

IN THE SENATE

SENATE BILL NO. 1025, As Amended

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING SECTION 33-1030, IDAHO CODE, TO DEFINE
2 TERMS; AMENDING SECTION 33-1031, IDAHO CODE, TO REVISE PROVISIONS
3 REGARDING THE EMPOWERING PARENTS GRANT PROGRAM; AMENDING SECTION
4 33-1032, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SEC-
5 TION 33-1034, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE EMPOWERING
6 PARENTS GRANT PROGRAM FUND; PROVIDING SEVERABILITY; AND DECLARING AN
7 EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
8

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

10 SECTION 1. That Section 33-1030, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 33-1030. DEFINITIONS. As used in this section through section
13 33-1034, Idaho Code:

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

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

18 (3) "Eligible education expenses" means:

19 (a) Tuition and fees paid to a participating prekindergarten provider
20 or participating school prior to July 1, 2030, after which such tuition
21 and fees shall not be considered eligible education expenses pursuant
22 to this subsection;

23 ~~(a)~~ (b) Computer hardware, internet access, or other technological de-
24 VICES or services that are primarily used to meet a participant's edu-
25 CATIONAL needs, which costs for devices or services are not to exceed
26 one thousand dollars (\$1,000); however, expenses related to internet
27 access shall be subject to reimbursement pursuant to the provisions of
28 section 33-1031(2)(c), Idaho Code, and shall not be eligible for direct
29 payment through the grant distribution platform;

30 ~~(b)~~ (c) Textbooks, curriculum, or other instructional materials, in-
31 cluding educational software and applications;

32 ~~(c)~~ (d) Fees for national standardized assessments, advanced place-
33 ment examinations, examinations related to college or university ad-
34 missions, or industry-recognized certification examinations;

35 ~~(d)~~ (e) Therapies, including but not limited to occupational, behav-
36 ioral, physical, speech-language, and audiology therapies, or other
37 services or therapies specifically approved by the board;

38 ~~(e)~~ (f) Educational programs offered for a fee or pursuant to contract
39 by a school district, public charter school, or career technical educa-
40 tion program to any eligible student; however, the payment of such fees
41 on behalf of a student through the grant distribution platform shall

1 not cause such student to be counted for purposes of calculating public
2 school enrollment; or

3 ~~(f)~~ (g) Other education expenses and services as approved by the board,
4 but not including childcare, upon recommendation of the parent advisory
5 panel established pursuant to section 33-1032, Idaho Code.

6 (4) "Eligible student" means a full-time resident of Idaho as described
7 in section 63-3013, Idaho Code, who is ~~five (5)~~ three (3) to eighteen (18)
8 years of age.

9 (5) "Grant" means an award of ~~one thousand dollars (\$1,000)~~ five thou-
10 sand dollars (\$5,000), which must be used for eligible education expenses.

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

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

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

17 (9) "Participating prekindergarten" means any program as defined in 20
18 U.S.C. 1161i-1 that is licensed by the Idaho department of health and welfare
19 pursuant to chapter 11, title 39, Idaho Code, that:

20 (a) Provides eligible services for more than six (6) individuals, other
21 than individuals who reside at the facility, who are three (3) to five
22 (5) years of age;

23 (b) Receives a fee, payment, or grant for providing eligible services
24 for any of the individuals; and

25 (c) Adheres to any applicable federal laws and regulations.

26 (10) "Participating school" means an Idaho nonpublic school that:

27 (a) Meets one (1) of the following qualifications:

28 (i) Is a secondary school accredited by an accrediting body rec-
29 ognized by the state board of education; or

30 (ii) Is an elementary school that creates and maintains a student
31 learning portfolio;

32 (b) Does not discriminate regarding student admission or enrollment
33 based on a student's or a parent's religion, disability, or race;

34 (c) Respects the dignity of others, acknowledges the right of others to
35 express differing opinions, and fosters and defends intellectual hon-
36 esty, freedom of inquiry and instruction, and freedom of speech and as-
37 sociation;

38 (d) Respects requests for reasonable accommodations, which means re-
39 quests by a student's parent or legal guardian requiring the school to
40 make its best effort to enable parents or legal guardians to exercise
41 their rights without substantial impact to staff and resources, in-
42 cluding employee working conditions, safety and supervision on school
43 premises for school activities, and the efficient allocation of ex-
44 penditures, while balancing the parental rights of parents and legal
45 guardians, the educational needs of other students, the academic and
46 behavioral impacts to a classroom, a teacher's workload, and the assur-
47 ance of the safe and efficient operations of the school;

48 (e) Maintains and provides enrollment and performance data for eligi-
49 ble students as required by the state department of education to verify
50 student enrollment and progress;

1 (f) Administers nationally normed achievement assessments or state
 2 standardized tests, or both, at progressive grade levels to determine
 3 student progress; and

4 (g) Requires the following individuals to submit to a criminal back-
 5 ground and history check as described in section 33-130, Idaho Code:

6 (i) An employee who does not hold a current Idaho educator license
 7 issued by the state department of education; and

8 (ii) All individuals who have unsupervised contact with students
 9 in a K-12 setting.

10 ~~(9)~~ (11) "Program" means the empowering parents grant program estab-
 11 lished by section 33-1031, Idaho Code.

12 (12) "Special needs student" means an eligible student three (3) to
 13 twenty-one (21) years of age who is receiving services under an individual-
 14 ized education program pursuant to section 33-2002, Idaho Code.

15 SECTION 2. That Section 33-1031, Idaho Code, be, and the same is hereby
 16 amended to read as follows:

17 33-1031. EMPOWERING PARENTS GRANT PROGRAM. (1) There is hereby estab-
 18 lished the empowering parents grant program, to be administered by the board
 19 according to the provisions of this section. The purpose of the program is to
 20 provide education grants for eligible students.

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

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

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

25 (c) Shall establish provisions for the reimbursement of any eligi-
 26 ble education expense for which reimbursement is required and di-
 27 rect payment from the platform is not permitted pursuant to section
 28 ~~33-1030(3)(a)~~ 33-1030(3)(b), Idaho Code;

29 (d) Shall establish an application process to designate participating
 30 schools and participating prekindergarten providers;

31 ~~(d)~~ (e) Shall, subject to appropriation, award grants. Grant awards
 32 shall be made in the following order of preference designated as fol-
 33 lows:

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

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

47 ~~(iii) Starting sixty (60) days after grant awards in a fiscal year~~
 48 ~~are made under subparagraph (ii) of this paragraph, to all other~~

1 ~~eligible students on a first-come, first-served basis until all~~
 2 ~~available funds are distributed; and~~

3 (i) Seventy-five percent (75%) for eligible students and eligi-
 4 ble children whose household has an adjusted gross income under
 5 sixty thousand dollars (\$60,000), as verified by the Idaho state
 6 tax commission using the prior year's tax returns;

7 (ii) Twenty percent (20%) for eligible students and eligible
 8 children whose household has an adjusted gross income between
 9 sixty thousand dollars (\$60,000) and eighty thousand dollars
 10 (\$80,000), as verified by the Idaho state tax commission using the
 11 prior year's tax returns; and

12 (iii) Five percent (5%) for eligible students and eligible chil-
 13 children whose household has an adjusted gross income over eighty
 14 thousand dollars (\$80,000), as verified by the Idaho state tax
 15 commission using the prior year's tax returns; and

16 ~~(e)~~ (f) May take such other actions as are necessary to implement and
 17 enforce the provisions of this section.

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

24 (4) Grant funds shall be expended within three (3) years after they
 25 are awarded. Any unused funds at the end of the three (3) year period shall
 26 revert to the empowering parents grant program fund established in section
 27 33-1034, Idaho Code. At any time before the three (3) year period ends, un-
 28 used funds may be forfeited and transferred from the participant account to
 29 the program fund.

30 (5) Grant awards per family shall be capped at ~~three thousand dollars~~
 31 ~~(\$3,000)~~ five thousand dollars (\$5,000) per student with a cap of fifteen
 32 thousand dollars (\$15,000) per household, regardless of the number of eli-
 33 gible students in the family.

34 SECTION 3. That Section 33-1032, Idaho Code, be, and the same is hereby
 35 amended to read as follows:

36 33-1032. PARENT ADVISORY PANEL. (1) For purposes of this section:

37 (a) "Executive director" means the executive director of the office of
 38 the state board of education.

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

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

44 (a) As described in section ~~33-1030(3)(f)~~ 33-1030(3)(g), Idaho Code;
 45 and

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

48 (3) The parent advisory panel shall consist of seven (7) members. Three
 49 (3) members shall be appointed by the governor, two (2) members shall be ap-

1 pointed by the president pro tempore of the senate, and two (2) members shall
 2 be appointed by the speaker of the house of representatives. The members
 3 must be parents of eligible students, with preference given to parents who
 4 have applied for program funds or who, for the initial appointment of the
 5 panel, have indicated their intent to apply for program funds. Members of
 6 the panel shall represent different regions of the state. Members shall
 7 serve one (1) year terms at the pleasure of their appointing authority and
 8 may be reappointed if they meet the eligibility criteria described in this
 9 subsection. The executive director or the executive director's designee
 10 shall serve as the nonvoting chair of the parent advisory panel.

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

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

17 SECTION 4. That Section 33-1034, Idaho Code, be, and the same is hereby
 18 amended to read as follows:

19 33-1034. EMPOWERING PARENTS GRANT PROGRAM FUND. There is hereby es-
 20 tablished in the state treasury the empowering parents grant program fund,
 21 to be administered by the board. Moneys in the fund shall:

22 ~~(1) Consist of the following:~~

23 ~~(a) Legislative appropriations;~~

24 ~~(b) Donations and contributions made to the fund; and~~

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

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

28 ~~(3) Be used to pay grants awarded under the empowering parents grant~~
 29 ~~program.~~

30 (1) Consist of legislative appropriations, donations and contribu-
 31 tions made to the fund, and interest earned on idle moneys in the fund;

32 (2) Be continuously appropriated to pay grants awarded under the empow-
 33 ering parents grant program; and

34 (3) Not exceed fifty million dollars (\$50,000,000) in a given tax year.

35 SECTION 5. SEVERABILITY. The provisions of this act are hereby declared
 36 to be severable and if any provision of this act or the application of such
 37 provision to any person or circumstance is declared invalid for any reason,
 38 such declaration shall not affect the validity of the remaining portions of
 39 this act.

40 SECTION 6. An emergency existing therefor, which emergency is hereby
 41 declared to exist, this act shall be in full force and effect on and after
 42 July 1, 2025.