

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 632

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; PROVIDING LEGISLATIVE INTENT; AMENDING SECTION
2 33-1002, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE EDUCATIONAL
3 SUPPORT PROGRAM AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION
4 33-1002, IDAHO CODE, AS AMENDED BY SECTION 3, CHAPTER 270, LAWS OF 2017,
5 TO REVISE PROVISIONS REGARDING THE EDUCATIONAL SUPPORT PROGRAM; AND
6 PROVIDING AN EFFECTIVE DATE.
7

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

9 SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature to
10 continue to distribute all funds appropriated for college and career advis-
11 ing pursuant to section 33-1212A, Idaho Code.

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

14 33-1002. EDUCATIONAL SUPPORT PROGRAM. The educational support pro-
15 gram is calculated as follows:

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

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

21 (a) Pupil tuition-equivalency allowances as provided in section
22 33-1002B, Idaho Code;

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

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

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

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

33 (f) Salary-based apportionment calculated as provided in sections
34 33-1004 through 33-1004F, Idaho Code;

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

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

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

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

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

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

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

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

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

13 (p) For the support of provisions that provide a safe environment con-
14 ductive to student learning and maintain classroom discipline, an allo-
15 cation of three hundred dollars (\$300) per support unit;

16 (q) An amount specified in the appropriation bill for the public
17 schools educational support program for counseling support as provided
18 for in section 33-1212A, Idaho Code, shall be distributed for grades 8
19 through 12 as follows:

20 (i) For school districts and public charter schools with one hun-
21 dred (100) or more students enrolled in grades 8 through 12, a pro
22 rata distribution based on students enrolled in grades 8 through
23 12 or ~~fourteen~~ eighteen thousand dollars (\$148,000), whichever is
24 greater;

25 (ii) For school districts and public charter schools with fewer
26 than one hundred (100) students enrolled in grades 8 through 12,
27 one hundred ~~forty~~ eighty dollars (\$1480) per student enrolled
28 in grades 8 through 12 or ~~seven~~ nine thousand dollars (\$79,000),
29 whichever is greater;

30 (r) An amount specified in the public schools educational support pro-
31 gram appropriation bill for literacy intervention pursuant to section
32 33-1616, Idaho Code, the disbursements made to the school districts
33 and public charter schools in the aggregate shall not exceed the total
34 amount appropriated for this purpose and shall be based on the actual
35 costs of such intervention programs. School districts and public char-
36 ter schools shall be reimbursed in full or in pro rata based on the
37 average number of students in kindergarten through grade 3 who score ba-
38 sic or below basic on the fall statewide reading assessment in the prior
39 three (3) years;

40 (s) For mastery-based education as provided for in section 33-1630,
41 Idaho Code;

42 (t) For pay for success contracting in section 33-125B, Idaho Code; and

43 (~~v~~u) Any additional amounts as required by statute to effect adminis-
44 trative adjustments or as specifically required by the provisions of
45 any bill of appropriation;

46 to secure the total educational support distribution funds.

47 (3) Average Daily Attendance. The total state average daily attendance
48 shall be the sum of the average daily attendance of all of the school dis-
49 tricts of the state. The state board of education shall establish rules set-
50 ting forth the procedure to determine average daily attendance and the time

1 for, and method of, submission of such report. Average daily attendance cal-
 2 culation shall be carried out to the nearest hundredth. Computation of av-
 3 erage daily attendance shall also be governed by the provisions of section
 4 33-1003A, Idaho Code.

5 (4) Support Units. The total state support units shall be determined
 6 by using the tables set out hereafter called computation of kindergarten
 7 support units, computation of elementary support units, computation of sec-
 8 ondary support units, computation of exceptional education support units,
 9 and computation of alternative school support units. The sum of all of the
 10 total support units of all school districts of the state shall be the total
 11 state support units.

12 COMPUTATION OF KINDERGARTEN SUPPORT UNITS

13	Average Daily		
14	Attendance	Attendance Divisor	Units Allowed
15	41 or more....	40.....	1 or more as computed
16	31 - 40.99 ADA....	-.....	1
17	26 - 30.99 ADA....	-.....	.85
18	21 - 25.99 ADA....	-.....	.75
19	16 - 20.99 ADA....	-.....	.6
20	8 - 15.99 ADA....	-.....	.5
21	1 - 7.99 ADA....	-.....	count as elementary

22 COMPUTATION OF ELEMENTARY SUPPORT UNITS

23	Average Daily		Minimum Units
24	Attendance	Attendance Divisor	Allowed
25	300 or more ADA.....	.....	.. 15
26		..23...grades 4, 5 & 6....	
27		..22...grades 1, 2 & 3....1994-95	
28		..21...grades 1, 2 & 3....1995-96	
29		..20...grades 1, 2 & 3....1996-97	
30		and each year thereafter.	
31	160 to 299.99 ADA...	20.....	8.4
32	110 to 159.99 ADA...	19.....	6.8
33	71.1 to 109.99 ADA...	16.....	4.7
34	51.7 to 71.0 ADA...	15.....	4.0
35	33.6 to 51.6 ADA...	13.....	2.8
36	16.6 to 33.5 ADA...	12.....	1.4
37	1.0 to 16.5 ADA...	n/a.....	1.0

38 COMPUTATION OF SECONDARY SUPPORT UNITS

1	Average Daily		Minimum Units
2	Attendance	Attendance Divisor	Allowed
3	750 or more.....	18.5.....	47
4	400 - 749.99 ADA....	16.....	28
5	300 - 399.99 ADA....	14.5.....	22
6	200 - 299.99 ADA....	13.5.....	17
7	100 - 199.99 ADA....	12.....	9
8	99.99 or fewer	Units allowed as follows:	
9	Grades 7-12	.....	8
10	Grades 9-12	.....	6
11	Grades 7- 9	.....	1 per 14 ADA
12	Grades 7- 8	.....	1 per 16 ADA

13 COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

14	Average Daily		Minimum Units
15	Attendance	Attendance Divisor	Allowed
16	14 or more....	14.5.....	1 or more as computed
17			
18	12 - 13.99....	-.....	1
19	8 - 11.99....	-.....	.75
20	4 - 7.99....	-.....	.5
21	1 - 3.99....	-.....	.25

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

25	Pupils in Attendance	Attendance Divisor	Minimum Units
26			Allowed
27	12 or more.....	12.....	1 or more as computed
28			

29 In applying these tables to any given separate attendance unit, no
 30 school district shall receive less total money than it would receive if it
 31 had a lesser average daily attendance in such separate attendance unit. In
 32 applying the kindergarten table to a kindergarten program of fewer days
 33 than a full school year, the support unit allowance shall be in ratio to the
 34 number of days of a full school year. The attendance of students attending
 35 an alternative school in a school district reporting fewer than one hundred
 36 (100) secondary students in average daily attendance shall not be assigned
 37 to the alternative table if the student is from a school district reporting
 38 fewer than one hundred (100) secondary students in average daily attendance,
 39 but shall instead be assigned to the secondary table of the school district
 40 in which they are attending the alternative school, unless the alternative
 41 school in question serves students from multiple districts reporting fewer

1 than one hundred (100) secondary students in average daily attendance. The
2 tables for exceptional education and alternative school support units shall
3 be applicable only for programs approved by the state department of educa-
4 tion following rules established by the state board of education. Moneys
5 generated from computation of support units for alternative schools shall be
6 utilized for alternative school programs. School district administrative
7 and facility costs may be included as part of the alternative school expen-
8 ditures.

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

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

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

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

34 (iii) The total number of support units of the district shall be
35 the sum of the total support units for regular students, subpara-
36 graph (i) of this paragraph, and the support units allowance for
37 the approved exceptional child program, subparagraph (ii) of this
38 paragraph.

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

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

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

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

13 SECTION 3. That Section 33-1002, Idaho Code, as amended by Section 3,
 14 Chapter 270, Laws of 2017, be, and the same is hereby amended to read as fol-
 15 lows:

16 33-1002. EDUCATIONAL SUPPORT PROGRAM. The educational support pro-
 17 gram is calculated as follows:

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

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

23 (a) Pupil tuition-equivalency allowances as provided in section
 24 33-1002B, Idaho Code;

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

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

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

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

35 (f) Salary-based apportionment calculated as provided in sections
 36 33-1004 through 33-1004F, Idaho Code;

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

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

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

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

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

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

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

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

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

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

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

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

16 (i) For school districts and public charter schools with one hun-
17 dred (100) or more students enrolled in grades 8 through 12, a pro
18 rata distribution based on students enrolled in grades 8 through
19 12 or ~~fourteen~~ eighteen thousand dollars (\$148,000), whichever is
20 greater;

21 (ii) For school districts and public charter schools with fewer
22 than one hundred (100) students enrolled in grades 8 through 12,
23 one hundred ~~forty~~ eighty dollars (\$1480) per student enrolled
24 in grades 8 through 12 or ~~seven~~ nine thousand dollars (\$79,000),
25 whichever is greater;

26 (s) An amount specified in the public schools educational support pro-
27 gram appropriation bill for literacy intervention pursuant to section
28 33-1616, Idaho Code, the disbursements made to the school districts
29 and public charter schools in the aggregate shall not exceed the total
30 amount appropriated for this purpose and shall be based on the actual
31 costs of such intervention programs. School districts and public char-
32 ter schools shall be reimbursed in full or in pro rata based on the
33 average number of students in kindergarten through grade 3 who score ba-
34 sic or below basic on the fall statewide reading assessment in the prior
35 three (3) years;

36 (t) For mastery-based education as provided for in section 33-1630,
37 Idaho Code;

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

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

43 to secure the total educational support distribution funds.

44 (3) Average Daily Attendance. The total state average daily attendance
45 shall be the sum of the average daily attendance of all of the school dis-
46 tricts of the state. The state board of education shall establish rules set-
47 ting forth the procedure to determine average daily attendance and the time
48 for, and method of, submission of such report. Average daily attendance cal-
49 culation shall be carried out to the nearest hundredth. Computation of av-

1 erage daily attendance shall also be governed by the provisions of section
 2 33-1003A, Idaho Code.

3 (4) Support Units. The total state support units shall be determined
 4 by using the tables set out hereafter called computation of kindergarten
 5 support units, computation of elementary support units, computation of sec-
 6 ondary support units, computation of exceptional education support units,
 7 and computation of alternative school support units. The sum of all of the
 8 total support units of all school districts of the state shall be the total
 9 state support units.

10 COMPUTATION OF KINDERGARTEN SUPPORT UNITS

11	Average Daily		
12	Attendance	Attendance Divisor	Units Allowed
13	41 or more....	40.....	1 or more as computed
14	31 - 40.99 ADA....	-.....	1
15	26 - 30.99 ADA....	-.....	.85
16	21 - 25.99 ADA....	-.....	.75
17	16 - 20.99 ADA....	-.....	.6
18	8 - 15.99 ADA....	-.....	.5
19	1 - 7.99 ADA....	-.....	count as elementary

20 COMPUTATION OF ELEMENTARY SUPPORT UNITS

21	Average Daily		Minimum Units
22	Attendance	Attendance Divisor	Allowed
23	300 or more ADA.....	.....	.. 15
24		..23...grades 4, 5 & 6....	
25		..22...grades 1, 2 & 3....1994-95	
26		..21...grades 1, 2 & 3....1995-96	
27		..20...grades 1, 2 & 3....1996-97	
28		and each year thereafter.	
29	160 to 299.99 ADA...	20.....	8.4
30	110 to 159.99 ADA...	19.....	6.8
31	71.1 to 109.99 ADA...	16.....	4.7
32	51.7 to 71.0 ADA...	15.....	4.0
33	33.6 to 51.6 ADA...	13.....	2.8
34	16.6 to 33.5 ADA...	12.....	1.4
35	1.0 to 16.5 ADA...	n/a.....	1.0

36 COMPUTATION OF SECONDARY SUPPORT UNITS

37	Average Daily		Minimum Units
38	Attendance	Attendance Divisor	Allowed

1	750 or more....	18.5	47
2	400 - 749.99 ADA....	16	28
3	300 - 399.99 ADA....	14.5	22
4	200 - 299.99 ADA....	13.5	17
5	100 - 199.99 ADA....	12	9
6	99.99 or fewer	Units allowed as follows:	
7	Grades 7-12	.....	8
8	Grades 9-12	.....	6
9	Grades 7- 9	.....	1 per 14 ADA
10	Grades 7- 8	.....	1 per 16 ADA

11 COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

12	Average Daily		Minimum Units
13	Attendance	Attendance Divisor	Allowed
14	14 or more....	14.5	1 or more as
15			computed
16	12 - 13.99....	-	1
17	8 - 11.99....	- .....	.75
18	4 - 7.99....	- .....	.5
19	1 - 3.99....	- .....	.25

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

23	Pupils in Attendance	Attendance Divisor	Minimum Units
24			Allowed
25	12 or more.....	12	1 or more as
26			computed

27 In applying these tables to any given separate attendance unit, no
 28 school district shall receive less total money than it would receive if it
 29 had a lesser average daily attendance in such separate attendance unit. In
 30 applying the kindergarten table to a kindergarten program of fewer days
 31 than a full school year, the support unit allowance shall be in ratio to the
 32 number of days of a full school year. The attendance of students attending
 33 an alternative school in a school district reporting fewer than one hundred
 34 (100) secondary students in average daily attendance shall not be assigned
 35 to the alternative table if the student is from a school district reporting
 36 fewer than one hundred (100) secondary students in average daily attendance,
 37 but shall instead be assigned to the secondary table of the school district
 38 in which they are attending the alternative school, unless the alternative
 39 school in question serves students from multiple districts reporting fewer
 40 than one hundred (100) secondary students in average daily attendance. The
 41 tables for exceptional education and alternative school support units shall

1 be applicable only for programs approved by the state department of educa-
2 tion following rules established by the state board of education. Moneys
3 generated from computation of support units for alternative schools shall be
4 utilized for alternative school programs. School district administrative
5 and facility costs may be included as part of the alternative school expen-
6 ditures.

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

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

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

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

32 (iii) The total number of support units of the district shall be
33 the sum of the total support units for regular students, subpara-
34 graph (i) of this paragraph, and the support units allowance for
35 the approved exceptional child program, subparagraph (ii) of this
36 paragraph.

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

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

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

49 (7) Property Tax Computation Ratio. In order to receive state funds
50 pursuant to this section, a charter district shall utilize a school mainte-

1 nance and operation property tax computation ratio for the purpose of calcu-
2 lating its maintenance and operation levy that is no greater than that which
3 it utilized in tax year 1994, less four-tenths of one percent (.4%). As used
4 herein, the term "property tax computation ratio" shall mean a ratio deter-
5 mined by dividing the district's certified property tax maintenance and op-
6 eration budget by the actual or adjusted market value for assessment pur-
7 poses as such values existed on December 31, 1993. Such maintenance and op-
8 eration levy shall be based on the property tax computation ratio multiplied
9 by the actual or adjusted market value for assessment purposes as such values
10 existed on December 31 of the prior calendar year.

11 SECTION 4. Section 3 of this act shall be in full force and effect on and
12 after July 1, 2019.