

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 588

BY EDUCATION COMMITTEE

AN ACT

1
2 RELATING TO EDUCATION; AMENDING SECTION 33-1003, IDAHO CODE, TO REVISE PRO-
3 VISIONS RELATING TO SPECIAL APPLICATIONS OF THE EDUCATIONAL SUPPORT
4 PROGRAM, TO ESTABLISH PROVISIONS RELATING TO A SCHOOL DISTRICT PRO-
5 VIDING EDUCATIONAL SERVICES TO STUDENTS RESIDING IN A CERTAIN AREA, TO
6 PROVIDE THAT SUCH STUDENTS SHALL BE COUNTED AS A SEPARATE SCHOOL AND TO
7 PROVIDE FOR EXCEPTIONS.

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

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

11 33-1003. SPECIAL APPLICATIONS OF EDUCATIONAL SUPPORT PROGRAM. De-
12 crease in Average Daily Attendance. -- From the effective date of this act
13 through June 30, 2011, any school district that has a decrease in total aver-
14 age daily attendance of one percent (1%) of its average daily attendance in
15 the then current school year from the total average daily attendance used for
16 determining the allowance in the educational support program for the school
17 year immediately preceding, the allowance of funds from the educational
18 support program may be based on the average daily attendance of the school
19 year immediately preceding, less one percent (1%). When this provision is
20 applied, the decrease in average daily attendance shall be proportionately
21 distributed among the various categories of support units that are appropri-
22 ate for the district.

23 (1) Decrease in Average Daily Attendance for 2011-2012 School Year. --
24 For any school district which has a decrease in total average daily atten-
25 dance of three percent (3%) or more of its average daily attendance in the
26 2011-2012 school year from the total average daily attendance used for de-
27 termining the allowance in the educational support program for the 2010-2011
28 school year, the allowance of funds from the educational support program may
29 be based on the average daily attendance of the 2010-2011 school year, less
30 three percent (3%). When this provision is applied, the decrease in aver-
31 age daily attendance shall be proportionately distributed among the various
32 categories of support units that are appropriate for the district. The leg-
33 islature hereby encourages boards of trustees to actively pursue alterna-
34 tive funding to offset any reduction in funds stemming from the application
35 of the provisions of this subsection (1). The provisions of this subsection
36 (1) shall be null and void and of no force and effect on and after July 1,
37 2012.

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

40 (a) Separate Elementary School. -- Any separate elementary school
41 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-

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

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

16 (4) Support Program When District Boundaries are Changed.

17 (a) In new districts formed by the division of a district, the support
18 program computed for the district, divided in its last year of opera-
19 tion, shall be apportioned to the new districts created by the division,
20 in the proportion that the average daily attendance of pupils, elemen-
21 tary and secondary combined, residing in the area of each new district
22 so created, is to the average daily attendance of all pupils, elementary
23 and secondary combined, in the district divided in its last year of op-
24 eration before the division.

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

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

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

49 (a) The lowest minimum support unit figure shown in each table of divi-
50 sors 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.