

## STATEMENT OF PURPOSE

RS29863 / #billnum

This legislation updates the Code regarding literacy programs. First, it removes any ambiguity and affirms that school districts have the resources to establish literacy programs to improve the literacy growth of our K-3rd grade students. Second, it updates the literacy funding formula to ensure that schools have baseline stability in funding while also incentivizing and rewarding those programs that achieve the greatest success. Additionally, this bill requires school districts to disclose the purposes and amounts of levy funds to be used within the school district. Such disclosure must be placed on the ballot above the question for supplemental levies. The disclosures shall identify the purposes for which the levies shall support.

## FISCAL NOTE

There is currently \$26.1 million in the base budget for literacy; the Governor's budget recommendation proposes adding another \$46.6 million in ongoing literacy funding. This legislation would modify how these existing and proposed funds are distributed to school districts. This bill establishes the policy for how the literacy funds may be used to improve the growth of literacy by the end of 3rd grade.

### Contact:

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Senator Carl Crabtree  
Representative Ryan Kerby  
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**DISCLAIMER:** This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).



LEGISLATURE OF THE STATE OF IDAHO



Sixty-sixth Legislature

Second Regular Session - 2022

IN THE \_\_\_\_\_

BILL NO. \_\_\_\_\_

BY \_\_\_\_\_

AN ACT

1 RELATING TO PUBLIC SCHOOL FUNDING; AMENDING SECTION 33-1002, IDAHO CODE, TO  
 2 REVISE PROVISIONS REGARDING FUNDING FOR LITERACY INTERVENTION; AMEND-  
 3 ING CHAPTER 8, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION  
 4 33-802B, IDAHO CODE, TO PROVIDE THAT THE BALLOT AT AN ELECTION TO AUTHO-  
 5 RIZE CERTAIN LEVIES SHALL INCLUDE A DISCLOSURE, TO PROVIDE THAT A BALLOT  
 6 QUESTION MUST BE ACCOMPANIED BY THE DISCLOSURE IN ORDER TO BE BINDING,  
 7 AND TO PROVIDE THAT A COURT MUST DECLARE THE OUTCOME OF A BALLOT QUES-  
 8 TION INVALID UNDER CERTAIN CIRCUMSTANCES; AMENDING CHAPTER 8, TITLE 33,  
 9 IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-802C, IDAHO CODE, TO PRO-  
 10 VIDE THAT A SCHOOL DISTRICT SHALL USE SUPPLEMENTAL LEVY REVENUES ONLY  
 11 FOR CERTAIN PURPOSES; AND DECLARING AN EMERGENCY AND PROVIDING AN EF-  
 12 FECTIVE DATE.  
 13

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

15 SECTION 1. That Section 33-1002, Idaho Code, be, and the same is hereby  
 16 amended to read as follows:

17 33-1002. EDUCATIONAL SUPPORT PROGRAM. The educational support pro-  
 18 gram is calculated as follows:

19 (1) State Educational Support Funds. Add the state appropriation, in-  
 20 cluding the moneys available in the public school income fund, together with  
 21 all miscellaneous revenues to determine the total state funds.

22 (2) From the total state funds subtract the following amounts needed  
 23 for state support of special programs provided by a school district:

24 (a) Pupil tuition-equivalency allowances as provided in section  
 25 33-1002B, Idaho Code;

26 (b) Transportation support program as provided in section 33-1006,  
 27 Idaho Code;

28 (c) Feasibility studies allowance as provided in section 33-1007A,  
 29 Idaho Code;

30 (d) The approved costs for border district allowance, provided in sec-  
 31 tion 33-1403, Idaho Code, as determined by the state superintendent of  
 32 public instruction;

33 (e) The approved costs for exceptional child approved contract al-  
 34 lowance, provided in subsection 2. of section 33-2004, Idaho Code, as  
 35 determined by the state superintendent of public instruction;

36 (f) Salary-based apportionment calculated as provided in sections  
 37 33-1004 through 33-1004F, Idaho Code;

38 (g) Unemployment insurance benefit payments according to the provi-  
 39 sions of section 72-1349A, Idaho Code;

40 (h) For expenditure as provided by the public school technology pro-  
 41 gram;



- 1 (i) For employee severance payments as provided in section 33-521,  
2 Idaho Code;
- 3 (j) For distributions to the Idaho digital learning academy as provided  
4 in section 33-1020, Idaho Code;
- 5 (k) For charter school facilities funds and reimbursements paid pur-  
6 suant to section 33-5208(5), Idaho Code;
- 7 (l) For an online course portal as provided for in section 33-1024,  
8 Idaho Code;
- 9 (m) For advanced opportunities as provided for in chapter 46, title 33,  
10 Idaho Code;
- 11 (n) For additional math and science courses for high school students as  
12 provided in section 33-1021, Idaho Code;
- 13 (o) For leadership premiums as provided in section 33-1004J, Idaho  
14 Code;
- 15 (p) For master teacher premiums as provided in section 33-1004I, Idaho  
16 Code;
- 17 (q) For the support of provisions that provide a safe environment con-  
18 ductive to student learning and maintain classroom discipline, an allo-  
19 cation of three hundred dollars (\$300) per support unit;
- 20 (r) An amount specified in the appropriation bill for the public  
21 schools educational support program for counseling support as provided  
22 for in section 33-1212A, Idaho Code, shall be distributed for grades 8  
23 through 12 as follows:
- 24 (i) For school districts and public charter schools with one hun-  
25 dred (100) or more students enrolled in grades 8 through 12, a pro  
26 rata distribution based on students enrolled in grades 8 through  
27 12 or eighteen thousand dollars (\$18,000), whichever is greater;
- 28 (ii) For school districts and public charter schools with fewer  
29 than one hundred (100) students enrolled in grades 8 through 12,  
30 one hundred eighty dollars (\$180) per student enrolled in grades  
31 8 through 12 or nine thousand dollars (\$9,000), whichever is  
32 greater;
- 33 (s) An amount specified in the public schools educational support pro-  
34 gram appropriation bill for literacy intervention ~~pursuant to section~~  
35 ~~33-1807, Idaho Code, the.~~ The disbursements made to the school dis-  
36 tricts and public charter schools in the aggregate shall not exceed the  
37 total amount appropriated for this purpose and shall be based on the ac-  
38 tual costs of such intervention programs. School districts and public  
39 charter schools shall be reimbursed in full or in pro rata based on the  
40 average number of students in kindergarten through grade 3 who score ba-  
41 sic or below basic on the fall statewide reading assessment in the prior  
42 three (3) years; shall be calculated as follows:
- 43 (i) Fifty percent (50%) based on average full-time equivalent  
44 enrollment of students in kindergarten through grade 3 as of the  
45 first Friday in November;
- 46 (ii) Fifty percent (50%) based on the number of kindergarten  
47 through grade 3 students who move a full level or who are profi-  
48 cient from the spring-to-spring administration of the statewide  
49 reading assessment in the prior fiscal year or, if there is not a  
50 prior spring assessment for the student, from fall to spring; and





1 COMPUTATION OF ELEMENTARY SUPPORT UNITS

2 Average Daily		Minimum Units
3 Attendance	Attendance Divisor	Allowed
4 300 or more ADA.....	.....	.. 15
5	..23...grades 4, 5 & 6....	
6	..22...grades 1, 2 & 3....1994-95	
7	..21...grades 1, 2 & 3....1995-96	
8	..20...grades 1, 2 & 3....1996-97	
9	and each year thereafter.	
10 160 to 299.99 ADA...	20.....	8.4
11 110 to 159.99 ADA...	19.....	6.8
12 71.1 to 109.99 ADA...	16.....	4.7
13 51.7 to 71.0 ADA...	15.....	4.0
14 33.6 to 51.6 ADA...	13.....	2.8
15 16.6 to 33.5 ADA...	12.....	1.4
16 1.0 to 16.5 ADA...	n/a.....	1.0

17 COMPUTATION OF SECONDARY SUPPORT UNITS

18 Average Daily		Minimum Units
19 Attendance	Attendance Divisor	Allowed
20 750 or more....	18.5.....	47
21 400 - 749.99 ADA....	16.....	28
22 300 - 399.99 ADA....	14.5.....	22
23 200 - 299.99 ADA....	13.5.....	17
24 100 - 199.99 ADA....	12.....	9
25 99.99 or fewer	Units allowed as follows:	
26 Grades 7 - 12	.....	8
27 Grades 9 - 12	.....	6
28 Grades 7 - 9	.....	1 per 14 ADA
29 Grades 7 - 8	.....	1 per 16 ADA

30 COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

31 Average Daily		Minimum Units
32 Attendance	Attendance Divisor	Allowed
33 14 or more....	14.5.....	1 or more as computed
34		
35 12 - 13.99....	-.....	1
36 8 - 11.99....	-.....	.75



1	4 - 7.99....	- .....	.5
2	1 - 3.99....	- .....	.25

3                   COMPUTATION OF ALTERNATIVE SCHOOL SUPPORT UNITS  
4           (Computation of alternative school support units shall include  
5                   grades 6 through 12)

6	Pupils in Attendance	Attendance Divisor	Minimum Units Allowed
7			
8	12 or more.....	12 .....	1 or more as computed
9			

10           In applying these tables to any given separate attendance unit, no  
11 school district shall receive less total money than it would receive if it  
12 had a lesser average daily attendance in such separate attendance unit. In  
13 applying the kindergarten table to a kindergarten program of fewer days  
14 than a full school year, the support unit allowance shall be in ratio to the  
15 number of days of a full school year. The attendance of students attending  
16 an alternative school in a school district reporting fewer than one hundred  
17 (100) secondary students in average daily attendance shall not be assigned  
18 to the alternative table if the student is from a school district reporting  
19 fewer than one hundred (100) secondary students in average daily attendance,  
20 but shall instead be assigned to the secondary table of the school district  
21 in which they are attending the alternative school, unless the alternative  
22 school in question serves students from multiple districts reporting fewer  
23 than one hundred (100) secondary students in average daily attendance. The  
24 tables for exceptional education and alternative school support units shall  
25 be applicable only for programs approved by the state department of educa-  
26 tion following rules established by the state board of education. Moneys  
27 generated from computation of support units for alternative schools shall be  
28 utilized for alternative school programs. School district administrative  
29 and facility costs may be included as part of the alternative school expen-  
30 ditures.

31           (5) State Distribution Factor per Support Unit. Divide educational  
32 support program distribution funds, after subtracting the amounts necessary  
33 to pay the obligations specified in subsection (2) of this section, by the  
34 total state support units to secure the state distribution factor per sup-  
35 port unit.

36           (6) District Support Units. The number of support units for each school  
37 district in the state shall be determined as follows:

38           (a) (i) Divide the actual average daily attendance, excluding stu-  
39 dents approved for inclusion in the exceptional child educational  
40 program, for the administrative schools and each of the separate  
41 schools and attendance units by the appropriate divisor from the  
42 tables of support units in this section, then add the quotients  
43 to obtain the district's support units allowance for regular stu-  
44 dents, kindergarten through grade 12 including alternative school  
45 students. Calculations in application of this subsection shall be  
46 carried out to the nearest hundredth.

1 (ii) Divide the combined totals of the average daily attendance  
2 of all preschool, kindergarten, elementary, secondary, juvenile  
3 detention center students and students with disabilities approved  
4 for inclusion in the exceptional child program of the district by  
5 the appropriate divisor from the table for computation of excep-  
6 tional education support units to obtain the number of support  
7 units allowed for the district's approved exceptional child pro-  
8 gram. Calculations for this subsection shall be carried out to the  
9 nearest hundredth when more than one (1) unit is allowed.

10 (iii) The total number of support units of the district shall be  
11 the sum of the total support units for regular students, subpara-  
12 graph (i) of this paragraph, and the support units allowance for  
13 the approved exceptional child program, subparagraph (ii) of this  
14 paragraph.

15 (b) Total District Allowance Educational Program. Multiply the dis-  
16 trict's total number of support units, carried out to the nearest hun-  
17 dredth, by the state distribution factor per support unit and to this  
18 product add the approved amount of programs of the district provided in  
19 subsection (2) of this section to secure the district's total allowance  
20 for the educational support program.

21 (c) District Share. The district's share of state apportionment is the  
22 amount of the total district allowance, paragraph (b) of this subsec-  
23 tion.

24 (d) Adjustment of District Share. The contract salary of every noncer-  
25 tificated teacher shall be subtracted from the district's share as cal-  
26 culated from the provisions of paragraph (c) of this subsection.

27 (7) Property Tax Computation Ratio. In order to receive state funds  
28 pursuant to this section, a charter district shall utilize a school mainte-  
29 nance and operation property tax computation ratio for the purpose of calcu-  
30 lating its maintenance and operation levy that is no greater than that which  
31 it utilized in tax year 1994, less four-tenths of one percent (.4%). As used  
32 herein, the term "property tax computation ratio" shall mean a ratio deter-  
33 mined by dividing the district's certified property tax maintenance and op-  
34 eration budget by the actual or adjusted market value for assessment pur-  
35 poses as such values existed on December 31, 1993. Such maintenance and op-  
36 eration levy shall be based on the property tax computation ratio multiplied  
37 by the actual or adjusted market value for assessment purposes as such values  
38 existed on December 31 of the prior calendar year.

39 SECTION 2. That Chapter 8, Title 33, Idaho Code, be, and the same is  
40 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
41 ignated as Section 33-802B, Idaho Code, and to read as follows:

42 33-802B. DISCLOSURES IN ELECTIONS TO AUTHORIZE SUPPLEMENTAL LEVY. (1)  
43 At an election to authorize a levy pursuant to section 33-802(3) or (5),  
44 Idaho Code, the ballot shall include a disclosure, separate from the ballot  
45 question, of the purposes for which the levy revenues will be used. The dis-  
46 closure shall:

47 (a) Be set forth in simple, understandable language;

48 (b) Include a detailed description of the purposes for which the levy  
49 revenues will be used and the approximate amount of levy funds to be al-



1 located for each purpose, such that school district electors have fair  
2 notice of the specific items the levy revenues shall support; and

3 (c) Be placed immediately above the ballot question on the ballot.

4 (2) In order to be binding, a ballot question to authorize a levy pur-  
5 suant to section 33-802(3) or (5), Idaho Code, must be accompanied by the  
6 disclosure described in subsection (1) of this section, as well as any other  
7 disclosure or information required by law.

8 (3) Upon a determination by a court pursuant to section 34-2001A, Idaho  
9 Code, that a school district failed to comply with the provisions of this  
10 section, the court must declare the outcome of the ballot question invalid  
11 and award court costs and fees to the prevailing party.

12 SECTION 3. That Chapter 8, Title 33, Idaho Code, be, and the same is  
13 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
14 ignated as Section 33-802C, Idaho Code, and to read as follows:

15 33-802C. SUPPLEMENTAL LEVIES -- PURPOSES FOR WHICH REVENUES ARE  
16 USED. A school district shall use supplemental levy revenues only for those  
17 purposes identified pursuant to section 33-802B(1)(b), Idaho Code. The  
18 school district board of trustees shall annually publish, prior to its reg-  
19 ular July meeting, a summary of levy revenues and the items for which such  
20 revenues were used, alongside a copy of the disclosure included on the ballot  
21 pursuant to section 33-802B, Idaho Code.

22 SECTION 4. An emergency existing therefor, which emergency is hereby  
23 declared to exist, this act shall be in full force and effect on and after  
24 July 1, 2022.