

IN THE SENATE

SENATE BILL NO. 1410

BY FINANCE COMMITTEE

AN ACT

1 RELATING TO PUBLIC SCHOOLS; PROVIDING A NON-GENERAL FUND SUPPLEMENTAL AP-  
2 PROPRIATION TO THE EDUCATIONAL SUPPORT PROGRAM FOR FISCAL YEAR 2012;  
3 PROVIDING A NON-GENERAL FUND SUPPLEMENTAL APPROPRIATION TO THE EDU-  
4 CATIONAL SUPPORT PROGRAM/DIVISION OF TEACHERS FOR FISCAL YEAR 2012;  
5 STATING FUND SOURCES FOR THE APPROPRIATION TO EDUCATIONAL SUPPORT PRO-  
6 GRAM FOR FISCAL YEAR 2013; APPROPRIATING MONEYS FOR THE TRANSFER TO THE  
7 PUBLIC SCHOOL INCOME FUND FOR FISCAL YEAR 2013; APPROPRIATING MONEYS TO  
8 THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF ADMINISTRATORS FOR FISCAL  
9 YEAR 2013; APPROPRIATING MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DI-  
10 VISION OF TEACHERS FOR FISCAL YEAR 2013; APPROPRIATING MONEYS TO THE  
11 EDUCATIONAL SUPPORT PROGRAM/DIVISION OF OPERATIONS FOR FISCAL YEAR  
12 2013; APPROPRIATING MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVI-  
13 SION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2013; APPROPRIATING MONEYS  
14 TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF FACILITIES FOR FISCAL  
15 YEAR 2013; PROVIDING THE NECESSARY FUNDS FOR THE BOND LEVY EQUALIZA-  
16 TION PROGRAM; LIMITING THE AMOUNT OF REVENUE DISTRIBUTED TO THE GENERAL  
17 FUND; APPROPRIATING MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVI-  
18 SION OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND FOR FISCAL  
19 YEAR 2013; AMENDING SECTION 33-1004E, IDAHO CODE, TO ADJUST BASE AND  
20 MINIMUM SALARIES; PROVIDING THAT THE FUNDS FROM THE SCHOOL DISTRICT  
21 BUILDING ACCOUNT BE USED AS DISCRETIONARY FUNDS; RELIEVING THE STATE  
22 OF THE REQUIREMENT TO PROVIDE SCHOOL MAINTENANCE MATCHING FUNDS; PRO-  
23 VIDING AN ESTIMATE OF DISCRETIONARY FUNDS PER SUPPORT UNIT; PROVIDING  
24 FOR A \$7,500,000 REDUCTION IN TRANSPORTATION COSTS AND DIRECTING THOSE  
25 FUNDS TO DISCRETIONARY FUNDS; PROVIDING THAT \$4,381,400 OF TOBACCO,  
26 CIGARETTE AND LOTTERY INCOME TAX MONEYS BE USED AS DISCRETIONARY FUNDS;  
27 DIRECTING THE USE OF \$318,600 OF TOBACCO, CIGARETTE AND LOTTERY INCOME  
28 TAX MONEYS; DIRECTING THE USE OF \$9,400,000 FOR READING AND MATH INI-  
29 TIATIVES, AND REMEDIATION; DIRECTING THE USE OF \$4,000,000 FOR LIMITED  
30 ENGLISH PROFICIENCY PROGRAMS; DIRECTING THE USE OF \$5,031,000 FOR THE  
31 IDAHO DIGITAL LEARNING ACADEMY; PROVIDING THAT NO MONEYS BE APPROPRI-  
32 ATED FOR EXPECTANT OR DELIVERED MOTHERS PROGRAMS; DIRECTING THE USE OF  
33 \$2,500,000 FOR INFORMATION TECHNOLOGY STAFFING COSTS; DIRECTING THAT  
34 CERTAIN INFORMATION BE COMPILED BY THE STATE DEPARTMENT OF EDUCATION  
35 ON THE DUAL ENROLLMENT PROGRAM; GRANTING THE AUTHORITY TO TRANSFER AP-  
36 PROPRIATIONS AMONG FIVE DIVISIONS OF THE EDUCATIONAL SUPPORT PROGRAM;  
37 PROVIDING NON-GENERAL FUND REAPPROPRIATION FOR FISCAL YEAR 2013; AND  
38 DECLARING AN EMERGENCY.  
39

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

41 SECTION 1. In addition to the appropriation made in Section 1, Chap-  
42 ter 332, Laws of 2011, and any other appropriation provided for by law, there  
43 is hereby appropriated to the Educational Support Program \$10,470,200 from

1 the Federal Education Jobs Fund to be expended for the period July 1, 2011,  
2 through June 30, 2012.

3 SECTION 2. In addition to the appropriation made in Section 4, Chapter  
4 332, Laws of 2011, and any other appropriation provided for by law, there is  
5 hereby appropriated to the Educational Support Program/Division of Teachers  
6 \$10,470,200 from the Federal Education Jobs Fund to be expended for the pe-  
7 riod July 1, 2011, through June 30, 2012.

8 SECTION 3. The following amount shall be expended from state sources  
9 for the Educational Support Program, for the period July 1, 2012, through  
10 June 30, 2013:

11 FROM:	
12 General Fund	\$1,279,818,600
13 Bond Levy Equalization Fund	4,323,000
14 School District Building Account	17,350,000
15 Miscellaneous Revenue	109,200
16 Public Schools Other Income	9,000,000
17 School for the Deaf and the Blind Endowment	98,800
18 Cigarette, Tobacco and Lottery Income Taxes	4,700,000
19 Public School Endowment Earnings Reserve Fund	31,292,400
20 Federal Grant	<u>220,121,100</u>
21 TOTAL	\$1,566,813,100

22 SECTION 4. There is hereby appropriated the following amount from the  
23 listed fund to be transferred to the Public School Income Fund for the period  
24 July 1, 2012, through June 30, 2013:

25 FROM:	
26 General Fund	\$1,266,741,600

27 SECTION 5. There is hereby appropriated to the Educational Support Pro-  
28 gram/Division of Administrators, the following amount to be expended from  
29 the listed fund for the period July 1, 2012, through June 30, 2013:

30 FROM:	
31 Public School Income Fund	\$78,996,600

32 SECTION 6. There is hereby appropriated to the Educational Support  
33 Program/Division of Teachers, the following amounts to be expended from the  
34 listed funds for the period July 1, 2012, through June 30, 2013:

35 FROM:	
36 Public School Income Fund	\$723,471,100
37 Federal Grant	<u>30,000,000</u>
38 TOTAL	\$753,471,100

39 SECTION 7. There is hereby appropriated to the Educational Support Pro-  
40 gram/Division of Operations, the following amounts to be expended from the  
41 listed funds for the period July 1, 2012, through June 30, 2013:

42 FROM:	
43 Public School Income Fund	\$474,079,600
44 School District Building Account	17,350,000

1	Federal Grant	<u>8,000,000</u>
2	TOTAL	<u>\$499,429,600</u>

3 SECTION 8. There is hereby appropriated to the Educational Support Pro-  
 4 gram/Division of Children's Programs, the following amounts to be expended  
 5 from the listed funds for the period July 1, 2012, through June 30, 2013:

6	FROM:	
7	Public School Income Fund	\$27,798,800
8	Federal Grant	<u>182,000,000</u>
9	TOTAL	<u>\$209,798,800</u>

10 SECTION 9. There is hereby appropriated to the Educational Support Pro-  
 11 gram/Division of Facilities, the following amounts to be expended from the  
 12 listed funds for the period July 1, 2012, through June 30, 2013:

13	FROM:	
14	General Fund	\$13,077,000
15	Bond Levy Equalization Fund	<u>4,323,000</u>
16	TOTAL	<u>\$17,400,000</u>

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

21 SECTION 11. The provisions of subsection (4) of Section 63-2520, Idaho  
 22 Code, notwithstanding, the amount of revenue distributed to the General Fund  
 23 shall be \$13,077,000 for the period July 1, 2012, through June 30, 2013.

24 SECTION 12. There is hereby appropriated to the Educational Support  
 25 Program/Division of Educational Services for the Deaf and the Blind, the  
 26 following amounts to be expended from the listed funds for the period July 1,  
 27 2012, through June 30, 2013:

28	FROM:	
29	Public School Income Fund	\$7,387,900
30	Miscellaneous Revenue	109,200
31	School for the Deaf and the Blind Endowment	98,800
32	Federal Grant	<u>121,100</u>
33	TOTAL	<u>\$7,717,000</u>

34 SECTION 13. That Section 33-1004E, Idaho Code, be, and the same is  
 35 hereby amended to read as follows:

36 33-1004E. DISTRICT'S SALARY-BASED APPORTIONMENT. Each district shall  
 37 be entitled to a salary-based apportionment calculated as provided in this  
 38 section.

39 1. To determine the apportionment for instructional staff, first de-  
 40 termine the district average experience and education index by placing all  
 41 eligible district certificated instructional employees on the statewide  
 42 index provided in section 33-1004A, Idaho Code. The resulting average is the  
 43 district index. The district instructional staff index shall be multiplied

1 by the instructional base salary of \$23,123. The amount so determined shall  
 2 be multiplied by the district staff allowance for instructional staff de-  
 3 termined as provided in section 33-1004(2), Idaho Code. The instructional  
 4 salary allocation shall be further increased by the amount necessary for  
 5 each full-time equivalent instructional staff member placed on the experi-  
 6 ence and education index to be allocated at least the minimum salary mandated  
 7 by this section. Full-time instructional staff salaries shall be determined  
 8 from a salary schedule developed by each district and submitted to the state  
 9 department of education. No full-time instructional staff member shall be  
 10 paid less than ~~\$29,655 for fiscal year 2011, or \$30,000 thereafter~~ \$30,500.  
 11 The resulting amount is the district's salary-based apportionment for in-  
 12 structional staff. After the base and minimum salaries established pursuant  
 13 to this subsection have reached the amounts that were in effect in fiscal  
 14 year 2009, all further increases to these base and minimum salaries shall be  
 15 allocated such that the percentage increase in the minimum salary is one and  
 16 one-half (1.5) times the percentage increase in the base salary.

17 2. To determine the apportionment for district administrative staff,  
 18 first determine the district average experience and education index by plac-  
 19 ing all eligible certificated administrative employees on the statewide in-  
 20 dex provided in section 33-1004A, Idaho Code. The resulting average is the  
 21 district index. The district administrative staff index shall be multiplied  
 22 by the base salary of \$31,833. The amount so determined shall be multiplied  
 23 by the district staff allowance for administrative staff determined as pro-  
 24 vided in section 33-1004(3), Idaho Code. The resulting amount is the dis-  
 25 trict's salary-based apportionment for administrative staff.

26 3. To determine the apportionment for classified staff, multiply  
 27 ~~\$18,68419,058~~ by the district classified staff allowance determined as pro-  
 28 vided in section 33-1004(4), Idaho Code. The amount so determined is the  
 29 district's apportionment for classified staff.

30 4. The district's salary-based apportionment shall be the sum of the  
 31 apportionments calculated in subsections 1., 2. and 3., of this section, ad-  
 32 justed by the following percentages:

33	Fiscal Year	Percentage
34	2012	(1.67%)
35	2013	(4.05%)
36	2014	(6.30%)
37	2015	(6.42%)
38	2016	(6.21%)
39	2017 and each fiscal year thereafter	(5.74%)

40 plus the benefit apportionment as provided in section 33-1004F, Idaho Code.

41 SECTION 14. Notwithstanding the provisions of Sections 33-905 and  
 42 33-1019, Idaho Code, for the period July 1, 2012, through June 30, 2013,  
 43 all moneys appropriated from the School District Building Account shall  
 44 be distributed as discretionary funds within the Educational Support Pro-  
 45 gram/Division of Operations and school districts and charter schools are

1 hereby relieved of any restrictions on the use of such funds, apart from re-  
2 strictions that apply to the use of discretionary funds.

3 SECTION 15. Notwithstanding the provisions of Sections 33-1018B and  
4 33-1019, Idaho Code, for the period July 1, 2012, through June 30, 2013,  
5 only, the state is hereby temporarily relieved from the requirement to pro-  
6 vide its portion of the school maintenance matching funds normally required  
7 by such sections, nor shall school districts be required to make up such por-  
8 tion that would otherwise be provided by the state.

9 SECTION 16. Pursuant to the provisions of Section 33-1018, Idaho Code,  
10 for the period July 1, 2012, through June 30, 2013, it is estimated that the  
11 appropriation of state funds to the Educational Support Program/Division of  
12 Operations will result in total discretionary funds of \$19,706 per support  
13 unit.

14 SECTION 17. Notwithstanding the provisions of Section 33-1006, Idaho  
15 Code, for the period July 1, 2012, through June 30, 2013, the total moneys  
16 paid to school districts and charter schools for eligible transportation  
17 costs shall be reduced by a proportionate amount to equal \$7,500,000 and  
18 shall be used as discretionary spending.

19 SECTION 18. Notwithstanding the provisions of any law to the contrary,  
20 of the moneys appropriated in Section 7 of this act, up to \$4,381,400 from  
21 funds determined by available tobacco, cigarette and lottery income tax  
22 revenues accruing, appropriated, or distributed to the Public School In-  
23 come Fund pursuant to Sections 63-2506, 63-2552A, 63-3035A and 63-3067,  
24 Idaho Code, for the period July 1, 2012, through June 30, 2013, shall be  
25 distributed as discretionary funds within the Educational Support Pro-  
26 gram/Division of Operations, and school districts and charter schools are  
27 hereby relieved of any restrictions on the use of such funds, apart from re-  
28 strictions that apply to the use of discretionary funds.

29 SECTION 19. Of the moneys appropriated in Section 8 of this act,  
30 \$318,600 from funds determined by available revenues accruing, appropri-  
31 ated, or distributed to the Public School Income Fund pursuant to Sections  
32 63-2506, 63-2552A, 63-3035A and 63-3067, Idaho Code, and other such moneys  
33 that may become available pursuant to Idaho laws, for the period July 1,  
34 2012, through June 30, 2013, shall be distributed as follows: the provi-  
35 sions of Section 63-2552A(3), Idaho Code, notwithstanding, \$200,000 shall  
36 be remitted to the Idaho State Police to increase toxicology lab capacity in  
37 the Bureau of Forensic Services for drug testing of juveniles. The Superin-  
38 tendent of Public Instruction may use up to \$40,000 for Safe and Drug-Free  
39 Schools Program administration, technical assistance, and evaluation; and  
40 up to \$78,600 in grants may be authorized to the Commission on Hispanic Af-  
41 fairs.

42 SECTION 20. Of the moneys appropriated in Section 8 of this act,  
43 \$9,400,000 shall be used for literacy programs, as outlined in Sections  
44 33-1207A(2), 33-1614 and 33-1615, Idaho Code; remedial coursework for stu-

1 dents failing to achieve proficiency in the Idaho Standards Achievement  
2 Test; computerized remediation services to schools; and math initiative  
3 efforts, in dollar amounts determined by the Superintendent of Public In-  
4 struction. It is legislative intent that the State Board of Education and  
5 State Department of Education coordinate federally funded literacy programs  
6 with state literacy programs, resulting in well-coordinated, complementary  
7 literacy efforts. The Superintendent of Public Instruction shall report to  
8 the Joint Finance-Appropriations Committee and the House and Senate Educa-  
9 tion Committees, by no later than February 1, 2014, on the uses of funds and  
10 effectiveness of the programs and efforts.

11 SECTION 21. Pursuant to Section 33-1617, Idaho Code, of the moneys  
12 appropriated in Section 8 of this act, \$4,000,000 shall be distributed for  
13 support of programs for students with non-English or limited English profi-  
14 ciency, as follows:

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

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

26 (3) The department shall develop the program elements governing the  
27 use of these funds, modeled on the training, intervention and remediation  
28 elements of the literacy programs referenced in Section 20 of this act. The  
29 purpose of these funds is to improve the English language skills of English  
30 language learners, to enable such students to better access the educational  
31 opportunities offered in public schools. The Superintendent of Public In-  
32 struction shall report to the Joint Finance-Appropriations Committee and  
33 the House and Senate Education Committees by no later than February 1, 2014,  
34 on the program design, uses of funds and effectiveness of the program.

35 SECTION 22. Notwithstanding Section 33-1020, Idaho Code, the Idaho  
36 Digital Learning Academy (IDLA), created pursuant to Chapter 55, Title 33,  
37 Idaho Code, shall utilize state appropriated funds not to exceed \$5,031,000  
38 for the period July 1, 2012, through June 30, 2013, to achieve the following:

39 (1) Tuition charged by IDLA to Idaho students shall not exceed \$100.00  
40 per enrollment.

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

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

46 (4) Pursuant to State Board of Education rule, IDAPA 08.02.03, Docket  
47 Number 08-0203-0605, work with institutions of higher education to provide  
48 dual credit coursework.

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

3 SECTION 23. No moneys are appropriated for programs for expectant or  
4 delivered mothers for the period July 1, 2012, through June 30, 2013, the  
5 provisions of Sections 33-1002, 33-2006 and 33-2007, Idaho Code, notwith-  
6 standing.

7 SECTION 24. Of the moneys appropriated in Section 7 of this act,  
8 \$2,500,000 shall be distributed for public school information technology  
9 staff costs. Such moneys shall be distributed pursuant to a formula, with a  
10 minimum distribution per school district and public charter school, deter-  
11 mined by the Superintendent of Public Instruction.

12 SECTION 25. It is legislative intent that the State Department of  
13 Education shall compile information concerning the numbers of students en-  
14 rolling in dual credit according to the provisions of Section 33-1626, Idaho  
15 Code, whether coursework is successfully completed, and total expenditures  
16 for fiscal year 2013. As nearly as possible, the report shall contain in-  
17 formation about enrollment of this student population in post-high school  
18 education. A report containing such information shall be posted on the web-  
19 site of the State Department of Education no later than December 31, 2013.

20 SECTION 26. The State Department of Education is hereby granted the  
21 authority to transfer appropriations between the Administrators, Teachers,  
22 Operations, Children's Programs, and Facilities Divisions of the Educa-  
23 tional Support Program budget, in any amount necessary, to comply with the  
24 public school funding provisions of appropriations and the Idaho Code.

25 SECTION 27. NON-GENERAL FUND REAPPROPRIATION AUTHORITY. There is  
26 hereby reappropriated to the Educational Support Program/Division of  
27 Teachers any unexpended and unencumbered balances of moneys categorized as  
28 Federal Education Jobs Funds, in Fund 0348-98, as appropriated for fiscal  
29 year 2012, to be used for nonrecurring expenditures, for the period July 1,  
30 2012, through June 30, 2013.

31 SECTION 28. An emergency existing therefor, which emergency is hereby  
32 declared to exist, Sections 1 and 2 of this act shall be in full force and ef-  
33 fect on and after passage and approval.