

IDAPA 08 – STATE BOARD OF EDUCATION

08.01.02 - RULES GOVERNING THE POSTSECONDARY CREDIT SCHOLARSHIP

DOCKET NO. 08-0102-1601

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is August 11, 2016.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 33-4605, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 19, 2016.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The proposed rule will create a new section of administrative code establishing the administrative procedures for applying for the Postsecondary Credit Scholarship and provide clarification around the required business or industry matching scholarship.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

HB 477a (2016) created a new section of code, Section 33-4605, Idaho Code, which created a new state administered scholarship titled the Postsecondary Credit Scholarship. The temporary rule is necessary to come into compliance with the new statute.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 6, 2016 Idaho Administrative Bulletin, V16-7, pg. 48.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Tracie Bent, Chief Planning and Policy Officer, at (208)332-1582 or tracie.bent@osbe.idaho.gov. Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 26th, 2016.

DATED this 26th day of August, 2016

IDAPA 08
TITLE 01
CHAPTER 02

08.01.02 - RULES GOVERNING THE POSTSECONDARY CREDIT SCHOLARSHIP PROGRAM

000. LEGAL AUTHORITY.

In accordance with Sections 33-105, 33-4601A, and 33-4605, Idaho Code the State Board of Education (Board) shall promulgate rules implementing the provisions of Title 33, Chapter 46, Idaho Code. T(8-11-16)

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 08.01.02, "Rules Governing the Postsecondary Credit Scholarship Program." T(8-11-16)

02. Scope. These rules constitute the requirements for the Postsecondary Credit Scholarship Program. T(8-11-16)

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, written interpretations, if any, of the rules of this chapter are available at the Office of the State Board of Education. T(8-11-16)

003. ADMINISTRATIVE APPEALS.

Unless otherwise provided for in the rules of the Board or in the Board Governing Policies and Procedures, all administrative appeals allowed by law shall be conducted as provided herein. T(8-11-16)

004. INCORPORATION BY REFERENCE.

There are no documents that have been incorporated by reference into these rules. T(8-11-16)

005. OFFICE INFORMATION.

01. Office Hours. The offices of the Board are open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays. T(8-11-16)

02. Street Address. The offices of the Board are located at 650 W. State Street, Boise, Idaho. T(8-11-16)

03. Mailing Address. The mailing address of the Board is P.O. Box 83720, Boise, Idaho 83720-0037. T(8-11-16)

04. Telephone Number. The telephone number of the Board is (208) 334-2270. T(8-11-16)

05. Facsimile. The facsimile number of the Board is (208) 334-2632. T(8-11-16)

06. Electronic Address. The electronic address of the Board of Education at www.boardofed.idaho.gov. T(8-11-16)

006. PUBLIC RECORDS ACT COMPLIANCE.

These rules are subject to the provisions of the Idaho Public Records Act, Title 74, Chapter 1, Idaho Code.

T(8-11-16)

007. -- 009. (RESERVED)

010. DEFINITIONS.

For the purposes of this section the following definitions shall apply:

T(8-11-16)

01. Board. Means the Idaho State Board of Education.

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02. Business Scholarship. Means a competitive scholarship awarded from a business entity registered with the Idaho Secretary of State or other state or federal entity that registers businesses and whose purpose is not postsecondary education nor is the entity affiliated with a postsecondary education institution; or an association representing businesses as described herein.

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03. Executive Director. Means the Executive Director for the Idaho State Board of Education.

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04. Grade Point Average (GPA). Means the average grade earned by a student, figured by dividing the grade points earned by the number of credits attempted.

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05. Industry Scholarship. Means a competitive scholarship in which the recipient must enter into a program of study for a specific occupational area.

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06. Merit Based Scholarship. Means a merit based scholarship is one in which a minimum academic standard must be met to be eligible for the scholarship.

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011. -- 100. (RESERVED)

101. APPLICATION PROCESS.

01. Initial Applications. An eligible student must complete and submit the scholarship program application to the Board electronically on or before the date specified in the application, but not later than March 1 for consideration of an award during proceeding fall academic term. An applicant without electronic capabilities may submit an application on the form established by the Executive Director through the United States Postal Service, which must be postmarked no later than March 1. Applications received after March 1 of each year must be received at least 60 days prior to the start of the term for which the applicant has enrolled after the fall term.

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02. Communication with State Officials. Failure to respond within the time period specified will result in cancellation of the application or forfeiture of the scholarship unless extenuating circumstances are involved and approved by the Executive Director or designee.

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102. -- 299. (RESERVED)

300. SCHOLARSHIP AWARDS.

01. Selection Process. Scholarship awards will be based on the availability of scholarship program funds. In the event more eligible applications are received than funds are available, those applications received by March 1 of each year will be awarded based on their GPA ranking. Applications received after March 1 of each year will only be considered after all initial applications have been processed and awardees have accepted or rejected their awards.

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02. Monetary Value of the Opportunity Scholarship. The monetary value of the award will be based on the maximum amount the applicant is eligible to receive based on the number of postsecondary credits accepted by the institution they attend and the amount of the matching scholarship for each year they are eligible. The award

amount shall not be more than the matching merit based business or industry scholarship received by the applicant within the limits of the maximum eligible amount. T(8-11-16)

03. Payment. Payment of scholarship award will be made in the name of the recipient and will be sent to the designated official at the eligible Idaho postsecondary educational institution in which the recipient is enrolled. The official must transmit the payment to the recipient student's account within a reasonable time following receipt of the payment. T(8-11-16)

04. Duration. Scholarships will be awarded on an annual basis and payments will correspond to academic terms, semesters, or equivalent units. In no instance will the entire amount of a scholarship be paid in advance to, or on behalf of, a scholarship recipient. The scholarship is valid for up to four (4) educational years from the date the recipient graduated from high school. Awards are contingent on annual appropriations by the legislature and continued eligibility of the student. T(8-11-16)

05. Eligibility. If a student receives a scholarship payment and it is later determined that the student did not meet all of the scholarship program eligibility requirements, then the student is considered in overpayment status, and the remaining program funds must be returned to the Office of the State Board of Education. T(8-11-16)

302. CONTINUING ELIGIBILITY.

To remain eligible for the scholarship, the recipient must comply with all of the provisions of the scholarship program and these rules, in addition to the following requirements: T(8-11-16)

01. Interruption of Continuous Enrollment. A student may request an interruption of continuous enrollment for eligible students due to military service in the United States armed forces, medical circumstances, or extenuating circumstances approved by the Executive Director. A scholarship recipient whose continuous enrollment is interrupted for more than four (4) months but less than two (2) years for any reason but who intends to re-enroll in an eligible Idaho postsecondary educational institution must file a letter of intent to withdraw no later than sixty (60) days prior to the first day of the academic term of the discontinued attendance to the Office of the State Board of Education. Failure to do so may result in forfeiture of the scholarship. In addition, the individual must file a statement with the Board declaring his intent to re-enroll as a full-time student in an academic or career-technical program in an eligible Idaho postsecondary educational institution for the succeeding academic year no later than thirty (30) days prior to the first day of the academic term in which the individual intends to re-enroll within two (2) years of the approval of the request to withdraw. Failure to do so will result in forfeiture of the scholarship unless an extension has been granted. All requests for extension must be made sixty (60) days prior to the start of the succeeding academic year. T(8-11-16)

303. -- 999. (RESERVED)