

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 19

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING CHAPTER 43, TITLE 33, IDAHO CODE, BY THE
2 ADDITION OF A NEW SECTION 33-4304A, IDAHO CODE, TO DEFINE TERMS; AMEND-
3 ING CHAPTER 43, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION
4 33-4304B, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING THE IDAHO
5 LAUNCH GRANT PROGRAM; AMENDING SECTION 33-4305, IDAHO CODE, TO PROVIDE
6 FOR APPROPRIATIONS TO THE IN-DEMAND CAREERS FUND AND TO PROVIDE FOR THE
7 USAGE OF EXCESS FUNDS; AMENDING SECTION 33-4602, IDAHO CODE, TO PROVIDE
8 FOR THE TRANSFER OF EXCESS FUNDS TO THE IN-DEMAND CAREERS FUND; AMENDING
9 SECTION 33-4605, IDAHO CODE, TO PROVIDE SUNSET DATES FOR THE POSTSEC-
10 ONDARY CREDIT SCHOLARSHIP PROGRAM; AMENDING SECTION 33-4303, IDAHO
11 CODE, TO REVISE PROVISIONS REGARDING THE IDAHO OPPORTUNITY SCHOLARSHIP
12 PROGRAM; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
13

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

15 SECTION 1. That Chapter 43, Title 33, Idaho Code, be, and the same is
16 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
17 ignated as Section 33-4304A, Idaho Code, and to read as follows:

18 33-4304A. IDAHO LAUNCH GRANT PROGRAM AND IN-DEMAND CAREERS FUND --
19 DEFINITIONS. As used in this section through section 33-4305, Idaho Code:

- 20 (1) "Board" means the state board of education.
- 21 (2) "Council" means the workforce development council established in
22 chapter 12, title 72, Idaho Code.
- 23 (3) "Eligible adult learner" means an Idaho resident who is pursuing
24 education or training for an in-demand career.
- 25 (4) "Eligible education expenses" means:
 - 26 (a) Student tuition and fees at an eligible institution;
 - 27 (b) Room and board for the eligible institution, not to exceed actual
28 cost; or
 - 29 (c) Fees for national standardized assessments or industry-recognized
30 certification examinations.
- 31 (5) "Eligible institution" means a training provider as recognized by
32 the council under the workforce innovation and opportunity act or the work-
33 force development training fund. Eligible institution also means a public
34 postsecondary organization governed or supervised by the board, a board of
35 trustees of a community college established pursuant to the provisions of
36 chapter 21, title 33, Idaho Code, or any educational organization located in
37 Idaho that is:
 - 38 (a) Operated privately;
 - 39 (b) Classified as not-for-profit under state law;
 - 40 (c) Under the control of an independent board and not directly con-
41 trolled or administered by a public or political subdivision; and

1 (d) Accredited by an organization recognized by the board as provided
2 in section 33-2402, Idaho Code.

3 (6) "Eligible student" means a student who:

4 (a) Is an Idaho resident;

5 (b) Will graduate from an accredited high school or its equivalent in
6 Idaho as determined by the board beginning with the spring 2024 graduat-
7 ing class;

8 (c) Has enrolled in or applied to an eligible institution and begins en-
9 rollment in the fall semester following graduation, unless the council
10 grants an extension for extenuating circumstances such as those out-
11 lined in section 33-4304B, Idaho Code; and

12 (d) Has used next steps Idaho or an equivalent career exploration pro-
13 gram accepted by the council and has completed a career pathway plan
14 that meets the minimum requirements established by the council.

15 (7) "Grant" means an amount to be determined annually by the council
16 that shall not be set lower than eight thousand five hundred dollars (\$8,500)
17 per eligible student.

18 (8) "Grant distribution platform" means a digital platform through
19 which grant funds are transferred from the council to the account of a par-
20 ticipant to be used for eligible education expenses.

21 (9) "In-demand careers" means careers that have a high number of open-
22 ings in Idaho or an expected high rate of growth in Idaho. In-demand careers
23 are to be determined annually by the council based on job market data.

24 (10) "Participant" means an Idaho resident for whom a grant is awarded
25 under section 33-4304B, Idaho Code.

26 (11) "Program" means the Idaho launch grant program established by sec-
27 tion 33-4304B, Idaho Code.

28 (12) "Resident" means an individual meeting legal residency require-
29 ments as defined in section 33-3717B, Idaho Code.

30 SECTION 2. That Chapter 43, Title 33, Idaho Code, be, and the same is
31 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
32 ignated as Section 33-4304B, Idaho Code, and to read as follows:

33 33-4304B. IDAHO LAUNCH GRANT PROGRAM. (1) There is hereby established
34 the Idaho launch grant program to be administered by the council according
35 to the provisions of this section. The purpose of the program is to provide
36 education grants for eligible students.

37 (2) In order to administer the program, the council shall consult with
38 necessary agencies to:

39 (a) Create and administer, or designate a third party to create and ad-
40 minister, a grant distribution platform;

41 (b) Establish a grant application process for eligible students. To
42 ensure eligible students receive notification prior to postsecondary
43 institution enrollment deadlines, the council may stagger applications
44 so that initial grant awards are announced by December 31 in the year
45 preceding an eligible student's graduation from high school and that
46 additional grant awards be made no later than June 1 of the academic year
47 the eligible student graduates from high school;

48 (c) Award grants to eligible students, subject to legislative appro-
49 priation and to the following conditions:

1 (i) If eligible student applications exceed available funding in
 2 a fiscal year, grant awards shall be prioritized first based on the
 3 pursuit of in-demand careers. If additional funds remain, priori-
 4 tization shall then be based on financial need; and

5 (ii) If available funding in a fiscal year exceeds eligible stu-
 6 dents, any unused appropriations may be used in accordance with
 7 section 33-4305(4), Idaho Code; and

8 (d) Take other such actions as are necessary to implement and enforce
 9 the provisions of this section.

10 (3) Participants must expend all grant funds within four (4) years of
 11 the award date. Any remaining funds after a break in enrollment exceeding
 12 six (6) months or unused funds at the end of the four (4) year period shall
 13 revert to the in-demand careers fund established in section 33-4305, Idaho
 14 Code. The council or its designated staff may grant an extension or excep-
 15 tion by demonstrating to the council an extenuating circumstance, including
 16 but not limited to religious service, military service, structured volun-
 17 teer service, or health or medical issues.

18 (4) No more than one half (1/2) of the initial grant award may be ex-
 19 pended by a participant in any academic year; provided, however, that this
 20 subsection shall not apply:

21 (a) To a participant in a program that is less than twelve (12) months in
 22 length; or

23 (b) In other extenuating circumstances as determined by the council.

24 (5) Grant awards shall be capped at one (1) grant per eligible student.

25 (6) The council shall adopt policies outlining triggering events that
 26 may lead to earlier reversion of student grants or repayment grants, in-
 27 cluding but not limited to unsatisfactory academic progress, expulsion, or
 28 transfer to an out-of-state program prior to attainment of a credential or
 29 degree. Any reverted or repaid grants shall be paid to the in-demand careers
 30 fund established in section 33-4305, Idaho Code.

31 SECTION 3. That Section 33-4305, Idaho Code, be, and the same is hereby
 32 amended to read as follows:

33 33-4305. IN-DEMAND CAREERS FUND. (1) There is hereby established in
 34 the state treasury the in-demand careers fund.

35 (2) Moneys in the in-demand careers fund are subject to legislative ap-
 36 propriation and shall consist of the following:

37 (a) Legislative appropriations;

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

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

40 (d) Moneys transferred pursuant to section 63-3638(17), Idaho Code;

41 (e) Moneys reverted or repaid to the fund pursuant to section 33-4304B,
 42 Idaho Code; and

43 (f) Moneys transferred pursuant to section 33-4602(14), Idaho Code.

44 (3) The in-demand careers fund shall be used to award grants as outlined
 45 in section 33-4304B, Idaho Code.

46 (4) When the available appropriation in a fiscal year exceeds partici-
 47 pants, the council may use excess moneys as follows:

48 (a) Up to ten million dollars (\$10,000,000) of the remaining appropri-
 49 ation may be used to provide enhanced grant funding to either eligible

1 students or eligible adult learners based upon the following condi-
 2 tions:

3 (i) If potential awards from the council exceed available funding
 4 from the enhanced scholarships, awards shall be prioritized first
 5 based on the pursuit of in-demand careers; and

6 (ii) If, following the prioritization provided for in subpara-
 7 graph (i) of this paragraph, additional moneys remain for awards,
 8 prioritization shall then be based on financial need.

9 (b) In cases in which the demand for enhanced grants as provided for in
 10 this subsection exceeds the available appropriation, the council may
 11 give preference to eligible students who pursue programs that offer
 12 a money-back guarantee if the program's graduates do not find work in
 13 their chosen field within a certain time period after graduation.

14 (c) The remaining appropriation shall be retained in the fund and
 15 be subject to legislative appropriation in subsequent legislative
 16 sessions for the purposes of expanding in-demand career training oppor-
 17 tunities.

18 SECTION 4. That Section 33-4602, Idaho Code, be, and the same is hereby
 19 amended to read as follows:

20 33-4602. ADVANCED OPPORTUNITIES -- RULEMAKING. (1) Students attend-
 21 ing public schools in Idaho will be eligible for four thousand one hundred
 22 twenty-five dollars (\$4,125) to use toward overload courses, dual credits,
 23 postsecondary credit-bearing examinations, career technical certificate
 24 examinations, career technical education workforce training courses, col-
 25 lege entrance examinations, and preliminary college entrance examinations.
 26 Students may access these funds in grades 7 through 12 for:

27 (a) Overload courses, the distribution of which may not exceed two
 28 hundred twenty-five dollars (\$225) per overload course. A student
 29 must take and successfully be completing a full credit load within a
 30 given school year to be eligible for funding of an overload course. An
 31 overload course must be taken for high school credit to be eligible for
 32 funding. To qualify as an eligible overload course for the program, the
 33 course must:

34 (i) Be offered by a provider accredited by the organization that
 35 accredits Idaho public schools; and

36 (ii) Be taught by an individual certified to teach the grade and
 37 subject area of the course in Idaho.

38 (b) Eligible dual credits, the distribution of which may not exceed
 39 seventy-five dollars (\$75.00) per one (1) dual credit hour. Dual credit
 40 courses must be offered by a regionally accredited postsecondary insti-
 41 tution. To qualify as an eligible dual credit course, the course must be
 42 a credit-bearing 100 level course or higher.

43 (c) Eligible postsecondary credit-bearing or career technical cer-
 44 tificate examinations. The state department of education shall main-
 45 tain a list of eligible exams and costs. Eligible costs include the cost
 46 of the examination, proctor fees, and administrative fees. Eligible
 47 examinations include:

48 (i) Advanced placement (AP);

49 (ii) International baccalaureate (IB);

1 (iii) College-level examination program (CLEP); and

2 (iv) Career technical education examinations that lead to an in-
3 dustry-recognized certificate, license, or degree.

4 (d) CTE workforce training courses, such as federally registered ap-
5 prenticeships, the distribution of which may not exceed five hundred
6 dollars (\$500) per course and one thousand dollars (\$1,000) per year.
7 The state department of education shall collaborate with the division
8 of career technical education to maintain a list of eligible training
9 courses and costs. Eligible training courses must:

10 (i) Be provided by an Idaho public technical college;

11 (ii) Lead to an industry-recognized certificate, license, or de-
12 gree;

13 (iii) Be required training for occupations deemed regionally in
14 demand;

15 (iv) Be courses that are not otherwise available at the student's
16 high school; and

17 (v) Allow high school-aged students to participate.

18 (e) College entrance examinations and preliminary college entrance
19 examinations. The state department of education shall maintain a list
20 of eligible examinations and costs, provided that a student may not use
21 funds provided under this section to take the same examination more than
22 once. Eligible costs include the cost of the examination, proctor fees,
23 and administrative fees. Eligible examinations include the SAT, the
24 PSAT, the ACT, and other similar examinations identified by the depart-
25 ment.

26 (2) A student who has earned fifteen (15) postsecondary credits using
27 the advanced opportunities program and who wishes to earn additional cred-
28 its must first identify his postsecondary goals. Advisors shall counsel any
29 student who wishes to take dual credit courses that the student should ascer-
30 tain for himself whether the particular postsecondary institution that he
31 desires to attend will accept the transfer of coursework credits under this
32 section.

33 (3) These moneys may be used to pay an amount not to exceed the price
34 to the student of such courses and examinations pursuant to the limitations
35 stated in this section. These moneys shall not supplant existing program
36 funds. Payments made under this section shall be made from the moneys ap-
37 propriated for the educational support program. No later than January 15,
38 the state department of education shall annually report to the education
39 committees of the senate and the house of representatives details regarding
40 the number of students benefiting from assistance with the cost of overload
41 courses, dual credit courses and examinations, the number of credits awarded
42 and amounts paid pursuant to this section during the previous school year.

43 (4) The board of each public school may set forth criteria by which a
44 student may challenge a course. If a student successfully meets the crite-
45 ria set forth by the board of the public school, then the student shall be
46 counted as having completed all required coursework for that course. The
47 public school, with the exception of Idaho tribal schools, shall be funded
48 for such students based upon either actual hours of attendance or the course
49 that the student has successfully passed, whichever is more advantageous to
50 the public school, up to the maximum of one (1) full-time student.

1 (5) Any student who successfully completes public school grades 1
2 through 12 curriculum at least one (1) year early shall be eligible for an
3 advanced opportunities scholarship. The scholarship may be used for tu-
4 ition and fees at any Idaho public postsecondary educational institution.
5 The amount of the scholarship shall equal thirty-five percent (35%) of the
6 statewide average daily attendance-driven funding per enrolled pupil for
7 each year of grades 1 through 12 curriculum avoided by the student's early
8 graduation. Each public school shall receive an amount equal to each such
9 awarded scholarship for each student that graduates early from that public
10 school. Students must apply for the scholarship within two (2) years of
11 graduating from a public school.

12 (6) The state department of education shall reimburse public schools
13 or public postsecondary educational institutions, as applicable, for such
14 costs, up to the stated limits, within one hundred twenty-five (125) days of
15 receiving the necessary data upon which reimbursements may be paid. The sub-
16 mission method and timelines of reimbursement data shall be determined by
17 the state department of education. Payments will be made only for activity
18 occurring and reported within each fiscal year.

19 (7) For public funding purposes, average daily attendance shall be
20 counted as normal for students participating in dual credit courses pursuant
21 to this section.

22 (8) If a student fails to earn credit or successfully complete a course
23 for which the department has paid a reimbursement, the student must pay for
24 and successfully earn credit or complete one (1) like course before the state
25 department of education may pay any further reimbursements for the student.
26 If a student performs inadequately on an examination for which the state de-
27 partment of education has paid a reimbursement, the public school shall de-
28 termine whether the student must pay for and successfully pass such examina-
29 tion to continue receiving state funding. Repeated and remedial courses or
30 examinations are not eligible for funding through these programs.

31 (9) The state department of education shall reimburse community col-
32 leges or counties, as applicable, for any out-of-district county tuition
33 pursuant to section 33-2110A, Idaho Code. Such reimbursements shall be in an
34 amount not to exceed fifty dollars (\$50.00) per credit hour and only for dual
35 credit courses taken pursuant to this section.

36 (10) Public schools shall establish timelines and requirements for par-
37 ticipation in the program, including implementing procedures for the appro-
38 priate transcription of credits, reporting of program participation and fi-
39 nancial transaction requirements. Public schools shall make reasonable ef-
40 forts to ensure that any student who considers participating in the program
41 also considers the challenges and time necessary to succeed in the program,
42 and schools shall make reasonable efforts to include guidance on how the stu-
43 dent's participation in the program contributes to prospective college and
44 career pathways. Such efforts by the district shall be performed prior to a
45 student participating in the program and throughout the student's involve-
46 ment in the program.

47 (11) Policies and procedures for participating in the program estab-
48 lished by the public school must be such that students have an opportunity
49 to participate in the program and meet district-established timelines and
50 requirements for financial transactions, transcribing credits and state

1 department of education reporting. Participation in this program requires
 2 parent and student agreement to program requirements and completion of the
 3 state department of education's participation form documenting the program
 4 requirements.

5 (12) Parents of participating students may enroll their child in any
 6 eligible course, with or without the permission of the public school in which
 7 the student is enrolled. Tribal school students must follow their schools'
 8 enrollment policies and procedures. Public school personnel shall assist
 9 parents in the process of enrolling students in such courses. Each partic-
 10 ipating student's high school transcript at the public school at which the
 11 student is enrolled shall include the credits earned and grades received by
 12 the student for any overload or dual credit courses taken pursuant to this
 13 section. For an eligible course to be transcribed as meeting the require-
 14 ments of a core subject as identified in administrative rule, the course must
 15 meet the approved content standards for the applicable subject and grade
 16 level.

17 (13) Participating public schools shall collaborate with Idaho public
 18 postsecondary educational institutions to assist students who seek to par-
 19 ticipate in dual credit courses or graduate from high school early by en-
 20 rolling in postsecondary courses. Participating school districts, charter
 21 schools and Idaho public postsecondary educational institutions shall re-
 22 port to the state board of education and the education committees of the sen-
 23 ate and the house of representatives any difficulties or obstacles they ex-
 24 perience in providing assistance to participating students.

25 (14) If actual expenditures for the program pursuant to this section are
 26 less than the appropriation for the year, excess funds shall be transferred
 27 to the in-demand careers fund established in section 33-4305, Idaho Code, to
 28 further workforce training for in-demand careers.

29 ~~(14)~~ (15) The state board of education may promulgate rules to implement
 30 the provisions of this chapter.

31 SECTION 5. That Section 33-4605, Idaho Code, be, and the same is hereby
 32 amended to read as follows:

33 33-4605. POSTSECONDARY CREDIT SCHOLARSHIP. (1) Subject to the provi-
 34 sions of subsections (2), (3) and (4) of this section, beginning with the
 35 spring 2016 graduating class and concluding with the summer 2023 graduating
 36 class:

37 (a) Any student who has earned at least ten (10) postsecondary semester
 38 credits upon graduation from an accredited high school in Idaho, or its
 39 equivalent, shall be entitled to a postsecondary credit scholarship in
 40 an amount of up to two thousand dollars (\$2,000) that shall be used for
 41 tuition and fees at any eligible institution.

42 (b) Any student who has earned at least twenty (20) postsecondary
 43 semester credits upon graduation from an accredited high school in
 44 Idaho, or its equivalent, shall be entitled to a postsecondary credit
 45 scholarship in an amount of up to four thousand dollars (\$4,000) that
 46 shall be used for tuition and fees at any eligible institution.

47 (c) Any student who has earned an associate degree from an accredited
 48 institution upon graduation from an accredited high school in Idaho, or
 49 its equivalent, shall be entitled to a postsecondary credit scholarship

1 in the amount of eight thousand dollars (\$8,000) that shall be used for
2 tuition and fees at any eligible institution.

3 (2) For subsection (1) (a) and (b) of this section, the award amount
4 shall be limited by the number of credits accepted by the eligible institu-
5 tion where the scholarship is to be applied. For subsection (1) (a) through
6 (c) of this section, the awards shall be annual awards and one-quarter (1/4)
7 of the scholarship amount the student is entitled to shall be distributed
8 in each semester of full-time attendance until the total scholarship is ex-
9 pended or expires.

10 (3) In order to be eligible for a full postsecondary credit scholarship
11 set forth in subsection (1) of this section:

12 (a) The student must be awarded a postsecondary matching scholarship in
13 an amount at least equal to the postsecondary credit scholarship amount
14 awarded in the same school year, provided that the matching funds for
15 each scholarship must come from a business or industry, or entities rep-
16 resenting business or industry, and may not be from appropriated or non-
17 appropriated funds of the postsecondary institution or from a founda-
18 tion affiliated with the postsecondary institution, unless the funds
19 were donated to the postsecondary institution specifically as a match
20 for the postsecondary credit scholarship program;

21 (b) The student must have graduated from an accredited high school in
22 Idaho, or its equivalent; and

23 (c) Except for the first semester in which the postsecondary credit
24 scholarship amount is distributed, in order to receive the scholarship
25 distribution in a given semester, the student must have successfully
26 earned at least twelve (12) credits during the immediately preceding
27 semester in which the scholarship was distributed.

28 (4) Eligible students will be awarded the postsecondary credit schol-
29 arship based on grade point average rank subject to annual legislative ap-
30 propriation.

31 (5) A student shall use the postsecondary credit scholarship within
32 four (4) years of his or her high school graduation date, at which time the
33 scholarship shall expire and may no longer be used.

34 (6) A student is entitled to only one (1) of the postsecondary credit
35 scholarship amounts set forth in subsection (1) of this section.

36 (7) If a student has been awarded scholarships that pay for one hun-
37 dred percent (100%) of the cost of tuition and fees, then part or all of the
38 remaining postsecondary credit scholarship moneys may be used for room and
39 board at the discretion of the eligible institution where the student will
40 attend.

41 (8) This section shall be funded from the advanced opportunities
42 program within the educational support program. The state department of
43 education shall pass through to the office of the state board of education
44 the necessary amount for distribution not to exceed one million dollars
45 (\$1,000,000) in fiscal year 2017, and not to exceed two million dollars
46 (\$2,000,000) in fiscal year 2018 ~~and every fiscal year thereafter~~ through
47 fiscal year 2024.

48 (9) No later than January 15 of each year, the state board of education
49 shall report to the senate and the house of representatives education com-
50 mittees the number of scholarships awarded pursuant to this section during

1 the previous school year. The report shall include the total amount of mon-
 2 eys distributed for the scholarships.

3 (10) For the purposes of this section, "eligible institution" has the
 4 same meaning as provided in section 33-4303(2) (b), Idaho Code.

5 (11) Matching business or industry scholarships must be competitively
 6 awarded, must be available to all eligible students, and may not be awarded
 7 by a relative or a business owned or administered by a relative. As used
 8 in this section, "relative" shall mean any person related to the student by
 9 blood or marriage within the second degree of affinity or consanguinity.

10 (12) No new postsecondary credit scholarships may be awarded by the
 11 board on or after July 1, 2023.

12 (13) The provisions of this section shall be null, void, and of no force
 13 and effect on and after December 31, 2027.

14 SECTION 6. That Section 33-4303, Idaho Code, be, and the same is hereby
 15 amended to read as follows:

16 33-4303. IDAHO OPPORTUNITY SCHOLARSHIP. (1) The purposes of this sec-
 17 tion are to:

18 (a) Recognize that all Idaho citizens benefit from an educated citi-
 19 zenry;

20 (b) Increase individual economic vitality and improve the overall
 21 quality of life for many of Idaho's citizens;

22 (c) Provide access to eligible Idaho postsecondary education through
 23 funding to remove financial barriers;

24 (d) Increase the opportunity for economically disadvantaged Idaho stu-
 25 dents; and

26 (e) Incentivize students to complete a postsecondary education degree
 27 or certificate.

28 (2) For the purposes of this section, the following definitions shall
 29 apply:

30 (a) "Educational costs" means the dollar amount determined annually
 31 by the state board of education as necessary for student tuition, fees,
 32 books and such other expenses reasonably related to attendance at an
 33 eligible Idaho postsecondary educational institution.

34 (b) "Eligible Idaho postsecondary educational institution" means a
 35 public postsecondary organization governed or supervised by the state
 36 board, the board of regents of the university of Idaho, a board of
 37 trustees of a community college established pursuant to the provisions
 38 of chapter 21, title 33, Idaho Code, or the state board for career tech-
 39 nical education or any educational organization located in Idaho that
 40 is:

41 (i) Operated privately;

42 (ii) Classified as not-for-profit under state law;

43 (iii) Under the control of an independent board and not directly
 44 controlled or administered by a public or political subdivision;
 45 and

46 (iv) Accredited by an organization recognized by the state board
 47 as provided in section 33-2402, Idaho Code.

48 (c) "Eligible student" means a student who:

- 1 (i) Is an Idaho resident as defined in section 33-3717B, Idaho
2 Code;
- 3 (ii) Has graduated or will graduate prior to July 1, 2023, from an
4 accredited high school or its equivalent in Idaho as determined by
5 the state board;
- 6 (iii) Has enrolled or applied to an eligible Idaho postsecondary
7 educational institution;
- 8 (iv) Is a postsecondary undergraduate student who has not pre-
9 viously completed a baccalaureate (bachelor's) degree or higher;
10 and
- 11 (v) Meets need and merit criteria as set by the state board.
- 12 "Eligible student" also means a student who has met the eligibility
13 requirements and was awarded an opportunity scholarship prior to June
14 30, 2014. Continued eligibility shall be based upon the eligibility
15 requirements at the time of the original award.
- 16 (d) "Opportunity scholarship program" means the scholarship program
17 described in this section and in the rules established by the state
18 board.
- 19 (e) "Shared model of responsibility" means a model set by the board to
20 determine the required and expected contributions of the student, the
21 student's family and available federal financial aid.
- 22 (f) "State board" means the state board of education.
- 23 (3) The state board shall promulgate rules to determine student eligi-
24 bility, academic and financial eligibility, a process for eligible students
25 to apply, amount of awards, how eligible students will be selected and when
26 the awards shall be made, as well as other rules necessary for the adminis-
27 tration of this section.
- 28 (4) An eligible student must:
- 29 (a) Apply or have applied for federal student financial assistance
30 available to an eligible student who will attend or is enrolled in an
31 eligible Idaho postsecondary educational institution; and
- 32 (b) Meet need and merit criteria established by the state board in rule.
- 33 (5) Funds that are available for the opportunity scholarship program
34 shall be used to provide scholarships based upon a shared model of respon-
35 sibility between the scholarship recipient and the recipient's family,
36 the federal government and the participating eligible Idaho postsecondary
37 educational institution that the recipient attends for covering the educa-
38 tional costs.
- 39 (6) Up to twenty percent (20%) of funds that are available for the op-
40 portunity scholarship program may be used for awards to adult students who
41 have earned at least twenty-four (24) credits toward a postsecondary degree
42 or certificate and who return to an eligible Idaho postsecondary educational
43 institution to complete a certificate or degree.
- 44 (7) The opportunity scholarship award shall not exceed the actual edu-
45 cational costs at the eligible Idaho postsecondary educational institution
46 that the student attends. The amount of scholarship shall not exceed the ed-
47 ucational costs established by the state board.
- 48 (8) Award payments shall be made annually to an eligible Idaho postsec-
49 ondary educational institution. In no instance may the entire amount of an
50 award be paid to or on behalf of such student in advance.

1 (9) If an eligible student becomes ineligible for a scholarship under
2 the provisions of this chapter, or if a student discontinues attendance
3 before the end of any semester, quarter, term or equivalent covered by
4 the award after receiving payment under this chapter, the eligible Idaho
5 postsecondary educational institution shall remit, up to the amount of any
6 payments made under this program, any prorated tuition or fee balances to the
7 state board.

8 (10) There is hereby created an account in the state treasury to be des-
9 ignated the opportunity scholarship program account.

10 (a) The account shall consist of moneys appropriated to the account by
11 the legislature, moneys contributed to the account from other sources
12 and the earnings on such moneys. The executive director of the state
13 board may receive on behalf of the state board any moneys or real or per-
14 sonal property donated, bequeathed, devised or conditionally granted
15 to the state board for purposes of providing funding for such account.
16 Moneys received directly or derived from the sale of such property shall
17 be deposited by the state treasurer in the account.

18 (b) Earnings from moneys in the account or specified gifts shall be
19 distributed annually to the state board to implement the opportunity
20 scholarship program as provided for under the provisions of this chap-
21 ter.

22 (c) All moneys placed in the account and earnings thereon are hereby
23 perpetually appropriated to the state board for the purpose described
24 in paragraph (b) of this subsection. All expenditures from the account
25 shall be paid out in warrants drawn by the state controller upon presen-
26 tation of the proper vouchers. Up to fifty thousand dollars (\$50,000)
27 of the annual earnings distribution to the state board may be used by the
28 state board annually for administrative costs related to the implemen-
29 tation of the provisions of this chapter.

30 (d) Allowable administrative costs include, but are not limited to, op-
31 erating expenses for the implementation and maintenance of a database,
32 operating expenses to administer the program, personnel costs neces-
33 sary to administer the program and costs related to promoting awareness
34 of the program.

35 (e) Any unused annual funds shall be deposited into the opportunity
36 scholarship program account.

37 (f) Pending use, surplus moneys in the account shall be invested by the
38 state treasurer or endowment fund investment board in the same manner
39 as provided under section 67-1210 or 68-501, Idaho Code, as applicable.
40 Interest earned on the investments shall be returned to the account.

41 (11) The effectiveness of the Idaho opportunity scholarship will be
42 evaluated by the state board on a regular basis. This evaluation will in-
43 clude annual data collection as well as longer-term evaluations.

44 (12) No new opportunity scholarships, excluding renewals, may be
45 awarded by the board on or after July 1, 2023.

46 SECTION 7. An emergency existing therefor, which emergency is hereby
47 declared to exist, this act shall be in full force and effect on and after
48 July 1, 2023.