

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 788

BY APPROPRIATIONS COMMITTEE

AN ACT

1 RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT
2 PROGRAM'S DIVISION OF CHILDREN'S PROGRAMS; APPROPRIATING MONEYS TO THE
3 PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF CHILDREN'S
4 PROGRAMS FOR FISCAL YEAR 2023; APPROPRIATING GENERAL FUND MONEYS FOR
5 TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; PROVIDING REQUIREMENTS
6 REGARDING THE IDAHO DIGITAL LEARNING ACADEMY; DIRECTING THE USE OF TO-
7 BACCO, CIGARETTE, AND LOTTERY INCOME TAX MONEYS; DIRECTING THE USE OF
8 APPROPRIATION FOR REMEDIATION; DIRECTING THE USE OF APPROPRIATION FOR
9 ENGLISH PROFICIENCY PROGRAMS; DIRECTING THE DEPARTMENT OF EDUCATION TO
10 COMPILE INFORMATION ON ADVANCED OPPORTUNITIES; PROVIDING A TRANSFER TO
11 THE COMMISSION ON HISPANIC AFFAIRS; PROVIDING A TRANSFER TO IDAHO STATE
12 POLICE; DEFINING "DISTRIBUTED"; CLARIFYING THE ORIGINAL FUND SOURCE
13 FOR EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S
14 DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2023; AND DECLARING AN
15 EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
16

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

18 SECTION 1. There is hereby appropriated to the Public Schools Edu-
19 cational Support Program's Division of Children's Programs the following
20 amounts to be expended from the listed funds for the period July 1, 2022,
21 through June 30, 2023:

22 FROM:

23 Public School Income Fund	\$146,217,300
24 Federal COVID-19 Relief Fund	105,983,700
25 American Rescue Plan Fund	404,911,100
26 Federal Grant Fund	<u>313,000,000</u>
27 TOTAL	\$970,112,100

28 SECTION 2. There is hereby appropriated and the Office of the State
29 Controller shall transfer \$142,192,400 from the General Fund to the Public
30 School Income Fund on July 1, 2022, or as soon thereafter as practicable for
31 the period July 1, 2022, through June 30, 2023.

32 SECTION 3. IDAHO DIGITAL LEARNING ACADEMY. The Idaho Digital Learning
33 Academy (IDLA), created pursuant to Chapter 55, Title 33, Idaho Code, shall
34 utilize state-appropriated funds for the period July 1, 2022, through June
35 30, 2023, to achieve the following:

36 (1) Tuition charged by IDLA to Idaho school districts and charter
37 schools shall not exceed \$75.00 per enrollment.

1 (2) Provide remedial coursework for students failing to achieve profi-
2 ciency in one (1) or more areas of Idaho's standards-based tests.

3 (3) Pursuant to State Board of Education rule, IDAPA 08.02.03, provide
4 advanced opportunities, including access to dual credit courses for stu-
5 dents.

6 The preceding list shall not be construed as excluding other instruction and
7 training that may be provided by the Idaho Digital Learning Academy.

8 SECTION 4. TOBACCO, CIGARETTE, AND LOTTERY DISTRIBUTION. Notwith-
9 standing the provisions of any law to the contrary, of the moneys appro-
10 priated in Section 1 of this act, up to \$4,024,900 from available tobacco,
11 cigarette, and lottery income tax revenue funds accruing, appropriated, or
12 distributed to the Public School Income Fund pursuant to Sections 63-2506,
13 63-2552A, and 63-3067, Idaho Code, for the period July 1, 2022, through
14 June 30, 2023, shall be distributed to school districts and charter schools
15 through a combination of a base amount of \$2,000 plus a prorated amount based
16 on the prior year's average daily attendance. Such funds shall be used to
17 develop and implement school safety improvements and/or to facilitate and
18 provide substance abuse prevention programs in the public school system.

19 SECTION 5. REMEDIAL COURSEWORK. Of the moneys appropriated in Section
20 1 of this act, \$4,715,000 shall be distributed for remedial coursework for
21 students failing to achieve proficiency on Idaho's standards-based achieve-
22 ment tests in dollar amounts determined by the State Department of Educa-
23 tion. The State Department of Education shall report to the Joint Finance-
24 Appropriations Committee and the Senate and House education committees by no
25 later than January 13, 2023, on the uses of funds and effectiveness of the
26 programs and efforts.

27 SECTION 6. ENGLISH PROFICIENCY. Pursuant to Section 33-1617, Idaho
28 Code, of the moneys appropriated in Section 1 of this act, \$4,820,000 shall
29 be distributed for support of students in English language learner programs
30 as follows:

31 (1) The State Department of Education shall distribute \$4,370,000 to
32 school districts and charter schools pro rata based on the population of Eng-
33 lish language learners under criteria established by the department.

34 (2) The State Department of Education shall distribute \$450,000 for a
35 competitive grant program to assist school districts and charter schools in
36 which English language learners are not reaching statewide accountability
37 interim targets or long-term goals, as defined by federal law. This amount
38 shall be distributed annually in three-year grant cycles, contingent on ap-
39 propriation and the ability of grantees to meet program objectives.

40 (3) The State Department of Education shall develop the program ele-
41 ments and objectives governing the use of these funds and include a program
42 evaluation component.

43 The purpose of these funds is to improve student English language skills to
44 allow for better access to the educational opportunities offered in public
45 schools. The State Department of Education shall report to the Joint Fi-
46 nance-Appropriations Committee and the Senate and House education commit-

1 tees by no later than January 13, 2023, on the program design, uses of funds,
2 and program effectiveness.

3 SECTION 7. ADVANCED OPPORTUNITIES COURSES AND PROGRAM EVALUATION.
4 The State Department of Education shall compile information concerning the
5 numbers of students enrolling in advanced opportunities courses according
6 to the provisions of Chapter 46, Title 33, Idaho Code, whether coursework
7 is successfully completed, and total expenditures for fiscal year 2022.
8 As nearly as practicable, the report shall contain information about en-
9 rollment of this student population in postsecondary education. A report
10 containing such information shall be posted on the website of the State De-
11 partment of Education no later than December 31, 2022.

12 SECTION 8. PUBLIC SCHOOL INCOME FUND TRANSFER TO COMMISSION ON HISPANIC
13 AFFAIRS. There is hereby appropriated and the Office of the State Controller
14 shall transfer in accordance with Section 63-2552A(3), Idaho Code, on July
15 1, 2022, or as soon thereafter as practicable, \$80,000 from the Public School
16 Income Fund to the Commission on Hispanic Affairs Miscellaneous Revenue Fund
17 to be used for substance abuse prevention efforts in collaboration with the
18 State Department of Education.

19 SECTION 9. PUBLIC SCHOOL INCOME FUND TRANSFER TO IDAHO STATE POLICE.
20 There is hereby appropriated and the Office of the State Controller shall
21 transfer in accordance with Section 63-2552A(3), Idaho Code, on July 1,
22 2022, or as soon thereafter as practicable, \$200,000 from the Public School
23 Income Fund to the Idaho State Police Miscellaneous Revenue Fund for the
24 purpose of increasing toxicology lab capacity in Forensic Services.

25 SECTION 10. DEFINITION. For the purposes of this act, "distributed"
26 means moneys that are transferred to school districts, public charter
27 schools, and the Idaho Digital Learning Academy, with no funds withheld for
28 any other contract or administrative costs.

29 SECTION 11. Of the amounts appropriated in Section 1 of this act for
30 the Public Schools Educational Support Program's Division of Children's
31 Programs, the following amounts shall be considered expended from the listed
32 funds for the period July 1, 2022, through June 30, 2023:

33 FROM:

34	General Fund	\$142,192,400
35	Cigarette, Tobacco and Lottery Income Taxes Fund	4,024,900
36	Federal COVID-19 Relief Fund	105,983,700
37	American Rescue Plan Fund	404,911,100
38	Federal Grant Fund	<u>313,000,000</u>
39	TOTAL	\$970,112,100

1 SECTION 12. An emergency existing therefor, which emergency is hereby
2 declared to exist, this act shall be in full force and effect on and after
3 July 1, 2022.