

TITLE 33  
EDUCATION

CHAPTER 37

MISCELLANEOUS PROVISIONS RELATING TO STATE INSTITUTIONS OF LEARNING

33-3701. CONTRACTS FOR HOUSING FACILITIES AT STATE INSTITUTIONS. The state board of education and board of regents of the University of Idaho, acting as the board of regents of the University of Idaho, or as the board of trustees of the Lewis-Clark State College, or as the board of trustees of the Boise State University, or as the board of trustees of the Idaho State University are hereby authorized to enter into contracts with persons, firms and corporations, for the purpose of providing dormitory and housing facilities for the students of said institutions; for the purposes the board may contract for the leasing and purchase of lands and buildings and for the purchase and installation of fixtures, furniture, furnishings and equipment in such buildings; the board may contract to pay as rent or otherwise a sum sufficient to pay, on the amortization plan, the principal and interest thereon, of the purchase-price of lands and buildings, such contracts to run not over twenty (20) years; the rate of interest on the principal on any purchase shall not exceed seven percent (7%) per annum payable semiannually or annually.

[(33-3701) 1923, ch. 72, sec. 1, p. 79; am. 1929, ch. 132, sec. 1, p. 216; I.C.A., sec. 32-3201; am. 1947, ch. 99, sec. 13, p. 182; am. 1947, ch. 100, sec. 12, p. 190; am. 1947, ch. 107, sec. 11, p. 217; am. 1963, ch. 286, sec. 1, p. 752; am. 2009, ch. 11, sec. 10, p. 21.]

33-3702. CREATION OF DORMITORY FUND. Said board is hereby authorized to create a separate fund for each of said four [three] institutions, to be known as the "dormitory fund." Said board is hereby authorized to pay into each of said respective dormitory funds, all room, dormitory or housing rentals received by said respective institutions, not including the proceeds of any anticipated appropriations made by the state nor the interest from the permanent endowment, and to pledge on behalf of each of said respective institutions, its said dormitory fund for the payment of all rental or other charges agreed to be paid on account of such dormitory or dormitories as well as for the payment of the purchase-price of land or lands and buildings, or the payment of the agreed cost of construction of such buildings or building, and the purchase-price of fixtures, furniture, furnishings and equipment for such buildings together with the cost of installation thereof; so as to be used for dormitory or housing purposes by said respective institutions, and such dormitory funds, or so much thereof as may be necessary are hereby appropriated for the purposes herein set forth.

[(33-3702) 1923, ch. 72, sec. 2, p. 79; am. 1929, ch. 132, sec. 2, p. 216; I.C.A., sec. 32-3202.]

33-3703. SUCCESSORS OF BOARD. The powers hereby conferred upon the said board of education shall inure to the body, commission, commissioners, officer or officers that may at any time succeed said board.

[(33-3703) 1923, ch. 72, sec. 3, p. 79; I.C.A., sec. 32-3203.]

33-3704. DINING HALL FUNDS. Whereas heretofore and under the supervision of the state board of education in its capacity as board of trustees of the several state educational institutions, there have been established and are now in operation dining halls, and no clear legislative direction as to disposition to be made of accumulations in dining hall funds exists, now therefore, it is hereby declared that the operation of dining halls at educational institutions under the supervision of, and where deemed necessary by the state board of education, is a public purpose and a necessary incident to the proper government of such educational institutions.

[33-3704, added 1943, ch. 3, sec. 1, p. 4; am. 1965, ch. 124, sec. 1, p. 250.]

33-3707. RECEIPTS USED IN OPERATION OF DINING HALLS. The receipts of said dining halls shall be used and utilized by said institutions in the operation of said dining halls; and any net profits may be disbursed upon the authority of the board of trustees for the payment of interest or principal of any revenue bonds issued by the institution under the authority of [chapter 38, title 33](#), Idaho Code. Provided further that a reasonable reserve to be determined by the state board of education, acting as board of trustees, is hereby created for replacement of dining hall equipment.

[33-3707, added 1943, ch. 3, sec. 4, p. 4; am. 1963, ch. 286, sec. 3, p. 752; am. 1965, ch. 124, sec. 4, p. 250.]

33-3708. DINING HALLS NOT OPERATED FOR PROFIT. Such dining halls shall never be operated for any commercial purpose, but shall be used for the benefit of such educational institutions, their faculties, students and officers as nearly as may be, in the sound discretion of the state board of education with the object of making available wholesome food at the most reasonable cost to the students, officers and faculties.

[33-3708, added 1943, ch. 3, sec. 5, p. 4; am. 1965, ch. 124, sec. 5, p. 250.]

33-3710. UNIFORM SYSTEM OF ACCOUNTING FOR DINING HALL FUNDS. The state board of education in its capacities as trustees of the several educational institutions, shall, by provisions uniform in all such institutions, establish such system of accounting, expenditure and reimbursement of such revolving fund as may be appropriate and as may be ordered by the state controller.

[33-3710, added 1943, ch. 3, sec. 7, p. 4; am. 1994, ch. 180, sec. 52, p. 461.]

33-3711. LIABILITY OF STATE FOR DINING HALLS LIMITED. Nothing in sections [33-3704](#)--[33-3711](#) shall be construed to create or to impose upon the state any liability whatever beyond payment to such institutions of the sums herein appropriated.

[33-3711, added 1943, ch. 3, sec. 8, p. 4.]

33-3712. OFFICE OF BURSAR A PUBLIC OFFICE -- DUTIES AND BOND OF BURSAR. The office of bursar at state educational institutions is declared a

public office and the state board of education in its capacity as boards of trustees for the several state educational institutions is empowered to fix the duties of bursars and in its discretion fix the amount of the bond to be given by such bursars as such officers. In the performance of his duties each bursar shall be supervised as the state board of education and board of regents may direct.

[33-3712, added 1943, ch. 73, sec. 1, p. 155; am. 1971, ch. 106, sec. 1, p. 227.]

33-3713. BURSARS AS FISCAL OFFICERS -- DUTY TO MAKE REPORTS. Subject to the control of the state board of education in its capacities as boards of trustees for the said institutions severally, the bursars shall be deemed fiscal officers of such institutions, and whenever by any law or grant any such institution is required to make reports in financial matters, or make remittances of funds, or shall receive funds or property, unless otherwise provided by law the bursar shall make such reports and remittances and receive such funds or property.

[33-3713, added 1943, ch. 73, sec. 2, p. 155.]

33-3714. ACCEPTANCE OF GIFTS, LEGACIES AND DEVISES. The board of regents of the University of Idaho and the state board of education are hereby authorized in the name of any state educational institution and on behalf of the state, to accept gifts, legacies and devises of property to the state for the use and benefit of any of the state educational institutions.

[33-3714, added 1933, ch. 127, sec. 1, p. 196.]

33-3715. INTERFERENCE WITH CONDUCT OF INSTITUTIONS OF HIGHER LEARNING -- LEGISLATIVE INTENT. The legislature, in recognition of unlawful campus disorders across the nation which are disruptive of the educational process and dangerous to the health and safety of persons and damaging to public and private property, establishes by this act criminal penalties for conduct declared in this act to be unlawful. However, this act shall not be construed as preventing institutions of higher education from establishing standards of conduct, scholastic and behavioral, reasonably relevant to their lawful missions, processes, and functions, and to invoke appropriate discipline for violations of such standards.

[33-3715, added 1969, ch. 223, sec. 1, p. 729.]

33-3716. UNLAWFUL CONDUCT -- PENALTY. (1) No person shall, on the campus of any community college, junior college, college, or university in this state, hereinafter referred to as "institutions of higher education," or at or in any building or other facility owned, operated, or controlled by the governing board of any such institution of higher education, willfully deny to students, school officials, employees, and invitees:

- (a) lawful freedom of movement on the campus;
- (b) lawful use of property, facilities, or parts of any institution of higher education; or
- (c) the right of lawful ingress and egress to the institution's physical facilities.

(2) No person shall, on the campus of any institution of higher education, or at or in any building or other facility owned, operated, or controlled by the governing board of any such institution, willfully impede the staff or faculty of such institution in the lawful performance of their duties, or willfully impede a student of such institution in the lawful pursuit of his educational activities, through the use of restraint, abduction, coercion, or intimidation, or when force and violence are present or threatened.

(3) No person shall willfully refuse or fail to leave the property of, or any building or other facility owned, operated, or controlled by the governing board of any such institution of higher education upon being requested to do so by the chief administrative officer, his designee charged with maintaining order on the campus and in its facilities, or a dean of such college or university, if such person is committing, threatens to commit, or incites others to commit, any act which would disrupt, impair, interfere with, or obstruct the lawful missions, processes, procedures, or functions of the institution.

(4) Nothing in this section shall be construed to prevent lawful assembly and peaceful and orderly petition for the redress of grievances, including any labor dispute between an institution of higher education and its employees.

(5) Any person who violates any of the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed five hundred dollars (\$500), or imprisoned in the county jail for a period not to exceed one (1) year, or by both such fine and imprisonment.

[33-3716, added 1969, ch. 223, sec. 2, p. 729.]

33-3717A. FEES AT STATE COLLEGES AND UNIVERSITIES. (1) The state board of education and the board of regents of the university of Idaho may prescribe fees, including tuition fees, for resident and nonresident students enrolled in all state colleges and universities. For purposes of this section, said fees, including tuition fees, may be used for any and all educational costs at the state colleges and universities including, but not limited to, costs associated with:

- (a) Academic services;
- (b) Instruction;
- (c) The construction, maintenance and operation of buildings and facilities;
- (d) Student services; or
- (e) Institutional support.

The state board of education also may prescribe fees for all students for any additional charges that are necessary for the proper operation of each institution.

(2) A resident student is a student who meets the residency requirements imposed by section [33-3717B](#), Idaho Code.

(3) Nothing contained in this section shall prevent the state board of education from waiving fees, including tuition fees, to be paid by nonresident students, as defined in section [33-3717C](#), Idaho Code, who are enrolled in the state colleges and universities.

(4) Nothing contained in this section shall apply to community colleges now or hereafter established pursuant to [chapter 21, title 33](#), Idaho Code,

or to postsecondary professional-technical schools now or hereafter established and not connected to or a part of a state college or university.

[33-3717A, added 2005, ch. 210, sec. 3, p. 627; am. 2011, ch. 39, sec. 2, p. 94.]

33-3717B. RESIDENCY REQUIREMENTS. (1) For any Idaho public institution of higher education, a "resident student" is:

(a) Any student who has one (1) or more parent or parents or court-appointed guardians who are domiciled in the state of Idaho, and the parent, parents or guardians provide at least fifty percent (50%) of the student's support. Domicile, as used in this section, means that individual's true, fixed and permanent home and place of habitation. It is the place where that individual intends to remain, and to which that individual expects to return when that individual leaves without intending to establish a new domicile elsewhere. To qualify under this section, the parent, parents or guardians must have maintained a domicile in the state of Idaho for at least twelve (12) months prior to the opening day of the term for which the student matriculates.

(b) Any student who receives less than fifty percent (50%) of the student's support from a parent, parents or legal guardians and who has continuously resided and maintained a bona fide domicile in the state of Idaho primarily for purposes other than educational for twelve (12) months preceding the opening day of the term for which the student matriculates.

(c) Any student who is a graduate of an accredited secondary school in the state of Idaho pursuant to section [33-119](#), Idaho Code, is domiciled in Idaho, and matriculates at an Idaho public institution of higher education within eight (8) years immediately following secondary school graduation regardless of the domicile of the student's parent or guardian, or any student who completes six (6) years of elementary and secondary education in Idaho, is domiciled in Idaho, and matriculates at an Idaho public institution of higher education within eight (8) years immediately following completion of secondary education.

(d) The spouse of a person who is classified, or is eligible for classification, as a resident of the state of Idaho for the purposes of attending an Idaho public institution of higher education, except that a student who was enrolled as a full-time student in any term during the twelve (12) month period before the term in which the student proposes to enroll as a resident student must independently establish domicile under subsection (2) of this section.

(e) A member of the armed forces of the United States who entered service as an Idaho resident and who has maintained Idaho resident status, but is not stationed within the state of Idaho on military orders.

(f) A member of the armed forces of the United States, stationed in the state of Idaho on military orders.

(g) An officer or an enlisted member of the Idaho national guard.

(h) A person separated, under honorable conditions, from the United States armed forces after at least two (2) years of service, who at the time of separation designates the state of Idaho as his intended domicile or who has Idaho as the home of record in service and enters a college or university in the state of Idaho within one (1) year of the date of separation, or who moves to Idaho for the purpose of establishing domicile; provided however, to maintain status as a resident

student, such person must actively establish domicile in Idaho within one (1) year of matriculation in a public institution of higher education in Idaho.

(i) The dependent child of a person who qualifies as a resident student under the provisions of paragraphs (e) through (g) of this subsection and who receives at least fifty percent (50%) support from such person shall also be a resident student and shall not lose that resident status if, after he or she enters an Idaho public institution of higher education, the parent or guardian is transferred out of the state of Idaho on military orders.

(j) A student who is a member of an Idaho Native American Indian tribe, whose traditional and customary tribal boundaries included portions of the state of Idaho, or whose Indian tribe was granted reserved lands within the state of Idaho. The state board of education shall maintain a list of tribes that meet these requirements.

(k) A student matriculating at and attending a public institution of higher education in Idaho in a graduate or professional program who:

(i) Graduated from an institution of higher education located in Idaho that:

1. Is public;
2. Is private and holds a certificate of registration with the board pursuant to section [33-2402](#), Idaho Code; or
3. Is private, nonprofit and exempt from registration with the board pursuant to section [33-2402](#), Idaho Code;

(ii) Physically resided in Idaho for at least the final twelve (12) months of undergraduate studies;

(iii) Earned a baccalaureate degree from the undergraduate institution sufficient to meet the standards for admission into the graduate or professional program; and

(iv) Enrolls in the graduate or professional program no later than thirty-six (36) months after receiving a baccalaureate degree from the undergraduate institution.

(2) The establishment of a new domicile in Idaho by a person formerly domiciled in another state has occurred if such person has resided in Idaho for the prior twelve (12) months and:

(a) Is physically present in Idaho primarily for purposes other than educational. An undergraduate student who is enrolled as a full-time student in any term during the prior twelve (12) month period shall be presumed to be in Idaho for primarily educational purposes. Such period of enrollment shall not be counted toward the establishment of a domicile in this state unless the student can provide proof of full-time employment in Idaho for twelve (12) months before the term in which the student proposes to enroll as a resident student and the filing of an Idaho state resident income tax return for the prior tax year; or

(b) Is a full-time student in a graduate or professional program at an institution of higher education in Idaho.

(3) Notwithstanding the provisions of subsections (1) and (2) of this section, the following students shall be considered nonresidents for tuition purposes:

(a) A student attending an Idaho public institution of higher education with financial assistance provided by another country or governmental unit or agency thereof. Such nonresidency shall continue for twelve

(12) months after the completion of the last semester for which such assistance was provided.

(b) A student who is not a United States citizen, unless lawfully present in the United States.

(4) The state board of education and the board of regents of the university of Idaho shall adopt uniform and standard rules applicable to all Idaho public institutions of higher education now or hereafter established to determine residency status of any student and to establish procedures for review of that status.

(5) Appeal from a final determination denying residency status may be initiated by the filing of an action in the district court of the county in which the affected public institution of higher education is located. An appeal from the district court shall lie as in all civil actions.

(6) Nothing contained herein shall prevent the state board of education and the board of regents of the university of Idaho from establishing quotas, standards for admission, standards for readmission, or other terms and requirements governing persons who are not residents for purposes of higher education.

(7) For students who apply for special graduate and professional programs including, but not limited to, the WWAMI (Washington, Wyoming, Alaska, Montana, Idaho) regional medical program, the WICHE student exchange programs, Idaho dental education program, the university of Utah school of medicine, and the Washington-Idaho regional program in veterinary medicine, no applicant shall be certified or otherwise designated as a beneficiary of such special program who does not meet the definition of resident student as set forth in subsection (1) of this section.

[33-3717B, added 2005, ch. 210, sec. 4, p. 627; am. 2008, ch. 66, sec. 2, p. 170; am. 2008, ch. 226, sec. 1, p. 690; am. 2009, ch. 329, sec. 1, p. 939; am. 2010, ch. 77, sec. 1, p. 126; am. 2012, ch. 21, sec. 1, p. 74; am. 2014, ch. 75, sec. 2, p. 198; am. 2016, ch. 114, sec. 1, p. 324; am. 2018, ch. 200, sec. 1, p. 451.]

33-3717C. WAIVING FEES OR TUITION FOR CERTAIN NONRESIDENT STUDENTS. (1) Notwithstanding any other provision of law the state board of education and the board of regents of the university of Idaho may determine when to grant a full or partial waiver of fees or tuition charged to nonresident students pursuant to reciprocal agreements with other states. In making this determination, the state board of education and the board of regents of the university of Idaho shall consider the potential of the waiver to:

- (a) Enhance educational opportunities for Idaho residents;
- (b) Promote mutually beneficial cooperation and development of Idaho communities and nearby communities in neighboring states;
- (c) Contribute to the quality of educational programs; and
- (d) Assist in maintaining the cost effectiveness of auxiliary operations in Idaho institutions of higher education.

(2) Consistent with the determinations made pursuant to subsection (1) hereof, the state board of education and the board of regents of the university of Idaho may enter into agreements with other states to provide for a full or partial reciprocal waiver of fees or tuition charged to students. Each agreement shall provide for the numbers and identifying criteria of students, and shall specify the institutions of higher education that will be affected by the agreement.

(3) The state board of education and the board of regents of the university of Idaho shall establish policy guidelines for the administration by the affected Idaho institutions of any tuition waivers authorized under this section, for evaluating applicants for such waivers, and for reporting the results of the reciprocal waiver programs authorized in this section.

(4) A report and financial analysis of any waivers authorized under this section shall be submitted annually to the legislature as part of the budget recommendations of the state board of education and the board of regents of the university of Idaho for the system of higher education in this state.

[(33-3717C) 33-3717A, added 1982, ch. 256, sec. 1, p. 667; am. 1986, ch. 32, sec. 1, p. 103; am. and redesig. 2005, ch. 210, sec. 5, p. 630.]

33-3718. ADDITIONAL CHARGES AUTHORIZED IN THE COLLECTION OF DEBTS -- PUBLIC AND PRIVATE INSTITUTIONS OF HIGHER EDUCATION. Each state public or private institution of higher education may, in the control and collection of any debt or claim due and owing to it, impose reasonable financing and late charges, as well as reasonable costs and expenses incurred in the collection of such debts, if provided for in the note or agreement signed by the debtor.

[33-3718, added 1980, ch. 141, sec. 1, p. 306.]

33-3719. STUDENT CALLED TO ACTIVE DUTY. Whenever any active member of the Idaho national guard is called or ordered by the governor to state active duty for thirty (30) consecutive days or more, or to duty other than for training pursuant to [title 32](#), U.S.C., or called or ordered by competent federal authority into active federal service under [title 10](#), U.S.C., for duty other than for training for thirty (30) consecutive days or more, or whenever a member of any reserve United States military force is ordered to said active federal service, an educational institution in this state in which the member is enrolled shall grant the member military leave of absence from his education. Individuals on military leave of absence from their educational institution, upon release from military duty, shall be restored to the educational status they had attained prior to their being ordered to military duty without loss of academic credits earned, scholarships or grants awarded, or tuition and other fees paid prior to the commencement of the military duty. It shall be the duty of the educational institution to refund tuition or fees or to credit the tuition, scholarships, grants and fees to the next academic semester or term after the termination of the educational military leave of absence at the option of the student.

[33-3719, added 2003, ch. 251, sec. 3, p. 651; am. 2004, ch. 60, sec. 1, p. 278; am. 2007, ch. 108, sec. 2, p. 315.]

33-3720. PROFESSIONAL STUDIES PROGRAM. (1) It is hereby declared that it is in the public interest to assist Idaho citizens who wish to pursue professional studies in the fields of medicine, dentistry, veterinary medicine, and other health-related areas of study which are not available within the state by (a) entering into compacts or contractual agreements which make such courses of study available to Idaho citizens, and (b) providing a mechanism to provide funds for such Idaho citizens.

(2) The state board of education is hereby authorized to enter into loan agreements with qualified recipients to participate in qualified programs,



which agreements shall include provisions for repayment of the loan on terms agreed to by the board and the qualified recipient; such repayment agreements may include provisions for decreasing or delaying or forgiving the repayment obligation in relationship to the recipient's course of study or agreement to return to Idaho to practice professionally.

(a) A qualified recipient shall be any Idaho student accepted into a qualified program who meets the residency requirements imposed by section [33-3717B](#), Idaho Code, and the rules of the state board of education.

(b) A qualified program shall be a program enumerated in section [33-3717B](#)(7), Idaho Code, and any other medical, dental, veterinary medicine, or other health-related program in which participation by Idaho residents has been authorized by the legislature and for which funds have been obligated by the board pursuant to subsection (3) of this section.

(3) The state board of education is hereby authorized to transfer, distribute or pay such moneys as are available in the professional studies account to the school, program, or compact providing the course of study pursuant to contracts, agreements, or compacts entered into by the legislature or the state board of education.

(4) The state board of education is hereby authorized to adopt all necessary rules, subject to the provisions of [chapter 52, title 67](#), Idaho Code, for the administration of the professional studies program.

[33-3720, added 1983, ch. 182, sec. 1, p. 495; am. 2005, ch. 210, sec. 6, p. 630.]

33-3721. PROFESSIONAL STUDIES ACCOUNT. (1) There is hereby created in the dedicated fund, the professional studies account. The professional studies account shall be used to receive moneys from private contributions, from gifts and grants, from repayment of loans, and from any other source, in support of medical, dental, veterinary, or other health-related professional programs of study.

(2) Interest earned on investments from moneys in the account shall be paid to the account.

(3) All moneys in the account are hereby appropriated to the state board of education for the purposes of section [33-3720](#), Idaho Code.

[33-3721, added 1983, ch. 182, sec. 2, p. 495; am. 2012, ch. 26, sec. 1, p. 83.]

33-3723. RURAL PHYSICIAN INCENTIVE FEE ASSESSMENT. The state board of education may assess a fee to students preparing to be physicians in the fields of medicine or osteopathic medicine who are supported by the state pursuant to an interstate compact for a professional education program in those fields, as those fields are defined by the compact. The fee may not exceed an amount equal to four percent (4%) of the annual average medicine support fee paid by the state. The fee must be assessed by the board and deposited in the rural physician incentive fund established in section [39-5902](#), Idaho Code, to be administered by the department of health and welfare. Moneys are also payable into the fund from state appropriations, private contributions, gifts and grants and other sources. Income and earnings on the fund shall be returned to the fund. Subject to appropriation, the state shall match student contributions to the fund at a rate of two state

dollars (\$2.00) for every one dollar (\$1.00) assessed as a student fee. The expenses of administering the physician incentive fund portion of the fund shall not exceed ten percent (10%) of the annual fees assessed pursuant to this section.

[33-3723, added 2003, ch. 283, sec. 1, p. 767; am. 2012, ch. 44, sec. 1, p. 132; am. 2018, ch. 138, sec. 1, p. 284.]

33-3726. HIGHER EDUCATION STABILIZATION FUND. There is hereby created in the state treasury a fund to be known as the higher education stabilization fund. The higher education stabilization fund shall consist of four (4) separate accounts as follows:

(1) An account designated the strategic interest account shall consist of interest earnings from the investment of moneys deposited with the state treasurer into unrestricted current fund 0650-00, as designated by the state controller in the statewide accounting and reporting system. Annually on July 1, or as soon thereafter as is practicable, the state controller shall transfer such interest earnings to the strategic interest account. All moneys so transferred shall be expended for the maintenance, use and support of institutions that have deposited moneys into unrestricted current fund 0650-00. All such expenditures shall be subject to legislative appropriation. Institutions shall receive a pro rata share of a legislative appropriation based upon the amount of moneys any such institution has deposited into unrestricted current fund 0650-00 in the current fiscal year compared to the total amount deposited by all institutions in the current fiscal year. Interest earned from the investment of moneys in the strategic interest account shall be retained in the strategic interest account.

(2) An account designated the surplus stabilization account shall consist of any other moneys made available through legislative transfers, appropriations or otherwise provided by law, or from any other governmental source. All such moneys shall be expended for the maintenance, use and support of institutions named in section [33-3803](#), Idaho Code. Such expenditures shall be made subject to legislative appropriation to the state board of education for college and universities. Distribution of such moneys to institutions shall be based upon the state board of education's established practices for the allocation of moneys to such institutions. Interest earned from the investment of moneys in this surplus stabilization account shall be retained in this surplus stabilization account.

(3) An account designated the surplus stabilization account for college of eastern Idaho, north Idaho college, college of southern Idaho and college of western Idaho shall consist of any other moneys made available through legislative transfers, appropriations or otherwise provided by law, or from any other governmental source. All such moneys shall be expended for the maintenance, use and support of college of eastern Idaho, north Idaho college, college of southern Idaho and college of western Idaho. Such expenditures shall be made subject to legislative appropriation to the community colleges. Distribution of such moneys shall be based on the state board of education's established practices for the allocation of moneys to the community colleges. Interest earned from the investment of moneys in this surplus stabilization account shall be retained in this surplus stabilization account.

(4) An account designated the community college start-up account shall consist of any other moneys made available through legislative transfers, appropriations or otherwise provided by law, or from any other government-

tal source. All such moneys shall be expended for the establishment, use and support of a community college in eastern Idaho. Distribution of such moneys shall be based upon voter approval of a community college district and appointment of a local board of trustees by the state board of education. Such expenditures shall be made subject to legislative appropriation to the state board of education. Interest earned from the investment of moneys in this community college start-up account shall be retained in this community college start-up account.

[33-3726, added 2010, ch. 69, sec. 1, p. 117; am. 2016, ch. 25, sec. 24, p. 48; am. 2016, ch. 125, sec. 1, p. 359; am. 2018, ch. 17, sec. 5, p. 25.]

33-3727. MILITARY EDUCATION, TRAINING AND SERVICE -- AWARD OF ACADEMIC CREDIT -- DEVELOPMENT OF POLICIES. Notwithstanding the provisions of section [33-107](#)(6)(b), Idaho Code, the state board of education, the board of regents of the university of Idaho, a board of trustees of a community college established pursuant to the provisions of section [33-2106](#), Idaho Code, and the state board for career technical education shall develop policies relating to the award of academic credit for education, training or service completed by an individual as a member of the armed forces or reserves of the United States, the national guard of any state, the military reserves of any state or the naval militia of any state, where such education, training or service is determined to satisfy such established policies. The boards shall work cooperatively with one another and with other state agencies as needed in the development of such policies. The boards are authorized to adopt rules as necessary for the administration of the provisions of this section.

[33-3727, added 2012, ch. 108, sec. 1, p. 298; am. 2016, ch. 25, sec. 25, p. 49.]

33-3728. ORGAN DONATION NOTIFICATION. (1) An institution of higher education that receives funding from the state shall notify all students by electronic message of the option to register as an organ donor. The notice shall include instructions for how to register as an organ donor.

(2) The notice required by subsection (1) of this section shall be delivered at least twice each academic year.

[33-3728, added 2018, ch. 97, sec. 1, p. 206.]

33-3729. TRANSFER OF CREDITS. (1) Any student who completes the requirements for the associate of arts or associate of science degree at a postsecondary institution accredited by a regional accrediting body recognized by the state board of education will be considered as satisfying the general education requirements, as defined by the state board of education, upon transfer to a public postsecondary institution in Idaho and will not be required to complete any additional general education requirements.

(2) A student who has completed the general education framework as defined by the state board of education, without an associate of arts or associate of science degree, and transfers from a postsecondary institution in Idaho accredited by a regional accrediting body recognized by the state board of education will not be required to complete additional general ed-

ucation requirements at the receiving Idaho public postsecondary institution.

(3) If a student who has completed a general education course or general education courses but has not completed the entire general education framework; or has not earned an associate of arts or associate of science degree from a postsecondary institution in Idaho accredited by a regional accrediting body recognized by the state board of education; or has earned an associate of applied science degree from a postsecondary institution in Idaho accredited by a regional accrediting body recognized by the state board of education; and transfers to a public postsecondary institution, those general education course credits will be applied towards the associated general education course requirements at the receiving public postsecondary institution.

(4) Any student who completes an associate of applied science degree at a postsecondary institution in Idaho accredited by a regional accrediting body recognized by the state board of education and meets the receiving institution's criteria for admission may pursue an interdisciplinary bachelor of applied science or a bachelor of applied technology degree focused on upper-level academic coursework at any Idaho public postsecondary institution that has such degree programs available.

(5) Receiving institutions must notify students in writing of all initial credit transfer decisions. Whenever a receiving institution makes an initial credit transfer decision that results in credits not being transferred in a manner that moves the student toward certificate or degree completion or in the manner requested by a student or applicant, the receiving institution must provide a written explanation of the credit transfer decision to the student or applicant specifying why the credits were not eligible for transfer or were not credited toward certificate or degree progress and the policies and procedures available to the student to request reconsideration of the initial credit transfer decision. Written explanations may be provided in an electronic format. Institutions shall report annually to the state board of education the number of credits that were requested to be transferred, the number of credits transferred, the number of credits that were not applied toward certificate or degree progress, including those credits that transferred as electives over the amount needed for certificate or degree progress, and such other information requested by the state board of education.

(6) No Idaho public postsecondary institution shall discriminate against any student or applicant for admission due to the number of credits that the student may be able to transfer, or has transferred, to the public college or university pursuant to this section, any other provision of law, or any rule, policy, guideline or practice of the state board of education or the public postsecondary institution.

(7) Nothing in this section shall be deemed to:

- (a) Invalidate any requirement that a student earn a specified number of credits at an Idaho public college or university in order to receive a degree from the institution;
- (b) Require any Idaho public postsecondary institution to grant a student a degree within a specified period of time; or
- (c) Amend the provisions of section [33-2205](#)(4), Idaho Code, or expand the rights of career technical education students or applicants with respect to the transfer of credits from one (1) institution to another.

(8) All public postsecondary institutions are responsible for working to facilitate the effective and efficient transfer of students between Idaho public postsecondary institutions. Institutions shall publish the current curriculum equivalencies of all courses on the state board of education transfer web portal.

[(33-3729) 33-3728, added 2018, ch. 96, sec. 3, p. 205; am. and re-desig. 2019, ch. 161, sec. 4, p. 528.]