IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 331

BY EDUCATION COMMITTEE

1   AN ACT
2 RELATING TO PUBLIC SCHOOLS; PROVIDING LEGISLATIVE INTENT; AMENDING SECTION
3   33-1002, IDAHO CODE, TO REVISE PROVISIONS REGARDING COMPUTATION OF
4   KINDERGARTEN SUPPORT UNITS AND TO PROVIDE A CORRECT CODE REFERENCE; AND
5   AMENDING SECTION 33-1027, IDAHO CODE, TO REVISE PROVISIONS REGARDING
6   STUDENT ENROLLMENT COUNTS.

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

8   SECTION 1. LEGISLATIVE INTENT. Whereas continued reliance by school
9 districts on supplemental levies to pay for optional full-day kindergarten
10 opportunities has put increasing financial pressure on property taxpayers
11 statewide, it is the intent of the Legislature to eliminate the need for
12 school district reliance on supplemental levies to pay for optional full-day
13 kindergarten. School districts should use the additional moneys provided
14 pursuant to this act to reduce existing supplemental levies specific to op-
15 tional full-day kindergarten up to the value of additional moneys received.

16   SECTION 2. That Section 33-1002, Idaho Code, be, and the same is hereby
17 amended to read as follows:

18   33-1002. EDUCATIONAL SUPPORT PROGRAM. The educational support pro-
19 gram is calculated as follows:
20   (1) State Educational Support Funds. Add the state appropriation, in-
21 cluding the moneys available in the public school income fund, together with
22 all miscellaneous revenues to determine the total state funds.
23   (2) From the total state funds subtract the following amounts needed
24 for state support of special programs provided by a school district:
25   (a) Pupil tuition-equivalency allowances as provided in section
26   33-1002B, Idaho Code;
27   (b) Transportation support program as provided in section 33-1006,
28   Idaho Code;
29   (c) Feasibility studies allowance as provided in section 33-1007A,
30   Idaho Code;
31   (d) The approved costs for border district allowance, provided in sec-
32   tion 33-1403, Idaho Code, as determined by the state superintendent of
33   public instruction;
34   (e) The approved costs for exceptional child approved contract al-
35   lowance, provided in subsection 2. of section 33-2004, Idaho Code, as
36   determined by the state superintendent of public instruction;
37   (f) Salary-based apportionment calculated as provided in sections
38   33-1004 through 33-1004F, Idaho Code;
39   (g) Unemployment insurance benefit payments according to the provi-
40   sions of section 72-1349A, Idaho Code;

1 (h) For expenditure as provided by the public school technology pro-
2 gram;
3 (i) For employee severance payments as provided in section 33-521,
4 Idaho Code;
5 (j) For distributions to the Idaho digital learning academy as provided
6 in section 33-1020, Idaho Code;
7 (k) For charter school facilities funds and reimbursements paid pur-
8 suant to section 33-5208(5), Idaho Code;
9 (l) For an online course portal as provided for in section 33-1024,
10 Idaho Code;
11 (m) For advanced opportunities as provided for in chapter 46, title 33,
12 Idaho Code;
13 (n) For additional math and science courses for high school students as
14 provided in section 33-1021, Idaho Code;
15 (o) For leadership premiums as provided in section 33-1004J, Idaho
16 Code;
17 (p) For master teacher premiums as provided in section 33-1004I, Idaho
18 Code;
19 (q) For the support of provisions that provide a safe environment con-
20 ducive to student learning and maintain classroom discipline, an allo-
21 cation of three hundred dollars ($300) per support unit;
22 (r) An amount specified in the appropriation bill for the public
23 schools educational support program for counseling support as provided
24 for in section 33-1212A, Idaho Code, shall be distributed for grades 8
25 through 12 as follows:
26 (i) For school districts and public charter schools with one hun-
27 dred (100) or more students enrolled in grades 8 through 12, a pro
28 rata distribution based on students enrolled in grades 8 through
29 12 or eighteen thousand dollars ($18,000), whichever is greater;
30 (ii) For school districts and public charter schools with fewer
31 than one hundred (100) students enrolled in grades 8 through 12,
32 one hundred eighty dollars ($180) per student enrolled in grades
33 8 through 12 or nine thousand dollars ($9,000), whichever is
34 greater;
35 (s) An amount specified in the public schools educational support pro-
36 gram appropriation bill for literacy intervention pursuant to section
37 33-1616, Idaho Code, the disbursements made to the school districts
38 and public charter schools in the aggregate shall not exceed the total
39 amount appropriated for this purpose and shall be based on the actual
40 costs of such intervention programs. School districts and public char-
41 ter schools shall be reimbursed in full or in pro rata based on the
42 average number of students in kindergarten through grade 3 who score ba-
43 sic or below basic on the fall statewide reading assessment in the prior
44 three (3) years;
45 (t) For mastery-based education as provided for in section 33-1630̶2,
46 Idaho Code;
47 (u) For pay for success contracting as provided in section 33-125B,
48 Idaho Code; and

(v) Any additional amounts as required by statute to effect administra-
tive 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 dis-
tricts of the state. The state board of education shall establish rules set-
ting forth the procedure to determine average daily attendance and the time
for, and method of, submission of such report. Average daily attendance cal-
culation shall be carried out to the nearest hundredth. Computation of av-
erage 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 sec-
ondary support units, computation of exceptional education support units,
and computation of alternative school support units. The sum of all of the
total support units of all school districts of the state shall be the total
state support units.

COMPUTATION OF KINDERGARTEN SUPPORT UNITS

Average Daily Attendance	Attendance Divisor	Minimum Units Allowed
4~~1~~0 or more....	4~~2~~0......................	~~12~~ or more as computed
3~~1~~0 – ~~40~~39.99 ADA....	~~-~~20......................	1.75
2~~6~~0 – ~~30~~29.99 ADA....	~~-~~20......................	1.~~8~~5
2~~1~~0 – ~~25~~19.99 ADA....	~~-~~20......................	.75
16 – ~~20~~9.99 ADA....	~~-~~......................	~~.6~~ count as elementary
~~8 – 15.99 ADA....~~	~~-~~......................	~~.5~~
~~1 – 7.99 ADA....~~	~~-~~......................	~~count as elementary~~

COMPUTATION OF ELEMENTARY SUPPORT UNITS

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

Average Daily Attendance	Attendance Divisor	Minimum Units Allowed
33.6 to 51.6 ADA...	13................................ 2.8	
16.6 to 33.5 ADA...	12................................ 1.4	
1.0 to 16.5 ADA...	n/a.............................. 1.0	

COMPUTATION OF SECONDARY SUPPORT UNITS

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

COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

Average Daily Attendance	Attendance Divisor	Minimum Units Allowed
14 or more....	14.5..............................1 or more as computed	
12 – 13.99....	–..................................1	
8 – 11.99....	–..................................75	
4 – 7.99....	–..................................5	
1 – 3.99....	–..................................25	

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

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

In applying these tables to any given separate attendance unit, no school district shall receive less total money than it would receive if it had a lesser average daily attendance in such separate attendance unit. In applying the kindergarten table to a kindergarten program of fewer days than a full school year, the support unit allowance shall be in ratio to the

1 number of days of a full school year. The attendance of students attending
2 an alternative school in a school district reporting fewer than one hundred
3 (100) secondary students in average daily attendance shall not be assigned
4 to the alternative table if the student is from a school district reporting
5 fewer than one hundred (100) secondary students in average daily attendance,
6 but shall instead be assigned to the secondary table of the school district
7 in which they are attending the alternative school, unless the alternative
8 school in question serves students from multiple districts reporting fewer
9 than one hundred (100) secondary students in average daily attendance. The
10 tables for exceptional education and alternative school support units shall
11 be applicable only for programs approved by the state department of educa-
12 tion following rules established by the state board of education. Moneys
13 generated from computation of support units for alternative schools shall be
14 utilized for alternative school programs. School district administrative
15 and facility costs may be included as part of the alternative school expen-
16 ditures.
17 (5) State Distribution Factor per Support Unit. Divide educational
18 support program distribution funds, after subtracting the amounts necessary
19 to pay the obligations specified in subsection (2) of this section, by the
20 total state support units to secure the state distribution factor per sup-
21 port unit.
22 (6) District Support Units. The number of support units for each school
23 district in the state shall be determined as follows:
24 (a) (i) Divide the actual average daily attendance, excluding stu-
25 dents approved for inclusion in the exceptional child educational
26 program, for the administrative schools and each of the separate
27 schools and attendance units by the appropriate divisor from the
28 tables of support units in this section, then add the quotients
29 to obtain the district's support units allowance for regular stu-
30 dents, kindergarten through grade 12 including alternative school
31 students. Calculations in application of this subsection shall be
32 carried out to the nearest hundredth.
33 (ii) Divide the combined totals of the average daily attendance
34 of all preschool, kindergarten, elementary, secondary, juvenile
35 detention center students and students with disabilities approved
36 for inclusion in the exceptional child program of the district by
37 the appropriate divisor from the table for computation of excep-
38 tional education support units to obtain the number of support
39 units allowed for the district's approved exceptional child pro-
40 gram. Calculations for this subsection shall be carried out to the
41 nearest hundredth when more than one (1) unit is allowed.
42 (iii) The total number of support units of the district shall be
43 the sum of the total support units for regular students, subpara-
44 graph (i) of this paragraph, and the support units allowance for
45 the approved exceptional child program, subparagraph (ii) of this
46 paragraph.
47 (b) Total District Allowance Educational Program. Multiply the dis-
48 trict's total number of support units, carried out to the nearest hun-
49 dredth, by the state distribution factor per support unit and to this
50 product add the approved amount of programs of the district provided in

1 subsection (2) of this section to secure the district's total allowance
2 for the educational support program.
3 (c) District Share. The district's share of state apportionment is the
4 amount of the total district allowance, paragraph (b) of this subsec-
5 tion.
6 (d) Adjustment of District Share. The contract salary of every noncer-
7 tificated teacher shall be subtracted from the district's share as cal-
8 culated from the provisions of paragraph (c) of this subsection.
9 (7) Property Tax Computation Ratio. In order to receive state funds
10 pursuant to this section, a charter district shall utilize a school mainte-
11 nance and operation property tax computation ratio for the purpose of calcu-
12 lating its maintenance and operation levy that is no greater than that which
13 it utilized in tax year 1994, less four-tenths of one percent (.4%). As used
14 herein, the term "property tax computation ratio" shall mean a ratio deter-
15 mined by dividing the district's certified property tax maintenance and op-
16 eration budget by the actual or adjusted market value for assessment pur-
17 poses as such values existed on December 31, 1993. Such maintenance and op-
18 eration levy shall be based on the property tax computation ratio multiplied
19 by the actual or adjusted market value for assessment purposes as such values
20 existed on December 31 of the prior calendar year.

21 SECTION 3. That Section 33-1027, Idaho Code, be, and the same is hereby
22 amended to read as follows:

23 33-1027. STUDENT ENROLLMENT COUNTS AND RULEMAKING. The state board of
24 education shall promulgate rules that set forth the procedures for determin-
25 ing student enrollment counts by school, school district, and statewide, and
26 the process for reporting such counts. Such rules shall be consistent with
27 the following:
28 (1) Full-time enrollment (FTE) shall be based on enrollment in any
29 school district or public charter school;
30 (2) A student, including a kindergarten student in a full-day kinder-
31 garten program, shall not exceed a total of one (1.0) unweighted FTE in a sin-
32 gle school year, except as provided in subsection (4) of this section;
33 (3) A kindergarten student in a half-day kindergarten program shall not
34 exceed a total of one-half (0.5) unweighted enrollment in a single school
35 year;
36 (4) A student attending a summer school or night school program shall
37 not exceed a total of one-fourth (0.25) unweighted enrollment. Such student
38 may be counted pursuant to both this subsection and subsection (2) of this
39 section;
40 (5) A fractional enrollment count schedule shall be specified for any
41 student enrolled less than one (1.0) FTE in a given school district or public
42 charter school;
43 (6) FTE is based on the courses a student is enrolled in at the time of
44 the official count, as specified in board rule, except that a student may be
45 counted as enrolled if the term for which such student is enrolled begins af-
46 ter the time of the official count;
47 (7) Each school district or public charter school shall conduct an of-
48 ficial count of enrolled students in the district or school on the first day
49 of October, the first day of December, the first day of February, and the

1   first day of April, or the previous school day if those dates do not fall on
2   a school day; and
3   (8) A school district or public charter school may not count as enrolled
4   any student who has unexcused absences totaling eleven (11) or more consecu-
5   tive school days immediately prior to and including the official count date.