

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 356

BY APPROPRIATIONS COMMITTEE

AN ACT

1 RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT
2 PROGRAM'S DIVISION OF CHILDREN'S PROGRAMS; PROVIDING FOR EXPENDI-
3 TURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF
4 CHILDREN'S PROGRAMS FOR FISCAL YEAR 2022; APPROPRIATING GENERAL FUND
5 MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING
6 MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION
7 OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2022; PROVIDING REQUIREMENTS
8 REGARDING THE IDAHO DIGITAL LEARNING ACADEMY; DIRECTING THE USE OF TO-
9 BACCO, CIGARETTE, AND LOTTERY INCOME TAX MONEYS; DIRECTING THE USE OF
10 APPROPRIATION FOR REMEDIATION; DIRECTING THE USE OF APPROPRIATION FOR
11 ENGLISH PROFICIENCY PROGRAMS; DIRECTING THE DEPARTMENT OF EDUCATION TO
12 COMPILE INFORMATION ON ADVANCED OPPORTUNITIES; PROVIDING A TRANSFER
13 TO THE COMMISSION ON HISPANIC AFFAIRS; PROVIDING A TRANSFER TO IDAHO
14 STATE POLICE; DEFINING "DISTRIBUTED"; PROVIDING REQUIREMENTS FOR K-4
15 LEARNING LOSS; PROVIDING REQUIREMENTS FOR K-12 LEARNING LOSS; APPRO-
16 PRIATING ADDITIONAL MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT
17 PROGRAM'S DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2021; PROVID-
18 ING REQUIREMENTS FOR K-4 LEARNING LOSS FOR FISCAL YEAR 2021; PROVIDING
19 REQUIREMENTS FOR K-12 LEARNING LOSS FOR FISCAL YEAR 2021; PROVIDING
20 CLARIFICATION ON THE DISTRIBUTION OF LEARNING LOSS FUNDS; AND DECLARING
21 AN EMERGENCY.
22

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

24 SECTION 1. The following amounts shall be expended for the Public
25 Schools Educational Support Program's Division of Children's Programs for
26 the period July 1, 2021, through June 30, 2022:

27 FROM:

28 General Fund	\$88,810,300
29 Cigarette, Tobacco, and Lottery Income Taxes	4,024,900
30 Federal COVID-19 Relief Fund	215,144,500
31 Federal Grant Fund	<u>239,000,000</u>
32 TOTAL	\$546,979,700

33 SECTION 2. There is hereby appropriated the following amount to be
34 transferred to the Public School Income Fund for the period July 1, 2021,
35 through June 30, 2022:

36 FROM:

37 General Fund	\$88,810,300
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1 SECTION 3. There is hereby appropriated to the Public Schools Edu-
 2 cational Support Program's Division of Children's Programs the following
 3 amounts to be expended from the listed funds for the period July 1, 2021,
 4 through June 30, 2022:

5 FROM:

6 Public School Income Fund	\$92,835,200
7 Federal COVID-19 Relief Fund	215,144,500
8 Federal Grant Fund	<u>239,000,000</u>
9 TOTAL	\$546,979,700

10 SECTION 4. IDAHO DIGITAL LEARNING ACADEMY. The Idaho Digital Learning
 11 Academy (IDLA), created pursuant to Chapter 55, Title 33, Idaho Code, shall
 12 utilize state-appropriated funds for the period July 1, 2021, through June
 13 30, 2022, to achieve the following:

14 (1) Tuition charged by IDLA to Idaho school districts and charter
 15 schools shall not exceed \$75.00 per enrollment.

16 (2) Provide remedial coursework for students failing to achieve profi-
 17 ciency in one (1) or more areas of Idaho's standards-based tests.

18 (3) Pursuant to State Board of Education rule, IDAPA 08.02.03, provide
 19 advanced learning opportunities for students.

20 (4) Pursuant to State Board of Education rule, IDAPA 08.02.03, work
 21 with institutions of higher education to provide dual credit coursework.

22 The preceding list shall not be construed as excluding other instruction and
 23 training that may be provided by the Idaho Digital Learning Academy.

24 SECTION 5. TOBACCO, CIGARETTE, AND LOTTERY DISTRIBUTION. Notwith-
 25 standing the provisions of any law to the contrary, of the moneys appro-
 26 priated in Section 3 of this act, up to \$4,024,900 from available tobacco,
 27 cigarette, and lottery income tax revenue funds accruing, appropriated, or
 28 distributed to the Public School Income Fund pursuant to Sections 63-2506,
 29 63-2552A, and 63-3067, Idaho Code, for the period July 1, 2021, through
 30 June 30, 2022, shall be distributed to school districts and charter schools
 31 through a combination of a base amount of \$2,000 plus a prorated amount based
 32 on the prior year's average daily attendance. Such funds shall be used to
 33 develop and implement school safety improvements and/or to facilitate and
 34 provide substance abuse prevention programs in the public school system.

35 SECTION 6. REMEDIAL COURSEWORK. Of the moneys appropriated in Section
 36 3 of this act, \$4,715,000 shall be distributed for remedial coursework for
 37 students failing to achieve proficiency on Idaho's standards-based achieve-
 38 ment tests in dollar amounts determined by the Department of Education. The
 39 Department of Education shall report to the Joint Finance-Appropriations
 40 Committee and the Senate and House education committees by no later than
 41 January 15, 2022, on the uses of funds and effectiveness of the programs and
 42 efforts.

43 SECTION 7. ENGLISH PROFICIENCY. Pursuant to Section 33-1617, Idaho
 44 Code, of the moneys appropriated in Section 3 of this act, \$4,820,000 shall

1 be distributed for support of students in English language learner programs,
2 as follows:

3 (1) The Department of Education shall distribute \$4,370,000 to school
4 districts and charter schools pro rata, based on the population of English
5 language learners under criteria established by the department.

6 (2) The Department of Education shall distribute \$450,000 for a compet-
7 itive grant program to assist school districts and charter schools in which
8 English language learners are not reaching statewide accountability interim
9 targets or long-term goals, as defined by federal law. This amount shall be
10 distributed annually in three-year grant cycles, contingent on appropria-
11 tion and the ability of grantees to meet program objectives.

12 (3) The Department of Education shall develop the program elements and
13 objectives governing the use of these funds and include a program evaluation
14 component.

15 The purpose of these funds is to improve student English language skills to
16 allow for better access to the educational opportunities offered in public
17 schools. The Department of Education shall report to the Joint Finance-App-
18 propriations Committee and the Senate and House education committees by no
19 later than January 15, 2022, on the program design, uses of funds, and pro-
20 gram effectiveness.

21 SECTION 8. ADVANCED OPPORTUNITIES COURSES AND PROGRAM EVALUATION. The
22 Department of Education shall compile information concerning the numbers of
23 students enrolling in advanced opportunities courses according to the pro-
24 visions of Chapter 46, Title 33, Idaho Code, whether coursework is success-
25 fully completed, and total expenditures for fiscal year 2022. As nearly as
26 possible, the report shall contain information about enrollment of this stu-
27 dent population in post-high school education. A report containing such in-
28 formation shall be posted on the website of the Department of Education no
29 later than December 31, 2021.

30 SECTION 9. PUBLIC SCHOOL INCOME FUND TRANSFER TO COMMISSION ON HISPANIC
31 AFFAIRS. There is hereby appropriated and the Office of the State Controller
32 shall transfer in accordance with Section 63-2552A(3), Idaho Code, on July
33 1, 2021, or as soon thereafter as practicable, \$80,000 from the Public School
34 Income Fund to the Commission on Hispanic Affairs Miscellaneous Revenue Fund
35 to be used for substance abuse prevention efforts in collaboration with the
36 Department of Education.

37 SECTION 10. PUBLIC SCHOOL INCOME FUND TRANSFER TO IDAHO STATE POLICE.
38 There is hereby appropriated and the Office of the State Controller shall
39 transfer in accordance with Section 63-2552A(3), Idaho Code, on July 1,
40 2021, or as soon thereafter as practicable, \$200,000 from the Public School
41 Income Fund to the Idaho State Police Miscellaneous Revenue Fund for the
42 purpose of increasing toxicology lab capacity in Forensic Services.

43 SECTION 11. DEFINITION. For the purposes of this act, "distributed"
44 means moneys that are transferred to school districts, public charter
45 schools, and the Idaho Digital Learning Academy, with no funds withheld for
46 any other contract or administrative costs.

1 SECTION 12. COVID-19 K-4 LEARNING LOSS. Of the amount appropriated
2 in Section 3 of this act from the Federal COVID-19 Relief Fund, up to
3 \$15,000,000 shall be distributed for summer reading programs for students
4 in grades K-4 with funding to be distributed based on the number of students
5 that scored below basic on the most recent Idaho Reading Indicator (IRI) or
6 comparable assessment. Moneys per student and associated formulas shall be
7 determined by the Department of Education. Moneys subject to this section
8 shall be allocated and distributed to school districts and public charter
9 schools on behalf of students for remediation and credit recovery. Services
10 may be delivered directly by school districts, public charter schools, or
11 through any statewide or locally approved contracts. This funding shall
12 be used for addressing credit recovery, learning loss, tutoring, or other
13 comparable services and shall be made available to students during normal
14 school hours or outside normal school hours and the school year. Each school
15 district and public charter school shall identify the most effective methods
16 to address any COVID-19 pandemic learning loss. School districts and pub-
17 lic charter schools are encouraged to maximize these funds to provide the
18 most services for students. The Department of Education shall work with the
19 State Board of Education to address any concerns related to the use of these
20 moneys. If moneys provided in this section are in excess of actual needs,
21 any remaining moneys may be used to address the learning loss for students in
22 reading and math for any other grade from K-12. The Department of Education
23 shall report to the State Board of Education and the Joint Finance-Appropri-
24 ations Committee by no later than September 15, 2021, and provide a second
25 report no later than December 31, 2021, on the uses of funds and effective-
26 ness of the programs and efforts.

27 SECTION 13. COVID-19 K-12 LEARNING LOSS. Of the amount appropriated in
28 Section 3 of this act from the Federal COVID-19 Relief Fund, up to \$5,000,000
29 shall be distributed for any subject impacted by the COVID-19 pandemic in
30 grades K-12 with funding to be distributed to school districts and public
31 charter schools from formulas determined by the Department of Education.
32 All formulas are to be based on the various assessment scores when possible.
33 Moneys subject to this section shall be allocated and distributed to school
34 districts and public charter schools on behalf of students for remediation
35 and credit recovery. Services may be delivered directly by school districts
36 or public charter schools or through any statewide or locally approved con-
37 tracts. This funding shall be used for addressing credit recovery, learning
38 loss, tutoring, or other comparable services and shall be made available to
39 students during normal school hours or outside normal school hours and the
40 school year. Each school district and public charter school shall identify
41 the most effective methods to address any COVID-19 pandemic learning loss.
42 School districts and public charter schools are encouraged to maximize these
43 funds to provide the most services for students. The Department of Education
44 shall work with the State Board of Education to address any concerns related
45 to the use of these moneys. The Department of Education shall report to the
46 State Board of Education and the Joint Finance-Appropriations Committee by
47 no later than September 15, 2021, and provide a second report no later than
48 December 31, 2021, on the uses of funds and effectiveness of the programs and
49 efforts.

1 SECTION 14. In addition to the appropriation made in Section 3, Chap-
2 ter 301, Laws of 2020, and any other appropriation provided by law, there is
3 hereby appropriated to the Public Schools Educational Support Program's Di-
4 vision of Children's Programs \$114,091,200 from the Federal COVID-19 Relief
5 Fund for the period July 1, 2020, through June 30, 2021.

6 SECTION 15. FISCAL YEAR 2021 COVID-19 K-4 LEARNING LOSS. Of the amount
7 appropriated in Section 14 of this act from the Federal COVID-19 Relief Fund,
8 \$5,000,000 shall be distributed for summer reading programs for students in
9 grades K-4 with funding to be distributed based on the number of students
10 that scored below basic on the most recent Idaho Reading Indicator (IRI) or
11 comparable assessment. Moneys per student and associated formulas shall be
12 determined by the Department of Education. Moneys subject to this section
13 shall be allocated and distributed to school districts and public charter
14 schools on behalf of students for remediation and credit recovery. Services
15 may be delivered directly by school districts or public charter schools or
16 through any statewide or locally approved contracts. This funding shall
17 be used for addressing credit recovery, learning loss, tutoring, or other
18 comparable services and shall be made available to students during normal
19 school hours or outside normal school hours and the school year. Each school
20 district and public charter school shall identify the most effective methods
21 to address any COVID-19 pandemic learning loss. School districts and pub-
22 lic charter schools are encouraged to maximize these funds to provide the
23 most services for students. The Department of Education shall work with the
24 State Board of Education to address any concerns related to the use of these
25 moneys. If moneys provided in this section are in excess of actual needs,
26 any remaining moneys may be used to address the learning loss for students in
27 reading and math for any other grade from K-12.

28 SECTION 16. FISCAL YEAR 2021 COVID-19 K-12 LEARNING LOSS. Of the amount
29 appropriated in Section 14 of this act from the Federal COVID-19 Relief Fund,
30 \$5,000,000 shall be distributed for any subject impacted by the COVID-19
31 pandemic in grades K-12 with funding to be distributed to school districts
32 and charter schools from formulas determined by the Department of Education.
33 All formulas are to be based on the various assessment scores when possible.
34 Moneys subject to this section shall be allocated and distributed to school
35 districts and public charter schools on behalf of students for remediation
36 and credit recovery. Services may be delivered directly by school districts
37 or public charter schools or through any statewide or locally approved con-
38 tracts. This funding shall be used for addressing credit recovery, learning
39 loss, tutoring, or other comparable services and shall be made available to
40 students during normal school hours or outside normal school hours and the
41 school year. Each school district and public charter school shall identify
42 the most effective methods to address any COVID-19 pandemic learning loss.
43 School districts and public charter schools are encouraged to maximize these
44 funds to provide the most services for students. The Department of Education
45 shall work with the State Board of Education to address any concerns related
46 to the use of these moneys.

1 SECTION 17. LEARNING LOSS FUNDING DISTRIBUTION. Of the moneys appro-
2 priated in Sections 3 and 14 of this act from the Federal COVID-19 Relief
3 Fund, and for directed uses in Sections 12, 13, 15, and 16 of this act, no more
4 than \$20,000,000 in total shall be distributed to school districts and char-
5 ter schools in fiscal year 2021 and fiscal year 2022.

6 SECTION 18. An emergency existing therefor, which emergency is hereby
7 declared to exist, Sections 14, 15, 16, and 17 of this act shall be in full
8 force and effect on and after passage and approval.