

IN THE SENATE

SENATE BILL NO. 1242

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE
2 ADDITION OF A NEW SECTION 33-1029, IDAHO CODE, TO PROVIDE FOR STATUTORY
3 CONSTRUCTION WITH REGARD TO NONPUBLIC SCHOOL STUDENTS; AMENDING CHAP-
4 TER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1030,
5 IDAHO CODE, TO DEFINE TERMS; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE,
6 BY THE ADDITION OF A NEW SECTION 33-1031, IDAHO CODE, TO ESTABLISH PRO-
7 VISIONS REGARDING AN EMPOWERING PARENTS GRANT PROGRAM; AMENDING CHAP-
8 TER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1032,
9 IDAHO CODE, TO PROVIDE FOR A PARENT ADVISORY PANEL; AMENDING CHAPTER 10,
10 TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1033, IDAHO
11 CODE, TO PROVIDE FOR A CERTAIN REPORT AND EVALUATION; AMENDING CHAPTER
12 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1034, IDAHO
13 CODE, TO ESTABLISH AN EMPOWERING PARENTS GRANT PROGRAM FUND; AMEND-
14 ING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION
15 33-1035, IDAHO CODE, TO PROVIDE THAT PARENTS MAY INTERVENE IN CERTAIN
16 LEGAL ACTIONS; PROVIDING SEVERABILITY; PROVIDING LEGISLATIVE INTENT;
17 AND DECLARING AN EMERGENCY.
18

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

20 SECTION 1. That Chapter 10, Title 33, Idaho Code, be, and the same is
21 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
22 ignated as Section 33-1029, Idaho Code, and to read as follows:

23 33-1029. STATUTORY CONSTRUCTION -- NONPUBLIC SCHOOL STUDENTS. Noth-
24 ing in sections 33-1030 through 33-1035, Idaho Code, shall be construed to
25 give the state authority to regulate the education of nonpublic school stu-
26 dents.

27 SECTION 2. That Chapter 10, Title 33, Idaho Code, be, and the same is
28 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
29 ignated as Section 33-1030, Idaho Code, and to read as follows:

30 33-1030. DEFINITIONS. As used in this section through section
31 33-1035, Idaho Code:

32 (1) "Assessment" means an examination or another objective evaluation
33 of a student's academic performance, academic engagement, or college or ca-
34 reer readiness.

35 (2) "Board" means the state board of education.

36 (3) "Eligible education expenses" means:

37 (a) Computer hardware, internet access, or other technological devices
38 or services that are primarily used to meet a participant's educational
39 needs;

1 (b) Textbooks, curriculum, or other instructional materials, includ-
2 ing educational software and applications;

3 (c) Fees for national standardized assessments, advanced placement ex-
4 aminations, examinations related to college or university admissions,
5 or industry-recognized certification examinations;

6 (d) Therapies, including but not limited to occupational, behavioral,
7 physical, speech-language, and audiology therapies, or other services
8 or therapies specifically approved by the board;

9 (e) Educational programs offered for a fee or pursuant to contract by a
10 school district, public charter school, or career technical education
11 program to nonpublic students, provided that such students may not be
12 counted for purposes of calculating public school enrollment;

13 (f) Education services; or

14 (g) Other education expenses as approved by the board, upon recommen-
15 dation of the parent advisory panel established pursuant to section
16 33-1032, Idaho Code.

17 (4) "Eligible student" means a person in kindergarten through grade 12,
18 whether a public school or nonpublic school student.

19 (5) "Grant" means an award of one thousand dollars (\$1,000), which must
20 be used for eligible education expenses.

21 (6) "Grant distribution platform" means a digital platform through
22 which grant funds are transferred from the board to the parents of partici-
23 pants.

24 (7) "Parent" means the parent or legal guardian of an eligible student
25 or a participant.

26 (8) "Participant" means an eligible student for whom a grant is awarded
27 under section 33-1031, Idaho Code.

28 (9) "Program" means the empowering parents grant program established
29 by section 33-1031, Idaho Code.

30 SECTION 3. That Chapter 10, Title 33, Idaho Code, be, and the same is
31 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
32 ignated as Section 33-1031, Idaho Code, and to read as follows:

33 33-1031. EMPOWERING PARENTS GRANT PROGRAM. (1) There is hereby estab-
34 lished the empowering parents grant program, to be administered by the board
35 according to the provisions of this section. The purpose of the program is to
36 provide education grants for eligible students.

37 (2) In order to administer the program, the board:

38 (a) Shall create and administer, or designate a third party to create
39 and administer, a grant distribution platform;

40 (b) Shall establish a grant application process for parents;

41 (c) Shall, subject to appropriation, award grants. Grant awards shall
42 be made in the following order of preference:

43 (i) First to eligible students whose household has an adjusted
44 gross income under sixty thousand dollars (\$60,000), as verified
45 by the Idaho state tax commission using the prior year's tax re-
46 turns. Notification of grant awards for students in this category
47 shall be made within thirty (30) days of application, and grant
48 funds shall be made available for participants' use as soon as

1 practicable, but no later than thirty (30) days after the notifi-
2 cation of a grant award;

3 (ii) Starting sixty (60) days after grant awards in a fiscal year
4 are made under subparagraph (i) of this paragraph, to eligible
5 students whose household has an annual gross income under sev-
6 enty-five thousand dollars (\$75,000), as verified by the Idaho
7 state tax commission using the prior year's tax returns; and

8 (iii) Starting sixty (60) days after grant awards in a fiscal year
9 are made under subparagraph (ii) of this paragraph, to all other
10 eligible students on a first-come, first-served basis until all
11 available funds are distributed; and

12 (d) May take such other actions as are necessary to implement and en-
13 force the provisions of this section.

14 (3) Prior to the award of a grant, the parent of a participant shall
15 agree to verify program compliance. The parent of a participant shall use
16 grant funds only for eligible education expenses. If a parent is found to
17 misuse grant funds, then neither the parent nor another parent of the student
18 living in the same household may apply for a grant in the future for any stu-
19 dent, provided that the parent may appeal the finding to the board.

20 (4) Grant funds shall be expended within two (2) years after they are
21 awarded. Any unused funds at the end of the two (2) year period shall revert
22 to the empowering parents grant program fund established in section 33-1034,
23 Idaho Code.

24 (5) Grant awards per family shall be capped at three thousand dollars
25 (\$3,000), regardless of the number of eligible students in the family.

26 SECTION 4. That Chapter 10, Title 33, Idaho Code, be, and the same is
27 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
28 ignated as Section 33-1032, Idaho Code, and to read as follows:

29 33-1032. PARENT ADVISORY PANEL. (1) For purposes of this section:

30 (a) "Executive director" means the executive director of the office of
31 the state board of education.

32 (b) "Program funds" means funds distributed to parents pursuant to sec-
33 tion 33-1031, Idaho Code.

34 (2) There is hereby established in the office of the state board of
35 education a parent advisory panel, which shall make recommendations to the
36 board:

37 (a) As described in section 33-1030(3)(g), Idaho Code; and

38 (b) On how to implement, administer, and improve the program described
39 in section 33-1031, Idaho Code.

40 (3) The parent advisory panel shall consist of seven (7) members. Three
41 (3) members shall be appointed by the governor, two (2) members shall be ap-
42 pointed by the president pro tempore of the senate, and two (2) members shall
43 be appointed by the speaker of the house of representatives. The members
44 must be parents of eligible students, with preference given to parents who
45 have applied for program funds or who, for the initial appointment of the
46 panel, have indicated their intent to apply for program funds. Members of
47 the panel shall represent different regions of the state. Members shall
48 serve one (1) year terms at the pleasure of their appointing authority and
49 may be reappointed if they meet the eligibility criteria described in this

1 subsection. The executive director or the executive director's designee
2 shall serve as the nonvoting chair of the parent advisory panel.

3 (4) At the request of the board, the parent advisory panel shall meet,
4 in person or virtually, to discuss and make recommendations as described in
5 subsection (2) of this section.

6 (5) If a parent appeals a finding that program funds were used for a pur-
7 pose other than eligible education expenses, then the panel shall meet to
8 consider the appeal and recommend a decision on the appeal to the board.

9 SECTION 5. That Chapter 10, Title 33, Idaho Code, be, and the same is
10 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
11 ignated as Section 33-1033, Idaho Code, and to read as follows:

12 33-1033. REPORT AND EVALUATION. (1) By December 15 of each year, the
13 board shall report to the governor and the senate and house of representa-
14 tives education committees:

15 (a) The total funds appropriated for the empowering parents grant pro-
16 gram in the current fiscal year and the prior fiscal year;

17 (b) The number of applicants for the program in the current fiscal year
18 and the prior fiscal year;

19 (c) The number of grants awarded in the current fiscal year and the
20 prior fiscal year and how grant funds were used by participants; and

21 (d) Other matters concerning the program that are:

22 (i) Considered relevant by the board; or

23 (ii) Specifically requested for inclusion in the report by the
24 governor or by any member of the senate or the house of represen-
25 tatives.

26 (2) By June 30, 2024, and every two (2) years thereafter, the board
27 shall designate a third party to evaluate the program. The evaluation shall
28 be conducted according to criteria set by the board, the senate and house of
29 representatives education committees, and the joint finance-appropriations
30 committee.

31 SECTION 6. That Chapter 10, Title 33, Idaho Code, be, and the same is
32 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
33 ignated as Section 33-1034, Idaho Code, and to read as follows:

34 33-1034. EMPOWERING PARENTS GRANT PROGRAM FUND. There is hereby es-
35 tablished in the state treasury the empowering parents grant program fund,
36 to be administered by the board. Moneys in the fund shall:

37 (1) Consist of the following:

38 (a) Legislative appropriations;

39 (b) Donations and contributions made to the fund; and

40 (c) Interest earned on idle moneys in the fund;

41 (2) Be continuously appropriated for the purpose described in subsec-
42 tion (3) of this section; and

43 (3) Be used to pay grants awarded under the empowering parents grant
44 program.

1 SECTION 7. That Chapter 10, Title 33, Idaho Code, be, and the same is
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
3 ignated as Section 33-1035, Idaho Code, and to read as follows:

4 33-1035. PARENTS MAY INTERVENE IN CERTAIN LEGAL ACTIONS. If any provi-
5 sion of sections 33-1030 through 33-1034, Idaho Code, is challenged in state
6 court on the claim that the provision violates the United States constitu-
7 tion or the constitution of the state of Idaho, then the parent of a stu-
8 dent eligible for or participating in the empowering parents grant program
9 may intervene as a right in such lawsuit for the purpose of defending the
10 program's constitutionality. However, for purposes of judicial administra-
11 tion, a court may require that all intervening parents file a joint brief, as
12 long as they are not required to join any brief filed on behalf of the state or
13 any of its agencies, officers, or employees.

14 SECTION 8. SEVERABILITY. The provisions of this act are hereby declared
15 to be severable, and if any provision of this act or the application of such
16 provision to any person or circumstance is declared invalid for any reason,
17 such declaration shall not affect the validity of the remaining portions of
18 this act.

19 SECTION 9. LEGISLATIVE INTENT. It is the intent of the Legislature that
20 grant applications described in Section 33-1031, Idaho Code, as enacted by
21 Section 3 of this act, be made available within 45 days of the date this act
22 becomes effective law, and the State Board of Education is hereby directed to
23 make such applications available in conformity with this intent.

24 SECTION 10. An emergency existing therefor, which emergency is hereby
25 declared to exist, this act shall be in full force and effect on and after its
26 passage and approval.