

LEGISLATURE OF THE STATE OF IDAHO
Sixty-fifth Legislature First Regular Session - 2019

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 222

BY APPROPRIATIONS COMMITTEE

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2020; PROVIDING FOR EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2020; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING FUNDS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2020; PROVIDING REQUIREMENTS REGARDING THE IDAHO DIGITAL LEARNING ACADEMY; DIRECTING THE USE OF TOBACCO, CIGARETTE, AND LOTTERY INCOME TAX MONEYS; DIRECTING THE USE OF APPROPRIATION FOR REMEDIATION; DIRECTING THE USE OF APPROPRIATION FOR ENGLISH PROFICIENCY PROGRAMS; DIRECTING THE USE OF FUNDS FOR GIFTED AND TALENTED STUDENTS; DIRECTING A DISTRIBUTION TO PURCHASE DIGITAL CONTENT AND CURRICULUM; DIRECTING THE STATE DEPARTMENT OF EDUCATION TO COMPILE INFORMATION ON ADVANCED OPPORTUNITIES; PROVIDING A TRANSFER TO THE COMMISSION ON HISPANIC AFFAIRS; PROVIDING A TRANSFER TO IDAHO STATE POLICE; DEFINING "DISTRIBUTED"; PROVIDING REQUIREMENTS REGARDING LITERACY INTERVENTION PROGRAMS; PROVIDING REQUIREMENTS REGARDING USES OF FUNDS; AND DIRECTING THE USE OF FUNDS FOR K-3 LITERACY.

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

SECTION 1. The following amounts shall be expended for the Public Schools Educational Support Program's Division of Children's Programs for the period July 1, 2019, through June 30, 2020:

FROM:

General Fund	\$72,990,500
Cigarette, Tobacco, and Lottery Income Taxes	4,024,900
Opportunity Scholarship Program Account	3,156,500
Federal Grant Fund	<u>249,115,000</u>
TOTAL	\$329,286,900

SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2019, through June 30, 2020:

FROM:

General Fund	\$72,990,500
Opportunity Scholarship Program Account	\$3,156,500

SECTION 3. There is hereby appropriated to the Public Schools Educational Support Program's Division of Children's Programs the following amounts to be expended from the listed funds for the period July 1, 2019, through June 30, 2020:

FROM:

Public School Income Fund	\$80,171,900
Federal Grant Fund	<u>249,115,000</u>
TOTAL	\$329,286,900

SECTION 4. IDAHO DIGITAL LEARNING ACADEMY. The Idaho Digital Learning Academy (IDLA), created pursuant to Chapter 55, Title 33, Idaho Code, shall utilize state-appropriated funds for the period July 1, 2019, through June 30, 2020, to achieve the following:

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

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

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

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

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

SECTION 5. TOBACCO, CIGARETTE, AND LOTTERY DISTRIBUTION. Notwithstanding the provisions of any law to the contrary, of the moneys appropriated in Section 3 of this act, up to \$4,024,900 from available tobacco, cigarette, and lottery income tax revenue funds accruing, appropriated, or distributed to the Public School Income Fund pursuant to Sections 63-2506, 63-2552A, and 63-3067, Idaho Code, for the period July 1, 2019, through June 30, 2020, shall be distributed to school districts and charter schools through a combination of a base amount of \$2,000 plus a prorated amount based on the prior year's average daily attendance. Such funds shall be used to develop and implement school safety improvements and/or to facilitate and provide substance abuse prevention programs in the public school system.

SECTION 6. REMEDIAL COURSEWORK. Of the moneys appropriated in Section 3 of this act, \$4,715,000 shall be distributed for remedial coursework for students failing to achieve proficiency on Idaho's standards-based achievement tests in dollar amounts determined by the Superintendent of Public Instruction. The Superintendent of Public Instruction shall report to the Joint Finance-Appropriations Committee and the Senate and House Education committees by no later than February 1, 2020, on the uses of funds and effectiveness of the programs and efforts.

SECTION 7. ENGLISH PROFICIENCY. Pursuant to Section 33-1617, Idaho Code, of the moneys appropriated in Section 3 of this act, \$4,820,000 shall be distributed for support of students in English language learner programs,

as follows: (1) The Superintendent of Public Instruction shall distribute \$4,370,000 to school districts and charter schools pro rata, based on the population of English language learners under criteria established by the department. (2) The Superintendent of Public Instruction shall distribute \$450,000 for a competitive grant program to assist school districts and charter schools in which the population of English language learners are not reaching statewide accountability interim targets or long-term goals, as defined by federal law. This amount shall be distributed annually in three-year grant cycles, contingent on appropriation and the ability of grantees to meet program objectives. (3) The Superintendent of Public Instruction shall develop the program elements and objectives governing the use of these funds and include a program evaluation component. The purpose of these funds is to improve student English language skills to allow for better access to the educational opportunities offered in public schools. The Superintendent of Public Instruction shall report to the Joint Finance-Appropriations Committee and the Senate and House Education committees by no later than February 1, 2020, on the program design, uses of funds and program effectiveness.

SECTION 8. GIFTED AND TALENTED. Of the funds appropriated in Section 3 of this act, \$1,000,000 shall be distributed by the Superintendent of Public Instruction for professional training and screening for gifted and talented students and instructors. Funding will be distributed based on a formula prescribed by the Superintendent of Public Instruction that includes a base amount and an amount based on the number of identified gifted and talented students.

SECTION 9. DIGITAL CONTENT. Of the funds appropriated in Section 3 of this act, \$1,600,000 shall be distributed by the Superintendent of Public Instruction to school districts and charter schools to purchase digital content and curricula of their choice. Funding will be distributed based on a formula prescribed by the Superintendent of Public Instruction that includes a base amount and an amount based on the number of midterm support units.

SECTION 10. ADVANCED OPPORTUNITIES COURSES AND PROGRAM EVALUATION. The Superintendent of Public Instruction shall compile information concerning the numbers of students enrolling in advanced opportunities courses according to the provisions of Chapter 46, Title 33, Idaho Code, whether coursework is successfully completed, and expenditures for fiscal year 2020. As nearly as possible, the report shall contain information about enrollment of this student population in post-high school education. A report containing such information shall be posted on the website of the State Department of Education no later than December 31, 2019. Additionally, the Advanced Opportunities Program(s) shall have an independent, external evaluation that includes an analysis of key performance indicators of student outcomes. The results of the evaluation shall be reported to the Joint Finance-Appropriations Committee and the Senate and House Education committees no later than February 1, 2020, on the program design, uses of funds, program effectiveness, and any other relevant matters.

1 SECTION 11. PUBLIC SCHOOL INCOME FUND TRANSFER TO COMMISSION ON HIS-
2 PANIC AFFAIRS. There is hereby appropriated and the State Controller shall
3 transfer in accordance with Section 63-2552A(3), Idaho Code, on July 1,
4 2019, or as soon thereafter as practicable, \$80,000 from the Public School
5 Income Fund to the Commission on Hispanic Affairs Miscellaneous Revenue Fund
6 to be used for substance abuse prevention efforts in collaboration with the
7 State Department of Education.

8 SECTION 12. PUBLIC SCHOOL INCOME FUND TRANSFER TO IDAHO STATE POLICE.
9 There is hereby appropriated and the State Controller shall transfer in ac-
10 cordance with Section 63-2552A(3), Idaho Code, on July 1, 2019, or as soon
11 thereafter as practicable, \$200,000 from the Public School Income Fund to
12 the Idaho State Police Miscellaneous Revenue Fund for the purpose of in-
13 creasing toxicology lab capacity in Forensic Services.

14 SECTION 13. DEFINITION. For the purposes of this appropriation, "dis-
15 tributed" means moneys that are transferred to school districts, public
16 charter schools, and the Idaho Digital Learning Academy, with no funds with-
17 held for any other contract or administrative costs.

18 SECTION 14. LITERACY INTERVENTION PROGRAMS. The Literacy Intervention
19 Program(s) shall continue to have an independent, external evaluation that
20 includes an analysis of key performance indicators of student achievement.
21 The results of the updated evaluation shall be reported to the Joint Finance-
22 Appropriations Committee and the Senate and House Education committees no
23 later than February 1, 2020, on the program design, uses of funds, program
24 effectiveness, and any other relevant matters.

25 SECTION 15. USES OF FUNDS. Notwithstanding the provisions of Section
26 33-4303, Idaho Code, and any other provision of law to the contrary, the mon-
27 eys appropriated and transferred in Section 2 of this act from the Opportu-
28 nity Scholarship Program Account shall be used for K-3 literacy.

29 SECTION 16. K-3 LITERACY. Of the amount appropriated in Section 3 of
30 this act for K-3 literacy, \$26,146,800 shall be used for reading instruction
31 and intervention, reading assessment, and literacy intervention or as oth-
32 erwise authorized by Title 33, Idaho Code.