

IN THE SENATE

SENATE BILL NO. 1206

BY FINANCE COMMITTEE

AN ACT

1 RELATING TO PUBLIC SCHOOLS; STATING FUND SOURCES FOR THE APPROPRIATION  
2 TO PUBLIC SCHOOLS FOR FISCAL YEAR 2012; APPROPRIATING MONEYS FOR THE  
3 TRANSFER TO THE PUBLIC SCHOOL INCOME FUND FOR FISCAL YEAR 2012; AP-  
4 PROPRIATING MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF  
5 ADMINISTRATORS FOR FISCAL YEAR 2012; APPROPRIATING MONEYS TO THE ED-  
6 UCATIONAL SUPPORT PROGRAM/DIVISION OF TEACHERS FOR FISCAL YEAR 2012;  
7 APPROPRIATING MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF  
8 OPERATIONS FOR FISCAL YEAR 2012; APPROPRIATING MONEYS TO THE EDUCA-  
9 TIONAL SUPPORT PROGRAM/DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR  
10 2012; APPROPRIATING MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVI-  
11 SION OF FACILITIES FOR FISCAL YEAR 2012; PROVIDING THE NECESSARY FUNDS  
12 FOR THE BOND LEVY EQUALIZATION PROGRAM; LIMITING THE AMOUNT OF REVENUE  
13 DISTRIBUTED TO THE GENERAL FUND; APPROPRIATING MONEYS TO THE EDUCA-  
14 TIONAL SUPPORT PROGRAM/DIVISION OF EDUCATIONAL SERVICES FOR THE DEAF  
15 AND THE BLIND FOR FISCAL YEAR 2012; AMENDING SECTION 33-1004E, IDAHO  
16 CODE, TO ADJUST BASE AND MINIMUM SALARIES; PROVIDING THAT THE FUNDS  
17 FROM THE SCHOOL DISTRICT BUILDING ACCOUNT BE USED AS DISCRETIONARY  
18 FUNDS; RELIEVING THE STATE OF THE REQUIREMENT TO PROVIDE SCHOOL MAIN-  
19 TENANCE MATCHING FUNDS; PROVIDING AN ESTIMATE OF DISCRETIONARY FUNDS  
20 PER SUPPORT UNIT; PROVIDING FOR A \$7,500,000 REDUCTION IN TRANSPORTA-  
21 TION COSTS; PROVIDING THAT \$8,281,400 OF TOBACCO, CIGARETTE AND LOTTERY  
22 INCOME TAX MONEYS BE USED AS DISCRETIONARY FUNDS; DIRECTING THE USE OF  
23 \$318,600 OF TOBACCO, CIGARETTE AND LOTTERY INCOME TAX MONEYS; DIRECTING  
24 THE USE OF \$9,400,000 FOR READING AND MATH INITIATIVES, REMEDIATION  
25 AND TECHNOLOGY INITIATIVES; DIRECTING THE USE OF \$4,000,000 FOR LIM-  
26 ITED ENGLISH PROFICIENCY PROGRAMS; DIRECTING THE USE OF \$6,000,000 FOR  
27 THE IDAHO DIGITAL LEARNING ACADEMY; PROVIDING THAT NO MONEYS BE APPRO-  
28 PRIATED FOR EXPECTANT OR DELIVERED MOTHERS PROGRAMS; DIRECTING THAT  
29 CERTAIN INFORMATION BE COMPILED BY THE STATE DEPARTMENT OF EDUCATION ON  
30 THE DUAL ENROLLMENT PROGRAM; AND GRANTING THE AUTHORITY TO TRANSFER AP-  
31 PROPRIATIONS AMONG FIVE DIVISIONS OF THE EDUCATIONAL SUPPORT PROGRAM.  
32

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

34 SECTION 1. The following amount shall be expended from state sources  
35 for the Educational Support Program, for the period July 1, 2011, through  
36 June 30, 2012:

37 FROM:

38 General Fund	\$1,223,580,400
39 Bond Levy Equalization Fund	5,800,000
40 School District Building Account	17,600,000
41 Miscellaneous Revenue	109,200
42 Public Schools Other Income	5,000,000
43 School for the Deaf and Blind Endowment	145,800

1	Cigarette, Tobacco and Lottery Income Taxes	8,600,000
2	Public School Endowment Earnings Reserve Fund	31,292,400
3	Federal Education Jobs Fund	25,820,500
4	Federal Grant	<u>243,121,000</u>
5	TOTAL	\$1,561,069,300

6 SECTION 2. There is hereby appropriated the following amount to be  
7 transferred to the Public School Income Fund for the period July 1, 2011,  
8 through June 30, 2012:

9 FROM:  
10 General Fund \$1,211,980,400

11 SECTION 3. There is hereby appropriated to the Educational Support Pro-  
12 gram/Division of Administrators, the following amount to be expended from  
13 the listed fund for the period July 1, 2011, through June 30, 2012:

14 FROM:  
15 Public School Income Fund \$74,868,700

16 SECTION 4. There is hereby appropriated to the Educational Support  
17 Program/Division of Teachers, the following amounts to be expended from the  
18 listed funds for the period July 1, 2011, through June 30, 2012:

19 FROM:  
20 Public School Income Fund \$683,965,600  
21 Federal Education Jobs Fund 25,820,500  
22 Federal Grant 30,000,000  
23 TOTAL \$739,786,100

24 SECTION 5. There is hereby appropriated to the Educational Support Pro-  
25 gram/Division of Operations, the following amounts to be expended from the  
26 listed funds for the period July 1, 2011, through June 30, 2012:

27 FROM:  
28 Public School Income Fund \$462,437,800  
29 School District Building Account 17,600,000  
30 Federal Grant 8,000,000  
31 TOTAL \$488,037,800

32 SECTION 6. There is hereby appropriated to the Educational Support Pro-  
33 gram/Division of Children's Programs, the following amounts to be expended  
34 from the listed funds for the period July 1, 2011, through June 30, 2012:

35 FROM:  
36 Public School Income Fund \$28,508,800  
37 Federal Grant 205,000,000  
38 TOTAL \$233,508,800

1 SECTION 7. There is hereby appropriated to the Educational Support Pro-  
 2 gram/Division of Facilities, the following amounts to be expended from the  
 3 listed funds for the period July 1, 2011, through June 30, 2012:

4 FROM:  
 5 General Fund \$11,600,000  
 6 Bond Levy Equalization Fund 5,800,000  
 7 TOTAL \$17,400,000

8 SECTION 8. Of the moneys appropriated to the Educational Support Pro-  
 9 gram, the amount necessary to fund the provisions of Section 33-906, Idaho  
 10 Code, is hereby transferred and appropriated to the Bond Levy Equalization  
 11 Fund.

12 SECTION 9. The provisions of subsection (4) of Section 63-2520, Idaho  
 13 Code, notwithstanding, the amount of revenue distributed to the General Fund  
 14 shall be \$11,600,000 for the period July 1, 2011, through June 30, 2012.

15 SECTION 10. There is hereby appropriated to the Educational Support  
 16 Program/Division of Educational Services for the Deaf and the Blind, the  
 17 following amounts to be expended from the listed funds for the period July 1,  
 18 2011, through June 30, 2012:

19 FROM:  
 20 Public School Income Fund \$7,091,900  
 21 Miscellaneous Revenue 109,200  
 22 School for the Deaf and Blind Endowment 145,800  
 23 Federal Grant 121,000  
 24 TOTAL \$7,467,900

25 SECTION 11. That Section 33-1004E, Idaho Code, be, and the same is  
 26 hereby amended to read as follows:

27 33-1004E. DISTRICT'S SALARY-BASED APPORTIONMENT. Each district shall  
 28 be entitled to a salary-based apportionment calculated as provided in this  
 29 section.

30 1. To determine the apportionment for instructional staff, first de-  
 31 termine the district average experience and education index by placing all  
 32 eligible district certificated instructional employees on the statewide  
 33 index provided in section 33-1004A, Idaho Code. The resulting average is  
 34 the district index. Districts with an index above the state average index  
 35 shall receive their actual index but not more than the state average plus  
 36 .03 for the 1994-95 school year, and shall receive their actual index but  
 37 not more than the state average plus .06 for the 1995-96 school year, and  
 38 thereafter shall receive their actual district index. The district instruc-  
 39 tional staff index shall be multiplied by the instructional base salary of  
 40 ~~\$23,565~~ \$23,123. The amount so determined shall be multiplied by the dis-  
 41 trict staff allowance for instructional staff determined as provided in  
 42 section 33-1004(2), Idaho Code. The instructional salary allocation shall  
 43 be further increased by the amount necessary for each full-time equivalent  
 44 instructional staff member placed on the experience and education index to  
 45 be allocated at least the minimum salary mandated by this section. Full-time

1 instructional staff salaries shall be determined from a salary schedule de-  
2 veloped by each district and submitted to the state department of education.  
3 No full-time instructional staff member shall be paid less than \$29,655.  
4 If an instructional staff member has been certified by the national board  
5 for professional teaching standards, the staff member shall be designated  
6 as a master teacher and receive \$2,000 per year for five (5) years. The  
7 instructional salary shall be increased by \$2,000 for each master teacher  
8 provided however, that no such awards shall be paid for the period July 1,  
9 2010, through June 30, 2011, nor shall any liabilities accrue or payments  
10 be made pursuant to this section in the future to any individuals who would  
11 have otherwise qualified for a payment during this stated time period. The  
12 resulting amount is the district's salary-based apportionment for instruc-  
13 tional staff. For purposes of this section, teachers qualifying for the  
14 salary increase as master teacher shall be those who have been recognized as  
15 national board certified teachers as of July 1 of each year.

16 2. To determine the apportionment for district administrative staff,  
17 first determine the district average experience and education index by plac-  
18 ing all eligible certificated administrative employees on the statewide  
19 index provided in section 33-1004A, Idaho Code. The resulting average is  
20 the district index. Districts with an index above the state average index  
21 shall receive their actual index but not more than the state average plus  
22 .03 for the school year 1994-95, and shall receive their actual index but  
23 not more than the state average index plus .06 for the 1995-96 school year,  
24 and thereafter shall receive their actual district index. The district ad-  
25 ministrative staff index shall be multiplied by the base salary of ~~\$32,441~~  
26 \$31,833. The amount so determined shall be multiplied by the district  
27 staff allowance for administrative staff determined as provided in section  
28 33-1004(3), Idaho Code. The resulting amount is the district's salary-based  
29 apportionment for administrative staff.

30 3. To determine the apportionment for classified staff, multiply  
31 ~~\$19,041~~ \$18,684 by the district classified staff allowance determined as  
32 provided in section 33-1004(4), Idaho Code. The amount so determined is the  
33 district's apportionment for classified staff.

34 4. The district's salary-based apportionment shall be the sum of the  
35 apportionments calculated in subsections 1., 2. and 3., of this section,  
36 plus the benefit apportionment as provided in section 33-1004F, Idaho Code.

37 SECTION 12. Notwithstanding the provisions of Sections 33-905 and  
38 33-1019, Idaho Code, for the period July 1, 2011, through June 30, 2012,  
39 all moneys appropriated from the School District Building Account shall be  
40 distributed as discretionary funds and school districts and charter schools  
41 are hereby relieved of any restrictions on the use of such funds, apart from  
42 restrictions that apply to the use of discretionary funds.

43 SECTION 13. Notwithstanding the provisions of Sections 33-1018B and  
44 33-1019, Idaho Code, for the period July 1, 2011, through June 30, 2012,  
45 only, the state is hereby temporarily relieved from the requirement to pro-  
46 vide its portion of the school maintenance matching funds normally required  
47 by such sections, nor shall school districts be required to make up such por-  
48 tion that would otherwise be provided by the state.

1 SECTION 14. Pursuant to the provisions of Section 33-1018, Idaho Code,  
2 for the period July 1, 2011, through June 30, 2012, it is estimated that the  
3 appropriation of state funds to the Educational Support Program/Division of  
4 Operations will result in total discretionary funds of \$19,626 per support  
5 unit.

6 SECTION 15. Notwithstanding the provisions of Section 33-1006, Idaho  
7 Code, for the period July 1, 2011, through June 30, 2012, the total moneys  
8 paid to school districts and charter schools for eligible transportation  
9 costs shall be reduced by a proportionate amount to equal \$7,500,000 and  
10 shall be used as discretionary spending.

11 SECTION 16. Notwithstanding the provisions of any law to the contrary,  
12 of the moneys appropriated in Section 5 of this act, up to \$8,281,400 from  
13 funds determined by available Tobacco, Cigarette and Lottery income tax  
14 revenues accruing, appropriated, or distributed to the Public School In-  
15 come Fund pursuant to Sections 63-2506, 63-2552A, 63-3035A and 63-3067,  
16 Idaho Code, for the period July 1, 2011, through June 30, 2012, shall be  
17 distributed as discretionary funds within the Educational Support Pro-  
18 gram/Division of Operations, and school districts and charter schools are  
19 hereby relieved of any restrictions on the use of such funds, apart from re-  
20 strictions that apply to the use of discretionary funds.

21 SECTION 17. Of the moneys appropriated in Section 6 of this act,  
22 \$318,600 from funds determined by available revenues accruing, appropri-  
23 ated, or distributed to the Public School Income Fund pursuant to Sections  
24 63-2506, 63-2552A, 63-3035A and 63-3067, Idaho Code, and other such moneys  
25 that may become available pursuant to Idaho laws, for the period July 1,  
26 2011, through June 30, 2012, shall be distributed as follows: the provi-  
27 sions of Section 63-2552A(3), Idaho Code, notwithstanding, \$200,000 shall  
28 be remitted to the Idaho State Police to increase toxicology lab capacity in  
29 the bureau of forensic services for drug testing of juveniles. The Superin-  
30 tendent of Public Instruction may use up to \$40,000 for Safe and Drug-Free  
31 Schools Program administration, technical assistance, and evaluation; and  
32 up to \$78,600 in grants may be authorized to the Commission on Hispanic Af-  
33 fairs.

34 SECTION 18. Of the moneys appropriated in Section 6 of this act,  
35 \$9,400,000 shall be used for literacy programs, as outlined in Sections  
36 33-1207A(2), 33-1614 and 33-1615, Idaho Code; remedial coursework for stu-  
37 dents failing to achieve proficiency in the Idaho Standards Achievement  
38 Test; computerized remediation services to schools; and math initiative  
39 efforts, in dollar amounts determined by the Superintendent of Public In-  
40 struction. Of this amount, up to \$120,000 may be expended by the Superinten-  
41 dent of Public Instruction for staff support related to the implementation  
42 and coordination of technology initiatives in public schools, including  
43 the state's longitudinal data project. It is legislative intent that the  
44 State Board of Education and State Department of Education coordinate fed-  
45 erally funded literacy programs with state literacy programs, resulting in  
46 well-coordinated, complementary literacy efforts. The Superintendent of

1 Public Instruction shall report to the Joint Finance-Appropriations Commit-  
2 tee and the House and Senate Education Committees, by no later than February  
3 1, 2013, on the uses of funds and effectiveness of the programs and efforts.

4 SECTION 19. Pursuant to Section 33-1617, Idaho Code, of the moneys  
5 appropriated in Section 6 of this act, \$4,000,000 shall be distributed for  
6 support of programs for students with non-English or limited English profi-  
7 ciency, as follows:

8 (1) The State Department of Education shall distribute \$3,500,000 to  
9 school districts pro rata, based upon the population of limited English pro-  
10 ficient students under criteria established by the department.

11 (2) The State Department of Education shall use \$500,000 for the com-  
12 petitive grant program for school districts in which the population of Eng-  
13 lish language learners failed to meet Adequate Yearly Progress (AYP) in math  
14 or reading, as defined in federal law. Of this amount, \$450,000 shall be  
15 distributed annually to school districts in three (3) year grant cycles, in  
16 which the recipients will receive full grant awards each of the three (3)  
17 years, contingent on appropriation. The remaining \$50,000 will be used for  
18 evaluation and administration of the program.

19 (3) The department shall develop the program elements governing the  
20 use of these funds, modeled on the training, intervention and remediation  
21 elements of the literacy programs referenced in Section 18 of this act. The  
22 purpose of these funds is to improve the English language skills of English  
23 language learners, to enable such students to better access the educational  
24 opportunities offered in public schools. The Superintendent of Public In-  
25 struction shall report to the Joint Finance-Appropriations Committee and  
26 the House and Senate Education Committees by no later than February 1, 2013,  
27 on the program design, uses of funds and effectiveness of the program.

28 SECTION 20. Notwithstanding Section 33-1020, Idaho Code, the Idaho  
29 Digital Learning Academy (IDLA), created pursuant to Chapter 55, Title 33,  
30 Idaho Code, shall utilize state appropriated funds not to exceed \$6,000,000  
31 for the period July 1, 2011, through June 30, 2012, to achieve the following:

32 (1) Tuition charged by IDLA to Idaho students shall not exceed \$75.00  
33 per enrollment.

34 (2) Provide remedial coursework for students failing to achieve profi-  
35 ciency in one (1) or more areas of the Idaho Standards Achievement Test.

36 (3) Pursuant to the fiscal impact statement for the State Board of Ed-  
37 ucation rule, IDAPA 08.02.03, Docket Number 08-0203-0605, provide advanced  
38 learning opportunities for students.

39 (4) Pursuant to State Board of Education rule, IDAPA 08.02.03, Docket  
40 Number 08-0203-0605, work with institutions of higher education to provide  
41 dual credit coursework. The preceding list shall not be construed as exclud-  
42 ing other instruction and training that may be provided by the Idaho Digital  
43 Learning Academy.

44 SECTION 21. No moneys are appropriated for programs for expectant or  
45 delivered mothers for the period July 1, 2011, through June 30, 2012, the  
46 provisions of Sections 33-1002, 33-2006 and 33-2007, Idaho Code, notwith-  
47 standing.

1           SECTION 22. It is legislative intent that the State Department of  
2 Education shall compile information concerning the numbers of students en-  
3 rolling in dual credit according to the provisions of Section 33-1626, Idaho  
4 Code, whether coursework is successfully completed, and total expenditures  
5 for fiscal year 2012. As nearly as possible, the report shall contain in-  
6 formation about enrollment of this student population in post-high school  
7 education. A report containing such information shall be posted on the web-  
8 site of the State Department of Education no later than December 31, 2012.

9           SECTION 23. The State Department of Education is hereby granted the  
10 authority to transfer appropriations between the Administrators, Teachers,  
11 Operations, Children's Programs, and Facilities Divisions of the Educa-  
12 tional Support Program budget, in any amount necessary, to comply with the  
13 public school funding provisions of appropriations and the Idaho Code.