LEGISLATURE OF THE STATE OF IDAHO
Sixty-third Legislature First Regular Session - 2015

IN THE SENATE

SENATE BILL NO. 1186

BY FINANCE COMMITTEE

AN ACT

RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2016; PROVIDING FOR EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2016; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING FUNDS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM/DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2016; PROVIDING LEGISLATIVE INTENT RELATING TO THE IDAHO DIGITAL LEARNING ACADEMY; DIRECTING THE USE OF TOBACCO, CIGARETTE AND LOTTERY INCOME TAX MONEYS; DIRECTING THE USE OF APPROPRIATION FOR LITERACY PROGRAMS AND REMEDIATION; DIRECTING THE USE OF APPROPRIATION FOR LIMITED ENGLISH PROFICIENCY PROGRAMS; DIRECTING THE STATE DEPARTMENT OF EDUCATION TO COMPILATION INFORMATION ON ADVANCED OPPORTUNITIES; DEFINING THE TERM "DISTRIBUTED"; APPROPRIATING AND TRANSFERRING MONEYS TO THE PUBLIC EDUCATION STABILIZATION FUND FOR FISCAL YEAR 2015; AND DECLARING AN EMERGENCY.

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

SECTION 1. The following amount shall be expended for the Public Schools Educational Support Program/Division of Children's Programs for the period July 1, 2015, through June 30, 2016:

FROM:

General Fund $28,928,200
Cigarette, Tobacco and Lottery Income Taxes 4,031,400
Federal Grant 249,115,000
TOTAL $282,074,600

SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2015, through June 30, 2016:

FROM:

General Fund $28,928,200
SECTION 3. There is hereby appropriated to the Public Schools Educational Support Program/Division of Children's Programs the following amount to be expended from the listed funds for the period July 1, 2015, through June 30, 2016:

FROM:

Public School Income Fund $32,959,600
Federal Grant 249,115,000
TOTAL $282,074,600

SECTION 4. 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, 2015, through June 30, 2016, 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 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. Notwithstanding the provisions of any law to the contrary, of the moneys appropriated in Section 3 of this act, up to $4,031,400 from funds determined by available tobacco, cigarette and lottery income tax revenues accruing, appropriated or distributed to the Public School Income Fund pursuant to Sections 63-2506, 63-2552A, 63-3035A and 63-3067, Idaho Code, for the period July 1, 2015, through June 30, 2016, 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. Of the moneys appropriated in Section 3 of this act, $5,790,000 shall be distributed for literacy programs, as outlined in Sections 33-1207A(2), 33-1614 and 33-1615, Idaho Code, and 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 shall report to the Joint Finance-Appropriations Committee and the Senate and House Education committees by no later than February 1, 2017, on the uses of funds and effectiveness of the programs and efforts.

SECTION 7. Pursuant to Section 33-1617, Idaho Code, of the moneys appropriated in Section 3 of this act, $3,820,000 shall be distributed for
support of programs for students with non-English or limited English profi-
ciency, as follows:

(1) The Superintendent of Public Instruction shall distribute $3,370,000 to school districts pro rata, based upon the population of limited English proficient students under criteria established by the de-
partment.

(2) The Superintendent of Public Instruction shall distribute $450,000 for a competitive grant program to assist school districts in which the pop-
ulation of English language learners must meet Annual Measurable Achieve-
ment Objectives (AMAOs) in math or reading, as defined in federal law. This amount shall be distributed annually to school districts in three-year grant cycles, contingent on appropriation and the ability of grantees to meet pro-
gram objectives.

(3) The superintendent shall develop the program elements and objec-
tives governing the use of these funds and include a program evaluation com-
ponent. 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 shall report to the Joint Finance-Ap-
propriations Committee and the Senate and House Education committees by no later than February 1, 2017, on the program design, uses of funds and program effectiveness.

SECTION 8. It is legislative intent that the Superintendent of Public Instruction shall compile information concerning the numbers of students enrolling in advanced opportunities courses according to the provisions of Chapter 16, Title 33, Idaho Code, whether coursework is successfully com-
pleted, and expenditures for fiscal year 2016. As nearly as possible, the report shall contain information about enrollment of this student popula-
tion 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, 2016.

SECTION 9. For the purposes of this appropriation, the term "dis-
tributed" means moneys that are transferred to school districts and public charter schools with no funds withheld for any other contract or administra-
tive costs.

SECTION 10. TRANSFER TO THE PUBLIC EDUCATION STABILIZATION FUND. There is hereby appropriated and upon passage and approval of this act, the State Controller shall transfer $21,500,000 from the Consumer Protection Fund in the Office of the Attorney General to the Public Education Stabilization Fund.

SECTION 11. An emergency existing therefor, which emergency is hereby declared to exist, Section 10 of this act shall be in full force and effect on and after its passage and approval.