

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 742

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING SECTION 33-102A, IDAHO CODE, AS AMENDED
2 IN SECTION 5 OF HOUSE BILL NO. 521, IF ENACTED BY THE SECOND REGULAR
3 SESSION OF THE SIXTY-SEVENTH IDAHO LEGISLATURE, TO REVISE PROVISIONS
4 REGARDING THE APPOINTMENT OF THE EXECUTIVE OFFICER OF THE STATE BOARD
5 OF EDUCATION; AMENDING SECTION 33-916, IDAHO CODE, AS ADDED BY SECTION
6 18 OF HOUSE BILL NO. 521, IF ENACTED BY THE SECOND REGULAR SESSION OF
7 THE SIXTY-SEVENTH IDAHO LEGISLATURE, TO REVISE PROVISIONS REGARDING
8 THE ELIGIBILITY OF SCHOOL DISTRICTS FOR SCHOOL MODERNIZATION FACILI-
9 TIES FUND DISTRIBUTIONS; AMENDING SECTION 33-917, IDAHO CODE, AS ADDED
10 BY SECTION 19 OF HOUSE BILL NO. 521, IF ENACTED BY THE SECOND REGULAR
11 SESSION OF THE SIXTY-SEVENTH IDAHO LEGISLATURE, TO REVISE PROVISIONS
12 REGARDING THE SCHOOL MODERNIZATION FACILITIES FUND; AND DECLARING AN
13 EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
14

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

16 SECTION 1. That Section 33-102A, Idaho Code, as amended in Section 5 of
17 House Bill No. 521, if enacted by the Second Regular Session of the Sixty-
18 seventh Idaho Legislature, be, and the same is hereby amended to read as fol-
19 lows:

20 33-102A. OFFICE OF THE STATE BOARD -- EXECUTIVE OFFICER -- APPOINTMENT
21 -- COMPENSATION -- DUTIES AND POWERS. (1) There is hereby created as an exec-
22 utive agency of the state board of education the office of the state board of
23 education. The governor is hereby authorized to appoint an executive offi-
24 cer of the state board, with the advice and consent of the senate, who shall
25 serve at the pleasure of the governor and shall receive such salary as fixed
26 by the governor.

27 (2) The executive officer shall, under the direction of the state
28 board, have such duties and powers as prescribed by the said board of regents
29 and the state board of education, not otherwise assigned by law.

30 (3) The executive officer shall, together with the president of the
31 state board of education, submit an annual report to the legislature no later
32 than January 15 of each year, detailing the uses and impact of the school
33 modernization facilities fund.

34 SECTION 2. That Section 33-916, Idaho Code, as added by Section 18 of
35 House Bill No. 521, if enacted by the Second Regular Session of the Sixty-
36 seventh Idaho Legislature, be, and the same is hereby amended to read as fol-
37 lows:

38 33-916. ELIGIBILITY OF SCHOOL DISTRICTS FOR SCHOOL MODERNIZATION FA-
39 CILITIES FUND DISTRIBUTIONS. The state department of education shall not ap-
40 prove school district requests for annualized distributions or for distri-

1 bution from the applicable bond proceeds until the following conditions are
2 satisfied:

3 (1) The school district has submitted a ten (10) year facilities plan in
4 accordance with provisions of section 33-918, Idaho Code;

5 (2) The school district attests ~~that if it operated on a five (5) day~~
6 ~~school week during fiscal year 2024, it will not convert to a four (4) day~~
7 ~~school week during the period for which the school district has elected~~
8 ~~to receive funding from the school modernization facilities fund. If the~~
9 ~~school district does convert from a five (5) day school week to a four (4)-~~
10 ~~day school week or if it operated on a four (4) day school week during fiscal~~
11 ~~year 2024, it must attest that it meets the minimum contract days or hours and~~
12 ~~minimum student instructional day or hour requirements of the state board~~
13 ~~of education, which requirements shall be implemented adopted no later than~~
14 ~~August 1, 2024, and phased in no sooner than July 1, 2025; and~~

15 (3) The school district attests compliance with the dignity and nondis-
16 crimination in public education requirements specified in section 33-138,
17 Idaho Code, and further attests that the school district does not require job
18 applicants to sign written diversity statements.

19 SECTION 3. That Section 33-917, Idaho Code, as added by Section 19 of
20 House Bill No. 521, if enacted by the Second Regular Session of the Sixty-
21 seventh Idaho Legislature, be, and the same is hereby amended to read as fol-
22 lows:

23 33-917. SCHOOL DISTRICT USE OF FUNDS -- SCHOOL MODERNIZATION FACILI-
24 TIES FUND.

25 (1) (a) Moneys distributed to a school district shall be used for school
26 facility construction, renovation, or maintenance needs or, in the case
27 of school districts electing annualized distributions, funds shall
28 be used subject to section 33-911, Idaho Code. Uses of funds shall
29 include regular and routine facilities maintenance, including preven-
30 tive maintenance, building repairs, and building security, and shall
31 also include periodic major facilities projects that involve plan-
32 ning, design, construction, renovation, retrofitting, and replacing
33 of buildings and building systems, components, and features, as well as
34 site acquisition, site improvements, and new construction.

35 (b) Any funds distributed by the state to school districts for facil-
36 ities must be used only for the purposes described in this subsection.
37 Any funds intended for facilities but used for another purpose shall
38 be returned to the state by the school district and deposited to the
39 ~~state general fund~~ school modernization facilities fund. Moneys de-
40 posited pursuant to this section shall be distributed to rural schools,
41 as defined in section 33-319, Idaho Code, as appropriated by the leg-
42 islature. If the school district fails to return such funds, an amount
43 equivalent to the misused funds shall be deducted from the state's next
44 payment to the school district pursuant to this chapter or chapter 52,
45 title 33, Idaho Code.

46 (2) All funds shall be used for school facilities directly related to
47 the school district's core educational mission. No funds shall be used for
48 facilities with a primary athletic purpose.

1 (3) Each school district shall annually report to the state department
2 of education, in a manner prescribed by the state department of education, on
3 the planned and actual expenditure of moneys it has received pursuant to this
4 section.

5 (4) A model school facility council shall be created by July 1, 2024,
6 to research, adopt, and recommend a model school facility plan that schools
7 shall abide by when using school modernization facilities fund moneys pur-
8 suant to the plan adopted in paragraph (c) of this subsection. The council
9 shall:

10 (a) Be chaired by the executive director of the office of the state
11 board of education, with administrative support provided by the office
12 of the state board of education;

13 (b) Consist of nine (9) members, with three (3) members appointed by
14 the governor, three (3) members appointed by the speaker of the house of
15 representatives, and three (3) members appointed by the president pro
16 tempore of the senate; and

17 (c) Adopt a model school facility plan and submit it to the legislature
18 by July 1, 2026, that:

19 (i) Outlines a clear plan for school facility construction, in-
20 cluding standardization for elementary schools, middle schools,
21 and high schools;

22 (ii) Considers potential variability of school properties, ob-
23 jectives, and goals; and

24 (iii) Consults all necessary experts to develop a thorough plan
25 for school facilities to guide the use of funds from the school
26 modernization facilities fund.

27 SECTION 4. An emergency existing therefor, which emergency is hereby
28 declared to exist, this act shall be in full force and effect on and after
29 July 1, 2024.