .....	.75
23	4 - 7.99....	- .....	.5
24	1 - 3.99....	- .....	.25

25 COMPUTATION OF ALTERNATIVE SCHOOL SUPPORT UNITS

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

28	Pupils in Attendance	Attendance Divisor	Minimum Units
29			Allowed
30	12 or more.....	12	1 or more as computed
31			

32 In applying these tables to any given separate attendance unit, no
33 school district shall receive less total money than it would receive if it
34 had a lesser average daily attendance in such separate attendance unit. In
35 applying the kindergarten table to a kindergarten program of less fewer days
36 than a full school year, the support unit allowance shall be in ratio to the
37 number of days of a full school year. The attendance of students attending
38 an alternative school in a school district reporting less fewer than one
39 hundred (100) secondary students in average daily attendance shall not be

1 assigned to the alternative table if the student is from a school district
2 reporting ~~less~~ fewer than one hundred (100) secondary students in average
3 daily attendance, but shall instead be assigned to the secondary table of the
4 school district in which they are attending the alternative school, unless
5 the alternative school in question serves students from multiple districts
6 reporting ~~less~~ fewer than one hundred (100) secondary students in average
7 daily attendance. The tables for exceptional education and alternative
8 school support units shall be applicable only for programs approved by the
9 state department of education following rules established by the state board
10 of education. Moneys generated from computation of support units for alter-
11 native schools shall be utilized for alternative school programs. School
12 district administrative and facility costs may be included as part of the
13 alternative school expenditures.

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

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

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

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

39 (iii) The total number of support units of the district shall be
40 the sum of the total support units for regular students, subpara-
41 graph (i) of this ~~sub~~paragraph, and the support units allowance
42 for the approved exceptional child program, subparagraph (ii) of
43 this ~~sub~~paragraph.

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

1 (c) District Share. The district's share of state apportionment is the
2 amount of the total district allowance, paragraph (b) of this subsec-
3 tion.

4 (d) Adjustment of District Share. The contract salary of every noncer-
5 tificated teacher shall be subtracted from the district's share as cal-
6 culated from the provisions of paragraph (c) of this subsection.

7 (7) Property Tax Computation Ratio. In order to receive state funds
8 pursuant to this section, a charter district shall utilize a school mainte-
9 nance and operation property tax computation ratio for the purpose of calcu-
10 lating its maintenance and operation levy that is no greater than that which
11 it utilized in tax year 1994, less four-tenths of one percent (.4%). As used
12 herein, the term "property tax computation ratio" shall mean a ratio deter-
13 mined by dividing the district's certified property tax maintenance and op-
14 eration budget by the actual or adjusted market value for assessment pur-
15 poses as such values existed on December 31, 1993. Such maintenance and op-
16 eration levy shall be based on the property tax computation ratio multiplied
17 by the actual or adjusted market value for assessment purposes as such values
18 existed on December 31 of the prior calendar year.