LEGISLATURE OF THE STATE OF IDAHO

Sixty-seventh Legislature Second Regular Session – 2024

IN THE SENATE

SENATE BILL NO. 1359

BY EDUCATION COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-4602, IDAHO CODE, TO PROVIDE FOR INCREASED ADVANCED OPPORTUNITIES FUNDING FOR CERTAIN PUBLIC SCHOOL STUDENTS, TO REMOVE A PROVISION REGARDING A LIMITATION ON APPRENTICE-SHIP COURSES, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-4603, IDAHO CODE, TO REVISE PROVISIONS REGARDING ADVANCED OPPORTUNITIES FUNDING FOR CERTAIN NONPUBLIC SCHOOL STUDENTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 33-4602, Idaho Code, be, and the same is hereby amended to read as follows:

33-4602. ADVANCED OPPORTUNITIES -- RULEMAKING. (1) Students attending public schools in Idaho will be eligible for four thousand one six hundred twenty-five dollars ($4,125) to ($4,625) to use toward overload courses, dual credits, postsecondary credit-bearing examinations, career technical certificate examinations, career technical education workforce training courses, college entrance examinations, and preliminary college entrance examinations. Students may access these funds in grades 7 through 12 for:

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

(i) Be offered by a provider accredited by the organization that accredits Idaho public schools; and
(ii) Be taught by an individual certified to teach the grade and subject area of the course in Idaho.

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

(c) Eligible postsecondary credit-bearing or career technical certificate examinations. The state department of education shall maintain a list of eligible exams and costs. Eligible costs include the cost of the examination, proctor fees, and administrative fees. Eligible examinations include:

(i) Advanced placement (AP);
(ii) International baccalaureate (IB);
(iii) College-level examination program (CLEP); and
(iv) Career technical education examinations that lead to an industry-recognized certificate, license, or degree.

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

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

(ii) Lead to an industry-recognized certificate, license, or degree;

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

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

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

(e) College entrance examinations and preliminary college entrance examinations. The state department of education shall maintain a list of eligible examinations and costs, provided that:

A student may not use funds provided under this section to take the same examination more than once. Eligible costs include the cost of the examination, proctor fees, and administrative fees. Eligible examinations include the SAT, the PSAT, the ACT, and other similar examinations identified by the department.

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

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

(4) The board of each public school may set forth criteria by which a student may challenge a course. If a student successfully meets the criteria set forth by the board of the public school, then the student shall be counted as having completed all required coursework for that course. The public school, with the exception of Idaho tribal schools, shall be funded for such students based upon either actual hours of attendance or the course that the student has successfully passed, whichever is more advantageous to the public school, up to the maximum of one (1) full-time student.
(5) Any student who successfully completes public school grades 1 through 12 curriculum at least one (1) year early shall be eligible for an advanced opportunities scholarship. The scholarship may be used for tuition and fees at any Idaho public postsecondary educational institution. The amount of the scholarship shall equal thirty-five percent (35%) of the statewide average daily attendance-driven funding per enrolled pupil for each year of grades 1 through 12 curriculum avoided by the student's early graduation. Each public school shall receive an amount equal to each such awarded scholarship for each student that graduates early from that public school. Students must apply for the scholarship within two (2) years of graduating from a public school.

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

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

(8) If a student fails to earn credit or successfully complete a course for which the department has paid a reimbursement, the student must pay for and successfully earn credit or complete one (1) like course before the state department of education may pay any further reimbursements for the student. If a student performs inadequately on an examination for which the state department of education has paid a reimbursement, the public school shall determine whether the student must pay for and successfully pass such examination to continue receiving state funding. Repeated and remedial courses or examinations are not eligible for funding through these programs.

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

(10) Public schools shall establish timelines and requirements for participation in the program, including implementing procedures for the appropriate transcription of credits, reporting of program participation and financial transaction requirements. Public schools shall make reasonable efforts to ensure that any student who considers participating in the program also considers the challenges and time necessary to succeed in the program, and schools shall make reasonable efforts to include guidance on how the student's participation in the program contributes to prospective college and career pathways. Such efforts by the district shall be performed prior to a student participating in the program and throughout the student's involvement in the program.

(11) Policies and procedures for participating in the program established by the public school must be such that students have an opportunity to participate in the program and meet district-established timelines and requirements for financial transactions, transcribing credits and state
department of education reporting. Participation in this program requires
parent and student agreement to program requirements and completion of the
state department of education's participation form documenting the program
requirements.

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

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

(14) If actual expenditures for the program pursuant to this section are
less than the appropriation for the year, excess funds shall be transferred
to the in-demand careers fund established in section 72-1206, Idaho Code, to
further workforce training for in-demand careers.

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

SECTION 2. That Section 33-4603, Idaho Code, be, and the same is hereby
amended to read as follows:

33-4603. ADVANCED OPPORTUNITIES -- NONPUBLIC SCHOOL STUDENTS.
(1) (a) Subject to appropriation, students not enrolled in public
school will be eligible for seven hundred fifty dollars ($750) to
receive up to two thousand five hundred dollars ($2,500) to use toward
dual credits, postsecondary credit-bearing examinations, and career
technical education certificate examinations. Students may access
these funds in grades 7 through 12. To be eligible to receive the funds
pursuant to this subsection, a student must:

(i) Reside in Idaho;
(ii) Be enrolled in grades 7 through 12;
(iii) Not be the beneficiary of any funds pursuant to section
33-4602, Idaho Code; and
(iv) Attend a nonpublic school located in Idaho that meets the
accreditation standards of an accrediting body recognized by the
state board of education.

(b) Up to seventy-five dollars ($75.00) per credit hour may be used
for dual credits. Dual credit courses must be offered by a regionally
accredited postsecondary institution. To qualify as an eligible dual
credit course, the course must be a credit-bearing 100-level course or
higher.

(b) (c) The state department of education shall maintain a list of el-
geligible postsecondary credit-bearing or career technical education cer-
tificate examinations and costs. Eligible examinations include:

(i) Advanced placement;
(ii) International baccalaureate;
(iii) College-level examination program; and
(iv) Career technical education examinations that lead to an ind-
dustry-recognized certificate, license, or degree.

(2) Moneys provided pursuant to this section may be used to pay an
amount not to exceed the price to the student of eligible courses and exam-
nations pursuant to the limitations stated in this section. Payments made
under this section shall be made from the moneys appropriated. No later than
January 15, the state department of education shall annually report to the
education committees of the senate and the house of representatives details
regarding the number of students benefiting from assistance with the cost of
dual credit courses and examinations, the number of credits awarded, and the
amounts paid pursuant to this section during the previous school year.

(3) The state department of education shall reimburse postsecondary
educational institutions directly, as applicable, for such costs, up to the
stated limits. Those expenses not affiliated with an Idaho postsecondary
institution shall be paid to the student's middle or secondary school. Pay-
ments shall be made within one hundred twenty-five (125) days of receiving
the necessary data upon which reimbursements may be paid. The submission
method and timelines of reimbursement data shall be determined by the state
department of education. Payments shall be made only for activity occurring
and reported within each state fiscal year.

(4) If a student fails to earn credit or successfully complete a course
or exam for which the department has paid a reimbursement, the student must
pay for and successfully earn credit or complete one (1) like course or pay
for an examination before the state department of education pays any further
reimbursements for the student. Repeated and remedial courses and examina-
tions are not eligible for funding under this section.

(5) Schools must establish timelines and requirements for participa-
tion in the program, including implementing procedures for the appropriate
transcription of credits, reporting of program participation, and finan-
cial transaction requirements. Policies and procedures for participating
in the program established by the school must be such that students have an
opportunity to participate in the program and meet established timelines and
requirements for financial transactions, transcribing credits, and state
department of education reporting. Participation in this program requires
parent and student agreement to program requirements and completion of the
state department of education's participation form documenting the program
requirements.

(6) The state board of education and state department of education may
take such actions as are necessary to implement the provisions of this sec-
tion, including:

(a) The promulgation of any necessary rules; and
(b) Delegation of duties under this section to a third party, provided that any contracts entered into with a third party shall be subject to the provisions of chapter 92, title 67, Idaho Code.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.