

Sixty-ninth
Legislative Assembly

- 1 may request an education savings account payment by submitting an application to
2 the superintendent of public instruction.
- 3 2. Within thirty days of submission of an application, the superintendent of public
4 instruction or third-party entity shall notify the parent whether the eligible student is
5 approved for the following school year and specify the amount of the education
6 savings account payment for the eligible student, if known at the time of the notice.
- 7 3. For an eligible student approved for an education savings account payment, the
8 superintendent of public instruction or third-party entity shall establish an individual
9 account for the eligible student in the education savings account fund and deposit the
10 payment into the eligible student's individual account within thirty days following
11 submission of the application, but in any case no later than July fifteenth. The funds
12 must be available immediately for the payment of qualified educational expenses
13 incurred by the parent for the eligible student during the fiscal year.
- 14 4. A nonpublic school or other provider of qualified educational expenses accepting
15 payment from a parent using funds from an eligible student's individual account in the
16 fund may not refund, rebate, or share any portion of the payment with the parent or
17 eligible student.
- 18 5. Moneys remaining in an eligible student's individual account upon conclusion of the
19 fiscal year must be returned to the education savings account fund.
- 20 6. Beginning with the school budget year beginning July 1, 2026, for each school year,
21 an eligible student who:
- 22 a. Attends a public school is eligible to receive an education savings account
23 payment of ~~one thousand~~ five hundred dollars.
- 24 b. Is enrolled in and attends a nonpublic participating school is eligible to receive an
25 education savings account payment of:
- 26 (1) ~~Four thousand~~ Three thousand five hundred dollars, if the eligible student's
27 household has an annual income less than or equal to three hundred
28 percent of the most recently revised poverty income guidelines published by
29 the United States department of health and human services.
- 30 (2) Two thousand ~~five hundred~~ dollars, if the eligible student's household has
31 an annual income less than or equal to five hundred percent of the most

1 recently revised poverty income guidelines published by the United States
2 department of health and human services.

3 (3) One thousandFive hundred dollars, if the eligible student does not qualify
4 under paragraph 1 or 2.

5 c. Participates in a home education program in accordance with chapter 15.1-23, is
6 eligible to receive an education savings account payment of one thousandfive
7 hundred dollars.

8 7. Education savings account payments may be approved for one school year and
9 applications must be submitted annually for payments in subsequent school years.

10 8. Funds deposited in an education savings account are not taxable income to the parent
11 or eligible student.

12 **Participating schools - Accountability standards.**

13 1. A participating school shall:

14 a. Comply with all health and safety laws or codes that apply to nonpublic schools.

15 b. Hold a valid occupancy permit if required by the city in which the school is
16 located.

17 c. Certify the school complies with the nondiscrimination policies under 42 U.S.C.
18 1981.

19 d. Conduct criminal background checks on employees.

20 e. Exclude from employment any individual who:

21 (1) Is not permitted by state law to work in a nonpublic school; or

22 (2) Might reasonably pose a threat to the safety of eligible students.

23 f. Provide a parent with a receipt for all qualifying expenses at the school.

24 g. Demonstrate the school's financial viability, if the school will receive fifty thousand
25 dollars or more during the school year, by filing with the superintendent of public
26 instruction before the start of the school year:

27 (1) A surety bond payable to the state in an amount equal to the aggregate
28 amount of funds from education savings accounts the participating school
29 expects to receive; or