

IN THE SENATE

SENATE BILL NO. 1317

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO KINDERGARTEN; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE  
2 ADDITION OF A NEW SECTION 33-1029, IDAHO CODE, TO ESTABLISH PROVISIONS  
3 REGARDING KINDERGARTEN SAVINGS ACCOUNTS; AND DECLARING AN EMERGENCY  
4 AND PROVIDING AN EFFECTIVE DATE.  
5

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

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

10 33-1029. KINDERGARTEN SAVINGS ACCOUNT. (1) If the state of Idaho funds  
11 full-day kindergarten, the state board of education shall establish and ad-  
12 minister a kindergarten savings account program. The kindergarten savings  
13 account program shall be funded subject to appropriation. The state board of  
14 education shall establish a kindergarten savings account for each eligible  
15 student upon notification by the school district or public charter school  
16 of a completed and approved application by the student's parent or legal  
17 guardian. To be eligible, the parent must apply to the school district or  
18 public charter school by June 15 and the eligible student must reside in that  
19 school district's or public charter school's attendance area. The school  
20 district or public charter school shall transmit all completed applications  
21 to the state by July 1 with all the information required by the state board  
22 necessary to set up the kindergarten savings account and determine student  
23 eligibility.

24 (2) To administer the program, the state board of education:

25 (a) May select a third-party distribution platform to transfer funds  
26 from the state to the savings accounts and to administer the program,  
27 subject to the provisions of chapter 92, title 67, Idaho Code;

28 (b) May use a portion of the funding to retain, subject to the provi-  
29 sions of chapter 92, title 67, Idaho Code, such other contractors as are  
30 needed to administer the program, if any, and delegate program funds to  
31 such contractors; and

32 (c) Shall establish a common application process for parents and legal  
33 guardians to use. The application process shall be administered at the  
34 school district or public charter school level.

35 (3) The school district or public charter school shall notify the par-  
36 ent or legal guardian of a student with disabilities applying for a kinder-  
37 garten savings account who is participating in the kindergarten savings ac-  
38 count program that the program is a parental placement for purposes of 20  
39 U.S.C. 1412. The state board of education shall further notify such parent  
40 or legal guardian of the rights that the parentally placed student possesses  
41 under the individuals with disabilities education act, state law, and any  
42 applicable state rule or federal regulation.

1 (4) By January 1 of each year, the state board of education shall report  
2 to the governor and the senate and house of representatives education com-  
3 mittees:

4 (a) The total funds appropriated for the program in the current fiscal  
5 year and the prior fiscal year;

6 (b) The number of applicants in the current fiscal year; and

7 (c) Any other matters concerning the program that are considered rel-  
8 evant by the state board of education or requested for inclusion in the  
9 report by the governor or any member of the senate or house of represen-  
10 tatives.

11 (5) Moneys in the kindergarten savings account must be expended during  
12 the fiscal year in which the moneys were deposited in the savings account.  
13 Any funds remaining at the end of the fiscal year shall revert back to the  
14 general fund. Moneys in a kindergarten savings account may be spent only on  
15 the following:

16 (a) Computer hardware or other technological devices or services that  
17 are primarily used to meet a participant's educational needs;

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

20 (c) Therapies, including but not limited to occupational, behavioral,  
21 physical, speech-language, and audiology, and other services or thera-  
22 pies specifically approved by the state department of education;

23 (d) Payments to instructional staff providing training to parents;

24 (e) Educational services; and

25 (f) Any other educational expenses as approved by the state board of ed-  
26 ucation.

27 (6) Prior to accessing moneys deposited in a kindergarten savings ac-  
28 count, a parent must agree to:

29 (a) Use the moneys in the account only for eligible education expenses;

30 (b) Not enroll the child as a full-time student in a public school; and

31 (c) Comply with all other rules and requirements of the kindergarten  
32 savings program.

33 (7) If the state board of education finds that a parent or legal  
34 guardian has misused kindergarten savings account moneys, then neither the  
35 parent or legal guardian nor another parent or legal guardian of the child  
36 living in the same household may apply for a savings account for any child in  
37 the future, provided that a parent or legal guardian may appeal the finding  
38 to the state board of education.

39 (8) Parents who want to work with the school district or public charter  
40 school with the intent of enrolling their child in public school in the fu-  
41 ture, but who choose to offer a home-based kindergarten program of their own  
42 choice or design may apply for a kindergarten savings account through their  
43 school district or public charter school if the student passes the kinder-  
44 garden screener in the spring prior to the usual start of kindergarten unless  
45 a kindergarten screener is not offered by the school district or public char-  
46 ter school.

47 (9) One thousand dollars (\$1,000) shall be deposited in the student's  
48 kindergarten savings account on behalf of the parent by August 15 and another  
49 five hundred dollars (\$500) shall be deposited in the kindergarten savings ac-  
50 count after the child passes the spring Idaho reading indicator with a pro-

1    ficient or better score. The state board of education has the authority to  
2    limit the total number of applications in specific districts, considering  
3    factors including but not limited to the rural and urban nature of the dis-  
4    trict and whether there are more applicants than available funds.

5           (10) A school district that transmits to the state board of education a  
6    completed form to open a kindergarten savings account on behalf of a parent  
7    or legal guardian shall receive five hundred dollars (\$500) per completed  
8    form to cover administrative expenses incurred by offering the spring  
9    screener, costs of providing and transmitting the application to the state  
10   board of education, and costs of offering the spring Idaho reading indica-  
11   tor. A school district or public charter school may provide training to a  
12   parent or legal guardian under this section and funds from the kindergarten  
13   savings account may be used to offset training expenses.

14           (11) Nothing in this section shall be construed to give the state au-  
15   thority to regulate the education of home school students.

16           SECTION 2. An emergency existing therefor, which emergency is hereby  
17   declared to exist, this act shall be in full force and effect on and after  
18   July 1, 2022.