

IN THE SENATE

SENATE BILL NO. 1314

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING SECTION 33-1002, IDAHO CODE, TO REVISE PRO-  
2 VISIONS REGARDING FUNDING FOR LITERACY INTERVENTION; AND DECLARING AN  
3 EMERGENCY.  
4

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

6 SECTION 1. That Section 33-1002, Idaho Code, be, and the same is hereby  
7 amended to read as follows:

8 33-1002. EDUCATIONAL SUPPORT PROGRAM. The educational support pro-  
9 gram is calculated as follows:

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

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

15 (a) Pupil tuition-equivalency allowances as provided in section  
16 33-1002B, Idaho Code;

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

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

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

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

27 (f) Salary-based apportionment calculated as provided in sections  
28 33-1004 through 33-1004F, Idaho Code;

29 (g) Unemployment insurance benefit payments according to the provi-  
30 sions of section 72-1349A, Idaho Code;

31 (h) For expenditure as provided by the public school technology pro-  
32 gram;

33 (i) For employee severance payments as provided in section 33-521,  
34 Idaho Code;

35 (j) For distributions to the Idaho digital learning academy as provided  
36 in section 33-1020, Idaho Code;

37 (k) For charter school facilities funds and reimbursements paid pur-  
38 suant to section 33-5208(5), Idaho Code;

39 (l) For an online course portal as provided for in section 33-1024,  
40 Idaho Code;

41 (m) For advanced opportunities as provided for in chapter 46, title 33,  
42 Idaho Code;

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

3 (o) For leadership premiums as provided in section 33-1004J, Idaho  
4 Code;

5 (p) For master teacher premiums as provided in section 33-1004I, Idaho  
6 Code;

7 (q) For the support of provisions that provide a safe environment con-  
8 ducive to student learning and maintain classroom discipline, an allo-  
9 cation of three hundred dollars (\$300) per support unit;

10 (r) An amount specified in the appropriation bill for the public  
11 schools educational support program for counseling support as provided  
12 for in section 33-1212A, Idaho Code, shall be distributed for grades 8  
13 through 12 as follows:

14 (i) For school districts and public charter schools with one hun-  
15 dred (100) or more students enrolled in grades 8 through 12, a pro  
16 rata distribution based on students enrolled in grades 8 through  
17 12 or eighteen thousand dollars (\$18,000), whichever is greater;

18 (ii) For school districts and public charter schools with fewer  
19 than one hundred (100) students enrolled in grades 8 through 12,  
20 one hundred eighty dollars (\$180) per student enrolled in grades  
21 8 through 12 or nine thousand dollars (\$9,000), whichever is  
22 greater;

23 (s) An amount specified in the public schools educational support pro-  
24 gram appropriation bill for literacy intervention pursuant to section  
25 33-1807, Idaho Code, the disbursements made to the school districts  
26 and public charter schools in the aggregate shall not exceed the total  
27 amount appropriated for this purpose and shall be based on the actual  
28 costs of such intervention programs. School districts and public char-  
29 ter schools shall be reimbursed in full or ~~in~~ on a pro rata based on the  
30 average number of students in kindergarten through grade 3 who score ba-  
31 sic or below basic on the fall statewide reading assessment in the prior  
32 three (3) years; basis. Of the funds appropriated:

33 (i) Fifty percent (50%) will be distributed per student in  
34 kindergarten through grade 3 who shows a year or more growth based  
35 on the spring statewide reading assessment. Students in grades  
36 1, 2, and 3 shall show a year or more growth from the prior spring  
37 statewide reading assessment results, and kindergarten students  
38 shall show a year's growth from the fall statewide reading assess-  
39 ment to the spring statewide reading assessment administered in  
40 the same school year;

41 (ii) Fifty percent (50%) will be distributed per student in grades  
42 2 and 3 who are proficient on the fall statewide reading assess-  
43 ment. Economically disadvantaged students and English language  
44 learners, identified through criteria set by the state department  
45 of education and based on individual student eligibility, shall  
46 count as two (2) students for the purpose of calculating the dis-  
47 tribution of these funds. No student shall count for more than two  
48 (2) students when calculating the distribution amounts;

49 (iii) Funds will be distributed to the school district or char-  
50 ter school where the student is enrolled and takes the statewide

1           reading assessment. The distribution formula set forth in sub-  
 2           paragraphs (i) and (ii) of this paragraph will be phased in over a  
 3           three (3) year period. Effective in fiscal year 2023, the two (2)  
 4           prior years' statewide reading assessment results, using the dis-  
 5           tribution formula from those two (2) years, will be averaged with  
 6           the amount calculated using the modified formula specified in sub-  
 7           paragraphs (i) and (ii) of this paragraph applied to the first year  
 8           of the modified formula. The first year of the modified formula  
 9           will be based on data from the spring and fall statewide reading  
 10           assessment administered in calendar year 2022. Effective in fis-  
 11           cal year 2024, the last year of the fiscal year 2022 formula will  
 12           be averaged with the first two (2) years of the formula set forth  
 13           in subparagraphs (i) and (ii) of this paragraph. Effective in fis-  
 14           cal year 2025, and each year thereafter, all literacy interven-  
 15           tion funding will be based on the modified distribution formula  
 16           set forth in subparagraphs (i) and (ii) of this paragraph; and  
 17           (iv) The house of representatives education committee and senate  
 18           education committee will review the literacy intervention fund-  
 19           ing distribution formula and percentages under this paragraph an-  
 20           nually, taking into consideration recommendations from the com-  
 21           mission for education excellence established pursuant to section  
 22           33-320, Idaho Code;

23           (t) For mastery-based education as provided for in section 33-1632,  
 24           Idaho Code;

25           (u) For pay for success contracting as provided in section 33-125B,  
 26           Idaho Code; and

27           (v) Any additional amounts as required by statute to effect administra-  
 28           tive adjustments or as specifically required by the provisions of any  
 29           bill of appropriation;

30 to secure the total educational support distribution funds.

31           (3) Average Daily Attendance. The total state average daily attendance  
 32 shall be the sum of the average daily attendance of all of the school dis-  
 33 tricts of the state. The state board of education shall establish rules set-  
 34 ting forth the procedure to determine average daily attendance and the time  
 35 for, and method of, submission of such report. Average daily attendance cal-  
 36 culation shall be carried out to the nearest hundredth. Computation of av-  
 37 erage daily attendance shall also be governed by the provisions of section  
 38 33-1003A, Idaho Code.

39           (4) Support Units. The total state support units shall be determined  
 40 by using the tables set out hereafter called computation of kindergarten  
 41 support units, computation of elementary support units, computation of sec-  
 42 ondary support units, computation of exceptional education support units,  
 43 and computation of alternative school support units. The sum of all of the  
 44 total support units of all school districts of the state shall be the total  
 45 state support units.

1	COMPUTATION OF KINDERGARTEN SUPPORT UNITS		
2	Average Daily		
3	Attendance	Attendance Divisor	Units Allowed
4	41 or more....	40.....	1 or more as computed
5	31 - 40.99 ADA....	-.....	1
6	26 - 30.99 ADA....	-.....	.85
7	21 - 25.99 ADA....	-.....	.75
8	16 - 20.99 ADA....	-.....	.6
9	8 - 15.99 ADA....	-.....	.5
10	1 - 7.99 ADA....	-.....	count as elementary

11	COMPUTATION OF ELEMENTARY SUPPORT UNITS		
12	Average Daily		Minimum Units
13	Attendance	Attendance Divisor	Allowed
14	300 or more ADA.....	.....	.. 15
15		..23...grades 4, 5 & 6....	
16		..22...grades 1, 2 & 3....1994-95	
17		..21...grades 1, 2 & 3....1995-96	
18		..20...grades 1, 2 & 3....1996-97	
19		and each year thereafter.	
20	160 to 299.99 ADA...	20.....	8.4
21	110 to 159.99 ADA...	19.....	6.8
22	71.1 to 109.99 ADA...	16.....	4.7
23	51.7 to 71.0 ADA...	15.....	4.0
24	33.6 to 51.6 ADA...	13.....	2.8
25	16.6 to 33.5 ADA...	12.....	1.4
26	1.0 to 16.5 ADA...	n/a.....	1.0

27	COMPUTATION OF SECONDARY SUPPORT UNITS		
28	Average Daily		Minimum Units
29	Attendance	Attendance Divisor	Allowed
30	750 or more....	18.5.....	47
31	400 - 749.99 ADA....	16.....	28
32	300 - 399.99 ADA....	14.5.....	22
33	200 - 299.99 ADA....	13.5.....	17
34	100 - 199.99 ADA....	12.....	9
35	99.99 or fewer	Units allowed as follows:	
36	Grades 7 - 12	.....	8
37	Grades 9 - 12	.....	6

1	Grades 7 - 9	.....	1 per 14 ADA
2	Grades 7 - 8	.....	1 per 16 ADA

3                    COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

4	Average Daily		Minimum Units
5	Attendance	Attendance Divisor	Allowed
6	14 or more.....	14.5 .....	1 or more as
7			computed
8	12 - 13.99.....	- .....	1
9	8 - 11.99.....	- .....	.75
10	4 - 7.99.....	- .....	.5
11	1 - 3.99.....	- .....	.25

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

15	Pupils in Attendance	Attendance Divisor	Minimum Units
16			Allowed
17	12 or more.....	12 .....	1 or more as
18			computed

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

40                    (5) State Distribution Factor per Support Unit. Divide educational  
 41 support program distribution funds, after subtracting the amounts necessary  
 42 to pay the obligations specified in subsection (2) of this section, by the

1 total state support units to secure the state distribution factor per sup-  
2 port unit.

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

5 (a) (i) Divide the actual average daily attendance, excluding stu-  
6 dents approved for inclusion in the exceptional child educational  
7 program, for the administrative schools and each of the separate  
8 schools and attendance units by the appropriate divisor from the  
9 tables of support units in this section, then add the quotients  
10 to obtain the district's support units allowance for regular stu-  
11 dents, kindergarten through grade 12 including alternative school  
12 students. Calculations in application of this subsection shall be  
13 carried out to the nearest hundredth.

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

23 (iii) The total number of support units of the district shall be  
24 the sum of the total support units for regular students, subpara-  
25 graph (i) of this paragraph, and the support units allowance for  
26 the approved exceptional child program, subparagraph (ii) of this  
27 paragraph.

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

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

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

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

1 by the actual or adjusted market value for assessment purposes as such values  
2 existed on December 31 of the prior calendar year.

3 SECTION 2. An emergency existing therefor, which emergency is hereby  
4 declared to exist, this act shall be in full force and effect on and after its  
5 passage and approval.