

TITLE 33
EDUCATION

CHAPTER 46
ADVANCED OPPORTUNITIES

33-4601. DEFINITIONS. For purposes of this chapter, the following definitions shall apply:

- (1) "Credit" means middle level or high school credit.
- (2) "Dual credit" is as defined in section [33-5102](#), Idaho Code.
- (3) "Full credit load" means at least twelve (12) credits per school year for grades 7-12.
- (4) "Overload course" means a course taken that is in excess of a full credit load and outside of the regular school day, including summer courses.
- (5) "Parent" means parent or parents or guardian or guardians.
- (6) "Public schools" means an Idaho school district, charter school or Idaho tribal school.
- (7) "School year" means the normal school year that begins upon the conclusion of the spring semester leading up to the break between grades and ends upon the beginning of the same break of the following year.

[33-4601, added 2015, ch. 58, sec. 4, p. 152; am. 2016, ch. 166, sec. 1, p. 450; am. 2018, ch. 100, sec. 1, p. 209.]

33-4601A. RULEMAKING AUTHORITY. The state board of education may promulgate rules to implement the provisions of this chapter.

[33-4601A, added 2016, ch. 374, sec. 1, p. 1091.]

33-4602. ADVANCED OPPORTUNITIES -- RULEMAKING. (1) Students attending public schools in Idaho will be eligible for four thousand one hundred twenty-five dollars (\$4,125) 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 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 participating 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 requirements 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 participate in dual credit courses or graduate from high school early by enrolling in postsecondary courses. Participating school districts, charter schools and Idaho public postsecondary educational institutions shall report to the state board of education and the education committees of the senate and the house of representatives any difficulties or obstacles they experience in providing assistance to participating students.

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

[33-4602, added 2016, ch. 166, sec. 3, p. 451; am. 2018, ch. 100, sec. 2, p. 210; am. 2019, ch. 263, sec. 1, p. 773; am. 2021, ch. 210, sec. 1, p. 577.]

33-4603. ADVANCED OPPORTUNITIES -- NONPUBLIC SCHOOL STUDENTS. (1) Subject to appropriation, students not enrolled in public school will be eligible for seven hundred fifty dollars (\$750) 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.

(a) 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) The state department of education shall maintain a list of eligible postsecondary credit-bearing or career technical education certificate 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 industry-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 examinations 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, 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 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 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 pays any further reimbursements for the student. Repeated and remedial courses are not eligible for funding under this section.

(5) Schools must 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. 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 section, 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.

[33-4603, added 2021, ch. 259, sec. 1, p. 799.]

33-4605. POSTSECONDARY CREDIT SCHOLARSHIP. (1) Subject to the provisions of subsections (2), (3) and (4) of this section, beginning with the spring 2016 graduating class:

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

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

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

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

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

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

(a) The student must be awarded a postsecondary matching scholarship in an amount at least equal to the postsecondary credit scholarship amount awarded in the same school year, provided that the matching funds for each scholarship must come from a business or industry, or entities representing business or industry, and may not be from appropriated or non-appropriated funds of the postsecondary institution or from a foundation affiliated with the postsecondary institution, unless the funds were donated to the postsecondary institution specifically as a match for the postsecondary credit scholarship program;

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

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

(4) Eligible students will be awarded the postsecondary credit scholarship based on grade point average rank subject to annual legislative appropriation.

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

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

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

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

(9) No later than January 15 of each year, the state board of education shall report to the senate and the house of representatives education committees the number of scholarships awarded pursuant to this section during the previous school year. The report shall include the total amount of moneys distributed for the scholarships.

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

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

[33-4605, added 2016, ch. 374, sec. 3, p. 1091; am. 2017, ch. 268, sec. 1, p. 664; am. 2022, ch. 158, sec. 1, p. 545.]