

IN THE SENATE

SENATE BILL NO. 1206

BY FINANCE COMMITTEE

AN ACT

RELATING TO PUBLIC SCHOOLS; STATING FUND SOURCES FOR THE APPROPRIATION TO PUBLIC SCHOOLS FOR FISCAL YEAR 2012; APPROPRIATING MONEYS FOR THE TRANSFER TO THE PUBLIC SCHOOL INCOME FUND FOR FISCAL YEAR 2012; APPROPRIATING MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF ADMINISTRATORS FOR FISCAL YEAR 2012; APPROPRIATING MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF TEACHERS FOR FISCAL YEAR 2012; APPROPRIATING MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF OPERATIONS FOR FISCAL YEAR 2012; APPROPRIATING MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2012; APPROPRIATING MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF FACILITIES FOR FISCAL YEAR 2012; PROVIDING THE NECESSARY FUNDS FOR THE BOND LEVY EQUALIZATION PROGRAM; LIMITING THE AMOUNT OF REVENUE DISTRIBUTED TO THE GENERAL FUND; APPROPRIATING MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND FOR FISCAL YEAR 2012; AMENDING SECTION 33-1004E, IDAHO CODE, TO ADJUST BASE AND MINIMUM SALARIES; PROVIDING THAT THE FUNDS FROM THE SCHOOL DISTRICT BUILDING ACCOUNT BE USED AS DISCRETIONARY FUNDS; RELIEVING THE STATE OF THE REQUIREMENT TO PROVIDE SCHOOL MAINTENANCE MATCHING FUNDS; PROVIDING AN ESTIMATE OF DISCRETIONARY FUNDS PER SUPPORT UNIT; PROVIDING FOR A \$7,500,000 REDUCTION IN TRANSPORTATION COSTS; PROVIDING THAT \$8,281,400 OF TOBACCO, CIGARETTE AND LOTTERY INCOME TAX MONEYS BE USED AS DISCRETIONARY FUNDS; DIRECTING THE USE OF \$318,600 OF TOBACCO, CIGARETTE AND LOTTERY INCOME TAX MONEYS; DIRECTING THE USE OF \$9,400,000 FOR READING AND MATH INITIATIVES, REMEDIATION AND TECHNOLOGY INITIATIVES; DIRECTING THE USE OF \$4,000,000 FOR LIMITED ENGLISH PROFICIENCY PROGRAMS; DIRECTING THE USE OF \$6,000,000 FOR THE IDAHO DIGITAL LEARNING ACADEMY; PROVIDING THAT NO MONEYS BE APPROPRIATED FOR EXPECTANT OR DELIVERED MOTHERS PROGRAMS; DIRECTING THAT CERTAIN INFORMATION BE COMPILED BY THE STATE DEPARTMENT OF EDUCATION ON THE DUAL ENROLLMENT PROGRAM; AND GRANTING THE AUTHORITY TO TRANSFER APPROPRIATIONS AMONG FIVE DIVISIONS OF THE EDUCATIONAL SUPPORT PROGRAM.

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

SECTION 1. The following amount shall be expended from state sources for the Educational Support Program, for the period July 1, 2011, through June 30, 2012:

FROM:

General Fund	\$1,223,580,400
Bond Levy Equalization Fund	5,800,000
School District Building Account	17,600,000
Miscellaneous Revenue	109,200
Public Schools Other Income	5,000,000
School for the Deaf and Blind Endowment	145,800

1	Cigarette, Tobacco and Lottery Income Taxes	8,600,000
2	Public School Endowment Earnings Reserve Fund	31,292,400
3	Federal Education Jobs Fund	25,820,500
4	Federal Grant	<u>243,121,000</u>
5	TOTAL	\$1,561,069,300

6 SECTION 2. There is hereby appropriated the following amount to be
 7 transferred to the Public School Income Fund for the period July 1, 2011,
 8 through June 30, 2012:

9 FROM:
 10 General Fund \$1,211,980,400

11 SECTION 3. There is hereby appropriated to the Educational Support Pro-
 12 gram/Division of Administrators, the following amount to be expended from
 13 the listed fund for the period July 1, 2011, through June 30, 2012:

14 FROM:
 15 Public School Income Fund \$74,868,700

16 SECTION 4. There is hereby appropriated to the Educational Support
 17 Program/Division of Teachers, the following amounts to be expended from the
 18 listed funds for the period July 1, 2011, through June 30, 2012:

19 FROM:
 20 Public School Income Fund \$683,965,600
 21 Federal Education Jobs Fund 25,820,500
 22 Federal Grant 30,000,000
 23 TOTAL \$739,786,100

24 SECTION 5. There is hereby appropriated to the Educational Support Pro-
 25 gram/Division of Operations, the following amounts to be expended from the
 26 listed funds for the period July 1, 2011, through June 30, 2012:

27 FROM:
 28 Public School Income Fund \$462,437,800
 29 School District Building Account 17,600,000
 30 Federal Grant 8,000,000
 31 TOTAL \$488,037,800

32 SECTION 6. There is hereby appropriated to the Educational Support Pro-
 33 gram/Division of Children's Programs, the following amounts to be expended
 34 from the listed funds for the period July 1, 2011, through June 30, 2012:

35 FROM:
 36 Public School Income Fund \$28,508,800
 37 Federal Grant 205,000,000
 38 TOTAL \$233,508,800

SECTION 7. There is hereby appropriated to the Educational Support Program/Division of Facilities, the following amounts to be expended from the listed funds for the period July 1, 2011, through June 30, 2012:

FROM:

General Fund	\$11,600,000
Bond Levy Equalization Fund	<u>5,800,000</u>
TOTAL	\$17,400,000

SECTION 8. Of the moneys appropriated to the Educational Support Program, the amount necessary to fund the provisions of Section 33-906, Idaho Code, is hereby transferred and appropriated to the Bond Levy Equalization Fund.

SECTION 9. The provisions of subsection (4) of Section 63-2520, Idaho Code, notwithstanding, the amount of revenue distributed to the General Fund shall be \$11,600,000 for the period July 1, 2011, through June 30, 2012.

SECTION 10. There is hereby appropriated to the Educational Support Program/Division of Educational Services for the Deaf and the Blind, the following amounts to be expended from the listed funds for the period July 1, 2011, through June 30, 2012:

FROM:

Public School Income Fund	\$7,091,900
Miscellaneous Revenue	109,200
School for the Deaf and Blind Endowment	145,800
Federal Grant	<u>121,000</u>
TOTAL	\$7,467,900

SECTION 11. That Section 33-1004E, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004E. DISTRICT'S SALARY-BASED APPORTIONMENT. Each district shall be entitled to a salary-based apportionment calculated as provided in this section.

1. To determine the apportionment for instructional staff, first determine the district average experience and education index by placing all eligible district certificated instructional employees on the statewide index provided in section 33-1004A, Idaho Code. The resulting average is the district index. Districts with an index above the state average index shall receive their actual index but not more than the state average plus .03 for the 1994-95 school year, and shall receive their actual index but not more than the state average plus .06 for the 1995-96 school year, and thereafter shall receive their actual district index. The district instructional staff index shall be multiplied by the instructional base salary of ~~\$23,565~~ \$23,123. The amount so determined shall be multiplied by the district staff allowance for instructional staff determined as provided in section 33-1004(2), Idaho Code. The instructional salary allocation shall be further increased by the amount necessary for each full-time equivalent instructional staff member placed on the experience and education index to be allocated at least the minimum salary mandated by this section. Full-time

1 instructional staff salaries shall be determined from a salary schedule de-
 2 veloped by each district and submitted to the state department of education.
 3 No full-time instructional staff member shall be paid less than \$29,655.
 4 If an instructional staff member has been certified by the national board
 5 for professional teaching standards, the staff member shall be designated
 6 as a master teacher and receive \$2,000 per year for five (5) years. The
 7 instructional salary shall be increased by \$2,000 for each master teacher
 8 provided however, that no such awards shall be paid for the period July 1,
 9 2010, through June 30, 2011, nor shall any liabilities accrue or payments
 10 be made pursuant to this section in the future to any individuals who would
 11 have otherwise qualified for a payment during this stated time period. The
 12 resulting amount is the district's salary-based apportionment for instruc-
 13 tional staff. For purposes of this section, teachers qualifying for the
 14 salary increase as master teacher shall be those who have been recognized as
 15 national board certified teachers as of July 1 of each year.

16 2. To determine the apportionment for district administrative staff,
 17 first determine the district average experience and education index by plac-
 18 ing all eligible certificated administrative employees on the statewide
 19 index provided in section 33-1004A, Idaho Code. The resulting average is
 20 the district index. Districts with an index above the state average index
 21 shall receive their actual index but not more than the state average plus
 22 .03 for the school year 1994-95, and shall receive their actual index but
 23 not more than the state average index plus .06 for the 1995-96 school year,
 24 and thereafter shall receive their actual district index. The district ad-
 25 ministrative staff index shall be multiplied by the base salary of ~~\$32,441~~
 26 \$31,833. The amount so determined shall be multiplied by the district
 27 staff allowance for administrative staff determined as provided in section
 28 33-1004(3), Idaho Code. The resulting amount is the district's salary-based
 29 apportionment for administrative staff.

30 3. To determine the apportionment for classified staff, multiply
 31 ~~\$19,041~~ \$18,684 by the district classified staff allowance determined as
 32 provided in section 33-1004(4), Idaho Code. The amount so determined is the
 33 district's apportionment for classified staff.

34 4. The district's salary-based apportionment shall be the sum of the
 35 apportionments calculated in subsections 1., 2. and 3., of this section,
 36 plus the benefit apportionment as provided in section 33-1004F, Idaho Code.

37 SECTION 12. Notwithstanding the provisions of Sections 33-905 and
 38 33-1019, Idaho Code, for the period July 1, 2011, through June 30, 2012,
 39 all moneys appropriated from the School District Building Account shall be
 40 distributed as discretionary funds and school districts and charter schools
 41 are hereby relieved of any restrictions on the use of such funds, apart from
 42 restrictions that apply to the use of discretionary funds.

43 SECTION 13. Notwithstanding the provisions of Sections 33-1018B and
 44 33-1019, Idaho Code, for the period July 1, 2011, through June 30, 2012,
 45 only, the state is hereby temporarily relieved from the requirement to pro-
 46 vide its portion of the school maintenance matching funds normally required
 47 by such sections, nor shall school districts be required to make up such por-
 48 tion that would otherwise be provided by the state.

1 SECTION 14. Pursuant to the provisions of Section 33-1018, Idaho Code,
2 for the period July 1, 2011, through June 30, 2012, it is estimated that the
3 appropriation of state funds to the Educational Support Program/Division of
4 Operations will result in total discretionary funds of \$19,626 per support
5 unit.

6 SECTION 15. Notwithstanding the provisions of Section 33-1006, Idaho
7 Code, for the period July 1, 2011, through June 30, 2012, the total moneys
8 paid to school districts and charter schools for eligible transportation
9 costs shall be reduced by a proportionate amount to equal \$7,500,000 and
10 shall be used as discretionary spending.

11 SECTION 16. Notwithstanding the provisions of any law to the contrary,
12 of the moneys appropriated in Section 5 of this act, up to \$8,281,400 from
13 funds determined by available Tobacco, Cigarette and Lottery income tax
14 revenues accruing, appropriated, or distributed to the Public School In-
15 come Fund pursuant to Sections 63-2506, 63-2552A, 63-3035A and 63-3067,
16 Idaho Code, for the period July 1, 2011, through June 30, 2012, shall be
17 distributed as discretionary funds within the Educational Support Pro-
18 gram/Division of Operations, and school districts and charter schools are
19 hereby relieved of any restrictions on the use of such funds, apart from re-
20 strictions that apply to the use of discretionary funds.

21 SECTION 17. Of the moneys appropriated in Section 6 of this act,
22 \$318,600 from funds determined by available revenues accruing, appropri-
23 ated, or distributed to the Public School Income Fund pursuant to Sections
24 63-2506, 63-2552A, 63-3035A and 63-3067, Idaho Code, and other such moneys
25 that may become available pursuant to Idaho laws, for the period July 1,
26 2011, through June 30, 2012, shall be distributed as follows: the provi-
27 sions of Section 63-2552A(3), Idaho Code, notwithstanding, \$200,000 shall
28 be remitted to the Idaho State Police to increase toxicology lab capacity in
29 the bureau of forensic services for drug testing of juveniles. The Superin-
30 tendent of Public Instruction may use up to \$40,000 for Safe and Drug-Free
31 Schools Program administration, technical assistance, and evaluation; and
32 up to \$78,600 in grants may be authorized to the Commission on Hispanic Af-
33 fairs.

34 SECTION 18. Of the moneys appropriated in Section 6 of this act,
35 \$9,400,000 shall be used for literacy programs, as outlined in Sections
36 33-1207A(2), 33-1614 and 33-1615, Idaho Code; remedial coursework for stu-
37 dents failing to achieve proficiency in the Idaho Standards Achievement
38 Test; computerized remediation services to schools; and math initiative
39 efforts, in dollar amounts determined by the Superintendent of Public In-
40 struction. Of this amount, up to \$120,000 may be expended by the Superinten-
41 dent of Public Instruction for staff support related to the implementation
42 and coordination of technology initiatives in public schools, including
43 the state's longitudinal data project. It is legislative intent that the
44 State Board of Education and State Department of Education coordinate fed-
45 erally funded literacy programs with state literacy programs, resulting in
46 well-coordinated, complementary literacy efforts. The Superintendent of

1 Public Instruction shall report to the Joint Finance-Appropriations Commit-
2 tee and the House and Senate Education Committees, by no later than February
3 1, 2013, on the uses of funds and effectiveness of the programs and efforts.

4 SECTION 19. Pursuant to Section 33-1617, Idaho Code, of the moneys
5 appropriated in Section 6 of this act, \$4,000,000 shall be distributed for
6 support of programs for students with non-English or limited English profi-
7 ciency, as follows:

8 (1) The State Department of Education shall distribute \$3,500,000 to
9 school districts pro rata, based upon the population of limited English pro-
10 ficient students under criteria established by the department.

11 (2) The State Department of Education shall use \$500,000 for the com-
12 petitive grant program for school districts in which the population of Eng-
13 lish language learners failed to meet Adequate Yearly Progress (AYP) in math
14 or reading, as defined in federal law. Of this amount, \$450,000 shall be
15 distributed annually to school districts in three (3) year grant cycles, in
16 which the recipients will receive full grant awards each of the three (3)
17 years, contingent on appropriation. The remaining \$50,000 will be used for
18 evaluation and administration of the program.

19 (3) The department shall develop the program elements governing the
20 use of these funds, modeled on the training, intervention and remediation
21 elements of the literacy programs referenced in Section 18 of this act. The
22 purpose of these funds is to improve the English language skills of English
23 language learners, to enable such students to better access the educational
24 opportunities offered in public schools. The Superintendent of Public In-
25 struction shall report to the Joint Finance-Appropriations Committee and
26 the House and Senate Education Committees by no later than February 1, 2013,
27 on the program design, uses of funds and effectiveness of the program.

28 SECTION 20. Notwithstanding Section 33-1020, Idaho Code, the Idaho
29 Digital Learning Academy (IDLA), created pursuant to Chapter 55, Title 33,
30 Idaho Code, shall utilize state appropriated funds not to exceed \$6,000,000
31 for the period July 1, 2011, through June 30, 2012, to achieve the following:

32 (1) Tuition charged by IDLA to Idaho students shall not exceed \$75.00
33 per enrollment.

34 (2) Provide remedial coursework for students failing to achieve profi-
35 ciency in one (1) or more areas of the Idaho Standards Achievement Test.

36 (3) Pursuant to the fiscal impact statement for the State Board of Ed-
37 ucation rule, IDAPA 08.02.03, Docket Number 08-0203-0605, provide advanced
38 learning opportunities for students.

39 (4) Pursuant to State Board of Education rule, IDAPA 08.02.03, Docket
40 Number 08-0203-0605, work with institutions of higher education to provide
41 dual credit coursework. The preceding list shall not be construed as exclud-
42 ing other instruction and training that may be provided by the Idaho Digital
43 Learning Academy.

44 SECTION 21. No moneys are appropriated for programs for expectant or
45 delivered mothers for the period July 1, 2011, through June 30, 2012, the
46 provisions of Sections 33-1002, 33-2006 and 33-2007, Idaho Code, notwith-
47 standing.

1 SECTION 22. It is legislative intent that the State Department of
2 Education shall compile information concerning the numbers of students en-
3 rolling in dual credit according to the provisions of Section 33-1626, Idaho
4 Code, whether coursework is successfully completed, and total expenditures
5 for fiscal year 2012. As nearly as possible, the report shall contain in-
6 formation about enrollment of this student population in post-high school
7 education. A report containing such information shall be posted on the web-
8 site of the State Department of Education no later than December 31, 2012.

9 SECTION 23. The State Department of Education is hereby granted the
10 authority to transfer appropriations between the Administrators, Teachers,
11 Operations, Children's Programs, and Facilities Divisions of the Educa-
12 tional Support Program budget, in any amount necessary, to comply with the
13 public school funding provisions of appropriations and the Idaho Code.