

IN THE SENATE

SENATE BILL NO. 1025

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; PROVIDING LEGISLATIVE INTENT; AMENDING TITLE 33,
2 IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 68, TITLE 33, IDAHO CODE,
3 TO PROVIDE A SHORT TITLE AND TO ESTABLISH PROVISIONS REGARDING THE
4 IDAHO PUBLIC EDUCATION RED TAPE REDUCTION PROGRAM; AMENDING SECTION
5 33-1030, IDAHO CODE, TO DEFINE TERMS; AMENDING SECTION 33-1031, IDAHO
6 CODE, TO REVISE PROVISIONS REGARDING THE EMPOWERING PARENTS GRANT PRO-
7 GRAM; AMENDING SECTION 33-1032, IDAHO CODE, TO PROVIDE A CORRECT CODE
8 REFERENCE; AMENDING SECTION 33-1034, IDAHO CODE, TO REVISE PROVISIONS
9 REGARDING THE EMPOWERING PARENTS GRANT PROGRAM FUND; AMENDING SECTION
10 33-1401, IDAHO CODE, TO DEFINE A TERM; AMENDING SECTION 33-1402, IDAHO
11 CODE, TO REVISE PROVISIONS REGARDING ENROLLMENT OPTIONS; AMENDING SEC-
12 TION 33-1409, IDAHO CODE, TO REVISE PROVISIONS REGARDING MEASURING AND
13 REPORTING CAPACITY AND TO MAKE TECHNICAL CORRECTIONS; PROVIDING SEVER-
14 ABILITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
15

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

17 SECTION 1. LEGISLATIVE INTENT. (1) The Legislature finds that Idaho
18 students and families deserve access to education that meets individual
19 needs and offers a competitive curriculum with accountability and trans-
20 parency.

21 (2) The Legislature further finds that the lower the family's income,
22 the greater the burden on Idaho students when it comes to accessing resources
23 to enhance their education opportunities, and that public schools must navi-
24 gate the challenges of often burdensome regulation and non-competitive sys-
25 tems that demand educators spend even more time dealing with administrative
26 requirements, which drives up administrative costs in public schools and re-
27 duces the available time to focus on students.

28 (3) The Legislature further finds that special education funding for
29 Idaho public schools falls at least \$66.5 million short of meeting the needs
30 of the approximately 37,000 students who qualify for services. This bud-
31 get gap impacts the ability to recruit and retain special education staff and
32 provide the vital support and resources these students and families need.

33 (4) Therefore, it is the intent of the Legislature: to provide a uni-
34 versal education grant that is available to all Idahoans in need of other
35 education options while prioritizing the neediest families; to eliminate
36 unnecessary and duplicative reporting that burdens Idaho's public schools;
37 to streamline public school open enrollment; and to continuously appro-
38 priate \$30,000,000 in additional spending for directed spending on special
39 education in Idaho public schools distributed under the public school fund-
40 ing formula approved in Idaho Code.

1 SECTION 2. That Title 33, Idaho Code, be, and the same is hereby amended
 2 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
 3 ter 68, Title 33, Idaho Code, and to read as follows:

4 CHAPTER 68
 5 IDAHO PUBLIC EDUCATION RED TAPE REDUCTION PROGRAM

6 33-6801. SHORT TITLE. This chapter shall be known and may be cited as
 7 the "Idaho Public Education Red Tape Reduction Program."

8 33-6802. IDAHO EDUCATION RED TAPE REDUCTION PROGRAM. (1) The state de-
 9 partment of education shall identify all reporting currently required by the
 10 state of Idaho and the federal government for public schools and public char-
 11 ter schools. The department shall classify reports as required by the state,
 12 required by the federal government, or required by both. The department
 13 shall also identify the primary purpose of each report and if the connected
 14 program or services are still active in the school system.

15 (2) The state department of education shall provide the legislature
 16 with its findings pursuant to subsection (1) of this section along with
 17 any recommendations to remove any reports from statute or from legislative
 18 intent language that exceed the reporting requirements of the federal gov-
 19 ernment.

20 (3) The state of Idaho shall no longer require public school or public
 21 charter school reporting that exceeds the reporting requirements of the fed-
 22 eral government.

23 (4) Reporting requirements that exceed the federal government require-
 24 ments may only be required if:

25 (a) The legislature approves a new program for public schools or pub-
 26 lic charter schools and district-level metrics are a necessary compo-
 27 nent for assessing outcomes; and

28 (b) The legislature includes a sunset date of no more than three (3)
 29 years for the report.

30 SECTION 3. That Section 33-1030, Idaho Code, be, and the same is hereby
 31 amended to read as follows:

32 33-1030. DEFINITIONS. As used in this section through section
 33 33-1034, Idaho Code:

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

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

38 (3) "Eligible education expenses" means:

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

43 ~~(a)~~ (b) Computer hardware, internet access, or other technological de-
 44 VICES or services that are primarily used to meet a participant's edu-
 45 CATIONAL needs, which costs for devices or services are not to exceed
 46 one thousand dollars (\$1,000); however, expenses related to internet

1 access shall be subject to reimbursement pursuant to the provisions of
 2 section 33-1031(2)(c), Idaho Code, and shall not be eligible for direct
 3 payment through the grant distribution platform;

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

6 ~~(e)~~ (d) Fees for national standardized assessments, advanced place-
 7 ment examinations, examinations related to college or university ad-
 8 missions, or industry-recognized certification examinations;

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

12 ~~(e)~~ (f) Educational programs offered for a fee or pursuant to contract
 13 by a school district, public charter school, or career technical educa-
 14 tion program to any eligible student; however, the payment of such fees
 15 on behalf of a student through the grant distribution platform shall
 16 not cause such student to be counted for purposes of calculating public
 17 school enrollment; or

18 ~~(f)~~ (g) Other education expenses and services as approved by the board,
 19 upon recommendation of the parent advisory panel established pursuant
 20 to section 33-1032, Idaho Code.

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

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

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

28 (7) "Homeschool student" means a student who receives educational in-
 29 struction outside of either a public school or private school.

30 ~~(7)~~ (8) "Parent" means the parent or legal guardian of an eligible stu-
 31 dent or a participant.

32 ~~(8)~~ (9) "Participant" means an eligible student for whom a grant is
 33 awarded under section 33-1031, Idaho Code.

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

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

40 (b) Receives a fee, payment, or grant for providing services for any of
 41 the individuals; and

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

43 (11) "Participating school" means an Idaho nonpublic school that:

44 (a) Is accredited by an accrediting body recognized by the state board
 45 of education;

46 (b) Adheres to special education law, including the individuals with
 47 disabilities education act;

48 (c) Adheres to the provisions of section 33-138, Idaho Code;

49 (d) Adheres to the provisions of chapter 60, title 33, Idaho Code;

1 (e) Maintains and provides enrollment and performance data for eligi-
 2 ble students as required by the state department of education;

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

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

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

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

12 ~~(9)~~ (12) "Program" means the empowering parents grant program estab-
 13 lished by section 33-1031, Idaho Code.

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

17 SECTION 4. That Section 33-1031, Idaho Code, be, and the same is hereby
 18 amended to read as follows:

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

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

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

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

27 (c) Shall establish provisions for the reimbursement of any eligi-
 28 ble education expense for which reimbursement is required and di-
 29 rect payment from the platform is not permitted pursuant to section
 30 33-1030(3)(a) 33-1030(3)(b), Idaho Code;

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 5. That Section 33-1032, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

19 SECTION 6. That Section 33-1034, Idaho Code, be, and the same is hereby
 20 amended to read as follows:

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

24 ~~(1) Consist of the following:~~
 25 ~~(a) Legislative appropriations;~~
 26 ~~(b) Donations and contributions made to the fund; and~~
 27 ~~(c) Interest earned on idle moneys in the fund;~~
 28 ~~(2) Be continuously appropriated for the purpose described in subsec-~~
 29 ~~tion (3) of this section; and~~
 30 ~~(3) Be used to pay grants awarded under the empowering parents grant~~
 31 ~~program.~~

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

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

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

37 SECTION 7. That Section 33-1401, Idaho Code, be, and the same is hereby
 38 amended to read as follows:

39 33-1401. DEFINITIONS. For the purposes of tuition charges and pay-
 40 ments, the following words and phrases shall have these meanings:

41 1. "District" means any public school district including specially
 42 chartered school districts.

43 2. "Residence" of a pupil means the residence of his parent or guardian.

44 3. "Home district" means the school district of the pupil's residence.

45 4. "Creditor district" means a district in which nonresident pupils are
 46 in attendance.

1 5. "Nonresident pupils" mean pupils attending schools in districts
2 other than their home districts, or from other states.

3 6. "Debtor district" means the home district of nonresident pupils.

4 7. "Pupil" means a pupil in any grade, kindergarten through twelve
5 (12).

6 8. "Elementary pupil," in the case of districts not giving instruction
7 above grade eight (8), means any pupil. In all other districts it means any
8 pupil in grades kindergarten through six (6).

9 9. "Secondary pupil" means, in the case of districts which give in-
10 struction beyond grade eight (8) any pupil in grades seven (7) through twelve
11 (12).

12 10. "Guardian" means any person so designated by court order, or any
13 person with whom the pupil is residing and making his home on a full-time
14 basis, provided such person has in his possession a properly executed power
15 of attorney for the care and custody of the pupil for a period of time not less
16 than the balance of the school term.

17 11. "Special program" means any class or course of study identified by
18 the district as having limited capacity due to available equipment, space,
19 staffing, or funding. Examples include but are not limited to self-con-
20 tained special education programs, career technical education courses and
21 schools, and gifted and talented programs.

22 SECTION 8. That Section 33-1402, Idaho Code, be, and the same is hereby
23 amended to read as follows:

24 33-1402. ENROLLMENT OPTIONS. (1) Each school district shall implement
25 an enrollment options program as provided in this section. School districts
26 shall adopt policies to govern the process for enrollment options pursuant
27 to this chapter, including in-district transfers. The policies shall pro-
28 hibit discrimination against any pupil on the basis of his residential ad-
29 dress, ability, disability, race, ethnicity, sex, or socioeconomic status.
30 Such policies shall be posted to the school district's website. Schools of
31 choice within a district that have lottery enrollment policies are not sub-
32 ject to the provisions of this chapter.

33 (2) Whenever the parent or guardian of any Idaho pupil determines that
34 it is in the best interest of the pupil to attend a school within another dis-
35 trict, or to attend another school within the home district, such pupil may
36 be transferred to and attend the selected school, subject to the provisions
37 of this section and section 33-1404, Idaho Code.

38 (3) The pupil's parent or guardian must apply for admission to a school
39 within another district, or to another school within the home district, on
40 a form provided by the state department of education or a district-provided
41 form that is substantially similar. The application must be submitted to the
42 receiving school district by February 1 for enrollment during the following
43 school year, and notice of such application must be given to the home dis-
44 trict. At the time of application, the parent or guardian must request that
45 the home district or school forward the pupil's student record. The home
46 district or school shall respond by forwarding a certified copy of the trans-
47 ferred student's record within ten (10) days, unless the provisions of sec-
48 tion 18-4511, Idaho Code, apply. The receiving school district, or the re-
49 ceiving school within the home district, shall notify the applicant within

1 sixty (60) days and, if denied, must include written explanation of the de-
2 nial.

3 (4) There may be times during the school year when a parent or guardian
4 believes it is in the best interest of the pupil to transfer schools. Open
5 enrollment applications shall be accepted at any time throughout the year.
6 However, those applications received after the February 1 deadline will be
7 considered based on capacity stated in policy at the receiving district.

8 (5) Priority for enrollment under this section shall be given to pupils
9 applying to attend another school within the home district.

10 (6) A district may deny a transfer application for the following rea-
11 sons:

12 (a) The pupil was expelled by the pupil's previous district;

13 (b) The pupil has a documented history of significant disciplinary is-
14 sues;

15 (c) The pupil has a documented history of chronic absenteeism; or

16 (d) The receiving district does not have space available pursuant to
17 section 33-1409, Idaho Code. Where applicable, a denial may include in-
18 formation about other schools that are below maximum enrollment.

19 (7) For a pupil accepted by the receiving school or district, the par-
20 ent or guardian does not need to reapply to regain acceptance the next school
21 year. However, the parent or guardian must provide notice to the receiving
22 school or district of intent for the pupil to reenroll. The district may pre-
23 scribe the form of notice. Once a pupil has been enrolled at the same school
24 for a second consecutive year, the pupil may complete his education at such
25 school, unless the pupil's approved transfer has been revoked pursuant to
26 this section.

27 (8) Whenever any pupil enrolls in and attends a school outside the dis-
28 trict within which the parent or guardian resides, the parent or guardian
29 shall be responsible for transporting the pupil to and from the school or
30 to an appropriate bus stop within the receiving district. For students at-
31 tending another school within the home district, the parent or guardian is
32 responsible for transporting the pupil to and from an appropriate bus stop.
33 Tuition shall be waived for parents or guardians of any Idaho pupils allowed
34 under the provisions of this section. Tuition charged to the debtor district
35 may be waived by the creditor district.

36 (9) A pupil who applies and is accepted in a nonresident school district
37 is subject to the policy of the receiving school district and shall be ineli-
38 gible to again apply for an enrollment option or the transfer approval may be
39 revoked in that nonresident district if:

40 (a) The pupil is chronically absent;

41 (b) The pupil commits repeated, serious disciplinary infractions;

42 (c) The pupil commits disciplinary infractions that result in expul-
43 sion; or

44 (d) The school, grade level, or special program in which the student
45 is enrolled exceeds maximum enrollment of ~~resident pupils due to growth~~
46 pupils pursuant to section 33-1409, Idaho Code. However, pursuant to
47 subsection (7) of this section, the receiving district may not revoke a
48 transfer approval to a school after two (2) consecutive years of atten-
49 dance. If a transfer approval is revoked under this subsection, the re-

1 ceiving district must offer the pupil information about other schools
2 within the district that are below maximum enrollment.

3 (10) A receiving school shall inform the parent or guardian of the cir-
4 cumstances that jeopardize the student's status at a transfer school.

5 (11) No district shall take any action to prohibit or prevent applica-
6 tion by resident pupils to attend school in another school district or to at-
7 tend another school within the home district.

8 SECTION 9. That Section 33-1409, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 33-1409. MEASURING AND REPORTING CAPACITY. (1) Every school district
11 must determine maximum enrollment for each ~~grade-level~~ grade level, school
12 building, and special program. The district will use the maximum enroll-
13 ment to determine space available for transfer applications. For secondary
14 grades, a district may use core classroom size per grade level as the stan-
15 dard to determine maximum enrollment.

16 (2) Not less than four (4) times during the school year, every school
17 district shall publicly post on its website the space available at each
18 ~~grade-level~~ grade level, special program, and at each school. Space avail-
19 able shall be determined by comparing the maximum enrollment to the number of
20 pupils actually enrolled. A school district that does not meet the minimum
21 sample size necessary to prevent unlawful release of personally identifi-
22 able student data established pursuant to subsection (5) of this section is
23 not subject to the publication requirements pursuant to this subsection.

24 (3) Not less than four (4) times during the school year, every school
25 district shall report to the state reporting system the space available at
26 each ~~grade-level~~ grade level, school, and in each program, the number of
27 transfer applications, the number of accepted transferred pupils, and the
28 number of denied applications.

29 (4) By September 1 each year, the state board of education shall col-
30 lect, analyze, and publish to its website the capacity and transfer data from
31 each school district from the previous year. The report shall include the
32 number of participants, the number of denied applications, and other rele-
33 vant information. The state board of education shall also report this infor-
34 mation to the legislature no later than February 1 of each year.

35 (5) The state board of education shall not publish or release data of
36 a school district if the number of students who applied for a transfer is
37 less than the minimum sample size necessary for prevention of the unlawful
38 release of personally identifiable student data. The state board of educa-
39 tion shall establish the minimum number of students necessary to meet the re-
40 quirements of this subsection.

41 SECTION 10. SEVERABILITY. The provisions of this act are hereby de-
42 clared to be severable and if any provision of this act or the application
43 of such provision to any person or circumstance is declared invalid for any
44 reason, such declaration shall not affect the validity of the remaining por-
45 tions of this act.

1 SECTION 11. An emergency existing therefor, which emergency is hereby
2 declared to exist, this act shall be in full force and effect on and after
3 July 1, 2025.