

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 225

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; REPEALING SECTION 33-1003, IDAHO CODE, RELATING
2 TO SPECIAL APPLICATIONS OF THE EDUCATIONAL SUPPORT PROGRAM; AMEND-
3 ING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION
4 33-1003, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO SPECIAL APPLI-
5 CATIONS OF THE EDUCATIONAL SUPPORT PROGRAM, TO ESTABLISH PROVISIONS RE-
6 LATING TO A DECREASE IN TOTAL AVERAGE DAILY ATTENDANCE AND TO LIMIT THE
7 APPLICATION OF LAW, TO ESTABLISH PROVISIONS RELATING TO THE APPLICA-
8 TION OF THE SUPPORT PROGRAM TO SEPARATE ELEMENTARY SCHOOLS, TO CERTAIN
9 HARDSHIP ELEMENTARY SCHOOLS AND SEPARATE ATTENDANCE UNITS, TO SEPARATE
10 SECONDARY SCHOOLS, TO CERTAIN ELEMENTARY AND SECONDARY GRADES IN ELE-
11 MENTARY/SECONDARY SCHOOLS AND TO CERTAIN HARDSHIP SECONDARY SCHOOLS,
12 TO ESTABLISH PROVISIONS RELATING TO MINIMUM PUPILS REQUIRED IN CER-
13 TAIN ELEMENTARY SCHOOLS, TO ESTABLISH PROVISIONS RELATING TO CERTAIN
14 SCHOOLS THAT ARE REMOTE AND ISOLATED FROM OTHER SCHOOLS AND TO ESTABLISH
15 PROVISIONS RELATING TO THE SUPPORT PROGRAM WHEN DISTRICT BOUNDARIES ARE
16 CHANGED; AND DECLARING AN EMERGENCY.
17

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

19 SECTION 1. That Section [33-1003](#), Idaho Code, be, and the same is hereby
20 repealed.

21 SECTION 2. That Chapter 10, Title 33, Idaho Code, be, and the same is
22 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
23 ignated as Section 33-1003, Idaho Code, and to read as follows:

24 33-1003. SPECIAL APPLICATION OF EDUCATIONAL SUPPORT PROGRAM. (1) De-
25 crease in Average Daily Attendance. -- For any school district that has a
26 decrease in total average daily attendance of three percent (3%) or more of
27 its average daily attendance in the current school year from the total aver-
28 age daily attendance used for determining the allowance in the educational
29 support program for the prior school year, the allowance of funds from the
30 educational support program may be based on the average daily attendance
31 of the prior school year, less three percent (3%). When this provision is
32 applied, the decrease in average daily attendance shall be proportionately
33 distributed among the various categories of support units that are appropri-
34 ate for the district. After applying the provisions of this subsection, the
35 state department of education shall calculate the percentage of additional
36 statewide support units to total statewide support units and shall then re-
37 duce each school district's support units by this uniform percentage. The
38 provisions of this subsection shall not apply to public charter schools.

39 (2) Application of Support Program to Separate Schools/Attendance
40 Units in District.

1 (a) Separate Elementary School. -- Any separate elementary school
2 shall be allowed to participate in the educational support program as
3 though the school were the only elementary school operated by the dis-
4 trict.

5 (b) Hardship Elementary School. -- Upon application of the board of
6 trustees of a school district, the state board of education is empow-
7 ered to determine that a given elementary school or elementary schools
8 within the school district, not otherwise qualifying, are entitled
9 to be counted as a separate elementary school as defined in section
10 33-1001, Idaho Code, when, in the discretion of the state board of edu-
11 cation, special conditions exist warranting the retention of the school
12 as a separate attendance unit and the retention results in a substantial
13 increase in cost per pupil in average daily attendance above the average
14 cost per pupil in average daily attendance of the remainder of the dis-
15 trict's elementary grade school pupils. An elementary school operating
16 as a previously approved hardship elementary school shall continue to
17 be considered as a separate attendance unit, unless the hardship status
18 of the elementary school is rescinded by the state board of education.

19 (c) Separate Secondary School. -- Any separate secondary school shall
20 be allowed to participate in the educational support program as though
21 the school were the only secondary school operated by the district.

22 (d) Elementary/Secondary School Attendance Units. -- Elementary
23 grades in an elementary/secondary school will be funded as a separate
24 attendance unit if all elementary grades served are located more than
25 ten (10) miles distance by an all-weather road from both the nearest
26 like elementary grades within the same school district and from the lo-
27 cation of the office of the superintendent of schools of such district,
28 or from the office of the chief administrative officer of such district
29 if the district employs no superintendent of schools. Secondary grades
30 in an elementary/secondary school will be funded as a separate atten-
31 dance unit if all secondary grades served are located more than fifteen
32 (15) miles by an all-weather road from the nearest like secondary grades
33 operated by the district.

34 (e) Hardship Secondary School. -- Any district that operated two (2)
35 secondary schools separated by less than fifteen (15) miles, but which
36 district was created through consolidation subsequent to legislative
37 action pursuant to chapter 111, laws of 1947, and which school buildings
38 were constructed prior to 1935, shall be entitled to count the schools
39 as separate attendance units.

40 (f) Minimum Pupils Required. -- Any elementary school having less than
41 ten (10) pupils in average daily attendance shall not be allowed to par-
42 ticipate in the state or county support program unless the school has
43 been approved for operation by the state board of education.

44 (3) Remote Schools. -- The board of trustees of any Idaho school dis-
45 trict that operates and maintains a school that is remote and isolated from
46 the other schools of the state because of geographical or topographical con-
47 ditions may petition the state board of education to recognize and approve
48 the school as a remote and necessary school. The petition shall be in form
49 and content approved by the state board of education and shall provide such
50 information as the state board of education may require. Petitions for the

1 recognition of a school as a remote and necessary school shall be filed annu-
2 ally at least ninety (90) days prior to the date of the annual meeting of the
3 board of trustees as established in section 33-510, Idaho Code.

4 Within forty-five (45) days after the receipt of a petition for the
5 recognition of a remote and necessary school, the state board of education
6 shall either approve or disapprove the petition and notify the board of
7 trustees of its decision. Schools that the state board of education approves
8 as being necessary and remote shall be allowed adequate funding within the
9 support program for an acceptable educational program for the students of
10 the school. In the case of a remote and necessary secondary school, grades
11 7-12, the educational program shall be deemed acceptable when, in the opin-
12 ion of the state board of education, the accreditation standard relating to
13 staff size, established in accordance with the provisions of section 33-119,
14 Idaho Code, has been met. The final determination of an acceptable program
15 and adequate funding in the case of a remote and necessary elementary school
16 shall be made by the state board of education.

17 (4) Support Program When District Boundaries are Changed.

18 (a) In new districts formed by the division of a district, the support
19 program computed for the district, divided in its last year of oper-
20 ation, shall be apportioned to the new districts created by the division
21 in the proportion that the average daily attendance of pupils, elemen-
22 tary and secondary combined, residing in the area of each new district
23 so created, is to the average daily attendance of all pupils, elementary
24 and secondary combined, in the district divided in its last year of op-
25 eration before the division.

26 (b) When boundaries of districts are changed by excision or annexation
27 of territory, the support program of any district from which territory
28 is excised for the last year of operation before such excision shall be
29 divided, and apportioned among the districts involved, as prescribed in
30 paragraph (a) of this subsection.

31 (c) In new districts formed by consolidation of former districts after
32 January 1, 2007, the support program allowance, for a seven (7) year pe-
33 riod following the formation of the new district, shall not be less than
34 the combined support program allowances of the component districts in
35 the last year of operation before consolidation. After the expiration
36 of this period, the state department of education shall annually cal-
37 culate the number of support units that would have been generated had
38 the previous school districts not consolidated. All applicable state
39 funding to the consolidated district shall then be provided based on a
40 support unit number that is halfway between this figure and the actual
41 support units, provided that it cannot be less than the actual support
42 units.

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