

**STATE BOARD OF EDUCATION
PLANNING, POLICY & GOVERNMENTAL AFFAIRS AGENDA
June 21, 2001**

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ITEM 1.A

SUBJECT: REPORT ON HIGHER EDUCATION FUNDING EQUITY

BACKGROUND:

At the January Board meeting, the Board asked the president's council to review the current allocation system for the college and universities and, if appropriate, make recommendations for changes. During the legislative session, a House Concurrent Resolution was proposed (the resolution died in committee) directing a similar study. In response, the president's council developed guidelines for the review and contacted two consulting firms to complete an independent funding analysis. Based on the responses, MGT of America was selected to complete the analysis. Mary P. McKeown-Moak, Ph.D., presented the project scope to the Board at the April meeting. The analysis includes Phase I, which validated the peers selected by the institutions and, based on two methods of analysis, determined a funding inequity exists (the analysis had conflicting results). Phase II provides recommendations for any changes to the current allocation process to address inequities found in Phase I.

DISCUSSION:

The MGT report will be mailed to the Board in a separate cover prior to the June Board meeting. Dr. McKeown-Moak will be at the Board meeting to present the report.

IMPACT:

If the study identifies a funding inequity, the Board may elect to develop a request that would eliminate the inequity over an identified period of time.

MOTION:

The report is provided for Board consideration and information. Specific Board action has not been anticipated.

ITEM 1.B

SUBJECT: STRATEGIC ISSUES / BOARD DIRECTION

BACKGROUND:

Time set aside on the agenda for PPGA issues is intended for, among other things, to consider long range planning and coordination, and initial discussions and direction on strategic policy initiatives and goals. Strategic issues recently receiving specific attention by the Board have included higher education funding equity and IPTV governance.

DISCUSSION:

Although there is ongoing activity exploring strategic educational issues, this item is intended to provide the Board with a list of possible areas to direct staff action to either research or make recommendations for changes. The Board may wish to add to the list of topics or pinpoint one or more topics and provide staff direction to come back with information, recommendations, changes or enhancements to current activity or structure.

- a. Community Based Education, Community College System
- b. Two – Year College System
- c. Satellite Campuses (UI-Boise, University Place, NICHE, BSU Canyon County Campus)
- d. Removal of postsecondary institutions from state personnel, public works, and purchasing systems
- e. OSBE location, facilities, staffing
- f. Financial Aid / Scholarship Programs
- g. Student Fee Issues / Fee Structure
- h. Teacher Education (Professional Standards Commission, Teacher Certification, Idaho’s MOST, etc.)
- i. Professional-Technical Education
- j. Coordination/Cooperation with Governor’s Office (budget development, statewide initiatives, etc.)
- k. K-12 Budget (process, approval, etc.)
- l. Career Pathways
- m. Grants Solicitation
- n. Role & Mission Statements
- o. Performance Measures
- p. Information Database
- q. Coordination/cooperation with statewide and national policy makers and professional organizations

MOTION:

Provided for discussion and direction. No specific motion is anticipated or necessary.

ITEM 1.C

SUBJECT: PROPOSED ANNUAL PLAN APPROVAL AND PERIODIC PROGRESS REPORTS

BACKGROUND:

The Board has discussed at recent meetings, the possibility of having its institutions and agencies report on their progress on a periodic basis. Staff has been working with Board member Darrell Manning in the development of a process and format for these reports.

DISCUSSION:

It is still very early in the development stage and many details have yet to be developed. Thus far, the plan of action is as follows:

- UI will give a report at this meeting (June 2001), scheduled for Friday morning. The format for their report was coordinated with the Executive Director.
- For future reports:
 - A format for an annual plan/report will be developed. This report/plan will serve to inform and solicit comment from the Board on future direction, will lay the foundation for areas to be addressed in periodic progress reports, and will meet state strategic plan requirements set forth in Idaho Code.
 - A general format and timeline will be developed and forwarded to the Board and all agencies and institutions for input over the next two months, with final adoption anticipated at the August 2001 meeting.

MOTION:

This item is provided for information and discussion. No specific motion is anticipated or necessary.

ITEM 2.A

**SUBJECT: REVIEW / EVALUATION OF BOARD POLICIES AND PROCEDURES
BOARD BYLAWS**

BACKGROUND:

At the May meeting, the Board reviewed its Bylaws and gave notice that proposed changes to would be forwarded in June for final action.

DISCUSSION:

The proposed changes are attached and summarized as follows:

- Deletes paragraph on OSBE staff professional development – does not belong in the Bylaws (paragraph will be moved to Section VI. OSBE) p. 6
- Changes provisions for a quorum p. 6
- Takes out references to personnel items being transferred to BAHR as of 1/1/2001 p. 11
- Changes reference to internal audit to internal operations and performance p. 13
- Adds provisions for Board to sit as a committee-of-the-whole p. 15
- Updates agency heads council provisions to reflect current practices p. 16-17

MOTION

To approve the changes to the Board Bylaws as proposed in Item 2.A.

Moved by _____ Seconded by _____ Carried Yes ___ No___

Idaho State Board of Education
GOVERNING POLICIES AND PROCEDURES
SECTION: BYLAWS

Revised June 2000
Published February 2000

BYLAWS

A. Membership

The membership of the State Board of Education and Board of Regents of the University of Idaho is determined in accordance with the Constitution of the State of Idaho and by legislative enactment.

B. Office of the State Board of Education

The Board maintains an Office of the State Board for the purpose of carrying out the administrative, financial, and coordinating functions required for the effective operation of the institutions and agencies under the governance of the Board. The staff of the Office of the State Board is under the direction of an executive director responsible directly to the Board.

~~1. Staff Professional Development.~~

~~The Board encourages the professional development of its employees in the Office of the State Board of Education. The same opportunities afforded to comparable positions in the institutions will be extended to Board officers to the maximum extent possible. Employees seeking professional leave with compensation must commit to returning to service in the Board office for a period of time equivalent to the paid professional leave. Should the employee fail to return and meet the service requirement, repayment of the compensation received during the professional leave will be required. (Move to Section VI. OSBE)~~

C. Powers and Duties

The State Board of Education and Board of Regents of the University of Idaho has all the powers and duties specified in the Constitution of the State of Idaho and the Idaho Code.

D. Meetings

1. The Board holds at least four (4) regular meetings annually. A quorum of the Board consists of a simple majority of the total membership of the Board. ~~five (5) Board members.~~ If there is a vacancy on the Board, a quorum will consist of a simple majority of the currently filled positions. A quorum of the Board must be present for the Board to conduct any business.
2. The Board will maintain a 12-month running meeting schedule. To accomplish this, the Board will, at each of its regularly scheduled meetings, update its 12-month running schedule of Board meetings, provided, however, that the Board by majority vote, or the

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Board president after consultation with Board members, may reschedule or cancel any meeting.

3. The Board may hold special meetings by vote of a majority of the Board taken during any regular meeting or by call of the Board president.
4. All meetings of the Board are held at such place or places as may be determined by the Board.
5. All meetings of the Board are conducted and notice thereof provided in accordance with the Idaho "Open Meeting Law." An executive session (a closed meeting) of the Board may be held upon a two-thirds vote of a quorum of the Board for the purpose of considering (a) appointment of an employee or agent, (b) employee evaluation or termination or hearing of complaints and disciplinary action, (c) labor negotiations or acquisition of private real property, (d) records that are exempt from public inspection, (e) preliminary negotiations on matters of trade or commerce, or (f) matters of pending or probable litigation as advised by its legal representatives.

E. Rules of Order

1. Meetings of the Board are conducted in accordance with controlling statutes and applicable bylaws, regulations, procedures, or policies. In the absence of such statutes, bylaws, regulations, procedures, or policies, meetings are conducted in accordance with the current edition of *Robert's Rules of Order Newly Revised* except that a Board action that conflicts with a previous action takes precedence.
2. With the exception of usual, short, parliamentary motions, all motions, resolutions, or other propositions requiring Board action will, whenever practicable, be reduced to writing before submission to a vote.
3. A record vote of the Board is taken in rotational order on all propositions involving any matters of bonded indebtedness; convening an executive session of the Board; or on any other action at the request of any Board member or upon the advice of legal counsel.

F. Officers and Representatives

1. The officers of the Board include:
 - a. A president, a vice president, and a secretary, who are members of the Board.
 - b. An executive secretary, who is the state superintendent of public instruction.
2. The president, vice president, and secretary are elected at the organizational meeting for one (1) year terms and hold office until their successors are elected. Vacancies in these offices are filled by election for the remainder of the unexpired term.

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3. Board representatives to serve on other boards, commissions, committees, and similar bodies are appointed by the Board president.
4. The executive director is appointed by and serves at the pleasure of the Board unless the contract of employment specifies otherwise. The executive director serves as the chief executive officer of the Office of the State Board of Education.

G. Duties of Board Officers

1. Board President

The Board president:

- a. Presides at all Board meetings, with full power to discuss and vote on all matters before the Board.
- b. Submits such information and recommendations considered proper concerning the business and interests of the Board.
- c. Signs, in accordance with applicable statutes and Board action, all contracts, minutes, agreements, and other documents approved by the Board, except in those instances wherein the Board, by its procedures, has authorized the Board president to designate or has otherwise designated persons to sign in the name of or on behalf of the Board.
- d. Gives prior approval for any official out-of-state travel of seven (7) days or more by Board members, agency and institution heads, and the executive director.
- e. Subject to action of the Board, gives notice and establishes the dates and locations of all regular Board meetings.
- f. Calls special Board meetings at any time and place designated in such call in accordance with the Open Meeting Law.
- g. Establishes screening and selection committees for all appointments of agency and institutional heads.
- h. Appoints Board members to all standing and interim committees of the Board.
- i. Establishes the Board agenda in consultation with the executive director.
- j. Serves as chief spokesperson for the Board and, with the executive director, carries out its policies between meetings.

2. Vice President

The vice president:

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- a. Presides at meetings in the event of absence of the Board president.
- b. Performs the Board president's duties in the event of the Board president's inability to do so.
- c. Becomes the acting Board president in the event of the resignation or permanent inability of the Board president until such time as a new president is elected.

3. Secretary

The secretary:

- a. Presides at meetings in the event of absence of the Board president and vice president.
- b. Signs, in accordance with applicable statutes and Board action, all minutes, contracts, agreements, and other documents approved by the Board except in those instances wherein the Board, by its procedures, has authorized or has otherwise designated persons to sign in the name of or on behalf of the Board secretary.

4. Executive Secretary

The state superintendent of public instruction, when acting as the executive secretary, is responsible for:

- a. Carrying out policies, procedures, and duties prescribed by the Constitution of the State of Idaho and the *Idaho Code* or established by the Board for all elementary and secondary school matters.
- b. Presenting to the Board recommendations concerning elementary and secondary school matters and the matters of the State Department of Education.

5. Executive Director

The executive director serves as the chief executive officer of the Board, as chief administrative officer of the statutory Office of the State Board of Education, and as chief executive officer of such federal or state programs as are directly vested in the State Board of Education. The position description for the executive director, as approved by the Board, defines the scope of duties for which the executive director is responsible and is accountable to the Board.

H. Committees of the Board

The Board may organize itself into standing and other committees as necessary. Committee members are appointed by the Board president after informal consultation with other Board

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members. Any such standing or other committee may make recommendations to the Board, but may not take any action, except when authority to act has been delegated by the Board. The Board president may serve as an ex-officio member of any standing or other committee. The procedural guidelines for Board committees appear in the Board Governing Policies and Procedures.

For purposes of the bylaws, the University of Idaho, Boise State University, Idaho State University, Lewis-Clark State College, Eastern Idaho Technical College, the College of Southern Idaho and North Idaho College are included in references to the “institutions,” and Idaho Educational Public Broadcasting System, the Division of Vocational Rehabilitation, the Division of Professional-Technical Education, the School for the Deaf and the Blind, the State Department of Education, the State Historical Society, and the State Library are included in references to the “agencies.”* An institution or agency may, at its option and with concurrence of the Board president, comment on any committee report or recommendation.

1. Planning, Policy and Governmental Affairs Committee

a. Purpose

The Planning, Policy and Governmental Affairs Committee is a standing advisory committee of the Board. It is responsible for developing and presenting recommendations to the Board on matters of policy, planning, and governmental affairs. The committee, in conjunction with the chief executive officers and chief administrators of the Board governed agencies and institutions, will develop and recommend to the Board future planning initiatives and goals. This committee shall also advise the Board on collaborative and cooperative measures for all education entities and branches of state government necessary to provide for the general supervision, governance and control of the state educational institutions, agencies and public schools, with the goal of producing a seamless educational system.

b. Composition

The Planning, Policy and Governmental Affairs Committee is composed of two (2) or more members of the Board, appointed by the president of the Board, who designates one (1) to serve as chairperson of the committee. In addition, it includes as ex-officio, nonvoting members the chief executives of the institutions; the chief deputy superintendent of public instruction; the chief executive officers or chief administrators of the other agencies; and the Board's executive director. The chairperson presents all committee recommendations to the Board.

* Definition provided for purposes of the Bylaws only. Recognizing the Board governance relationship varies with each of these entities, the intent in including representatives of each of the agencies and institutions as much as possible in the committee structure is to ensure proper and adequate representation, but is not intended to obligate or interfere with any other local boards or governing entities.

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c. Responsibilities and Procedures

The Planning, Policy and Governmental Affairs Committee is responsible for making recommendations to the Board in the following general areas:

- (1) long range planning and coordination;
- (2) initial discussions and direction on strategic policy initiatives and goals;
- (3) legislative proposals and administrative rules for Board agencies and institutions;
- (4) coordination and communication with the Governor, the Legislature, and all other governmental entities with regard to items of legislation, Board policy and planning initiatives;
- (5) review and revision of Board policies, administrative rules and education-related statutes for consistency and compatibility with the Board's strategic direction;
- (6) reports and recommendations from the Presidents' Council and the Agency Heads' Council;
- (7) ~~agency and institutional personnel agenda items (until transferred to the Business Affairs and Human Resources Committee as of 1/1/2001);~~
- ~~(8)~~ other matters as assigned by the Board.

At the direction of the Board President, any matter before the Board may be removed to the Planning, Policy and Governmental Affairs Committee for initial action or consideration.

The Planning, Policy and Governmental Affairs Committee may establish necessary procedures to carry out its responsibilities. Such procedures must be consistent with the Board's Governing Policies and Procedures. The Board's executive director, under the direction of the chairperson, prepares the agenda for and schedules each meeting of the Planning, Policy and Governmental Affairs Committee and maintains a written record of the committee's activities and recommendations. A copy of the written record is included in the official minutes of the State Board of Education and Board of Regents of the University of Idaho.

2. Instruction, Research and Student Affairs Committee

a. Purpose

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The Instruction, Research and Student Affairs Committee is a standing advisory committee of the Board. It is responsible for developing and presenting recommendations to the Board on matters of policy and procedure concerning instruction, research and student affairs.

b. Composition

The Instruction, Research and Student Affairs Committee is composed of two (2) or more members of the Board, appointed by the president of the Board, who designates one (1) to serve as chairperson of the committee. In addition, it includes as ex-officio, nonvoting members the chief academic officers of the institutions; a representative of the Division of Professional-Technical Education; a representative of the state department of education; a postsecondary faculty representative; a postsecondary chief student affairs officer representative; a postsecondary student body officer representative; a representative of the Targeted Educational Groups Advisory Council; and the Board's chief technology officer and chief academic officer. The chairperson presents all committee recommendations to the Board.

c. Responsibilities and Procedures

The Instruction, Research and Student Affairs Committee is responsible for making recommendations to the Board in the following general areas:

- (1) agency and institutional instruction, research and student affairs agenda items;
- (2) instruction, academic or professional-technical program approval;
- (3) instruction, academic or professional-technical program review, consolidation, modification, and discontinuance, and course offerings;
- (4) outreach, technology and distant learning impacting programs and their delivery;
- (5) long-range instruction, academic and professional-technical planning;
- (6) registration of out-of-state institutions offering programs or courses in Idaho;
- (7) continuing education, professional development, workforce training, programs for at-risk populations, career guidance;
- (8) student organizations' activities and issues; and
- (9) other matters as assigned by the Board.

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The Instruction, Research and Student Affairs Committee may establish necessary procedures to carry out its responsibilities. Such procedures must be consistent with the Board's Governing Policies and Procedures. The Board's chief academic officer, in conjunction with other Board governed agencies and under the direction of the chairperson, prepares the agenda for and schedules each meeting of the Instruction, Research and Student Affairs Committee and maintains a written record of the committee's activities and recommendations. A copy of the written record is included in the official minutes of the State Board of Education and Board of Regents of the University of Idaho.

3. Business Affairs and Human Resources Committee

a. Purpose

The Business Affairs and Human Resources Committee is a standing advisory committee of the Board. It is responsible for developing and presenting recommendations to the Board on matters of policy and procedures concerning business affairs and human resources affairs.

b. Composition

The Business Affairs and Human Resources Committee is composed of two (2) or more members of the Board appointed by the president of the Board, who designates one (1) to serve as chairperson of the committee. In addition, it includes as ex-officio, nonvoting members the chief financial officers of the institutions; the chief financial officers of the agencies; and the Board's chief financial officer. The chairperson presents all committee recommendations to the Board.

c. Responsibilities and Procedures

The Business Affairs and Human Resources Committee is responsible for making recommendations to the Board in the following general areas:

- (1) Selection of the external auditor and review of the fiscal and internal **audit** operations **and performance** of the agencies and institutions;
- (2) Agency and institutional financial agenda items;
- (3) Coordination and development of guidelines and information for agency and institutional budget requests and operating budgets;
- (4) Long-range fiscal planning;
- (5) Fiscal analysis of the following
 - (a) New and expanded financial programs;

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- (b) Establishment, discontinuance or change in designation of administrative units;
 - (c) Consolidation, relocation, or discontinuance of programs;
 - (d) New facilities and any major modifications to facilities which would result in changes in programs or program capacity; and
- (6) other matters as assigned by the Board.

The Business Affairs and Human Resources Committee may establish necessary procedures to carry out its responsibilities. Such procedures must be consistent with the Board's Governing Policies and Procedures. The Board's chief fiscal officer, under the direction of the chairperson, prepares the agenda for and schedules each meeting of the committee and maintains a written record of the committee's activities and recommendations. A copy of the written record is included in the official minutes of the State Board of Education and Board of Regents of the University of Idaho.

4. Targeted Educational Groups Advisory Council

a. Purpose

The purpose of the Targeted Educational Groups Advisory Council (TEGAC) is to provide an advisory and reporting function to the Board regarding the needs and viewpoints of the represented populations with regard to all Board operations. It is intended this Council will provide a mechanism for feedback and ensure the responsiveness of the educational system to the needs and viewpoints of the groups represented. The Targeted Educational Groups Advisory Council shall report to the Board through its representative on the Instruction, Research and Student Affairs Committee.

b. Composition

The Targeted Educational Groups Advisory Council is comprised of one (1) or more member(s) of the Board, appointed by the president of the Board, who designates one (1) to serve as chair of the committee. Representatives from the institutions, agencies and other groups with targeted educational needs, including but not limited to the Five Tribes in Idaho, the Hispanic Education Task Force, and the education system for the Department of Correction and the Department of Juvenile Justice, will be members of the Advisory Council. In addition, it includes as ex-officio, nonvoting members, designated Board staff. The TEGAC member assigned as the representative to the Instruction, Research and Student Affairs Committee will work with the Council chairperson to present Council recommendations to the Instruction, Research and Student Affairs Committee.

c. Responsibilities and Procedures

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The Targeted Educational Groups Advisory Council is responsible for advising the Board in the following general areas:

- (1) initiatives and improvements to the educational system for the benefit of the represented groups;
- (2) related matters pending before the Board’s standing committees; and
- (3) policy recommendations, budget items and other matters related to the targeted educational population.

Board staff, under the direction of the Council chairperson, prepares the agenda for and schedules each meeting of the Council and maintains a written record of the Council’s activities and recommendations.

I. Committee-of-the-Whole

The Board may sit as a “committee-of-the-whole” to consider items identified in Subsection H for committee consideration.

1. The agenda shall be organized using the areas of responsibility provided for in Subsection H above (i.e., IRSA, BAHR, PPGA).
2. The Board President may designate a Board member to lead and facilitate discussions and presentations in a particular area.
3. Ex-officio, nonvoting members identified for the standing committees in Subsection H will have the opportunity to provide input on items within their area of responsibility.

J. Presidents’ Council

1. Purpose

The Presidents’ Council convenes prior to each Board meeting to discuss and make recommendations, as necessary, on agenda items scheduled for Board consideration. The Presidents’ Council may also choose or be directed by the Board to meet with the Agency Heads’ Council for exchanges of information or to discuss projects of benefit to the entire system. The Presidents’ Council reports to the Board through the Planning, Policy and Governmental Affairs Committee of the Board.

2. Composition

The Presidents’ Council is composed of the presidents of the University of Idaho, Idaho State University, Boise State University, Lewis-Clark State College, Eastern Idaho

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Technical College; and the presidents of North Idaho College and the College of Southern Idaho; each of whom has one (1) vote. One (1) of the voting members shall serve as chair of the Council, with a new chair elected each academic year, such that the chair will rotate among the respective members. The administrator of the Division of Professional-Technical Education and the Board's Executive Director shall be non-voting members of the council.

3. Duties of the Chair

The chair:

- a. presides at all Presidents' Council meetings with full power to discuss and vote on all matters before the Council;
 - a. establishes the Presidents' Council agenda in consultation with the executive director; and
 - c. maintains open communications with the Board on agenda matters through the Planning, Policy and Governmental Affairs Committee.
4. The executive director will communicate openly and in a timely manner with the Presidents' Council for discussion and recommendation on agenda items.

K.J. Agency Heads' Council

1. Purpose

The Agency Heads' Council convenes prior to each Board meeting to discuss and make recommendations, as necessary, on agenda items scheduled for Board consideration. The Agency Heads' Council may also choose or be directed by the Board to meet with the Presidents' Council for exchanges of information or to discuss projects of benefit to the entire system. The Agency Heads' Council reports to the Board through the Planning, Policy and Governmental Affairs Committee of the Board.

2. Composition

The Agency Heads' Council is composed of the chief administrators of Idaho Educational Public Broadcasting System, the Division of Vocational Rehabilitation, the Division of Professional-Technical Education, the School for the Deaf and the Blind; and representatives from the State Department of Education, the State Library and the State Historical Society; ~~each of whom has one (1) vote~~. The Board's Executive Director shall serve as chair of the Council.

3. Duties of the Chair

The chair:

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- a. presides at all Agency Heads' Council meetings ~~with full power to discuss and vote on all matters before the Council;~~
- b. establishes the Council's agenda in consultation with the Council's members; and
- c. maintains open communications with the Board on agenda matters through the Planning, Policy and Governmental Affairs Committee.

L.K. Adoption, Amendment, and Repeal of Bylaws

Bylaws may be adopted, amended, or repealed at any regular or special meeting of the Board by a majority vote of the Board, provided notice has been presented at the preceding meeting of the Board.

ITEM 2.B

**SUBJECT: REVIEW / EVALUATION OF BOARD POLICIES AND PROCEDURES
SECTION I. GENERAL POLICIES AND PROCEDURES
SUBSECTIONS A. – E.
SECTION VI. OFFICE OF THE STATE BOARD OF EDUCATION**

BACKGROUND:

At the May meeting, the Board reviewed certain subsections of Section I. General Policies and Procedures. It was decided that staff would develop suggested changes and necessary updates and bring them back for first reading in June.

DISCUSSION:

The proposed changes to Section I. are attached and are summarized as follows:

- clarifies the definition of the policies and procedures and outlines the agencies and institutions to which they are generally applicable
- clarifies that Rules are printed in the Idaho Administrative Code p. 23
- updates the general order of business for Board meetings to reflect current practices p. 24
- updates and reorganizes provisions for agenda materials to reflect current practices and provides that they will be formatted and organized in a manner prescribed by the executive director p. 24-25
- deletes text specifying format and providing a model agenda p. 25
- emphasizes that the executive director serves as the administrative extension of the Board p. 30
- adds section deleted from Bylaws on staff professional development p. 35

IMPACT

Changes serve to provide clarification and updates to reflect current practices.

MOTION

To approve for first reading the changes to the Board's Governing Policies and Procedures, Section I., Subsections A. – E., and Section VI., as outlined in Item 2.B.

Moved by _____ Seconded by _____ Carried Yes ___ No___

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GOVERNING POLICIES AND PROCEDURES

SECTION: I. GENERAL GOVERNING POLICIES AND PROCEDURES

SUBSECTION: A. Policy Making Authority

Published February 2000

A. Policy-Making Authority

1. Definition

The Governing Policies ~~and Procedures~~ provide broad basic principles that generally form the foundation for Board procedures. The State Board of Education and the Board of Regents of the University of Idaho (hereinafter referred to as the Board) intends each institution and agency under its governance to follow the policies and procedures outlined herein. and generally form the foundation for Board Procedures. As used throughout these policies and procedures, unless otherwise specified, "institutions" refers to Boise State University, Idaho State University, Lewis-Clark State College, University of Idaho and Eastern Idaho Technical College. "Agencies" refers to the State Department of Education, Idaho Educational Public Broadcasting, the Idaho Division of Professional-Technical Education, the Idaho Division of Vocational Rehabilitation, and the Office of the State Board of Education. ~~in this Section, "institutions and agencies" means the institutions, agencies, school, office, and department under the governance of the State Board of Education and Board of Regents of the University of Idaho herein after referred to as "the Board."~~

2. Powers and Duties

The Board, as the designated policy-making body for the institutions and agencies under its governance, has all of the powers and duties established by the Constitution of the State of Idaho and the statutes appearing at Title 33 *et seq.* of the Idaho Code, as may be amended. Although the Board is responsible for ensuring that its policies and procedures are followed, it does not participate in the details of internal management of its institutions and agencies. That responsibility is hereby delegated to the respective chief executive officers. Members of the Board, as representatives of the State and its citizens, may exercise official authority only when the Board is in session or when they are acting on behalf of the Board pursuant to its direction.

3. Policy Decisions

Assisted in its deliberations by the executive director, the chief executive officers, and other institutional or agency constituencies, the Board undertakes policy-making decisions in areas such as the following:

- a. Consideration of policy proposals of the office of the Board, chief executive officers, employees, and other interested parties in accordance with established Board procedures.
- b. Adoption of policies to ensure the effective internal management of the institutions and agencies, and to encourage the highest quality of service by Board employees.

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GOVERNING POLICIES AND PROCEDURES

SECTION: I. GENERAL GOVERNING POLICIES AND PROCEDURES

SUBSECTION: A. Policy Making Authority

- c. Review of and action on the goals and objectives, including the statements of role and mission, of each institution and agency.
- d. Evaluation of the administration and execution of Board policies.
- e. Approval or disapproval of other policy matters requiring action by the Board.

4. Conformance with State and Federal Law

All Board Governing Policies and Procedures and the internal policies and procedures of its institutions and agencies will comply with and be in conformance to applicable laws.

5. Adoption, Amendment, or Repeal of Board Policies

- a. Board policies may be adopted by majority vote at any regular or special meeting of the Board. The adoption, amendment, or repeal of a Board policy may be requested by any member of the Board, the executive director, or any chief executive officer. Persons who are Board employees, or students or student groups, must file a written request with the chief executive officer of an institution or agency, or his or her designee, to receive Board consideration. An Idaho resident, other than those described above, may file a written request with the executive director for Board consideration of a proposal. Regardless of the source, a statement of the proposed adoption, amendment, or repeal must be presented to the executive director for transmittal to the Board. If the subject matter of the presentation concerns an agency, institution, school, or department of the Board, the executive director will also notify the appropriate chief executive officer of the nature of the request.
- b. Board action on any proposal will not be taken earlier than the next regular or special meeting following Board approval for first reading. During the interim between the first reading and Board action, the chief executive officers will seek to discuss and review the proposal with faculty, staff, or other Board employees and students or student groups, as appropriate. The chief executive officers will transmit summaries of oral statements and written comments on the proposal to the executive director. After thorough consideration, the proposal will be presented by the executive director to the Board for action.
- c. The executive director is authorized to make nonsubstantive corrections and amendments to Board Governing Policies and Procedures as may be necessary in such areas as typographical errors, cross-references, and citations of state and federal statutes.

6. Catalog of Bylaws, Governing Policies and Procedures, and Rules.

The executive director maintains a catalog of Board Bylaws, Governing Policies and Procedures, and Board rules. Official copies of Board Bylaws and Board Governing Policies and Procedures will be provided to members of the Board and the chief executive officers for their own use. In addition, official copies will be provided to each

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chief executive officer for use at the institution or agency. One of these official copies must be made available by each chief executive officer for use at a convenient location by employees, students, and other interested parties.

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SUBSECTION: B. Board Procedures

Published February 2000

B. Board Procedures

1. Definition

Board Procedures clarify the Governing Policies and are statements of procedure adopted by the Board concerning the management and operation of the institutions, the agencies, and the Board itself. The Procedures are intended to deal with specific methods or issues within the broad framework of the Governing Policies. Board actions directed to particular situations or intended to direct or guide an individual institution or agency are not to be construed as Board Procedures.

2. Adoption, Amendment, or Repeal of Board Procedures

- a. Board procedures may be adopted by a majority vote at any regular or special meeting of the Board. The adoption, amendment, or repeal of a Board procedure may be requested by any member of the Board, the executive director, or any chief executive officer. Persons who are Board employees, or students or student groups, must file a written request with the chief executive officer at an institution or agency, or is or her designee, to receive Board consideration. An Idaho resident other than those described above, may file a written request with the executive director for Board consideration of a proposal. Regardless of the source, a statement of the proposed adoption, amendment, or repeal must be presented to the executive director for transmittal to the Board. If the subject matter of the presentation concerns an agency, institution, school, or department of the Board, the executive director also notifies the appropriate chief executive officer of the nature of the request.
- b. Board action on any proposal is not taken earlier than the next regular or special meeting following Board approval for first reading. During the interim between the first reading and Board action, the chief executive officers seek to discuss and review the proposal with faculty, staff, or other Board employees and students or student groups, as appropriate. The chief executive officers transmit summaries of oral statements and written comments on the proposal to the executive director. After thorough consideration, the proposal is presented by the executive director to the Board for action.

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SECTION: I. GENERAL GOVERNING POLICIES AND PROCEDURES

SUBSECTION: C. Board Rules

Published February 2000

C. Board Rules

1. "Board rules" are defined as statements of general applicability that (a) implement, interpret, or prescribe law or policy and (b) describe the organization, procedure, or practice requirements of the Board which affect private rights or procedures available to the public or declaratory rulings pursuant to Section 67-5201 *et seq.* of the Idaho Code.
2. The "Board Bylaws and Governing Policies and Procedures" are statements of internal management for the institutions, agencies, and the Board itself and do not constitute Board rules under the meaning of 67-5201 *et seq.* of the Idaho Code, known as the "Administrative Procedure Act."
3. "Board Governing Policies and Procedures" regarding the curricula of the institutions, students attending or applicants for admission to the institutions, and the use and maintenance of land, equipment, and buildings of the respective institutions are not considered rules under the meaning of the Idaho "Administrative Procedure Act."
4. The adoption procedures, numbering and format, hearing notice, hearing, procedures, publication, transmittal, and related matters pertaining to Board rules must be in conformity with the requirements of the "Administrative Procedure Act."
5. The executive director, in consultation with the Board's legal counsel, decides whether a policy or procedure matter is to be considered a rule.
6. Board rules ~~are have been~~ printed in the State Board of Education Rule Manual ~~(IDAPA-08.01)~~ and in the State of Idaho Administrative Code.

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SUBSECTION: D. Board Meetings

D. Board Meetings

1. Order of Business

Each Board meeting agenda is structured as follows (unless requested otherwise by a Board member ~~or chief executive officer~~):

First Day

- a. Convene, establish quorum, and approve minutes of previous meeting.
- ~~b. Three (3) standing committees of the Board—Agenda items related to Planning, Policy and Governmental Affairs, Business Affairs and Human Resources, and Instruction, Research and Student Affairs/Personnel/Student Affairs, Finance, and Academic Affairs and Program—meet to consider agendas and recommendations from the institutions and agencies.~~
- ~~cb.~~ Meeting/lunch with faculty, staff, students, etc., of the host institution or agency.
- ~~e.—Convene, establish quorum, and approve minutes of previous meeting.~~
- d. Reports of Board committees and Board action on these reports if necessary.
- e. Hearings and presentations by institutions and agencies in areas of long-term interest to the Board or its committees. (These are informational sessions without votes or Board action.)
- ~~f.—Joint agenda items.~~

Second Day

- a. Consideration of and action on the agenda items concerning public schools and the State Department of Education.
- b. Boardwork-routine and housekeeping matters.

2. Agenda Materials Categories

~~a.—Institutions and Agencies~~

- a. The institution and agency agendas must be received at the Board office by a date to be determined by the executive director. Any agenda information not supplied by the set date will not be considered by the Board at that Board meeting without the specific approval of the executive director. The agendas are reviewed by the executive director and the chief executive officers to determine that all recommended

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transactions are in accordance with statutes, Board Governing Policies and Procedures, and previous Board action. The executive director may raise questions with the appropriate chief executive officer as to any agenda item. If there is a question concerning legality or conformance with Board policies and procedures, previous Board action, or appropriateness of any agenda item, the executive director brings the matter to the attention of the chief executive officer and the Board.

b. The Board agenda materials will be formatted and organized in a manner prescribed the executive director.

c. Agenda materials are mailed to each member of the Board, the institutions and agencies, and news media representatives according to a listing maintained by the executive director.

The chief executive officer also distributes agenda materials to any persons deemed by the chief executive officer to have need of such materials and makes at least one (1) copy of the material available for inspection by the general public at a convenient location at the institution or agency.

~~b. Contents~~

~~(1) Reports of personnel matters, contracts, purchases, and other matters required to be reported to the Board for action or information.~~

~~(2) Reports of program matters requiring Board action in accordance with Section III, Postsecondary Affairs, and Section IV, Agency Affairs.~~

~~(3) Reports of technology matters which are presented to the Board to (a) obtain the Board's approval, (b) seek the Board's advice, or (c) provide information for the Board, will be coordinated through the Board's technology officer. While the reports will remain under the authority of individual agencies/councils, a consolidated set of reports will be presented to the Board at least quarterly. Technology matters that are time sensitive and need immediate action may be forwarded to the Board through the Telecommunication Council and the Academic Affairs and Program Committee while remaining under the authority of individual agencies/councils for presentation at the next scheduled Board meeting.~~

~~(4) Reports of matters requiring Board action in accordance with any other provision of these policies and procedures.~~

~~(5) Reports of special matters not specifically mentioned in the policies and procedures which are presented to the Board to (a) obtain the Board's approval, (b) seek the Board's advice, or (c) provide information for the Board.~~

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~~e. Format~~

~~The model agenda serves as the general guideline for each chief executive officer in preparing his or her agenda and report(s) to the Board.~~

~~MODEL AGENDA~~

~~Classification of Agenda Items:~~

~~All institutional or agency agenda items are submitted for approval in the following format and color coded as noted below:~~

~~—2.0 Personnel/Student Affairs
Agenda Items (green)~~

~~—3.0 Academic Affairs & Program
Agenda Items (yellow)~~

~~—4.0 Financial Agenda Items (blue)~~

~~—10.0 Technology Topics (brown)~~

~~Agendas prepared by the Office of the State Board of Education:~~

~~—Boardwork Agenda (salmon)~~

~~—Joint Session Agenda (goldenrod)~~

~~d. College and Universities Joint Agenda.~~

~~Matters of statewide concern for the college and universities, including program requests or modifications, must be placed by the executive director on the College and Universities Joint Agenda in order to allow the Board to gain an overall perspective of agenda items which may impact the state system of higher education. The executive director and the chief executive officers will cooperatively develop items to be included in this agenda.~~

~~e. Reports of Officers, Board Members, Representatives of the Board.~~

~~(1) Board President—The Board president may present correspondence directed to the Board and report such other matters as the Board president deems worthy of Board consideration or action.~~

~~(2) Other Officers and Board Members—Other Board officers and members may present matters to the Board for consideration or action.~~

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- ~~(3) Superintendent of Public Instruction — The Superintendent of Public Instruction may report on any matters which he or she deems to be of interest to the Board or which require Board action to implement its constitutional and statutory responsibility for the governance and supervision of the public school system and the Department.~~
- ~~(4) Executive Director — The executive director may report on matters which he or she deems to be of interest to the Board or which require Board action, including any action taken by the executive director on matters delegated by the Board.~~
- ~~(5) Legal Counsel — From time to time, the Board's legal counsel may present a summary report to the Board, which may include a summary of the status of significant litigation and other legal matters that may be of interest to the Board.~~

3. Special Presentations to the Board

- a. Each institution and agency is to establish a procedure to allow persons to address the Board regarding any item on the institution or agency agenda. The chief executive officer may prescribe the form and duration of such presentation subject to the ruling of the Board's presiding officer. The chief executive officer must also communicate the nature of the special presentation to the executive director at least ten (10) days before the Board meeting.
- b. Persons who cannot avail themselves of the procedures established by a chief executive officer at an institution or agency may file a written request with the executive director at least fifteen (15) days before a Board meeting. The request must include the name and address of the person wishing to speak, the name of the organization or group represented, if applicable, and a summary of the proposed presentation. The executive director, who may consult with the Board president before making a decision, will notify the individual or organization whether the request is granted or denied. If the subject matter of the presentation concerns an agency, institution, school, or department of the Board, the executive director will also notify the appropriate chief executive officer of the disposition of the request. If the request is granted, the executive director, at least five (5) days before the Board meeting, will notify the person of the place, approximate time, duration, and form of presentation.
- c. The above requirements notwithstanding, the executive director may exercise his or her discretion to waive the required period of time, if the request to make a presentation is of a timely or urgent nature. The Board reserves the right to recognize any person, on the motion of any Board member, to make a presentation to the Board.
- d. Any individual or organization making a presentation must submit one (1) written copy of the presentation, along with any supporting documents, to the executive director for inclusion in the permanent exhibits. If the subject matter of the presentation concerns an agency, institution, school, office, or department of the

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Board, the individual or organization must also transmit one (1) copy of the presentation to the appropriate chief executive officer before the meeting at which the presentation is scheduled. If the individual or organization wishes broader distribution, thirty (30) copies of the materials should be given to the executive director or his or her designee.

- e. Members of an institutional or agency staff may address the Board on invitation from any member of the Board, the executive director, or any chief executive officer.

4. Public Hearings

- a. The Board may, from time to time, hold public hearings on matters it deems appropriate or as required by its Governing Policies and Procedures. Notice of the time and location of the hearing is given by the executive director.
- b. Persons planning to make comments at a public hearing of the Board should submit one (1) written copy, along with any supporting documents, to the executive director for inclusion in the record of the hearing.

5. ~~Distribution of Agenda Materials~~

~~Agenda materials are mailed to each member of the Board the Board Office in a number determined by the executive director, and news media representatives according to a listing maintained by the executive director.~~

~~The chief executive officer also distributes agenda materials to any persons deemed by the chief executive officer to have need of such materials and makes at least one (1) copy of the institution or agency agenda material available for inspection by the general public at a convenient location at the institution or agency.~~

6. Calendar of Report Submissions

To facilitate the complete and timely presentation of information to the Board, the executive director may develop a calendar for submission of items to the Board by the executive director and the chief executive officers.

7. Recording of Proceedings by Media Representatives

News media representatives may record, at their own expense, by tape, film, or other means, the proceedings of the Board or its committees that are required by the laws of the State of Idaho to be open to the public.

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8. Permanent File

Board Minutes, upon approval, agendas of the institutions and agencies, and a record of other actions of the Board are placed on permanent file in the Office of the Board. Persons desiring to obtain photocopies of any item on permanent file must file a written request with the executive director and, upon payment of the cost of photocopying, may obtain the requested copies. The permanent files are open for examination during regular business hours and under such conditions as are necessary to ensure the integrity and safekeeping of the permanent files of the Board.

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SECTION: I. GENERAL GOVERNING POLICIES AND PROCEDURES

SUBSECTION: E. Executive Officers

Revised June 2000

E. Executive Officers

1. Executive Director

The executive director serves as the administrative extension of the Board. The executive director is charged with ensuring the effective articulation and coordination of the institutional, agency, and statewide concerns and is advisor to the Board and the presidents/agency heads on all appropriate matters.

2. Presidents/Agency Heads

a. Responsibilities

The president/agency head is the chief program and administrative officer of the institution or agency. The president/agency head has full power and responsibility within the framework of the Board's Governing Policies and Procedures for the organization, management, direction, and supervision of the institution or agency and is held accountable by the Board for the successful functioning of the institution or agency in all of its units, divisions, and services. The president/agency head is employed by and serves at the pleasure of the Board unless the contract of employment specifies otherwise.

For the higher education institutions, the Board expects the presidents to obtain the necessary input from the faculty, classified and exempt employees, and students, but it holds the presidents ultimately responsible for the well-being of the institutions, and final decisions at the institutional level rest with the presidents.

b. The chief executive officer is held accountable to the Board for performing the following duties within his or her designated areas of responsibility:

(1) Relations with the Board

- (a) Conduct of the institution or agency in accordance with the Governing Policies and Procedures of the Board and applicable state and federal laws.**
- (b) Effective communication among the Board, the Board office, and the institution or agency.**
- (c) Preparation of such budgets as may be necessary for proper reporting and planning.**
- (d) Transmittal to the Board of recommendations initiated within the institution or agency.**

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- (e) Participation and cooperation with the office of the Board in the development, coordination, and implementation of policies, programs, and all other matters of statewide concern.
- (f) Notification to Board president or executive director of any out-of-state absence exceeding one week.

(2) Leadership of the Institution or Agency

- (a) Recruitment and retention of employees
- (b) Development of programs, in accordance with an evolving plan for the institution or agency.
- (c) In cooperation with appropriate parties, the promotion of the effective and efficient functioning of the institution or agency.
- (d) Development of methods that will encourage responsible and effective contributions by various parties associated with the institution or agency in the achievement of the goals of the institution or agency.

(3) Relations with the Public

- (a) Development of rapport between the institution or agency and the public which it serves.
- (b) Official representation of the institution or agency and its Board-approved role and mission to the public.
- (c) The Agency Head is evaluated by the Executive Director, who makes recommendations to the Board with respect to future contracts and compensation. The Presidents are evaluated by the Board. The performance evaluation is based upon the duties outlined in the policy and mutually agreed upon goals. Final decisions with respect to future contracts are made by the Board.

c. Terms and Conditions

The Board and the president/agency head shall sign an annual letter of agreement that documents the period of appointment, salary, and any additional terms. The Board shall evaluate the president/agency head's performance pursuant to the Board's evaluation policy.

d. Compensation and Benefits

The president/agency head's annual salary shall be set and approved by the Board. The president/agency head shall not receive personal salary or benefits or supplements from institutional foundations or other affiliated organizations except as allowed for institutional presidents pursuant to topic 3, subtopic e, below and as such

Section I. Subsection E.

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is specifically approved by the Board in each instance. Additionally, the president/agency head may not receive personal salary or benefits or supplements from other outside sources without prior Board approval.

In addition to the salary referred to above, the president/agency head shall receive the usual and ordinary medical, retirement, leave, educational, and other benefits available to all institutional and agency employees.

- e. The president/agency head shall receive reasonable and adequate liability insurance coverage under the state's risk management program. In addition, the institutional foundations and other affiliates shall provide the necessary directors and officers insurance for the president/agency head.
- f. Relocation and moving expenses incurred by the president/agency head will be paid in accordance with the policies and rates established by the State Board of Examiners.

3. Institutional Presidents: Housing, Automobile, Expense Reimbursement, and Termination Policy

- a. The presidents are responsible for hosting official functions to promote their respective institutions. Three (3) institutions own homes that are the most suitable facilities available for this purpose. At these institutions, the presidents are required to live in the official residences provided.

To preserve the image of the institutions and to provide adequate maintenance of state-owned property, the institutions shall provide support services for these residences. This support shall include maintenance and repairs, utilities, and groundskeeping.

In the event that the institution does not own an official residence, a housing allowance will be provided that is similar in value to living in the official residence. In addition, this allowance shall cover reasonable maintenance and repair expenses related to the use of this home as the president's official residence.

- b. Each president shall be provided an automobile. Maintenance, repairs, gas for business use, and insurance shall be provided for this vehicle.

If a president does not elect to use a vehicle provided by the institution, the institution will provide the president a vehicle allowance in lieu of the cost of leasing, automobile maintenance, and insurance. Documented business travel will be reimbursed to compensate for gasoline costs.

- c. The presidents shall receive reimbursement for official entertainment expenses. Public relations and other out-of-pocket expenses may be reimbursed if they are directly related to the function of the institution as determined by the president. (See fiscal policy for entertainment and related expenses.)

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d. Terminations

In the event the president's appointment is terminated by Board action (for or without cause), the president shall be paid all compensation and benefits under the terms of his or her employment agreement until the termination of said appointment.

e. Foundation Provided Supplemental Compensation and Benefits

(1) Supplemental compensation or benefits for the presidents may be approved by the Board on a case-by-case basis. Any such supplemental compensation or benefit must meet all requirements of this subtopic.

(2) The funding for such supplemental compensation or benefits must be provided by the institution's related foundation meeting all requirements of Section V, Subsection E of the Board's Governing, Policies and Procedures.

(3) The presidents shall, at the first knowledge of any proposed supplemental compensation or benefits, refer the foundation representatives to the Board President and the Executive Director. The Board President and the Chairman of the Board's Personnel and Student Affairs Committee, or their designee, shall direct the conduct of any and all negotiations with the foundations regarding any supplemental compensation or benefits agreements.

(4) An agreement between the foundation, the President, and the Board must be created that details the nature and scope of the supplemental compensation and benefits. The agreement must contain a provision in which the foundation and president each agree to indemnify the institution and the Board from and against all claims arising from any supplemental compensation and benefits agreement.

(5) Specific and prior Board approval is required for any supplemental compensation and benefits agreement and for any amendment thereto.

4. Superintendent for the Idaho School for the Deaf and the Blind (ISDB): Housing and Automobile Policy

a. The superintendent for the ISDB is responsible for hosting official functions to promote the school. The ISDB owns a home that is the most suitable facility available for this purpose. The superintendent for the ISDB is required to live in this official residence.

To preserve the image of the ISDB and to provide adequate maintenance of state-owned property, the ISDB shall provide support services for this residence. This support shall include maintenance, utilities, custodial, and groundskeeping.

b. The superintendent for the ISDB shall be provided an automobile. Maintenance, repairs, gas for business use, and insurance shall be provided for this vehicle.

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A. Office of the State Board of Education

1. Purpose

The Office of the State Board of Education is established by Section 33-102A, Idaho Code, as an executive agency of the State Board of Education.

2. Executive Director

The executive director serves as executive officer of the Board, as chief administrative officer of the Office of the State Board of Education, and as chief executive officer of such federal or state programs as are directly vested in the State Board of Education. The executive director is appointed by and serves at the pleasure of the State Board of Education.

3. Office Organization

The Office of the State Board of Education is organized in a manner determined by the Board acting on the recommendations of the executive director.

4. General Scope of Office Responsibilities

The Office of the State Board of Education assists the Board in the execution of its legal responsibilities. Consistent with that role, the office functions to:

- a. provide information, analysis, and recommendations associated with the Board's decision-making processes;
- b. coordinate the functions and activities of those agencies and institutions governed by or funded through the Board;
- c. initiate, in cooperation with those agencies and institutions, long-term planning efforts which are responsive to emerging legal, social, and fiscal events in the state, region, and nation;
- d. interact, as directed by the Board, with other branches and representatives of state government;
- e. provide public information with respect to the Board, its policies, and its institutions and agencies;

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- f. establish and coordinate the Board's plan for postsecondary education; and
- g. administer all programs and services assigned to the Board by statute, regulation, or appropriation.

5. Internal Policies and Procedures

The executive director may establish additional policies and procedures for the internal management of the Office of the State Board of Education that complement, but do not supplant, the Governing Policies and Procedures of the State Board of Education. Such internal policies and procedures are subject to Board review and action.

6. Additional Responsibilities

Additional responsibilities of the executive director and of the Office of the State Board of Education are identified throughout the Governing Policies and Procedures and the State Board of Education ~~Administrative Rules~~ [Rule Manual \(IDAPA-08.01\)](#). Throughout both documents, the term "executive director" means the executive director of the Board, and the term "office" means the Office of the State Board of Education.

7. Retention of Tenure

An employee of the Office of the State Board of Education, who has previously been granted tenure at an institution, shall retain tenure under the following conditions:

- a. Leave of absence for this special assignment is approved by the university president.
- b. The special assignment with the Office of the State Board of Education is continuous until reassignment to the institution.

8. Staff Professional Development (moved from bylaws)

The Board encourages the professional development of its employees in the Office of the State Board of Education. The same opportunities afforded to comparable positions in the institutions will be extended to Board officers to the maximum extent possible. Employees seeking professional leave with compensation must commit to returning to service in the Board office for a period of time equivalent to the paid professional leave. Should the employee fail to return and meet the service requirement, repayment of the compensation received during the professional leave will be required.

ITEM 2.C

SUBJECT: REVIEW / EVALUATION OF BOARD POLICIES AND PROCEDURES SECTION IV. C

BACKGROUND:

In August 2000, the Board took action to change its policies and procedures in relation the Idaho Educational Public Broadcasting System. The changes responded to legislative direction given in 2000 HB 768, the FY 01 appropriation bill for IEPBS. When adopted, the Board motion indicated that the changes would sunset at the same time as the FY 01 IEPBS appropriation bill, effectively June 30, 2001.

DISCUSSION:

The 2001 legislature, in approval of the FY 02 appropriation for IEBPS, did not include the intent language provided in the 2000 session that precipitated these changes. Attached is the policy subsection for the Board's information. **The provisions expected to sunset on June 30 are indicated with underlined text.**

IMPACT:

Allowing this language to sunset returns the policy as it was prior to August 2000. This serves to remove requirements for the viewer discretion and advisory statements being broadcast periodically, and takes out provisions for periodic reports on programming and broadcasting activities.

MOTION:

This item is provided for information. No specific motion is necessary or anticipated.

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GOVERNING POLICIES AND PROCEDURES

SECTION: IV. AGENCY AFFAIRS

SUBSECTION: C. IDAHO EDUCATIONAL PUBLIC BROADCASTING SYSTEM

Revised August 2000
Published February 2000

C. Idaho Educational Public Broadcasting System

Additions to this subsection as indicated with underlined text sunset on June 30, 2001.

1. Purpose

The Idaho Educational Public Broadcasting System provides administrative, operational, and programming expertise, direction, guidance, and assistance to the management and staff of Idaho's three (3) public television stations. In addition, the general manager develops long-range planning, goals and objectives, and procedures for public broadcasting to ensure fiscal and programming accountability and credibility and to ensure adherence to local, state, and federal regulations including compliance with the intent of the Idaho Legislature as contained in 2000 HB 768, as such is set forth in 2000 Session Laws Chapter 475. ~~The general manager serves at the pleasure of the State Board of Education.~~

2. Delegation of Authority

The general manager serves at the pleasure of the State Board of Education. The Board delegates to the general manager as the chief executive officer the responsibility to manage, coordinate, and supervise the Idaho Educational Public Broadcasting System and Idaho's three (3) public television stations in compliance with this policy and all other directives of the Board. The chief executive officer is also responsible for the preparation and submission of an agenda for matters related to the Idaho Educational Public Broadcasting System for Board review and action.

3. Organization

Central management and systems personnel, after consultation with station management, institutional administration, and the local friends' boards, develops, establishes, and maintains station policies and standards related to programming, operations, and fund-raising activities for the three (3) stations in Idaho.

4. Internal Policies and Procedures

The general manager may establish additional policies and procedures for the internal management of the Idaho Educational Public Broadcasting System and stations which complement, but do not supplant, the Governing Policies and Procedures of the Board. Such internal policies and procedures are subject to Board review and action.

5. ~~Other Matters~~ Compliance

- a. The State Board of Education is the holder of the Federal Communications Commission licenses to operate the transmitters, translators and related facilities of Idaho Educational Public Broadcasting System.
- b. The general manager is responsible for ensuring adherence to local, state, and federal regulations including compliance with the intent of the Idaho Legislature as contained

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in 2000 HB 768, as such is set forth in 2000 Session Laws Chapter 475 by all public broadcasting operations in the State of Idaho for which the Board is the designated licensee of the Federal Communications Commission.

6. Programming Policies and Procedures

a. The State Board of Education and Idaho Educational Public Broadcasting System subscribe to the Statement of Principles of Editorial Integrity in Public Broadcasting as adopted by the Board in 1987.

b. IEPBS shall follow written procedures for choosing and scheduling programs. Such procedures, and any changes or amendments thereto, are subject to prior review by the Board.

c. Viewer Discretion and Advisory Statements

(1) IEPBS shall utilize the Television Rating System of the National Association of Broadcasters for the purpose of airing Viewer Discretion Announcements as appropriate. However, such rating system shall not be a determinative factor in the program selection process.

(2) At least once each broadcast day at various times, and at other times as appropriate, IEPBS shall broadcast an announcement in a form substantially similar to the following:

Events and depictions appearing on this Idaho Educational Public Broadcasting System that are broadcast for the purpose of providing in-depth news coverage, documentaries and information valuable for Idaho citizens, may at times show acts that, if committed in Idaho in reality, would be violations of Idaho criminal laws. The Idaho Educational Public Broadcast System and the Idaho State Board of Education expressly offer such programs as a part of IEPBS's highest priority of programming and not for the purpose of promoting, supporting or encouraging the violation of any Idaho criminal statutes.

(3) On all programming materials printed or distributed by IEPBS, and on air at least once each broadcast day at various times and at other times as appropriate, the following paragraph shall be included, or broadcast, in a form substantially similar to the following:

As a part of the Idaho Educational Public Broadcasting System highest priority of programming in broadcast (among other things, in-depth news coverage, documentaries and information valuable for Idaho citizens) some content may be controversial. IEPBS and the State Board of Education encourage families to exercise decisions as to values important to them to determine whether to watch any IEPBS program. In order to assist families in making the decision, information about programming is available on-line, by phone and in writing.

Idaho State Board of Education

GOVERNING POLICIES AND PROCEDURES

SECTION: IV. AGENCY AFFAIRS

SUBSECTION: C. IDAHO EDUCATIONAL PUBLIC BROADCASTING SYSTEM

- d. IEPBS shall report to the State Board of Education a draft copy of its monthly programming decisions in advance as directed by the Board or the Executive Director. Such prior notice shall be sufficient to allow the Board to monitor and review such decisions as required by law.
- e. IEPBS shall monitor viewer input and report a monthly summary of communications from viewers regarding programming and related issues from the previous month.
- f. IEPBS shall report an overview of important activities of IEPBS for the Board's regularly scheduled meetings.
- g. IEPBS shall keep records of, and provide the State Board of Education with quarterly reports of, all broadcasting activities in the following categories:
 - (1) K-12 Education
 - (2) Higher Education
 - (3) Public Safety
 - (4) Lifelong Learning
 - (5) Cultural and Family Enrichment
 - (6) Character Education and Virtues Embodied in 1995 HCR 19
 - (7) In-depth news coverage
 - (8) Documentaries

ITEM 3.A

**SUBJECT: PROPOSED RULE CHANGE
08.01.05 STATE OF IDAHO SCHOLARSHIP PROGRAM**

BACKGROUND:

During the 2000 legislative session, Idaho lawmakers created the Idaho Promise Category B Scholarship Program and changed the name of the existing State of Idaho Scholarship Program to the Idaho Promise Category A Scholarship. (Idaho Code Title 33, Chapter 43). Funding for the Idaho Promise Category B Scholarship was provided by the legislature in the 2001 session, with the first awards for the Category B scholarships going to first-time freshman enrolling in Idaho colleges and universities in the Fall of 2001.

Board staff has met regularly with the Financial Aid and Scholarship Directors of the participating institutions to develop the procedures for implementing the provisions of the program.

DISCUSSION:

Title 33, Chapter 43 of the Idaho Code requires the State Board of Education to adopt rules necessary for implementing the Idaho Promise Scholarship Program. Consequently, proposed rules for the Idaho Promise Category B Scholarship have been incorporated into the existing rules for the former State of Idaho Scholarship and are being presented to the Board for their consideration and approval as shown in Item 3.A.

These draft rules have been review by the financial aid directors of each of the institutions and their comments and suggestions have been incorporated into the document.

MOTION:

To approve as a proposed rule the provisions for IDAPA 08.01.05 as indicated in Item 3.A.

Moved by _____ Seconded by _____ Carried Yes ___ No___

**IDAPA 08
TITLE 01
Chapter 05**

08.01.05 - STATE OF IDAHO PROMISE SCHOLARSHIP PROGRAM

CATEGORY A AND CATEGORY B

THE STATE BOARD OF EDUCATION

000. — 099. ————— (RESERVED).

000. LEGAL AUTHORITY.

In accordance with Sections 33-105 and 33-4313, Idaho Code, the Idaho State Board of Education (the Board) shall promulgate rules implementing the provisions of Title 33, Chapter 43 of the Idaho Code. ()

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 08.01.05, “Idaho Promise Scholarship Program,” IDAPA 08, Title 01, Chapter 05. ()

02. Scope. These rules constitute the requirements for the Idaho Promise Scholarship Program, Category A and Category B. ()

002. WRITTEN INTERPRETATIONS.

In accordance with Section 64-5201(19)(b)(iv) Idaho Code any written interpretation of the rules of this chapter are available at the Office of the State Board of Education located at 650 W. State Street, Room 307, Boise, Idaho 83702. ()

003. ADMINISTRATIVE APPEAL.

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

004. (RESERVED).

005. DEFINITIONS.

The following definitions are used in these rules unless the context otherwise requires. ()

01. Eligible Postsecondary Institution. An educational organization participating in one (1) or more programs of student financial aid within the State authorized by state or federal legislation. ()

a. A public postsecondary institution. A public postsecondary institution governed or supervised by 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, or the State Board for Professional-Technical Education. ()

b. Private or other nonprofit institution. Any educational organization which is operated privately and not for profit under the control of an independent board and not directly controlled or administered by a public or political subdivision. ()

02. Educational Costs. Student costs for tuition, fees, room and board, or expenses related to reasonable commuting, books and other such expenses reasonably related to attendance at a postsecondary educational institution. ()

03. Student. An individual resident student as defined in section 33-3717 or 33-2110B, Idaho Code, enrolled full-time and carrying a sufficient number of credit hours, or their equivalent, to secure an individual's first degree, certificate, diploma or less, toward which the individual is working, in no more than the number of semesters, or equivalent, normally required by the eligible postsecondary institution in the program in which the individual is enrolled. ()

a. Full-time. An average of at least 12 credit hours per semester, including any remedial coursework. ()

b. Degree, Certificate, Diploma, or Less. Program of study requiring at least six (6) months or equivalent of consecutive attendance. ()

04. Enrollment. The establishment and maintenance of an individual's status as a student in an eligible postsecondary institution, regardless of the term used at the institution to describe such status.()

05. Eligible Category A Student. Any graduate of an accredited secondary school in the state of Idaho who declares his intention to matriculate in an eligible postsecondary institution in the State of Idaho during the educational year immediately following such graduation. ()

06. Eligible Category B Student. Any student, having completed secondary school or its equivalent in the State of Idaho and who enrolls for the first time as a full-time student in an eligible postsecondary institution in the State of Idaho prior to reaching twenty-two (22) years of age by July 1 of the educational year of the initial enrollment. ()

07. Secondary School Equivalent. The education of students in grades nine (9) through twelve (12), provided by home schools or other educational delivery systems. ()

08. Grant. An award to an eligible student matriculating in an eligible postsecondary institution in the State of Idaho for educational costs as defined in Subsection 005.02 of this chapter. ()

09. Educational Year. The period from July 1 of a year through June 30 of the succeeding year. ()

10. Competitive Examination. Standardized examination measuring achievement administered annually on a voluntary basis on a specified date and at specified locations announced publicly. ()

11. High School Record for Category A Students. An individual's rank in his secondary school class, grade point average (GPA) and difficulty of course load taken as certified by an official of such secondary school. ()

12. High School Record for Category B Students. An individual's secondary school cumulative grade point average, or a composite score on the American College Test (ACT), or a sum of sub-scores on the ACT Computerized Adaptive Placement Assessment and Support System (COMPASS), or a combined score on the College Board's Scholastic Aptitude Test I (SAT). ()

13. Cumulative Grade Point Average. A student's cumulative grade point average (GPA) for all courses taken in grades nine (9) through twelve (12) and calculated on a grade of A equals 4.0

points, a grade of B equals 3.0 points, a grade of C equals 2.0 points, a grade of D equals 1.0 point and a grade of F equals 0.0 points. ()

006. -- 099. (RESERVED). ()

100. OBJECTIVES AND PURPOSES OF THE STATE OF IDAHO PROMISE SCHOLARSHIP PROGRAM.

01. Objectives. The legislature has recognized and declared that substantial economic and social benefits accrue to the State because of an educated citizenry, and that the encouragement of the State's most talented Idaho secondary school graduates to enroll in Idaho educational institutions is an important element for assuring the future leadership in the State. See chapter 43, title 33, Idaho Code. ~~The State of Idaho~~ Promise Scholarship Program recognizes high standards of achievement, as measured by competitive examination and high school records, of graduates of public, and private, or the equivalent high schools in Idaho who attend public or independent postsecondary institutions in Idaho. (7-1-93)

02. Purpose. The purpose of this program is to provide scholarships to the most talented Idaho secondary school graduates or the equivalent, consisting of Category A students with outstanding qualifications and Category B students with an established minimum cumulative grade point average for grades nine (9) through twelve (12), or a minimum score on standardized competitive examinations as provided in Section 105 of this chapter or who become eligible after the student's first semester or who meet any other criteria as defined in Section 105 of this chapter. ()

101. NUMBER OF SCHOLARSHIPS – PRIORITY FOR AWARD

01. Number of Idaho Promise Category A Scholarships. The total number of initial and continuing scholarships will not exceed the number authorized in the ~~“State of Idaho Promise Scholarship Program Act”~~ or by the appropriation to support the program, whichever is less. The number of initial scholarships to individuals enrolled in ~~vocational~~ professional-technical programs will not be less than twenty-five percent (25%) of the total number of initial scholarships awarded during any one (1) year, contingent upon a sufficient number of qualified professional-technical applicants. If the number of qualified professional-technical applicants is not sufficient, additional awards will be given to qualified academic applicants. (7-1-93)

02. Priority for Category A Scholarships. In the event the ~~S~~state of Idaho does not provide an appropriation sufficient to support the maximum number of scholarships authorized by the ~~“State of Idaho Promise Scholarship Program Act,”~~ the priority for initial and continuing scholarships will be as follows: (7-1-93)

a. Highest priority is given to continuing recipients in an order beginning with the date of the initial award. However, in the event further priority must be established among continuing recipients, the recipient's rank within his academic or ~~vocational~~ professional-technical major and class will be used, with priority given to the recipient with a higher ranking within his academic or ~~vocational~~ professional-technical major and class. (7-1-93)

b. Secondary priority is given to initial scholarship recipients until the appropriation is exhausted or the maximum number of initial scholarships authorized by the ~~“State of Idaho Promise Scholarship Program Act”~~ is reached, whichever is less. (7-1-93)

03. Number of Idaho Promise Category B Scholarships. The total number of scholarships to Category B students will be determined annually by the Board based on the number of eligible students as certified by the eligible postsecondary institutions, the individual award amount, and the availability of funds. ()

04. Priority for Category B Scholarships. In the event that the State of Idaho does not provide an appropriation sufficient to award the maximum amount of the scholarship authorized by the Idaho Promise Scholarship Program Act, the Board may proportionally decrease the amount of the scholarship so as to provide an award to all eligible students. ()

102. MONETARY VALUE OF THE SCHOLARSHIP.

01. Monetary Value. The monetary value of each scholarship shall be set annually by the Board in accordance with Sections 33-4302 et seq., Idaho Code. (7-1-93)

02. Maximum Amount. The grant payment to an individual per educational year for attendance on a full-time basis may not exceed the amount determined annually by the Board. ()

a. The total Category A grant payments to an individual over a period of six (6) years may not exceed four (4) annual grants or the total educational costs for four (4) educational years completed as certified by an official of the eligible postsecondary institution or institutions attended by the individual receiving the grant, whichever is less. (7-1-93)

b. The total Category B grant payments to an individual over a period of four (4) years may not exceed two (2) annual grants not to exceed one thousand dollars (\$1,000) per year, including the educational institution match, if any. ()

03. Duration. The grant covers up to one (1) educational year or equivalent as defined in Subsection 005.09 of this chapter for attendance at an eligible postsecondary educational institution. ()

04. Grant Payments. Grant payments shall correspond to academic terms, semesters, or equivalent time periods at an eligible postsecondary institution. The entire amount of a grant for an educational year, as defined in subsection 005.09 of this chapter, may not be paid to or on behalf of such student in advance. ()

03 05. Other Financial Assistance. A recipient is not precluded from receiving other financial aids, awards, or scholarships, provided that the total of the ~~State of Idaho~~ Idaho Promise Category A Scholarship and such other financial aids, awards, or scholarships does not exceed the total educational costs for attendance at an eligible postsecondary institution as determined under Subsection ~~109.01~~ 108.03 of this chapter. However, recipients of the Idaho Promise Category A Scholarship are not eligible to receive the Idaho Promise Category B Scholarship. (7-1-93)

103. INITIAL SELECTION OF SCHOLARSHIP RECIPIENTS.

01. Category B Recipients. First time applicants who intend to enroll in an eligible Idaho postsecondary institution and who meet the eligibility requirements of the Idaho Promise Category B Scholarship provided in section 105 as verified by the designated financial aid or scholarship office of the eligible institution will receive the Category B Scholarship, provided said student is not a recipient of the Category A Scholarship. Criteria used to determine eligibility includes date of birth (applicants must provide proof that they are under the age of 22 on July 1 of the educational year in which the initial award is made) and one of the following: ()

a. Grade Point Average for Category B Scholarship. Applicants must have a cumulative high school GPA of 3.0 or better on a scale of 4.0. The participating educational institutions will consider the GPA as indicated on the high school transcript at the time of application to said institution without regard to whether the GPA is weighted or unweighted. ()

b. ACT or Equivalent Score. Applicants who do not have a 3.0 grade point average must verify a composite score of 20 or better on the ACT assessment, or a corresponding score on the SAT I as

established on the ACT/SAT I equivalency table, or at least a combined score of 195 from the Writing Skills, Reading Skills and Algebra areas of the ACT COMPASS examination. ()

02. Category A Recipients. Recipients of the Idaho Promise Category A Scholarships are selected by the State Board of Education. The Board may designate a subcommittee to assist in the selection process, but the Board does not delegate responsibility for the final selection of ~~State of Idaho Promise Category A~~ Scholarship recipients. Applicants who intend to enroll in academic ~~or vocational~~ programs at eligible Idaho postsecondary educational institutions are selected as recipients on the basis of performance ~~in~~ on the American College Testing (ACT) Assessment battery, scholastic merit and GPA and on the basis of the student's rank in their high school graduating class from which the applicant will be graduated. Applicants who intend to enroll in professional-technical programs at eligible Idaho postsecondary educational institutions are selected on the basis of performance on the ACT COMPASS exam and scholastic merit or grade point average (GPA). ~~Other e~~Criteria used during the selection process are as follows: (7-1-93)

a. Scholastic Merit and GPA. Academic applicants must rank in the top ten percent (10%) of their graduating class, and have a cumulative GPA of 3.5 or better on a scale of 4.0. Professional-technical applicants must have a cumulative GPA of 2.8 or better on a scale of 4.0. ()

b. ACT Composite Score. Academic applicants must verify an ACT composite score of 28 or better. ()

c. COMPASS Score. Professional-technical applicants must provide a copy of their ACT COMPASS report, which must include scores from the Writing Skills, Reading Skills and Mathematics sections of the COMPASS. Scores on the COMPASS report will be evaluated as a whole and used to rank professional-technical applicants. ()

~~01~~d. Ranking. Academic applicants are ranked against other academic applicants, and ~~vocational~~ professional-technical applicants are ranked against other ~~vocational~~ professional – technical applicants. (7-1-93)

~~02~~ e. ACT, GPA and High School Rank. Equal weight is given to the academic applicant's performance on the prescribed ~~American College Testing (ACT)~~ measurements, the applicant's cumulative GPA and ~~on~~ the rank in the high school from which the applicant will be graduated. Equal weight is given to the professional-technical applicant's performance on the COMPASS, scholastic merit, and cumulative GPA. (7-1-93)

~~03.~~ **Department.** The applicant's department, as evaluated by the appropriate officials of the high school from which the applicant will be graduated, is considered. (7-1-93)

043. Nondiscrimination. Scholarships are awarded without regard to any applicant's race, creed, color, sex, national origin, ancestry, age, or area of academic competence. (7-1-93)

054 Financial Need. The financial need of the applicant is not considered in the selection of recipients, but the award may not exceed the total educational costs as determined under Subsection ~~109.04~~108.03 of this chapter. (7-1-93)

104. PURPOSES FOR WHICH SCHOLARSHIP FUNDS MAY BE EXPENDED.

01. Permitted Purposes. As provided by the "State of Idaho Promise Scholarship Program Act," a recipient may spend the scholarship funds for tuition, fees, room and board, or other expenses related to reasonable commuting, books, and such other expenses reasonably related to attendance at a postsecondary educational institution. (7-1-93)

02. Remittance. Scholarship funds spent for purposes other than those specified in Subsection 104.01 above must be remitted by the recipient to the Office of the State Board of Education. Failure to remit such funds within thirty (30) days following notification will result in permanent forfeiture of the scholarship. (7-1-93)

105. ELIGIBILITY FOR A SCHOLARSHIP.

Eligibility requirements for a scholarship are based upon the provisions of the “~~State of Idaho~~ Promise Scholarship Program Act.” Applicants for the Idaho Promise Scholarship are responsible for providing to the eligible institution in which he intends to enroll any and all information necessary for said institution to verify a student’s eligibility for the Idaho Promise Scholarship. (7-1-93)

01. Initial Eligibility. To be eligible for a scholarship for the first or freshman year, an applicant must comply with all of the following requirements: (7-1-93)

a. All applicants for the Promise Scholarship must meet the following requirements: ()

a1. The applicant must be a resident of Idaho as defined in Section 33-3717, Idaho Code. (7-1-93)

~~d~~ 2. The applicant must ~~declare that he plans to~~ pursue an undergraduate course of study leading to a degree, certificate, diploma, or other documentation of completion, which requires at least six (6) months, or equivalent of consecutive attendance. (7-1-93)

3. The applicant must certify that his scholarship, if awarded, will be used only for educational costs as provided in Subsection 104.01 of this chapter.

~~e~~ 4. The applicant ~~must declare that he does~~ shall not ~~intend to~~ enroll in an educational program leading directly to a baccalaureate degree in theology or divinity. (7-1-93)

~~g~~ 5. The applicant must comply with all the provisions of the “~~State of Idaho~~ Promise Scholarship Program Act” and these rules. (7-1-93)

b. The Category A applicant must meet the additional following requirements: ()

~~b~~ 1. The applicant must be attending an accredited public or private high school in Idaho and must declare his intention of enrolling at an eligible public or private postsecondary educational institution in Idaho (as defined in ~~IDAPA 08.01.05.106~~ subsections 005.01.a or 005.01.b of this chapter) during the academic year immediately following his graduation from high school. (7-1-93)

~~e~~ 2. The applicant must intend to enroll as a full-time student in an undergraduate academic or ~~vocational~~ professional-technical program at an eligible public or private postsecondary educational institution in Idaho. (7-1-93)

~~f~~ 3. The applicant must ~~sign an affidavit stating~~ certify that his scholarship, if awarded, will be used only for educational costs as provided in Subsection 104.01 of this chapter. (7-1-93)

c. The applicant must meet the additional following requirements: ()

~~d~~ 1. The applicant must have completed secondary school or its equivalent in the state of Idaho as defined in Subsection 005.07 of this chapter. ()

2. An individual must be under the age of 22 on July 1 of the educational year in which the initial award is made. ()

3. An individual must enroll as a full-time student for the first time in the 2001- 2002 or subsequent educational years. ()

4. Each applicant must also provide one of the following:

(a.) Proof of a 3.0 or better GPA; or ()

(b.) Evidence of an acceptable score on the ACT examination, the COMPASS examination, or the SAT I. ()

5. Students meeting the requirements of this subsection who were not eligible for a grant in the first term of postsecondary education and who achieve and maintain a 2.5 cumulative grade point average based on a 4.0 system while enrolled full-time in an eligible postsecondary institution, will become eligible for grant payments in subsequent school terms. ()

02. Continuing Eligibility. To remain eligible for annual renewal of a scholarship following the successful completion of the first or freshman year of study, the recipient must comply with all of the following requirements: (7-1-93)

a. The Category A recipient must: ()

1. The recipient must file a statement by February 1 of each year declaring his intention to continue as a full-time undergraduate student in an academic or ~~vocational~~ professional-technical program at an eligible postsecondary educational institution in Idaho for the succeeding year. (7-1-93)

2. No later than March 1 of each year, the Office of the State Board of Education will provide to each eligible institution a list of anticipated recipients. ()

3. The education official of each institution shall certify to the Office of the State Board of Education the current cumulative GPA of those recipients attending said institution. ()

4. Enroll in and complete at least an average of 12 credit hours per semester during the educational year in which the student receives the award at an eligible postsecondary institution. ()

5. The recipient must maintain high standards of performance and must rank within the top fifty percent (50%) of the students in his academic or ~~vocational~~ professional-technical major and class, with a cumulative GPA of 3.0 or better. (7-1-93)

6. The recipient must continue to comply with all of the provisions of the “~~State of Idaho~~ Promise Scholarship Program Act” and these rules. Students who do not meet the performance and enrollment requirements at the end of the educational year will forfeit the scholarship in subsequent years. (7-1-93)

b. The Category B recipient must: ()

1. Maintain high standards of performance by achieving and maintaining a 2.5 cumulative GPA on a 4.0 system. ()

2. Enroll in and complete at least an average of 12 credit hours per semester during the educational year in which the student receives the award at an eligible postsecondary

institution. ()

3. Continue to comply with all of the provisions of the Idaho Promise Scholarship Program Act and these rules. Students who do not meet the GPA and enrollment requirements at the end of the educational year will forfeit the scholarship in subsequent years. ()

03. Transfer Of Scholarship. A recipient who transfers from one eligible postsecondary educational institution in Idaho to another must comply with all of the ~~following~~ requirements provided in Subsection 105.02 of this chapter to maintain eligibility for the scholarship. In addition: (7-1-93)

a. ~~The~~ Category A recipient must file a statement with the Office of the State Board of Education declaring his intention to transfer as a full-time undergraduate student in an academic or ~~vocational~~ professional-technical program in an eligible postsecondary educational institution in Idaho for the succeeding year no later than sixty (60) days prior to enrollment in the institution to which the student is transferring. (7-1-93)

~~b. The recipient must maintain high standards of performance and must rank in the top fifty percent (50%) of the students in his academic or vocational major and class in the postsecondary institution from which he is transferring.~~ (7-1-93)

~~c. The recipient must continue to comply with all the provisions of the “State of Idaho Scholarship Program Act” and these rules.~~ (7-1-93)

04. Eligibility Following Interruption Of Continuous Enrollment. A Category A recipient whose continuous enrollment is interrupted for more than four (4) months for any reason but who intends to re-enroll in an eligible postsecondary educational institution in Idaho must file a letter of intent to interrupt continuous enrollment no later than sixty (60) days prior to the first day of the academic term of the discontinued attendance. Failure to do so may result in forfeiture of the scholarship. The Office of the State Board of Education will review each request for interruption and notify the applicant of approval or denial of the request ~~comply with the following requirements to maintain eligibility for the scholarship.~~ In addition, (7-1-93)

a. ~~The~~ recipient must file a statement with the Office of the State Board of Education declaring his intent to re-enroll as a full-time undergraduate student in an academic or ~~vocational~~ professional-technical program in an eligible postsecondary institution in Idaho for the succeeding academic year no later than thirty (30) days prior to the first day of the academic term in which the student intends to re-enroll. (7-1-93)

~~b. The recipient must maintain high standards of performance and must rank in the top fifty percent (50%) of the students in his academic or vocational major and class at the time his continuous education is interrupted.~~ (7-1-93)

~~c. The recipient must continue to comply with all the provisions of the “State of Idaho Scholarship Program Act” and these rules.~~ (7-1-93)

~~106. Error! Bookmark not defined.~~ **ELIGIBLE POSTSECONDARY EDUCATIONAL INSTITUTIONS.**

~~Eligible postsecondary educational institutions in Idaho are colleges, universities, or schools under the statutory governance of the State Board of Education and Board of Regents of the University of Idaho; colleges governed by a board of trustees of a junior college; and colleges and universities which are operated privately and not directly controlled or administered by a public or political subdivision. Eligible postsecondary educational institutions are so designated by the State Board of Education. (7-1-93)~~

107106. SCHEDULE FOR APPLICATION, NOTICE, AND RESPONSE TO COMMUNICATIONS, CATEGORY A SCHOLARSHIP.

01. Initial Applications. Completed applications for initial scholarships must be filed postmarked no later than December 31~~5~~ for the awarding of initial scholarships for each succeeding year.~~(7-1-93)~~

~~**02. Statement Of Intent To Continue.** Recipients who intend to continue as full-time undergraduate students in academic or vocational programs and who have successfully completed the first or freshman year must file no later than February 1 of each year a statement of intent to continue. (7-1-93)~~

~~**03. Statement Of Intent To Transfer.** Recipients who intend to transfer from one eligible postsecondary educational institution in Idaho to another must file a statement of intent to transfer no later than thirty (30) days prior to enrollment in the institution to which the student is transferring. (7-1-93)~~

~~**04. Interruptions.** A recipient whose continuous enrollment is interrupted for more than four (4) months but who intends to re-enroll in an eligible postsecondary educational institution in Idaho must file no later than February 1 of each year a statement of intent to do so. (7-1-93)~~

~~**0502. Announcement Of Award.** Announcement of award of initial scholarships will be made no later than May 1 of each year, with awards to be effective the following July 1 of that year. (7-1-93)~~

~~**0603. Deadline For Acceptance.** An applicant notified that he has been selected as a recipient must respond in writing within ten (10) days of such notice by the date specified by the Office of the State Board of Education of whether he his intendst to accept the award. Failure to submit a response of acceptance in writing will result in forfeiture of the scholarship. (7-1-93)~~

~~**0704. Communication With State Officials.** Applicants for either initial or continuing scholarships must respond within thirty (30) calendar days by the date specified by the Office of the State Board of Education to any communication from officials of the State of Idaho Promise Scholarship Program unless extenuating circumstances prevent the applicant from responding within that time period. Failure to respond within thirty (30) calendar days the time period specified will result in cancellation of the application or forfeiture of the scholarship unless extenuating circumstances are involved. (7-1-93)~~

108107-RESPONSIBILITIES OF SCHOLARSHIP APPLICANTS AND RECIPIENTS.

01. Application For Initial Scholarship. Applicants for initial scholarships are responsible for submitting completed application forms to the State of Idaho Scholarship Program at the Office of the State Board of Education. The Applicants is for the Idaho Promise Scholarship are responsible for any errors or omissions in the information provided on the application form or to the eligible postsecondary institutions. The State Board of Education, the Office of the State Board of Education, any official of an eligible postsecondary educational institution in Idaho, American College Testing, and any official of the State of Idaho Promise Scholarship Program, individually or collectively, are not responsible for any information provided by an applicant on the application form or for any errors or omissions in the information provided by the applicant. In addition, each applicant is responsible for the following:~~(7-1-93)~~

02. Idaho Promise Category A Scholarship. Applicants for initial Idaho Promise Category A Scholarships are responsible for submitting completed application forms to the Idaho Promise Scholarship Program at the Office of the State Board of Education. ()

a. Each academic applicant must take the American College Testing ACT examination and each professional-technical applicant must take the COMPASS examination by December 31 for the awarding of scholarships for each succeeding year. ACT or COMPASS scores must be submitted with the Promise Scholarship application. Category A applications without the required score are incomplete and will not be considered for the scholarship. (7-1-93)

b. Each applicant must release his scores on the American College Testing examination to the Office of the State Board of Education. (7-1-93)

e. Each applicant must ensure the filing of recommendations by at least two (2) officials of the high school from which the applicant will be graduated. Recommendations from such officials are confidential and must be submitted directly by such officials to officials of the State of Idaho Scholarship Program (7-1-93)

d. Each applicant must comply with all the provisions of the "State of Idaho Promise Scholarship Program Act" and these rules. (7-1-93)

023. Recipients Of Category A and Category B Scholarships. Following the initial award of the scholarship, each Category A recipient is responsible for completing the necessary statements of intent required by Subsections 105.02 through 105.04 ~~or Subsections 107.02 through 107.04~~ of this chapter. Category A and Category B recipients are also responsible for remitting any reasonable unused scholarship balances to the State Board of Education in the event the recipient discontinues attendance before the end of any semester, quarter, term, or equivalent as provided for in subsection 108.05a of this chapter. (7-1-93)

109108.RESPONSIBILITIES OF ELIGIBLE POSTSECONDARY EDUCATIONAL INSTITUTIONS IN IDAHO.

Officials of Idaho postsecondary educational institutions in which scholarship recipients have enrolled are responsible for the following: (7-1-93)

01. Number of Category B Recipients. The officials must provide to the Office of the State Board of Education an estimation of the number of Idaho Promise Category B recipients enrolled at the postsecondary institution during each of the corresponding academic terms. ()

02. Annual Report to State Board of Education. The officials must report annually to the State Board of Education the number of students for each term receiving a Category B award and the number of awards that were matched by the institution. ()

0103. Annual Educational Costs. The officials must ~~submit by July 15 of each year a certified copy of the estimated~~ ensure that the Idaho Promise Category A Scholarship award does not exceed the average educational costs for students who will be enrolled during the succeeding year. (7-1-93)

0204. Certification Of Enrollment. The officials must certify that Category A scholarship recipients have actually enrolled as full-time students. Such certification must be submitted within thirty (30) days following the end of the regular enrollment period. (7-1-93)

03. Awards. The officials must certify that the State of Idaho Scholarship and other financial aids, awards, or scholarships do not exceed educational costs as determined under Subsection 109.01 of

0405. Withdrawal From Institution. In the event a scholarship recipient withdraws from the college, school, or university, the officials at the college, school, or university must certify that the recipient has withdrawn. ~~The certification is to be provided within thirty (30) days following the withdrawal of the recipient.~~ Furthermore, the officials must remit to the Office of the State Board of Education any prorated tuition, fees, or room and board balances, up to the amount of any payments made under the program in the event a recipient withdraws from all classes prior to completing the end within the first 60% of any semester, quarter, term, or equivalent. (7-1-93)

a. Remittance In Case of Discontinued Attendance. The refund to the Promise Scholarship Program shall be calculated as follows: refund due the student from the educational institution minus federal financial aid repayments provides the refund due the Promise Scholarship, up to the total amount the student received for the term. The educational institution must remit the balance if any as provided in Section 109 of this chapter. ()

b. Hardship Waiver. In the event of extreme hardship as determined by the professional judgment of the designated official at the educational institution, a student may request to the educational institution a waiver of remittance. Each institution shall provide to the Office of the State Board of Education an accounting of all hardship waivers granted. ()

109. PAYMENT OF SCHOLARSHIPS.

Scholarships will be awarded on an annual basis and payments will correspond to academic terms, semesters, quarters, 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. (7-1-93)

01. Category A Payments. Payments are made in the name of the recipient and will be sent to a designated official at the postsecondary educational institution in which the recipient is enrolled. The official must transmit the payment to the recipient within a reasonable time following receipt of the payment. (7-1-93)

02. Category B Payments. Payments will be sent to a designated official at the eligible postsecondary educational institution based upon the estimated number of recipients expected to enroll at the institution as provided for in Subsection 108.01 of this chapter. The official must transmit the payment to the recipients within a reasonable time following receipt of the payment. Transmittal of funds for the scholarship will be in accordance with a schedule established by the Office of the State Board of Education. The schedule will establish dates by which the following activities will occur to ensure accurate and timely payments to the postsecondary institutions on behalf of recipients. ()

a. Number of Estimated Recipients: The postsecondary educational institutions must submit to the Office of the State Board of Education the estimated number of Idaho Promise Category B fall term recipients no later than August 1 of each educational year. The estimated number of spring term recipients must be submitted to the Board Office no later than December 1 of each year. ()

b. Semester Payment Schedule. The Office of the State Board of Education shall distribute scholarship funds to a designated official at the postsecondary educational institutions no later than August 15 and December 15 of the educational year. ()

c. Mid-semester Adjustments. The postsecondary educational institution must submit mid-semester scholarship adjustment information, including refunds due to withdrawal from the institution, that reports the actual number of students who were eligible to receive the Category B Scholarship to the Office of the State Board of Education no later than October 15 and March 30 of the educational year. ()

(1) If the postsecondary educational institution has underestimated the number of scholarship recipients, the Office of the State Board of Education will send an additional payment on behalf of those students to the educational institutions no later than November 1 and April 15 of the educational year. ()

(2) If the postsecondary educational institution has overestimated the number of fall recipients, the Office of the State Board of Education will deduct the amount overpaid to the educational institution from its spring semester payment. Spring semester overpayments to the educational institutions must be refunded to the Office of the State Board of Education no later than June 15 of the educational year. ()

d. Year-End Final Report. The postsecondary educational institution must submit to the Office of the State Board of Education no later than June 15 a year-end final report indicating for each term the number of students receiving an Idaho Promise Category B scholarship and the number of Category B scholarships that were matched by the institution. Any outstanding overpayment made to the institution during the educational year must accompany the final year-end report. ()

44110.ADMINISTRATION.

The State Board of Education has delegated to the Office of the State Board of Education the responsibility for the administration of the ~~State of~~ Idaho Promise Scholarship Program. As administrator, the Office of the State Board of Education is responsible for releasing any public information regarding the State of Idaho Promise Scholarship Program, recommending to the Board names determination of scholarship recipients, determination of procedures for payment of scholarships to recipients, maintaining fiscal controls and accounting procedures, preparing annual reports as required, and authorizing release of all forms, affidavits, and certification necessary for the operation of the program. (7-1-93)

442111. APPEAL PROCEDURE.

Any applicant, recipient, or eligible postsecondary educational institution adversely affected by a decision made under procedures of this chapter may appeal to the institution's financial aid appeals process. Students or educational institutions who desire further consideration of an appeal after the institutional decision has been reached may appeal such decision to the State Board of Education. (7-1-93)

The applicant, recipient, or eligible postsecondary educational institution must submit the appeal in writing no later than thirty (30) days following notice of the decision, and the written statement must include a statement of the reason the applicant, recipient, or eligible postsecondary educational institution believes the decision should be changed. The appeal must be submitted to the ~~P~~resident of the State Board of Education in care of the Office of the State Board of Education, which must acknowledge receipt of the appeal within seven (7) days ~~following receipt.~~ The President of the Board will appoint a subcommittee of three (3) persons, including at least one (1) financial aid administrator at an eligible postsecondary educational institution in Idaho. (7-1-93)

01. Transmittal To Subcommittee. The president of the State Board of Education will submit the appeal document to the subcommittee established in Section ~~403~~ 111 of this chapter. The subcommittee will review the appeal and submit a written recommendation to the president of the State Board of Education within fifteen (15) days from the time the subcommittee receives the appeal document. The applicant, recipient, or institution initiating the appeal will be notified by the chairperson of the subcommittee of the time and place when the subcommittee will consider the appeal and will be allowed to appear before the subcommittee to discuss the appeal. (7-1-93)

02. Subcommittee Recommendations. Following the subcommittee's decision, ~~T~~the ~~P~~resident of the State Board of Education will present the subcommittee's recommendation to the State Board of Education at the next regularly scheduled meeting of the Board ~~following the subcommittee's decision.~~ The applicant, recipient, or eligible postsecondary educational institution initiating the appeal may, at the discretion of the ~~P~~resident of the State Board of Education, be permitted to make a

presentation to the Board.

(7-1-93)

03. Board Decision. The decision of the State Board of Education is final. The Secretary of the Board will inform the applicant, recipient, or eligible postsecondary educational institution in writing of the decision of the State Board of Education. (7-1-93)

~~**04. Legal Action.** These procedures for appeal do not abridge the recourse to legal action by the State Board of Education, an applicant, a recipient, or an eligible postsecondary educational institution. (7-1-93)~~

112. AUTHORITY OF THE STATE BOARD OF EDUCATION.

With the sole exception of the ability to audit the Idaho Promise Scholarship Program as set forth in Subsection 113 of this chapter, these rules do not grant any authority to the State Board of Education and Board of Regents of the University of Idaho to control or influence the policies of any eligible, nonpublic postsecondary education institution or junior community college because those institutions accept as students recipients of the State of Idaho Promise Scholarship, nor do these rules require any institution to admit or, once admitted, retain a recipient of an State of Idaho Promise Scholarship. (7-1-93)

~~**114. COMPLIANCE WITH STATE OF IDAHO SCHOLARSHIP PROGRAM ACT.**~~

~~All rules and procedures must comply with provisions of the "State of Idaho Scholarship Act," and any rules or procedures inconsistent or in conflict with the Act are null and void. (7-1-93)~~

113. AUDIT.

Participating institutions shall agree in advance to submit to regular, periodic audits by the legislative auditor and the internal auditor of the Office of the State Board of Education to ensure compliance with the statutes, rules, and policies governing the Idaho Promise Scholarship Program, including provision of accurate enrollment information. ()

114. -- 999. (RESERVED).

ITEM 3.B

**SUBJECT: PROPOSED RULE CHANGE
MINORITY AND AT-RISK SCHOLARSHIP PROGRAM**

BACKGROUND:

The legislature established the Minority and “At-Risk” Student Scholarship to assist talented students who are “at-risk” of failing to obtain a college education because of their cultural, economic or physical circumstances. The award amount is \$3,000 a year renewable for four (4) years.

DISCUSSION:

Although the statute authorizing the program has been in existence for some time, administrative rules were never drafted. Forty (40) Minority and “At-Risk” Scholarships are awarded to Idaho residents attending Idaho colleges and universities each year.

ACTION:

To approve the provisions for the Minority and At-Risk Scholarship as outlined in Item 3.B as a proposed rule.

Moved by _____ Seconded by _____ Carried Yes ___ No ___

**IDAPA 08
TITLE 01
Chapter ___**

IDAHO MINORITY AND “AT-RISK” STUDENT SCHOLARSHIP PROGRAM

STATE BOARD OF EDUCATION

000. LEGAL AUTHORITY.

In accordance with Section 33-105, Idaho Code, the Idaho State Board of Education (the Board) shall promulgate rules implementing the provisions of Title 33, Chapter 46 of the Idaho Code. ()

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 08-01. __, “Idaho Minority and ‘At-Risk’ Student Scholarship Program,” IDAPA 08, Title 01, Chapter . ()

02. Scope. These rules constitute the requirements for the Idaho Minority and “At-Risk” Student Scholarship Program. ()

002. WRITTEN INTERPRETATIONS.

In accordance with Section 64-5201(19)(b)(iv) Idaho Code any written interpretation of the rules of this chapter are available at the Office of the State Board of Education located at 650 West State Street, Room 307, Boise, Idaho 83702. ()

003. ADMINISTRATIVE APPEAL.

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

004 099. (RESERVED)

100. OBJECTIVES OF THE IDAHO MINORITY AND “AT-RISK” STUDENT SCHOLARSHIP PROGRAM.

The legislature has recognized and declared that substantial economic and social benefits accrue to the State because of an educated citizenry. The legislature further recognizes that certain talented students, because of their social, cultural and economic circumstances are “at-risk” of failing to obtain the education necessary to realize their potential and that encouraging these at-risk students to enroll in Idaho postsecondary educational institutions is an important element for assuring the future prosperity of the state. ()

101. NUMBER OF AWARDS.

The maximum number of scholarships awarded in any given fiscal year shall be the amount of the fiscal year appropriation for this program divided by the amount of the maximum award for this program. ()

01. Priority for Award. Highest priority is given to continuing recipients in an order beginning with the date of an initial award. ()

a. In the event further priority must be established among continuing recipients, the recipient's rank within his academic or professional-technical major and class will be used, with priority

given to the recipient with a higher ranking within his academic or professional-technical major and class.
()

b. Secondary priority is given to initial scholarship recipients until the appropriation is exhausted.
()

102. MONETARY VALUE OF THE SCHOLARSHIP. ()

01. Monetary Value. The monetary value of each scholarship shall be the same as that set annually by the Board for the Idaho Promise Category A Scholarship in accordance with Sections 33-4605 et seq., Idaho Code.
()

02. Maximum Amount. The total annual grant payments to an individual may not exceed the following number corresponding to the recipient's class standing as certified by the institution at the time of the initial award: freshman, four (4) years; sophomore, three (3) years; junior, two (2) years; and senior, one (1) year.
()

03. Other Financial Assistance. A recipient is not precluded from receiving other financial aid, awards, or scholarships, provided that the total of the Idaho Minority and "At-Risk" Student Scholarship and such other financial aid, awards, or scholarships does not exceed the total educational costs for attendance at an eligible postsecondary institution.
()

103. DISTRIBUTION OF FUNDS.

01. Allocation of Funds. The Board shall allocate funds for this program to participating institutions on the basis of total enrollment of at-risk persons.
()

02. Notification of Allocation. Participating institutions will be notified by June 15 of each year of the amount of the allocation and the number of awards allocated to each institution.
()

03. Distribution of Funds. Funds allocated to participating institutions for the fiscal year by the Office of the State Board of Education shall be distributed to the institutions no later than August 15 of the fiscal year.
()

104. SELECTION OF SCHOLARSHIP RECIPIENTS.
Recipients of scholarships are selected by a committee appointed by the financial aid director of each participating eligible institution.
()

105. PURPOSES FOR WHICH SCHOLARSHIP FUNDS MAY BE EXPENDED. ()

01. Permitted Purposes. A recipient may spend the scholarship funds for educational costs associated with tuition, fees, room and board, expenses related to reasonable commuting, books, and/or other expenses reasonably related to attendance at a postsecondary educational institution.
()

02. Remittance. Scholarship funds spent for purposes other than those specified in subsection 105.01 above must be remitted by the recipient to the financial aid office of the participating

institution. Failure to remit such funds within thirty (30) days following notification will result in forfeiture of the scholarship. ()

106. ELIGIBILITY FOR A SCHOLARSHIP.

Eligibility requirements for a scholarship are based upon the provisions of the Idaho Minority and “At-Risk” Student Scholarship Program. ()

01. Initial Eligibility. To be eligible for a scholarship, an applicant must comply with the following requirements. ()

a. The applicant must meet at least three (3) of the following five (5) criteria: ()

(i) Be a potential first generation college student neither of whose parents have received a bachelor’s degree or higher. ()

(ii) Be disabled as defined in 29 U.S. Code, Section 794. ()

(iii) Be a migrant farm worker or other seasonal farm worker, or a dependent of a migrant farm worker or other seasonal farm worker. ()

(iv) Have substantial need as determined annually in accordance with the criteria and standards for determining need promulgated by the Secretary of Education, U.S. Department of Education, under the Higher Education Act of 1965, as amended. Student financial aid directors may, on the basis of professional judgment, make necessary adjustments to the cost of attendance and expected family contribution computations to allow for treatment of individual students with special circumstances. Student financial aid directors may use supplementary information about the financial status of eligible applicants in considering applicants. ()

(v) Be a member of a minority Black Non-Hispanic, Hispanic, or Native American ethnic group, whose members have participated in education at a rate lower than their occurrence in the general population. ()

b. The applicant must be a resident of Idaho as defined in Section 33-3717, Idaho Code. ()

c. The applicant must be a graduate of an accredited Idaho secondary school. ()

d. The applicant must enroll as a full-time student in an undergraduate academic or professional-technical program at an eligible public or private postsecondary educational institution in Idaho during the educational year immediately following application for an award. ()

e. The applicant must pursue an undergraduate course of study leading to a degree, certificate, diploma, or other documentation of completion, which requires at least six (6) months, or equivalent of consecutive attendance. ()

f. The applicant must not enroll in an educational program leading directly to a baccalaureate degree in theology or divinity. ()

g. The applicant must use his scholarship only for educational costs as provided in Subsection 105.01 of this chapter. ()

02. Criteria for Selection. Recipients will be selected from among eligible applicants on the basis of academic merit. In the case of applicants who are equally deserving on the basis of merit, the award will be given to the applicant with the greater financial need. ()

a. Academic merit will be based on high school and college transcripts and other criteria as established by participating institutions. ()

b. Financial need will be determined by the participating institutions in accordance with the provisions of Subsection 106.01.a.(iv.) of this chapter. ()

03. Continuing Eligibility. ()

a. To remain eligible for renewal of a scholarship, the recipient must maintain high standards of performance as defined by the participating institution. ()

b. If financial need is one of the eligibility factors used in selection, the recipient must continue to have substantial financial need. ()

c. The recipient must continue to comply with all of the provisions of the Minority and “At-Risk” Scholarship Program Act and these rules. ()

04. Transfer Students. A student who transfers from one eligible institution to another shall not be entitled to retain this scholarship award. ()

05. Interruption. A recipient who discontinues his enrollment shall not be entitled to retain this scholarship award. However, upon re-enrollment in an eligible institution the individual may re-apply for the scholarship award. ()

107. ELIGIBLE POSTSECONDARY EDUCATIONAL INSTITUTIONS.

Eligible post-secondary educational institutions in Idaho are colleges, universities, or schools under the statutory governance of the State Board of Education and Board of Regents of the University of Idaho; colleges governed by a board of trustees of a junior college; and colleges and universities which are operated privately and not directly controlled or administered by a public or political subdivision. Eligible postsecondary educational institutions are so designated by the State Board of Education. ()

01. Allocation of Funds. ()

a. Funds appropriated to the Office of the State Board of Education for the Idaho Minority and “At-Risk” Student Scholarship Program shall be allocated to participating institutions each fiscal year based on enrollment data submitted by each institution verifying the minority student headcount for the current year for the participating institution. ()

b. The allocation for a participating institution in a specific fiscal year shall be equal to the portion of the appropriation for that fiscal year multiplied by an enrollment factor. That enrollment factor shall be calculated by dividing the headcount of full-time minority students at the participating institutions by the total headcount of full-time minority students for all participating institutions. ()

c. Participating institutions shall give first priority for funding to continuing recipients. ()

02. Audit. By participating in the program, institutions agree to submit to regular, periodic audits by the legislative auditor and the internal auditor of the Office of the State Board of Education to ensure compliance with the statutes, rules, policies and guidelines governing the Idaho Minority and “At-Risk” Student Scholarship Program. ()

108. INSTITUTION REPORTING REQUIREMENTS. ()

01. Scholarship Recipient Report. Participating institutions shall provide to the Office of the State Board of Education an annual report on scholarship recipients, on a form provided by the Office of the State Board of Education. ()

02. Recruitment and Retention Report. Participating institutions shall provide to the Office of the State Board of Education an annual report on minority recruitment and retention, on a form provided by the Office of the State Board of Education. ()

109. RESPONSIBILITIES OF THE OFFICE OF THE STATE BOARD OF EDUCATION. The Office of the State Board of Education each year shall be responsible for the following. ()

01. Recruitment and Retention Report. The Office of the State Board of Education shall annually compile a report measuring the rates of minority recruitment and retention at participating institutions. ()

02. Publicity. The Office of the State Board of Education shall publicize the Minority and “At-Risk” Scholarship Program statewide through news media and by publishing appropriate printed materials to be provided to Idaho high schools. ()

03. Allocation of Funds. The Office of the State Board of Education shall be responsible for the allocation of appropriated funds to participating institutions. ()

110. CARRY FORWARD OF FUNDS. ()
Unexpended funds allocated to participating institutions for this program shall not be carried forward from one fiscal year to the next. Such unexpended funds shall be returned to the Office of the State Board of Education for reallocation in the succeeding fiscal year. ()

111. APPEAL PROCEDURE.
Any applicant, recipient, or eligible postsecondary educational institution adversely affected by a decision made under procedures of this chapter may appeal to the institution’s financial aid appeals process. Students or educational institutions that desire further consideration of an appeal after the institutional decision has been reached may appeal such decision to the State Board of Education. ()

The applicant, recipient, or eligible postsecondary educational institution must submit the appeal in writing no later than thirty (30) days following notice of the decision, and the written statement must include a statement of the reason the applicant, recipient, or eligible postsecondary educational institution believes the decision should be changed. The appeal must be submitted to the President of the State Board of Education in care of the Office of the State Board of Education, which must acknowledge receipt of the appeal within seven (7) days. The President of the Board will appoint a subcommittee of three (3) persons, including at least one (1) financial aid administrator at an eligible postsecondary educational institution in Idaho. ()

01. Transmittal To Subcommittee. The President of the State Board of Education will submit the appeal document to the subcommittee established in Section 111 of this chapter. The subcommittee will review the appeal and submit a written recommendation to the president of the State Board of Education within fifteen (15) days from the time the subcommittee receives the appeal document. The applicant, recipient, or institution initiating the appeal will be notified by the chairperson of the subcommittee of the time and place when the subcommittee will consider the appeal and will be allowed to appear before the subcommittee to discuss the appeal. ()

02. Subcommittee Recommendations. Following the subcommittee's decision, the President of the State Board of Education will present the subcommittee's recommendation to the State Board of Education at the next regularly scheduled meeting of the Board. The applicant, recipient, or eligible postsecondary educational institution initiating the appeal may, at the discretion of the President of the State Board of Education, be permitted to make a presentation to the Board. ()

03. Board Decision. The decision of the State Board of Education is final. The Secretary of the Board will inform the applicant, recipient, or eligible postsecondary educational institution in writing of the decision of the State Board of Education. ()

112. AUTHORITY OF THE STATE BOARD OF EDUCATION.

These rules do not grant any authority to the State Board of Education and Board of Regents of the University of Idaho to control or influence the policies of any eligible, nonpublic postsecondary education institution or junior college because those institutions accept as students recipients of the Idaho Minority and "At-Risk" Student Scholarship, nor do these rules require any institution to admit or, once admitted, retain a recipient of a Minority and "At-Risk" Student Scholarship. ()

113. -- 999. (RESERVED).

ITEM 4

SUBJECT: PRESIDENTS' COUNCIL REPORT

Dr. Miles LaRowe, Chair of the Presidents' Council will give the report.

ITEM 5

SUBJECT: AGENCY HEADS' COUNCIL REPORT

Dr. Greg Fitch, Chair of the Agency Heads' Council will give the report.