

IN THE SENATE

SENATE BILL NO. 1091, As Amended

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING SECTION 33-1002, IDAHO CODE, TO ESTABLISH
2 PROVISIONS RELATING TO AN ONLINE COURSE PORTAL, ADVANCED OPPORTUNITIES
3 AND THE "8 IN 6 PROGRAM"; AMENDING SECTION 33-1020, IDAHO CODE, TO RE-
4 VISE PROVISIONS RELATING TO A CERTAIN DISTRIBUTION CALCULATION AND TO
5 CORRECT A CODIFIER'S ERROR; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE,
6 BY THE ADDITION OF A NEW SECTION 33-1024, IDAHO CODE, TO PROVIDE THAT
7 CERTAIN MONEYS MAY BE EXPENDED FOR THE DEVELOPMENT AND MAINTENANCE OF
8 AN INTERNET-BASED PORTAL, TO ESTABLISH PROVISIONS RELATING TO CERTAIN
9 COURSES AVAILABLE, TO PROVIDE THAT THE PORTAL SHALL INCLUDE CERTAIN
10 CUSTOMER RATINGS AND A NOTIFICATION CAPACITY AND TO PROVIDE THAT THE
11 PORTAL SHALL FACILITATE COMMUNICATIONS; AMENDING CHAPTER 16, TITLE
12 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1626, IDAHO CODE,
13 TO ESTABLISH PROVISIONS RELATING TO CERTAIN ADVANCED OPPORTUNITIES,
14 ELIGIBILITY FOR DUAL CREDIT COURSES AND THE DISTRIBUTION OF CERTAIN
15 MONEYS AND TO ESTABLISH PROVISIONS RELATING TO CERTAIN END OF COURSE
16 ADVANCED PLACEMENT EXAMINATIONS AND THE DISTRIBUTION AND REIMBURSEMENT
17 OF CERTAIN MONEYS; AMENDING SECTION 33-1628, IDAHO CODE, TO PROVIDE
18 THAT MONEYS SHALL NOT BE PAID FOR CERTAIN IDAHO DIGITAL LEARNING ACAD-
19 EMY ENROLLMENTS, TO REVISE PROVISIONS RELATING TO ELIGIBLE COURSES,
20 TO ESTABLISH PROVISIONS RELATING TO ENROLLING IN ELIGIBLE COURSES, TO
21 ESTABLISH PROVISIONS RELATING TO CREDITS AND GRADES FOR ONLINE COURSES
22 TAKEN AND TO MAKE TECHNICAL CORRECTIONS.
23

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

25 SECTION 1. That Section 33-1002, Idaho Code, be, and the same is hereby
26 amended to read as follows:

27 33-1002. EDUCATIONAL SUPPORT PROGRAM. The educational support pro-
28 gram is calculated as follows:

29 (1) State Educational Support Funds. Add the state appropriation, in-
30 cluding the moneys available in the public school income fund, together with
31 all miscellaneous revenues to determine the total state funds.

32 (2) From the total state funds subtract the following amounts needed
33 for state support of special programs provided by a school district:

34 (a) Pupil tuition-equivalency allowances as provided in section
35 33-1002B, Idaho Code;

36 (b) Transportation support program as provided in section 33-1006,
37 Idaho Code;

38 (c) Feasibility studies allowance as provided in section 33-1007A,
39 Idaho Code;

40 (d) The approved costs for border district allowance, provided in sec-
41 tion 33-1403, Idaho Code, as determined by the state superintendent of
42 public instruction;

1 (e) The approved costs for exceptional child approved contract al-
 2 lowance, provided in subsection 2. of section 33-2004, Idaho Code, as
 3 determined by the state superintendent of public instruction;

4 (f) Certain expectant and delivered mothers allowance as provided in
 5 section 33-2006, Idaho Code;

6 (g) Salary-based apportionment calculated as provided in sections
 7 33-1004 through 33-1004F, Idaho Code;

8 (h) Unemployment insurance benefit payments according to the provi-
 9 sions of section 72-1349A, Idaho Code;

10 (i) For expenditure as provided by the public school technology pro-
 11 gram;

12 (j) For employee severance payments as provided in section 33-521,
 13 Idaho Code;

14 (k) For distributions to the Idaho digital learning academy as provided
 15 in section 33-1020, Idaho Code;

16 (l) For an online course portal as provided for in section 33-1024,
 17 Idaho Code;

18 (m) For advanced opportunities as provided for in section 33-1626,
 19 Idaho Code;

20 (n) For the "8 in 6 Program" as provided for in section 33-1628, Idaho
 21 Code;

22 (o) For the support of provisions that provide a safe environment con-
 23 ductive to student learning and maintain classroom discipline, an allo-
 24 cation of \$300 per support unit; and

25 (mp) Any additional amounts as required by statute to effect adminis-
 26 trative adjustments or as specifically required by the provisions of
 27 any bill of appropriation;

28 to secure the total educational support distribution funds.

29 (3) Average Daily Attendance. The total state average daily attendance
 30 shall be the sum of the average daily attendance of all of the school dis-
 31 tricts of the state. The state board of education shall establish rules set-
 32 ting forth the procedure to determine average daily attendance and the time
 33 for, and method of, submission of such report. Average daily attendance cal-
 34 culation shall be carried out to the nearest hundredth. Computation of av-
 35 erage daily attendance shall also be governed by the provisions of section
 36 33-1003A, Idaho Code.

37 (4) Support Units. The total state support units shall be determined
 38 by using the tables set out hereafter called computation of kindergarten
 39 support units, computation of elementary support units, computation of sec-
 40 ondary support units, computation of exceptional education support units,
 41 and computation of alternative school secondary support units. The sum of
 42 all of the total support units of all school districts of the state shall be
 43 the total state support units.

1 COMPUTATION OF KINDERGARTEN SUPPORT UNITS

2	Average Daily		
3	Attendance	Attendance Divisor	Units Allowed
4	41 or more	40.....	1 or more as computed
5	31 - 40.99 ADA....	-.....	1
6	26 - 30.99 ADA....	-.....	.85
7	21 - 25.99 ADA....	-.....	.75
8	16 - 20.99 ADA....	-.....	.6
9	8 - 15.99 ADA....	-.....	.5
10	1 - 7.99 ADA....	-.....	count as elementary

11 COMPUTATION OF ELEMENTARY SUPPORT UNITS

12	Average Daily		Minimum Units
13	Attendance	Attendance Divisor	Allowed
14	300 or more ADA.....	.....	.. 15
15		..23...grades 4, 5 & 6....	
16		..22...grades 1, 2 & 3....1994-95	
17		..21...grades 1, 2 & 3....1995-96	
18		..20...grades 1, 2 & 3....1996-97	
19		and each year thereafter.	
20	160 to 299.99 ADA...	20.....	8.4
21	110 to 159.99 ADA...	19.....	6.8
22	71.1 to 109.99 ADA...	16.....	4.7
23	51.7 to 71.0 ADA...	15.....	4.0
24	33.6 to 51.6 ADA...	13.....	2.8
25	16.6 to 33.5 ADA...	12.....	1.4
26	1.0 to 16.5 ADA...	n/a.....	1.0

27 COMPUTATION OF SECONDARY SUPPORT UNITS

28	Average Daily		Minimum Units
29	Attendance	Attendance Divisor	Allowed
30	750 or more	18.5.....	47
31	400 - 749.99 ADA....	16.....	28
32	300 - 399.99 ADA....	14.5.....	22
33	200 - 299.99 ADA....	13.5.....	17
34	100 - 199.99 ADA....	12.....	9
35	99.99 or fewer	Units allowed as follows:	
36	Grades 7-12	.....	8
37	Grades 9-12	.....	6

1	Grades 7- 9	.....	1 per 14 ADA
2	Grades 7- 8	.....	1 per 16 ADA

3 COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

4	Average Daily		Minimum Units
5	Attendance	Attendance Divisor	Allowed
6	14 or more	14.5	1 or more as
7			computed
8	12 - 13.99....	-	1
9	8 - 11.99....	- .....	.75
10	4 - 7.99....	- .....	.5
11	1 - 3.99....	- .....	.25

12 COMPUTATION OF ALTERNATIVE SCHOOL SECONDARY SUPPORT UNITS

13	Pupils in Attendance	Attendance Divisor	Minimum Units
14			Allowed
15	12 or more.....	12	1 or more as
16			computed

17 In applying these tables to any given separate attendance unit, no
18 school district shall receive less total money than it would receive if it
19 had a lesser average daily attendance in such separate attendance unit.
20 In applying the kindergarten table to a kindergarten program of less days
21 than a full school year, the support unit allowance shall be in ratio to
22 the number of days of a full school year. The tables for exceptional edu-
23 cation and alternative school secondary support units shall be applicable
24 only for programs approved by the state department of education following
25 rules established by the state board of education. Moneys generated from
26 computation of support units for alternative schools shall be utilized for
27 alternative school programs. School district administrative and facility
28 costs may be included as part of the alternative school expenditures.

29 (5) State Distribution Factor per Support Unit. Divide educational
30 support program distribution funds, after subtracting the amounts necessary
31 to pay the obligations specified in subsection (2) of this section, by the
32 total state support units to secure the state distribution factor per sup-
33 port unit.

34 (6) District Support Units. The number of support units for each school
35 district in the state shall be determined as follows:

36 (a) (i) Divide the actual average daily attendance, excluding stu-
37 dents approved for inclusion in the exceptional child educational
38 program, for the administrative schools and each of the separate
39 schools and attendance units by the appropriate divisor from the
40 tables of support units in this section, then add the quotients
41 to obtain the district's support units allowance for regular stu-
42 dents, kindergarten through grade 12 including alternative school

1 secondary students. Calculations in application of this subsection
2 shall be carried out to the nearest tenth.

3 (ii) Divide the combined totals of the average daily attendance
4 of all preschool, kindergarten, elementary, secondary, juvenile
5 detention center students and students with disabilities approved
6 for inclusion in the exceptional child program of the district by
7 the appropriate divisor from the table for computation of excep-
8 tional education support units to obtain the number of support
9 units allowed for the district's approved exceptional child pro-
10 gram. Calculations for this subsection shall be carried out to the
11 nearest tenth when more than one (1) unit is allowed.

12 (iii) The total number of support units of the district shall be
13 the sum of the total support units for regular students, subsec-
14 tion (6) (a) (i) of this section, and the support units allowance
15 for the approved exceptional child program, subsection (6) (a) (ii)
16 of this section.

17 (b) Total District Allowance Educational Program. Multiply the dis-
18 trict's total number of support units, carried out to the nearest tenth,
19 by the state distribution factor per support unit and to this product
20 add the approved amount of programs of the district provided in subsec-
21 tion (2) of this section to secure the district's total allowance for
22 the educational support program.

23 (c) District Share. The district's share of state apportionment is the
24 amount of the total district allowance, subsection (6) (b) of this sec-
25 tion.

26 (d) Adjustment of District Share. The contract salary of every noncer-
27 tificated teacher shall be subtracted from the district's share as cal-
28 culated from the provisions of subsection (6) (c) of this section.

29 (7) Property Tax Computation Ratio. In order to receive state funds
30 pursuant to this section a charter district shall utilize a school mainte-
31 nance and operation property tax computation ratio for the purpose of cal-
32 culating its maintenance and operation levy, that is no greater than that
33 which it utilized in tax year 1994, less four-tenths of one percent (.4%). As
34 used herein, the term "property tax computation ratio" shall mean a ratio de-
35 termined by dividing the district's certified property tax maintenance and
36 operation budget by the actual or adjusted market value for assessment pur-
37 poses as such values existed on December 31, 1993. Such maintenance and op-
38 eration levy shall be based on the property tax computation ratio multiplied
39 by the actual or adjusted market value for assessment purposes as such values
40 existed on December 31 of the prior calendar year.

41 SECTION 2. That Section 33-1020, Idaho Code, be, and the same is hereby
42 amended to read as follows:

43 33-1020. IDAHO DIGITAL LEARNING ACADEMY FUNDING. Of the moneys
44 appropriated for the educational support program, an amount shall be dis-
45 tributed to support the Idaho digital learning academy, created pursuant
46 to chapter 55, title 33, Idaho Code. For the purposes of this section, an
47 "enrollment" shall be counted each time an Idaho school age child enrolls
48 in an Idaho digital learning academy class. A single child enrolled in
49 multiple classes shall count as multiple enrollments. Summer enrollments

1 shall be included in the fiscal year that begins that summer. The amount
2 distributed shall be calculated as follows:

3 (1) A ~~fixed~~ base amount shall be distributed, equal to the current fis-
4 cal year's statewide average salary-based apportionment funding per midterm
5 support unit, multiplied by ~~seven~~ twenty-six (726).

6 (2) A ~~variable base amount shall be distributed each time the number~~
7 ~~of enrollments meets or exceeds an increment of five thousand (5,000). The~~
8 ~~amount so distributed shall be equal to the number of such increments, mul-~~
9 ~~tiplied by the current fiscal year's statewide average salary-based appor-~~
10 ~~tionment funding per midterm support unit, multiplied by four and thirty-~~
11 ~~three hundredths (4.33).~~

12 (3) A variable amount shall be distributed, equal to the number of en-
13 rollments multiplied by the current fiscal year's ~~statewide average salary-~~
14 ~~based apportionment funding per midterm support unit~~ appropriation of state
15 funds for the educational support program per student reported in attendance
16 for the first reporting period, divided by one hundred forty-three twenty-
17 three (14323).

18 The state department of education shall make an estimated distribu-
19 tion of funds to the Idaho digital learning academy by no later than July
20 31 of each fiscal year, consisting of eighty percent (80%) of the estimated
21 funding for the fiscal year. The balance of all remaining funds to be dis-
22 tributed, pursuant to the calculations in this section, shall be distributed
23 by no later than May 15 of the same fiscal year.

24 SECTION 3. That Chapter 10, Title 33, Idaho Code, be, and the same is
25 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
26 ignated as Section 33-1024, Idaho Code, and to read as follows:

27 33-1024. ONLINE COURSE PORTAL. (1) Of the moneys appropriated to
28 the educational support program, up to one hundred fifty thousand dollars
29 (\$150,000) may be expended for the development and maintenance of an in-
30 ternet-based portal of available online, nonsectarian K-12 or dual credit
31 courses available from any of the following:

- 32 (a) Idaho digital learning academy;
- 33 (b) Idaho public school districts;
- 34 (c) Idaho public charter schools;
- 35 (d) Idaho public colleges and universities;
- 36 (e) Idaho private colleges and universities accredited by the same
37 organization that accredits Idaho's public colleges and universities;
38 and
- 39 (f) Any provider of online courses; provided however, that the courses
40 available on the portal have been verified and approved by the state de-
41 partment of education to meet state content standards.

42 (2) At a minimum, the portal shall:

- 43 (a) Include and display customer ratings from students and parents,
44 based upon previous student enrollment with the online course, provider
45 and instructor. Such ratings shall, at a minimum, evaluate the quality
46 of content, instruction, communications and ease of use;
- 47 (b) Include the capacity for parents to notify their student's home
48 school of their desire to enroll their student in an online course
49 listed on the portal; and

1 (c) Facilitate communications between listed online course providers,
2 students and parents and the home school in which the student is en-
3 rolled.

4 SECTION 4. That Chapter 16, Title 33, Idaho Code, be, and the same is
5 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
6 ignated as Section 33-1626, Idaho Code, and to read as follows:

7 33-1626. ADVANCED OPPORTUNITIES. Students completing all state high
8 school graduation requirements at any time prior to the beginning of their
9 final twelfth grade semester or trimester term, except the senior project
10 and any other course that the state board of education requires to be com-
11 pleted during the final year of high school, shall be eligible for the fol-
12 lowing:

13 (1) Dual credit courses, up to eighteen (18) credits per semester term
14 or twelve (12) credits per trimester term of postsecondary credits. Aver-
15 age daily attendance shall be counted as normal for such students for public
16 school funding purposes. The state department of education shall distrib-
17 ute funds from the moneys appropriated for the educational support program
18 to defray the per credit cost charged for such dual credit courses by accred-
19 ited postsecondary institutions. The amount so distributed shall not exceed
20 seventy-five dollars (\$75.00) per credit hour.

21 (2) End of course, college credit-bearing advanced placement examina-
22 tions, up to six (6) examinations per semester or four (4) per trimester.
23 The state department of education shall distribute funds from the moneys ap-
24 propriated for the educational support program to defray the per examina-
25 tion cost charged. The amount so distributed shall not exceed ninety dollars
26 (\$90.00) per examination.

27 The state department of education shall reimburse school districts and pub-
28 lic charter schools for such costs, up to the stated limits, within one hun-
29 dred twenty-five (125) days of receiving the necessary data upon which reim-
30 bursements may be paid. If a student fails to earn credit for any course or
31 examination for which the department has paid a reimbursement, the student
32 must pay for and successfully earn credit for one (1) such course or examina-
33 tion before the department may pay any further reimbursements for such stu-
34 dent.

35 SECTION 5. That Section 33-1628, Idaho Code, be, and the same is hereby
36 amended to read as follows:

37 33-1628. "8 IN 6 PROGRAM." (1) A program is hereby established in the
38 state department of education to be known as the "8 in 6 Program."

39 (2) If a parent and student agree, by signing the appropriate form pro-
40 vided by the state department of education, to the conditions provided for in
41 paragraphs (a) and (b) of this subsection, the state department of education
42 will pay for a portion of the cost of summer online courses and online over-
43 load courses as provided for in this section from the moneys appropriated for
44 this purpose.

45 (a) The student and parent agree that the student shall take and suc-
46 cessfully complete dual credit or professional-technical education
47 courses for at least a portion of the student's courses during the ~~11th~~

1 eleventh and/or 12th twelfth grade years. Funding for this requirement
2 will not be provided by the "8 in 6 Program."

3 (b) The student and parent agree that the student shall take and suc-
4 cessfully complete at least one (1) summer online or online overload
5 course and a full course load of at least fourteen (14) credits per
6 school year.

7 (c) The state shall pay two hundred twenty-five dollars (\$225) per one
8 (1) credit summer online course or one (1) credit online overload course
9 taken in this program. Provided however, that if the moneys shall not be
10 paid for Idaho digital learning academy (IDLA) receives a state guaran-
11 tee or appropriation of at least five million dollars (\$5,000,000) for
12 fiscal year 2013, the state shall pay no moneys for the "8 in 6 Program"
13 for that fiscal year, and IDLA shall provide the online courses neces-
14 sary to meet the needs of the "8 in 6 Program" for that fiscal year, at a
15 cost not to exceed seventy-five dollars (\$75.00) per course enrollments
16 funded pursuant to section 33-1626, Idaho Code.

17 (d) The state shall pay for no more than two (2) credits of online
18 overload courses per student per school year. The state shall pay for
19 no more than two (2) credits of summer online courses per student per
20 summer. The state shall pay for no more than a combined total of four
21 (4) credits of summer online or online overload courses per student per
22 year. The state shall pay for no more than a combined total of eight (8)
23 credits of summer online and online overload courses per student during
24 such student's participation in the program.

25 (3) Participation in this program shall be limited to no more than
26 ten percent (10%) of students in each grade 7 through 12. Such limita-
27 tion shall be applied initially on a school district-by-school district,
28 grade-by-grade basis. If any grades do not fully utilize their available
29 participation slots, the school district shall reallocate said participa-
30 tion slots to those grades in which more than ten percent (10%) of the stu-
31 dents have applied for participation in the program. If any school districts
32 do not fully utilize their available participation slots by July 1, the state
33 department of education shall reallocate said participation slots to those
34 districts in which more than ten percent (10%) of the students have applied
35 for participation in the program. Students accepted into the program shall
36 remain in the program from year to year unless they sign a withdrawal form
37 developed by the state department of education. If a participating student
38 transfers from one (1) school district to another, such student shall remain
39 enrolled in the program, the ten percent (10%) participation limitation of
40 the student's new school district notwithstanding. The state department of
41 education shall maintain a list of participants.

42 (a) If the number of students applying for participation in the "8 in
43 6 Program" exceeds the number of participation slots available in the
44 school district, the school district shall establish participation
45 preference criteria. Such criteria shall include students who have
46 successfully completed at least one (1) online course prior to partici-
47 pating in the program, and may include any of the following:

48 (i) Grade point average;

49 (ii) State-mandated summative achievement test results;

50 (iii) Other school district administered student assessments.

1 (b) If a student participating in the program fails to complete with a
2 grade of "C" or better one (1) or more summer online or online overload
3 courses while in the program, the student must pay for and successfully
4 complete a summer online or online overload course with a grade of "C" or
5 better before continuing in the program.

6 (4) Procedures for participating in the "8 in 6 Program" include the
7 following: The school district shall make reasonable efforts to ensure that
8 any student who considers participating in the program considers the chal-
9 lenges and time necessary to succeed in the program. Such efforts by the dis-
10 trict shall be performed prior to a student participating in the program.

11 (5) Eligible courses. To qualify as an eligible course for the pro-
12 gram, the course must be one in which a majority of the instruction is pro-
13 vided electronically, and it must be offered by a provider accredited by the
14 organization that accredits Idaho high schools or an organization whose ac-
15 creditation of providers is recognized by the organization that accredits
16 Idaho high schools. Dual credit, advanced placement and concurrent enroll-
17 ment courses are not eligible under this program. Parents of participating
18 students may enroll their child in any eligible course, with or without the
19 permission of the school district in which the student is enrolled, up to the
20 course enrollment limits provided for in subsection (2) (d) of this section.
21 School district personnel shall assist parents in the process of enrolling
22 students in such courses. Each participating student's transcript at the
23 school district at which the student is enrolled shall include the credits
24 earned and grades received by the student for any online courses taken pur-
25 suant to this section.

26 (6) The state board of education is hereby authorized to promulgate
27 rules to implement the provisions of this section.

28 (7) Definitions:

29 (a) "8 in 6 Program" means the two (2) years of junior high, the four (4)
30 years of high school and the first two (2) years of college or profes-
31 sional-technical preparation that normally take eight (8) years to com-
32 plete are compressed into six (6) years by taking full course loads dur-
33 ing the school year and one (1) or two (2) online courses during the sum-
34 mer or as online overload courses.

35 (b) "Full course load" means no fewer than fourteen (14) credits per
36 school year.

37 (c) "Overload course" means a course taken that is in excess of or more
38 than the number of courses taken in the normal school day as a normal
39 school day is defined for fractional average daily attendance purposes
40 by the state department of education.

41 (d) "Parent" means parent or parents or guardian or guardians.

42 (e) "School district" means an Idaho school district or a public char-
43 ter school that provides education to any grades 7-12.

44 (f) "School year" means the normal school year that begins upon the con-
45 clusion of the break between grades and ends upon the beginning of the
46 same break of the following year.