

IN THE SENATE

SENATE BILL NO. 1027

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION SCHOLARSHIPS; REPEALING SECTION 33-3722, IDAHO CODE,
2 RELATING TO THE STUDENT EDUCATION INCENTIVE LOAN FORGIVENESS CONTRACT;
3 AMENDING SECTION 33-4301, IDAHO CODE, TO REVISE THE SHORT TITLE; AMEND-
4 ING SECTION 33-4302, IDAHO CODE, TO ESTABLISH THE ARMED FORCES AND
5 PUBLIC SAFETY OFFICER SCHOLARSHIP PROGRAM, TO REVISE PROVISIONS RE-
6 LATING TO INDIVIDUALS ELIGIBLE FOR THE ARMED FORCES AND PUBLIC SAFETY
7 SCHOLARSHIP PROGRAM, TO DEFINE TERMS AND TO MAKE A TECHNICAL CORREC-
8 TION; REPEALING SECTION 33-4302A, IDAHO CODE, RELATING TO PUBLIC SAFETY
9 OFFICER DEPENDENT SCHOLARSHIPS; REPEALING SECTION 33-4303, IDAHO
10 CODE, RELATING TO THE IDAHO ROBERT R. LEE PROMISE SCHOLARSHIP PROGRAM;
11 REPEALING SECTION 33-4304, IDAHO CODE, RELATING TO PUBLIC POLICY; RE-
12 PEALING SECTION 33-4305, IDAHO CODE, RELATING TO PURPOSES; REPEALING
13 SECTION 33-4306, IDAHO CODE, RELATING TO DEFINITIONS; REPEALING SEC-
14 TION 33-4307, IDAHO CODE, RELATING TO ELIGIBILITY, MAXIMUM AMOUNTS AND
15 CONDITIONS; REPEALING SECTION 33-4308, IDAHO CODE, RELATING TO MAXI-
16 MUM NUMBER OF GRANTS; REPEALING SECTION 33-4309, IDAHO CODE, RELATING
17 TO REMITTANCE IN CASE OF DISCONTINUED ATTENDANCE; REPEALING SECTION
18 33-4310, IDAHO CODE, RELATING TO PROHIBITION OF DISCRIMINATION; RE-
19 PEALING SECTION 33-4311, IDAHO CODE, RELATING TO CERTIFICATIONS OF
20 ENROLLMENT AND TERMINATION OF ATTENDANCE OF GRANT RECIPIENTS; RE-
21 PEALING SECTION 33-4312, IDAHO CODE, RELATING TO THE STATE BOARD OF
22 EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO AS ADMIN-
23 ISTRATIVE AGENCIES; REPEALING SECTION 33-4313, IDAHO CODE, RELATING
24 TO DUTIES OF THE BOARD; REPEALING SECTION 33-4314, IDAHO CODE, RELAT-
25 ING TO THE APPOINTMENT OF ADMINISTRATOR AND STAFF; REPEALING SECTION
26 33-4315, IDAHO CODE, RELATING TO NO CONTROL OF NONPUBLIC INSTITUTIONS
27 WHICH ACCEPT GRANT RECIPIENTS; AMENDING CHAPTER 43, TITLE 33, IDAHO
28 CODE, BY THE ADDITION OF A NEW SECTION 33-4303, IDAHO CODE, TO ESTABLISH
29 THE IDAHO OPPORTUNITY SCHOLARSHIP, TO PROVIDE FOR PURPOSE, TO DEFINE
30 TERMS, TO PROVIDE FOR RULES, TO PROVIDE FOR ELIGIBILITY, TO PROVIDE FOR
31 USE OF FUNDS, TO ESTABLISH LIMITS ON COSTS, TO PROVIDE FOR AWARD PAY-
32 MENTS, TO ESTABLISH PROVISIONS RELATING TO REMITTANCE, TO PROVIDE FOR
33 THE OPPORTUNITY SCHOLARSHIP PROGRAM ACCOUNT AND TO PROVIDE FOR AN EVAL-
34 UATION; AMENDING CHAPTER 43, TITLE 33, IDAHO CODE, BY THE ADDITION OF
35 A NEW SECTION 33-4304, IDAHO CODE, ESTABLISHING PROVISIONS RELATING TO
36 SCHOLARSHIP PROGRAM REPORTING REQUIREMENTS; REPEALING CHAPTER 46, TI-
37 TLE 33, IDAHO CODE; REPEALING CHAPTER 56, TITLE 33, IDAHO CODE; AMENDING
38 SECTION 33-2101A, IDAHO CODE, TO REMOVE CODE REFERENCES; AND PROVIDING
39 EFFECTIVE DATES.
40

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

42 SECTION 1. That Section [33-3722](#), Idaho Code, be, and the same is hereby
43 repealed.

1 SECTION 2. That Section 33-4301, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 33-4301. SHORT TITLE. This act may be cited as "~~The POW/MIA Scholar-~~
4 ~~ship Act of 1972~~ Scholarships and State Aid Act."

5 SECTION 3. That Section 33-4302, Idaho Code, be, and the same is hereby
6 amended to read as follows:

7 33-4302. ~~SCHOLARSHIPS -- STATE AID~~ ARMED FORCES AND PUBLIC SAFETY OF-
8 FICER SCHOLARSHIPS. (1) The following individuals shall be eligible for the
9 scholarship program provided for herein:

10 (a) Any spouse or child of any Idaho citizen who, while such person is or
11 was a resident of the state of Idaho, has been determined by the federal
12 government to be a prisoner of war or missing in action; or to have died
13 of, or become totally and permanently disabled by, injuries or wounds
14 sustained in action in any area of armed conflict in which the United
15 States is a party; and

16 (b) Any spouse or child of any member of the armed forces of the United
17 States who is stationed in the state of Idaho on military orders and
18 who is deployed from the state of Idaho to any area of armed conflict in
19 which the United States is a party and who has been determined by the
20 federal government to be a prisoner of war or missing in action; or to
21 have died of, or become totally and permanently disabled by, injuries or
22 wounds sustained in action as a result of such deployment.

23 (c) Any spouse or child of a full-time or part-time public safety offi-
24 cer, as defined in subsection (d) of this section, employed by or vol-
25 unteering for the state of Idaho or for a political subdivision of the
26 state of Idaho, which public safety officer is or was a resident of the
27 state of Idaho at the time such officer was killed or totally and perma-
28 rently disabled in the line of duty. The death or disability shall have
29 occurred on or after January 1, 1975. The scholarship provided for in
30 this section shall not be available unless it is determined that:

31 (i) The death or disablement of the public safety officer oc-
32 curring in the performance of the officer's duties;

33 (ii) The death or disablement was not caused by the intentional
34 misconduct of the public safety officer or by such officer's in-
35 tentional infliction of injury; and

36 (iii) The public safety officer was not voluntarily intoxicated at
37 the time of death.

38 (d) For purposes of this section the following terms have the following
39 meanings:

40 (i) "Public safety officer" means a peace officer or firefighter,
41 a paramedic or emergency medical technician as those terms are de-
42 defined in section 56-1012, Idaho Code.

43 (ii) "Volunteering" means contributing services as a bona fide
44 member of a legally organized law enforcement agency, fire depart-
45 ment or licensed emergency medical service provider organization.

46 (2) (a) To be eligible for the scholarship provided for herein, a child
47 of a military member or a public safety officer must be a resident of the
48 state of Idaho and must have completed secondary school or its equiva-

1 lent in the state of Idaho. A child already born, or born after a mil-
2 itary member or public safety officer is determined to be imprisoned or
3 missing in action, or is killed or becomes totally and permanently dis-
4 abled, shall be eligible for this scholarship;

5 (b) To be eligible for the scholarship provided for herein, the spouse
6 of a military member or public safety officer must be a resident of the
7 state of Idaho and must have been married to such person at the time the
8 military member or public safety officer was determined to be impris-
9 oned or missing in action, or was killed or became totally and perma-
10 nently disabled. Provided however, that in the situation of disabil-
11 ity, the spouse must be currently married to such person.

12 (3) An eligible individual who applies for the scholarship provided for
13 herein shall, after verification of eligibility, receive the scholarship
14 and be admitted to attend undergraduate studies at any public institution
15 of higher education or public professional-technical college within the
16 state of Idaho without the necessity of paying tuition and fees therefor;
17 such student shall be provided with books, equipment and supplies necessary
18 for pursuit of such program of enrollment not to exceed five hundred dollars
19 (\$500) per quarter, semester, intensified semester, or like educational pe-
20 riod; such student shall be furnished on-campus housing and subsistence for
21 each month he or she is enrolled full-time under this program and actually
22 resides in such on-campus facility; provided, however, that such undergrad-
23 uate educational benefits shall not exceed a total of thirty-six (36) months
24 or four (4) nine (9) month periods. Provided further, that the initiation of
25 such educational benefits shall extend for a period of ten (10) years after
26 achieving a high school diploma or its equivalency, or for a period of ten
27 (10) years after the event giving rise to the eligibility for the scholar-
28 ship, whichever is longer.

29 (4) The eligible individual shall meet such other educational quali-
30 fications as such institution of higher education or professional-techni-
31 cal college has established for other prospective students of this state, as
32 well as any additional educational qualifications established by the state
33 board of education and board of regents of the university of Idaho.

34 (5) Application for eligibility under this section shall be made to
35 the state board of education and the board of regents of the university of
36 Idaho or the state board of vocational-technical education. The board shall
37 verify the eligibility of the applicant and communicate such eligibility to
38 such person and the affected institution or college.

39 (6) Affected institutions shall in their preparation of future budgets
40 include therein costs resultant from such tuition, fee, book, equipment,
41 supply, housing and subsistence loss for reimbursement thereof from appro-
42 priations of state funds.

43 (7) For the purposes of this section, a member of the armed forces of the
44 United States is considered totally and permanently disabled if at the time
45 of application a current disability determination made by the United States
46 social security administration is in effect with respect to such individual.

47 (8) The state board of education and board of regents of the university
48 of Idaho may adopt rules to implement and administer the scholarship program
49 provided for in this section.

1 SECTION 4. That Section [33-4302A](#), Idaho Code, be, and the same is hereby
2 repealed.

3 SECTION 5. That Sections [33-4303](#) through [33-4315](#), Idaho Code, be, and
4 the same are hereby repealed.

5 SECTION 6. That Chapter 43, 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 33-4303, Idaho Code, and to read as follows:

8 33-4303. IDAHO OPPORTUNITY SCHOLARSHIP. (1) The purposes of this sec-
9 tion are to:

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

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

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

16 (d) Increase the opportunity for economically disadvantaged Idaho stu-
17 dents; and

18 (e) Incentivize students to complete a postsecondary education degree
19 or certificate.

20 (2) For the purposes of this section the following definitions shall
21 apply:

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

26 (b) "Eligible Idaho postsecondary educational institution" means: A
27 public postsecondary organization governed or supervised by the state
28 board, the board of regents of the university of Idaho, a board of
29 trustees of a community college established pursuant to the provisions
30 of chapter 21, title 33, Idaho Code, or the state board for profes-
31 sional-technical education or any educational organization located in
32 Idaho that is:

33 (i) Operated privately;

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

35 (iii) Under the control of an independent board and not directly
36 controlled or administered by a public or political subdivision;
37 and

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

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

41 (i) Is an Idaho resident as defined in section 33-3717B, Idaho
42 Code;

43 (ii) Has or will graduate from an accredited high school or its
44 equivalent in Idaho as determined by the state board;

45 (iii) Has enrolled or applied to an eligible Idaho postsecondary
46 educational institution;

1 (iv) Is a postsecondary undergraduate student who has not pre-
2 viously completed a baccalaureate (bachelor's) degree or higher;
3 and

4 (v) Meets need and merit criteria as set by the state board.

5 "Eligible student" also means a student who has met the eligibility
6 requirements and was awarded an opportunity scholarship prior to June
7 30, 2014. Continued eligibility shall be based upon the eligibility
8 requirements at the time of the original award.

9 (d) "Opportunity scholarship program" means the scholarship program
10 described in this section and in the rules established by the state
11 board.

12 (e) "Shared model of responsibility" means a model set by the board to
13 determine the required and expected contributions of the student, the
14 student's family and available federal financial aid.

15 (f) "State board" means the state board of education.

16 (3) The state board shall promulgate rules to determine student eligi-
17 bility, academic and financial eligibility, a process for eligible students
18 to apply, amount of awards, how eligible students will be selected and when
19 the awards shall be made, as well as other rules necessary for the adminis-
20 tration of this section.

21 (4) An eligible student must:

22 (a) Apply or have applied for federal student financial assistance
23 available to an eligible student who will attend or is enrolled in an
24 eligible Idaho postsecondary educational institution; and

25 (b) Meet need and merit criteria established by the state board in rule.

26 (5) Funds that are available for the opportunity scholarship program
27 shall be used to provide scholarships based upon a shared model of respon-
28 sibility between the scholarship recipient and the recipient's family,
29 the federal government and the participating eligible Idaho postsecondary
30 educational institution that the recipient attends for covering the educa-
31 tional costs.

32 (6) The opportunity scholarship award shall not exceed the actual edu-
33 cational costs at the eligible Idaho postsecondary educational institution
34 that the student attends. The amount of scholarship shall not exceed the ed-
35 ucational costs established by the state board.

36 (7) Award payments shall be made annually to an eligible Idaho postsec-
37 ondary educational institution. In no instance may the entire amount of an
38 award be paid to or on behalf of such student in advance.

39 (8) If an eligible student becomes ineligible for a scholarship under
40 the provisions of this chapter, or if a student discontinues attendance be-
41 fore the end of any semester, quarter, term or equivalent, covered by the
42 award after receiving payment under this chapter, the eligible Idaho post-
43 secondary educational institution shall remit, up to the amount of any pay-
44 ments made under this program, any prorated tuition or fee balances to the
45 state board.

46 (9) There is hereby created an account in the state treasury to be des-
47 igned the opportunity scholarship program account.

48 (a) The account shall consist of moneys appropriated to the account by
49 the legislature, moneys contributed to the account from other sources
50 and the earnings on such moneys. The executive director of the state

1 board may receive on behalf of the state board any moneys or real or per-
2 sonal property donated, bequeathed, devised or conditionally granted
3 to the state board for purposes of providing funding for such account.
4 Moneys received directly or derived from the sale of such property shall
5 be deposited by the state treasurer in the account.

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

10 (c) All moneys placed in the account and earnings thereon are hereby
11 perpetually appropriated to the state board for the purpose described
12 in subsection (9) (b) of this section. All expenditures from the account
13 shall be paid out in warrants drawn by the state controller upon presen-
14 tation of the proper vouchers. Up to fifty thousand dollars (\$50,000)
15 of the annual earnings distribution to the state board may be used by the
16 state board annually for administrative costs related to the implemen-
17 tation of the provisions of this chapter.

18 (d) Allowable administrative costs include, but are not limited to, op-
19 erating expenses for the implementation and maintenance of a database,
20 operating expenses to administer the program, personnel costs neces-
21 sary to administer the program and costs related to promoting awareness
22 of the program.

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

25 (f) Pending use, surplus moneys in the account shall be invested by the
26 state treasurer in the same manner as provided under section 67-1210,
27 Idaho Code. Interest earned on the investments shall be returned to the
28 account.

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

32 SECTION 7. That Chapter 43, Title 33, Idaho Code, be, and the same is
33 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
34 ignated as Section 33-4304, Idaho Code, and to read as follows:

35 33-4304. SCHOLARSHIP PROGRAM REPORTING REQUIREMENTS. All eligible
36 institutions participating in the scholarships and state aid programs shall
37 report student level data on the effectiveness of the program. The data re-
38 ported shall be established by the state board of education.

39 SECTION 8. That Chapter 46, Title 33, Idaho Code, be, and the same is
40 hereby repealed.

41 SECTION 9. That Chapter 56, Title 33, Idaho Code, be, and the same is
42 hereby repealed.

43 SECTION 10. That Section 33-2101A, Idaho Code, be, and the same is
44 hereby amended to read as follows:

1 33-2101A. JUNIOR COLLEGE SHALL MEAN COMMUNITY COLLEGE. Notwith-
2 standing any other provision of law, in sections 21-805, 21-806, 21-809,
3 23-404, 31-808, 33-101, 33-107, 33-107B, 33-601, 33-1252, 33-2101, 33-2102,
4 33-2103, 33-2104, 33-2105, 33-2106, 33-2107, 33-2107A, 33-2107B, 33-2107C,
5 33-2108, 33-2109A, 33-2110, 33-2110A, 33-2110B, 33-2111, 33-2112, 33-2113,
6 33-2114, 33-2115, 33-2116, 33-2117, 33-2118, 33-2119, 33-2121, 33-2122,
7 33-2123, 33-2124, 33-2125, 33-2126, 33-2130, 33-2135, 33-2137, 33-2138,
8 33-2139, 33-2141, 33-2142, 33-2143, 33-2144, 33-2211, 33-3716, 33-4001,
9 33-4003, 33-4004, 33-4006, 33-4201, ~~33-4306, 33-4315,~~ 46-314, 50-1721,
10 57-1105A, 59-1324, 59-1371, 59-1374, 67-2320, 67-2322 and 67-5332, Idaho
11 Code, the term "junior college" shall mean and shall be denoted as "community
12 college."

13 SECTION 11. Sections 5, 6, 8 and 9 of this act shall be in full force and
14 effect on and after July 1, 2014. Sections 1, 2, 3, 4, 7 and 10 of this act
15 shall be in full force and effect on and after July 1, 2013.