LEGISLATURE OF THE STATE OF IDAHO
Sixty-seventh Legislature First Regular Session - 2023

IN THE SENATE

SENATE BILL NO. 1207

BY FINANCE COMMITTEE

AN ACT
RELATING TO THE APPROPRIATION TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF CHILDREN'S PROGRAMS; APPROPRIATING MONEYS TO THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2024; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; PROVIDING REQUIREMENTS REGARDING THE IDAHO DIGITAL LEARNING ACADEMY; DIRECTING THE USE OF TOBACCO, CIGARETTE, AND LOTTERY INCOME TAX MONEYS; DIRECTING THE USE OF APPROPRIATION FOR REMEDIATION; DIRECTING THE USE OF APPROPRIATION FOR ENGLISH PROFICIENCY PROGRAMS; 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 THE IDAHO STATE POLICE; DEFINING "DISTRIBUTED"; DIRECTING A DISTRIBUTION TO PURCHASE DIGITAL CONTENT AND CURRICULA; LIMITING THE EXPENDITURE OF SPECIAL EDUCATION FUNDING; CLARIFYING THE ORIGINAL FUND SOURCE FOR EXPENDITURES FOR THE PUBLIC SCHOOLS EDUCATIONAL SUPPORT PROGRAM'S DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2024; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. There is hereby appropriated to the Public Schools Educational Support Program's Division of Children's Programs the following amounts to be expended from the listed funds for the period July 1, 2023, through June 30, 2024:

FROM:

Public School Income Fund $152,448,600
Federal COVID-19 Relief Fund 21,238,900
American Rescue Plan Fund 285,114,500
Federal Grant Fund 240,147,800
TOTAL $698,949,800

SECTION 2. There is hereby appropriated and the Office of the State Controller shall transfer $148,123,700 from the General Fund to the Public School Income Fund on July 1, 2023, or as soon thereafter as practicable for the period July 1, 2023, through June 30, 2024.

SECTION 3. IDAHO DIGITAL LEARNING ACADEMY. 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, 2023, through June 30, 2024, 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 proficiency 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 opportunities, including access to dual credit courses, for students. The preceding list shall not be construed as excluding other instruction and training that may be provided by the Idaho Digital Learning Academy.

SECTION 4. TOBACCO, CIGARETTE, AND LOTTERY DISTRIBUTION. Notwithstanding any provision of law to the contrary, of the moneys appropriated in Section 1 of this act, up to $4,324,900 from available tobacco, cigarette, and lottery income tax revenue funds accruing, appropriated, or distributed to the Public School Income Fund pursuant to Sections 63-2506, 63-2552A, and 63-3067, Idaho Code, for the period July 1, 2023, through June 30, 2024, shall be distributed to school districts 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 5. COURSEWORK. Of the moneys appropriated in Section 1 of this act, $4,715,000 shall be distributed for coursework for students failing to achieve proficiency on Idaho's standards-based achievement tests in dollar amounts determined by the State Department of Education. The State Department of Education shall report to the Joint Finance Appropriations Committee and the Senate Education and House Education committees by no later than January 13, 2024, on the uses of funds and effectiveness of the programs and efforts.

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

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

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

(3) The State Department of Education 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 State Department of Education shall report to the Joint Fi-
nance Appropriations Committee and the Senate Education and House Education committees by no later than January 13, 2024, on the program design, use of funds, and program effectiveness.

SECTION 7. ADVANCED OPPORTUNITIES COURSES AND PROGRAM EVALUATION. The State Department of Education shall compile information concerning the numbers of students enrolling in advanced opportunities courses according to the provisions of Chapter 46, Title 33, Idaho Code, whether coursework is successfully completed, and total expenditures for fiscal year 2023. As nearly as practicable, the report shall contain information about enrollment of this student population in postsecondary education. A report containing such information shall be posted on the website of the State Department of Education no later than December 29, 2023.

SECTION 8. PUBLIC SCHOOL INCOME FUND TRANSFER TO COMMISSION ON HISPANIC AFFAIRS. There is hereby appropriated and the Office of the State Controller shall transfer in accordance with Section 63-2552A(3), Idaho Code, on July 1, 2023, 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 9. PUBLIC SCHOOL INCOME FUND TRANSFER TO THE IDAHO STATE POLICE. There is hereby appropriated and the Office of the State Controller shall transfer in accordance with Section 63-2552A(3), Idaho Code, on July 1, 2023, 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 10. DEFINITION. For the purposes of this act, "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.

SECTION 11. DIGITAL CONTENT. Of the funds appropriated in Section 1 of this act, $1,600,000 shall be distributed by the State Department of Education to school districts and public charter schools to purchase digital content and curricula of their choice. Funding will be distributed based on a formula prescribed by the State Department of Education that includes a base amount and an amount based on the number of midterm support units.

SECTION 12. SPECIAL EDUCATION FUNDING. Of the moneys appropriated in Section 1 of this act, the State Department of Education shall issue $8,546,000 pursuant to 34 CFR 300 to provide for the education of all children with disabilities, within the eligible school districts and public charter schools of Idaho. Funding shall not be distributed by the State Department of Education until the United States Department of Education has made an official decision on the maintenance of financial support waiver request. If a decision is not made by June 30, 2024, the State Department of Education shall revert the funds to the General Fund and make a new request.
for funding when the United States Department of Education has made an offi-
cial decision.

SECTION 13. Of the amounts appropriated in Section 1 of this act for
the Public Schools Educational Support Program's Division of Children's
Programs, the following amounts shall be considered expended from the listed
funds for the period July 1, 2023, through June 30, 2024:

FROM:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$148,123,700</td>
</tr>
<tr>
<td>Cigarette, Tobacco and Lottery Income Taxes Fund</td>
<td>4,324,900</td>
</tr>
<tr>
<td>Federal COVID-19 Relief Fund</td>
<td>21,238,900</td>
</tr>
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<td>TOTAL</td>
<td>$698,949,800</td>
</tr>
</tbody>
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SECTION 14. 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, 2023.