

IN THE SENATE

SENATE BILL NO. 1440

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO EDUCATION FUNDING; AMENDING SECTION 33-915, IDAHO CODE, AS ADDED
2 BY SECTION 17 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 DISTRIBUTION OF SCHOOL MODERNIZATION FACILITIES FUNDS TO
5 SCHOOL DISTRICTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE
6 DATE.
7

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

9 SECTION 1. That Section 33-915, Idaho Code, as added by Section 17 of
10 House Bill No. 521, if enacted by the Second Regular Session of the Sixty-
11 seventh Idaho Legislature, be, and the same is hereby amended to read as fol-
12 lows:

13 33-915. FIXED DISTRIBUTION -- SCHOOL MODERNIZATION FACILITIES
14 FUND. (1) The state department of education shall establish a fixed distri-
15 bution of funds to be made available for voluntary election to each school
16 district subject to the conditions in this section.

17 (a) The distribution shall be calculated in state fiscal year 2025 for
18 each school district, as defined in section 33-1001(21), Idaho Code,
19 that is in operation as of July 1, 2024.

20 (b) The distribution shall be calculated by multiplying the following
21 two (2) factors, both of which shall be based on the most recent data
22 available in the state fiscal year coinciding with the distribution
23 calculation:

24 (i) Calculate the per-pupil amount, using the average daily at-
25 tendance calculation provided in section 33-1003A, Idaho Code,
26 for each student in kindergarten through grade 12 at physical
27 facilities that are part of and on school grounds of the school
28 district in which the student is enrolled with verification, as
29 needed, by the office of the state board of education. Upon formal
30 approval by the state board of education, a school district may re-
31 ceive an exemption to the physical facility requirement pursuant
32 to this subsection if the student would have attended a physical
33 facility in the school district if not for a stated emergency; and
34 (ii) Calculate, together with the Idaho state building authority,
35 the total amount that a bond issuance would generate, based on the
36 amount established in section 63-3638(19), Idaho Code.

37 (c) In no case shall the amount awarded to any school district be less
38 than ~~twenty-five thousand dollars (\$25,000)~~ one hundred thousand dol-
39 lars (\$100,000) over the ten (10) year period. Except as provided in
40 paragraph (d) of this subsection, and notwithstanding any other provi-
41 sion of law to the contrary, in no case shall the amount awarded to any

1 school district exceed one hundred million dollars (\$100,000,000) over
2 the ten (10) year period.

3 (d) In no case shall the amount awarded to any school district with an
4 active charter district maintenance and operation levy pursuant to sec-
5 tion 33-802(6), Idaho Code, or a charter district supplemental mainte-
6 nance and operation levy pursuant to section 33-802(4), Idaho Code, ex-
7 ceed forty million dollars (\$40,000,000) over the ten (10) year period.
8 Excess funds shall be distributed proportionately according to the
9 factors established in paragraph (b) of this subsection to remaining
10 school districts that received initial allocations below forty million
11 dollars (\$40,000,000). Any districts receiving reallocations under
12 this paragraph shall not exceed forty million dollars (\$40,000,000).

13 (e) For the purposes of this section, the Idaho school for the deaf and
14 the blind shall be considered a school district and shall receive a dis-
15 tribution based on the average daily attendance of the school.

16 (2) The provisions of this section shall be null, void, and of no force
17 and effect on and after June 30, 2034.

18 SECTION 2. An emergency existing therefor, which emergency is hereby
19 declared to exist, this act shall be in full force and effect on and after
20 July 1, 2024.