

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 723, As Amended in the Senate

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO PUBLIC SCHOOL FUNDING; AMENDING CHAPTER 10, TITLE 33, IDAHO  
2 CODE, BY THE ADDITION OF A NEW SECTION 33-1029, IDAHO CODE, TO PROVIDE  
3 THAT IN CERTAIN FISCAL YEARS, STUDENT ENROLLMENT SHALL BE USED INSTEAD  
4 OF AVERAGE DAILY ATTENDANCE IN ANY FORMULA OR CALCULATION IN WHICH AVER-  
5 AGE DAILY ATTENDANCE IS A FACTOR, TO PROVIDE THAT A KINDERGARTEN STUDENT  
6 SHALL COUNT AS ONE FULL-TIME ENROLLMENT IN CERTAIN FISCAL YEARS, TO  
7 PROVIDE LEGISLATIVE INTENT, TO PROVIDE CERTAIN AUTHORITY TO THE STATE  
8 BOARD OF EDUCATION AND STATE DEPARTMENT OF EDUCATION, AND TO PROVIDE FOR  
9 A LEGISLATIVE STUDY COMMITTEE; AND DECLARING AN EMERGENCY.  
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11 Be It Enacted by the Legislature of the State of Idaho:

12 SECTION 1. That Chapter 10, Title 33, Idaho Code, be, and the same is  
13 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
14 ignated as Section 33-1029, Idaho Code, and to read as follows:

15 33-1029. ENROLLMENT AS SUBSTITUTE FOR AVERAGE DAILY ATTENDANCE --  
16 AGENCY AUTHORITY -- STUDY COMMITTEE. (1) Notwithstanding any provision of  
17 law to the contrary, for fiscal years 2023 and 2024, student enrollment shall  
18 be used as a factor instead of average daily attendance in any formula or  
19 calculation provided by law or rule in which average daily attendance is a  
20 factor.

21 (2) Notwithstanding the provisions of section 33-1027, Idaho Code, in  
22 fiscal years 2023 and 2024, a kindergarten student shall count as one (1.0)  
23 unweighted full-time enrollment in a single school year for purposes of  
24 calculating kindergarten support units. It is the intent of the legislature  
25 in enacting this subsection to enable enrollment to be used as a substitute  
26 factor for average daily attendance in calculating kindergarten support  
27 units pursuant to section 33-1002(4), Idaho Code. The divisor in section  
28 33-1002(4), Idaho Code, for kindergarten support units shall remain the same  
29 and shall continue to provide support units suitable for funding half-day  
30 kindergarten programs. Nothing in this subsection shall be construed as  
31 obligating the state to fund full-day kindergarten programs.

32 (3) The state board of education and the state department of education  
33 are authorized to take such actions as are necessary to implement the provi-  
34 sions of this section, including the promulgation of any necessary rules.

35 (4) The legislative council is hereby authorized to appoint a study  
36 committee to review the public school funding formula. The committee shall:

37 (a) Consist of at least four (4) members of the senate and four (4) mem-  
38 bers of the house of representatives;

39 (b) Include members from both the majority and minority caucuses in  
40 each house of the legislature;

41 (c) Be appointed no later than June 1, 2022; and

1 (d) Present its findings and recommendations, if any, to the senate and  
2 house of representatives education committees for use in the comprehen-  
3 sive review by such committees required under section 33-1026, Idaho  
4 Code.

5 SECTION 2. An emergency existing therefor, which emergency is hereby  
6 declared to exist, this act shall be in full force and effect on and after its  
7 passage and approval.