

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 603

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING SECTION 33-1002, IDAHO CODE, TO REVISE A  
2 CERTAIN TABLE RELATING TO THE COMPUTATION OF ELEMENTARY SUPPORT UNITS  
3 AND TO PROVIDE THAT CERTAIN CALCULATIONS SHALL BE CARRIED OUT TO THE  
4 NEAREST HUNDREDTH; AMENDING SECTION 33-1003, IDAHO CODE, TO REMOVE CER-  
5 TAIN PROVISIONS RELATING TO A DECREASE IN AVERAGE DAILY ATTENDANCE AND  
6 TO REVISE CERTAIN PROVISIONS RELATING TO A DECREASE IN AVERAGE DAILY  
7 ATTENDANCE; AND AMENDING SECTION 33-1009, IDAHO CODE, TO PROVIDE THAT  
8 CERTAIN PAYMENTS MADE TO THE SCHOOL DISTRICTS MAY BE BASED UPON CERTAIN  
9 PAYMENTS FOR THE PRECEDING SCHOOL YEAR, TO PROVIDE THAT EACH SCHOOL  
10 DISTRICT MAY RECEIVE CERTAIN PAYMENTS IN A CERTAIN RATIO AND TO MAKE  
11 TECHNICAL CORRECTIONS.  
12

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

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

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) Certain expectant and delivered mothers allowance as provided in  
36 section 33-2006, Idaho Code;

37 (g) Salary-based apportionment calculated as provided in sections  
38 33-1004 through 33-1004F, Idaho Code;

39 (h) Unemployment insurance benefit payments according to the provi-  
40 sions of section 72-1349A, Idaho Code;

41 (i) For public school technology as provided in section 33-1022, Idaho  
42 Code;

- 1 (j) For employee severance payments as provided in section 33-521,
- 2 Idaho Code;
- 3 (k) For distributions to the Idaho digital learning academy as provided
- 4 in section 33-1020, Idaho Code;
- 5 (l) For dual credit courses as provided in section 33-1626, Idaho Code;
- 6 (m) For additional math and science courses for high school students as
- 7 provided in section 33-1021, Idaho Code;
- 8 (n) For costs associated with mobile computing devices and teacher
- 9 training as provided in section 33-1627, Idaho Code;
- 10 (o) For certificated employee severance payment reimbursement as pro-
- 11 vided in section 33-515B, Idaho Code;
- 12 (p) For pay for performance as provided in section 33-1004I, Idaho
- 13 Code;
- 14 (q) For the support of provisions that provide a safe environment con-
- 15 ductive to student learning and maintain classroom discipline, an allo-
- 16 cation of \$300 per support unit; and
- 17 (r) Any additional amounts as required by statute to effect administra-
- 18 tive adjustments or as specifically required by the provisions of any
- 19 bill of appropriation;

20 to secure the total educational support distribution funds.

21 (3) Average Daily Attendance. The total state average daily attendance  
 22 shall be the sum of the average daily attendance of all of the school dis-  
 23 tricts of the state. The state board of education shall establish rules set-  
 24 ting forth the procedure to determine average daily attendance and the time  
 25 for, and method of, submission of such report. Average daily attendance cal-  
 26 culation shall be carried out to the nearest hundredth. Computation of av-  
 27 erage daily attendance shall also be governed by the provisions of section  
 28 33-1003A, Idaho Code.

29 (4) Support Units. The total state support units shall be determined  
 30 by using the tables set out hereafter called computation of kindergarten  
 31 support units, computation of elementary support units, computation of sec-  
 32 ondary support units, computation of exceptional education support units,  
 33 and computation of alternative school secondary support units. The sum of  
 34 all of the total support units of all school districts of the state shall be  
 35 the total state support units.

36 COMPUTATION OF KINDERGARTEN SUPPORT UNITS

37 Average Daily		
38 Attendance	Attendance Divisor	Units Allowed
39 41 or more....	40.....	1 or more as computed
40 31 - 40.99 ADA....	-.....	1
41 26 - 30.99 ADA....	-.....	.85
42 21 - 25.99 ADA....	-.....	.75
43 16 - 20.99 ADA....	-.....	.6
44 8 - 15.99 ADA....	-.....	.5
45 .01 - 7.99 ADA....	-.....	count as elementary

1 COMPUTATION OF ELEMENTARY SUPPORT UNITS

2 Average Daily		Minimum Units
3 Attendance	Attendance Divisor	Allowed
4 300 or more ADA.....	.....	.. 15
5	..23...grades 4,5 & 6....	
6	..22...grades 1,2 & 3....1994-95	
7	..21...grades 1,2 & 3....1995-96	
8	..20...grades 1,2 & 3....1996-97	
9	and each year thereafter.	
10 160 to 299.99 ADA...	20.....	8.4
11 110 to 159.99 ADA...	19.....	6.8
12 71.1 to 109.99 ADA...	16.....	4.7
13 51.7 to 71.0 <u>9</u> ADA...	15.....	4.0
14 33.6 to 51.6 <u>9</u> ADA...	13.....	2.8
15 16.6 to 33.5 <u>9</u> ADA...	12.....	1.4
16 .01 to 16.5 <u>9</u> ADA...	n/a.....	1.0

17 COMPUTATION OF SECONDARY SUPPORT UNITS

18 Average Daily		Minimum Units
19 Attendance	Attendance Divisor	Allowed
20 750 or more....	18.5.....	47
21 400 - 749.99 ADA....	16.....	28
22 300 - 399.99 ADA....	14.5.....	22
23 200 - 299.99 ADA....	13.5.....	17
24 100 - 199.99 ADA....	12.....	9
25 99.99 or fewer	Units allowed as follows:	
26 Grades 7-12	.....	8
27 Grades 9-12	.....	6
28 Grades 7- 8	.....	1 per 16 ADA

29 COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

30 Average Daily		Minimum Units
31 Attendance	Attendance Divisor	Allowed
32 14 or more....	14.5.....	1 or more as computed
33		
34 12 - 13.99....	-.....	1
35 8 - 11.99....	-.....	.75
36 4 - 7.99....	-.....	.5
37 .01 - 3.99....	-.....	.25

1 COMPUTATION OF ALTERNATIVE SCHOOL SECONDARY SUPPORT UNITS

2 Pupils in Attendance	Attendance Divisor	Minimum Units 3 Allowed
4 12 or more.....	12 .....	1 or more as 5 computed

6 In applying these tables to any given separate attendance unit, no  
7 school district shall receive less total money than it would receive if it  
8 had a lesser average daily attendance in such separate attendance unit.  
9 In applying the kindergarten table to a kindergarten program of less days  
10 than a full school year, the support unit allowance shall be in ratio to  
11 the number of days of a full school year. The tables for exceptional edu-  
12 cation and alternative school secondary support units shall be applicable  
13 only for programs approved by the state department of education following  
14 rules established by the state board of education. Moneys generated from  
15 computation of support units for alternative schools shall be utilized for  
16 alternative school programs. School district administrative and facility  
17 costs may be included as part of the alternative school expenditures.

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

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

25 (a) (i) Divide the actual average daily attendance, excluding stu-  
26 dents approved for inclusion in the exceptional child educational  
27 program, for the administrative schools and each of the separate  
28 schools and attendance units by the appropriate divisor from the  
29 tables of support units in this section, then add the quotients  
30 to obtain the district's support units allowance for regular stu-  
31 dents, kindergarten through grade 12 including alternative school  
32 secondary students. Calculations in application of this subsec-  
33 tion shall be carried out to the nearest ~~tenth~~ hundredth.

34 (ii) Divide the combined totals of the average daily attendance  
35 of all preschool, kindergarten, elementary, secondary, juvenile  
36 detention center students and students with disabilities approved  
37 for inclusion in the exceptional child program of the district by  
38 the appropriate divisor from the table for computation of excep-  
39 tional education support units to obtain the number of support  
40 units allowed for the district's approved exceptional child pro-  
41 gram. Calculations for this subsection shall be carried out to the  
42 nearest ~~tenth~~ hundredth when more than one (1) unit is allowed.

43 (iii) The total number of support units of the district shall be  
44 the sum of the total support units for regular students, subsec-  
45 tion (6) (a) (i) of this section, and the support units allowance  
46 for the approved exceptional child program, subsection (6) (a) (ii)  
47 of this section.

1 (b) Total District Allowance Educational Program. Multiply the dis-  
 2 trict's total number of support units, carried out to the nearest tenth,  
 3 by the state distribution factor per support unit and to this product  
 4 add the approved amount of programs of the district provided in subsec-  
 5 tion (2) of this section to secure the district's total allowance for  
 6 the educational support program.

7 (c) District Share. The district's share of state apportionment is the  
 8 amount of the total district allowance, subsection (6) (b) of this sec-  
 9 tion.

10 (d) Adjustment of District Share. The contract salary of every noncer-  
 11 tificated teacher shall be subtracted from the district's share as cal-  
 12 culated from the provisions of subsection (6) (c) of this section.

13 (7) Property Tax Computation Ratio. In order to receive state funds  
 14 pursuant to this section a charter district shall utilize a school mainte-  
 15 nance and operation property tax computation ratio for the purpose of cal-  
 16 culating its maintenance and operation levy, that is no greater than that  
 17 which it utilized in tax year 1994, less four-tenths of one percent (.4%). As  
 18 used herein, the term "property tax computation ratio" shall mean a ratio de-  
 19 termined by dividing the district's certified property tax maintenance and  
 20 operation budget by the actual or adjusted market value for assessment pur-  
 21 poses as such values existed on December 31, 1993. Such maintenance and op-  
 22 eration levy shall be based on the property tax computation ratio multiplied  
 23 by the actual or adjusted market value for assessment purposes as such values  
 24 existed on December 31 of the prior calendar year.

25 SECTION 2. That Section 33-1003, Idaho Code, be, and the same is hereby  
 26 amended to read as follows:

27 33-1003. SPECIAL APPLICATIONS OF EDUCATIONAL SUPPORT PRO-  
 28 GRAM. ~~Decrease in Average Daily Attendance. -- From the effective date of~~  
 29 ~~this act through June 30, 2011, any school district that has a decrease in~~  
 30 ~~total average daily attendance of one percent (1%) of its average daily~~  
 31 ~~attendance in the then current school year from the total average daily~~  
 32 ~~attendance used for determining the allowance in the educational support~~  
 33 ~~program for the school year immediately preceding, the allowance of funds~~  
 34 ~~from the educational support program may be based on the average daily atten-~~  
 35 ~~dance of the school year immediately preceding, less one percent (1%). When~~  
 36 ~~this provision is applied, the decrease in average daily attendance shall be~~  
 37 ~~proportionately distributed among the various categories of support units~~  
 38 ~~that are appropriate for the district.~~

39 (1) ~~Decrease in Average Daily Attendance for 2011-2012 School Year.~~  
 40 -- For any school district which has a decrease in total average daily at-  
 41 tendance of three percent (3%) or more of its average daily attendance in  
 42 the 2011-2012 current school year from the total average daily attendance  
 43 used for determining the allowance in the educational support program for  
 44 the 2010-2011 prior school year, the allowance of funds from the educa-  
 45 tional support program may be based on the average daily attendance of the  
 46 2010-2011 prior school year, less three percent (3%). When this provision is  
 47 applied, the decrease in average daily attendance shall be proportionately  
 48 distributed among the various categories of support units that are appropri-  
 49 ate for the district. ~~The legislature hereby encourages boards of trustees~~

1 ~~to actively pursue alternative funding to offset any reduction in funds~~  
2 ~~stemming from the application of the provisions of this subsection (1). The~~  
3 ~~provisions of this subsection (1) shall be null and void and of no force and~~  
4 ~~effect on and after July 1, 2012 After applying the provisions of this sub-~~  
5 ~~section, the state department of education shall calculate the percentage~~  
6 ~~of additional statewide support units to total statewide support units, and~~  
7 ~~shall then reduce each school district's support units by this uniform per-~~  
8 ~~centage. The provisions of this subsection shall not apply to public charter~~  
9 ~~schools.~~

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

12 (a) Separate Elementary School. -- Any separate elementary school  
13 shall be allowed to participate in the educational support program as  
14 though the school were the only elementary school operated by the dis-  
15 trict.

16 (b) Hardship Elementary School. -- Upon application of the board of  
17 trustees of a school district, the state board of education is empow-  
18 ered to determine that a given elementary school or elementary schools  
19 within the school district, not otherwise qualifying, are entitled  
20 to be counted as a separate elementary school as defined in section  
21 33-1001, Idaho Code, when, in the discretion of the state board of edu-  
22 cation, special conditions exist warranting the retention of the school  
23 as a separate attendance unit and the retention results in a substantial  
24 increase in cost per pupil in average daily attendance above the average  
25 cost per pupil in average daily attendance of the remainder of the dis-  
26 trict's elementary grade school pupils. An elementary school operating  
27 as a previously approved hardship elementary school shall continue to  
28 be considered as a separate attendance unit, unless the hardship status  
29 of the elementary school is rescinded by the state board of education.

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

33 (d) Elementary/Secondary School Attendance Units. -- Elementary  
34 grades in an elementary/secondary school will be funded as a separate  
35 attendance unit if all elementary grades served are situated more than  
36 ten (10) miles distance from both the nearest like elementary grades  
37 within the same school district and from the location of the office  
38 of the superintendent of schools of such district, or from the office  
39 of the chief administrative officer of such district if the district  
40 employs no superintendent of schools. Secondary grades in an elemen-  
41 tary/secondary school will be funded as a separate attendance unit if  
42 all secondary grades served are located more than fifteen (15) miles by  
43 an all-weather road from the nearest like secondary grades operated by  
44 the district.

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

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

5 (3) Remote Schools. -- The board of trustees of any Idaho school dis-  
6 trict which operates and maintains a school which is remote and isolated from  
7 the other schools of the state because of geographical or topographical con-  
8 ditions may petition the state board of education to recognize and approve  
9 the school as a remote and necessary school. The petition shall be in form  
10 and content approved by the state board of education and shall provide such  
11 information as the state board of education may require. Petitions for the  
12 recognition of a school as a remote and necessary school shall be filed annu-  
13 ally at least ninety (90) days prior to the date of the annual meeting of the  
14 board of trustees as established in section 33-510, Idaho Code.

15 Within forty-five (45) days after the receipt of a petition for the  
16 recognition of a remote and necessary school, the state board of educa-  
17 tion shall either approve or disapprove the petition and notify the board  
18 of trustees of its decision. Schools which the state board of education  
19 approves as being necessary and remote shall be allowed adequate funding  
20 within the support program for an acceptable educational program for the  
21 students of the school. In the case of a remote and necessary secondary  
22 school, grades 7-12, the educational program shall be deemed acceptable  
23 when, in the opinion of the state board of education, the accreditation stan-  
24 dard relating to staff size, established in accordance with section 33-119,  
25 Idaho Code, has been met. The final determination of an acceptable program  
26 and adequate funding in the case of a remote and necessary elementary school  
27 shall be made by the state board of education.

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

29 (a) In new districts formed by the division of a district, the support  
30 program computed for the district, divided in its last year of opera-  
31 tion, shall be apportioned to the new districts created by the division,  
32 in the proportion that the average daily attendance of pupils, elemen-  
33 tary and secondary combined, residing in the area of each new district  
34 so created, is to the average daily attendance of all pupils, elementary  
35 and secondary combined, in the district divided in its last year of op-  
36 eration before the division.

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

42 (c) In new districts formed by consolidation of former districts after  
43 January 1, 2007, the support program allowance, for a seven (7) year pe-  
44 riod following the formation of the new district, shall not be less than  
45 the combined support program allowances of the component districts in  
46 the last year of operation before consolidation. After the expiration  
47 of this period, the state department of education shall annually cal-  
48 culate the number of support units that would have been generated had  
49 the previous school districts not consolidated. All applicable state  
50 funding to the consolidated district shall then be provided based on a

1 support unit number that is halfway between this figure and the actual  
2 support units, provided that it cannot be less than the actual support  
3 units.

4 SECTION 3. That Section 33-1009, Idaho Code, be, and the same is hereby  
5 amended to read as follows:

6 33-1009. PAYMENTS FROM THE PUBLIC SCHOOL INCOME FUND.

7 1. a. Payments of the state general account appropriation for public  
8 school support shall be made each year by the state board of education  
9 to the public school districts of the state in five (5) payments. Pay-  
10 ments to the districts shall be made not later than the fifteenth day  
11 of August, the first day of October, the fifteenth day of November, the  
12 fifteenth day of February, and the fifteenth day of May each year. The  
13 first two (2) payments by the state board of education shall be approx-  
14 imately thirty percent (30%) of the total general account appropriation  
15 for the fiscal year, while the third, fourth and fifth payments shall be  
16 approximately twenty percent (20%), ten percent (10%) and ten percent  
17 (10%), respectively. Amounts apportioned due to a special transfer to  
18 the public school income fund to restore or reduce a deficiency in the  
19 prior year's transfer pursuant to subsection 4. of this section shall  
20 not be subject to this limitation.

21 b. Payments of moneys, other than the state general account appropri-  
22 ation, that accrue to the public school income fund shall be made by  
23 the state board of education to the school districts of the state on the  
24 fifteenth day of November, February, May and July each year. The total  
25 amount of such payments shall be determined by the state department of  
26 education and shall not exceed the amount of moneys available and on de-  
27 posit in the public school income fund at the time such payment is made.

28 c. Amounts apportioned due to a special transfer to the public school  
29 income fund to restore or reduce a deficiency in the prior year's trans-  
30 fer pursuant to subsection 4. of this section shall not be subject to  
31 the limitation imposed by paragraphs a. and b. of this subsection.

32 2. Payments made to the school districts in August, October and Novem-  
33 ber are advance payments for the current year and ~~will~~ may be based upon pay-  
34 ments from the public school income fund for the preceding school year. Each  
35 school district ~~shall~~ may receive its proportionate share of the advance  
36 payments in the same ratio that its total payment for the preceding year was  
37 to the total payments to all school districts for the preceding year.

38 3. No later than the fifteenth day of February in each year, the state  
39 department of education shall compute the state distribution factor based on  
40 the total average daily attendance through the first Friday in November. The  
41 factor will be used in payments of state funds in February and May. Atten-  
42 dance shall be reported in a format and at a time specified by the state de-  
43 partment of education.

44 As of the thirtieth day of June of each year the state department of edu-  
45 cation shall determine final payments to be made on July fifteenth next suc-  
46 ceeding to the several school districts from the public school income fund  
47 for the school year ended June 30. The July payments shall take into consid-  
48 eration:



1 a. the average daily attendance of the several school districts for the  
2 twenty-eight (28) best weeks of the school year completed not later than  
3 the thirtieth of June,

4 b. all funds available in the public school income fund for the fiscal  
5 year ending on the thirtieth of June,

6 c. all payments distributed for the current fiscal year to the several  
7 school districts,

8 d. the adjustment based on the actual amount of discretionary funds per  
9 support unit required by the provisions of section 33-1018, Idaho Code,

10 e. payments made or due for the transportation support program and the  
11 exceptional education support program. The state department of educa-  
12 tion shall apportion and direct the payment to the several school dis-  
13 tricts the moneys in the public school income fund in each year, taking  
14 into account the advance made under subsection 2. of this section, in  
15 such amounts as will provide in full for each district its support pro-  
16 gram, and not more than therefor required, and no school district shall  
17 receive less than fifty dollars (\$50.00).

18 4. If the full amount appropriated to the public school income fund  
19 from the general account by the legislature is not transferred to the public  
20 school income fund by the end of the fiscal year, the deficiency resulting  
21 therefrom shall either be restored or reduced through a special trans-  
22 fer from the general account in the first sixty (60) days of the following  
23 fiscal year, or shall be calculated in computing district levies, and any  
24 additional levy shall be certified by the state superintendent of public  
25 instruction to the board of county commissioners and added to the district's  
26 maintenance and operation levy. If the deficiency is restored or reduced  
27 by special transfer, the amount so transferred shall be in addition to the  
28 amount appropriated to be transferred in such following fiscal year, and  
29 shall be apportioned to each school district in the same amount as each would  
30 have received had the transfer been made in the year the deficiency occurred.  
31 The state department of education shall distribute to the school district  
32 the full amount of the special transfer as soon as practical after such  
33 transfer is made. In making the levy computations required by this subsec-  
34 tion the state department of education shall take into account and consider  
35 the full amount of money receipted into the public school income fund from  
36 all sources for the given fiscal year. Deficits in the transfer of the ap-  
37 propriated amount of general account revenue to the public school income  
38 fund shall be reduced by the amount, if any, that the total amount receipted  
39 from other sources into the public school income fund exceeds the official  
40 estimated amount from those sources. The official estimate of receipts from  
41 other sources shall be the total amount stated by the legislature in the ap-  
42 propriation bill. The provisions of this subsection shall not apply to any  
43 transfers to or from the public education stabilization fund.

44 5. Any apportionments in any year, made to any school district, which  
45 may within the succeeding three (3) year period be found to have been in error  
46 either of computation or transmittal, may be corrected during the three (3)  
47 year period by reduction of apportionments to any school district to which  
48 over-apportionments may have been made or received, and corresponding ad-  
49 ditions to apportionments to any school district to which under-apportion-  
50 ments may have been made or received.