

IN THE SENATE

SENATE BILL NO. 1207

BY FINANCE COMMITTEE

AN ACT

1 RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT
2 PROGRAM'S DIVISION OF CHILDREN'S PROGRAMS; APPROPRIATING MONEYS TO THE
3 PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF CHILDREN'S
4 PROGRAMS FOR FISCAL YEAR 2024; APPROPRIATING GENERAL FUND MONEYS FOR
5 TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; PROVIDING REQUIREMENTS
6 REGARDING THE IDAHO DIGITAL LEARNING ACADEMY; DIRECTING THE USE OF TO-
7 BACCO, CIGARETTE, AND LOTTERY INCOME TAX MONEYS; DIRECTING THE USE OF
8 APPROPRIATION FOR REMEDIATION; DIRECTING THE USE OF APPROPRIATION FOR
9 ENGLISH PROFICIENCY PROGRAMS; DIRECTING THE STATE DEPARTMENT OF EDU-
10 CATION TO COMPILE INFORMATION ON ADVANCED OPPORTUNITIES; PROVIDING A
11 TRANSFER TO THE COMMISSION ON HISPANIC AFFAIRS; PROVIDING A TRANSFER TO
12 THE IDAHO STATE POLICE; DEFINING "DISTRIBUTED"; DIRECTING A DISTRIBU-
13 TION TO PURCHASE DIGITAL CONTENT AND CURRICULA; LIMITING THE EXPENDI-
14 TURE OF SPECIAL EDUCATION FUNDING; CLARIFYING THE ORIGINAL FUND SOURCE
15 FOR EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S
16 DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2024; AND DECLARING AN
17 EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
18

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

20 SECTION 1. There is hereby appropriated to the Public Schools Edu-
21 cational Support Program's Division of Children's Programs the following
22 amounts to be expended from the listed funds for the period July 1, 2023,
23 through June 30, 2024:

24 FROM:

25 Public School Income Fund	\$152,448,600
26 Federal COVID-19 Relief Fund	21,238,900
27 American Rescue Plan Fund	285,114,500
28 Federal Grant Fund	<u>240,147,800</u>
29 TOTAL	\$698,949,800

30 SECTION 2. There is hereby appropriated and the Office of the State
31 Controller shall transfer \$148,123,700 from the General Fund to the Public
32 School Income Fund on July 1, 2023, or as soon thereafter as practicable for
33 the period July 1, 2023, through June 30, 2024.

34 SECTION 3. IDAHO DIGITAL LEARNING ACADEMY. The Idaho Digital Learning
35 Academy (IDLA), created pursuant to Chapter 55, Title 33, Idaho Code, shall
36 utilize state-appropriated funds for the period July 1, 2023, through June
37 30, 2024, to achieve the following:

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

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

5 (3) Pursuant to State Board of Education rule, IDAPA 08.02.03, provide
6 advanced opportunities, including access to dual credit courses, for stu-
7 dents.

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

10 SECTION 4. TOBACCO, CIGARETTE, AND LOTTERY DISTRIBUTION. Notwith-
11 standing any provision of law to the contrary, of the moneys appropriated in
12 Section 1 of this act, up to \$4,324,900 from available tobacco, cigarette,
13 and lottery income tax revenue funds accruing, appropriated, or distributed
14 to the Public School Income Fund pursuant to Sections 63-2506, 63-2552A,
15 and 63-3067, Idaho Code, for the period July 1, 2023, through June 30, 2024,
16 shall be distributed to school districts and charter schools through a com-
17 bination of a base amount of \$2,000 plus a prorated amount based on the prior
18 year's average daily attendance. Such funds shall be used to develop and
19 implement school safety improvements and/or to facilitate and provide sub-
20 stance abuse prevention programs in the public school system.

21 SECTION 5. COURSEWORK. Of the moneys appropriated in Section 1 of this
22 act, \$4,715,000 shall be distributed for coursework for students failing to
23 achieve proficiency on Idaho's standards-based achievement tests in dollar
24 amounts determined by the State Department of Education. The State Depart-
25 ment of Education shall report to the Joint Finance-Appropriations Commit-
26 tee and the Senate Education and House Education committees by no later than
27 January 13, 2024, on the uses of funds and effectiveness of the programs and
28 efforts.

29 SECTION 6. ENGLISH PROFICIENCY. Pursuant to Section 33-1617, Idaho
30 Code, of the moneys appropriated in Section 1 of this act, \$4,820,000 shall
31 be distributed for support of students in English language learner programs
32 as follows:

33 (1) The State Department of Education shall distribute \$4,370,000 to
34 school districts and charter schools pro rata based on the population of Eng-
35 lish language learners under criteria established by the department.

36 (2) The State Department of Education shall distribute \$450,000 for a
37 competitive grant program to assist school districts and charter schools in
38 which English language learners are not reaching statewide accountability
39 interim targets or long-term goals, as defined by federal law. This amount
40 shall be distributed annually in three-year grant cycles, contingent on ap-
41 propriation and the ability of grantees to meet program objectives.

42 (3) The State Department of Education shall develop the program ele-
43 ments and objectives governing the use of these funds and include a program
44 evaluation component.

45 The purpose of these funds is to improve student English language skills to
46 allow for better access to the educational opportunities offered in public
47 schools. The State Department of Education shall report to the Joint Fi-

1 nance-Appropriations Committee and the Senate Education and House Education
2 committees by no later than January 13, 2024, on the program design, use of
3 funds, and program effectiveness.

4 SECTION 7. ADVANCED OPPORTUNITIES COURSES AND PROGRAM EVALUATION.
5 The State Department of Education shall compile information concerning the
6 numbers of students enrolling in advanced opportunities courses according
7 to the provisions of Chapter 46, Title 33, Idaho Code, whether coursework
8 is successfully completed, and total expenditures for fiscal year 2023.
9 As nearly as practicable, the report shall contain information about en-
10 rollment of this student population in postsecondary education. A report
11 containing such information shall be posted on the website of the State De-
12 partment of Education no later than December 29, 2023.

13 SECTION 8. PUBLIC SCHOOL INCOME FUND TRANSFER TO COMMISSION ON HISPANIC
14 AFFAIRS. There is hereby appropriated and the Office of the State Controller
15 shall transfer in accordance with Section 63-2552A(3), Idaho Code, on July
16 1, 2023, or as soon thereafter as practicable, \$80,000 from the Public School
17 Income Fund to the Commission on Hispanic Affairs Miscellaneous Revenue Fund
18 to be used for substance abuse prevention efforts in collaboration with the
19 State Department of Education.

20 SECTION 9. PUBLIC SCHOOL INCOME FUND TRANSFER TO THE IDAHO STATE PO-
21 LICE. There is hereby appropriated and the Office of the State Controller
22 shall transfer in accordance with Section 63-2552A(3), Idaho Code, on July
23 1, 2023, or as soon thereafter as practicable, \$200,000 from the Public
24 School Income Fund to the Idaho State Police Miscellaneous Revenue Fund for
25 the purpose of increasing toxicology lab capacity in Forensic Services.

26 SECTION 10. DEFINITION. For the purposes of this act, "distributed"
27 means moneys that are transferred to school districts, public charter
28 schools, and the Idaho Digital Learning Academy, with no funds withheld for
29 any other contract or administrative costs.

30 SECTION 11. DIGITAL CONTENT. Of the funds appropriated in Section 1 of
31 this act, \$1,600,000 shall be distributed by the State Department of Educa-
32 tion to school districts and public charter schools to purchase digital con-
33 tent and curricula of their choice. Funding will be distributed based on a
34 formula prescribed by the State Department of Education that includes a base
35 amount and an amount based on the number of midterm support units.

36 SECTION 12. SPECIAL EDUCATION FUNDING. Of the moneys appropriated
37 in Section 1 of this act, the State Department of Education shall issue
38 \$8,546,000 pursuant to 34 CFR 300 to provide for the education of all chil-
39 dren with disabilities, within the eligible school districts and public
40 charter schools of Idaho. Funding shall not be distributed by the State
41 Department of Education until the United States Department of Education has
42 made an official decision on the maintenance of financial support waiver
43 request. If a decision is not made by June 30, 2024, the State Department of
44 Education shall revert the funds to the General Fund and make a new request

1 for funding when the United States Department of Education has made an offi-
2 cial decision.

3 SECTION 13. Of the amounts appropriated in Section 1 of this act for
4 the Public Schools Educational Support Program's Division of Children's
5 Programs, the following amounts shall be considered expended from the listed
6 funds for the period July 1, 2023, through June 30, 2024:

7 FROM:

8	General Fund	\$148,123,700
9	Cigarette, Tobacco and Lottery Income Taxes Fund	4,324,900
10	Federal COVID-19 Relief Fund	21,238,900
11	American Rescue Plan Fund	285,114,500
12	Federal Grant Fund	<u>240,147,800</u>
13	TOTAL	\$698,949,800

14 SECTION 14. An emergency existing therefor, which emergency is hereby
15 declared to exist, this act shall be in full force and effect on and after
16 July 1, 2023.