LEGISLATURE OF THE STATE OF IDAHO
Sixty-sixth Legislature Second Regular Session - 2022

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 790

BY WAYS AND MEANS COMMITTEE

AN ACT
RELATING TO PUBLIC SCHOOL FUNDING; AMENDING SECTION 33-1002, IDAHO CODE, TO
REVISE PROVISIONS REGARDING FUNDING FOR LITERACY INTERVENTION; AMEND-
ing chapter 8, title 33, Idaho code, by the addition of a new section
33-802B, Idaho code, to provide that the ballot at an election to autho-

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

15 SECTION 1. That section 33-1002, Idaho Code, be, and the same is hereby
16 amended to read as follows:

17 33-1002. EDUCATIONAL SUPPORT PROGRAM. The educational support pro-
18 gram is calculated as follows:
19 (1) State Educational Support Funds. Add the state appropriation, in-
20 cluding the moneys available in the public school income fund, together with
21 all miscellaneous revenues to determine the total state funds.
22 (2) From the total state funds subtract the following amounts needed
23 for state support of special programs provided by a school district:
24 (a) Pupil tuition-equivalency allowances as provided in section
25 33-1002B, Idaho Code;
26 (b) Transportation support program as provided in section 33-1006,
27 Idaho Code;
28 (c) Feasibility studies allowance as provided in section 33-1007A,
29 Idaho Code;
30 (d) The approved costs for border district allowance, provided in sec-
31 tion 33-1403, Idaho Code, as determined by the state superintendent of
32 public instruction;
33 (e) The approved costs for exceptional child approved contract al-
34 lowance, provided in subsection 2. of section 33-2004, Idaho Code, as
35 determined by the state superintendent of public instruction;
36 (f) Salary-based apportionment calculated as provided in sections
37 33-1004 through 33-1004F, Idaho Code;
38 (g) Unemployment insurance benefit payments according to the provi-
39 sions of section 72-1349A, Idaho Code;
40 (h) For expenditure as provided by the public school technology pro-
41 gram;
(i) For employee severance payments as provided in section 33-521, Idaho Code;
(j) For distributions to the Idaho digital learning academy as provided in section 33-1020, Idaho Code;
(k) For charter school facilities funds and reimbursements paid pursuant to section 33-5208 (5), Idaho Code;
(l) For an online course portal as provided for in section 33-1024, Idaho Code;
(m) For advanced opportunities as provided for in chapter 46, title 33, Idaho Code;
(n) For additional math and science courses for high school students as provided in section 33-1021, Idaho Code;
(o) For leadership premiums as provided in section 33-1004J, Idaho Code;
(p) For master teacher premiums as provided in section 33-1004I, Idaho Code;
(q) For the support of provisions that provide a safe environment conducive to student learning and maintain classroom discipline, an allocation of three hundred dollars ($300) per support unit;
(r) An amount specified in the appropriation bill for the public schools educational support program for counseling support as provided for in section 33-1212A, Idaho Code, shall be distributed for grades 8 through 12 as follows:
   (i) For school districts and public charter schools with one hundred (100) or more students enrolled in grades 8 through 12, a pro rata distribution based on students enrolled in grades 8 through 12 or eighteen thousand dollars ($18,000), whichever is greater;
   (ii) For school districts and public charter schools with fewer than one hundred (100) students enrolled in grades 8 through 12, one hundred eighty dollars ($180) per student enrolled in grades 8 through 12 or nine thousand dollars ($9,000), whichever is greater;
(s) An amount specified in the public schools educational support program appropriation bill for literacy intervention pursuant to section 33-1807, Idaho Code, the disbursements made to the school districts and public charter schools in the aggregate shall not exceed the total amount appropriated for this purpose and shall be based on the actual costs of such intervention programs. School districts and public charter schools shall be reimbursed in full or in pro rata based on the average number of students in kindergarten through grade 3 who score basic or below basic on the fall statewide reading assessment in the prior three (3) years; shall be calculated as follows:
   (i) Fifty percent (50%) based on average full-time equivalent enrollment of students in kindergarten through grade 3 as of the first Friday in November;
   (ii) Fifty percent (50%) based on the number of kindergarten through grade 3 students who move a full level or who are proficient from the spring-to-spring administration of the statewide reading assessment in the prior fiscal year or, if there is not a prior spring assessment for the student, from fall to spring; and
(iii) Funds will be distributed to the school district or public charter school where the student is enrolled and takes the statewide reading assessment. Any school district or public charter school that has greater than one (1) but fewer than five (5) students in kindergarten through grade 3 will receive a minimum of two thousand dollars ($2,000). Economically disadvantaged students shall count as one and three quarters (1.75) students for the purpose of calculating the distribution of the funds in subparagraph (ii) of this paragraph.

(t) For mastery-based education as provided for in section 33-1632, Idaho Code;
(u) For pay for success contracting as provided in section 33-125B, Idaho Code; and
(v) Any additional amounts as required by statute to effect administrative adjustments or as specifically required by the provisions of any bill of appropriation;

to secure the total educational support distribution funds.

(3) Average Daily Attendance. The total state average daily attendance shall be the sum of the average daily attendance of all of the school districts of the state. The state board of education shall establish rules setting forth the procedure to determine average daily attendance and the time for, and method of, submission of such report. Average daily attendance calculation shall be carried out to the nearest hundredth. Computation of average daily attendance shall also be governed by the provisions of section 33-1003A, Idaho Code.

(4) Support Units. The total state support units shall be determined by using the tables set out hereafter called computation of kindergarten support units, computation of elementary support units, computation of secondary support units, computation of exceptional education support units, and computation of alternative school support units. The sum of all of the total support units of all school districts of the state shall be the total state support units.

**COMPUTATION OF KINDERGARTEN SUPPORT UNITS**

<table>
<thead>
<tr>
<th>Average Daily Attendance</th>
<th>Attendance Divisor</th>
<th>Units Allowed</th>
</tr>
</thead>
<tbody>
<tr>
<td>41 or more...</td>
<td>40</td>
<td>1 or more as computed</td>
</tr>
<tr>
<td>31 - 40.99 ADA...</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>26 - 30.99 ADA...</td>
<td></td>
<td>.85</td>
</tr>
<tr>
<td>21 - 25.99 ADA...</td>
<td></td>
<td>.75</td>
</tr>
<tr>
<td>16 - 20.99 ADA...</td>
<td></td>
<td>.6</td>
</tr>
<tr>
<td>8 - 15.99 ADA...</td>
<td></td>
<td>.5</td>
</tr>
<tr>
<td>1 - 7.99 ADA...</td>
<td></td>
<td>count as elementary</td>
</tr>
</tbody>
</table>
### COMPUTATION OF ELEMENTARY SUPPORT UNITS

<table>
<thead>
<tr>
<th>Average Daily Attendance</th>
<th>Minimum Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>300 or more ADA...</td>
<td>Attendance Divisor</td>
</tr>
<tr>
<td></td>
<td>Allowed</td>
</tr>
<tr>
<td>23...grades 4,5 &amp; 6...</td>
<td>15</td>
</tr>
<tr>
<td>22...grades 1,2 &amp; 3...1994-95</td>
<td></td>
</tr>
<tr>
<td>21...grades 1,2 &amp; 3...1995-96</td>
<td></td>
</tr>
<tr>
<td>20...grades 1,2 &amp; 3...1996-97</td>
<td></td>
</tr>
<tr>
<td>and each year thereafter.</td>
<td></td>
</tr>
<tr>
<td>160 to 299.99 ADA...</td>
<td>8.4</td>
</tr>
<tr>
<td>110 to 159.99 ADA...</td>
<td>6.8</td>
</tr>
<tr>
<td>71.1 to 109.99 ADA...</td>
<td>4.7</td>
</tr>
<tr>
<td>51.7 to 71.0 ADA...</td>
<td>4.0</td>
</tr>
<tr>
<td>33.6 to 51.6 ADA...</td>
<td>2.8</td>
</tr>
<tr>
<td>16.6 to 33.5 ADA...</td>
<td>1.4</td>
</tr>
<tr>
<td>1.0 to 16.5 ADA...</td>
<td>1.0</td>
</tr>
</tbody>
</table>

### COMPUTATION OF SECONDARY SUPPORT UNITS

<table>
<thead>
<tr>
<th>Average Daily Attendance</th>
<th>Minimum Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>750 or more...</td>
<td>Attendance Divisor</td>
</tr>
<tr>
<td></td>
<td>Allowed</td>
</tr>
<tr>
<td>6...</td>
<td>47</td>
</tr>
<tr>
<td>400 - 749.99 ADA...</td>
<td>28</td>
</tr>
<tr>
<td>300 - 399.99 ADA...</td>
<td>22</td>
</tr>
<tr>
<td>200 - 299.99 ADA...</td>
<td>17</td>
</tr>
<tr>
<td>100 - 199.99 ADA...</td>
<td>9</td>
</tr>
<tr>
<td>99.99 or fewer Units</td>
<td>Units allowed as follows:</td>
</tr>
<tr>
<td></td>
<td>8</td>
</tr>
<tr>
<td>Grades 7 - 12</td>
<td>6</td>
</tr>
<tr>
<td>Grades 7 - 9</td>
<td>1 per 14 ADA</td>
</tr>
<tr>
<td>Grades 7 - 8</td>
<td>1 per 16 ADA</td>
</tr>
</tbody>
</table>

### COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

<table>
<thead>
<tr>
<th>Average Daily Attendance</th>
<th>Minimum Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>14 or more...</td>
<td>Attendance Divisor</td>
</tr>
<tr>
<td></td>
<td>Allowed</td>
</tr>
<tr>
<td>14.5...</td>
<td>1 or more as computed</td>
</tr>
<tr>
<td>12 - 13.99...</td>
<td>1</td>
</tr>
<tr>
<td>8 - 11.99...</td>
<td>.75</td>
</tr>
</tbody>
</table>
In applying these tables to any given separate attendance unit, no school district shall receive less total money than it would receive if it had a lesser average daily attendance in such separate attendance unit. In applying the kindergarten table to a kindergarten program of fewer days than a full school year, the support unit allowance shall be in ratio to the number of days of a full school year. The attendance of students attending an alternative school in a school district reporting fewer than one hundred (100) secondary students in average daily attendance shall not be assigned to the alternative table if the student is from a school district reporting fewer than one hundred (100) secondary students in average daily attendance, but shall instead be assigned to the secondary table of the school district in which they are attending the alternative school, unless the alternative school in question serves students from multiple districts reporting fewer than one hundred (100) secondary students in average daily attendance. The tables for exceptional education and alternative school support units shall be applicable only for programs approved by the state department of education following rules established by the state board of education. Moneys generated from computation of support units for alternative schools shall be utilized for alternative school programs. School district administrative and facility costs may be included as part of the alternative school expenditures.

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

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

(a)(1) Divide the actual average daily attendance, excluding students approved for inclusion in the exceptional child educational program, for the administrative schools and each of the separate schools and attendance units by the appropriate divisor from the tables of support units in this section, then add the quotients to obtain the district's support units allowance for regular students, kindergarten through grade 12 including alternative school students. Calculations in application of this subsection shall be carried out to the nearest hundredth.

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

<table>
<thead>
<tr>
<th>Pupils in Attendance</th>
<th>Attendance Divisor</th>
<th>Minimum Units Allowed</th>
</tr>
</thead>
<tbody>
<tr>
<td>12 or more...........</td>
<td>12..................</td>
<td>1 or more as computed</td>
</tr>
</tbody>
</table>

4 - 7.99... .......................... .5
1 - 3.99... .......................... .25
(ii) Divide the combined totals of the average daily attendance
of all preschool, kindergarten, elementary, secondary, juvenile
detention center students and students with disabilities approved
for inclusion in the exceptional child program of the district by
the appropriate divisor from the table for computation of excep-
tional education support units to obtain the number of support
units allowed for the district's approved exceptional child pro-
gram. Calculations for this subsection shall be carried out to the
nearest hundredth when more than one (1) unit is allowed.
(iii) The total number of support units of the district shall be
the sum of the total support units for regular students, subpara-
graph (i) of this paragraph, and the support units allowance for
the approved exceptional child program, subparagraph (ii) of this
paragraph.
(b) Total District Allowance Educational Program. Multiply the dis-
trict's total number of support units, carried out to the nearest hun-
dredth, by the state distribution factor per support unit and to this
product add the approved amount of programs of the district provided in
subsection (2) of this section to secure the district's total allowance
for the educational support program.
(c) District Share. The district's share of state apportionment is the
amount of the total district allowance, paragraph (b) of this subsec-
tion.
(d) Adjustment of District Share. The contract salary of every noncer-
tificated teacher shall be subtracted from the district's share as cal-
culated from the provisions of paragraph (c) of this subsection.
(7) Property Tax Computation Ratio. In order to receive state funds
pursuant to this section, a charter district shall utilize a school mainte-
nance and operation property tax computation ratio for the purpose of calcu-
llating its maintenance and operation levy that is no greater than that which
it utilized in tax year 1994, less four-tenths of one percent (.4%). As used
herein, the term "property tax computation ratio" shall mean a ratio deter-
mined by dividing the district's certified property tax maintenance and op-
eration budget by the actual or adjusted market value for assessment pur-
poses as such values existed on December 31, 1993. Such maintenance and op-
eration levy shall be based on the property tax computation ratio multiplied
by the actual or adjusted market value for assessment purposes as such values
existed on December 31 of the prior calendar year.

SECTION 2. That Chapter 8, Title 33, Idaho Code, be, and the same is
hereby amended by the addition thereto of a NEW SECTION, to be known and des-
ignated as Section 33-802B, Idaho Code, and to read as follows:

33-802B. DISCLOSURES IN ELECTIONS TO AUTHORIZE SUPPLEMENTAL LEVY. (1)
At an election to authorize a levy pursuant to section 33-802 (3) or (5),
Idaho Code, the ballot shall include a disclosure, separate from the ballot
question, of the purposes for which the levy revenues will be used. The dis-
losure shall:
(a) Be set forth in simple, understandable language;
(b) Include a detailed description of the purposes for which the levy
revenues will be used and the approximate amount of levy funds to be al-
located for each purpose, such that school district electors have fair notice of the specific items the levy revenues shall support; and
(c) Be placed immediately above the ballot question on the ballot.
(2) In order to be binding, a ballot question to authorize a levy pursuant to section 33-802(3) or (5), Idaho Code, must be accompanied by the disclosure described in subsection (1) of this section, as well as any other disclosure or information required by law.
(3) Upon a determination by a court pursuant to section 34-2001A, Idaho Code, that a school district failed to comply with the provisions of this section, the court must declare the outcome of the ballot question invalid and award court costs and fees to the prevailing party.

SECTION 3. That Chapter 8, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-802C, Idaho Code, and to read as follows:

33-802C. SUPPLEMENTAL LEVIES -- PURPOSES FOR WHICH REVENUES ARE USED. A school district shall use supplemental levy revenues only for those purposes identified pursuant to section 33-802B(1)(b), Idaho Code. The school district board of trustees shall annually publish, prior to its regular July meeting, a summary of levy revenues and the items for which such revenues were used, alongside a copy of the disclosure included on the ballot pursuant to section 33-802B, Idaho Code.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.