

TITLE 33
EDUCATION

CHAPTER 9
SCHOOL FUNDS

33-901. SCHOOL PLANT FACILITIES RESERVE FUND. The board of trustees of any school district may create and establish a school plant facilities reserve fund by resolution adopted at any regular or special meeting of the board. All moneys for said fund accruing from taxes levied under section [33-804](#), Idaho Code, together with interest accruing from the investment of any moneys in the fund and any moneys allowed for depreciation of school plant facilities as are appropriated from the general fund of the district, shall be credited by the treasurer to the school plant facilities reserve fund.

Disbursements from said fund may be made from time to time as the board of trustees may determine, for purposes authorized in section [33-1102](#), Idaho Code, and for lease and lease purchase agreements for such purposes and to repay loans from commercial lending institutions extended to pay for the construction of school plant facilities, but no expenditure for remodeling existing buildings shall be authorized and made unless the estimated cost thereof shall exceed five thousand dollars (\$5,000). Lease purchase agreements shall not extend beyond the period designated for any existing school plant facilities reserve fund levy. Expenditures may also be made from this fund for participation by the school district in any local improvement district in which the school district may be situate, but any such participation shall not create a lien upon any of the property owned by the school district.

Should any school district having a balance in its school plant facilities reserve fund be consolidated with one or more school districts to form a new school district, the moneys in such fund shall be used to retire any bonds issued by it and outstanding at the time of the consolidation. If there are no bonds outstanding, any balance in its school plant facilities reserve fund shall accrue to the new district to be added to or to create and establish a school plant facilities reserve fund.

Should any school district having a balance in its school plant facilities reserve fund be divided so as to create two (2) or more new districts the said fund may be used to retire any bonds issued by it and outstanding at the time of the division, or the said fund may be divided among the new school districts, as may be approved by the electors at the time of the division. If the fund is divided among the new districts, a school plant facilities reserve fund is thereby created and established for each district.

The board of trustees of any school district having a school plant facilities reserve fund created and established under any of the provisions of this section, may discontinue the same by resolution adopted at any regular meeting of the board. Upon such discontinuance, any balance in the fund shall be used to retire any outstanding bonds, if any; otherwise, the balance may be transferred to the general fund of the district.

Moneys in the school plant facilities reserve fund being held for future use may be invested in the manner of section [57-127](#), Idaho Code.

A detailed financial report of the operations in and the condition of the school plant facilities reserve fund shall be included in the annual report of each district. Forms for such reporting shall be provided by the

state board of education. Such report shall be published as provided by law for the publication of annual reports of school districts.

[33-901, added 1963, ch. 13, sec. 117, p. 27; am. 1970, ch. 167, sec. 1, p. 493; am. 1975, ch. 136, sec. 1, p. 300.]

33-902. PUBLIC SCHOOL PERMANENT ENDOWMENT FUND. (1) There is established in the state treasury the public school permanent endowment fund. This fund is perpetually appropriated for the beneficiaries of the endowment. The fund shall be managed and invested by the endowment fund investment board according to law and the policies established by the state board of land commissioners. The fund principal shall forever remain intact. The fund shall be a permanent fund and shall consist of the following:

(a) Proceeds from the sale of lands granted to the state by the federal government, known as public school endowment lands, and lands granted in lieu of public school endowment school lands;

(b) Lands, money or other property acquired by gift or grant from any person or corporation or under any law or grant of the federal government for general educational purposes;

(c) All other grants of lands or money made to the state from the federal government for general educational purposes where no other purpose is indicated in the grant;

(d) All estates or distributive shares of estates that may escheat to the state;

(e) All unclaimed shares and dividends of any corporation incorporated under the laws of the state;

(f) Proceeds of royalties arising from the extraction of minerals on public school land owned by the state;

(g) Other proceeds and avails as are required by law of the federal government or of the state of Idaho to be made a part of the fund; and

(h) Moneys allocated from the public school earnings reserve fund.

(2) Public school endowment land sale proceeds may be deposited into the land bank fund established in section [58-133](#), Idaho Code, to be used to acquire other lands within the state for the benefit of the endowment beneficiaries. If proceeds from the sale of public school endowment lands are not used to acquire other lands in accordance with section [58-133](#), Idaho Code, the proceeds from the sale shall be deposited into the public school permanent endowment fund along with any earnings on the proceeds.

(3) Earnings from the investment of the public school permanent endowment fund shall be distributed according to the provisions of section [57-723A](#), Idaho Code.

[33-902, added 1998, ch. 256, sec. 7, p. 829.]

33-902A. PUBLIC SCHOOL EARNINGS RESERVE FUND. (1) There is established in the state treasury the public school earnings reserve fund. The fund shall be managed and invested by the endowment fund investment board according to law and the policies established by the state board of land commissioners. The public school earnings reserve fund shall consist of the following:

(a) All earnings of the public school permanent endowment fund;

(b) Proceeds of the sale of timber on public school endowment lands;

(c) Proceeds of leases of public school endowment lands;

(d) Proceeds of interest charged upon deferred payments on public school endowment lands or timber on those lands;

(e) Earnings on contracts for the sale of timber and the sale of lands related to the public school endowment; and

(f) All other proceeds received from the use of public school endowment lands and not otherwise designated for deposit in the public school permanent endowment fund.

(2) Moneys shall be distributed out of the public school earnings reserve fund only to support the beneficiaries of the public school endowment, including distributions by the state board of land commissioners to the public school permanent endowment fund and the public school income fund; provided, that funds shall not be appropriated by the legislature from the public school earnings reserve fund except to pay for administrative costs incurred managing the assets of the public school endowment including, but not limited to, real property and monetary assets.

[33-902A, added 1998, ch. 256, sec. 8, p. 830.]

33-903. PUBLIC SCHOOL INCOME FUND. (1) The public school income fund is that fund in the treasury of the state of Idaho to which are credited the following:

(a) Moneys distributed from the public school earnings reserve fund and other sources the legislature deems appropriate;

(b) Proceeds of all state taxes levied for public school purposes;

(c) Grants of moneys from the federal government for public school purposes when other disposition is not specified by law;

(d) Ninety percent (90%) of any moneys received by any department of state government from the federal government from sales, royalties, bonuses or rentals of oil, gas or mineral lands;

(e) Legislative appropriations in support of the public schools, and other moneys required by the law of the federal government or of the state of Idaho to be made a part of and credited to the fund.

(2) Earnings on the investment of idle moneys in the public school income fund shall be paid to the public school income fund.

(3) Moneys in the public school income fund shall be used for the benefit of beneficiaries of the public school endowment and distributed to current beneficiaries of the public school endowment pursuant to legislative appropriation.

[33-903, added 1963, ch. 13, sec. 119, p. 27; am. 1976, ch. 28, sec. 1, p. 63; am. 1984, ch. 180, sec. 1, p. 426; am. 1990, ch. 377, secs. 1, 4, p. 1042; am. 1998, ch. 256, sec. 9, p. 830.]

33-904. COUNTY SCHOOL FUND. The county school fund is that fund in the treasury of each county in the state to which are credited the proceeds of moneys collected from fines, forfeitures or breaches of the penal laws of the state when other disposition is not provided by law; and such other proceeds and avails as may be required by law to be credited thereto.

[33-904, added 1963, ch. 13, sec. 120, p. 27; am. 1967, ch. 243, sec. 4, p. 707; am. 1978, ch. 291, sec. 1, p. 713; am. 1979, ch. 254, sec. 4, p. 663.]

33-905. SCHOOL DISTRICT BUILDING ACCOUNT -- PAYMENTS TO ACCOUNT -- MON- EYS APPROPRIATED TO STATE BOARD -- APPLICATION FOR MONEYS -- PAYMENTS TO DIS- TRICTS -- REPORTS ON APPLICATIONS -- USES OF MONEYS. (1) The state of Idaho, in order to fulfill its responsibility to establish and maintain a general, uniform and thorough system of public, free common schools, hereby creates and establishes the school district building account in the state treasury. The school district building account shall have paid into it such appropria- tions or revenues as may be provided by law.

(2) By not later than August 31, moneys in the account pursuant to dis- tribution from section [67-7434](#), Idaho Code, the lottery dividends and in- terest earned thereon, shall be distributed to each of the several school districts, in the proportion that the average daily attendance of that dis- trict for the previous school year bears to the total average daily atten- dance of the state during the previous school year. For the purposes of this subsection (2) only, the Idaho school for the deaf and the blind shall be con- sidered a school district, and shall receive a distribution based upon the average daily attendance of the school. Average daily attendance shall be calculated as provided in section [33-1002](#)(3), Idaho Code. For the purposes of this subsection (2) only, any school for the deaf and the blind operated by the Idaho bureau of educational services for the deaf and the blind shall be considered a school district, and shall receive a distribution based upon the average daily attendance of the school.

(3) Any other state moneys that may be made available shall be dis- tributed to meet the requirements of section [33-1019](#), Idaho Code. If the amount of such funds exceeds the amount needed to meet the provisions of section [33-1019](#), Idaho Code, then the excess balance shall be transferred to the public education stabilization fund.

(4) All payments from the school district building account shall be paid out directly to the school district in warrants drawn by the state controller upon presentation of proper vouchers from the state board of education. Pending payments out of the school district building account, the moneys in the account shall be invested by the state treasurer in the same manner as provided under section [67-1210](#), Idaho Code, with respect to other idle moneys in the state treasury. Interest earned on the investments shall be returned to the school district building account.

(5) Payments from the school district building account received by a school district shall be used by the school district for the purposes autho- rized in section [33-1019](#), Idaho Code, up to the level of the state match so required. Any payments from the school district building account received by a school district that are in excess of the state match requirements of section [33-1019](#), Idaho Code, may be used by the school district for the pur- poses authorized in section [33-1102](#), Idaho Code.

[33-905, added 1977, ch. 67, sec. 1, p. 128; am. 1988, ch. 251, sec. 1, p. 484; am. 1989, ch. 123, sec. 1, p. 271; am. 1990, ch. 377, secs. 2, 5, p. 1042; am. 1991, ch. 110, sec. 2, p. 236; am. 1994, ch. 180, sec. 45, p. 457; am. 1994, ch. 345, sec. 1, p. 1088; am. 1996, ch. 121, sec. 1, p. 435; am. 1998, ch. 41, sec. 1, p. 174; am. 2006, ch. 311, sec. 3, p. 959; am. 2006, 1st Ex. Sess., ch. 1, sec. 6, p. 46; am. 2009, ch. 168, sec. 2, p. 502.]

33-906. BOND LEVY EQUALIZATION SUPPORT PROGRAM. (1) Pursuant to sec- tion [33-906B](#), Idaho Code, school districts with a value index below one (1) shall be eligible to receive additional state financial assistance for the

cost of annual bond interest and redemption payments made on bonds passed on or after September 15, 2002. However, any school district with a value index of less than one and one-half (1.5), shall receive no less than ten percent (10%) of the interest cost portion of the annual bond interest and redemption payment for bonds passed on or after September 15, 2002. The state department of education shall disburse such funds to school districts from moneys appropriated from the bond levy equalization fund. The department shall disburse the funds by no later than September 1 of each year for school districts in which voters have approved the issuance of qualifying bonds by no later than January 1 of that calendar year, and which are certifying a qualifying bond interest and redemption payment for the fiscal year in which the disbursement is made. For districts with a value index below one (1), the percentage of each annual bond interest and redemption payment that is paid by the state shall be determined by dividing the difference between one (1) and the school district's value index by one (1).

(2) For the purposes of this section, the annual bond interest and redemption payment shall be determined by dividing the total payment amounts by the number of fiscal years in which payments are to be made. The interest cost portion of the annual bond interest and redemption payment shall be determined by dividing the total interest paid by the number of fiscal years in which payments are to be made. For school districts not qualifying for a state payment in the first year of the bond interest and redemption payment schedule, due solely to the January 1 eligibility deadline, the state department of education shall distribute an additional payment in the next fiscal year, in the amount of such funds that the school district would have otherwise qualified for in the current fiscal year.

(3) The provisions of this section may not be utilized to refinance existing debt or subsidize projects previously subsidized by state grants, unless the existing debt being refinanced is a bond passed on or after September 15, 2002; provided however, that any school district that has issued qualifying bonds prior to June 30, 2004, in conformance with this section shall not be deemed to be refinancing existing debt when the qualifying bonds are utilized to finance the acquisition of public school facilities previously leased or financed through means other than the issuance of general obligation bonds approved by a two-thirds (2/3) vote at an election called for that purpose subject to subsection (5) of this section.

(4) School districts shall annually report the status of all qualifying bonds to the state department of education by January 1 of each year, including bonds approved by the voters, but not yet issued. Information submitted shall include the following:

- (a) The actual or estimated bond interest and redemption payment schedule;
- (b) Any qualifying bond that has been paid off;
- (c) Other information as may be required by the state department of education.

(5) No school district project eligible for participation in the bond levy equalization support program shall be deemed ineligible for participation due to that school district project's eligibility and prior participation in the safe school facilities loan and grant program or the Idaho safe schools facilities program under section [33-804A](#), [33-1017](#) or [33-1613](#), Idaho Code, provided that:

(a) Such school district notifies the state department of education of its desire and eligibility to participate in the bond levy equalization support program; and

(b) Such school district shall receive no state financial assistance for the project under the bond levy equalization support program until the amount to which it would otherwise have been entitled to receive shall equal the amounts received by the school district under the safe school facilities loan and grant program or the Idaho safe schools facilities program under section [33-804A](#), [33-1017](#) or [33-1613](#), Idaho Code.

(6) Any school district formed as a result of the consolidation of two (2) or more school districts that passes an eligible bond within three (3) years of the successful consolidation election shall participate in the bond levy equalization support program at the district's actual value index minus twenty-five hundredths (.25). This adjustment shall apply for the duration of the bond interest and redemption payment schedule. If a school district advantaged by this subsection (6) deconsolidates either during the applicable bond interest and redemption payment schedule, or within a three (3) year period thereafter, each deconsolidated district shall, upon deconsolidation, repay to the bond levy equalization fund all additional subsidies received pursuant to this subsection (6). The proportions owed by each deconsolidated district shall be determined by the proportion that each district's market value for assessment purposes bears to the whole.

[33-906, added 2002, ch. 159, sec. 2, p. 464; am. 2003, ch. 268, sec. 2, p. 718; am. 2004, ch. 198, sec. 1, p. 610; am. 2006, ch. 311, sec. 4, p. 960; am. 2007, ch. 79, sec. 4, p. 210; am. 2007, ch. 354, sec. 5, p. 1051; am. 2008, ch. 70, sec. 1, p. 184.]

33-906A. BOND LEVY EQUALIZATION FUND. There is hereby created in the state treasury a bond levy equalization fund. This fund shall contain such moneys as may be directed pursuant to appropriation. Moneys in the fund shall be used exclusively to make the payments authorized by the bond levy equalization program created in section [33-906](#), Idaho Code. Moneys in the fund are hereby continuously appropriated for the purposes stated in section [33-906](#), Idaho Code, and shall only be expended for the purposes stated therein.

[33-906A, added 2002, ch. 159, sec. 3, p. 465; am. 2006, ch. 423, sec. 3, p. 1307.]

33-906B. VALUE INDEX CALCULATION. The state department of education shall establish a value index for each school district, based on each school district's market value per support unit for equalization purposes, the average annual seasonally-adjusted unemployment rate in the county in which a plurality of the school district's market value for assessment purposes of taxable property is located and the per capita income in the county in which a plurality of the school district's market value for assessment purposes is located. The value index for each school district shall be calculated as the sum of the following three (3) components:

(1) The state department of education shall annually calculate each school district's market value per support unit, based on the market values that would be used to calculate a bond levy, and the statewide average. The first portion of the value index shall be calculated by dividing the school

district's figure by the statewide average figure and dividing the result of this calculation by two (2).

(2) The second portion of the value index shall be calculated by dividing the statewide unemployment rate by the unemployment rate in the county in which a plurality of the school district's market value for assessment purposes of taxable property is located, and dividing the result of this calculation by four (4). For the purposes of this subsection, the statewide unemployment rate and county unemployment rates shall be based on the most recent average annual seasonally-adjusted unemployment rate data reported by the United States department of labor, for which there is a complete calendar year of data.

(3) The third portion of the value index shall be calculated by dividing the county per capita income in the county in which a plurality of the school district's market value for assessment purposes of taxable property is located by the statewide per capita income, and dividing the result of this calculation by four (4). For the purposes of this subsection, the statewide per capita income and county per capita income shall be based on the most recent data reported by the United States department of commerce, for which there is a complete calendar year of data.

If a bond is passed by a subdistrict created pursuant to section [33-351](#), Idaho Code, the index used shall be that of the school district. For subdistricts created as a result of consolidation, for the purposes of retiring prior bonded indebtedness, pursuant to section [33-311](#), Idaho Code, the subdistrict shall retain the value index factor calculated in subsection (1) of this section, as such factor was calculated in the subdistrict's last fiscal year as a separate school district. The remaining components of the subdistrict's value index calculation shall be that of the consolidated school district, as calculated each year.

[33-906B, added 2002, ch. 159, sec. 4, p. 465; am. 2007, ch. 79, sec. 7, p. 218; am. 2007, ch. 144, sec. 1, p. 419.]

33-907. PUBLIC EDUCATION STABILIZATION FUND. (1) There is hereby created in the state treasury a fund to be known as the public education stabilization fund, which shall function as a fund detail of the public school income fund. The fund shall consist of moneys transferred to the fund according to the provisions of sections [33-905](#), [33-1018](#) and [33-1018C](#), Idaho Code, and any other moneys made available through legislative transfers or appropriations. Moneys in the fund are hereby continuously appropriated for the purposes stated in sections [33-1018](#) and [33-1018B](#), Idaho Code, and shall only be expended for the purposes stated in sections [33-1018](#), [33-1018A](#) and [33-1018B](#), Idaho Code. Any accumulated balances in the fund that are in excess of eight and one-third percent (8.334%) of the current fiscal year's total appropriation of state funds for public school support shall be transferred to the bond levy equalization fund. Interest earned from the investment of moneys in the fund shall be retained in the fund.

(2) For the period July 1, 2021, through June 30, 2023, no moneys from the public education stabilization fund shall be withdrawn for any purpose, including those in sections [33-1018](#), [33-1018A](#), and [33-1018B](#), Idaho Code, and any other law or rule to the contrary, for encumbered obligations and unencumbered expenditures associated with state funds appropriated for fiscal year 2022. The state department of education shall prorate any negative variance pursuant to section [33-1018](#), Idaho Code, by a formula prescribed by the state department of education.

[33-907, added 2003, ch. 372, sec. 8, p. 988; am. 2006, ch. 311, sec. 5, p. 962; am. 2006, 1st Ex. Sess., ch. 1, sec. 7, p. 47; am. 2017, ch. 211, sec. 1, p. 514; am. 2021, ch. 348, sec. 3, p. 1050.]

33-909. PUBLIC SCHOOL FACILITIES COOPERATIVE FUNDING PROGRAM -- FUND CREATED. (1) In fulfillment of the constitutional requirement to provide a general, uniform and thorough system of public, free common schools, it is the intent of the state of Idaho to advance its responsibility for providing a safe environment conducive to learning by providing a public school facilities funding program to enable qualifying school districts to address unsafe facilities identified as unsafe under the standards of the Idaho uniform school building safety act.

(2) Participation in the program, for the purpose of obtaining state financial support to abate identified school building safety hazards, requires submission of an application to the public school facilities cooperative funding program panel. Application can be made by:

(a) Any school district that has failed to approve at least one (1) or more bond levies for the repair, renovation or replacement of existing unsafe facilities within the two (2) year period immediately preceding submission of the application; or

(b) The administrator of the division of occupational and professional licenses for a school district that has failed to address identified unsafe facilities as provided in [chapter 80, title 39](#), Idaho Code.

(3) There is hereby created within the office of the state board of education the Idaho public school facilities cooperative funding program panel, hereafter referred to as the panel. The panel shall consist of the administrator of the division of occupational and professional licenses, the administrator of the division of public works and the executive director of the state board of education, or a designee appointed by a panel member. It shall be the duty of the panel to consider all applications made to it and to approve, modify or reject an application based upon the most economical solution to the problem, as analyzed within a projected twenty (20) year time frame.

(4) The application shall contain the following information:

(a) The identified school building safety hazards and such other information necessary to document the deficiencies;

(b) The school district's plan for abating the defects, including costs and sources and amounts of revenue available to the school district;

(c) The market value for assessment purposes of the school district; and

(d) A detailed accounting of all bond and plant facility levies of the school district and the revenues raised by such levies.

For applications initiated by the administrator of the division of occupational and professional licenses pursuant to subsection (2) (b) of this section, the school district shall provide the information required in this subsection if such information is not available to the administrator.

(5) (a) If the panel determines that it requires additional plans and information, it may authorize the expenditure of up to one hundred fifty thousand dollars (\$150,000) per application from the public school facilities cooperative fund for the procurement thereof. In considering an application, the panel shall determine whether the plan as proposed is acceptable, is acceptable with modifications as determined by the panel, or should be rejected. If the application is approved or

approved with modifications, any expenditures authorized by the panel pursuant to this subsection shall be added to the project. The panel shall notify the applicant of its decision, in writing, within ninety (90) days of receiving the application. At the same time the panel notifies the applicant, the panel shall send notification of an approved application or a modified application to the state board of education, along with the panel's specifications for the project and its cost.

(b) The panel may, upon the recommendation of the district supervisor, authorize modifications to the approved plan at any time prior to the completion of the project, giving consideration to the interests of the school district, the students and the electors in its determination. Such modification may alter the scope of work or terminate the approved plan. All modifications must meet the standards as outlined in this section.

(6) If an application received from a school district is accepted or modified by the panel, the local board of trustees of that school district, at the next election held pursuant to section [34-106](#), Idaho Code, shall submit the question to the qualified electors of the school district of whether to approve a bond in the amount of the cost of the project as approved by the panel.

(7) Within thirty-five (35) calendar days of receiving notification from the panel that an application submitted by the administrator of the division of occupational and professional licenses pursuant to subsection (2) (b) of this section has been approved or modified by the panel, or within thirty-five (35) calendar days of receiving certification from the panel that the question submitted to the electorate pursuant to subsection (6) of this section was not approved in the election, the state board of education shall appoint a district supervisor for interim state supervision of the local school district. The district supervisor shall be responsible for ensuring that the project, as approved by the panel, is completed and shall regularly report to the panel in a manner as determined by the panel upon approval of the project. The district supervisor shall also have the authority granted to said position by the provisions of section [6-2212](#), Idaho Code. A district supervisor's term of service shall continue for the duration of the project, and such person appointed as a district supervisor shall serve at the pleasure of the state board of education.

(8) The abatement of unsafe public school facilities through the public school facilities cooperative funding program shall be performed exclusively in accordance with the regular permitting, plan review and inspection requirements of the division of occupational and professional licenses. The state fire marshal shall have exclusive authority to perform the powers and duties prescribed in section [41-254](#), Idaho Code, for such facilities while the unsafe condition is being abated and under the jurisdiction of the panel-appointed district supervisor. The Idaho building code board shall function as a board of appeals for the division of occupational and professional licenses for such construction in accordance with the provisions of section [39-4107](#), Idaho Code. Upon successful completion of the construction in accordance with applicable building codes, a certificate of occupancy shall be issued by the administrator of the division of occupational and professional licenses. Upon issuance of a certificate of occupancy, responsibility for ensuring the safety of the facility or portion thereof so constructed will then be returned to the school district and responsibility for ensuring sub-

sequent compliance with building codes returned to the authority having jurisdiction.

(9) Upon approval of an application or a modified application submitted by the administrator of the division of occupational and professional licenses pursuant to subsection (2) (b) of this section, or upon receipt of certification from the county that the question submitted to the electorate pursuant to subsection (6) of this section was not approved in the election, the panel shall certify the cost of the project, as approved by the panel, to the state department of education.

(a) The total cost of the project shall initially be paid by the state from the public school facilities cooperative fund. If the district supervisor determines that the amount approved by the panel is insufficient to complete the project in a satisfactory manner, the panel may request a legislative appropriation of additional moneys from the public school facilities cooperative fund. If such an appropriation is approved, these additional moneys shall be added to the cost of the project.

(b) The district's share of costs shall be based upon actual funds expended. The district's share of costs that may be repaid through the levy provisions of this section shall not exceed the district's share of bond payment costs as calculated for the bond levy equalization support program in the fiscal year in which the application is made. Interest shall be charged on the unpaid balance of the district's share of costs, as such balance exists at the end of each fiscal year, at the rate of interest earned by the state treasurer on the investment of idle funds in that fiscal year.

(c) It shall be the responsibility of the state department of education to calculate a state-authorized plant facilities levy rate in accordance with the provisions of subsection (10) of this section, which, when imposed over a maximum period not to exceed twenty (20) years, may yield the revenues needed to repay the school district's share of the cost of the project.

(d) The levy rate calculated by the state department of education shall be certified by the department to the county or counties wherein the boundaries of the school district are contained for assessment of the levy and collection of the revenues by such county or counties in the manner provided by law. The revenues collected by imposition of the state-authorized plant facilities levy shall be remitted to the state treasurer for deposit to the public school facilities cooperative fund.

(10) The annual state-authorized plant facilities levy rate shall be limited to the greater of:

(a) The difference between the school district's combined bond and plant facilities levy rates and the statewide average bond and plant facility levy rates; or

(b) The statewide average plant facility levy rate.

The initial levy rate so calculated shall be established as the minimum levy rate that shall be imposed for the amount of time required to reimburse the state for the school district's share of the project cost, but not to exceed twenty (20) years, even if this period would not provide reimbursement of the entire amount of the school district's share of the cost of the project. The state department of education is authorized and directed to recalculate the levy rate on an annual basis and is authorized to increase or decrease the levy rate according to the scheduled payback, but the levy rate shall not

be less than the levy rate initially imposed. Provided however, if the levy rate calculated is estimated to raise more money than would be necessary to repay the district's share of costs, then the state department of education shall certify to the county or counties wherein the boundaries of the school district are contained the moneys necessary to repay the district's share of costs.

(11) There is hereby created in the state treasury a public school facilities cooperative fund. The fund shall contain such moneys as may be directed pursuant to appropriation. Moneys in the fund shall be used exclusively to finance the public school facilities cooperative funding program and are hereby continuously appropriated for such purposes as authorized by this section. Moneys in the fund shall be invested by the state treasurer in the same manner as provided under section [67-1210](#), Idaho Code, with respect to other idle moneys in the state treasury. Interest earned on the investments shall be credited to the school district building account.

[33-909, added 2006, ch. 311, sec. 6, p. 962; am. 2012, ch. 221, sec. 1, p. 604; am. 2013, ch. 32, sec. 1, p. 70; am. 2014, ch. 11, sec. 1, p. 14; am. 2023, ch. 15, sec. 3, p. 68.]

33-910. BROADBAND INFRASTRUCTURE IMPROVEMENT GRANT FUND -- RULEMAKING -- DEFINITIONS. (1) There is hereby created in the state treasury a fund to be known as the broadband infrastructure improvement grant fund. The fund shall consist of moneys made available through legislative transfers or appropriations, and from any other governmental source. Interest earned from the investment of moneys in the fund shall be retained in the fund. Subject to appropriation, moneys in the fund shall be expended by the state department of education to invest in special construction projects for high-speed broadband connections to E-rate eligible entities that receive E-rate funding.

(2) The state department of education shall create and make available a grant application form for moneys in the fund. The state department may determine eligibility qualifications and applicant priority. Any E-rate eligible entity may apply to the state department for a grant from the fund for up to ten percent (10%) of the cost of an eligible special construction project.

(3) The state board of education may promulgate rules to implement the provisions of this section. Such rules shall be consistent with the federal communications commission's second E-rate modernization order that provides for additional category one funding up to ten percent (10%) to match state funding for special construction charges for high-speed broadband connections.

(4) For the purposes of this section, "E-rate eligible entity" means Idaho public schools grades K through 12, the Idaho digital learning academy, the Idaho department of juvenile corrections education programs, the school for the deaf and the blind and the Idaho public libraries.

[33-910, added 2016, ch. 183, sec. 1, p. 495; am. 2017, ch. 89, sec. 1, p. 236.]

33-911. SCHOOL DISTRICT FACILITIES FUND. (1) There is hereby created in the state treasury the school district facilities fund. The fund shall consist of moneys provided pursuant to sections [57-811](#) and [63-3638](#), Idaho Code,

and any other legislative transfers or appropriations. Interest earned from the investment of moneys in the fund shall be returned to the fund.

(2) The moneys in the fund shall be distributed by the state controller to the state department of education by August 1 each year for the purpose of construction or renovation of school facilities. The moneys shall be distributed by the state department of education to each school district, as defined in section [33-1001](#)(21), Idaho Code, on a per-pupil basis, using the average daily attendance calculation provided in section [33-1003A](#), Idaho Code, except that a student attending less than half-time through a virtual learning program shall not be counted toward that school district's average daily attendance calculation. The state department of education shall transfer the moneys by no later than August 31 each year to each school district. Such moneys shall be used in place of property tax levy moneys and shall be expended by a school district for one (1) or more of the purposes set forth in paragraphs (a) through (d) of this subsection. Moneys in the fund must be used by a school district in the following order of priority:

- (a) Payment of existing school bonds authorized pursuant to [chapter 11, title 33](#), Idaho Code;
- (b) Payment of supplemental school levies authorized pursuant to section [33-802](#), Idaho Code, excluding indefinite term supplemental levies described in section [33-802](#)(5), Idaho Code;
- (c) Saved in a reserve account by the school district for future school facility construction or renovation needs; and
- (d) For use in securing and making payments on a new school facilities bond.

(3) The amount of moneys received by a school district pursuant to this section must be deducted from a school levy that would otherwise have been paid by property taxpayers. Such moneys may not be duplicated by the collection of property tax, and no property taxes may be collected in order to make extra payments on expenses described in subsection (2) of this section in excess of required amounts.

(4) Each school district shall identify the amount received in the current year pursuant to this section in the certification of its budget in accordance with section [63-803](#), Idaho Code. Said amount must be subtracted from the amount to be levied. The amount of moneys thereby saved from being collected by a property tax levy shall be reported on each property tax notice pursuant to section [63-902](#), Idaho Code.

(5) Each school district shall report annually to the state department of education, in a manner prescribed by it, on the expenditure of moneys it has received pursuant to this section. The state department of education shall present the reports to the legislature each January.

[33-911, added 2023, ch. 200, sec. 2, p. 542.]