

TITLE 33
EDUCATION

CHAPTER 43
SCHOLARSHIPS

33-4301. SHORT TITLE. This act may be cited as "The Scholarships and State Aid Act."

[33-4301, added 1972, ch. 393, sec. 1, p. 1136; am. 2013, ch. 72, sec. 2, p. 183.]

33-4302. ARMED FORCES AND PUBLIC SAFETY OFFICER SCHOLARSHIPS.

(1) (a) The following individuals shall be eligible for the scholarship program provided for in this section:

(i) Any spouse or child of any Idaho resident who entered active service as an Idaho resident as indicated on a DD form 214 certificate of release or discharge from active duty and, while such service member is, or was if deceased, a resident of the state of Idaho:

1. Has been determined by the federal government to be a prisoner of war or missing in action; or
2. Died of, or is determined to be unemployable due to, injuries or wounds sustained during active duty or inactive duty training;

(ii) Any spouse or child of any member of the United States armed forces who is stationed in the state of Idaho on military orders and who:

1. Is deployed from the state of Idaho to any area of armed conflict in which the United States is a party and who has been determined by the federal government to be a prisoner of war or missing in action or has died of or is determined to be unemployable due to injuries or wounds sustained in action as a result of such deployment; or
2. Dies of, or is determined to be unemployable due to, injuries or wounds sustained during active duty or inactive duty training; and

(iii) Any spouse or child of a full-time or part-time public safety officer, as defined in paragraph (b) of this subsection, employed by or volunteering for the state of Idaho or for a political subdivision of the state of Idaho, which public safety officer is or was a resident of the state of Idaho at the time such officer was killed or totally and permanently disabled in the line of duty. The scholarship provided for in this section shall not be available unless it is determined that:

1. The death or disablement of the public safety officer occurred in the performance of the officer's duties;
2. The death or disablement was not caused by the intentional misconduct of the public safety officer or by such officer's intentional infliction of injury; and
3. The public safety officer was not voluntarily intoxicated at the time of death.

(b) As used in this section:

(i) "Active duty" means state active duty as defined in section [46-409](#), Idaho Code, or full-time duty with any of the United States armed forces.

(ii) "Inactive duty training" means training or maintenance activities prescribed, required, or authorized for military members that do not constitute active duty.

(iii) "Military member" means a member of the United States armed forces.

(iv) "Public safety officer" means a peace officer, a firefighter, a paramedic as defined in section [56-1012](#), Idaho Code, or an emergency medical technician as defined in section [56-1012](#), Idaho Code.

(v) "United States armed forces" means the air force, army, coast guard, marine corps, navy, or space force, or the reserve component of any such service.

(vi) "Volunteering" means contributing services as a bona fide member of a legally organized law enforcement agency, fire department, or licensed emergency medical service provider organization.

(2) (a) To be eligible for the scholarship provided for in this section, a child of a military member or a public safety officer must be a resident of the state of Idaho and must have completed secondary school or its equivalent in the state of Idaho. A child already born, or born after a military member or public safety officer is determined to be imprisoned or missing in action, or dies or becomes totally and permanently disabled, shall be eligible for this scholarship.

(b) To be eligible for the scholarship provided for in this section, the spouse of a military member or public safety officer must be a resident of the state of Idaho and must have been married to such person at the time the military member or public safety officer was determined to be imprisoned or missing in action or died or became totally and permanently disabled. However, in the situation of disability, the spouse must be currently married to such person.

(3) An eligible individual who applies for the scholarship provided for in this section shall, after verification of eligibility, receive the scholarship and be admitted to attend undergraduate studies at any public institution of higher education or public career technical college within the state of Idaho without the necessity of paying tuition and fees therefor; such student shall be provided with books, equipment, and supplies necessary for pursuit of such program of enrollment not to exceed seven hundred fifty dollars (\$750) per quarter, semester, intensified semester, or like educational period; and such student shall be furnished on-campus institution housing and subsistence for each month he or she is enrolled full-time under this program and actually resides in such on-campus facility. However, such undergraduate educational benefits shall not exceed a total of thirty-six (36) months or four (4) nine (9) month periods. Effective July 1, 2022, the initiation of such educational benefits shall extend for a period of nineteen (19) years after achieving a high school diploma or its equivalency or for a period of ten (10) years after the event giving rise to the eligibility for the scholarship, whichever is longer.

(4) The eligible individual shall meet such other educational qualifications as such institution of higher education or career technical college has established for other prospective students of this state, as well as any

additional educational qualifications established by the state board of education and board of regents of the university of Idaho.

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

(6) Affected institutions shall in their preparation of future budgets include costs resultant from such tuition, fee, book, equipment, supply, housing and subsistence loss for reimbursement from appropriations of state funds.

(7) For purposes of this section, a member of the United States armed forces is considered unemployable if at the time of application:

(a) The United States department of veterans affairs has made a determination of individual unemployability; or

(b) The United States social security administration has made or recognized a determination of total and permanent disability, and the determination is based on injuries or wounds sustained during active duty or inactive duty training.

(8) For the purposes of this section, a public safety officer is considered totally and permanently disabled if at the time of application a current disability determination made by the public employee retirement system of Idaho is in effect with respect to such individual.

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

[33-4302, added 1972, ch. 393, sec. 2, p. 1136; am. 1991, ch. 90, sec. 1, p. 204; am. 1999, ch. 329, sec. 36, p. 878; am. 2002, ch. 276, sec. 1, p. 809; am. 2005, ch. 326, sec. 1, p. 1017; am. 2007, ch. 95, sec. 1, p. 277; am. 2008, ch. 185, sec. 1, p. 557; am. 2012, ch. 178, sec. 1, p. 467; am. 2013, ch. 72, sec. 3, p. 183; am. 2016, ch. 32, sec. 1, p. 77; am. 2022, ch. 28, sec. 1, p. 82; am. 2022, ch. 29, sec. 1, p. 84; am. 2023, ch. 218, sec. 6, p. 609; am. 2023, ch. 260, sec. 1, p. 779.]

33-4303. IDAHO OPPORTUNITY SCHOLARSHIP. (1) The purposes of this section are to:

(a) Recognize that all Idaho citizens benefit from an educated citizenry;

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

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

(d) Increase the opportunity for economically disadvantaged Idaho students; and

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

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

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

(b) "Eligible Idaho postsecondary educational institution" means a public postsecondary organization governed or supervised by the state board, the board of regents of the university of Idaho, or any educational organization located in Idaho that is:

- (i) Operated privately;
- (ii) Classified as not-for-profit under state law;
- (iii) Under the control of an independent board and not directly controlled or administered by a public or political subdivision; and
- (iv) Accredited by an organization recognized by the state board as provided in section [33-2402](#), Idaho Code.

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

- (i) Is an Idaho resident as defined in section [33-3717B](#), Idaho Code;
- (ii) Has graduated or will graduate from an accredited high school or its equivalent in Idaho as determined by the state board;
- (iii) Has enrolled or applied to an eligible Idaho postsecondary educational institution;
- (iv) Is a postsecondary undergraduate student who has not previously completed a baccalaureate (bachelor's) degree or higher; and
- (v) Meets need and merit criteria as set by the state board.

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

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

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

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

(3) The state board shall promulgate rules to determine student eligibility, academic and financial eligibility, a process for eligible students to apply, amount of awards, how eligible students will be selected and when the awards shall be made, as well as other rules necessary for the administration of this section.

(4) An eligible student must:

- (a) Apply or have applied for federal student financial assistance available to an eligible student who will attend or is enrolled in an eligible Idaho postsecondary educational institution; and
- (b) Meet need and merit criteria established by the state board in rule.

(5) Funds that are available for the opportunity scholarship program shall be used to provide scholarships based upon a shared model of responsibility between the scholarship recipient and the recipient's family, the federal government, and the participating eligible Idaho postsecondary educational institution that the recipient attends for covering the educational costs.

(6) Up to twenty percent (20%) of funds that are available for the opportunity scholarship program may be used for awards to adult students who have earned at least twenty-four (24) credits toward a postsecondary degree

or certificate and who return to an eligible Idaho postsecondary educational institution to complete a certificate or degree.

(7) The opportunity scholarship award shall not exceed the actual educational costs at the eligible Idaho postsecondary educational institution that the student attends. The amount of scholarship shall not exceed the educational costs established by the state board.

(8) Award payments shall be made annually to an eligible Idaho postsecondary educational institution. In no instance may the entire amount of an award be paid to or on behalf of such student in advance.

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

(10) There is hereby created an account in the state treasury to be designated the opportunity scholarship program account.

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

(b) Earnings from moneys in the account or specified gifts shall be distributed annually to the state board to implement the opportunity scholarship program as provided for under the provisions of this chapter.

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

(d) Allowable administrative costs include but are not limited to operating expenses for the implementation and maintenance of a database, operating expenses to administer the program, personnel costs necessary to administer the program, and costs related to promoting awareness of the program.

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

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

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

[33-4303, added 2013, ch. 72, sec. 6, p. 185; am. 2016, ch. 25, sec. 26, p. 49; am. 2016, ch. 32, sec. 2, p. 79; am. 2018, ch. 245, sec. 1, p. 570; am. 2023, ch. 174, sec. 7, p. 469; am. 2023, ch. 272, sec. 5, p. 820.]

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

33-4304, added 2013, ch. 72, sec. 7, p. 187.]