

**STATE BOARD OF EDUCATION**  
**November 4, 2003**

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**SUBJECT**

Proposed Rule Change – 08.01.08 Miscellaneous Rules

**BACKGROUND / DISCUSSION**

The miscellaneous rules related to alcohol on campus have been in place since 1993. Previous Boards have provided exceptions to the rules on a case-by-case basis for certain venues. At the Board's December meeting, concern was expressed over the current rule language and lack of definitive guidelines for waivers of the prohibition.

The proposed rule changes add that waivers to the prohibition will be as provided in the Board's Governing Policies and Procedures. Staff worked with representatives from the universities to draft a waiver policy, which was brought forward for consideration at the Board's October meeting. There was a recommendation to postpone a vote on the policy until a later time because the rule related to the policy hasn't been approved by the Legislature yet, and to allow additional time for review of the proposed Board policy. No changes to the proposed rule have been made since the August meeting.

**BOARD ACTION**

To approve as proposed rules the changes to IDAPA 08.01.08 related to alcohol on campus.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried: Yes \_\_\_\_ No \_\_\_\_

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**IDAPA 08**  
**TITLE 01**  
**CHAPTER 08**

**08.01.08 - MISCELLANEOUS RULES OF THE STATE BOARD OF EDUCATION**

**000. LEGAL AUTHORITY.**

All rules in this chapter (IDAPA 08.01.08) are promulgated pursuant to the authority of the State Board of Education under Article IX, Section 2 of the Idaho Constitution and under sections 33-105, 33-107, 33-2804, 33-3104, 33-3006, 33-4005, and 33-2211, Idaho Code.

**001. TITLE AND SCOPE.**

These rules shall be known as IDAPA 08.01.08, "Miscellaneous Rules of the State Board of Education." These rules constitute the requirements for miscellaneous rules for public, postsecondary institutions in Idaho. ( )

**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 Board office. ( )

**003. ADMINISTRATIVE APPEAL.**

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

**004. INCORPORATION BY REFERENCE.**

There are no documents to incorporate by reference pursuant to, and in accordance with Section 67-5229, Idaho Code. ( )

**005. OFFICE--OFFICE HOURS--MAILING ADDRESS AND STREET ADDRESS.**

The principal place of business of the SBOE is in Boise, Idaho. The mailing address is PO Box 83720, Boise, ID 83720-0037. The Board's street address is 650 West State Street, Room 307, Boise, Idaho, 83702. The office hours are from 8:00 a.m. to 5:00 p.m., except Saturday, Sunday and legal holidays. ( )

**006. PUBLIC RECORDS ACT COMPLIANCE.**

This rule has been promulgated in accordance with the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code, and is a public record. ( )

**007. DEFINITIONS.**

~~008.~~ -- 099. (RESERVED).

**100. POSSESSION, CONSUMPTION, AND SALE OF ALCOHOLIC BEVERAGES AT PUBLIC HIGHER EDUCATION INSTITUTIONS.**

Illegal possession or consumption of alcoholic beverages is prohibited in college or university-owned, leased, or operated facilities and on campus grounds. (7-1-93)

**01. General Use Areas.** Alcoholic beverages may not be possessed or consumed under any circumstances in areas open to and most commonly used by the general public. These areas include, but are not limited to, lounges, student union buildings, recreation rooms, conference rooms, athletic facilities, and other public areas of college or university-owned buildings or grounds. (7-1-93)

**02. Sale.** Sale of alcoholic beverages is prohibited in college or university-owned, leased, or operated facilities and on campus grounds. (7-1-93)

**03. Sanctions.** Students who violate this policy will be subject to sanctions established by institutional administration. (7-1-93)

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**04. Guests And Visitors.** Guests or visitors must observe these regulations while on campus or other college or university property. Non-compliance may subject a person to sanctions imposed by the college or university, as well as to the provisions of local and state law. (7-1-93)

**05. Waivers.** Waivers of these provisions are as provided in the State Board of Education Governing Policies and Procedures. ( )

**101. -- 999. (RESERVED).**