

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS  
OCTOBER 16-17, 2005**

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<b>TAB</b>	<b>DESCRIPTION</b>	<b>ACTION</b>
<b>1</b>	<b>PRESIDENT’S COUNCIL REPORT</b>	Information Item
<b>2</b>	<b>LEWIS CLARK STATE COLLEGE PROGRESS REPORT</b>	Information item
<b>3</b>	<b>LEGISLATIVE AMENDMENTS</b>	Motion to Approve
<b>4</b>	<b>1ST READING OF AMENDMENT TO BOARD POLICY – IV.B.10 – IDAHO STUDENT INFORMATION SYSTEM</b>	Motion to Approve

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**SUBJECT**

President's Council Report.

**APPLICABLE STATUTE, RULE, OR POLICY**

N/A

**BACKGROUND**

Monthly report given by the President of the President's Council.

**DISCUSSION**

**IMPACT**

**STAFF COMMENTS AND RECOMMENDATIONS**

N/A

**BOARD ACTION**

This item is for informational purposes only. Any action will be at the Board's discretion.

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**SUBJECT**

Lewis Clark State College Progress Report

**BACKGROUND**

Periodically, the institutions of higher education in the State of Idaho are requested to provide a progress report to the members of the State Board of Education. It has been just over one year since Lewis Clark State College has supplied an overview of its status and accomplishments.

**DISCUSSION**

Dene Thomas, President of Lewis Clark State College, will be in attendance at the meeting and present a summary of the accomplishments and future goals of the college.

**IMPACT**

President Thomas's presentation will provide the State Board members and others with current status information about Lewis Clark State College.

**STAFF COMMENTS AND RECOMMENDATIONS**

No staff comments or recommendations are needed at this time.

**BOARD ACTION**

This item is for informational purposes only. Any action will be at the Board's discretion.

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**SUBJECT**

Proposed Legislative Amendments for 2006

**APPLICABLE STATUTE, RULE, OR POLICY**

N/A

**BACKGROUND**

In July, Board staff requested from agencies, institutions, and other Board staff possible amendments to legislation. Six suggestions were received and State Board of Education staff submitted legislative Idea forms to the Division of Financial Management (DFM).

DFM subsequently approved four Idea forms and disapproved two. DFM disapproved the request to restructure the statutes for the Idaho School for the Deaf and the Blind. DFM is not opposed to legislative amendments. However, reports from the Office of Performance Evaluations (OPE) and the Board's task force have not yet released their reports. Until the reports are released and analyzed, legislation cannot be prepared. DFM also denied the University of Idaho's request for a self-funded insurance program. Finally, the Division of Professional Technical Education has decided not to proceed with legislation this year. The remaining three pieces of legislation are included with these materials.

**DISCUSSION**

At this time there are three pieces of proposed legislation that staff and agencies are bringing to the Board for their review. They are as follows:

1. Uniform Reporting of Student Information. This legislation will remove any reference to the Idaho Student Information Management system (ISIMS). This legislation will also allow the State Board of Education to adopt rules that will govern the implementation a student information tracking system should funding become available.
2. Rulemaking authority for the State Board of Education for IDVR. Currently, Section 33-2211, Idaho Code only allows the Board (as the Board of Professional-Technical Education, which is designated by statute to provide vocational rehabilitation in this state) to adopt rules for "its own government". With the transfer, from Health and Welfare, of the Extended Employment Program to IDVR, the existing rules terminated. This legislation would allow the State Board of Education to broaden the Board's authority to adopt rule to govern this program and others that IDVR oversees.
3. Idaho's Course/Program Registration Process. The course/program registration process in Title 33, Chapters 1 and 24 needs to be revised to more clearly define the process for registering private non-profit and

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for profit postsecondary institutions that are located outside the state of Idaho but are offering academic credit in Idaho. The revisions will enhance the Idaho State Board of Education's ability to more carefully scrutinize institutions that are interested in offering degree granting courses and programs in Idaho. Idaho is one of a few states in the nation that does not have rigorous registration process. The registration process protects the integrity of academic credit among institutions and helps to avoid the proliferation of degrees that are granted by paying a fee and not taking classes or what is known as "diploma mill" types of degrees.

**IMPACT**

If the Board does not approve the proposed legislative amendments, staff will not proceed with submittal to the legislature and the laws will remain the same.

If the Board approves the proposed legislative amendments, staff will proceed with submittal of the attached legislation to the Division of Financial Management and the Governor's Office.

**STAFF COMMENTS AND RECOMMENDATIONS**

State Board staff recommends approval of the proposed legislative amendments as submitted.

**BOARD ACTION**

A motion to approve the proposed legislative amendments concerning Uniform Reporting of Student Information, the Rulemaking for the Board for the Division of Vocational Rehabilitation, and the Registration Process for Postsecondary Institutions.

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



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LEGISLATURE OF THE STATE OF IDAHO  
Fifty-eighth Legislature Second Regular Session - 2006

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO.

BY EDUCATION COMMITTEE

RELATING TO THE IDAHO STATE BOARD OF EDUCATION; AMENDING SECTION 33-120 TO GRANT THE STATE BOARD OF EDUCATION RULEMAKING AUTHORITY TO IMPLEMENT A STUDENT INFORMATION MANAGEMENT SYSTEM AND TO ENSURE THAT ALL SCHOOL DISTRICTS, PUBLIC CHARTER SCHOOLS, AGENCIES, PARENTS, AND OTHER PARTIES OF INTEREST HAVE ACCESS TO THE SYSTEM CONSISTENT WITH THE USER'S ROLE; AMENDING SECTIONS 33-512 AND 33-1001 TO REMOVE ANY OUTDATED REFERENCES TO THE IDAHO STUDENT INFORMATION MANAGEMENT SYSTEM "ISIMS".

33-120. UNIFORM REPORTING. (1) The state superintendent of public instruction shall prescribe forms and format for uniform accounting for financial and statistical reports and performance measurements to provide consistent and uniform reporting by school districts.

(2) The state board of education may adopt rules pursuant to the provisions of chapter 52, title 67, Idaho Code, and under authority of section 33-105, Idaho Code, to provide for and implement a student information management system.

(a) The state board of education shall ensure that a state operated student information management system which provides real time, appropriate access to educational data, is available and used by all Idaho school districts including public charter schools that have been designated as local education agencies. The board shall also ensure that state agencies, parents and other parties with an interest in education have real time, appropriate access to the system consistent with the user's role as determined by rule of the board.

1. "Appropriate access" means secure, legally authorized access to information on the system consistent with the user's role as determined by rule of the state board of education; and

2. "Real time" means immediate access to current information on the system.

33-512. Governance of schools. The board of trustees of each school district shall have the following powers and duties:

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1. To fix the days of the year and the hours of the day when schools shall be in session. However:

(a) Each school district shall annually adopt and implement a school calendar which provides its students at each grade level with the following minimum number of instructional hours:

Grade	Hours
s	
9-12	990
4-8	900
1-3	810
K	450

(b) School assemblies, testing and other instructionally related activities involving students directly may be included in the required instructional hours.

(c) When approved by a local school board, annual instructional hour requirements stated in paragraph (a) may be reduced as follows:

(i) Up to a total of twenty-two (22) hours to accommodate staff development activities conducted on such days as the local school board deems appropriate.

(ii) Up to a total of eleven (11) hours of emergency school closures due to adverse weather conditions and facility failures.

However, transportation to and from school, passing times between classes, recess and lunch periods shall not be included.

(d) Student and staff activities related to the opening and closing of the school year, grade reporting, program planning, staff meetings, and other classroom and building management activities shall not be counted as instructional time or in the reductions provided in paragraph (c)(i) of this section.

(e) For multiple shift programs, this rule applies to each shift (i.e., each student must have access to the minimum annual required hours of instructions).

(f) The instructional time requirement for grade 12 students may be reduced by action of a local school board for an amount of time not to exceed eleven (11) hours of instructional time.

(g) The state superintendent of public instruction may grant an exemption from the provisions of this section for an individual building within a district, when the closure of that building, for unforeseen circumstances, does not affect the attendance of other buildings within the district.

2. To adopt and carry on, and provide for the financing of, a total educational program for the district. Such programs in other than elementary school districts may include education programs for out-of-school youth and adults; and such districts may provide classes in kindergarten;

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3. To provide, or require pupils to be provided with, suitable textbooks and supplies, and for advice on textbook selections may appoint a textbook adoption committee as provided in section 33-512A, Idaho Code;
4. To protect the morals and health of the pupils;
5. To exclude from school, children not of school age;
6. To prescribe rules for the disciplining of unruly or insubordinate pupils, such rules to be included in a district discipline code adopted by the board of trustees and a summarized version thereof to be provided in writing at the beginning of each school year to the teachers and students in the district in a manner consistent with the student's age, grade and level of academic achievement;
7. To exclude from school, pupils with contagious or infectious diseases who are diagnosed or suspected as having a contagious or infectious disease or those who are not immune and have been exposed to a contagious or infectious disease; and to close school on order of the state board of health or local health authorities;
8. To equip and maintain a suitable library or libraries in the school or schools and to exclude therefrom, and from the schools, all books, tracts, papers, and catechisms of sectarian nature;
9. To determine school holidays. Any listing of school holidays shall include not less than the following: New Year's Day, Memorial Day, Independence Day, Thanksgiving Day, and Christmas Day. Other days listed in section 73-108, Idaho Code, if the same shall fall on a school day, shall be observed with appropriate ceremonies; and any days the state board of education may designate, following the proclamation by the governor, shall be school holidays;
10. To erect and maintain on each schoolhouse or school grounds a suitable flagstaff or flagpole, and display thereon the flag of the United States of America on all days, except during inclement weather, when the school is in session; and for each Veterans Day, each school in session shall conduct and observe an appropriate program of at least one (1) class period remembering and honoring American veterans;
11. To prohibit entrance to each schoolhouse or school grounds, to prohibit loitering in schoolhouses or on school grounds and to provide for the removal from each schoolhouse or school grounds of any individual or individuals who disrupt the educational processes or whose presence is detrimental to the morals, health, safety, academic learning or discipline of the pupils. A person who disrupts the educational process or whose presence is detrimental to the morals, health, safety, academic learning or discipline of the pupils or who loiters in schoolhouses or on school grounds, is guilty of a misdemeanor.
12. To supervise and regulate, including by contract with established entities, those extracurricular activities which are by definition outside of or in addition to the regular academic courses or curriculum of a public school, and which extracurricular activities shall not be considered to be a property, liberty or contract right of any student, and such extracurricular activities shall not be deemed a necessary element of a public school education, but shall be considered to be a privilege.

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13. To govern the school district in compliance with state law and rules of the state board of education.

14. To submit to the superintendent of public instruction not later than July 1 of each year documentation which meets the reporting requirements of the federal gun-free schools act of 1994 as contained within the federal improving America's schools act of 1994.

15. To require that all persons hired for the first time by the district or who have been in the employ of the district five (5) years or less, undergo a criminal history check as provided in section 33-130, Idaho Code. All such employees who are required to undergo a criminal history check shall obtain the history check within three (3) months of starting employment, or for employees with five (5) years or less with the district, within three (3) months from the date such employee is notified that he must undergo a criminal history check. Such employees shall pay the cost of the criminal history check. If the criminal history check shows that the employee has been convicted of a felony crime enumerated in section 33-1208, Idaho Code, it shall be grounds for immediate termination, dismissal or other personnel action of the district, except that it shall be the right of the school district to evaluate whether an individual convicted of one (1) of these crimes and having been incarcerated for that crime shall be hired. The district may require any or all persons who have been employed continuously with the same district for more than five (5) years, to undergo a criminal history check as provided in section 33-130, Idaho Code. If the district elects to require criminal history checks of such employees, the district shall pay the costs of the criminal history check or reimburse employees for such cost. A substitute teacher who has undergone a criminal history check at the request of one (1) district in which he has been employed as a substitute shall not be required to undergo an additional criminal history check at the request of any other district in which he is employed as a substitute if the teacher has obtained a criminal history check within the previous three (3) years. If the district next employing the substitute still elects to require another criminal history check within the three (3) year period, that district shall pay the cost of the criminal history check or reimburse the substitute teacher for such cost.

16. Each board of trustees of a school district shall be responsible for developing a system for registering volunteers or contractors consistent with maintaining a safe environment for their students.

~~17. To ensure that each school district, including specially chartered school districts, participates in the Idaho student information management system (ISIMS) to the full extent of its availability. The terms "Idaho student information management system," "appropriate access" and "real time" shall have such meanings as the terms are defined in section 33-1001, Idaho Code.~~

18. To provide support for teachers in their first two (2) years in the profession in the areas of: administrative and supervisory support, mentoring, peer assistance and professional development.

33-1001. Definitions. The following words and phrases used in this chapter are defined as follows:

1. "Administrative schools" means and applies to all elementary schools and kindergartens within a district that are situated ten (10) miles or less from both the other elementary schools and the principal administrative office of the district and all secondary schools within a district that are situated fifteen (15) miles or less from other secondary schools of the district.

2. "Average daily attendance" or "pupils in average daily attendance" means the aggregate number of days enrolled students are present, divided by the number of days of school in the reporting period; provided, however, that students for whom no Idaho school district is a home district shall not be considered in such computation.

3. "Elementary grades" or "elementary average daily attendance" means and applies to students enrolled in grades one (1) through six (6) inclusive, or any combination thereof.

4. "Elementary schools" are schools that serve grades one (1) through six (6) inclusive, or any combination thereof.

5. "Elementary/secondary schools" are schools that serve grades one (1) through twelve (12) inclusive, or any combination thereof.

6. "Homebound student" means any student who would normally and regularly attend school, but is confined to home or hospital because of an illness or accident for a period of ten (10) or more consecutive days.

~~7. "Idaho student information management system (ISIMS)" means a secure, centralized data system where public school information is stored, accessed and analyzed. The system is comprised of two (2) parts: the first part includes a uniform package of software applications used by all public schools in Idaho for student related administrative functions. The software applications shall handle such functions as student scheduling, grade reporting, attendance, recordkeeping, student achievement and teacher resources; the second part is a data warehouse where public school data are stored and contains a number of report generating software applications. Related definitions within the context of ISIMS are:~~

~~(a) "Appropriate access" means secure, legally authorized access to information on the system consistent with the user's role as determined by rule of the state board of education; and~~

~~(b) "Real time" means immediate access to current information on the system.~~

89. "Kindergarten" or "kindergarten average daily attendance" means and applies to all students enrolled in a school year, less than school year, or summer kindergarten program.

910. "Public school district" or "school district" or "district" means any public school district organized under the laws of this state, including specially chartered school districts.

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101. "Secondary grades" or "secondary average daily attendance" means and applies to students enrolled in grades seven (7) through twelve (12) inclusive, or any combination thereof.

142. "Secondary schools" are schools that serve grades seven (7) through twelve (12) inclusive, or any combination thereof.

123. "Separate elementary school" means an elementary school which measured from itself, traveling on an all-weather road, is situated more than ten (10) miles distance from both the nearest elementary school and elementary/secondary school serving like grades within the same school district and from the location of the office of the superintendent of schools of such district, or from the office of the chief administrative officer of such district if the district employs no superintendent of schools.

134. "Separate kindergarten" means a kindergarten which measured from itself, traveling on an all-weather road, is situated more than ten (10) miles distance from both the nearest kindergarten school within the same school district and from the location of the office of the superintendent of schools of such district, or from the office of the chief administrative officer of such district if the district employs no superintendent of schools.

145. "Separate secondary school" means any secondary school which is located more than fifteen (15) miles by an all-weather road from any other secondary school and elementary/secondary school serving like grades operated by the district.

156. "Support program" means the educational support program as described in section 33-1002, Idaho Code, the transportation support program described in section 33-1006, Idaho Code, and the exceptional education support program as provided in section 33-1007, Idaho Code.

167. "Support unit" means a function of average daily attendance used in the calculations to determine financial support provided the public school districts.

178. "Teacher" means any person employed in a teaching, instructional, supervisory, educational administrative or educational and scientific capacity in any school district. In case of doubt the state board of education shall determine whether any person employed requires certification as a teacher.

### **STATEMENT OF PURPOSE**

This legislation removes outdated references to the Idaho Student Information Management system (ISIMS). This legislation will also allow the State Board of Education to adopt rules that will govern the implementation a student information management system should funding become available.

### **FISCAL IMPACT**

Should funding become available for a student information management system, there would be a fiscal impact of approximately \$500 to promulgate rules to govern the program.

### **CONTACT**

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Name: Karen Echeverria/Luci Willits  
Agency: State Board of Education  
Number: 332-1567/332-1591



LEGISLATURE OF THE STATE OF IDAHO  
Fifty-eighth Legislature                      Second Regular Session - 2006

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO.

BY EDUCATION COMMITTEE

RELATING TO THE IDAHO DIVISION OF VOCATIONAL REHABILITATION TO AMEND SECTION 33-2211, TO ALLOW THE STATE BOARD OF PROFESSIONAL-TECHNICAL EDUCATION TO ADOPT RULES, TO AMEND SECTION 33-2303 TO ALLOW VOCATIONAL REHABILITATION THE ABILITY TO ENTER INTO CONTRACTS WITH SERVICE PROVIDERS AND TO GIVE VOCATIONAL REHABILITATION THE ABILITY TO GRANT OR DENY CERTIFICATION TO SERVICE PROVIDERS BASED ON CRITERIA SET OUT IN RULES.

33-2211. POWERS OF STATE BOARD FOR PROFESSIONAL-TECHNICAL EDUCATION. The state board for professional-technical education shall have the power:

1. To adopt rules for its own government and the government of the Eastern Idaho Technical College, and to adopt rules for any professional-technical or vocational rehabilitation programs, including programs under chapters 22 and 23, title 33, Idaho Code.

2. To employ professional and nonprofessional persons and to prescribe their qualifications;

3. To acquire and hold, and to dispose of, real and personal property, and to construct, repair, remodel and remove buildings;

4. To contract for the acquisition, purchase or repair of buildings, in the manner prescribed for trustees of school districts;

5. To dispose of real and personal property in the manner prescribed for trustees of school districts;

6. To convey and transfer real property of the college upon which no buildings used for instruction are situated, to nonprofit corporations, school districts, community college housing commissions, counties or municipalities, with or without consideration; to rent real or personal property for the use of the college, its students or faculty, for such terms as may be determined by the state board for professional-technical education; and to lease real or personal property of the college not actually in use for instructional purposes on such terms as may be determined by the state board for professional-technical education;

7. To acquire, hold, and dispose of, water rights;

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8. To accept grants or gifts of money, materials, or property of any kind from any governmental agency, or from any person, firm, or association, on such terms as may be determined by the grantor;

9. To cooperate with any governmental agency, or any person, firm or association in the conduct of any educational program; to accept grants from any source for the conduct of such program, and to conduct such program on, or off, campus;

10. To employ a president of the college and, with his advice, to appoint such assistants, instructors, specialists and other employees as are required for the operation of the college; to fix salaries and prescribe duties; and to remove the president or other employees in accordance with the policies and rules of the state board of education;

11. With the advice of the president, to prescribe the courses and programs of study, the requirements for admission, the time and standards for completion of such courses and programs, and to grant certificates or associate of applied science degrees for those students entitled thereto;

12. To employ architects or engineers in planning the construction, remodeling or repair of any building or property and, whenever no other agency is designated by law so to do, to let contracts for such construction, remodeling or repair and to supervise the work thereof;

13. To have at all times, general supervision and control of all property, real and personal, appertaining to the college, and to insure the same.

33-2303. POWERS OF BOARD IN CARRYING OUT PROVISIONS. (a) The board heretofore designated as the state board for professional-technical education is hereby designated as the state board for the purpose of providing for the vocational rehabilitation of persons with disabilities, other than those who are legally blind, and is empowered and directed to cooperate in the administration of said act of Congress; to prescribe and provide such courses of vocational services as may be necessary for the vocational rehabilitation of persons with disabilities, other than those who are legally blind, and provide for the supervision of such services; to appoint such assistants as may be necessary to administer this act and said act of Congress in this state; to fix the compensation of such assistants and to direct the disbursement and administer the use of all funds provided by the federal government and the state of Idaho for the vocational rehabilitation of such persons.

(b) In order to provide vocational rehabilitation services the board of professional-technical education may enter into, or authorize a state vocational rehabilitation agency over which it has oversight to enter into, an agreement or agreements with any person or persons, corporation, or association, approved by the board of professional-technical education to provide such services.

(c) Any person, corporation, or association may make application to the board of professional-technical education for approval and certification to provide vocational rehabilitation services. The board of professional-technical education

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may either grant or deny certification or revoke certification previously granted after investigation of the applicant, in accordance with standards as set forth in rules promulgated by the board of professional-technical education, and consistent with national accreditation bodies. The board of professional-technical education may authorize a state vocational rehabilitation agency over which it has oversight to provide the approvals or certifications described in this subsection.

**STATEMENT OF PURPOSE**

This legislation will give rulemaking authority for the State Board of Education for the Idaho Division of Vocational Rehabilitation (IDVR). Currently, Section 33-2211, Idaho Code only allows the Board (as the Board of Professional-Technical Education, which is designated by statute to provide vocational rehabilitation in this state) to adopt rules for “its own government”. With the transfer, from Health and Welfare, of the Extended Employment Program to IDVR, the existing rules terminated. This legislation would allow the State Board of Education to broaden the Board’s authority to adopt rules to govern this program and others that IDVR oversees. This legislation also clarifies IDVR’s ability to grant or deny certification to service providers based on criteria that will be set out in rule, and to enter into contracts with the service providers.

**FISCAL IMPACT**

There will be no fiscal impact to the general fund.

**CONTACT**

Name: Karen Echeverria/Michael Graham  
Agency: State Board of Education  
Number: 332-1567/287-6477

**LEGISLATURE OF THE STATE OF IDAHO**  
**Fifty-eighth Legislature**                      **Second Regular Session - 2006**

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO.

BY EDUCATION COMMITTEE

RELATING TO THE IDAHO STATE BOARD OF EDUCATION, AMENDING SECTION 33-107 TO REQUIRE DEGREE-GRANTING POSTSECONDARY EDUCATIONAL INSTITUTIONS TO REGISTER WITH THE STATE OF IDAHO AND TO SET OUT THAT ACADEMIC CREDIT CANNOT BE TRANSFERRED TO A POSTSECONDARY INSTITUTION IN IDAHO FROM ANY EDUCATIONAL ORGANIZATION THAT IS NOT RECOGNIZED BY THE STATE BOARD OF EDUCATION; AMENDING SECTION 33-2401 TO INCLUDE A DEFINITION FOR "COURSE" AND TO REMOVE THE DEFINITION OF "ACCREDITED"; AMENDING SECTION 33-2402 TO CLARIFY THE SCHOOLS OR PERSONS WHO ARE EXEMPT FROM REGISTRATION; AMENDING SECTION 33-2404 TO CLARIFY THAT THE STATE BOARD OF EDUCATION WILL SET OUT THE REGISTRATION PROCESS AND FEE IN BOARD RULE; AMENDING SECTION 33-2405 TO ADD THE WORD PROPRIETARY AND TO CLARIFY THAT THE AGENT FEE WILL BE SET OUT IN STATE BOARD OF EDUCATION RULE; AMENDING SECTION 33-2406 TO CLARIFY THE PURCHASE STATEMENT; AMENDING SECTION 33-2407 TO ADD THE WORD PROPRIETARY; AMENDING SECTION 33-2408 TO ADD THE WORD PROPRIETARY; AMENDING SECTION 33-2409 TO ADD THE WORD PROPRIETARY.

**33-107. GENERAL POWERS AND DUTIES OF THE STATE BOARD.**

The state board shall have power to:

- (1) perform all duties prescribed for it by the school laws of the state;
- (2) acquire, hold and dispose of title, rights and interests in real and personal property;
- (3) have general supervision, through its executive departments and offices, of all entities of public education supported in whole or in part by state funds;
- (4) delegate to its executive secretary, to its executive officer, or to such other administrators as the board may appoint, such powers as said officers require to carry out the policies, orders and directives of the board;
- (5) through its executive departments and offices;
  - (a) enforce the school laws of the state,

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(b) study the educational conditions and needs of the state and recommend to the legislature needed changes in existing laws or additional legislation;

~~(6) in addition to the powers conferred by chapter 24, title 33, Idaho Code;~~

~~(a) maintain~~ require ~~a register of courses and programs offered anywhere in the state of Idaho by degree-granting postsecondary educational institutions or other entity that offers, sells, or distributes, or causes to be offered, sold, or distributed, any course or program for academic credit from or which are:~~ (1) located outside the state of Idaho and are offering courses or programs for academic credit or otherwise; or (2) located within the state of Idaho to register with the board. The term "degree" shall have the meaning provided in section 33-2401(6), Idaho Code, but not accredited by a regional or national accrediting agency recognized by the board and are offering courses for academic credit. The board may deny the registration of an educational organization or entity that does not meet the standards or criteria established by the board in rule, which may include accreditation, or the board may exempt an educational organization or other entity from the registration requirement. The administrative procedure act, chapter 52, title 67, Idaho Code, shall apply to any denial of registration. A public postsecondary educational institution or agency supported primarily by taxation from either a state or local source shall not be required to register. The board shall, by rule, prescribe the procedure for registration, which must include, but is not limited to, a description of each degree, course, or program for academic credit that is to be offered, distributed, or sold by each educational institution or other entity required to be registered under this subsection. Such rule shall also prescribe the criteria to be utilized by the board for recognition of accreditation organizations. The board shall assess an annual registration fee on each educational institution or other entity required to be registered under this subsection, which shall be collected by the board and which shall be dedicated for use by the board in connection with its responsibilities under this subsection. Any violation of the provisions of this subsection may be referred by the board to the attorney general for appropriate action, including, but not limited to, injunctive relief.

~~(7) Determine whether to The acceptance of academic or nonacademic credit, at public postsecondary institutions in Idaho. Academic is the prerogative of the state board of education; provided however, credit shall not be transferred into any Idaho public postsecondary institutions from any nonaccredited postsecondary educational institutions or other entity that is not accredited by an organization recognized by the board, can be accepted only upon positive review and recommendation by the individual postsecondary institutions and with the approval of the state board of education. A nonaccredited postsecondary institution is one which is not accredited by a regional accrediting agency recognized by the state board or the United States department of education.~~

~~(b)(8) Maintain a register of approved proprietary schools require compliance by institutions which desire to offer courses or programs in Idaho in~~

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accordance with the standards and procedures established in chapter 24, title 33, Idaho Code, ~~or those standards, procedures and criteria set by the board,~~

~~(e) violation of the provisions of this act will be referred to the attorney general for appropriate action, including, but not limited to, injunctive relief.~~

~~(79)~~ prescribe the courses and programs of study to be offered at the public institutions of higher education, after consultation with the presidents of the affected institutions;

~~(810)~~ approve new courses and programs of study to be offered at community colleges organized pursuant to chapter 21, title 33, Idaho Code, when the courses or programs of study are academic in nature and the credits derived therefrom are intended to be transferable to other state institutions of higher education for credit toward a baccalaureate degree, and when the courses or programs of study have been authorized by the board of trustees of the community college.

33-2401. DEFINITIONS. For the purposes of chapter 24, title 33, Idaho Code, the following words have the following meanings:

~~(1) "Accredited" means that a school has been recognized or approved as meeting the standards established by an accrediting agency recognized by the board or the United States department of education.~~

~~(21)~~ "Agent" means any individual who solicits students for courses in Idaho.

~~(32)~~ "Agent's permit" means a nontransferable written document issued to an agent by the board.

~~(43)~~ "Board" means the state board of education.

~~(54)~~ "Course" means instruction imparted in a series of lessons or class meetings to meet an educational objective.

~~(65)~~ "Course of study" or "courses of study" means either a single course or a set of related courses for which a student enrolls.

~~(6)~~ "Degree" means any academic, vocational, professional-technical or honorary title or designation, mark, appellation, series of letters, numbers or words such as, but not limited to, "bachelor's," "master's," "doctorate," or "fellow," which signifies, purports, or is generally taken to signify satisfactory completion of the requirements of an academic, vocational, professional-technical, educational or professional program of study beyond the secondary school level or for a recognized title conferred for meritorious recognition and an associate of arts or associate of science degree awarded by a community college or other public or private educational institution which may be used for any purpose whatsoever. ~~The state of Idaho recognizes and confirms the authority of any board of directors, board of trustees or comparable authority of an accredited school to confer degrees consistent with the requirements specified by the accrediting agency of the school.~~

~~(7)~~ "Person" means any individual or other legal entity conducting that conducts, provides, or offers a course or courses.

~~(8)~~ "Principal" means any person conducting courses.

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(98) "Proprietary school" ~~referred to as "school"~~ means any postsecondary or vocational or professional-technical educational school operated for a profit, or on a nonprofit basis, or other legal entity which maintains a place of business within the state of Idaho or which solicits business from or within the state of Idaho, and which offers a course or courses of study, but which does not offer programs for academic credit or grant degrees, offering degrees, career, or job training programs, and which is not specifically exempted by the provisions of this chapter.

(109) "Registrant" means a ~~person or principal who~~ proprietary school that has been issued a certificate authorizing the conduct of courses authorized under this chapter.

(110) "Student" means an ~~Idaho resident~~ individual enrolled in a proprietary school.

33-2402. ~~SCHOOLS AND COURSES EXEMPTED~~ EXEMPTIONS. The following schools or ~~courses~~ persons are specifically exempt from the provisions of this chapter, including registration; ~~and are not within the definition of "proprietary school":~~

(1) ~~A school, educational institution or agency supported primarily by taxation from either a state or local source.~~

(2) ~~Courses offering~~ A person or school that offers instruction or training solely avocational or recreational in nature, as determined by the board.

(3) ~~A person or school that offers~~ courses recognized by the board which comply in whole or in part with the compulsory education law.

(4) ~~Courses offered by an educational institution accredited by a national or regional accrediting agency recognized by the board or the United States department of education.~~

(5) A person or school that offers a course or courses of study sponsored by an employer for the training and preparation of its own employees, and for which no tuition fee is charged to the student.

(6) A person or school or course which is otherwise regulated, licensed or registered with another state agency pursuant to title 54, Idaho Code.

(7) ~~Aviation school or instructors approved by and under the supervision of the federal aviation administration.~~

(8) A person or school that offers ~~intensive~~ review courses designed to prepare students for certified public accountancy tests, public accountancy tests, law school aptitude tests, bar examinations or medical college admissions tests, or similar instruction for test preparation.

(9) Entities not otherwise exempt offering only workshops or seminars lasting no longer than three (3) calendar days.

(10) ~~Courses offered by a~~ A parochial or denominational institution providing instruction or training relating solely to religion and for which degrees are not granted.

(11) ~~A school or course for~~ person or school that offers postsecondary credit ~~offered by a~~ through a consortium of public and private colleges and universities under the auspices of the western governors.

33-2404. REGISTRATION. (1) No person or principal proprietary school, whether operating from within or without the state of Idaho, shall sell, offer for sale, or distribute, or cause to be sold, offered for sale, or distributed, any course or courses in from or within this state unless such proprietary school person shall be registered with, and hold a valid certificate of registration issued by the board. Such proprietary school shall also be required to pay an annual registration fee. Any such registration and certificate of registration shall expire on the thirtieth day of June of each year. The board shall, by rule, prescribe the procedure for registration of proprietary schools, and set the amount of such registration fee, which shall be collected by the board and which shall be dedicated for use by the board in connection with its responsibilities under this chapter.

(2) Any violation of the provisions of this chapter may be referred to the attorney general by the board for appropriate action, including, but not limited to, injunctive relief.

33-2405. AGENT'S PERMIT. No individual may act as an agent of a proprietary school required to be registered under the provision of this chapter unless that individual holds a valid permit issued by the board and maintains at all times a surety bond as described in section 33-2407, Idaho Code.

The application for a permit shall be furnished by the board and shall include the following:

(1) A statement signed by the applicant that he or she has read the provisions of this chapter and the rules promulgated pursuant thereto.

(2) An annual fee of twenty-five dollars (\$25.00) for each permit. The board shall, by rule, set the amount of such annual agent's permit fee.

All permits shall be renewed annually upon reapplication and proper qualifications on the first day of July. If courses are solicited or sold by more than one (1) agent, a separate permit is required for each agent.

The permit shall consist of a pocket card and shall bear the name and address of the agent, the name and address of the principal, and a statement that the bearer is an authorized agent of the principal, and may solicit and sell courses for the principal. The agent shall surrender the permit to the principal upon termination of employment.

An agent representing more than one (1) ~~institution~~ proprietary school shall obtain a separate agent's permit for each ~~institution~~ proprietary school represented.

No individual shall be issued a permit if he or she has been previously found in any judicial or administrative proceeding to have violated this chapter.

A permit shall be valid for the state's fiscal year in which it is issued, unless sooner revoked or suspended by the board for fraud or misrepresentation in connection with the solicitation for the sale of any course of study, for any violation of the provisions of this chapter or rules promulgated pursuant to this



chapter, or for the existence of any condition in respect to the agent or the proprietary school he or she represents, which if in existence at the time the permit was issued, would have been grounds for denial for the permit.

The agent shall carry the permit with him or her for identification purposes when engaged in the solicitation for the sale and the selling of courses of study away from the premises of the proprietary school, and shall produce the permit for inspection upon request.

The administrative procedure act, chapter 52, title 67, Idaho Code, shall apply to any denial of a permit or proceeding to revoke or suspend a permit of the board conducted pursuant to this section.

The issuance of a permit pursuant to this section shall not be interpreted as, and it shall be unlawful for any individual holding any permit to expressly or impliedly represent by any means whatever, that the board has made any evaluation, recognition, accreditation or endorsement of any proprietary school or of any course of study being offered for sale by the agent of any such proprietary school. Any oral or written statement, advertisement or solicitation by any principal or agent which refers to the board shall state:

"(Name of proprietary school) is registered with the State Board of Education in accordance with Section 33-2404, Idaho Code."

It shall be unlawful for any agent holding a permit under the provisions of this section to expressly or impliedly represent, by any means whatsoever, that the issuance of the permit constitutes an assurance by the board that any course of study being offered for sale by the ~~individual~~ agent or proprietary school will provide and require of the student a course of education or training necessary to reach a professional, education, or vocational objective, or will result in employment or personal earning for the student, or that the board has made any evaluation, recognition, accreditation, or endorsement of any course of study being offered for sale by the agent or proprietary school.

No agent shall make any untrue or misleading statement or engage in sales, collection, credit, or other practices of any type that are illegal, false, deceptive, misleading or unfair.

The board shall maintain records for five (5) years of each application for permit, each bond, and each issuance, denial, termination, suspension and revocation of a permit.

The board or a student may bring an action pursuant to the Idaho rules of civil procedure for an agent's violation of the provisions of this chapter or any rule promulgated pursuant to this chapter, or any fraud or misrepresentation. The court shall determine which party is the "prevailing party" and the prevailing party shall be entitled to the recovery of damages, reasonable attorney fees and costs both at trial and on appeal.

Additionally, any ~~principal~~ or agent who violates the provisions of this section is also guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding six (6) months, or by a fine not exceeding five thousand dollars (\$5,000), or both.

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33-2406. PURCHASE STATEMENT. At the time of depositing any moneys to purchase the product of any proprietary school, the proprietary school shall require the student to execute the following statement on an appropriate form which shall be maintained on record by the proprietary school in the individual student's file:

"I understand that (Name of ~~Institution~~ proprietary school) is registered with the State Board of Education in accordance with Section 33-2404, Idaho Code. I also understand that the State Board of Education has not accredited or endorsed any course of study being offered by (Name of ~~Institution~~ proprietary school)-, and that these courses will not be accepted for transfer into any Idaho public postsecondary institution."

33-2407. SURETY BOND. A surety bond issued by an insurer duly authorized to do business in this state in favor of the state of Idaho for the indemnification of any ~~person~~ individual for any loss suffered as a result of the occurrence, during the period of coverage, of any fraud or misrepresentation used in connection with the solicitation for the sale or the sale of any course of study, or as a result of any violation of this chapter or the rules promulgated pursuant to this chapter shall be required of an agent. The term of the bond shall extend over the period of the permit. The bond shall be supplied by the proprietary school.

The bond shall provide for liability in the penal sum of one hundred thousand dollars (\$100,000) for ~~these a~~ proprietary schools with one hundred (100) or more students; fifty thousand dollars (\$50,000) for ~~these a~~ proprietary schools with fifty (50) to ninety-nine (99) students; twenty-five thousand dollars (\$25,000) for ~~these a~~ proprietary schools and with less than fifty (50) students. Notwithstanding the above, for ~~these a~~ proprietary schools that submits evidence acceptable to the board that the total unearned tuition of the proprietary school will not exceed ten thousand dollars (\$10,000) at any given time during the period of registration, a bond in the penal sum of ten thousand dollars (\$10,000) may be provided, regardless of the number of students.

The board may submit a demand upon the surety on the bond on behalf of a student or students when it is reasonably believed that a loss has occurred due to fraud or misrepresentation used in connection with the solicitation for the sale or the sale of any course of study, or as [a] result of any violation of the provisions of this chapter or the rules promulgated pursuant to this chapter.

Neither the principal nor surety on the bond may terminate the coverage of the bond, except upon giving one hundred twenty (120) days' prior written notice to the board, and contemporaneously surrendering all agents' permits.

Each proprietary school shall certify, at the time of registration, the number of students presently enrolled at the proprietary school and shall make available, upon request of the board, proof of enrollment numbers.

33-2408. STUDENT TUITION RECOVERY ACCOUNT -- CONDITIONS FOR RECOVERY. (1) There is hereby created in the state treasury the student tuition recovery account to be administered by the board for the purpose of relieving or mitigating pecuniary losses suffered by any Idaho resident who is a student of a proprietary school registered under the provisions of this chapter and who meets either of the following conditions:

(a) The student was enrolled in a school prior to the school's closure, had prepaid tuition, and suffered loss as a result of:

(i) The closure of the proprietary school; or

(ii) The proprietary school's breach or anticipatory breach of the agreement for the course of study.

For the purpose of this section, "closure" includes closure of a branch or satellite campus, the termination of either the correspondence or residence portion of a home study or correspondence course, and the termination of a course of study for some or all of the students enrolled in the course before the time the students have satisfactorily completed the program, or before a student who has been continuously enrolled in a course of study had been permitted to complete all the educational services and classes that comprise the course.

(b) The student obtained a judgment against the institution for any violation of the provisions of this chapter or rules promulgated pursuant to this chapter, and the student certifies that the judgment cannot be collected after diligent collection efforts.

(2) Payments from the account to any student shall be subject to rules and conditions as the board shall prescribe.

(a) The proprietary school shall provide to the board at the time of the proprietary school's closure the names and addresses of persons who were students of the proprietary school within sixty (60) days prior to its closure, and shall notify these students within thirty (30) days prior to the proprietary school's closure, of their rights under the student tuition recovery account and how to apply for payment.

(b) If the proprietary school fails to comply with the provisions of this section, the board shall attempt to obtain the names and addresses of these students and shall notify them, within ninety (90) days of the proprietary school's closure, of their rights under the student tuition recovery account and how to apply for payment. The board may require the school to reimburse the board for all reasonable costs and expenses incurred in notifying students.

(c) The board shall develop a form fully explaining a student's rights, which shall be used by the proprietary school or the board to comply with the notice requirement. The form shall include or be accompanied by a claim application form and an explanation of how to complete the application.

(d) Students filing for payment from the student tuition account as a result of the closure of a proprietary school must submit the claim within one (1) year from the proprietary school's or board's service of notice on the student or within two (2) years of the closure of the proprietary school, whichever is earlier.

(3) Students entitled to payment shall file with the state board of education a verified application including, but not limited to each of the following:

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(a) The student's name, address, telephone number and social security number.

(b) If any portion of the tuition was paid from the proceeds of a loan, the name of the lender and any state or federal agency that guaranteed the loan.

(c) The amount of the prepaid tuition.

(d) The dates the student started and ceased attending the proprietary school.

(e) A description of the reasons the student ceased attending the proprietary school.

(f) If the student ceased attending because of a breach or anticipatory breach, a statement describing in detail the nature of the economic loss incurred.

(4) Students entitled to payment based on a judgment shall file with the board a verified application indicating the student's name, address, telephone number and social security number, the amount of the judgment obtained against the proprietary school, a statement that the judgment cannot be collected, and a description of the efforts attempted to enforce the judgment. The application shall be accompanied by a certified copy of the judgment and any other documents indicating the student's efforts made to enforce the judgment. The application shall be filed with the board within two (2) years after the date upon which the judgment became final.

(5) If the board pays the claim, the amount of the payment shall be the total amount of the student's economic loss, although the amount of the payment shall in no event exceed the amount of the student's tuition and cost of equipment and materials related to the course of study plus interest on all student loans used to pay tuition, equipment and materials. Upon payment of the claim, the board shall be subrogated to all of the student's rights against the school to the extent of the amount of the payment. If the board receives several claims from students, the payment of which cannot be totally covered by the student tuition recovery account, the claims shall receive a prorata [pro rata] share of the account.

(6) If the board denies a claim, the board shall notify the student of the denial and of the student's right to request a hearing within thirty (30) days. The hearing shall be held pursuant to the administrative procedure act, chapter 52, title 67, Idaho Code. If a hearing is not requested the board's decision shall be final.

(7) It is the intent of the legislature that, when a student is enrolled in a proprietary school that closes prior to the completion of the student's program, the student shall have the option for a teach-out at another proprietary school with a comparable course of study. The board shall seek to promote teach-out opportunities whenever possible, with the student to be informed by the board that he or she has the option of either payment from the account or a teach-out which shall be funded from the account.

(8) No liability accrues to the state of Idaho from claims made against the student tuition recovery account.

33-2409. ASSESSMENT FOR STUDENT TUITION RECOVERY ACCOUNT. The board shall assess each registered proprietary school which collects any moneys in advance of rendering services, an amount equal to one-tenth of one percent (.1%) of the total course cost for each student enrolled. The assessment per student shall not be less than one dollar (\$1.00), and not more than four dollars (\$4.00).

In addition, for each student who prepays an institution an amount in excess of four thousand dollars (\$4,000), the board shall assess the proprietary school one-half of one percent (.5%) of the prepaid amount which exceeds four thousand dollars (\$4,000). The board shall promulgate rules regarding collection and administration of the student tuition account.

At any time that the balance is in excess of fifty thousand dollars (\$50,000), the board shall suspend collection, except as provided in the event of a newly registered proprietary school or the transfer of ownership of a proprietary school as provided in this section, until such time as the balance is again below fifty thousand dollars (\$50,000).

Newly registered proprietary schools shall, regardless of the balance in the account, contribute the assessment set forth in this section for two (2) years.

If fifty-one percent (51%) or more of the ownership interest in a proprietary school is conveyed through sale or other means into different ownership, the new owner shall commence contributions under the provisions applying to a new applicant.

No more than ten percent (10%) per fiscal year shall be used for the administration of the tuition recovery program. The interest earned on money in the account shall be credited to the account.

In the event of a closure of a proprietary school registered under the provisions of this chapter, any assessments which have been made against those proprietary schools, but have not been paid into the account, shall be recovered to the extent feasible, or any payments from the student tuition recovery account made to students on behalf of any school may be recovered from that proprietary school by appropriate action taken by the board. The moneys so deposited in the student tuition recovery account shall be exempt from execution and shall not be the subject of litigation or liability on the part of creditors of those proprietary schools or students.

### **STATEMENT OF PURPOSE**

The course/program registration process in Title 33, Chapters 1 and 24 needs to be revised to more clearly define the process for registering private non-profit and for profit postsecondary institutions that are offering academic credit in Idaho. The revisions will enhance the Idaho State Board of Education's ability to more carefully scrutinize institutions that are interested in offering programs in Idaho. Idaho is one of a few states in the nation that does not have rigorous registration process. The registration process protects the integrity of academic credit among institutions and helps to avoid the proliferation of degrees that are granted by paying a fee and not taking classes and still obtaining degrees.

**FISCAL IMPACT**

Initially staff at the Idaho State Board of Education/ Department of Education will be able to process requests. In future years, 1 additional professional position and a part-time clerical position may need to be added if the number of institutions seeking approval increases.

**CONTACT**

Name: Karen Echeverria/Marilyn Davis  
Agency: State Board of Education  
Number: 332-1567/332-1563

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**SUBJECT**

Approval of 1<sup>st</sup> Reading of Amendment of Board Policy – IV.B.10 – Idaho Student Information Management System (ISIMS)

**APPLICABLE STATUTE, RULE, OR POLICY**

NA

**BACKGROUND**

During the 2005 legislative session, the legislature passed legislation that removed references to ISIMS. The Board will be submitting legislation during the 2006 legislative session that will remove all other references.

**DISCUSSION**

The Board has had a policy in place since May 2003. Because ISIMS no longer exists there is no further need for this policy

**IMPACT**

If the Board approves the 1<sup>st</sup> reading of amendment to Board Policy – IV.B.10 – Idaho Student Information Management System (ISIMS), the amendment will be brought back to the Board at the December meeting for a 2<sup>nd</sup> reading.

If the Board rejects 1<sup>st</sup> reading of amendment to Board Policy – IV.B.10 – Idaho Student Information Management System (ISIMS), the policy will remain in the Board's Policies and Procedures.

**STAFF COMMENTS AND RECOMMENDATIONS**

Board staff recommends the approval of the 1<sup>st</sup> reading as submitted.

**BOARD ACTION**

A motion to approve the 1<sup>st</sup> reading of amendment to Board Policy – IV.B.10 – Idaho Student Information Management System (ISIMS).

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

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**SECTION: IV. ORGANIZATION SPECIFIC POLICIES AND PROCEDURES**

**B. State Department of Education**

~~10. Idaho Student Information Management System~~

~~This policy covers the State Board of Education, the State Department of Education, and the State Contractors for student achievement testing.~~

~~a. Purpose of this Policy~~

~~This policy provides direction for the establishment, operation and maintenance of the Idaho Student Information Management System (ISIMS). ISIMS is a statewide data management system for public elementary and secondary education entities in Idaho that provides centralized data warehousing, report generation and systemized data analysis. ISIMS is authorized under Idaho Code 33-120A (House Bill 367, 2003 Session).~~

~~b. Roles and Responsibilities~~

~~The State Board of Education will set policy for and exercise general oversight over ISIMS. Contracts executed by the State Superintendent of Public Instruction related to ISIMS will comply with all Board policies, and are subject to the advice and consent of the Board. The Board will also review and make recommendations to the Legislature and State Department of Education on fiscal matters related to ISIMS.~~

~~The State Department of Education will implement and administer ISIMS. The State Department of Education will have responsibility for day-to-day operations and support of the system, including, but not limited to, technical support, system maintenance, training, contract negotiations, and executing contracts.~~

~~c. Participation in ISIMS~~

~~As provided for in Idaho Code 33-512, all Idaho public school districts and specially chartered school districts shall fully participate in ISIMS. Private schools choosing to use ISIMS for delivery and reporting of data will be responsible to pay actual incremental costs of their participation, including, but not limited to, costs resulting from software and connectivity.~~

~~The state contractor for ISAT will be provided access to ISIMS. Such access will include the ability to receive data from and send data to all districts and schools and the data warehouse, and to create such reports as may be requested or required by the Board or the State Department of Education.~~

~~d. Access to Data~~



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~~ISIMS will be structured to provide real-time, appropriate access to educational data. The State Department of Education will annually submit to the Board a list of participants in ISIMS with their corresponding levels of access to data. This list shall be subject to Board approval, and will include all ISIMS participants, including but not limited to, the Board, the State Department of Education, the Division of Professional-Technical Education, Board-approved contractors, the J.A. & Kathryn Albertson Foundation, and participating K-12 districts and schools. At all times, the Board and the State Department of Education will have real-time access to educational data.~~

~~The Executive Director of the State Board of Education and the Superintendent of Public Instruction are authorized to jointly approve changes to the participation list or access levels between regularly scheduled Board meetings; however, any such changes are subject to Board ratification at the next scheduled Board meeting.~~

~~e. Student Identifiers~~

~~Subject to Board approval, the State Department of Education will create a system to provide discrete student identification numbers for all students enrolled in Idaho public schools.~~

~~f. Security and Confidentiality~~

~~Subject to Board approval, the State Department of Education will create methods and connections to assure the secure transfer of data through ISIMS. All data, including student identifiers, records, and class materials shall be organized and maintained in compliance with all federal and state laws and regulations governing confidentiality of student information.~~

~~g. Course Codes~~

~~Subject to Board approval, the State Department of Education will develop a numbering system that will be used uniformly throughout the state to identify standards-based courses. These codes shall be updated annually by the State Department of Education and approved by the Board.~~

~~h. Accountability~~

~~Participating districts and schools will submit all student data in a manner that complies with state and federal reporting and disaggregation requirements and within time frames established by the Board.~~

~~i. Reporting~~

~~Beginning in June 2003, the State Department of Education shall submit reports to the Board detailing progress on the implementation of ISIMS. These reports shall be submitted in accordance with a schedule established by the Executive Director and~~

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~~shall include but not be limited to programming, material acquisition, stakeholder participation, human resources, and compliance with all pertinent policies and rules.~~