

IN THE SENATE

SENATE BILL NO. 1255

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; PROVIDING
14 SEVERABILITY; PROVIDING LEGISLATIVE INTENT; AND DECLARING AN EMER-
15 GENCY.
16

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

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

21 33-1029. STATUTORY CONSTRUCTION -- NONPUBLIC SCHOOL STUDENTS. Noth-
22 ing in sections 33-1030 through 33-1034, Idaho Code, shall be construed to
23 give the state authority to regulate the education of nonpublic school stu-
24 dents.

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

28 33-1030. DEFINITIONS. As used in this section through section
29 33-1034, Idaho Code:

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

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

34 (3) "Eligible education expenses" means:

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

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

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

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

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

11 (f) Other education expenses and services as approved by the board,
12 upon recommendation of the parent advisory panel established pursuant
13 to section 33-1032, Idaho Code.

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

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

18 (6) "Grant distribution platform" means a digital platform through
19 which grant funds are transferred from the board to participant accounts.

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

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

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

26 SECTION 3. 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 33-1031, Idaho Code, and to read as follows:

29 33-1031. EMPOWERING PARENTS GRANT PROGRAM. (1) There is hereby estab-
30 lished the empowering parents grant program, to be administered by the board
31 according to the provisions of this section. The purpose of the program is to
32 provide education grants for eligible students.

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

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

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

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

39 (i) First to eligible students whose household has an adjusted
40 gross income under sixty thousand dollars (\$60,000), as verified
41 by the Idaho state tax commission using the prior year's tax re-
42 turns. Notification of grant awards for students in this category
43 shall be made within thirty (30) days of application, and grant
44 funds shall be made available for participants' use as soon as
45 practicable, but no later than thirty (30) days after the notifi-
46 cation of a grant award;

47 (ii) Starting sixty (60) days after grant awards in a fiscal year
48 are made under subparagraph (i) of this paragraph, to eligible
49 students whose household has an adjusted gross income under sev-

1 enty-five thousand dollars (\$75,000), as verified by the Idaho
2 state tax commission using the prior year's tax returns; and

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

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

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

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

19 (5) Grant awards per family shall be capped at three thousand dollars
20 (\$3,000), regardless of the number of eligible students in the family.

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

24 33-1032. PARENT ADVISORY PANEL. (1) For purposes of this section:

25 (a) "Executive director" means the executive director of the office of
26 the state board of education.

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

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

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

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

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

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

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

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

7 33-1033. REPORT AND EVALUATION. (1) By December 15 of each year, the
8 board shall report to the governor and the senate and house of representa-
9 tives education committees:

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

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

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

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

17 (i) Considered relevant by the board; or

18 (ii) Specifically requested for inclusion in the report by the
19 governor or by any member of the senate or the house of represen-
20 tatives.

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

26 SECTION 6. 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 33-1034, Idaho Code, and to read as follows:

29 33-1034. EMPOWERING PARENTS GRANT PROGRAM FUND. There is hereby es-
30 tablished in the state treasury the empowering parents grant program fund,
31 to be administered by the board. Moneys in the fund shall:

32 (1) Consist of the following:

33 (a) Legislative appropriations;

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

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

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

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

40 SECTION 7. SEVERABILITY. The provisions of this act are hereby declared
41 to be severable, and if any provision of this act or the application of such
42 provision to any person or circumstance is declared invalid for any reason,
43 such declaration shall not affect the validity of the remaining portions of
44 this act.

1 SECTION 8. LEGISLATIVE INTENT. It is the intent of the Legislature that
2 grant applications described in Section 33-1031, Idaho Code, as enacted by
3 Section 3 of this act, be made available within 45 days of the date this act
4 becomes effective law, and the State Board of Education is hereby directed to
5 make such applications available in conformity with this intent.

6 SECTION 9. An emergency existing therefor, which emergency is hereby
7 declared to exist, this act shall be in full force and effect on and after its
8 passage and approval.