

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 326

BY APPROPRIATIONS COMMITTEE

AN ACT

1 RELATING TO THE APPROPRIATION FOR THE PUBLIC SCHOOLS DIVISION OF
2 CHILDREN’S PROGRAMS; PROVIDING A DESCRIPTION OF THE PUBLIC
3 SCHOOLS DIVISION OF CHILDREN’S PROGRAMS AND PROVIDING THE
4 AMOUNTS TO BE EXPENDED; APPROPRIATING GENERAL FUND MONEYS
5 FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING
6 MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF CHIL-
7 DREN’S PROGRAMS FOR FISCAL YEAR 2010; DIRECTING THAT \$7,000,000 OF
8 THE MONEYS ACCRUING PURSUANT TO SECTIONS 63-2506 AND 63-2552A,
9 IDAHO CODE, AND SUCH OTHER MONEYS WHICH MAY BECOME AVAIL-
10 ABLE PURSUANT TO SECTION 63-7439, IDAHO CODE, BE EXPENDED FOR
11 THE IDAHO SAFE AND DRUG-FREE SCHOOLS PROGRAM; DIRECTING THE
12 DISTRIBUTION OF FUNDS FOR THE IDAHO SAFE AND DRUG-FREE SCHOOLS
13 PROGRAM; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO FEATURES
14 OF THE IDAHO SAFE AND DRUG-FREE SCHOOLS PROGRAM; DIRECTING
15 THAT \$2,800,000 BE USED FOR THE LITERACY PROGRAMS AND EXPRESSING
16 LEGISLATIVE INTENT THAT THE STATE DEPARTMENT OF EDUCATION AND
17 THE STATE BOARD OF EDUCATION COORDINATE CERTAIN PROGRAMS;
18 DIRECTING THAT \$3,972,500 BE ALLOCATED TO IMPLEMENT A MATH
19 EDUCATION PROGRAM; DIRECTING THAT \$6,040,000 BE ALLOCATED FOR
20 PROGRAMS FOR STUDENTS WITH NON-ENGLISH OR LIMITED-ENGLISH
21 PROFICIENCY; DIRECTING THAT \$5,000,000 BE DISTRIBUTED TO PROVIDE
22 REMEDIAL IDAHO STANDARDS ACHIEVEMENT TEST EDUCATION AND
23 COMPUTERIZED REMEDIATION SERVICES FOR CERTAIN STUDENTS AND
24 REQUIRING A LOCAL EXPENDITURE MATCH; DIRECTING THE IDAHO DIGI-
25 TAL LEARNING ACADEMY TO UTILIZE STATE FUNDS TO ACHIEVE CERTAIN
26 GOALS; GRANTING AUTHORITY TO TRANSFER FUNDS BETWEEN THE FIVE
27 DIVISIONS OF THE EDUCATIONAL SUPPORT PROGRAM BUDGET; DIRECTING
28 THAT MONEYS DISTRIBUTED FOR PROGRAMS PURSUANT TO SECTIONS
29 33-1002 AND 33-2006, IDAHO CODE, BE LIMITED WITH PROVISIONS FOR A
30 WAIVER; AND DIRECTING THAT A REVIEW OF PERFORMANCE OUTCOMES
31 FOR THE SAFE AND DRUG-FREE SCHOOLS PROGRAM IS OF MERIT AND
32 THAT SUCH INFORMATION BE EVALUATED BY THE JOINT FINANCE-APPRO-
33 PRIATIONS COMMITTEE AND GERMANE COMMITTEES.
34

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

36 SECTION 1. The Public Schools Division of Children’s Programs includes programs that
37 provide direct educational or material benefits to children, where funding does not primarily go
38 to paying certificated teachers and administrators. It also includes programs that primarily and
39 specifically provide funding for the separate instruction of identified subgroups of children out-

1 side the normal classroom of an Idaho public school. The following amount shall be expended
 2 from the listed sources for the Public Schools Division of Children's Programs for the period
 3 July 1, 2009, through June 30, 2010:

4 FROM:
 5 General Fund \$30,346,800
 6 Cigarette, Tobacco and Lottery Income Taxes Fund 7,000,000
 7 Federal Grant Fund 231,383,000
 8 TOTAL \$268,729,800

9 SECTION 2. There is hereby appropriated the following amount to be transferred to the
 10 Public School Income Fund for the period July 1, 2009, through June 30, 2010:

11 FROM:
 12 General Fund \$30,346,800

13 SECTION 3. There is hereby appropriated to the Educational Support Program/Division
 14 of Children's Programs, pursuant to law and the provisions of this act, the following amount to
 15 be expended from the listed funds for the period July 1, 2009, through June 30, 2010:

16 FROM:
 17 Public School Income Fund \$37,346,800
 18 Federal Grant Fund 231,383,000
 19 TOTAL \$268,729,800

20 SECTION 4. Of the moneys appropriated in Section 3 of this act, up to \$7,000,000
 21 shall be expended by the Superintendent of Public Instruction for the Idaho Safe and Drug-Free
 22 Schools Program, from funds determined by available revenues accruing pursuant to Sections
 23 63-2506 and 63-2552A, Idaho Code, and other such moneys which may become available pur-
 24 suant to Section 67-7439, Idaho Code, for the period July 1, 2009, through June 30, 2010. If
 25 federal grant funds are reauthorized for this program for use during this period, the amount of
 26 state moneys that may be expended pursuant to this section shall be reduced by the amount of
 27 federal grant moneys available.

28 SECTION 5. The funds allocated for the Idaho Safe and Drug-Free Schools Program in
 29 Section 4 of this act shall be distributed as follows: the provisions of Section 63-2552A(3),
 30 Idaho Code, notwithstanding, \$200,000 shall be remitted to the Idaho State Police; \$100,000
 31 may be utilized by the Superintendent of Public Instruction for program administration, tech-
 32 nical assistance and evaluation. Of the remaining amount, ninety-two percent (92%) shall be
 33 distributed to each school district through a combination of a base amount of \$1,500 and a
 34 prorated amount based on the prior year's average daily attendance. Such funds shall be used
 35 either to fund the Idaho Safe and the Drug-Free Schools Program or to defray the costs of
 36 community resource workers, or both, at the discretion of the school district's board of trustees.
 37 The remaining eight percent (8%), shall be used to make discretionary grants as determined

1 by the Idaho Safe and Drug-Free Schools and Communities Advisory Board, including up to
2 \$80,000 in subgrants that may be authorized to the Commission on Hispanic Affairs.

3 SECTION 6. It is legislative intent that the Idaho Safe and Drug-Free Schools Program
4 shall include the following:

5 (1) Districts will develop a policy and plan that will provide a guide for their substance
6 abuse programs.

7 (2) Districts will have an advisory board to assist each district in making decisions relat-
8 ing to the programs.

9 (3) The districts' substance abuse programs will be comprehensive to meet the needs of
10 all students. This will include prevention programs, student assistance programs that address
11 early identification and referral, and aftercare.

12 (4) Districts shall submit an annual evaluation of their programs to the State Department
13 of Education as to the effectiveness of their programs.

14 SECTION 7. Of the moneys appropriated in Section 3 of this act, \$2,800,000 shall be
15 used for literacy programs, as outlined in Sections 33-1614, 33-1615 and 33-1207A(2), Idaho
16 Code. It is legislative intent that the State Board of Education and the State Department of
17 Education coordinate federally funded literacy programs with state literacy programs, resulting
18 in well-coordinated, complementary literacy efforts.

19 SECTION 8. Of the moneys appropriated in Section 3 of this act, \$3,972,500 shall be
20 utilized by the Superintendent of Public Instruction to implement a math education program,
21 similar in approach to the literacy programs described in Section 7 of this act.

22 SECTION 9. Of the moneys appropriated in Section 3 of this act, \$6,040,000 shall
23 be distributed for support of programs for students with non-English or limited-English profi-
24 ciency, as follows:

25 (1) The State Department of Education shall distribute \$5,290,000 to school districts pro
26 rata, based upon the population of limited-English proficient students under criteria established
27 by the department.

28 (2) The State Department of Education shall use \$750,000 to continue the competitive
29 grant program for school districts in which the population of English language learners failed
30 to meet Adequate Yearly Progress (AYP) in math or reading, as defined in federal law. Of this
31 amount, \$700,000 shall be distributed annually to school districts in three-year grant cycles, in
32 which the recipients will receive full grant awards each of the three (3) years, contingent on
33 appropriation. The remaining \$50,000 will be used for evaluation and administration of the
34 program.

35 (3) The department shall develop the program elements governing the use of these funds,
36 modeled on the training, intervention, and remediation elements of the program described in
37 Section 7 of this act. The purpose of these funds is to improve the English language skills of
38 English language learners, to enable such students to better access the educational opportunities
39 offered in public schools. The Superintendent of Public Instruction shall report to the Joint
40 Finance-Appropriations Committee and the House and Senate Education Committees, by no
41 later than February 1, 2010, on the program design, uses of funds and effectiveness of the
42 program.

1 SECTION 10. Of the moneys appropriated in Section 3 of this act, \$5,000,000 shall be
2 distributed to provide remedial coursework for students failing to achieve proficiency in the
3 Idaho Standards Achievement Test and to fund a computerized remediation service to schools.
4 The Superintendent of Public Instruction shall determine the formulas and methodologies by
5 which such funds are distributed, and the permissible uses; provided however, that the distri-
6 bution of such funds to public schools shall be conditioned on a match of at least one dollar
7 (\$1.00) in local expenditures for every two dollars (\$2.00) in distributed funds.

8 SECTION 11. The Idaho Digital Learning Academy, created pursuant to Chapter 55,
9 Title 33, Idaho Code, shall utilize state funds to achieve the following:

10 (1) No increase in tuition charged by the Idaho Digital Learning Academy to Idaho stu-
11 dents.

12 (2) Provide remedial coursework for students failing to achieve proficiency in one (1) or
13 more areas of the Idaho Standards Achievement Test.

14 (3) Pursuant to State Board of Education rule, IDAPA 08.02.03.106, provide advanced
15 learning opportunities for students.

16 (4) Pursuant to State Board of Education rule, IDAPA 08.02.03.106, work with institu-
17 tions of higher education to provide dual credit coursework. The preceding list shall not be
18 construed as excluding other instruction and training that may be provided by the Idaho Digital
19 Learning Academy.

20 SECTION 12. The State Department of Education is hereby granted the authority to
21 transfer funds between the five (5) divisions of the Educational Support Program budget, in any
22 amount necessary, to comply with the public school funding provisions of appropriations and
23 the Idaho Code.

24 SECTION 13. The provisions of Sections 33-1002 and 33-2006, Idaho Code, notwith-
25 standing, the amount of moneys distributed in fiscal year 2010 pursuant to Section 33-2006,
26 Idaho Code, shall not exceed the amount distributed in fiscal year 2009. Provided however,
27 that additional moneys may be distributed if a school district applies for a waiver from the State
28 Department of Education, which may grant such a waiver if increased distributions are justified
29 by increased program participation.

30 SECTION 14. It is the Joint Finance-Appropriations Committee intent that a review of
31 the fiscal year 2009 performance outcomes of the Safe and Drug-Free Schools Program is of
32 merit and that such information be evaluated by the Joint Finance-Appropriations Committee
33 and the germane committees for the fiscal year 2011 budget.