

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 588

BY EDUCATION COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1003, IDAHO CODE, TO REVISE PROVISIONS RELATING TO SPECIAL APPLICATIONS OF THE EDUCATIONAL SUPPORT PROGRAM, TO ESTABLISH PROVISIONS RELATING TO A SCHOOL DISTRICT PROVIDING EDUCATIONAL SERVICES TO STUDENTS RESIDING IN A CERTAIN AREA, TO PROVIDE THAT SUCH STUDENTS SHALL BE COUNTED AS A SEPARATE SCHOOL AND TO PROVIDE FOR EXCEPTIONS.

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

SECTION 1. That Section 33-1003, Idaho Code, be, and the same is hereby amended to read as follows:

33-1003. SPECIAL APPLICATIONS OF EDUCATIONAL SUPPORT PROGRAM. Decrease in Average Daily Attendance. -- From the effective date of this act through June 30, 2011, any school district that has a decrease in total average daily attendance of one percent (1%) of its average daily attendance in the then current school year from the total average daily attendance used for determining the allowance in the educational support program for the school year immediately preceding, the allowance of funds from the educational support program may be based on the average daily attendance of the school year immediately preceding, less one percent (1%). When this provision is applied, the decrease in average daily attendance shall be proportionately distributed among the various categories of support units that are appropriate for the district.

(1) Decrease in Average Daily Attendance for 2011-2012 School Year. -- For any school district which has a decrease in total average daily attendance of three percent (3%) or more of its average daily attendance in the 2011-2012 school year from the total average daily attendance used for determining the allowance in the educational support program for the 2010-2011 school year, the allowance of funds from the educational support program may be based on the average daily attendance of the 2010-2011 school year, less three percent (3%). When this provision is applied, the decrease in average daily attendance shall be proportionately distributed among the various categories of support units that are appropriate for the district. The legislature hereby encourages boards of trustees to actively pursue alternative funding to offset any reduction in funds stemming from the application of the provisions of this subsection (1). The provisions of this subsection (1) shall be null and void and of no force and effect on and after July 1, 2012.

(2) Application of Support Program to Separate Schools/Attendance Units in District.

(a) Separate Elementary School. -- Any separate elementary school shall be allowed to participate in the educational support program as

1        though the school were the only elementary school operated by the dis-  
2        trict.

3        (b) Hardship Elementary School. -- Upon application of the board of  
4        trustees of a school district, the state board of education is empow-  
5        ered to determine that a given elementary school or elementary schools  
6        within the school district, not otherwise qualifying, are entitled  
7        to be counted as a separate elementary school as defined in section  
8        33-1001, Idaho Code, when, in the discretion of the state board of edu-  
9        cation, special conditions exist warranting the retention of the school  
10       as a separate attendance unit and the retention results in a substantial  
11       increase in cost per pupil in average daily attendance above the average  
12       cost per pupil in average daily attendance of the remainder of the dis-  
13       trict's elementary grade school pupils. An elementary school operating  
14       as a previously approved hardship elementary school shall continue to  
15       be considered as a separate attendance unit, unless the hardship status  
16       of the elementary school is rescinded by the state board of education.

17       (c) Separate Secondary School. -- Any separate secondary school shall  
18       be allowed to participate in the educational support program as though  
19       the school were the only secondary school operated by the district.

20       (d) Elementary/Secondary School Attendance Units. -- Elementary  
21       grades in an elementary/secondary school will be funded as a separate  
22       attendance unit if all elementary grades served are situated more than  
23       ten (10) miles distance from both the nearest like elementary grades  
24       within the same school district and from the location of the office  
25       of the superintendent of schools of such district, or from the office  
26       of the chief administrative officer of such district if the district  
27       employs no superintendent of schools. Secondary grades in an elemen-  
28       tary/secondary school will be funded as a separate attendance unit if  
29       all secondary grades served are located more than fifteen (15) miles by  
30       an all-weather road from the nearest like secondary grades operated by  
31       the district.

32       (e) Hardship Secondary School. -- Any district which operated two (2)  
33       secondary schools separated by less than fifteen (15) miles, but which  
34       district was created through consolidation subsequent to legislative  
35       action pursuant to chapter 111, laws of 1947, and which school buildings  
36       were constructed prior to 1935, shall be entitled to count the schools  
37       as separate attendance units.

38       (f) Minimum Pupils Required. -- Any elementary school having less than  
39       ten (10) pupils in average daily attendance shall not be allowed to par-  
40       ticipate in the state or county support program unless the school has  
41       been approved for operation by the state board of education.

42       (3) Remote Schools. -- The board of trustees of any Idaho school dis-  
43       trict which operates and maintains a school which is remote and isolated from  
44       the other schools of the state because of geographical or topographical con-  
45       ditions may petition the state board of education to recognize and approve  
46       the school as a remote and necessary school. The petition shall be in form  
47       and content approved by the state board of education and shall provide such  
48       information as the state board of education may require. Petitions for the  
49       recognition of a school as a remote and necessary school shall be filed annu-

ally at least ninety (90) days prior to the date of the annual meeting of the board of trustees as established in section 33-510, Idaho Code.

Within forty-five (45) days after the receipt of a petition for the recognition of a remote and necessary school, the state board of education shall either approve or disapprove the petition and notify the board of trustees of its decision. Schools which the state board of education approves as being necessary and remote shall be allowed adequate funding within the support program for an acceptable educational program for the students of the school. In the case of a remote and necessary secondary school, grades 7-12, the educational program shall be deemed acceptable when, in the opinion of the state board of education, the accreditation standard relating to staff size, established in accordance with section 33-119, Idaho Code, has been met. The final determination of an acceptable program and adequate funding in the case of a remote and necessary elementary school shall be made by the state board of education.

(4) Support Program When District Boundaries are Changed.

(a) In new districts formed by the division of a district, the support program computed for the district, divided in its last year of operation, shall be apportioned to the new districts created by the division, in the proportion that the average daily attendance of pupils, elementary and secondary combined, residing in the area of each new district so created, is to the average daily attendance of all pupils, elementary and secondary combined, in the district divided in its last year of operation before the division.

(b) When boundaries of districts are changed by excision or annexation of territory, the support program of any district from which territory is excised for the last year of operation before such excision shall be divided, and apportioned among the districts involved, as prescribed in paragraph (a) of this subsection.

(c) In new districts formed by consolidation of former districts after January 1, 2007, the support program allowance, for a seven (7) year period following the formation of the new district, shall not be less than the combined support program allowances of the component districts in the last year of operation before consolidation. After the expiration of this period, the state department of education shall annually calculate the number of support units that would have been generated had the previous school districts not consolidated. All applicable state funding to the consolidated district shall then be provided based on a support unit number that is halfway between this figure and the actual support units, provided that it cannot be less than the actual support units.

(5) If a school district begins providing educational services to students residing in an attendance area in which the board of trustees had designated students for transfer to another state in the 2011-2012 school year, pursuant to section 33-1403, Idaho Code, the students to which the school district begins providing such services shall be counted as a separate school pursuant to subsection (2) of this section, with the following exceptions:

(a) The lowest minimum support unit figure shown in each table of divisors in section 33-1002(4), Idaho Code, shall not apply; and

1        (b) If the school district school that the students will attend is as-  
2        signed the minimum divisor pursuant to section 33-1002(4), Idaho Code,  
3        the separate elementary or secondary school in which the students are  
4        counted pursuant to this subsection shall be assigned a divisor that is  
5        two (2) less than the minimum.