

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 291

BY EDUCATION COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1016, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING THE IDAHO HIGH-NEEDS STUDENT FUND; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 10, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1016, Idaho Code, and to read as follows:

33-1016. IDAHO HIGH-NEEDS STUDENT FUND. (1) As used in this section:

(a) "Eligible costs" means individualized education program-related expenses incurred solely for providing special education and related services, including but not limited to nursing, interpreting, speech therapy, occupational therapy, physical therapy, personal care, specialized equipment, extended school-year services, and school-based medicaid match. Eligible costs shall not include routine classroom costs, basic materials and supplies, standard transportation, and other routine expenses not directly tied to an individualized education program.

(b) "High-needs student" means a student with a disability whose individualized education program-related costs exceed fifteen thousand dollars (\$15,000). Costs shall be directly tied to individualized education program mandated special education and not covered by other funding sources, including school-based medicaid.

(c) "Individualized education program" means a program developed to ensure that a student with a disability receives specialized instruction and related services.

(d) "Local education agency" means school districts and independent public charter schools not part of a district.

(e) "Student with a disability" means a student of school age pursuant to section 33-201, Idaho Code, with cognitive impairments, hearing loss, deafness, speech or language impairments, visual impairments, blindness, deaf-blindness, serious emotional disturbance, orthopedic impairments, severe or multiple disabilities, autism, traumatic brain injury, developmental delay, or specific learning disabilities who, by reason of the qualifying disability, requires special education and related services.

(2) There is hereby established in the state treasury the Idaho high-needs student fund to be administered by the state department of education.

(a) Moneys in the fund shall consist of the following:

(i) Legislative appropriations;

(ii) Donations and contributions made to the fund; and

- 1 (iii) Interest earned on idle moneys in the fund.
- 2 (b) Moneys in the fund shall be appropriated to provide additional fi-
- 3 nancial support to local education agencies for the eligible costs re-
- 4 lated to educating high-needs students.
- 5 (c) Local education agencies may apply for reimbursement for any high-
- 6 needs student on an annual basis. The application shall require:
- 7 (i) A copy of the student's individualized education program;
- 8 (ii) A detailed list of eligible costs incurred to fulfill the re-
- 9 quirements of the individualized education program;
- 10 (iii) School-based medicaid service detail reports;
- 11 (iv) An attestation to submit documentation demonstrating full
- 12 transparency of eligible costs incurred that have not been reim-
- 13 bursed with other sources of federal funding, including school-
- 14 based medicaid; and
- 15 (v) Any other documentation requested by the state department of
- 16 education.
- 17 (3) Upon approval by the state department of education of a local edu-
- 18 cation agency's application, the local education agency shall be eligible to
- 19 receive reimbursement for eligible costs as follows:
- 20 (a) Up to one hundred percent (100%) of costs above fifteen thousand
- 21 dollars (\$15,000), capped at sixty-five thousand dollars (\$65,000);
- 22 (b) Up to eighty percent (80%) of costs above sixty-five thousand dol-
- 23 lars (\$65,000);
- 24 (c) A maximum reimbursement of one hundred thousand dollars (\$100,000)
- 25 per student; and
- 26 (d) A maximum of five percent (5%) of the amount in the Idaho high-needs
- 27 student fund as of July 1 of the current fiscal year.
- 28 (4) Reimbursement from the Idaho high-needs student fund shall be pri-
- 29 oritized as follows:
- 30 (a) If the total submitted local education agency requests are less
- 31 than the amount in the Idaho high-needs student fund as of July 1 of
- 32 the current fiscal year, additional award distribution maximums may
- 33 be considered with priority given to applications from small and rural
- 34 school districts and rural public charter schools as defined in section
- 35 33-319, Idaho Code, and specialized day programs not covered by other
- 36 funding sources.
- 37 (b) If the total amount of submitted local education agency requests
- 38 exceeds the total amount in the Idaho high-needs student fund as of July
- 39 1 of the current fiscal year, reimbursements shall be prorated among el-
- 40 igible local education agencies.
- 41 (5) Any funds received by a local education agency pursuant to this sec-
- 42 tion shall be subject to the state department of education's system for pub-
- 43 lic school budgeting, accounting, and reporting for full transparency and
- 44 accountability and to avoid duplicative reimbursement.
- 45 (6) Beginning in fiscal year 2027, by January 5 of each year, the state
- 46 department of education shall report to the governor, the senate education
- 47 committee, the house of representatives education committee, and the state
- 48 board of education:
- 49 (a) The total funds appropriated for the Idaho high-needs student fund
- 50 in the current fiscal year and the prior fiscal year;

1 (b) The number of applicants to the Idaho high-needs student fund in the
2 current fiscal year and the prior fiscal year;

3 (c) The amount of funds awarded in the current fiscal year and the prior
4 fiscal year and what goods and services were reimbursed; and

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

6 (i) Considered relevant by the state department of education; or

7 (ii) Specifically requested for inclusion in the report by the
8 governor or by any member of the Idaho senate or house of represen-
9 tatives.

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