

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 215

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 DEFINE TERMS; AMEND-  
3 ING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION  
4 33-1030, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING A STRONG STU-  
5 DENTS GRANT PROGRAM; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE  
6 ADDITION OF A NEW SECTION 33-1031, IDAHO CODE, TO ESTABLISH PROVISIONS  
7 REGARDING A STRONG STUDENTS SCHOLARSHIP PROGRAM; AMENDING CHAPTER 10,  
8 TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1032, IDAHO  
9 CODE, TO PROVIDE FOR A PARENT ADVISORY PANEL; AMENDING CHAPTER 10, TITLE  
10 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1033, IDAHO CODE,  
11 TO PROVIDE A LIMITATION ON PROGRAM PARTICIPATION; AMENDING CHAPTER 10,  
12 TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1034, IDAHO  
13 CODE, TO PROVIDE FOR A CERTAIN REPORT; AMENDING CHAPTER 10, TITLE 33,  
14 IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1035, IDAHO CODE, TO  
15 PROVIDE THAT PARENTS MAY INTERVENE IN CERTAIN LEGAL ACTIONS; PROVIDING  
16 SEVERABILITY; AND DECLARING AN EMERGENCY.  
17

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

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

22 33-1029. DEFINITIONS. As used in this section through section  
23 33-1035, Idaho Code:

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

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

28 (3) "Contractor" means an individual or an entity with whom the board  
29 enters a contract for the purpose of performing a program function under sec-  
30 tion 33-1030 or 33-1031, Idaho Code.

31 (4) "Eligible education expenses" means:

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

35 (b) Tuition or fees at a private school;

36 (c) Textbooks, curriculum, or other instructional materials, includ-  
37 ing educational software and applications;

38 (d) Fees for national standardized assessments, advanced placement ex-  
39 aminations, examinations related to college or university admissions,  
40 or industry-recognized certification examinations;

1 (e) Therapies, including but not limited to occupational, behavioral,  
2 physical, speech-language, and audiology therapies, or other services  
3 or therapies specifically approved by the board;

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

8 (g) Supplemental education services; or

9 (h) Other education expenses as approved by the board, upon recommen-  
10 dation of the parent advisory panel established pursuant to section  
11 33-1032, Idaho Code.

12 (5) "Eligible student" means:

13 (a) For purposes of section 33-1030, Idaho Code, a person in kinder-  
14 garten through grade 12, whether a public school or nonpublic school  
15 student; or

16 (b) For purposes of section 33-1031, Idaho Code, a person who:

17 (i) Attended an Idaho public school for at least one hundred (100)  
18 days in the school year immediately preceding application for a  
19 student scholarship account; and

20 (ii) Is eligible to enroll, but is not enrolled, in an Idaho public  
21 school at the time of such application.

22 (6) "Grant" means an award of five hundred dollars (\$500), which must be  
23 used for eligible education expenses.

24 (7) "Grant distribution platform" means a device through which grant  
25 funds or student scholarship account funds are transferred from the board to  
26 the parents of participants.

27 (8) "Parent" means the parent or legal guardian of an eligible student  
28 or a participant.

29 (9) "Participant" means an eligible student for whom:

30 (a) A grant is awarded under section 33-1030, Idaho Code; or

31 (b) A student scholarship account is established under section  
32 33-1031, Idaho Code.

33 (10) "Program" means:

34 (a) For purposes of section 33-1030, Idaho Code, the strong students  
35 grant program established by that section; or

36 (b) For purposes of section 33-1031, Idaho Code, the strong students  
37 scholarship program established by that section.

38 (11) "Student scholarship account" or "scholarship account" means an  
39 account established pursuant to section 33-1031, Idaho Code.

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

43 33-1030. STRONG STUDENTS GRANT PROGRAM. (1) There is hereby estab-  
44 lished the strong students grant program, to be administered by the board  
45 according to the provisions of this section. The purpose of the program is to  
46 provide education grants for eligible students.

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

48 (a) Shall select a third party to build a grant distribution platform,  
49 subject to the provisions of chapter 92, title 67, Idaho Code;

1 (b) Shall administer or select, subject to the provisions of chapter  
2 92, title 67, Idaho Code, a third party to administer the grant distri-  
3 bution platform;

4 (c) May retain, subject to the provisions of chapter 92, title 67, Idaho  
5 Code, such other contractors as are needed to administer the program, if  
6 any, and delegate program functions to such contractors;

7 (d) Shall establish a grant application process for parents. Applica-  
8 tions shall be accepted beginning on July 1 of each year;

9 (e) Shall, subject to appropriation, award grants. Grant awards shall  
10 be made in the following order of preference:

11 (i) First to eligible students whose household has an adjusted  
12 gross income under fifty thousand dollars (\$50,000), as verified  
13 by the Idaho state tax commission using the prior year's tax re-  
14 turns. Notification of grant awards for students in this category  
15 shall be made within thirty (30) days of application, and grant  
16 funds shall be made available for participants' use as soon as  
17 practicable, but no later than thirty (30) days after the notifi-  
18 cation of a grant award;

19 (ii) Starting on September 15 of each year, to eligible students  
20 whose household has an annual gross income under seventy-five  
21 thousand dollars (\$75,000), as verified by the Idaho state tax  
22 commission using the prior year's tax returns; and

23 (iii) Starting on November 1 of each year, to all other eligible  
24 students on a first-come, first-served basis until all available  
25 funds are distributed, provided that no applications shall be ac-  
26 cepted after December 1;

27 (f) May conduct audits, or designate a third party to conduct audits,  
28 of:

29 (i) Any participant and such participant's parent to monitor com-  
30 pliance with the provisions of this section; and

31 (ii) Any contractors retained pursuant to this subsection; and

32 (g) May take such other actions as are necessary to implement and en-  
33 force the provisions of this section.

34 (3) Prior to the award of a grant, the parent of a participant shall  
35 agree to verify program compliance. The parent of a participant shall use  
36 grant funds only for eligible education expenses. If a parent is found to  
37 misuse grant funds, then neither the parent nor another parent of the stu-  
38 dent living in the same household may apply for a grant in the future for any  
39 student, provided that the parent may appeal an audit finding according to a  
40 process established by the board.

41 (4) Grant funds shall be expended during the fiscal year in which they  
42 are awarded. Any unused funds at the end of the fiscal year shall revert to  
43 the state general fund.

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

47 33-1031. STRONG STUDENTS SCHOLARSHIP PROGRAM. (1) There is hereby  
48 established a strong students scholarship program to be administered by the  
49 board. Subject to appropriation, the board shall establish a student schol-

1 arship account for an eligible student upon application by the student's  
2 parent. Except as provided in subsection (6) of this section, applications  
3 shall be made, considered, and granted on the same schedule and in the same  
4 order of preference as provided in section 33-1030(2)(d) and (e), Idaho  
5 Code.

6 (2) Moneys deposited in a student scholarship account shall be equal to  
7 ninety percent (90%) of the average amount of state funds appropriated per  
8 student during the prior fiscal year, including funds appropriated pursuant  
9 to section 33-1018, Idaho Code. Prior to accessing moneys deposited in a  
10 student scholarship account, a parent must sign an agreement to:

11 (a) Provide the participant an education in subjects including, at a  
12 minimum, English language arts, mathematics, science, and social stud-  
13 ies;

14 (b) Not enroll the participant as a full-time student in a public  
15 school;

16 (c) Use the moneys in the student scholarship account only for eligi-  
17 ble education expenses and verify, according to a process established  
18 by the board, that such moneys are in fact used as provided in this para-  
19 graph; and

20 (d) Comply with all other rules and requirements of the strong students  
21 scholarship program.

22 (3) The board may conduct audits, or designate a third party to conduct  
23 audits, of any participant as well as such participant's parent in order to  
24 monitor compliance with the provisions of this section. If a misuse of stu-  
25 dent scholarship account moneys is found, then neither the parent nor an-  
26 other parent of the participant living in the same household may apply for a  
27 scholarship account for any student in the future. A parent may appeal an au-  
28 dit finding according to a process established by the board.

29 (4) Moneys in a student scholarship account shall be expended during  
30 the fiscal year in which such moneys were deposited in the student scholar-  
31 ship account. Any moneys remaining in the student scholarship account at the  
32 end of the fiscal year shall revert to the state general fund.

33 (5) The board may retain contractors and delegate program functions to  
34 such contractors, subject to the provisions of chapter 92, title 67, Idaho  
35 Code. If the board retains a contractor pursuant to section 33-1030, Idaho  
36 Code, then the same contractor may be retained for purposes of this section.

37 (6) A scholarship account awarded pursuant to this section may be re-  
38 newed after the initial award according to a reapplication process estab-  
39 lished by the board. A student does not need to have attended public school  
40 in the school year immediately preceding such reapplication. Notwithstand-  
41 ing the provisions of subsection (1) of this section, a participant whose  
42 parent reapplies for a student scholarship account shall receive preference  
43 over initial applicants for a student scholarship account.

44 (7) A participant shall be considered to satisfy the compulsory school  
45 attendance requirements provided in section 33-202, Idaho Code, as long as  
46 the participant and the participant's parent comply with the provisions of  
47 this section.

48 (8) The board shall notify the parent of a child with disabilities ap-  
49 plying for a student scholarship account that participating in the strong  
50 students scholarship program is a parental placement for purposes of 20

1 U.S.C. 1412. The board shall further notify such parent of the rights that  
2 parentally placed students possess under the individuals with disabilities  
3 education act, state law, and any applicable state rule or federal regula-  
4 tion.

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

8 33-1032. PARENT ADVISORY PANEL. (1) For purposes of this section:

9 (a) "Executive director" means the executive director of the office of  
10 the state board of education.

11 (b) "Program funds" means funds distributed to parents pursuant to sec-  
12 tion 33-1030 or 33-1031, Idaho Code.

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

16 (a) As described in section 33-1029(4) (h), Idaho Code; and

17 (b) On how to implement, administer, and improve the programs de-  
18 scribed in sections 33-1030 and 33-1031, Idaho Code, including how the  
19 verification and audit functions provided in such sections shall be  
20 performed.

21 (3) The parent advisory panel shall consist of seven (7) members ap-  
22 pointed by the executive director. Such members shall be parents of students  
23 who have applied for program funds or who, for the initial appointment of the  
24 panel, have indicated their intent to apply for program funds, according to  
25 a process established by the executive director. Members of the panel shall  
26 represent different regions of the state. Members shall serve one (1) year  
27 terms at the pleasure of the executive director and may be reappointed if  
28 they meet the eligibility criteria described in this subsection. The exec-  
29 utive director or the executive director's designee shall serve as the non-  
30 voting chair of the parent advisory panel.

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

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

37 33-1033. LIMITATION ON PROGRAM PARTICIPATION. The same student may  
38 not receive in the same fiscal year both a grant pursuant to section 33-1030,  
39 Idaho Code, and a scholarship account pursuant to section 33-1031, Idaho  
40 Code.

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

1           33-1034. REPORT. By December 15 of each year, the board shall report to  
2 the governor and the senate and house of representatives education commit-  
3 tees;

4           (1) The total funds appropriated for the strong students grant program  
5 and the strong students scholarship program in the current fiscal year and  
6 the prior fiscal year;

7           (2) The number of applicants for each program in the current fiscal year  
8 and the prior fiscal year;

9           (3) The number of grants and scholarships awarded in the current fis-  
10 cal year and the prior fiscal year, and how grant funds and scholarship funds  
11 were used by participants;

12           (4) The results of any audits conducted pursuant to sections 33-1030  
13 and 33-1031, Idaho Code, provided that personally identifying information  
14 shall not be used for parents or students;

15           (5) Any contracts entered pursuant to sections 33-1030 and 33-1031,  
16 Idaho Code; and

17           (6) Other matters concerning either program that are:

18           (a) Considered relevant by the board; or

19           (b) Specifically requested for inclusion in the report by the governor  
20 or by any member of the senate or house of representatives.

21           SECTION 7. 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 33-1035, Idaho Code, and to read as follows:

24           33-1035. PARENTS MAY INTERVENE IN CERTAIN LEGAL ACTIONS. If any provi-  
25 sion of sections 33-1029 through 33-1033, Idaho Code, is challenged in state  
26 court on the claim that the provision violates the United States constitu-  
27 tion or the constitution of the state of Idaho, then the parent of a student  
28 eligible for or participating in the strong students grant program or the  
29 strong students scholarship program shall be permitted to intervene in such  
30 lawsuit for the purpose of defending the program's constitutionality. How-  
31 ever, for purposes of judicial administration, a court may require that all  
32 intervening parents file a joint brief, as long as they are not required to  
33 join any brief filed on behalf of the state or any of its agencies, officers,  
34 or employees.

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