

IN THE SENATE

SENATE BILL NO. 1289

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO THE EDUCATIONAL SUPPORT PROGRAM; AMENDING SECTION 33-1002,
2 IDAHO CODE, TO REVISE PROVISIONS REGARDING THE EDUCATIONAL SUPPORT
3 PROGRAM CALCULATION, TO MAKE CODIFIER'S CORRECTIONS AND TO MAKE TECH-
4 NICAL CORRECTIONS; AMENDING SECTION 33-1002, IDAHO CODE, AS AMENDED BY
5 SECTION 2, CHAPTER 229, LAWS OF 2015, TO REVISE PROVISIONS REGARDING
6 THE EDUCATIONAL SUPPORT PROGRAM CALCULATION, TO MAKE CODIFIER'S COR-
7 RECTIONS AND TO MAKE TECHNICAL CORRECTIONS; AND PROVIDING AN EFFECTIVE
8 DATE.
9

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

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

13 33-1002. EDUCATIONAL SUPPORT PROGRAM. The educational support pro-
14 gram is calculated as follows:

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

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

20 (a) Pupil tuition-equivalency allowances as provided in section
21 33-1002B, Idaho Code;

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

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

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

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

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

34 (g) Salary-based apportionment calculated as provided in sections
35 33-1004 through 33-1004F, Idaho Code;

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

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

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

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

3 (l) For charter school facilities funds and reimbursements paid pur-
4 suant to section 33-5208(5), Idaho Code;

5 (m) For an online course portal as provided for in section 33-1024,
6 Idaho Code;

7 (n) For advanced opportunities as provided for in section 33-4602,
8 Idaho Code;

9 (o) For the "8 in 6 program" as provided for in section 33-4603, Idaho
10 Code;

11 (p) For additional math and science courses for high school students as
12 provided in section 33-1021, Idaho Code;

13 (q) For leadership premiums as provided in section 33-1004J, Idaho
14 Code;

15 (r) For the support of provisions that provide a safe environment con-
16 ductive to student learning and maintain classroom discipline, an allo-
17 cation of three hundred dollars (\$300) per support unit;

18 (s) An amount specified in the appropriation bill for the public
19 schools educational support program for counseling support as provided
20 for in section 33-1212A, Idaho Code, shall be distributed, in full or
21 pro rata, based on one hundred twenty dollars (\$120) per first reporting
22 period support unit for grades ~~8~~7 through 12 or five thousand dollars
23 (\$5,000) to elementary school districts and charter schools serving
24 through grade 8 and ten thousand dollars (\$10,000) for other school dis-
25 tricts and charter schools, whichever is greater; and

26 (t) Any additional amounts as required by statute to effect administra-
27 tive adjustments or as specifically required by the provisions of any
28 bill of appropriation; and

29 (~~u~~) For mastery-based education as provided for in section 33-1630,
30 Idaho Code;

31 to secure the total educational support distribution funds.

32 (3) Average Daily Attendance. The total state average daily attendance
33 shall be the sum of the average daily attendance of all of the school dis-
34 tricts of the state. The state board of education shall establish rules set-
35 ting forth the procedure to determine average daily attendance and the time
36 for, and method of, submission of such report. Average daily attendance cal-
37 culation shall be carried out to the nearest hundredth. Computation of av-
38 erage daily attendance shall also be governed by the provisions of section
39 33-1003A, Idaho Code.

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

13 (Computation of alternative school support units shall include
14 grades 6 through 12)

15	Pupils in Attendance	Attendance Divisor	Minimum Units
16			Allowed
17	12 or more.....	12.....	1 or more as
18			computed

19 In applying these tables to any given separate attendance unit, no
20 school district shall receive less total money than it would receive if it
21 had a lesser average daily attendance in such separate attendance unit. In
22 applying the kindergarten table to a kindergarten program of less fewer days
23 than a full school year, the support unit allowance shall be in ratio to the
24 number of days of a full school year. The attendance of students attending
25 an alternative school in a school district reporting less fewer than one
26 hundred (100) secondary students in average daily attendance shall not be
27 assigned to the alternative table if the student is from a school district
28 reporting less fewer than one hundred (100) secondary students in average
29 daily attendance, but shall instead be assigned to the secondary table of the
30 school district in which they are attending the alternative school, unless
31 the alternative school in question serves students from multiple districts
32 reporting less fewer than one hundred (100) secondary students in average
33 daily attendance. The tables for exceptional education and alternative
34 school support units shall be applicable only for programs approved by the
35 state department of education following rules established by the state board
36 of education. Moneys generated from computation of support units for alter-
37 native schools shall be utilized for alternative school programs. School
38 district administrative and facility costs may be included as part of the
39 alternative school expenditures.

40 (5) State Distribution Factor per Support Unit. Divide educational
41 support program distribution funds, after subtracting the amounts necessary
42 to pay the obligations specified in subsection (2) of this section, by the

1 total state support units to secure the state distribution factor per sup-
2 port unit.

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

5 (a) (i) Divide the actual average daily attendance, excluding stu-
6 dents approved for inclusion in the exceptional child educational
7 program, for the administrative schools and each of the separate
8 schools and attendance units by the appropriate divisor from the
9 tables of support units in this section, then add the quotients
10 to obtain the district's support units allowance for regular stu-
11 dents, kindergarten through grade 12 including alternative school
12 students. Calculations in application of this subsection shall be
13 carried out to the nearest hundredth.

14 (ii) Divide the combined totals of the average daily attendance
15 of all preschool, kindergarten, elementary, secondary, juvenile
16 detention center students and students with disabilities approved
17 for inclusion in the exceptional child program of the district by
18 the appropriate divisor from the table for computation of excep-
19 tional education support units to obtain the number of support
20 units allowed for the district's approved exceptional child pro-
21 gram. Calculations for this subsection shall be carried out to the
22 nearest hundredth when more than one (1) unit is allowed.

23 (iii) The total number of support units of the district shall be
24 the sum of the total support units for regular students, subpara-
25 graph (i) of this paragraph, and the support units allowance for
26 the approved exceptional child program, subparagraph (ii) of this
27 paragraph.

28 (b) Total District Allowance Educational Program. Multiply the dis-
29 trict's total number of support units, carried out to the nearest hun-
30 dredth, by the state distribution factor per support unit and to this
31 product add the approved amount of programs of the district provided in
32 subsection (2) of this section to secure the district's total allowance
33 for the educational support program.

34 (c) District Share. The district's share of state apportionment is the
35 amount of the total district allowance, paragraph (b) of this subsec-
36 tion.

37 (d) Adjustment of District Share. The contract salary of every noncer-
38 tificated teacher shall be subtracted from the district's share as cal-
39 culated from the provisions of paragraph (c) of this subsection.

40 (7) Property Tax Computation Ratio. In order to receive state funds
41 pursuant to this section, a charter district shall utilize a school mainte-
42 nance and operation property tax computation ratio for the purpose of calcu-
43 lating its maintenance and operation levy that is no greater than that which
44 it utilized in tax year 1994, less four-tenths of one percent (.4%). As used
45 herein, the term "property tax computation ratio" shall mean a ratio deter-
46 mined by dividing the district's certified property tax maintenance and op-
47 eration budget by the actual or adjusted market value for assessment pur-
48 poses as such values existed on December 31, 1993. Such maintenance and op-
49 eration levy shall be based on the property tax computation ratio multiplied

1 by the actual or adjusted market value for assessment purposes as such values
2 existed on December 31 of the prior calendar year.

3 SECTION 2. That Section 33-1002, Idaho Code, as amended by Section 2,
4 Chapter 229, Laws of 2015, be, and the same is hereby amended to read as fol-
5 lows:

6 33-1002. EDUCATIONAL SUPPORT PROGRAM. The educational support pro-
7 gram is calculated as follows:

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

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

13 (a) Pupil tuition-equivalency allowances as provided in section
14 33-1002B, Idaho Code;

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

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

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

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

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

27 (g) Salary-based apportionment calculated as provided in sections
28 33-1004 through 33-1004F, Idaho Code;

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

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

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

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

37 (l) For charter school facilities funds and reimbursements paid pur-
38 suant to section 33-5208(5), Idaho Code;

39 (m) For an online course portal as provided for in section 33-1024,
40 Idaho Code;

41 (n) For advanced opportunities as provided for in section 33-4602,
42 Idaho Code;

43 (o) For the "8 in 6 program" as provided for in section 33-4603, Idaho
44 Code;

45 (p) For additional math and science courses for high school students as
46 provided in section 33-1021, Idaho Code;

47 (q) For leadership premiums as provided in section 33-1004J, Idaho
48 Code;

- 1 (r) For master teacher premiums as provided in section 33-1004I, Idaho
- 2 Code;
- 3 (~~s~~) For the support of provisions that provide a safe environment con-
- 4 ductive to student learning and maintain classroom discipline, an allo-
- 5 cation of three hundred dollars (\$300) per support unit;
- 6 (~~t~~) An amount specified in the appropriation bill for the public
- 7 schools educational support program for counseling support as provided
- 8 for in section 33-1212A, Idaho Code, shall be distributed, in full or
- 9 pro rata, based on one hundred twenty dollars (\$120) per first reporting
- 10 period support unit for grades ~~7~~ through 12 or five thousand dollars
- 11 (\$5,000) to elementary school districts and charter schools serving
- 12 through grade 8 and ten thousand dollars (\$10,000) for other school dis-
- 13 tricts and charter schools, whichever is greater; and
- 14 (~~u~~) Any additional amounts as required by statute to effect adminis-
- 15 trative adjustments or as specifically required by the provisions of
- 16 any bill of appropriation; and
- 17 (~~v~~) For mastery-based education as provided for in section 33-1630,
- 18 Idaho Code;

19 to secure the total educational support distribution funds.

20 (3) Average Daily Attendance. The total state average daily attendance

21 shall be the sum of the average daily attendance of all of the school dis-

22 tricts of the state. The state board of education shall establish rules set-

23 ting forth the procedure to determine average daily attendance and the time

24 for, and method of, submission of such report. Average daily attendance cal-

25 culation shall be carried out to the nearest hundredth. Computation of av-

26 erage daily attendance shall also be governed by the provisions of section

27 33-1003A, Idaho Code.

28 (4) Support Units. The total state support units shall be determined

29 by using the tables set out hereafter called computation of kindergarten

30 support units, computation of elementary support units, computation of sec-

31 ondary support units, computation of exceptional education support units,

32 and computation of alternative school support units. The sum of all of the

33 total support units of all school districts of the state shall be the total

34 state support units.

35 COMPUTATION OF KINDERGARTEN SUPPORT UNITS

36 Average Daily		
37 Attendance	Attendance Divisor	Units Allowed
38 41 or more....	40.....	1 or more as computed
39 31 - 40.99 ADA....	-.....	1
40 26 - 30.99 ADA....	-.....	.85
41 21 - 25.99 ADA....	-.....	.75
42 16 - 20.99 ADA....	-.....	.6
43 8 - 15.99 ADA....	-.....	.5
44 1 - 7.99 ADA....	-.....	count as elementary

1 COMPUTATION OF ELEMENTARY SUPPORT UNITS			
2	Average Daily		Minimum Units
3	Attendance	Attendance Divisor	Allowed
4	300 or more ADA.....	.....	.. 15
5		..23...grades 4,5 & 6....	
6		..22...grades 1,2 & 3....1994-95	
7		..21...grades 1,2 & 3....1995-96	
8		..20...grades 1,2 & 3....1996-97	
9		and each year thereafter.	
10	160 to 299.99 ADA...	20	8.4
11	110 to 159.99 ADA...	19	6.8
12	71.1 to 109.99 ADA...	16	4.7
13	51.7 to 71.0 ADA...	15	4.0
14	33.6 to 51.6 ADA...	13	2.8
15	16.6 to 33.5 ADA...	12	1.4
16	1.0 to 16.5 ADA...	n/a	1.0
17	COMPUTATION OF SECONDARY SUPPORT UNITS		
18	Average Daily		Minimum Units
19	Attendance	Attendance Divisor	Allowed
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21	400 - 749.99 ADA....	16	28
22	300 - 399.99 ADA....	14.5	22
23	200 - 299.99 ADA....	13.5	17
24	100 - 199.99 ADA....	12	9
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26	Grades 7-12	8
27	Grades 9-12	6
28	Grades 7- 9	1 per 14 ADA
29	Grades 7- 8	1 per 16 ADA
30	COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS		
31	Average Daily		Minimum Units
32	Attendance	Attendance Divisor	Allowed
33	14 or more....	14.5	1 or more as computed
34			
35	12 - 13.99....	-	1
36	8 - 11.99....	- .....	.75
37	4 - 7.99....	- .....	.5
38	1 - 3.99....	- .....	.25

1 COMPUTATION OF ALTERNATIVE SCHOOL SUPPORT UNITS
 2 (Computation of alternative school support units shall include
 3 grades 6 through 12)

4 Pupils in Attendance	Attendance Divisor	Minimum Units Allowed
6 12 or more.....	12	1 or more as computed

8 In applying these tables to any given separate attendance unit, no
 9 school district shall receive less total money than it would receive if it
 10 had a lesser average daily attendance in such separate attendance unit. In
 11 applying the kindergarten table to a kindergarten program of ~~less~~ fewer days
 12 than a full school year, the support unit allowance shall be in ratio to the
 13 number of days of a full school year. The attendance of students attending
 14 an alternative school in a school district reporting ~~less~~ fewer than one
 15 hundred (100) secondary students in average daily attendance shall not be
 16 assigned to the alternative table if the student is from a school district
 17 reporting ~~less~~ fewer than one hundred (100) secondary students in average
 18 daily attendance, but shall instead be assigned to the secondary table of the
 19 school district in which they are attending the alternative school, unless
 20 the alternative school in question serves students from multiple districts
 21 reporting ~~less~~ fewer than one hundred (100) secondary students in average
 22 daily attendance. The tables for exceptional education and alternative
 23 school support units shall be applicable only for programs approved by the
 24 state department of education following rules established by the state board
 25 of education. Moneys generated from computation of support units for alter-
 26 native schools shall be utilized for alternative school programs. School
 27 district administrative and facility costs may be included as part of the
 28 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
 43 students. Calculations in application of this subsection shall be
 44 carried out to the nearest hundredth.

45 (ii) Divide the combined totals of the average daily attendance
 46 of all preschool, kindergarten, elementary, secondary, juvenile
 47 detention center students and students with disabilities approved
 48 for inclusion in the exceptional child program of the district by

1 the appropriate divisor from the table for computation of excep-
2 tional education support units to obtain the number of support
3 units allowed for the district's approved exceptional child pro-
4 gram. Calculations for this subsection shall be carried out to the
5 nearest hundredth when more than one (1) unit is allowed.

6 (iii) The total number of support units of the district shall be
7 the sum of the total support units for regular students, subpara-
8 graph (i) of this ~~sub~~paragraph, and the support units allowance
9 for the approved exceptional child program, subparagraph (ii) of
10 this ~~sub~~paragraph.

11 (b) Total District Allowance Educational Program. Multiply the dis-
12 trict's total number of support units, carried out to the nearest hun-
13 dredth, by the state distribution factor per support unit and to this
14 product add the approved amount of programs of the district provided in
15 subsection (2) of this section to secure the district's total allowance
16 for the educational support program.

17 (c) District Share. The district's share of state apportionment is the
18 amount of the total district allowance, paragraph (b) of this subsec-
19 tion.

20 (d) Adjustment of District Share. The contract salary of every noncer-
21 tificated teacher shall be subtracted from the district's share as cal-
22 culated from the provisions of paragraph (c) of this subsection.

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

35 SECTION 3. The provisions of Section 2 of this act shall be in full force
36 and effect on and after July 1, 2019.