

IN THE SENATE

SENATE BILL NO. 1438

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO EDUCATION FUNDING; AMENDING SECTION 33-915, IDAHO CODE, AS ADDED
2 BY SECTION 17 OF HOUSE BILL NO. 521, IF ENACTED BY THE SECOND REGULAR
3 SESSION OF THE SIXTY-SEVENTH IDAHO LEGISLATURE, TO REVISE PROVISIONS
4 REGARDING THE DISTRIBUTION OF SCHOOL MODERNIZATION FACILITIES FUNDS TO
5 SCHOOL DISTRICTS; AMENDING SECTION 33-916, IDAHO CODE, AS ADDED BY SEC-
6 TION 18 OF HOUSE BILL NO. 521, IF ENACTED BY THE SECOND REGULAR SESSION
7 OF THE SIXTY-SEVENTH IDAHO LEGISLATURE, TO REVISE PROVISIONS REGARD-
8 ING THE ELIGIBILITY OF SCHOOL DISTRICTS FOR SCHOOL MODERNIZATION FACIL-
9 ITIES FUND DISTRIBUTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN
10 EFFECTIVE DATE.
11

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

13 SECTION 1. That Section 33-915, Idaho Code, as added by Section 17 of
14 House Bill No. 521, if enacted by the Second Regular Session of the Sixty-
15 seventh Idaho Legislature, be, and the same is hereby amended to read as fol-
16 lows:

17 33-915. FIXED DISTRIBUTION -- SCHOOL MODERNIZATION FACILITIES
18 FUND. (1) The state department of education shall establish a fixed distri-
19 bution of funds to be made available for voluntary election to each school
20 district subject to the conditions in this section.

21 (a) The distribution shall be calculated in state fiscal year 2025 for
22 each school district, as defined in section 33-1001(21), Idaho Code,
23 that is in operation as of July 1, 2024.

24 (b) The distribution shall be calculated by multiplying the following
25 two (2) factors, both of which shall be based on the most recent data
26 available in the state fiscal year coinciding with the distribution
27 calculation:

28 (i) Calculate the per-pupil amount, using the average daily at-
29 tendance calculation provided in section 33-1003A, Idaho Code,
30 for each student in kindergarten through grade 12 at physical
31 facilities that are part of and on school grounds of the school
32 district in which the student is enrolled with verification, as
33 needed, by the office of the state board of education. Upon formal
34 approval by the state board of education, a school district may re-
35 ceive an exemption to the physical facility requirement pursuant
36 to this subsection if the student would have attended a physical
37 facility in the school district if not for a stated emergency; and
38 (ii) Calculate, together with the Idaho state building authority,
39 the total amount that a bond issuance would generate, based on the
40 amount established in section 63-3638(19), Idaho Code.

41 (c) In no case shall the amount awarded to any school district be less
42 than ~~twenty-five thousand dollars (\$25,000)~~ one hundred thousand dol-

1 lars (\$100,000) over the ten (10) year period. Except as provided in
 2 paragraph (d) of this subsection, and notwithstanding any other provi-
 3 sion of law to the contrary, in no case shall the amount awarded to any
 4 school district exceed one hundred million dollars (\$100,000,000) over
 5 the ten (10) year period.

6 (d) In no case shall the amount awarded to any school district with an
 7 active charter district maintenance and operation levy pursuant to sec-
 8 tion 33-802(6), Idaho Code, or a charter district supplemental mainte-
 9 nance and operation levy pursuant to section 33-802(4), Idaho Code, ex-
 10 ceed forty million dollars (\$40,000,000) over the ten (10) year period.
 11 Excess funds shall be distributed proportionately according to the
 12 factors established in paragraph (b) of this subsection to remaining
 13 school districts that received initial allocations below forty million
 14 dollars (\$40,000,000). Any districts receiving reallocations under
 15 this paragraph shall not exceed forty million dollars (\$40,000,000).

16 (e) For the purposes of this section, the Idaho school for the deaf and
 17 the blind shall be considered a school district and shall receive a dis-
 18 tribution based on the average daily attendance of the school.

19 (2) The provisions of this section shall be null, void, and of no force
 20 and effect on and after June 30, 2034.

21 SECTION 2. That Section 33-916, Idaho Code, as added by Section 18 of
 22 House Bill No. 521, if enacted by the Second Regular Session of the Sixty-
 23 seventh Idaho Legislature, be, and the same is hereby amended to read as fol-
 24 lows:

25 33-916. ELIGIBILITY OF SCHOOL DISTRICTS FOR SCHOOL MODERNIZATION FA-
 26 CILITIES FUND DISTRIBUTIONS. The state department of education shall not ap-
 27 prove school district requests for annualized distributions or for distri-
 28 bution from the applicable bond proceeds until the following conditions are
 29 satisfied:

30 (1) The school district has submitted a ten (10) year facilities plan in
 31 accordance with provisions of section 33-918, Idaho Code;

32 (2) The school district attests that if it operated on a five (5) day
 33 school week during fiscal year 2024, it will not convert to a four (4) day
 34 school week during the period for which the school district has elected
 35 to receive funding from the school modernization facilities fund. If the
 36 school district does convert from a five (5) day school week to a four (4) day
 37 school week or if it operated on a four (4) day school week during fiscal year
 38 2024, it must attest that it meets the minimum contract days and minimum stu-
 39 dent instructional day requirements of the state board of education, which
 40 requirements shall be ~~implemented~~ promulgated by rule by the state board of
 41 education no later than July 1, 2024, subject to legislative approval. Any
 42 attesting school district that converts from a five (5) day school week to a
 43 four (4) day school week or that operated on a four (4) day school week shall
 44 implement the requirements of such rules no later than ~~August 1, 2024~~ July 1,
 45 2025; and

46 (3) The school district attests compliance with the dignity and nondis-
 47 crimination in public education requirements specified in section 33-138,
 48 Idaho Code, and further attests that the school district does not require job
 49 applicants to sign written diversity statements.

1 SECTION 3. 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, 2024.