

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS AGENDA
DECEMBER 11-12, 2002**

	<u>DESCRIPTION</u>	<u>ACTION</u>	<u>PAGE</u>
1	PROGRESS REPORT Idaho State University		2-7
2	PROGRESS REPORTING GUIDELINES		8
3	PRESIDENTS' COUNCIL REPORT		9
4	PROFESSIONAL-TECHNICAL EDUCATION SUBCOMMITTEE REPORT	MOTION TO APPROVE	10-12
5	REQUEST TO SERVE ALCOHOL – HOLT ARENA	MOTION TO APPROVE	13-14
6	PENDING RULES Vocational Rehabilitation	MOTION TO APPROVE	15-21
7	PROPOSED LEGISLATION Eastern Idaho Technical College, Liquor Account	MOTION TO SUPPORT	22-24
8	PROPOSED LEGISLATION Deferred compensation	MOTION TO SUPPORT	25-27

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS AGENDA
DECEMBER 11-12, 2002**

SUBJECT

Progress Report: Idaho State University

Dr. Richard Bowen will give the report.

Idaho State University continues to make progress in fulfilling the Goals, Vision and Mission laid out in our strategic plan. The year since our last report has been a challenging one.

1. Budget

Every activity at ISU has been affected by the State of Idaho's budget dilemma. The 3% holdback followed by a 10% cut exhausted institutional reserves and necessitated the elimination of 61.6 FTEs as follows:

27.5 FTE faculty (6.2% of the population)

14.7 FTE managerial/professional (9% of the population)

1.4 FTE classified (4.9% of the population)

Cuts were made with an eye towards maintaining existing programs. We tried to protect our major programs and permanent faculty who support them. Thus, reductions targeted part-time and adjunct faculty, consequently reducing the availability of course offerings leading to a reduction in part-time student headcount.

FY 2002 ended with an additional 5% voluntary holdback, of which .05% has been returned with the remainder being held in reserve. Governor Kempthorne has since permitted ISU to commit \$1,000,000 of this reserve to expansion of the Idaho Accelerator Center.

In addition to these reductions (totaling 18%), ISU's Maintenance and Operations alteration and repair projects funded through the Department of Public Works was reduced by over \$2,000,000. Finally, cancellation of construction projects cost the institution the loss of a much needed general classroom facility intended to accommodate a decade of expanding enrollment growth.

2. Capital Campaign

Idaho's economic difficulties make successful fund raising evermore important. Idaho State University's "Creating Legacies" Capital Campaign has been very successful. As we complete year four of this five-year effort, the University has raised \$123 million in gifts and pledges-- already exceeding the original goal of \$102 million. The three main goals for the campaign are:

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS AGENDA
DECEMBER 11-12, 2002**

- **Scholarship endowment** (gifts totaled \$5,620,000 in the last year)
- **Academic enhancement** (gifts totaled 13,000,000 in the last year)
- **The L. E. and Thelma E. Stephens Performing Arts Center** (gifts totaling \$26,000,000)

3. Enrollment

Headcount declined fall semester 2002 by 2.3% to 13,352 students. ISU has been in a pattern of sustained growth, for years very rapid and recently measured. There were a record number of full-time students enrolled at ISU fall semester 2002. However, in light of budget cuts, we were not able to meet the demands of all part-time students. Many ISU classes were filled weeks before the fall semester began and there were waiting lists to get into some programs. Part-time student headcount decreased. ISU experienced the largest freshman class in its history. There was also a substantial increase in full-time graduate students. Outreach headcount also increased, particularly in Idaho Falls and Boise.

4. Outreach

Idaho Falls – In its fifth year of operation as an educational partnership, the ISU/UI Center for Higher Education at University Place has increased its enrollment by 60% to more than 2,500 ISU students. This represents 17% of ISU's total student population; 80% of the students take classes in Idaho Falls only; the rest also attend classes in Pocatello. Classroom space to meet student demand is very tight. The six distance learning classrooms are at full capacity and 25 courses were taught off-site this semester during the evening. Enrollment in Idaho Falls increased this fall, but was limited by classroom availability and revenue for additional faculty to serve this important portion of our service area.

- ☐ **The Center for Science and Technology** is a 50,000 square foot academic research facility planned at the ISU/UI Center for Higher Education in Idaho Falls. Currently, we are struggling to fund this facility after construction estimates came back at over twice the available funding.

Boise – In response to its statewide mission in the health professions, ISU continues its major outreach initiative in Boise. New degrees offered include a fast track 18 month BSN program, an Associate of Science in paramedic education, and the bachelor and master degrees in clinical laboratory science. Partnering with the University of Idaho and Boise State University, ISU continues work on the development of Idahoplac, the multi-university Center for Higher Education in Boise. The Health Professions Center at Idahoplac, is planned as a five-story, 132,000 square foot structure that will house ISU's health programs in 2005. ISU has more than doubled enrollment at the Boise Center this fall.

5. Economic Development and New Programs

Idaho State University is engaged in a number of initiatives with outstanding economic development potential:

The Idaho Accelerator Center (IAC) - The IAC is the premier facility in the nation conducting research using small to medium sized linear accelerators. The Innovation Center in the ISU Research and Business Park provides office space for companies applying accelerator technology to the commercial sector.

Current research thrusts of the IAC include:

- ☐ Treating agricultural commodities such as sugar beets and potatoes to inhibit spoilage and extend storage life
- ☐ Examining materials for deeply buried flaws or defects
- ☐ Using accelerators to detect radioactive contraband or explosive materials in closed containers. The IAC has been working with the INEEL on this project
- ☐ Using accelerators to deactivate chemical or biological agents that might be used by terrorists or others
- ☐ Participating in the Department of Energy's Advanced Accelerator Applications program, including looking for ways to reduce storage requirements for nuclear waste through transmutation

The Institute of Nuclear Science and Engineering (INSE) - Idaho State University is proposing to develop an Institute of Nuclear Science and Engineering for the purpose of enhancing education and research opportunities while supporting national workforce needs in nuclear engineering and associated nuclear science. This development is in concert with the major mission of the Idaho National Engineering and Environmental Laboratory (INEEL), which is to be the national leader in nuclear research and development. This Institute will build on the existing strong partnership between the INEEL and the Idaho Accelerator Center and the graduate programs in nuclear science and engineering offered by ISU.

The Geographic Information Training and Research Center (GIS Center) - The GIS center at ISU is a university-wide facility serving the needs of eastern Idaho. Geographic Information Systems have become an important tool in many professions. The GIS Center is devoted to offering state-of-the-art training to both ISU students and community members. GIS facilitates informed decisions about all areas of resource allocation. This leads to increases in efficiency, sustainability, and even viability of local economies and political systems.

- ☐ Determining risks from natural hazards such as wildfire and landslides
- ☐ Helping local emergency response agencies such as police, fire departments, and medical services allocate resources more efficiently

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS AGENDA
DECEMBER 11-12, 2002**

- ☐ Helping local landowners and managers better utilize rangeland in a sustainable manner
- ☐ Studying the distribution and spread of invasive weeds
- ☐ Training local governments and citizens to use GIS tools in making land-use decisions

The Institute of Rural Health (IRH) - One of the determining factors of long-term economic health of a community is access to quality healthcare. In particular, companies of all sizes are much more likely to locate in a community if quality healthcare is available. In keeping with ISU's role and mission as the State's lead institution in the health sciences, IRH research is committed to improving healthcare for all of Idaho's citizens. Projects include:

- ☐ Creating enduring systems change in community long-term services and supports for people with disabilities
- ☐ Planning of care for individuals with Traumatic Brain Injury and their families
- ☐ Improving access across the spectrum of health care, including oral, physical, and mental/behavioral health, through the Telehealth Idaho Project. This program will research a three pronged approach to improving access by
 1. increasing the number of providers through new and upgraded education
 2. extending the reach of existing providers by using Telehealth-based supervision and consultation
 3. preserving the existing workforce through professional support thereby increasing professional quality of life

Biomedical Research Infrastructure Network - A \$6 million grant from the National Institute of Health's National Center of Research Resources created the Biomedical Research Infrastructure Network (BRIN) of Idaho's three major public institutions of higher learning, a stellar cooperative effort for the three. The network's goal is to build a scientific research infrastructure at the institutions to attract a greater percentage of federal research funds to Idaho.

6. New Buildings

Construction of the L.E. and Thelma E. Stephens Performing Arts Center is underway with completion scheduled for April, 2004. This 110,000-square foot project consists of a 1,200 seat Grand Concert Hall, a 500-seat Thrust Theater, and a 210-seat Black Box Theater. It will be a true showpiece.

An expansion of the Idaho Accelerator Center is also in the works. Currently in the programming and design stage, this project will add new capabilities to the center. This expansion will be funded through a combination of the holdback funds released by Governor Kempthorne, INEEL settlement funds and a Pocatello Economic Development

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS AGENDA
DECEMBER 11-12, 2002**

Grant. This expansion will enable ISU to house the Spiral Line Induction Accelerator donated by Titan Systems. This project is scheduled for completion by late Fall 2003. Another expansion of the IAC, already underway, continues a relationship with Positron Systems and should be completed in December 2002.

7. Idaho Museum of Natural History (IMNH)

The Idaho Museum of Natural History has a new director and is developing an exciting array of new activities. These include:

- ☐ Participating in significant grant proposals in educational product and content development and delivery. These include the Virtual Time Machine (creating virtual field trips through time to the Snake River Basin, delivered through traveling exhibits, web site and other electronic distance learning technology), the Virtual Idaho Museum of Natural History (3-dimensional digitization of collections on-site at the IMNH as an exhibit, and world-wide dissemination of the product), and the Natural Heritage Center (traveling exhibits, activity boxes, and web-based distance learning on the biodiversity and ecology of Idaho). Built into these proposals are positions and equipment resources to facilitate the fulfillment of the IMNH goals and vision
- ☐ "Dinosaur Times in Idaho," which will open in February 2003. This will give the Museum a much-needed face-lift, encourage local visitors to see something new at the Museum, and attract the traveling vacationer during the summer months. Programming will continue throughout the 2003- 2004 exhibition run, especially with new offerings for school groups

8. Idaho Dental Education Program (IDEP)

Idaho State University's Dental Program continues to draw a large and well-qualified applicant pool. The program consistently attracts nearly 10 applications for each position. Because of this tremendous demand, ISU has been working for years to increase the number of seats available (originally there were nine, funding cut to seven, incrementally raised to eight, forced back to seven). The budget holdback and subsequent cuts reversed progress here and leaves us where we were two years ago. Cuts in the operating budgets have been particularly troublesome for this program.

The Department of Dental Sciences at Idaho State University is responsible for administration of two programs. The Idaho Dental Education Program is a decentralized first year program that provides Idaho residents with access to a high quality dental education. The Idaho Advanced General Dentistry Program offers the opportunity for graduate dentists to complete a one year residency program in advanced procedures in general dentistry.

The accredited programs in the Department of Dental Sciences at Idaho State University are strong programs that have a demonstrated track record of functioning effectively on behalf of the citizens of Idaho. The programs provide a solid educational

PLANNING, POLICY & GOVERNMENTAL AFFAIRS AGENDA
DECEMBER 11-12, 2002

experience and help provide dentists and dental specialists who are becoming the core of practicing dental professionals in Idaho. As small, cost-effective programs, their ability to fulfill their program missions is obviously compromised in times of severe budget reductions.

9. Family Practice Residency

The ISU Family Practice Residency program celebrates its 10th year in June 2003. It has graduated 35 physicians; 14 have opened their practice in Idaho. Over the ten years, it has provided over 120,000 visits, helped with 9,000 deliveries, and managed 5,000 hospitalizations, 3,000 nursing home visits and 300 house calls. This year the program received a renewal of its five-year full accreditation status without citation. Graduates have maintained a 100 percent pass rate for the American Board of Family Practice. Outreach services are provided to the Portneuf Prenatal Clinic, Bannock County Juvenile Detention Center, the Women's Correctional Center, the HIV Clinic, and to Migrant farm workers in the prenatal clinics at Aberdeen and American Falls. The program has assisted Bannock County in the establishment of the new Portneuf Behavioral Health Unit. The ISU program graduates five residents in each class and has 15 residents in training at any time. The FPRI in Boise and its rural training track in Caldwell have 27 residents in training. Decreased reimbursement for services, uncompensated care and reduced GME funds continue to provide fiscal challenges for both the Boise and Pocatello programs.

PLANNING, POLICY & GOVERNMENTAL AFFAIRS AGENDA
DECEMBER 11-12, 2002

SUBJECT

Progress Reporting

BACKGROUND

In September 2001, the Board approved a new policy on Planning and Reporting. This policy requires each agency/institution/school to develop and maintain a strategic plan in accordance with Board guidelines and Idaho law. This plan is submitted and approved by the Board once annually. The Board approved plans from all of its governed organizations at the August 2002 meeting.

Additionally, this policy provides that each organization will report progress toward the goals in their plans at least once annually. The report format and schedule is to be determined by the executive director, but over the past year has been comprised of two or more organizations reporting at each Board meeting, with reports covering progress on role and mission and infrastructure goals.

DISCUSSION

Since all organizations have reported at least once, and all strategic plans were approved at the last Board meeting, there is interest in altering the process for the coming year. At the October Board meeting, the Board requested that staff work with the Presidents' and Agency Heads' Councils in establishing a new procedure. The staff has identified the following procedure relative to progress reporting from the Idaho School for the Deaf and the Blind, the Division of Vocational Rehabilitation, the Division of Profession-Technical Education, and Idaho Educational Public Broadcasting. The Idaho State Library and Idaho State Historical Society would be encourage to participate as provided in Board policy.

Written Reports

- Each agency will provide written reports at least quarterly in accordance with a schedule established by OSBE in conjunction with agency heads
- Quarterly reports will contain the following
 - A summary of major issues facing organization
 - A summary of major accomplishments
 - Charts and graphs relative to at least the following:
 - Major performance indicators (5 year trend)
 - Income / expenditures
 - Number of positions / number of vacant positions
 - Fundraising accomplishments (if applicable)

Oral Reports

Oral reports before the Board will be scheduled upon a request from the Board to hear more on a specific issue.

BOARD ACTION

No action required.

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS AGENDA
DECEMBER 11-12, 2002**

SUBJECT

Presidents' Council Report

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS AGENDA
DECEMBER 11-12, 2002**

SUBJECT

Professional-Technical Education Subcommittee Report

BACKGROUND

The Professional-Technical Education subcommittee was formed by the Board in the Spring of 2002 to ensure that the delivery of professional-technical education is structured in the most cost effective and efficient manner possible.

DISCUSSION

The Subcommittee has adopted four initial goals along with relevant action items for each (attached). These goals provide for functional realignment of the current responsibilities of the Division of Professional-Technical Education (DPTE), which results in the reassignment of over half of the current tasks performed by DPTE. Oversight for these reassigned tasks will be distributed appropriately among the higher education institutions, school districts, the State Department of Education, and the Office of the State Board of Education (OSBE). Additionally, one administrative unit, containing the current OSBE and DPTE, will be established, with separate budgetary divisions and reporting to the Executive Director of OSBE.

The flexibility offered as a result of including DPTE as a budgetary division of OSBE and decentralizing appropriate responsibilities and authority to our institutions will allow opportunities for increased efficiencies through the sharing of common resources and elimination of duplication.

If the Board concurs, implementation will begin immediately. Progress and any additional action will be brought before the Board in April 2003.

BOARD ACTION

A motion to approve the goals as established by the Professional-Technical Subcommittee and direct the Executive Director to initiate actions necessary for implementation.

Moved by _____ Seconded by _____ Carried Yes___ No___

PLANNING, POLICY & GOVERNMENTAL AFFAIRS AGENDA
DECEMBER 11-12, 2002

Goal 1 "Governance"

To clarify that the roles and missions of the Office of the Division of Professional Technical Education are limited to technical assistance, advocacy, administrative and oversight activities, and other functions best managed centrally, and will not duplicate functions of the Office of the State Board of Education, the State Department of Education, postsecondary institutions or secondary schools. The operational management of the professional technical education programs and students is a local responsibility.

Goal 2 "Centralized vs Decentralized Control"

To align decision-making authority with the responsibility given to postsecondary institutions and secondary schools. This local authority will assure the most responsive, accountable and efficient use of the statewide Professional Technical Education delivery system.

Action: The Executive Director shall initiate the administrative actions necessary to implement the revised assignment of functional responsibilities.

Goal 3 "DPTE - Budgetary Subdivision of OSBE"

To align the budget appropriation for the Division of Professional Technical Education and the Office of the State Board of Education with the approved organizational structure. This realignment will allow for increased efficiency, including the sharing of resources between the two organizations.

Action:

1. The Executive Director shall prepare all appropriate correspondence, for Board President approval and signature, requesting that JFAC and DFM implement a realigned budget appropriation process per Goal #3.
 2. The Executive Director shall assume the primary advocacy role pertaining to the budget for Professional-Technical Education, with advice from the Administrator of the Division of Professional-Technical Education.
-

Goal 4 "Reporting Consistency"

To establish policies and audits that will assure Professional Technical Education data is collected and reported consistently throughout the statewide system. Where possible this data will align with data collected for academic programs.

Action:

1. The Executive Director shall research Board Policy and recommend those immediate changes necessary to establish standardized and consistent reporting practices in accordance with Goal #4.

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS AGENDA
DECEMBER 11-12, 2002**

2. The Directors of Institutional Research Advisory Council, under the guidance and direction of the Executive Director, will monitor and review reporting practices and policies, and recommend changes to maintain standardization and consistency.
3. The Executive Director shall provide guidance to the Directors of Institutional Research Advisory Council to develop and maintain an OSBE Standard Reporting Practices Manual, for approval and implementation by the Executive Director and the staff.
4. The Executive Director shall use a portion (not less than 10%) of the independent auditor's contract to randomly conduct formal audits of at least one institution annually, to ensure compliance with reporting procedures and proper use of specifically appropriated PTE funds, in accordance with all of the above-listed goals.

PLANNING, POLICY & GOVERNMENTAL AFFAIRS AGENDA
DECEMBER 11-12, 2002

SUBJECT

Request to Serve Alcohol-Holt Arena

BACKGROUND

Board rules (08.01.08) limit the possession, consumption and sale of alcoholic beverages at public higher education institutions. Guidelines relative to this rule adopted by the Board in 1993 provide, among other things, that the legal consumption of alcohol is permitted in appropriate areas as designated by the campus presidents upon Board approval.

A request has been submitted to allow for the sale and consumption of beer and malt beverages at the Dodge National Circuit Finals Rodeo, scheduled for March 12-15, 2003 at Holt Arena on the campus of Idaho State University.

DISCUSSION

Coors is a major sponsor of the Dodge National Circuit Finals Rodeo, and provides for sales of their products at rodeos held throughout the circuit. The Rodeo held in Pocatello is the only one in the country where they are not allowed to sell alcohol.

The 1993 guidelines provide that "consumption of alcohol is prohibited in general use areas...and is permitted only in living quarters of persons of legal age (individual dorm rooms and presidential residences) and other appropriate areas designated by campus presidents upon Board approval." Areas that have been designated by the Board as appropriate in recent years include:

UI – UI Research Parks and Business Incubators, selected off-campus conference locations, Prichard Art Gallery, UI Golf Course (private events)

BSU – select events at the Pavilion, a one-time waiver for a private party at the Morrison Center

In each instance, specific guidelines for alcohol sales and consumption were established prior to Board approval. Guidelines to govern the sale and consumption of alcohol at the Rodeo in Holt Arena are as follows:

- One person will be placed in front of each beer station to:
 1. Check identification and ensure all individuals are over the age of 21.
 2. Check for sobriety – if anyone appears to be under the influence, they will not be sold a product
 3. If these two conditions are met, a wristband or large brightly colored stamp will be placed on the consumer to identify having been checked.
- Consumers will be allowed to purchase no more than two glasses of beer at a time. Security personnel will also walk the isle of the grandstand to ensure only those with stamps or wristbands are consuming alcohol.
- No beer will be hawked in the grandstands.

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS AGENDA
DECEMBER 11-12, 2002**

- No alcohol will be sold during the matinee shows.
- Any individual that acts irresponsibly or is visibly intoxicated will be immediately removed by security.
- Any individual caught supplying minors with alcohol will be removed and turned over to the police.
- Signage will be provided at each beer station with this and underage drinking information.

BOARD ACTION

A motion to approve the request to serve alcohol at Holt Arena during the Dodge National Circuit Finals Rodeo scheduled for March 12-15, 2003.

Moved by _____ Seconded by _____ Carried Yes ___ No___

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS AGENDA
DECEMBER 11-12, 2002**

SUBJECT

Pending Rule Change – 47.01.01 Division of Vocational Rehabilitation

BACKGROUND / DISCUSSION

The Division of Vocational Rehabilitation is proposing changes to their administrative rules to comply with new federal guidelines and to compact the rules into one section. The changes are generally technical in nature. The changes are necessary in order to streamline and reduce duplication of the Rehabilitation Act and federal regulations. *No changes have been made to the rules since initial approval at the August 2002 Board meeting.*

BOARD ACTION

A motion to approve as pending rules 47.01.01 Division of Vocational Rehabilitation with changes as indicated.

Moved by _____, Seconded by _____. Carried Yes ___ No___

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS AGENDA
DECEMBER 11-12, 2002**

**IDAPA 47
TITLE 01
Chapter 01**

IDAPA 47 - DIVISION OF VOCATIONAL REHABILITATION

47.01.01 - GENERAL ADMINISTRATION RULES OF THE IDAHO DIVISION OF VOCATIONAL REHABILITATION

000. LEGAL AUTHORITY.

Section 33-2301, Idaho Code and the Rehabilitation Act of 1973 and all subsequent Amendments. (3-30-01)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 47.01.01, "~~General Administration~~ Rules of the Idaho Division of Vocational Rehabilitation". (4-5-00)

02. Scope. The chapter has the following scope: To streamline the existing rules and to implement program changes necessitated by the 1998 Amendments of the Rehabilitation Act of 1973. (4-5-00)

002. WRITTEN INTERPRETATIONS.

Written interpretations to these rules in the form of the explanatory comments accompanying the notice of proposed rulemaking that originally proposed the rules are available from the Idaho Division of Vocational Rehabilitation, 650 W. State Street, Boise, Idaho 83720. (4-5-00)

003. ADMINISTRATIVE APPEALS.

This chapter does not provide for appeal of the administrative requirements for agencies. (4-5-00)

004. INCORPORATION BY REFERENCE.

01. General. Unless provided otherwise, any reference in these rules to any document identified in Subsection 004 shall constitute the full incorporation into these rules of that document for the purposes of the reference, including any notes and appendices therein. The term "documents" includes codes, standards or rules which have been adopted by an agency of the state or of the United States or by any nationally recognized organization or association. (3-30-01)

02. Availability Of Reference Material. Copies of the documents incorporated by reference into these rules are available at the following locations: (3-30-01)

a. Central Office, Idaho Division of Vocational Rehabilitation, 650 W. State Street, Room 150, Boise, Idaho 83720, (208) 334-3390. (3-30-01)

b. Regional Offices, Idaho Division of Vocational Rehabilitation, located at: (3-30-01)

i. 1010 Ironwood Drive, Suite 101, Coeur d'Alene, Idaho 83814, (208) 769-1441. (3-30-01)

ii. 1118 F. Street, P.O. Box 43681164, Lewiston, Idaho 83501, (208) 799-5070. (3-30-01)

iii. 3350 Americana Terrace, Suite 210, Boise, Idaho 83706, (208) 334-3560/3650. (3-30-01)

iv. 10200 W. Emerald Street, Suite 101, Boise, Idaho 83704, (208) 327-7411. (3-30-01)

v. 245 3rd Avenue North, Twin Falls, Idaho 83301, (208) 736-2156. (3-30-01)

vi. 1070 Hiline, Suite 200, Pocatello, Idaho 83201, (208) 236-6333. (3-30-01)

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS AGENDA
DECEMBER 11-12, 2002**

- vii. 1825 Hoopes Avenue, Idaho Falls, Idaho 83404, (208) 525-7149. (3-30-01)
- viii. 3110 E. Cleveland Blvd. #A57, Caldwell, Idaho 83605, (208) 454-7606. (3-30-01)
- ix. This document is also available at website <http://www.state.id.us/idvr/idvrhome.htm>. (3-30-01)

03. Documents Incorporated By Reference. The following documents are incorporated by reference into these rules: (3-30-01)

- a. All federal publications through the Rehabilitation Services Administration: (3-30-01)
- b. Idaho Division of Vocational Rehabilitation Field Services Manual, 20002. (3-30-01)
- c. State Plan for Vocational Rehabilitation 2001-2003. (3-30-01)
- d. Workforce Investment Act, Public Law 105-220. (3-30-01)
- e. Federal Register, Department of Education, 34 CFR Part 361. (3-30-01)
- f. The Rehabilitation Act, as amended 1998. (3-30-01)

005. -- 009. (RESERVED).

010. DEFINITIONS.

01. Authorization to Purchase. A purchase order issued on behalf of the Division. ()

042. CFR. Code of Federal Regulations. (7-1-93)

023. Client/Participant. Any individual who has applied for or is eligible for Vocational Rehabilitation services. (3-30-01)

04. Core Vocational Rehabilitation Services. Services that reduce the impact of functional limitations on the ability to achieve an employment outcome (i.e. medical restoration services, training services, assistive technology, job placement, etc.) ()

05. Designated State Agency. The Idaho State Board of Education. ()

036. Designated State Unit. The Idaho Division of Vocational Rehabilitation. (7-1-93)

07. Extended Period of Time. An anticipated six (6) or more months within which time rehabilitation services are being provided on an active and ongoing basis. ()

048. IDVR. The Idaho Division of Vocational Rehabilitation. (4-5-00)

059. IPE. Individualized Plan for Employment. (4-5-00)

10. MSD. Most Significant Disability. Meets the criteria as Significant Disability as found in the Rehabilitation Act of 1973 as Amended, and is further defined as: ()

a. Having a severe physical, mental, cognitive or sensory impairment which seriously limits two (2) or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance or work skills) in terms of an employment outcome; and ()

PLANNING, POLICY & GOVERNMENTAL AFFAIRS AGENDA

DECEMBER 11-12, 2002

b. Whose vocational rehabilitation can be expected to require multiple core vocational rehabilitation services (as opposed to supportive services) over an extended period of time. ()

0611. Method Of Written Notification. The written notification of findings and conclusions arising from an Administrative Review Informal Dispute Resolution, Mediation, Fair Hearing Impartial Due Process Hearing, shall be served to the client/participant via the U.S. Postal Service by means of certified mail. Durational requirements for appeals shall commence on the day received by the client/participant as noted by the certified mail records. (3-30-01)

12. PM. Policy Memorandum ()

07. P.L. Public Law. (7-1-93)

08. RCR. Running Case Record. (7-1-93)

0913. RSA. Rehabilitation Services Administration, U.S. Department of Education. (7-1-93)

104. State Administrator. The Chief Executive Officer of the Idaho Division of Vocational Rehabilitation. (4-5-00)

~~10. Impartial Hearing Officer. A due process hearing shall be conducted by an impartial hearing officer who shall issue a decision based on the provisions of the approved State Plan, the Rehabilitation Act, and State regulations and policies. The Designated State Unit shall maintain a list of qualified impartial hearing officers who are knowledgeable in laws (including regulations) relating to the provision of vocational rehabilitation services.~~
(4-5-00)

15. Supportive Services. Services that complement the provision of core services and are provided only to insure that the client/participant can benefit in terms of an employment outcome. ()

16. VRC. Vocational Rehabilitation Counselor ()

011. -- 099. (RESERVED).

100. CLIENT/PARTICIPANT APPEALS.

~~**01. Client/participant Of Vocational Rehabilitation Internal Appeals Procedure To Contest A Disputed Action, Failure To Act, Or Decision Of The Division.** A client of Vocational Rehabilitation services may file a request for an Administrative Review, Mediation or Fair Hearing for a re-determination of any and all actions, or lack thereof, concerning determination of eligibility or the provision (or lack thereof) of services.(3-30-01)~~

021. Administrative Review Informal Dispute Resolution. Within ten (10) calendar days of notification of the contested action, lack of action or decision, the client/participant may request that an Administrative Review Informal Dispute Resolution be held. The request shall be made in writing to the Regional Manager. The written request should state the reason for the requested review. (3-30-01)

a. The Regional Manager shall inform the client/participant in writing as to the time, place, and date of the Administrative Review Informal Dispute Resolution. The client/participant may choose to represent himself/herself or may have a representative(s) speak on his/her behalf. ~~The Regional Manager will insure complete familiarity of the case and will call for testimony from any and all parties to the case that he/she feels is relevant to the review.~~ (4-5-00)

b. The Regional Manager will make a decision regarding the specifics of the Administrative Review Informal Dispute Resolution. This decision will be in written form and it will be sent to the client/participant, with a copy. It will also be included in the pertinent case file. Since the Administrative Review is an informal problem resolution process, the form of the written decision may be in standard business letter format. (4-5-00)

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS AGENDA
DECEMBER 11-12, 2002**

032. Mediation. The client will be informed of the availability of mediation and the process for such to settle disputes. Mediation is voluntary and is not intended to deny or delay the right to a fair hearing. The request shall be made in writing to the Regional Manager. A written request should state the reason for the requested review. (3-30-01)

a. ~~The division will make available a list of qualified mediators from which the client may choose.~~ (4-5-00)

~~b. The cost of the mediation process is paid for by the Idaho Division of Vocational Rehabilitation. The division is not required to pay for any costs related to the representation of the client.~~ (3-30-01)

ea. The Mediation must take place within the ~~forty five (45)~~ sixty (60) day requirement for a Fair Hearing **Impartial Due Process Hearing**.

043. Fair Hearing Impartial Due Process Hearing. ~~A Fair Hearing~~ An Impartial Due Process Hearing can be held without an ~~Administrative Review~~ Informal Dispute Resolution or Mediation or if the client/participant is dissatisfied with the result of the ~~Administrative Review~~ Informal Dispute Resolution or Mediation. ~~The Administrative Review or Mediation process may not be used as a means to delay a more formal hearing before an impartial hearing officer unless the parties jointly agree to a delay.~~ The Fair Hearing Impartial Due Process Hearing will deal with the issues involved in the original ~~Administrative Review~~ Informal Dispute Resolution or Mediation, if one took place. The request for a Fair Hearing an Impartial Due Process Hearing will be made in writing to the Administrator of the Division. ~~It must be made within ten (10) calendar days subsequent to receipt of official notification of the Regional Manager's decision from the Administrative Review~~ Informal Dispute Resolution or the Mediation Agreement from Mediation. The hearing by an impartial hearing officer must be held within ~~forty five (45)~~ sixty (60) days of a request by the client/participant unless both parties agree to a specified delay. (3-30-01)

a. ~~The impartial hearing officer shall be selected from a pool of qualified persons identified jointly by the Division and members of the State Rehabilitation Council. The impartial hearing officer shall inform all relevant parties, in writing, as to the time, date, and place of the Fair Hearing. The client may represent himself/herself or may choose to be represented by any person(s) of his/her choice.~~ (3-30-01)

~~b. The hearing is a more formal proceeding than the Administrative Review or Mediation. Upon its completion, the Impartial Hearing Officer shall make a decision. This decision shall be rendered into writing and provided to all parties involved in the Fair Hearing. The decision shall be the final action.~~ (3-30-01)

101. -- 9199. (RESERVED).

200. ORDER OF SELECTION.

01. Order Of Selection. The following order of selection will be used if the Idaho Division of Vocational Rehabilitation finds that it cannot serve all eligible clients/participants due to a lack of either personnel and/or financial resources. The priority listings progress downward with priority number one (1) being the most restrictive and priority number four (4) being the least restrictive. ()

a. Priority #1: At the time that a decision to move to an order of selection is made, it is determined that only those consumers who already have an existing individualized plan for employment (IPE) will continue to be served. ()

b. Priority #2: At the time that a decision to move to an order of selection is made, it is determined that only those consumers in Priority Number 1 above and current and future, otherwise eligible, clients/participants rated to this or a more restrictive priority can be served. Consumers meeting this priority rating are those individuals with most significant disabilities. ()

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS AGENDA
DECEMBER 11-12, 2002**

c. Priority #3: At the time that a decision to move to an order of selection is made, it is determined that only those consumers in Priorities Numbers 1 and 2 above and current and future, otherwise eligible, clients/participants rated to this or a more restrictive priority can be served. Consumers meeting this priority rating are those individuals with significant disabilities. ()

d. Priority #4: All eligible clients/participants for Vocational Rehabilitation services (no order of selection in place).

201.--299. (RESERVED)

300. CLIENT/PARTICIPANT SERVICES.

01. Provision Of Purchased Services Contingent Upon Financial Need Of The Client/Participant. ()

a. The Idaho Division of Vocational Rehabilitation will apply a Financial Needs Assessment. Financial need will not be a consideration in the determination of eligibility for Vocational Rehabilitation, but will be a consideration in allocating the cost of VR services, with some exceptions. ()

02. Authorization To Purchase. The Division requires that when purchasing services from a vendor, an authorization must be issued prior to, or on, the beginning date of service. If services are provided without a Division approved authorization to purchase, the Division reserves the right to not honor the vendor's invoice. ()

301.--399. (RESERVED)

400. SERVICES FOR WHICH IDAHO DIVISION OF VOCATIONAL REHABILITATION FINANCIAL PARTICIPATION WILL NOT BE AVAILABLE.

01. General Provisions. Idaho Division of Vocational Rehabilitation will not pay for any services that do not contribute to the determination of eligibility or to achieve an employment outcome. ()

02. Private Pilot's License. The Division of Vocational Rehabilitation will not financially participate in the securing of a private pilot's license. The Division may assist in securing a Commercial Pilot's License. ()

03. Advanced Degree. The Idaho Division of Vocational Rehabilitation may assist with an advanced degree if it is the only means available for an individual with a significant disability to achieve an employment outcome. ()

04. Vehicular Purchase. Financial assistance will not be available for the purchase of a vehicle. For the purpose of this rule, "vehicle" is defined as any motorized conveyance that must be licensed by the state of Idaho in order to be operated on state highways, roads, streets, and waterways. (Included within this definition are: cars, trucks, vans, motorcycles, and boats of various sizes and description). Division funds may be utilized to render an already owned vehicle accessible for the client's/participant's use (i.e., hand controls, van conversions, and installation of lifts). ()

05. Surgery.

a. Surgery will not be provided if it is the sole core service needed for return to work or to achieve an employment outcome.

b. If the original disability (ies) and limitations substantially worsen, surgery may be provided if it is part of a comprehensive plan (IPE) and required to correct a medical problem which, if left untreated, would jeopardize completion of the rehabilitation plan and employment.

(The original disability (ies) is/are defined as the disabilities on which eligibility is determined.)

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS AGENDA
DECEMBER 11-12, 2002**

- c. If a new disability is diagnosed during the provision of VR services under an IPE, surgery may be provided if it is part of a comprehensive plan (IPE) and required to correct a medical problem which, if left untreated, would jeopardize completion of the rehabilitation plan and employment.
- d. VR will not cover the cost of surgery if surgery does not substantially reduce or eliminate functional limitations, as VR would still need to retrain or accommodate the limitations.

Regional Manager must review and approve all surgery plans for VRC, VRCI, VRCII and VRCIII. ()

06. Organ Transplantation. The Idaho Division of Vocational Rehabilitation will not pay for organ transplantation with the exception of Renal Transplantation. ()

07. Non-Residents Of The State. Financial participation will not be available to non-residents of Idaho. Citizenship is not a requisite for financial assistance; however, the individual must have legal resident status (i.e., illegal aliens will not be eligible for the Vocational Rehabilitation programs). ()

401.--499 (RESERVED).

500. PROVISION OF CRP (COMMUNITY REHABILITATION PROGRAM) SERVICES. Work Evaluation, Work Adjustment, Community Based Work Evaluation, Community Based Work Adjustment, Job Site Development, Job Coaching, Placement and Follow-Along Services, are services the Idaho Division of Vocational Rehabilitation purchases from CRPs which are accredited by Commission on Accreditation of Rehabilitation Facilities (CARF) or Rehabilitation Services Accreditation System (RSAS). In conjunction with the client/participant, the qualified professional Vocational Rehabilitation Counselor, will determine which CRP Services, if any, are required for the client/participant to achieve an employment outcome. ()

501. -- 599. (RESERVED).

600. CHIROPRACTIC SERVICES. Chiropractic examinations will not suffice in meeting the medical documentation required for eligibility purposes. ()

601. --699. (RESERVED).

700. PAYMENT POLICY.

The Vocational Rehabilitation staff will negotiate rates of payment in the best interest of the organization. We will always encourage the pursuit of comparable benefits. ()

01. Policy. It is the policy of the Division to pay the "usual and customary" charges for services provided to itself or to its client/participants by providers of goods or services. The only exceptions to the "usual and customary" considerations are listed in the Payment Policy Chapter of the Idaho Division of Vocational Rehabilitation Field Services Manual, 2002 or addressed as a result of state purchasing rules or superseding Idaho Statute. Exceptions may be required for geographical considerations. ()

701.--999. (RESERVED).

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS AGENDA
DECEMBER 11-12, 2002**

SUBJECT

Proposed Legislation - Eastern Idaho Technical College

BACKGROUND & DISCUSSION

There is interest in providing additional funding to EITC from the State Liquor Account. Idaho Code provides for allocation of dollars in the state liquor account (23-404). Currently, the allocation is as follows:

- \$1,200,000 – alcoholism treatment account
- \$300,000 – community college account (which is disbursed to the two colleges equally by the SBOE annually)
- \$1,200,000 - public school income fund
- \$650,000 – cooperative welfare account
- \$4,945,000 – state general fund

The attached draft legislation shows a proposed decrease in the amount going to the state general fund by \$150,000, and the creation of a provision whereby EITC would receive the \$150,000 annually from the liquor allocation, the same amount as each of the two community colleges currently receive. As proposed, the funds would be forwarded to the SBOE for disbursement to EITC.

Note that the draft legislation is not necessarily in its final form. There is a possibility that some operating dollars may become available, allowing the additional EITC funding without reduction to the general fund as shown.

BOARD ACTION

A motion to support legislation providing additional funding to EITC from the State Liquor Account.

Moved by _____, Seconded by _____. Carried Yes ___ No ___

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS AGENDA
DECEMBER 11-12, 2002**

DRAFT

LEGISLATURE OF THE STATE OF IDAHO

Fifty-seventh Legislature

First Regular Session-2003

IN THE _____

_____BILL NO. _____

BY _____

AN ACT

RELATING TO THE EASTERN IDAHO TECHNICAL COLLEGE; AMENDING SECTION 23-404, IDAHO CODE, TO PROVIDE FOR DISTRIBUTION OF MONEYS FROM THE LIQUOR FUND TO THE EASTERN IDAHO TECHNICAL COLLEGE FUND, TO REDUCE THE ANNUAL DISTRIBUTION TO THE GENERAL FUND AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING CHAPTER 22, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-2213, IDAHO CODE, TO CREATE THE EASTERN IDAHO TECHNICAL COLLEGE FUND AND TO PROVIDE FOR DISBURSEMENTS FROM THE FUND.

Be It Enacted by the Legislature of the State of Idaho:

Section 1. That Section 23-404, Idaho Code, be, and the same is hereby amended to read as follows:

23-404. DISTRIBUTION OF MONEYS IN LIQUOR ~~ACCOUNT~~FUND. (1) The moneys received into the liquor ~~account~~-fund shall be transferred or appropriated as follows:

(a) An amount of money equal to the actual cost of purchase of alcoholic liquor and payment of expenses of administration and operation of the dispensary, as determined by the superintendent and certified quarterly to the state controller, shall be transferred back to the dispensary; provided, that the amount so transferred back for administration and operation of the dispensary shall not exceed the amount authorized to be expended by regular appropriation authorization.

(b) From the balance remaining after transferring the amounts authorized by subsection (a) ~~above of this section~~:

(i) One million two hundred thousand dollars (\$1,200,000) shall be transferred annually to the alcoholism treatment ~~account~~-fund, which is hereby created in the trust and agency fund;

(ii) Three hundred thousand dollars (\$300,000) shall be transferred annually to the community college ~~account~~-fund, created by section 33-2139, Idaho Code;

(iii) One hundred fifty thousand dollars (\$150,000) shall be transferred annually to the Eastern Idaho Technical College fund as established in section 33-2213, Idaho Code;

~~(iv)~~ One million two hundred thousand dollars (\$1,200,000) shall be transferred annually to the public school income fund, as defined in section 33-903, Idaho Code;

~~(v)~~ Four million ~~nine~~-~~seven~~ hundred ~~forty~~~~ninety~~-five thousand dollars ~~\$4,945,000~~ (\$4,795,000) shall be transferred annually to the general account in the state operating ~~fund~~account; and

PLANNING, POLICY & GOVERNMENTAL AFFAIRS AGENDA
DECEMBER 11-12, 2002

- (vi) Six hundred fifty thousand dollars (\$650,000) shall be transferred annually to the cooperative welfare ~~account~~ fund in the dedicated fund.
- (c) Forty percent (40%) of the balance remaining after the transfers authorized by paragraphs (a) and (b) ~~above of this section~~ have been made is hereby appropriated to and shall be paid to the several counties. Each county shall be entitled to an amount in the proportion that liquor sales through the dispensary in that county during the state's previous fiscal year bear to total liquor sales through the dispensary in the state during the state's previous fiscal year, except that no county shall be entitled to an amount less than that county received in distributions from the liquor ~~account~~ fund during the state's fiscal year 1981.
- (d) Sixty percent (60%) of the balance remaining after the transfers authorized by paragraphs (a) and (b) ~~above of this section~~ have been made is hereby appropriated to and shall be paid to the several cities as follows:
- (i) Ninety percent (90%) of the amount appropriated to the cities shall be distributed to those cities which have a liquor store or distribution station located within the corporate limits of the city. Each such city shall be entitled to an amount in the proportion that liquor sales through the dispensary in that city during the state's previous fiscal year bear to total liquor sales through the dispensary in the state during the state's previous fiscal year, except that no city shall be entitled to an amount less than that city received in distributions from the liquor ~~account~~ fund during the state's fiscal year 1981;
- (ii) Ten percent (10%) of the amount appropriated to the cities shall be distributed to those cities which do not have a liquor store or distribution station located within the corporate limits of the city. Each such city shall be entitled to an amount in the proportion that that city's population bears to the population of all cities in the state which do not have a liquor store or distribution station located within the corporate limits of the city, except that no city shall be entitled to an amount less than that city received in distributions from the liquor ~~account~~ fund during the state's fiscal year 1981.
- (2) All transfers and distributions shall be made periodically, but not less frequently than quarterly but, the apportionments made to any county or city, which may during the succeeding three (3) year period be found to have been in error either of computation or transmittal, shall be corrected during the fiscal year of discovery by a reduction of apportionments in the case of over-apportionment or by an increase of apportionments in the case of under-apportionment. The decision of the superintendent on entitlements of counties and cities shall be final, and shall not be subject to judicial review.

SECTION 2. That Chapter 22, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-2213, Idaho Code, and to read as follows:

33-2213. Eastern Idaho Technical College Fund. There is hereby created the Eastern Idaho Technical College fund to which shall be credited all moneys which may be appropriated, apportioned or allocated to the fund, including the distribution from the state liquor fund as provided in section 23-404, Idaho Code. The state treasurer shall make such disbursements from the fund as may be ordered by the state board of education and subject to appropriation by the legislature.

PLANNING, POLICY & GOVERNMENTAL AFFAIRS AGENDA
DECEMBER 11-12, 2002

SUBJECT

Proposed Legislation – Deferred Compensation

BACKGROUND

Idaho Code currently allows state employees to participate in 457(b) deferred compensation programs. The Board of Examiners, which currently has the authority to regulate the deferred compensation program for state employees, has designated the only approved carrier to be PEBSCO. Faculty and staff at the institutions have expressed interest in participating in a deferred compensation program; however, they would like the option to do so through one of the current optional retirement plan carriers (TIAA-CREF and VALIC).

DISCUSSION

The institutions are seeking Board support to assist local counsel for TIAA-CREF and VALIC in proposing a change that would expand carrier options for deferred compensation plans. One way to accomplish this is to change Idaho Code such that the State Board of Education is designated to supervise and regulate the deferred compensation program for Board employees, which would allow the Board to approve the carriers.

Attached is draft legislation relative to this issue. The draft is provided to give the Board a better understanding of the request; however, is not in its final form. If the Board is supportive of the idea, staff at the Board office and at the institutions will continue to work with local counsel for TIAA-CREF and VALIC to ensure the most appropriate procedure and language is used.

BOARD ACTION

A motion to support expanding options for Board employees relative to carriers of 457(b) deferred compensation plans.

Moved by _____, Seconded by _____. Carried Yes ____ No ____

DRAFT

PUBLIC HIGHER EDUCATION DEFERRED COMPENSATION PLAN AUTHORIZING LEGISLATION

59-513. Deferred compensation programs for employees of state or political subdivisions. - The state of Idaho, and the state board of education, and any county, city, or political subdivision of the state acting through its governing body is hereby authorized to contract with an employee to defer all or a portion of that employee's income, and may subsequently with the consent of the employee, invest such deferred income in a funding medium for the purpose of funding a deferred compensation program for the employee.

The state board of education may establish a deferred compensation program for employees of the university of Idaho, Idaho state university, Boise state university, Lewis-Clark state college, the state board of education, community colleges and post-secondary professional-technical education institutions, including north Idaho college, college of southern Idaho and eastern Idaho technical college. Employees eligible for participation in any deferred compensation program established by the state board of education shall remain eligible for any other deferred compensation program otherwise available to such employees.

The state board of examiners shall supervise and regulate the deferred compensation program for state employees, and may adopt rules to implement such a program.

The state board of education shall supervise and regulate any deferred compensation program it establishes, and may adopt rules to implement such a program.

The governing body of any county, city, or political subdivision of the state, shall supervise and regulate the deferred compensation program for its employees.

In no event shall the amount of income an employee elects to defer exceed the total annual salary, or compensation under the existing salary schedule or classification plan applicable to such employee in such year. Any income deferred under such a plan shall continue to be included as regular compensation for the purpose of computing the retirement contributions and pension benefits earned by any employee, but any sum so deferred shall not be included in the computation of any income taxes withheld on behalf of any such employee.

Coverage of an employee under a deferred compensation plan under this section shall not render such employee ineligible for simultaneous membership and participation in the pension systems for public employees which are otherwise provided for.

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS AGENDA
DECEMBER 11-12, 2002**

For the purpose of this act the state controller is authorized to make such deductions from salary for any employee of the state who has authorized such deductions in writing, and the state board of examiners may designate administrative agents for the state of Idaho to execute all necessary agreements pertaining to the deferred compensation program. The investment of funds pursuant to any deferred compensation program established pursuant to this section shall not be subject to any law limiting the types of investments that may be made with state funds or imposing conditions on the deposit of state funds.

For the purposes of this act, the term "employee" includes elected or appointed officials.