An Act

Relating to the Appropriation to the Public Schools Educational Support Program/Division of Children's Programs for Fiscal Year 2018; providing Appropriating General Fund monies for transfer to the Public School Income Fund; Appropriating funds to the Public Schools Educational Support Program/Division of Children's Programs for Fiscal Year 2018; providing legislative intent regarding the Idaho Digital Learning Academy; directing the use of Tobacco, Cigarette and Lottery Income Tax monies; directing the use of Appropriation for Remediation; directing the use of Appropriation for Limited English Proficiency Programs; directing the use of funds for Gifted and Talented Students; directing a distribution to purchase Digital Content and Curriculum; directing the State Department of Education to compile information on Advanced Opportunities; providing a transfer to the Commission on Hispanic Affairs; providing a transfer to Idaho State Police; providing reappropriation authority for certain dedicated funds; and defining the term "distributed."

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

Section 1. The following amount shall be expended for the Public Schools Educational Support Program/Division of Children's Programs for the period July 1, 2017, through June 30, 2018:

From:

- General Fund $45,497,900
- Cigarette, Tobacco and Lottery Income Taxes $4,024,900
- Federal Grant $249,115,000
- TOTAL $298,637,800

Section 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2017, through June 30, 2018:

From:

- General Fund $45,497,900
SECTION 3. There is hereby appropriated to the Public Schools Educa-
tional Support Program/Division of Children's Programs the following amount
to be expended from the listed funds for the period July 1, 2017, through June
30, 2018:

FROM:

Public School Income Fund $49,522,800
Federal Grant 249,115,000
TOTAL $298,637,800

SECTION 4. The Idaho Digital Learning Academy (IDLA), created pursuant
to Chapter 55, Title 33, Idaho Code, shall utilize state appropriated funds
for the period July 1, 2017, through June 30, 2018, to achieve the following:
(1) Tuition charged by IDLA to Idaho school districts and charter
schools shall not exceed $75.00 per enrollment.
(2) Provide remedial coursework for students failing to achieve profi-
ciency in one (1) or more areas of Idaho's standards-based tests.
(3) Pursuant to State Board of Education rule, IDAPA 08.02.03, provide
advanced learning opportunities for students.
(4) Pursuant to State Board of Education rule, IDAPA 08.02.03, work
with institutions of higher education to provide dual credit coursework.
The preceding list shall not be construed as excluding other instruction and
training that may be provided by the Idaho Digital Learning Academy.

SECTION 5. Notwithstanding the provisions of any law to the contrary,
of the moneys appropriated in Section 3 of this act, up to $4,024,900 from
funds determined by available tobacco, cigarette and lottery income tax rev-
enues accruing, appropriated or distributed to the Public School Income Fund
pursuant to Sections 63-2506, 63-2552A, and 63-3067, Idaho Code, for the pe-
riod July 1, 2017, through June 30, 2018, shall be distributed to school dis-
trics and charter schools through a combination of a base amount of $2,000
plus a prorated amount based on the prior year's average daily attendance.
Such funds shall be used to develop and implement school safety improvements
and/or to facilitate and provide substance abuse prevention programs in the
public school system.

SECTION 6. Of the moneys appropriated in Section 3 of this act,
$4,715,000 shall be distributed for remedial coursework for students fail-
ing to achieve proficiency on Idaho's standards-based achievement tests in
dollar amounts determined by the Superintendent of Public Instruction. The
superintendent shall report to the Joint Finance-Appropriations Committee
and the Senate and House Education committees by no later than February 1,
2019, on the uses of funds and effectiveness of the programs and efforts.

SECTION 7. Pursuant to Section 33-1617, Idaho Code, of the moneys ap-
propriated in Section 3 of this act, $3,820,000 shall be distributed for
support of programs for students with non-English or limited English profi-
ciency, as follows:
(1) The Superintendent of Public Instruction shall distribute $3,370,000 to school districts pro rata, based on the population of limited English proficient students under criteria established by the department.

(2) The Superintendent of Public Instruction shall distribute $450,000 for a competitive grant program to assist school districts in which the population of English language learners must meet Annual Measurable Achievement Objectives (AMAOs) in math or reading, as defined in federal law. This amount shall be distributed annually to school districts in three-year grant cycles, contingent on appropriation and the ability of grantees to meet program objectives.

(3) The superintendent shall develop the program elements and objectives governing the use of these funds and include a program evaluation component. The purpose of these funds is to improve student English language skills to allow for better access to the educational opportunities offered in public schools. The superintendent shall report to the Joint Finance-Appropriations Committee and the Senate and House Education committees by no later than February 1, 2019, on the program design, uses of funds and program effectiveness.

SECTION 8. Of the funds appropriated in Section 3 of this act, $1,000,000 shall be distributed by the Superintendent of Public Instruction for professional training and screening for gifted and talented students and instructors. Funding will be distributed based on a formula prescribed by the Superintendent of Public Instruction that includes a base amount and an amount based on the number of identified gifted and talented students.

SECTION 9. Of the funds appropriated in Section 3 of this act, $950,000 shall be distributed by the Superintendent of Public Instruction to school districts and charter schools to purchase digital content and curriculum of their choice. Funding will be distributed based on a formula prescribed by the Superintendent of Public Instruction that includes a base amount and an amount based on the number of mid-term support units.

SECTION 10. It is legislative intent that the Superintendent of Public Instruction shall compile information concerning the numbers of students enrolling in advanced opportunities courses according to the provisions of Chapter 16, Title 33, Idaho Code, whether coursework is successfully completed, and expenditures for fiscal year 2018. As nearly as possible, the report shall contain information about enrollment of this student population in post-high school education. A report containing such information shall be posted on the website of the State Department of Education no later than December 31, 2019.

SECTION 11. PUBLIC SCHOOL INCOME FUND TRANSFER TO COMMISSION ON HISPANIC AFFAIRS. There is hereby appropriated and the State Controller shall transfer in accordance with Section 63-2552A(3), Idaho Code, on July 1, 2017, or as soon thereafter as practicable, $80,000 from the Public School Income Fund to the Commission on Hispanic Affairs Miscellaneous Revenue Fund to be used for substance abuse prevention efforts in collaboration with the State Department of Education.
SECTION 12. PUBLIC SCHOOL INCOME FUND TRANSFER TO IDAHO STATE POLICE.
There is hereby appropriated and the State Controller shall transfer in accordance with Section 63-2552A(3), Idaho Code, on July 1, 2017, or as soon thereafter as practicable, $200,000 from the Public School Income Fund to the Idaho State Police Miscellaneous Revenue Fund for the purpose of increasing toxicology lab capacity in Forensic Services.

SECTION 13. DEDICATED FUND REAPPROPRIATION AUTHORITY. There is hereby reappropriated to the Public Schools Educational Support Program/Children's Programs Division, the unexpended and unencumbered balance of $110,000 from the Public School Income Fund appropriated in Section 10 of House Bill No. 620, Second Regular Session, Sixty-third Idaho Legislature, pursuant to Section 33-1024, Idaho Code, for fiscal year 2017, to be used for the period July 1, 2017, through June 30, 2018. This funding, in full or in part, is intended to be distributed to the Idaho Digital Learning Academy for its development of a portal of parent educational resources, notwithstanding any laws to the contrary.

SECTION 14. For the purposes of this appropriation, the term "distributed" means moneys that are transferred to school districts, public charter schools, and the Idaho Digital Learning Academy, with no funds withheld for any other contract or administrative costs.