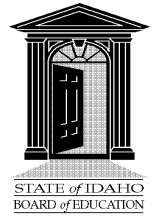


STATE BOARD OF EDUCATION SPECIAL MEETING
November 7, 2008
Len B. Jordan Bldg, 307
3rd Floor
Boise, Idaho



Dial-in Number: (888)830-6260
Public Participation Code: 354516

Friday, November 7, 2008, 1:00 p.m., Teleconference

STATE DEPARTMENT OF EDUCATION

1. Pending Rule Docket #08-0202-0803 – Revisions to Standards for Idaho School Buses & Operations (SISBO)
2. Pending Rule Docket #08-0202-0803 – Revisions to Initial Standards for the Certification of Professional Personnel
3. Pending Rule Docket #08-0202-0804 – American Indian Languages Certificate
4. Pending Rule Docket #08-0202-0805 – Pupil Personnel Certificate – School Counselors and School Psychologists
5. Pending Rule Docket #08-0202-0806 – Alternative Authorization – Teacher to New Certification/Endorsement
6. Amendment to Temporary and Pending Rule Docket #08-0202-0807 – Fingerprinting and Criminal History Checks
7. Pending Rule Docket #08-0203-0803 – Unique Student Identifier

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS

1. Amendment to Temporary and Pending Rule Docket #08-0104-0801 – Rules Governing Residency Classification
2. Pending Rule Docket #08-0111-0801 – (Chapter Repeal) Out-Of-State Institutions, In-State Non-Accredited Institutions and Correspondence or Private Courses
3. Pending Rule Docket #08-0111-0802 – (Chapter Rewrite) Registration of Postsecondary Education Institutions and Proprietary Schools
4. Pending Rule Docket #08-0203-0804 – Assessment
5. Pending Rule Docket #47-0101-0801 – Idaho Division of Vocational Rehabilitation
6. Assessment Program Enhancements

While the Board attempts to address items in the listed order, some items may be addressed by the Board prior to or after the order listed.

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TAB	DESCRIPTION	ACTION
1	PENDING RULE DOCKET #08-0202-0803 – REVISIONS TO STANDARDS FOR IDAHO SCHOOL BUSES & OPERATIONS (SISBO)	Motion to approve
2	PENDING RULE DOCKET #08-0202-0803– REVISIONS TO INITIAL STANDARDS FOR THE CERTIFICATION OF PROFESSIONAL PERSONNEL	Motion to approve
3	PENDING RULE DOCKET #08-0202-0804– AMERICAN INDIAN LANGUAGES CERTIFICATE	Motion to approve
4	PENDING RULE DOCKET #08-0202-0805 – PUPIL PERSONNEL CERTIFICATE – SCHOOL COUNSELORS AND SCHOOL PSYCHOLOGISTS	Motion to approve
5	PENDING RULE DOCKET #08-0202-0806 – ALTERNATIVE AUTHORIZATION – TEACHER TO NEW CERTIFICATION/ENDORSEMENT	Motion to approve
6	AMENDMENT TO TEMPORARY AND PENDING RULE DOCKET #08-0202-0807– FINGERPRINTING AND CRIMINAL HISTORY CHECKS	Motion to approve
7	PENDING RULE DOCKET #08-0203-0803– UNIQUE STUDENT IDENTIFIER	Motion to approve

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**STATE DEPARTMENT OF EDUCATION
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SUBJECT

Pending Rule Docket # 08-0202-0803 – Revisions to Standards for Idaho School Buses & Operations (SISBO)

REFERENCE

8/6/08

M/S (Agidius/Westerberg): To approve the proposed rule change to IDAPA 08.02.02.004, Rules Governing Uniformity, Incorporated by Reference – Standards for Idaho School Buses & Operations (SISBO). Motion carried but not unanimously.

APPLICABLE STATUTE, RULE, OR POLICY

Sections 33-1508 and 33-1511, Idaho Code

BACKGROUND/DISCUSSION

No public comment was received on this docket number. Some typographical changes have been made to the manual to address citations.

The change to the depreciation schedule is in direct response to the January 2004 Office of Performance Evaluation (OPE) report recommending that the department “develop a model bus replacement plan that would help district transportation supervisors optimize the number of buses in the fleet based on mileage, age, and use criteria.”

The change in depreciation schedule would benefit a few rural school districts that have bus routes that are particularly long and rough. Buses on these routes have a shorter life span. The option to use a depreciation schedule based on mileage and type of use rates would allow a district with one of these routes to receive their reimbursement at a potentially faster rate that more closely matches the actual life span of the bus. These worn out buses are currently kept and left unused by the districts until the end of the traditional 12 year life expectancy because the district is subject to financial penalty if the bus is sold or traded-in before the end of the depreciation schedule. Therefore the district purchases a new bus to replace the worn out bus and the state is then making two reimbursement payments to the district – one for the worn-out bus and one for the new replacement bus. During this time the school must still pay for maintenance and inspection of the bus every sixty days including the extensive annual inspection as well as any other incidental costs associated with the bus such as insurance. If deficient items are noted on the bus inspection, they must be fixed by the district on these buses despite the fact the bus may not be in use.

IMPACT

The fiscal impact varies based on the depreciation schedule. The attached example shows a fiscal comparison between the traditional 12 year depreciation schedule and a mileage/use depreciation schedule (example is 9 years). In the example, the greatest cost in a single year is estimated to be \$2,229 and the

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greatest savings difference in a single year is estimated to be \$2,408. The example does not take into account the associated costs such as maintenance.

ATTACHMENTS

Attachment 1 – Example Fiscal Comparison between Mileage/Use Depreciation Schedule and Traditional Depreciation Schedule Page 3

BOARD ACTION

Motion to approve the changes to the Standards for Idaho School Buses and Operations to be incorporated by reference into rule.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

Motion to approve the pending rule to incorporate by reference the Standards for Idaho School Buses and Operations, docket # 08-0202-0803.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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Comparison between Mileage/Use Depreciation Schedule and Traditional 12 Year Depreciation Schedule

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
3% increase per year in bus price	\$ 74,555	FY 9																
12 Year		12,428	10,357	8,630	7,191	5,993	4,994	4,161	3,468	2,889	2,408							
Replacement buses										\$94,685								
Use/Mileage (9yr sample)	\$ 74,555	12,428	10,357	8,630	7,191	6,390	6,390	6,390	6,390	2,029	15,784							
FY difference between depr methods		0	0	0	0	397	1,396	2,229	2,922	-860	-2,408							
<i>Con't</i>			\$101,395													\$120,250		
3% increase per year in bus price																		
12 Year		2,006	1,672															
Replacement buses		13,153	10,960	9,133	7,611	6,342	5,285	4,404	3,670	3,058	2,548							
Use/Mileage (9yr sample)		13,153	10,960	9,133	8,116	8,116	8,116	8,116	2,577	20,046	16,704							
FY difference between depr methods		-2,006	-1,672	0	505	1,774	2,831	3,712	-1,093	-3,058	-2,548							
<i>Con't</i>																		
3% increase per year in bus price																		
12 Year		13,919	11,599	9,666	8,054	6,712	5,593	4,660	3,884	3,236	2,697							
Replacement buses		2,123						\$152,717	25,458	21,214	17,678							
Use/Mileage (9yr sample)		13,919	11,599	10,307	10,307	10,307	10,307	\$152,717	3,273	25,458	21,214	17,678						
FY difference between depr methods		-2,123	0	641	2,253	3,595	4,714	-1,387	-3,884	-3,236	-2,697							
<i>Con't</i>																		
3% increase per year in bus price																		
12 Year																		
Replacement buses																		
Use/Mileage (9yr sample)																		
FY difference between depr methods		0	815	2,861	4,566	5,987	-1,763	12,465 Cumulative total										

Bus price →
Fiscal Year →
Bus Life Year →
State is responsible for 85% of this

Cumulative total of differences over 37 years

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SUBJECT

Pending Rule Docket # 08-0202-0803 –Initial Standards for the Certification of Professional Personnel

REFERENCE

8/6/08

Approved the proposed rule change to IDAPA 08.02.02.004, Rules Governing Uniformity, Incorporated by Reference – Initial Standards for the Certification of Professional Personnel

APPLICABLE STATUTE, RULE, OR POLICY

Sections 33-1201 and 33-1258, Idaho Code

BACKGROUND/DISCUSSION

A public hearing was held Tuesday, October 21, 2008 at the State Department of Education in the Lewis & Clark Conference Room. No public comment was received on this docket number.

No changes are being made to the rule.

IMPACT

Approval will help ensure that standards and endorsements for certification in the areas of School Counselors and School Psychologists are meeting current needs.

BOARD ACTION

A motion to approve the Pending Rule Docket # 08-0202-0803 –Initial Standards for the Certification of Professional Personnel

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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**STATE DEPARTMENT OF EDUCATION
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SUBJECT

Pending Rule Docket #08-0202-0804– American Indian Languages Certificate

REFERENCE

8/6/08

Approved the proposed rule change to IDAPA 08.02.02.025 Rules Governing Uniformity, American Indian Language

APPLICABLE STATUTE, RULE, OR POLICY

Section 33-1280, Idaho Code

BACKGROUND/DISCUSSION

A public hearing was held Tuesday, October 21, 2008 at the State Department of Education in the Lewis & Clark Conference Room. No public comment was received on this docket number.

No changes are being made to the rule.

BOARD ACTION

A motion to approve the Pending Rule Docket #08-0202-0804– American Indian Languages Certificate.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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**STATE DEPARTMENT OF EDUCATION
NOVEMBER 7, 2008**

SUBJECT

Pending Rule Docket # 08-0202-0805 – Pupil Personnel Certificate – School Counselors and School Psychologists

REFERENCE

8/6/08

Approved the proposed rule change to IDAPA 08.02.02.027, Rules Governing Uniformity, Pupil Personnel Services Certificate.

APPLICABLE STATUTE, RULE, OR POLICY

Sections 33-1201 and 33-1258, Idaho Code

BACKGROUND/DISCUSSION

A public hearing was held Tuesday, October 21, 2008 at the State Department of Education in the Lewis & Clark Conference Room. No public comment was received on this docket number.

No changes are being made to the rule.

IMPACT

Approval will help ensure that standards and endorsements for certification in the areas of School Counselors and School Psychologists are meeting current needs and adequately prepare people for these positions.

BOARD ACTION

A motion to approve the Pending Rule Docket # 08-0202-0805 – Pupil Personnel Certificate – School Counselors and School Psychologists.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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**STATE DEPARTMENT OF EDUCATION
NOVEMBER 7, 2008**

SUBJECT

Pending Rule Docket #08-0202-0806– Rules Governing Uniformity, Alternative Authorization, Teacher to New Certification/Endorsement

REFERENCE

8/6/08

Approved the Proposed Rule for IDAPA 08.02.02.043
Rules Governing Uniformity, Alternative Authorization,
Teacher to New Certification/Endorsement

APPLICABLE STATUTE, RULE, OR POLICY

Sections 33-1201 and 33-1258, Idaho Code

BACKGROUND/DISCUSSION

A public hearing was held Tuesday, October 21, 2008 at the State Department of Education in the Lewis & Clark Conference Room. No public comment was received on this docket number.

No changes are being made to the rule.

BOARD ACTION

A motion to approve the Pending Rule Docket #08-0202-0806– Rules Governing Uniformity, Alternative Authorization, Teacher to New Certification/Endorsement.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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SUBJECT

Amendment to the Temporary Rule and Pending Rule Docket #08-0202-0807–
Rules Governing Uniformity, Fingerprinting and Criminal History Checks

REFERENCE

8/6/08

Approved the Temporary and proposed rule
08.02.02.075, Rules Governing Uniformity,
Fingerprinting and Criminal History Checks.

APPLICABLE STATUTE, RULE, OR POLICY

Sections 33-130 and 33-312, Idaho Code

BACKGROUND/DISCUSSION

A public hearing was held Tuesday, October 21, 2008 at the State Department of
Education in the Lewis & Clark Conference Room.

One comment was received. The comment was concerned about placing a
potential barrier to parents volunteering in the classroom.

The amendment of the temporary rule and change to the text of the pending rule
adds the definition of “irregular contact.” The term is in statute and needs further
clarification.

IMPACT

This temporary and proposed rule is a fee rule. The forty dollar (\$40.00) fee for
undergoing a criminal history check is sufficient to cover costs for the Department
of Education and is required in statute.

ATTACHMENTS

Attachment 1 – Amendment to the temporary rule and change of text of pending
rule. Page 3

BOARD ACTION

A motion to approve the Amendment to the Temporary Rule and Pending Rule
Docket #08-0202-0807– Rules Governing Uniformity, Fingerprinting and Criminal
History Checks

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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08.02.02.

075. FINGERPRINTING AND CRIMINAL HISTORY CHECKS (IDAHO CODE 33-130 AND 33-512).

All certificated and noncertificated employees and other individuals who are required by the provisions of section 33-130, Idaho Code must undergo a criminal history check.

(8-6-08)T

01. Definitions.

(8-6-08)T

a. Applicant. An individual applying for Idaho Certification or a certificated or non-certificated individual applying for employment.

(8-6-08)T

b. Break-in-service. A voluntary or involuntary termination in employment, including retirement.

(8-6-08)T

c. Candidate. An individual attending a postsecondary program.

(8-6-08)T

d. Certificated Employee. An individual who holds an Idaho education certificate and is employed in a certificated position in a LEA.

(8-6-08)T

e. Contractor. An agency, company/business, or individual that has signed a contract or agreement to provide services to an LEA and private or parochial school.

(8-6-08)T

f. Conviction. The final judgment on a verdict or finding of guilty, a plea of guilty, a plea of nolo contendere, or the sentence has been suspended, deferred, or withheld on a felony or misdemeanor as defined by Section 18-110 and Section 18-111, Idaho Code.

(8-6-08)T

g. Criminal History Check (CHC). A ten (10) finger fingerprint process to determine if an applicant has criminal arrests and convictions in Idaho, any other state, or applicable jurisdictions.

(8-6-08)T

h. Criminal History Check Result. Information resulting from processing fingerprints through the databases maintained by the Bureau of Criminal Identification (BCI), Federal Bureau of Investigation (FBI) and the Idaho Statewide Sex Offender Registry.

(8-6-08)T

i. Irregular Contact. Contact that is not on a daily or weekly basis, or has a regular scheduled interaction with students.

(11-7-08)T

j. Multiple Assignments. When an individual works in two or more LEAs or an LEA and private school simultaneously.

(8-6-08)T

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- k.** **Non-Certificated Employee.** An individual employed in a non-certificated position. (8-6-08)T
- l.** **Open Date.** The date a fingerprint card or scan is entered into the database as an electronic file. (8-6-08)T
- m.** **Rejected fingerprint cards.** A fingerprint card that has been returned by the BCI, FBI or SDE for poor quality prints, lack of signature, card being older than six (6) months, or other incomplete information. (8-6-08)T
- n.** **Scan.** The process of capturing an individual's fingerprints by an electronic process. (8-6-08)T
- o.** **Unsupervised Contact.** Direct contact or interaction with students not under the direct supervision of a school district employee on a continuing basis in a K-12 setting. This includes contact or interaction with students in scheduled school activities that occur outside of the school or outside of normal school hours. This excludes extra-curricular trips of one-day length starting during the school day. (8-6-08)T
- 02.** **Fee.** The state department of education shall charge a forty dollars (\$40.00) fee for undergoing a criminal history check. (8-6-08)T
- 03.** **Rejected Fingerprint Cards or Scans.** (8-6-08)T
- a.** When a fingerprint card has been rejected a new completed fingerprint card is required. (8-6-08)T
- b.** The rejected fingerprint card will be sent back to the originating LEA, private or parochial school, contractor, postsecondary program, or individual. (8-6-08)T
- c.** A new fingerprint card must be completed by a law enforcement agency to ensure legible fingerprints. Both the rejected fingerprint card and the new fingerprint card must be returned to the SDE within twenty (20) calendar days. (8-6-08)T
- d.** If the new fingerprint card and rejected fingerprint card are returned after the twenty (20) calendar day time period a \$40.00 fee is required to be paid. (8-6-08)T
- 04.** **Secured CHC Website.** The SDE will maintain a CHC website listing the CHC results. The LEA, private or parochial school, contractor or postsecondary program may view the results or status of an applicant, employee or candidate. (8-6-08)T
- a.** Upon a signed agreement the SDE will issue a password to access the CHC website. (8-6-08)T

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b. Each LEA, private or parochial school, contractor and postsecondary program will have access to the CHC secure site listing their employees, statewide substitute teacher list, newly certified list and student teacher list. (8-6-08)T

05. Certificated Educators. (8-6-08)T

a. The SDE will maintain a list of newly certificated educators. Educators stay on this list for one year from their individual open date. Educators on this list may be employed by a LEA without a new CHC. (8-6-08)T

b. The SDE will make the final determination if an applicant is eligible for Idaho certification. (8-6-08)T

c. If the SDE makes a determination that the applicant is not eligible for Idaho certification, the SDE may deny the applicant Idaho certification. Upon receiving the written denial the applicant may request a hearing pursuant to section 33-1209, Idaho Code. (8-6-08)T

06. Non-Certificated Employees. Non-certificated employees are required to complete a CHC pursuant to section 33-130, Idaho Code. The CHC results will be posted on the CHC website for their employer to review. (8-6-08)T

07. Substitute Teachers. Substitute teachers as defined in section 33-512(15), Idaho Code must undergo a criminal history check. The State Department of Education shall maintain a statewide substitute teacher list. To remain on the list on the list a substitute teacher shall undergo a criminal history check every five (5) years in accordance with section 33-512, Idaho code. Substitute teachers on the list do not need to complete a multiple assignment form nor are subject to break in service provisions. (8-6-08)T

08. Break in Service. (8-6-08)T

a. When an employee returns to any LEA after a break in service a new criminal history check must be completed. (8-6-08)T

b. When an employee changes employment between LEAs a new CHC must be completed regardless of the most recent CHC. (8-6-08)T

09. Postsecondary. (8-6-08)T

a. The postsecondary program will submit a completed fingerprint card or scan for all candidates who are applying for student teaching, internships or practicum. (8-6-08)T

b. The SDE will make a preliminary determination based on the CHC result if the candidate is eligible for certification in Idaho. This decision will be forwarded to the postsecondary program concerning the eligibility of their candidate. (8-6-08)T

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c. The SDE will move a candidate from the student teacher list to the newly certified list when an application for certification is approved. (8-6-08)T

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SUBJECT

Pending Rule Docket #08-0203-0803– Rules Governing Thoroughness, Unique Student Identifier

REFERENCE

8/6/08

Approved the proposed rule change to IDAPA 08.02.02.009, 150, 115, 116, Rules Governing Uniformity relating to the unique student identifier.

APPLICABLE STATUTE, RULE, OR POLICY

Sections 33-105 and 33-107, Idaho Code

BACKGROUND/DISCUSSION

A public hearing was held Tuesday, October 21, 2008 at the State Department of Education in the Lewis & Clark Conference Room. No public comment was received on this docket number.

Both docket #08-0203-0803 and docket #08-0203-0804 make changes to section 111. This docket (#08-0203-0803) is being modified to include those changes to ensure that neither of these rulemakings overwrites the other. The changes to both sections have been approved by the Board of Education.

IMPACT

These rules will require schools/districts to obtain from their students accurate demographic data. Additionally, districts will be required to acquire (obtained electronically from the SDE's unique ID system) and maintain the unique student ID for each of their students.

BOARD ACTION

A motion to approve the change to the Pending Rule Docket #08-0203-0803– Rules Governing Thoroughness, Unique Student Identifier.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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**PLANNING, POLICY & GOVERNMENTAL AFFAIRS
NOVEMBER 7, 2008**

TAB	DESCRIPTION	ACTION
1	AMENDMENT TO TEMPORARY AND PENDING RULE DOCKET #08-0104-0801 – RULES GOVERNING RESIDENCY CLASSIFICATION	Motion to Approve
2	PENDING RULE DOCKET #08-0111-0801 – (CHAPTER REPEAL) OUT-OF-STATE INSTITUTIONS, IN-STATE NON-ACCREDITED INSTITUTIONS AND CORRESPONDENCE OR PRIVATE COURSES	Motion to Approve
3	PENDING RULE DOCKET #08-0111-0802 – (CHAPTER REWRITE) REGISTRATION OF POSTSECONDARY EDUCATION INSTITUTIONS AND PROPRIETARY SCHOOLS	Motion to Approve
4	PENDING RULE DOCKET #08-0203-0804 – ASSESSMENT	Motion to Approve
5	PENDING RULE DOCKET #47-0101-0801	Motion to Approve
6	ASSESSMENT PROGRAM ENHANCEMENTS	Motion to Approve

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PLANNING, POLICY & GOVERNMENTAL AFFAIRS
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SUBJECT

Approval of Pending Rule, Docket 08-0104-0801

REFERENCE

November, 2007	Board approved HB 401 in response to the January 2004 OPE report.
June 19, 2008	Board approved temporary and proposed rule changes to IDAPA 08.01.04.

APPLICABLE STATUTE, RULE, OR POLICY

Section 33-105 (1) Executive Department, Idaho Code. Section 33-3717B Residency Requirements, Idaho Code. IDAPA 08.01.04 – Rules Governing Residency Classification.

BACKGROUND/ DISCUSSION

During the 2008 legislative session, statutory changes were made to Section 33-3717B, Idaho Code, and therefore revisions to IDAPA 08.01.04 were necessary to comply with the statutory changes. At the June 2008 regular Board meeting the Board approved the Temporary/Proposed rule bringing the rule in alignment with the statute.

During the 21-day comment period the Board Office received comments regarding the difficulty students face who leave the state to attend school and then choose to return to the state to continue their education. The statute defines a resident student as any student who receives less than fifty percent (50%) of his support from a parent, parents, or legal guardians and who has continuously resided and maintained a bona fide domicile in the state for twelve (12) months immediately preceding the opening day of the term during which the student proposes to attend primarily for purposes other than educational. "Support" is defined in Board rule as financial support given to the student during the 12 months preceding the term. This means that under the current language, students who attend school out of state, but who return to Idaho and see to establish residency, do not meet the residency requirements if they receive scholarships or grants that are more than the support provided by their parents. Proposed modification to the rule would exclude educational scholarships or grants provided to the student to attend a postsecondary educational institution out of state when determining the percentage of parental support for residency status.

IMPACT

The approval of this pending rule will allow the rule to move forward to the legislature for approval. Once approved by the legislature it will become codified bringing the rule into alignment with current statute.

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The modified language allowing institutions to exclude funds received from educational scholarships or grants provided to attend a postsecondary educational institution when computing percentage of parental support for residency reasons may result in more students being able to attend Idaho postsecondary institutions as in-state students.

ATTACHMENTS

Attachment 1 – Pending Rules Governing Residency
Classification

Page 3

STAFF COMMENTS AND RECOMMENDATIONS

Staff recommends amending the Temporary and approving the Pending Rule, Docket #08-0104-0801, Residency Classification. IDAPA 08.01.04.

BOARD ACTION

A motion to amend the Temporary Rule and approve the Pending Rule, Docket #08-0104-0801, Rules Governing Residency Classification, IDAPA 08.01.04.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS
NOVEMBER 7, 2008**

**IDAPA 08
TITLE 01
CHAPTER 04**

**08.01.04 - RULES GOVERNING RESIDENCY CLASSIFICATION
THE STATE BOARD OF EDUCATION**

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Section 33-3717B, Idaho Code. (1-1-94) (8-1-08)T

001. TITLE AND SCOPE.

The title of this chapter is Residency. This chapter has the following scope: the four-year institutions under the supervision of the State Board of Education and the Regents of the University of Idaho, the University of Idaho, Boise State University, Idaho State University, and Lewis-Clark State College are required to make residency determinations pursuant to Section 33-3717B, Idaho Code, and these rules. (1-1-94) (8-1-08)T

002. WRITTEN INTERPRETATIONS -- AGENCY GUIDELINES.

Written interpretations to these rules in the form of explanatory comments are available from the Office of the State Board of Education, 650 West State Street, Room 307, Boise, Idaho 83720. (1-1-94)

003. ADMINISTRATIVE APPEALS.

Provisions for appeal of a residency determination are set forth in Section 103 of this chapter. (1-1-94)

004. PUBLIC RECORDS ACT COMPLIANCE.

All rules required to be adopted by this chapter are public records. (1-1-94)

005. DEFINITIONS.

01. Resident Student. Resident student is defined in Section 33-3717B, Idaho Code, and specifically includes: (1-1-94) (8-1-08)T

a. Any student who has one (1) or more parent or parents or court appointed guardians who are domiciled in the state of Idaho for at least twelve (12) months prior to the opening day of the term for which the student matriculates, and the parent or parents or guardians provide at least fifty percent (50%) of the student's support..(8-1-08)T

b. Any student who receives less than fifty percent (50%) of his support from a parent, parents, or legal guardians and who has continuously resided and maintained a bona fide domicile in the state for twelve (12) months immediately preceding the opening day of the term during which the student proposes to attend primarily for purposes other than educational. (1-1-94) (8-1-08)T

c. Unless disqualified as a nonresident student as defined in Subsection 005.02, any student who is a graduate of an accredited secondary school in the state of Idaho and who matriculates during the term immediately following such graduation. (1-1-94)

d. The spouse of a person who is classified or is eligible for classification as a resident of the state for purposes of attending a college or university, provided that the institution shall require the filing of proof of marriage by the applicant. (1-1-94)

e. A member of the armed forces of the United States stationed in the state on military orders. (1-1-94)

f. An officer or an enlisted member of the Idaho national guard. (8-1-08)T

PLANNING, POLICY & GOVERNMENTAL AFFAIRS
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g. A student whose parent or guardian is a member of the armed forces and stationed in the state on military orders and who receives fifty percent (50%) or more of his support from a parent or guardian, provided that the student, while in continuous attendance, shall not lose residency status when the student's parent or guardian is transferred on military orders. (1-1-94)

h. A person separated, under honorable conditions, from the United States armed forces after at least two (2) years of service, who at the time of separation designates the state of Idaho as his intended domicile or who has Idaho as the home of record in service and enters a college or university in the state within one (1) year of the date of separation. (1-1-94)

i. Any person who has been domiciled in the state, has qualified and would otherwise be qualified under Section 33-3717B, Idaho Code, and who is away from the state for a period of less than thirty (30) months and has not established legal residence elsewhere, provided a twelve (12) month period of continuous residence has been established immediately prior to departure. (8-1-08)T

j. A student who is a member of any of the following Idaho Native American Indian tribes, regardless of current domicile, shall be considered an Idaho state resident for purposes of fees or tuition at institutions of higher education: members of the following Idaho Native American Indian tribes, whose traditional and customary tribal boundaries included portions of the state of Idaho, or whose Indian tribe was granted reserved lands within the state of Idaho: (8-1-08)T

- (i) Coeur d'Alene tribe; (8-1-08)T
- (ii) Shoshone-Paiute tribes; (8-1-08)T
- (iii) Nez Perce tribe; (8-1-08)T
- (iv) Shoshone-Bannock tribes; (8-1-08)T
- (v) Kootenai tribe. (8-1-08)T

02. Nonresident Student. Nonresident student is defined in Section 33-3717B, Idaho Code, and includes: (1-1-94) (8-1-08)T

a. A student who does not qualify as a resident student as defined in Subsection 005.01. (1-1-94)

b. A student attending an institution in this state with financial assistance provided by another state or governmental entity thereof, such nonresidency continuing for one (1) year after the completion of the semester for which such assistance is last provided. (1-1-94)

c. A person who is not a citizen of the United States of America, who does not have permanent or temporary resident status or who does not hold "refugee-parolee" or "conditional entrant" status with the United States Immigration and Naturalization Service, or is not otherwise permanently residing in the United States under color of law, and who does not also comply with and meet all applicable sections of Section 33-3717B, Idaho Code, and this chapter. (8-1-08)T

03. Continuously Resided. The term "continuously resided" as used in this chapter means physical presence in the state for twelve (12) consecutive months. Absence from the state for normal vacations, family travel, work assignments, short-term military training, and similar occasions totaling not more than thirty (30) days during the twelve (12) month qualifying period, in and of itself, will not be regarded as negating the continuous residence of the individual. (1-1-94)

04. Continuous Attendance. For purposes of Subsection 005.01.f.g, "continuous attendance" means attendance at a college or university for continuing and succeeding semesters or terms excluding summer semesters or terms. ~~(1-1-94)~~ (8-1-08)T

05. Accredited Secondary School. "Accredited secondary school" means an Idaho secondary school accredited by the State Board of Education. (1-1-94)

06. Term Immediately Following Graduation. For purposes of Subsection 005.01.c. "the term immediately following graduation" does not include the summer semester or term of a college or university. (1-1-94)

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07. Armed Forces. “Armed forces” means the United States Army, Navy, Air Force, Marine Corps, and United States Coast Guard. It does not include the National Guard or other reserve force. (3-30-01)

08. Domicile. “Domicile” means an individual’s true, fixed, and permanent home and place of habitation; the place where the individual intends to remain and to which the individual expects to return when he leaves without intending to establish a new domicile elsewhere. The establishment of domicile in Idaho occurs when a person is physically present in Idaho primarily for purposes other than educational and can show satisfactory proof that such person is without a present intention to return to another state or acquire a domicile at some other place outside the state and the person has met any other applicable requirements of this chapter. (1-1-94)

09. Support. “Support” means financial support given to the student during the twelve (12) months preceding the opening date of the term for which resident status is requested, but shall not include educational scholarships or grants proved to the student to attend a postsecondary education institution. Any student who receives less than fifty percent (50%) support may demonstrate this by showing that he is not claimed as a dependent by a parent or guardian for income tax purposes or that a parent or guardian provides less than fifty percent (50%) of the cost of attending an institution according to the financial aid office of that institution or that other similar evidence exists of parental support such as dental bills, medical bills, etc. (1-1-94)

006. -- 099. (RESERVED).

100. RESIDENT CLASSIFICATION BY ALL INSTITUTIONS.

Any student classified as a resident for purposes of higher education by one institution must be considered a resident by all other institutions. “Institutions” means the University of Idaho, Idaho State University, Boise State University, ~~and~~ Lewis-Clark State College, and Eastern Idaho Technical College. (7-1-93) (8-1-08)T

101. RESIDENCY CLASSIFICATION PROCESS.

Each institution is to develop its own procedures to determine residency status of applicants, disseminate information about the classification process, and determine the documentation required of each applicant to the institution. The institution may require whatever records, documents, or affidavits it deems necessary to classify each applicant correctly. It is the responsibility of the institution to notify the student in a timely manner of the documentation required for the classification process, and it is the responsibility of the student to provide the documentation by the deadline established by the institution. Each student must be notified in writing of the residency classification decision made by the institutional personnel responsible for determining residency status. (7-1-93)

102. FACTORS FOR DETERMINING DOMICILE.

Pursuant to Section 33-3717B, Idaho Code, the overriding factor for determining whether a student is a “resident student” is domicile. For these purposes, the establishment of domicile in Idaho occurs when a person is physically present in Idaho primarily for purposes other than educational and can show satisfactory proof that such person is without a present intention to return to another state or acquire a domicile at some other place outside the state and the person has met any other applicable requirements of this chapter. In determining whether a student is domiciled in Idaho primarily for purposes other than educational, the institutions shall consider the following:(1-1-94) (8-1-08)T

01. Domicile Established. Any of the following, if done for at least twelve (12) months before the term in which the student proposes to enroll as a resident student, proves the establishment and maintenance of domicile in Idaho for purposes other than educational: (8-1-08)T

a. Filing of Idaho state income tax returns covering a period of at least twelve (12) months before the term in which the student proposes to enroll as a resident student. (8-1-08)T

b. Permanent full-time employment or the hourly equivalent thereof in the state of Idaho. (8-1-08)T

c. Ownership by the student of the students living quarters. (8-1-08)T

02. Rebuttable Presumption. A student who is enrolled for more than eight (8) hours in any

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semester or quarter during a twelve (12) month period shall be presumed to be in Idaho for primarily educational purposes. Such period of enrollment shall not be counted toward the establishment of a bona fide domicile in the state unless the student proves, in fact, establishment of a bona fide domicile in the state primarily for purposes other than educational. A student who establishes at least five (5) of the seven (7) factors listed in subsection 102.03., if done for a least twelve (12) months before the term in which the student proposes to enroll as a resident student, proves the establishment and maintenance of domicile in Idaho for purposes other than educational. (8-1-08)T

03. Additional Factors to Determine Domiciliary Intent. A student who establishes at least five (5) of the seven (7) following factors, if done for at least twelve (12) months before the term in which the student proposes to enroll as a resident student, proves the establishment and maintenance of domicile in Idaho for purposes other than educational: (8-1-08)T

a. Registration and Payment of Idaho Taxes or Fees. Registration and payment of Idaho taxes or fees on a motor vehicle, mobile home, travel trailer, or other item of personal property for which state registration and the payment of state tax or fee is required. (8-1-08)T

b. Registration to Vote. Registration to vote for state elected officials in Idaho at a general election. (1-1-94)

c. Holding of an Idaho Driver's License. An Idaho state-issued ID card may be used in lieu of an Idaho driver's license. (8-1-08)T

d. Evidence of the Abandonment of a Previous Domicile. (1-1-94)

e. The Presence of Household Goods in Idaho. (1-1-94)

f. The Establishment of Accounts With Financial Institutions in Idaho. (1-1-94)

10. And Other Similar Factors Indicating Intent to be Domiciled in Idaho and the Maintenance of Such Domicile. Factors may include, but are not limited to, enrollment of dependent children in Idaho primary or secondary schools, establishment of acceptance of an offer of permanent employment for self in Idaho, or documented need to care for a relative in Idaho. (8-1-08)T

103. APPEALS PROCEDURE.

Any student who contests the residency classification decision made pursuant to IDAPA 08.01.04.101 may appeal the decision. The student must be informed of his right to appeal, must request the appeal in writing and agree to the release of information to the review body, and must comply with deadlines established by the institution for requesting such appeal. (1-1-94)

01. Internal Appeal. The chief executive officer of each institution or his designee must appoint or cause to be appointed a committee of three (3) to five (5) members who represent faculty and administration and who will constitute a residency review committee. The individual responsible for the initial determination of residency of any student is ineligible for membership on the review committee. The committee will elect a chairman, secretary, or other position as may be deemed necessary to carry out the work of the committee. Within thirty (30) days following receipt of the student's written request to appeal the decision made pursuant to IDAPA 08.01.04.101, the committee must meet and review the ruling. The student appealing is responsible for presenting such evidence as the committee may request and such other evidence as the student may deem pertinent to his residency status. The individual who made the initial residency classification decision pursuant to IDAPA 08.01.04.101 may be present to submit such information as he may desire for each case being appealed. The student must be notified in writing of the review committee's decision. The decision of the committee is final unless the student elects to appeal further to the Board. (7-1-93)

02. Board Appeal. Any student who contests the decision of the review committee may appeal to the Board. In such case, the student must advise the chief executive officer of the institution, in writing, of his request to submit an appeal. The chief executive officer must arrange for a review by the Board or the Board's designated representatives. The decision of the Board is final and binding on all parties concerned. (7-1-93)

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104. INTERPRETATIONS RELATING TO RESIDENCY CLASSIFICATION.

01. Common Law Marriage. Any student who wants to establish residency on the basis of a common law marriage must complete an Affidavit of Common Law Marriage as approved by the Board. (7-1-93)

02. Nonresident Aliens -- Marital Privilege. Nonresident aliens who marry Idaho residents become eligible for residency classification for purposes of higher education, as provided in Section 33-3717B, Idaho Code, upon filing proof of marriage in the admissions office. However, the institutions remain responsible for complying with requirements set forth in regulations of the U.S. Immigration and Naturalization Service relating to non-immigrant alien students until such time as the alien is granted lawful resident alien status by the U.S. Immigration and Naturalization Service. (7-1-93) (8-1-08)T

105. RESIDENCY REQUIREMENTS FOR SPECIAL GRADUATE OR PROFESSIONAL PROGRAMS.

As provided in Section 33-3717B, Idaho Code, a residency requirement of at least one (1) calendar year is in effect for certain special graduate and professional programs. Those programs include, but are not limited to, the WAMI Regional Medical Program, the WICHE Professional Student Exchange Program, the Idaho Dental Education Program, the Creighton Dental Education Program, the WOI Regional Veterinary Program, and the University of Utah Medical Program. For purposes of this section, the requirement of "at least one (1) calendar year" means a period of twelve (12) consecutive months of continuous residency consistent with the requirements of Section 33-3717B, Idaho Code, immediately prior to the date of application. (1-1-94) (8-1-08)T

01. Delegation of Certification Administration. The following office or institutions are delegated the responsibility for the evaluation of applicants and determination of residency for the special graduate and professional programs for purposes of certification. (7-1-93)

- a.** The University of Idaho -- WAMI Regional Medical Program, WOI Regional Veterinary Program. (7-1-93)
- b.** Idaho State University -- Idaho Dental Education Program and the University of Utah Medical Program. (6-30-95)
- c.** Office of the State Board of Education -- WICHE Professional Student Exchange Program. (6-30-95)

02. Appeal to the State Board of Education. Applicants for the special graduate and professional programs, upon institutional denial of residency status, may petition the Board for a hearing on the denial. The decision to grant such a hearing is discretionary with the Board and will be granted for errors in determination of residency pursuant to Section 33-3717B, Idaho Code. (1-1-94) (8-1-08)T

106. -- 999. (RESERVED).

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SUBJECT

Approve Pending Rule, Docket 08-0111-0801(Chapter Repeal)

REFERENCE

April 18, 2007	Board approved temporary rules IDAPA 08.01.11.
April 17, 2008	Board approved Temporary/Proposed rule Docket 08-0111-0801.

APPLICABLE STATUTE, RULE, OR POLICY

Sections 33-107, 33-2402, and 33-2403, Idaho Code.
Idaho Administrative Code, IDAPA 08.01.11.

BACKGROUND/DISCUSSION

House Bill 712 was signed into law effective July 1, 2006. The Board approved a temporary rule governing registration of postsecondary education institutions and proprietary schools on April 18, 2007 to bring the rules into compliance with this legislation. Proposed rules were not submitted in anticipation of the 2008 legislation passing which would require additional changes to IDAPA 08.01.11. The 2008 proposed legislation did not pass and the April 18, 2007 rule expired at the end of the session. On April 17, 2008 the Board approved Temporary/Proposed rules to IDAPA 08.01.11 bringing it into alignment with current statute.

As part of the Administrative Rules process this repeal must be approved in order for the rewrite to move forward through the process. The rewrite is submitted as Tab 3 of this agenda.

IMPACT

Approval of this Pending Rule will allow the repeal to move forward to the legislature for approval. The rule needs to be repealed as part of the process to approve Pending Rule Docket #08-0111-0802 which rewrites the same chapter.

STAFF COMMENTS AND RECOMMENDATIONS

Board staff recommends approval of Docket #08-0111-0801, repealing the current IDAPA 08.01.11

BOARD ACTION

A motion to approve the Pending Rule, Docket #08-0111-0801, Out-Of-State Institutions, In-State Non-Accredited Institutions and Correspondence or Private Courses, IDAPA 08.01.11 (Chapter Repeal).

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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SUBJECT

Amend Temporary and Approve Pending Rule, Docket 08-0111-0802

REFERENCE

April 18, 2007 Board approved Temporary rules IDAPA 08.01.11.

April 17, 2008 Board approved Temporary/Proposed rule Docket 08-0111-0802.

APPLICABLE STATUTE, RULE, OR POLICY

Sections 33-107, 33-2402, and 33-2403, Idaho Code.
Idaho Administrative Code, IDAPA 08.01.11.

BACKGROUND/DISCUSSION

House Bill 712 was signed into law effective July 1, 2006. The Board approved a temporary rule governing registration of postsecondary education institutions and proprietary schools on April 18, 2007 to bring the rules into compliance with this legislation. Proposed rules were not submitted in anticipation of the 2008 legislation passing which would require additional changes to IDAPA 08.01.11. The 2008 proposed legislation did not pass and the April 18, 2007 rule expired at the end of the session. On April 17, 2008 the Board approved Temporary/Proposed rules to IDAPA 08.01.11 bringing it into alignment with current statute.

During the 21-day comment period the Board Office received comments from the Legislative Services Office requesting clarification on the language regarding the "initial" registration process and clarification of what constituted an "Idaho presence." Other language changes that would align the wording with statute have also been incorporated. These changes are of a non-substantive nature and have been attached for your review. No other comments were received.

IMPACT

Approval of this Pending rule will allow the rule to move forward to the legislature for approval. Once approved by the legislature it will become codified bringing the rule into alignment with current statute.

The modified language will make the language easier to understand by those entities wishing to register with the State of Idaho as a postsecondary educational institution or as a proprietary school.

ATTACHMENTS

Attachment 1-Temporary/Pending Rules Governing Registration Page 3

STAFF COMMENTS AND RECOMMENDATIONS

Board staff recommends the amendment of the temporary rule and approval of the pending rule as presented to bring IDAPA 08.01.11 in alignment with current statute.

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BOARD ACTION

A motion to amend the Temporary Rule and approve the Pending Rule, Docket #08-0111-0802, Rules Governing Residency Classification, IDAPA 08.01.11.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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IDAPA 08
TITLE 01
CHAPTER 11

08.01.11 - REGISTRATION OF POSTSECONDARY EDUCATIONAL INSTITUTIONS AND PROPRIETARY SCHOOLS

000. LEGAL AUTHORITY.

The following rules are made under authority of sections 33-105, 33-107, 33-2402, and 33-2403, Idaho Code, to implement the provisions of Chapter 24, Title 33, Idaho Code. (4-17-08)T

001. TITLE AND SCOPE.

01. Title. This rule shall be cited as IDAPA 08.01.11, "Registration of Postsecondary Educational Institutions and Proprietary Schools." (4-17-08)T

02. Scope. This rule sets forth the registration requirements for postsecondary educational institutions that are required to register with the Idaho State Board of Education ("Board") under Section 33-2402, Idaho Code, and for proprietary schools required to register with the Board under Section 33-2403, Idaho Code. In addition, this rule describes the standards and criteria for Board recognition of accreditation organizations; for registration purposes. (4-17-08)T

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of this rule. (4-17-08)T

003. ADMINISTRATIVE APPEALS.

The Administrative Procedures Act, Chapter 52, title 67, Idaho Code, applies to any denial of registration of any postsecondary educational institution or proprietary school. Hearings and appeals shall be governed according to the provisions of IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." (4-17-08)T

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference. (4-17-08)T

005. OFFICE INFORMATION.

01. Office Hours. The offices of the Board are open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. (4-17-08)T

02. Mailing Address. The mailing address of the Board is P.O. Box 83720, Boise, Idaho 83720-0037. (4-17-08)T

03. Street Address. The offices of the Board are located at 650 W. State Street, Boise, Idaho. (4-17-08)T

04. Telephone. The telephone number of the Board is (208) 334-2270. (4-17-08)T

05. Facsimile. The facsimile number of the Board is (208) 334-2632. (4-17-08)T

06. Electronic Address. The electronic address of the Board is boardofed.idaho.gov. (4-17-08)T

006. PUBLIC RECORDS ACT COMPLIANCE.

This rule is subject to the provisions of the Public Records Act, Title 9, chapter 3, Idaho Code. (4-17-08)T

007. -- 009. (RESERVED).

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010. DEFINITIONS.

01. Accredited. Defined in Section 33-2401(1), Idaho Code, and means that a postsecondary educational institution has been recognized or approved as meeting the standards established by an accrediting organization recognized by the Board. (4-17-08)T

02. Agent. Defined in Section 33-2401(2), Idaho Code, and means any individual within the state of Idaho who solicits students for or on behalf of a proprietary school. (4-17-08)T

03. Agent's Permit. Defined in section 33-2401(3), Idaho Code, and means a nontransferable written document issued to an agent by the Board or its designee. (4-17-08)T

04. Course. Defined in Section 33-2401(5), Idaho Code, and means instruction imparted in a series of lessons or class meetings to meet an educational objective. (4-17-08)T

05. Course or Courses of Study. Defined in Section 33-2401(6), Idaho Code, and means either a single course or a set of related courses for which a student enrolls, either for academic credit or otherwise. A course of study is sometimes also referred to in this rule as a program. (4-17-08)T

06. Degree. Defined in Section 33-2401(7), Idaho Code, and 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 postsecondary educational institution or other entity which may be used for any purpose whatsoever. (4-17-08)T

07. Nonprofit. Means either a nonprofit or not-for-profit entity that is recognized under applicable Internal Revenue Code and regulations as being tax exempt.

078. Postsecondary Educational Institution. Sometimes referred to in this rule simply as an institution, is defined in Section 33-2401(8), Idaho Code, and means an individual, or educational, business or other entity, whether legally constituted or otherwise, which maintains a presence within, or which operates or purports to operate, from a location within, the state of Idaho and which provides a courses or ~~programs~~ courses of study that lead to a degree, or which provides, offers or sells degrees. (4-17-08)T

089. Proprietary School. Sometimes referred to in this rule simply as a school, is defined in Section 33- 2401(9), Idaho Code, and means an individual, or educational, business or other entity, whether legally constituted or otherwise, which maintains a presence within, or which operates or purports to operate, from a location within, the state of Idaho and which conducts, provides, offers or sells a course or courses of study, but which does not provide, offer or sell degrees. (4-17-08)T

011. -- 099. (RESERVED).

100. RECOGNITION OF ACCREDITATION ORGANIZATIONS.

Registration of Postsecondary Educational Institutions. For purposes of registration of postsecondary educational institutions, the Board recognizes the regional accreditation organizations listed in subsections 100.01. through 100.06., below. In addition, the Board recognizes institutional accreditation organizations which are also recognized by and in good standing with both the United States Department of Education and by the Council for Higher Education Accreditation, and which accredit entire colleges or universities, and which do not accredit only courses or courses of study (such as specialized accreditation organizations). Further, the Board may recognize other accreditation organizations on a case-by-case basis. A request for recognition of other accreditation organizations for purposes of registration should be made to the Board's Chief Higher Education Academic Officer, who will

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review and evaluate the request with the input and advice of the Board's Committee on Academic Affairs and Programs (CAAP). The Board will make a final decision based on such evaluation and review. (4-17-08)T

01. Middle States Association of Schools and Colleges (MSA), Commission on Higher Education - Accredits institutions of higher education in Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, and the U.S. Virgin Islands. (4-17-08)T

02. New England Association of Schools and Colleges, Commission on Institutions of Higher Education (NEASC-CIHE) - Accredits institutions of higher education in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. (4-17-08)T

03. North Central Association of Colleges and Schools, The Higher Learning Commission (NCA-HLC) - Accredits degree-granting institutions of higher education in Arizona, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, West Virginia, Wisconsin, and Wyoming, including schools of the Navaho Nation. (4-17-08)T

04. Northwest Commission on Colleges and Universities (NWCCU) - Accredits postsecondary educational institutions in Alaska, Idaho, Montana, Nevada, Oregon, Utah, and Washington. (4-17-08)T

05. Southern Association of Colleges and Schools (SACS), Commission on Colleges - Accredits degree-granting institutions of higher education in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia. (4-17-08)T

06. Western Association of Schools and Colleges, Accrediting Commission for Senior Colleges and Universities (WASC-ACSCU) - Accredits senior colleges and universities in California, Hawaii, the United States territories of Guam and American Samoa, the Republic of Palau, the Federated States of Micronesia, the Commonwealth of the Northern Mariana Islands, and the Republic of the Marshall Islands. (4-17-08)T

101. -- 199. (RESERVED).

200. REGISTRATION OF POSTSECONDARY EDUCATIONAL INSTITUTIONS.

01. Registration Requirement.

a. Unless exempted by statute or this rule, as provided herein, a postsecondary educational institution which maintains a presence within the state of Idaho, or which operates or purports to operate from a location within the state of Idaho, shall register and hold a valid certificate of registration issued by the Board. An institution shall not conduct, provide, offer, or sell a course or courses of study, or degree unless registered. An institution shall not solicit students on behalf of such institution, or advertise in this state, unless registered. The Board shall maintain a register of approved postsecondary educational institutions pursuant to Section 33-107(6)(a), Idaho Code. (4-17-08)T

b. ~~Initial registration shall be for the period beginning on the date of issue of a certificate of registration July 1 of any year and continue through June 30 of the next succeeding year. Initial registration shall mean an institution's initial registration under this rule, even if an institution has previously registered with the Board~~ For an institution that has not previously registered with the Board, registration shall be for the period beginning on the date of issue of an initial certificate of registration and continue through June 30 of the next succeeding year. A registered postsecondary educational institution must renew its certificate of registration annually, and renewal of registration is not automatic.

c. Renewal of registration shall be for the period beginning on July 1 of any year, and continue through June 30 of the next succeeding year. (4-17-08)T

02. Idaho Presence. An institution shall be deemed to have a presence in Idaho, or to be operating or purporting to be operating from a location within the state of Idaho, if it owns, rents, leases, or uses any office or other type of physical location in Idaho, including a mailing or shipping center, or if it represents in any way, such as on an electronic or Internet website, to have an Idaho street or mailing address, including a post office box in Idaho. (4-17-08)T

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03. Institutions Exempt from Registration.

a. Idaho public postsecondary educational institutions. Section 33-2402(1), Idaho Code, provides that a public institution supported primarily by taxation from either the state of Idaho or a local source in Idaho shall not be required to register. (4-17-08)T

b. Certain Idaho private, not for profit, postsecondary educational institutions. A private, ~~not for profit~~ nonprofit, postsecondary educational institution that is already established and operational as of the effective date of this rule and located within the state of Idaho, and that is accredited by an accreditation organization recognized by the Board, as set forth in Section 100 of this rule, shall not be required to register. A private, ~~not for profit~~ nonprofit, institution is located within the state of Idaho only if it has been lawfully organized in the state of Idaho and its principal place of business is located within the state of Idaho. (4-17-08)T

04. Institutions That Must Register.

a. Out-of-state public postsecondary educational institutions. A public institution that is supported primarily by taxation from another state, or from a local source not within the state of Idaho, must register as provided herein. (4-17-08)T

b. Out-of-state private, ~~not for profit~~ nonprofit, postsecondary educational institutions. An out-of-state private, not for profit, postsecondary educational institution must register as provided herein. (4-17-08)T

c. Certain Idaho private, ~~not for profit~~ nonprofit, postsecondary educational institutions. A private, not for profit, postsecondary educational institution that is located within the state of Idaho, but that is not exempt under Subsection 200.03.b. of this rule, must register as provided herein. (4-17-08)T

d. For-profit postsecondary educational institutions. A postsecondary educational institution that operates for profit, or which is an operating subsidiary of a publicly or privately held corporation that operates for profit, must register as provided herein. (4-17-08)T

05. Exception to Registration Requirement for Certain Postsecondary Institutions.

a. A postsecondary educational institution that demonstrates to the satisfaction of the Board that its primary mission and objectives are to offer courses or courses of study that do not lead to the awarding of degrees, may instead register as a proprietary school, in accordance with Section 400 of this rule. (4-17-08)T

b. A request to register as a proprietary school must be submitted in writing to the Board by the first business day of December preceding a registration year. A decision on such request will be issued by the Board within thirty (30) days after it is received. A request to register as a proprietary school must be made on an annual basis. (4-17-08)T

06. Application. A postsecondary educational institution that is required to register under this rule must submit to the Board office an application for registration (either an application for initial registration, or renewal of registration, as applicable), on a form approved by the Board ~~or its designee~~. The application must include a list of each course, course of study, and degree the applicant institution intends to conduct, provide, offer, or sell in Idaho during the registration year. (4-17-08)T

07. Registration Fees. The Board shall assess an annual registration fee for initial registration, or renewal of registration, of a postsecondary educational institution. The registration fee must accompany the application for registration, and shall be in the amount of one hundred dollars (\$100) for each course that the institution intends to conduct, provide, offer or sell during the registration year, as set forth in the registration application, not to exceed two thousand dollars (\$2,000). Registration fees are not refundable. (4-17-08)T

08. Deadline for Registration. An initial application for registration may be submitted to the Board at anytime. An institution should expect the Board's review process for an initial registration to take approximately three (3) to five (5) months. An application for renewal of registration must be submitted to the Board on or before the first business day of May that precedes a registration year. (4-17-08)T

09. Information Required. Such application must include the information requested on the application form, as well as the following information: (4-17-08)T

a. If an institution that is required to register under this rule is accredited by an accreditation organization recognized by the Board in Section 100 of this rule, such institution must submit documentation demonstrating that it has received accreditation status, and that it will maintain its accreditation from such agency during the entire registration year. An institution that is so accredited qualifies for a streamlined registration process,

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and will not be required to submit information and/or documentation that documents compliance with Standards I through VI, set forth in Subsections 200.10.a. through 200.10.f. of this rule. Such institution must submit the following information and/or documentation with its application for registration: (4-17-08)T

- i. Copy of most recent accreditation report; (4-17-08)T
- ii. Current list of chief officers - e.g. president, board chair, chief academic officer, chief fiscal officer; (4-17-08)T
- iii. Most recent copy of strategic plan; (4-17-08)T
- iv. Enrollment data for current and past two (2) years; (4-17-08)T
- v. Copy of annual audited financial statement; (4-17-08)T
- vi. Any additional information that the Board may request. (4-17-08)T

b. All other institutions applying for registration must submit information and/or documentation with its application for registration that documents compliance with all of the Standards I through VI, set forth in Subsections 200.10.a. through 200.10.f. of this rule. (4-17-08)T

c. The Board may, in connection with a renewal of registration; request that an institution only submit information that documents changes from the previous year, provided that the institution certifies that all information and/or documentation submitted in a previous registration year remains current. The annual registration fee, described in Subsection 200.07 of this rule, shall remain applicable. (4-17-08)T

201. APPROVAL STANDARDS FOR POSTSECONDARY EDUCATIONAL INSTITUTIONS.

Except as provided in Subsection 200.09.a, an institution applying for registration must meet, or demonstrate that it will meet, all of the following standards: (4-17-08)T

01. Standard I - Legal Status and Administrative Structure. The institution must be in compliance with all local, state, and federal laws, administrative rules, and other regulations applicable to postsecondary educational institutions. (4-17-08)T

a. The institution must have a clearly stated mission and objectives that are consistent with educational offerings under consideration for approval by the Board. The institution must demonstrate how its stated mission and objectives are being accomplished. (4-17-08)T

b. The governing board or the board of directors must be comprised of at least five (5) members who are selected to represent students, faculty, and other constituents of the institution. Board members must be given the responsibility for assuring that the mission and objectives are achieved, for establishing policies and overseeing their implementation, and for providing oversight for the entire institution, including the financial stability of the institution. Board members should generally not be affiliated with the institution from an employment, contractual, familial, or financial standpoint. Any affiliation or financial interest in the institution must be fully disclosed, and provisions must be made to address any conflicts of interest. (4-17-08)T

c. There must be sufficient distinction between roles and responsibilities of the institution's governing board and the administration, faculty, and staff to ensure appropriate separation and independence. (4-17-08)T

d. Each of the administrative officers must be appropriately qualified with educational credentials to ensure programs are of high quality and that the rights of students are protected. In particular, the chief academic officer of the institution must be academically prepared at least at the Master's degree level, and have a minimum of five (5) years of postsecondary educational experience at an accredited institution. (4-17-08)T

e. Administrators must be paid a fixed salary. Commissions may not be used for any portion of the compensation or to supplement an administrative salary. (4-17-08)T

f. Policies must have been established to govern admissions, hiring procedures, and working conditions; evaluation/assessment of all employees and instructional offerings; awarding of credit and grades that are comparable to other institutions; academic freedom; student and faculty rights and responsibilities; grievance procedures; approval of the curriculum and other academic procedures, etc.; to ensure the quality of educational offerings. (4-17-08)T

g. The administration must establish procedures for evaluating the effectiveness of the entire institution and for assessing the quality of instruction through established and recognized methods of instructional assessment. Evaluation and assessment results must be used to improve institutional programs and services. Evaluative/assessment processes must involve internal constituents from the institution and appropriate external representatives. (4-17-08)T

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02. Standard II - Educational Program and Curriculum. Instruction must be the primary focus of the institution, and all instructional activities must be clearly related to the achievement of the institution's mission and objectives. (4-17-08)T

a. The requirements for all instructional programs must be defined clearly, including applicable completion requirements for courses, credits, clinicals, etc. Faculty must be given the responsibility for developing the curriculum for all courses or courses of study or degrees, designing effective learning strategies for students, identifying and organizing all instructional materials and specialized facilities, identifying instructional assessment methods, and evaluating the effectiveness of the course offerings. (4-17-08)T

b. The institution must identify the number of credits required to earn a degree based on the following guidelines. Forty-five (45) clock-hours of student involvement are required for each semester credit, which includes a minimum of fifteen (15) student contact hours for each semester credit. Degrees are: (4-17-08)T

i. Associate of Applied Science Degree: A credential awarded for completion of requirements entailing at least two (2) years, but less than four (4) years, of full-time professional-technical study with a minimum of sixty (60) semester credits (includes a minimum of sixteen (16) general education credits) and includes mastery of specific competencies drawn from requirements of business/industry; (4-17-08)T

ii. Associate Degree: A credential awarded for completion of requirements entailing at least two (2) years, but normally less than four (4) years, of full-time academic work; (4-17-08)T

iii. Baccalaureate Degree: A credential awarded for completion of requirements entailing at least four (4) years of full-time academic work; (4-17-08)T

iv. Master's Degree: A credential awarded for completion of requirements entailing at least one (1) year, but normally not more than two (2) years, of full-time academic work beyond the baccalaureate degree, including any required research; and (4-17-08)T

v. Doctoral Degree: A credential awarded for completion of requirements entailing at least three (3) years of full-time academic work beyond the baccalaureate degree, including any required research. (4-17-08)T

vi. Written course descriptions must be developed for all courses and for all courses within a program or degree and include the following: course overview, learning objectives and outcomes, course content, assessment, and grading criteria. A written inventory must be maintained for all course descriptions, and course descriptions must be provided to the faculty. Faculty must be expected to follow course descriptions. A syllabus must be developed for each course and distributed to students at the beginning of the course. (4-17-08)T

vii. For each course or courses of study leading to a degree, the institution shall assure that such courses will be offered with sufficient frequency to enable students to complete the courses of study and degree within the minimum time for completion. (4-17-08)T

03. Standard III - Student Support Services. The institution must have clearly defined written policies that are distributed to students through a variety of print and electronic means. Policies must address students' rights and responsibilities, grievance procedures, and must define what services are available to support students and instructional programs. (4-17-08)T

a. The institution must develop a written admissions policy. The admission of students must be determined through an orderly process using published criteria which must be uniformly applied. Admissions must take into account the capacity of the student to undertake a course of study and the capacity of the institution to provide instructional and other support services the student needs to complete the program. (4-17-08)T

b. There must be a clearly defined policy for the readmission of students dismissed from the institution for academic reasons. The readmission of students dismissed under this policy should be consistent with the recognized academic standards of admission to the institution. (4-17-08)T

c. The institution must establish and adhere to a clear and fair policy regarding due process in disciplinary matters, and publish this policy in a handbook, which must include other rights and responsibilities of the students and the grievance procedure. This handbook must be supplied to each student upon enrollment in the institution. The institution must provide the name and contact information for the individual who is responsible for dealing with student grievances and other complaints and for handling due process procedures. (4-17-08)T

d. The institution must provide an effective program of academic advising for all students enrolled. The program must include orientation to the academic program, academic and personal counseling, career information and planning, placement assistance, and testing services. (4-17-08)T

e. The institution must provide students, prospective students prior to enrollment, and other interested persons with a catalog containing, at a minimum, the following information:

i. The institution's mission;

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- ii. Admissions policies;
 - iii. Information describing the purpose, length, and objectives for the courses or courses of study or degrees offered by the institution;
 - iv. Credit requirements for all courses or courses of study or degrees offered by the institution;
 - v. Procedures for awarding credit for work completed outside the collegiate setting;
 - vi. Policies for acceptance of transfer credit;
 - vii. The schedule of tuition, fees, and all other charges and expenses necessary for completion of the courses or courses of study or degrees;
 - viii. Cancellation and refund policies;
 - ix. A definition of the unit of credit as it applies at the institution;
 - x. An explanation of satisfactory progress, including an explanation of the grading/assessment system;
 - xi. The institution's calendar, including the beginning and ending dates for each instructional term, holidays, and registration dates;
 - xii. A complete listing of each regularly employed faculty member showing name, area of assignment, rank, and each earned degree held, including degree level, degree designation, and institution that awarded the degree;
 - xiii. A complete listing of each administrator showing name, title, area of assignment, and each earned degree held, including degree level, degree designation, and institution that awarded the degree;
 - xiv. A statement of legal control with the names of the trustees, directors, and officers of the institution or corporation or other entity;
 - xv. A complete listing of all scholarships offered, if any; a statement describing the nature and extent of available student services;
 - xvi. Complete and clearly stated information about the transferability of credit to other postsecondary educational institutions, including two-year and four-year colleges and universities; and
 - xvii. Any such other material facts concerning the institution and the courses or courses of study as are reasonably likely to affect the decision of the student to enroll at the institution. (4-17-08)T
- f.** Accurate and secure records must be kept for all aspects of the student academic record including, at a minimum, admissions information, transcripts, and financial transactions. Standards established by the American Association of Collegiate Registrars and Admissions Officers (AACRAO) must be used as a basis for establishing, maintaining, securing, and retaining student records. (4-17-08)T
- g.** The institution must provide to each prospective student, newly-enrolled student, and returning student, complete and clearly presented information indicating the institution's current graduation rate by courses of study, and job placement rate by course of study. (4-17-08)T

04. Standard IV - Faculty Qualifications, Duties, and Compensation. Faculty qualifications must be clearly defined for each discipline and the assigned location for each faculty member must be identified. (4-17-08)T

a. Faculty must be qualified through academic preparation appropriate to their assigned classes and degree level; i.e., for bachelor degree programs, faculty must have a master's degree from an accredited institution; at the graduate level, a doctoral degree from an accredited institution. Relevant teaching experience or evidence to indicate they will be successful in the classroom must also be considered. Relevant work experience must also be considered. Transcripts for all faculty must be obtained, reviewed, and retained at the institution. Faculty must be recruited from a variety of institutions and backgrounds to enhance diversity and to avoid hiring a disproportionate number of individuals who are graduates of institutional programs. (4-17-08)T

b. There shall be a sufficient number of full-time faculty members to maintain the continuity and stability of academic programs and policies. At least one full-time faculty must be located in Idaho for each course or courses of study or degree, unless the institution can demonstrate specifically why this is not feasible, and identify what provisions have been, or will be, made to serve students effectively. (4-17-08)T

c. A group of faculty must be organized and given responsibility in conjunction with the institution's chief academic officer for reviewing and approving all courses and courses of study and degrees offered by the institution. This group must also be responsible for overseeing instructional assessment activities and setting standards for program review/evaluation. The group must be of sufficient size to effectively represent a variety of instructional disciplines and faculty perspectives. (4-17-08)T

d. The ratio of faculty to students in each course must be sufficient to assure effective instruction. (4-17-08)T

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e. Faculty must be paid a fixed salary. Commissions may not be used for any portion of the compensation, to supplement faculty salaries, or be connected to recruitment or retention of students. (4-17-08)T

f. Procedures for evaluating faculty must be established, including provisions for promoting faculty and recognizing scholarly contributions to their academic discipline. (4-17-08)T

g. A faculty development program must be established to encourage professional advancement and to enhance one's knowledge and instructional expertise. (4-17-08)T

05. Standard V - Resources, Financial Resources, and Facilities. The institution must have adequate financial resources to accomplish its educational mission and objective. (4-17-08)T

a. A financial officer in a managerial position must be designated for the institution and given responsibility for overseeing all of the financial aspects of the institution. (4-17-08)T

b. Adequate financial resources must be provided to accomplish the institutional mission and to effectively support the instructional programs, including teaching facilities (i.e., classrooms, labs), instructional materials, supplies and equipment, faculty, staff, library, and the physical and instructional technology infrastructure. (4-17-08)T

c. The institution must have sufficient reserves so that, together with tuition and fees, it is able to complete its educational obligations to currently enrolled students, even if it were unable to admit any new students. (4-17-08)T

d. Financial records and reports of the institution must be kept and made separate and distinct from those of any affiliated or sponsoring person or entity. Financial records and reports at a public or not for profit institution must be kept in accordance with the most current guidelines from the National Association of College and University Business Officers. Financial records and reports of a for-profit institution must be kept in accordance with generally accepted accounting principles. A for-profit institution must organize its reports and records under categories or cost centers comparable to accounting funds identified in the most current guidelines from the National Association of College and University Business Officers. (4-17-08)T

e. An annual independent audit of all fiscal accounts of the educational institution must be authorized by the governing board, and must be performed by a properly authorized certified public accountant. (4-17-08)T

06. Standard VI - Library and Instructional Resources. The institution must obtain and properly catalog library and other learning resources and make these resources readily available to its students and faculty. These holdings must be of sufficient quality and depth to support its mission and achievement of student and faculty learning objectives. (4-17-08)T

a. The institution must have adequate library facilities for the library holdings, space for study, and workspace for the librarian and library staff. (4-17-08)T

b. Library services and resources must be available for student and faculty use with sufficient regularity, and at appropriate hours, to support the mission of the institution and its instructional offerings. (4-17-08)T

c. If the institution relies on other institutions or entities to provide library resources, or this is done through electronic means, the institution must demonstrate how these arrangements effectively meet the needs of students and faculty. These arrangements must be documented through written agreements. Student and faculty use must be documented and frequently evaluated to ensure quality services are being provided. (4-17-08)T

d. The library must be administered by professionally trained staff supported by sufficient personnel. (4-17-08)T

202. THE BOARD MAY NOTIFY THE POSTSECONDARY EDUCATIONAL INSTITUTION OF ADDITIONAL INFORMATION REQUIRED.

If the Board is unable to determine the nature and activities of an institution on the basis of the information provided by the institution under this rule, then the Board may notify the institution of additional information that it will be required to provide in connection with the application for registration. (4-17-08)T

01. Verification of Information. The Board may verify the accuracy of submitted information by inspection, visitation, or any other means it considers necessary. The applicant institution shall be responsible for any costs the Board incurs, including travel, associated with this review. (4-17-08)T

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02. Criteria for Approval or Denial of Registration. To be approved for registration, the institution must demonstrate that it is in compliance with Chapter 24, Title 33, Idaho Code and this rule. An institution must remain in compliance for the registration year. (4-17-08)T

03. Public Information. All information submitted to the Board in connection with the application is public information, and is subject to disclosure as set forth in the Public Records Act, Title 9, Chapter 3, Idaho Code. (4-17-08)T

04. Certificate of Registration.

a. A certificate of registration will be issued to a postsecondary educational institution that has paid its registration fee and has been approved under this rule. A certificate evidencing initial registration will be effective the date it is issued, and continue through June 30 of the next succeeding year. A renewal certificate will be for the period July 1 through June 30 of the next succeeding year. No institution that is registered with the Board shall advertise or represent in any manner that it is accredited by the Board. An institution may only represent that it is: "Registered with the Idaho State Board of Education." Registration is not an endorsement of the institution. (4-17-08)T

b. If an institution wishes to offer additional courses, courses of study, or degrees during the course of a registration year that were not included in its application to the Board prior to issuance of the certificate of registration, then the institution may submit a supplemental application to the Board, on a form approved by the Board and pay any additional registration fees that are applicable. If approved, the Board will issue a revised certificate of registration evidencing such approval. (4-17-08)T

05. Disapproval and Appeal. If a postsecondary educational institution's request for initial registration, or renewal of registration, is disapproved by the Board, then the institution may appeal such decision in accordance with Chapter 52, Title 67, Idaho Code. The request must be in writing and made to the office within thirty (30) days of the date the institution is notified of the disapproval. (4-17-08)T

06. Withdrawal of Approval.

a. The Board may refuse to renew, or may revoke or suspend approval of, an institution's registration by giving written notice and the reasons therefore to the institution. The institution may request a hearing relating to such decision under IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." (4-17-08)T

b. Withdrawal of approval may be for one or more of the following reasons: (4-17-08)T

i. Violation of Chapter 24, Title 33, Idaho Code or this rule; (4-17-08)T

ii. Providing false, misleading, deceptive, or incomplete information to the Board; (4-17-08)T

iii. Presenting to prospective or current students information about the institution which is false, fraudulent, misleading, deceptive, or inaccurate in a material respect; or (4-17-08)T

iv. Refusing to allow reasonable inspection or to supply reasonable information after a written request by the Board has been received. (4-17-08)T

c. If any information contained in the application submitted by the institution becomes incorrect or incomplete, then the registered institution shall notify the Board of such change within thirty (30) days. An institution that ceases operation during the course of a registration year shall immediately inform the Board of this event. (4-17-08)T

203 -- 299. (RESERVED).

300. REGISTRATION OF PROPRIETARY SCHOOLS.

01. Delegation. Section 33-2403, Idaho Code, provides that a proprietary school must hold a valid certificate of registration issued by the Board or its designee. The Board delegates authority to the Idaho Division of Professional-Technical Education (PTE) to register proprietary schools, in accordance with this rule. (4-17-08)T

02. Registration Requirement.

a. Unless exempted by statute or this rule, as provided herein, a proprietary school which maintains a presence within the state of Idaho, or which operates or purports to operate from a location within the state of Idaho, shall register annually and hold a valid certificate of registration issued by PTE. A school shall not conduct, provide, offer, or sell a course or courses of study unless registered. A school shall not solicit students for or on behalf of

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such school, or advertise in this state, unless registered. The Board shall maintain a register of approved proprietary schools pursuant to Section 33-107(6)(c), Idaho Code. (4-17-08)T

b. ~~Initial registration shall be for the period beginning on the date of issue of a certificate of registration July 1 of any year and continue through June 30 of the next succeeding year. For a school that has not previously registered with PTE, registration shall be for the period beginning on the date of issue of a certificate of registration and continue through June 30 of the next succeeding year.~~ A registered proprietary school must renew its certificate of registration annually and renewal of registration is not automatic. (4-17-08)T

c. Renewal of registration shall be for the period beginning on July 1 of any year, and continue through June 30 of the next succeeding year. (4-17-08)T

03. Idaho Presence. A school shall be deemed to have a presence in Idaho, or to be operating or purporting to be operating from a location within the state of Idaho, if it owns, rents, leases, or uses any office or other type of physical location in Idaho, including a mailing or shipping center, or if it represents in any way, such as on an electronic or Internet website, to have an Idaho street or mailing address, including a post office box in Idaho. (4-17-08)T

034. Exemptions from Registration. The following individuals or entities are specifically exempt from the registration requirements of this rule: (4-17-08)T

a. An individual or entity that offers instruction or training solely a vocational or recreational in nature, as determined by the Board. (4-17-08)T

b. An individual or entity that offers courses recognized by the Board which comply in whole or in part with the compulsory education law. (4-17-08)T

c. An individual or entity 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. (4-17-08)T

d. An individual or entity which is otherwise regulated, licensed, or registered with another state agency pursuant to title 54, Idaho Code. (4-17-08)T

e. Aviation school or instructors approved by and under the supervision of the Federal Aviation Administration. (4-17-08)T

f. An individual or entity 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. (4-17-08)T

g. An individual or entity offering only workshops or seminars lasting no longer than three (3) calendar days. (4-17-08)T

h. A parochial or denominational institution providing instruction or training relating solely to religion and for which degrees are not granted. (4-17-08)T

i. An individual or entity that offers postsecondary credit through a consortium of public and private colleges and universities under the auspices of the western governors. (4-17-08)T

045. Application. A proprietary school that is required to register under this rule must submit to PTE an application for registration (either an application for initial registration, or renewal of registration, as applicable), on a form approved by PTE. The application must include a list of each course or courses of study the applicant school intends to conduct, provide, offer or sell in Idaho during the registration year. (4-17-08)T

056. Registration Fees and Costs. A registration fee shall accompany each application for initial registration or renewal of registration. The fixed portion of such annual registration fee shall be in the amount of one hundred dollars (\$100) for each school. The variable portion of such annual registration fee shall be in the amount of one hundred dollars (\$100) for each course to be offered by the school during the registration year. Fees are not refundable. (4-17-08)T

067. Deadline for Registration. An initial application for registration may be submitted to PTE at anytime. A school should expect PTE's review process for an initial registration to take approximately three (3) to five (5) months. An application for renewal of registration must be submitted to PTE on or before the first business day of May that precedes a registration year. (4-17-08)T

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078. Information Required.

a. Such application must include the information requested on the application form. In addition, a school applying for registration must submit information and/or documentation with its application for registration that documents compliance with all of the Standards, I through V, set forth in Subsections 400.08.a. through 400.08.e. of this rule. (4-17-08)T

b. PTE may, in connection with a renewal of registration, request that a school only submit information that documents changes from the previous year, provided that the school certifies that all information and/or documentation submitted in a previous registration year remains current. The annual registration fee, described in Subsection 400.05 of this rule, shall remain applicable. (4-17-08)T

301. APPROVAL STANDARDS FOR REGISTRATION OF PROPRIETARY SCHOOLS. The Board and its designee accepts the responsibility for setting and maintaining approval standards for proprietary schools that plan to offer courses or a set of related courses in or from Idaho in order to protect consumers and to ensure quality educational programs are provided throughout the state. A school must meet all of the standards prior to issuance of a certificate of registration and the school must provide required evidence to document compliance with the standards as identified in the application form. A certificate of registration may be denied if all of the standards are not met. (4-17-08)T

01. Standard I - Legal Status and Administrative Structure. The school must be in compliance with all local, state and federal laws, administrative rules, and other regulations applicable to proprietary schools. (4-17-08)T

a. The school must have a clearly stated educational purpose that is consistent with the courses or a set of related courses under consideration for approval by PTE. (4-17-08)T

b. The ownership of the school, its agents, and all school officials must be identified by name and title. (4-17-08)T

c. Each owner, agent, and school official must be appropriately qualified to ensure courses are of high quality and the rights of students are protected. (4-17-08)T

d. Policies must have been established to govern admissions, hiring procedures, and working conditions; evaluation/assessment of all employees and instructional offerings; student and instructor rights and responsibilities; grievance procedures; approval of the curriculum and other academic procedures to ensure the quality of educational offerings. (4-17-08)T

e. Procedures for assessing/evaluating the effectiveness of instruction must be established. Evaluation and assessment results must be used to improve courses or courses of study. (4-17-08)T

02. Standard II - Courses or Courses of Study. Instruction must be the primary focus of the school, and all instructional activities must be clearly related to the achievement of the stated instructional objectives. All courses or courses of study must prepare students to enter employment upon completion of the program or prepare them for self-employment. (4-17-08)T

a. The requirements for each course or courses of study must be defined clearly including applicable completion requirements or other requirements such as practicum's, clinicals, etc. Courses or courses of study will be designed using effective learning strategies for students, identifying and organizing all instructional materials and specialized facilities, identifying instructional assessment methods, and evaluating the effectiveness of the course offerings. (4-17-08)T

b. Written course descriptions must be developed for all courses or courses of study including: course overview, learning objectives and outcomes, course content, assessment, and grading criteria. A written inventory must be maintained for all course descriptions and course descriptions must be provided to instructors. Instructors must be expected to follow course descriptions. A syllabus must be developed for each course and distributed to students at the beginning of the course. (4-17-08)T

c. The school must assure that a course or courses of study will be offered with sufficient frequency to enable students to complete courses or courses of study within the minimum time for completion. (4-17-08)T

d. The school must clearly state the cost of each course or courses of study and identify the payment schedule. This information must be provided in written form to students, and the refund policy must also be given to students in writing. (4-17-08)T

e. All advertising, pamphlets, and other literature used to solicit students and all contract forms must accurately represent the purpose of the school, its courses or courses of study, job opportunities, and other relevant information to assist students in making an informed decision to enroll. The school must provide to each prospective

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student, newly-enrolled student, and returning student, complete and clearly presented information indicating the school's current completion and job placement rate. (4-17-08)T

03. Standard III - Student Support Services. The school must have clearly defined written policies that are distributed to students through a variety of print and electronic means. Policies must address students rights and responsibilities, grievance procedures, and define what services are available to support students. (4-17-08)T

a. The school must develop a written admissions policy. The admission of students must be determined through an orderly process using published criteria which must be uniformly applied. Admissions must take into account the capacity of the student to undertake a course or courses of study and the capacity of the school to provide instructional and other support services the student needs to complete the program. (4-17-08)T

b. There must be a clearly defined policy for the readmission of students dismissed from the school. The readmission of students dismissed under this policy must be consistent with the recognized standards of admission to the school. (4-17-08)T

c. The school must establish and adhere to a clear and fair policy regarding due process in disciplinary matters, and publish this policy in a handbook, which must include other rights and responsibilities of the students and the grievance procedure. This handbook must be supplied to each student upon enrollment in the school. The school must provide the name and contact information for the individual who is responsible for dealing with student grievances and other complaints and for handling due process procedures. (4-17-08)T

d. The school must provide written information to prospective students prior to enrollment to include the following:

i. Information describing the purpose, length, and objectives of the courses or courses of study; completion requirements for the courses or courses of study;

ii. The schedule of tuition, fees, and all other charges and all expenses necessary for completion of the courses or courses of study;

iii. Cancellation and refund policies; an explanation of satisfactory progress, including an explanation of the grading/assessment system;

iv. The calendar of study including registration dates, beginning and ending dates for all courses, and holidays;

vii. A complete list of instructors and their qualifications;

viii. A listing of available student services;

ix. And other information about the courses or courses of study that are likely to affect the decision of the student to enroll in the school. (4-17-08)T

e. Accurate and secure records must be kept for all aspects of the student record including, at minimum, admissions information, and the courses each student completed. (4-17-08)T

04. Standard IV - Faculty Qualifications and Compensation. (4-17-08)T

a. Instructor qualifications (training and experience) must be described and the assigned location for each instructor must be identified. (4-17-08)T

b. There must be a sufficient number of full-time instructors to maintain the continuity and stability of courses. (4-17-08)T

c. The ratio of instructors to students in each course must be sufficient to assure effective instruction. (4-17-08)T

d. Commissions may not be used for any portion of the faculty compensation. (4-17-08)T

e. Procedures for evaluating instructors must be established. Provisions for student evaluation are recommended. (4-17-08)T

05. Standard V - Resources, Finance, Facilities, and Instructional Resources. (4-17-08)T

a. Adequate financial resources must be provided to accomplish instructional objectives and to effectively support the instructional program, including teaching facilities (i.e., classrooms, labs), instructional materials, supplies and equipment, instructors, staff, library, and the physical and instructional technology infrastructure. (4-17-08)T

b. The school must have sufficient resources so that, together with tuition and fees, it is able to complete its educational obligations to currently enrolled students. If the school is unable to fulfill its obligations to students, the school must make arrangements with another proprietary school to have students complete a comparable course or courses of study (a teach-out provision). (4-17-08)T

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c. Financial records and reports of the school must be kept and made separate and distinct from those of any affiliated or sponsoring person or entity. Financial records and reports at a school shall be kept in accordance with recognized financial accounting methods. (4-17-08)T

d. The school must have adequate instructional resource materials available to students, either on site or through electronic means. These materials must be housed in a designated area and be available for students and instructors with sufficient regularity and at appropriate hours to support achievement of course objectives or to promote effective teaching. (4-17-08)T

e. If the school relies on other schools or entities to provide library resources or instructional resources, the school must demonstrate how these arrangements effectively meet the needs of students and faculty. These arrangements must be documented through written agreements. Student and faculty use must be documented and frequently evaluated to ensure quality services are being provided. (4-17-08)T

302. THE BOARD MAY NOTIFY THE PROPRIETARY SCHOOL OF ADDITIONAL INFORMATION REQUIRED.

If PTE is unable to determine the nature and activities of a school on the basis of the information provided by the school under this rule, then PTE may notify the school of additional information that it will be required to provide in connection with the application for registration. (4-17-08)T

01. Verification of Information. PTE may verify the accuracy of submitted information by inspection, visitation, or any other means it considers necessary. The applicant school shall be responsible for any costs PTE incurs including travel, associated with this review. (4-17-08)T

02. Criteria for Approval or Denial of Registration. To be approved for registration, the school must demonstrate that it is in compliance with Chapter 24, Title 33, Idaho Code and this rule, including all of the standards described in Subsections 400.08.a. through 400.08.e. of this rule. A school must remain in compliance for the registration year. (4-17-08)T

03. Public Information. All information submitted to PTE is public information, and is subject to disclosure as set forth in the Public Records Act, Title 9, Chapter 3, Idaho Code. (4-17-08)T

04. Certificate of Registration.

a. A certificate of registration will be issued to a proprietary school that has paid its registration fee and been approved under this rule. A certificate evidencing initial registration will be effective the date it is issued, and continue through June 30 of the next succeeding year. A renewal certificate will be for the period July 1 through June 30 of the next succeeding year. No school that is registered with PTE shall advertise or represent in any manner that it is accredited by PTE. An institution may only represent that it is: "Registered with Idaho Division of Professional-Technical Education." Registration is not an endorsement of the school. (4-17-08)T

b. If a school wishes to offer additional courses or courses of study during the course of a registration year that were not included in its application to PTE prior to issuance of the certificate of registration, then the school may submit a supplemental application to PTE, on a form approved by PTE, and pay any additional registration fees that are applicable. If approved, PTE will issue a revised certificate of registration evidencing such approval. (4-17-08)T

05. Disapproval and Appeal. If a proprietary school's request for initial registration or a renewal of registration is disapproved by PTE, then the school may appeal such decision in accordance with Chapter 52, Title 67, Idaho Code. The request must be in writing and made to PTE within thirty (30) days of the date the school is notified of the disapproval. (4-17-08)T

06. Withdrawal of Approval.

a. PTE may refuse to renew, or may revoke or suspend approval of a school's registration by giving written notice and the reasons therefore to the school. The school may request a hearing under IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." (4-17-08)T

b. Withdrawal of approval may be for one or more of the following reasons: (4-17-08)T

i. Violation of Chapter 24, Title 33, Idaho Code or this rule. (4-17-08)T

ii. Providing false, misleading, deceptive, or incomplete information to PTE. (4-17-08)T

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iii. Presenting to prospective or current students information about the school which is false, fraudulent, misleading, deceptive, or inaccurate in a material respect; or (4-17-08)T

iv. Refusing to allow reasonable inspection or to supply reasonable information after a written request by PTE has been received. (4-17-08)T

c. If any information contained in the application submitted by the school becomes incorrect or incomplete, then the registered school shall notify PTE of such change within thirty (30) days. A school that ceases operation during the course of a registration year shall immediately notify PTE of this event. (4-17-08)T

07. Agent's Permit. Each proprietary school shall ensure that its agents have a valid permit, and that all of its agents are in compliance with Section 33-2404, Idaho Code. The school shall complete a criminal history check that includes the State Bureau of Identification, Federal Bureau of Investigation and statewide sex offender registry for each agent having direct contact with minors in the minor's home or at secondary schools, prior to making application for the agent's permit. (4-17-08)T

08. Annual Agent's Permit Fee. The annual fee for the agent's permit shall be fifty dollars (\$50.00). The agent's permit must be renewed annually upon reapplication and proper qualifications, as required by Section 33- 2404, Idaho Code. (4-17-08)T

09. Surety Bond. Each proprietary school shall comply with the provisions in Section 33-2406, Idaho Code, relating to a surety bond. (4-17-08)T

10. Student Tuition Recovery Account. Each proprietary school shall comply with the provisions of Section 33-2407, Idaho Code, relating to a student tuition recovery account. (4-17-08)T

303. -999. (RESERVED).

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SUBJECT

Approval of Pending Rule, Docket 08-0203-0804

REFERENCE

June 19, 2008

Board approved temporary and proposed rule changes to IDAPA 08.02.03.111.

APPLICABLE STATUTE, RULE, OR POLICY

Idaho Administrative Code, IDAPA 08.02.03.111.

Non-Regulatory Guidance: Assessment and Accountability for Recently Arrived and Former Limited English Proficient (LEP) Students May 2007.

BACKGROUND/ DISCUSSION

Federal regulations require that first year limited English proficient (LEP) students be assessed in math and science, yet be exempted from reading and language usage. On June 19, 2008 the Board approved Temporary/Proposed Rules adding the requirement for first year LEP students in grades 5, 7, and 10 to take the science portion of the Idaho State Achievement Test (ISAT).

No comments were received during the 21-day comment period. There have been no changes to this rule from the Temporary/Proposed rule approved by the Board on June 19, 2008.

IMPACT

The approval of this pending rule will allow the rule to move forward to the legislature for approval. Once approved by the legislature it will become codified bringing the rule into alignment with current federal guidance.

ATTACHMENTS

Attachment 1 – Pending Rules Governing Thoroughness
IDAPA 08.02.03.111 Assessment in the Public
Schools

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STAFF COMMENTS AND RECOMMENDATIONS

Including Science for LEP students: Board staff recommends the approval of the rule changes to include the administration of the ISAT science test for first year LEP students.

BOARD ACTION

A motion to approve Pending Rule Docket #08-0203-0804, Rules governing Thoroughness, Assessment in the Public Schools. IDAPA 08.02.03.111.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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IDAPA 08
TITLE 02
CHAPTER 03

08.02.03 - RULES GOVERNING THOROUGHNESS

111. ASSESSMENT IN THE PUBLIC SCHOOLS.

04. Testing Population. All students in Idaho public schools, grades kindergarten through twelve (K-12), are required to participate in the comprehensive assessment program approved by the State Board of Education and funded. (4-2-08)

a. All students who are eligible for special education shall participate in the statewide assessment program. (4-6-05)

b. Each student's individualized education program team shall determine whether the student shall participate in the regular assessment without accommodations, the regular assessment with accommodations or adaptations, or whether the student qualifies for and shall participate in the alternate assessment. (4-6-05)

c. Limited English Proficient (LEP) students, as defined in Subsection 112.03.d.iv., who receive a score below the fluent level on the Idaho English Language Assessment and have an Education Learning Plan (ELP), shall be given the ISAT with accommodations or adaptations as outlined in the ELP. Students can be categorized as LEP students for two (2) years after testing proficient on the language proficiency test and exiting the LEP program. LEP students who do not have an ELP or a language acquisition score will be given the regular ISAT without accommodations or adaptations. LEP students who are enrolled in their first year of school in the United States may take the IELA in lieu of the reading/language usage ISAT, but will still be required to take the math and science ISAT with accommodations or adaptations as determined by the language proficiency score and ELP. Such LEP students will be counted as participants for the ninety-five percent (95%) participation target, as described in Subsection 112.03. However, such LEP students are not required to be counted for AYP purposes in determining proficiency, as described in Subsection 112.02. (8-15-08)T

(BREAK IN CONTINUITY OF SECTIONS)

06. Comprehensive Assessment Program. The State approved comprehensive assessment program is outlined in Subsections 111.06.a. through 111.06.l. Each assessment will be comprehensive of and aligned to the Idaho State Content Standards it is intended to assess. In addition, districts are responsible for writing and implementing assessments in those standards not assessed by the state assessment program. (4-2-08)

a. Kindergarten - Idaho Reading Indicator, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)

b. Grade 1 - Idaho Reading Indicator, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)

c. Grade 2 - Idaho Reading Indicator, Grade 2 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)

d. Grade 3 - Idaho Reading Indicator, Grade 3 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)

e. Grade 4 - Direct Math Assessment, National Assessment of Educational Progress, Grade 4 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)

f. Grade 5 - Direct Writing Assessment, Grade 5 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)

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- g.** Grade 6 - Direct Math Assessment, Grade 6 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)
- h.** Grade 7 - Direct Writing Assessment, Grade 7 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)
- i.** Grade 8 - Direct Math Assessment, National Assessment of Educational Progress, Grade 8 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)
- j.** Grade 9 - Direct Writing Assessment, Grade 9 Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)
- k.** Grade 10 - High School Idaho Standards Achievement Tests, Idaho Alternate Assessment, Idaho English Language Assessment. (4-2-08)
- l.** Grade 11 – Idaho English Language Assessment. (4-2-08)
- m.** Grade 12 - National Assessment of Educational Progress, Idaho English Language Assessment. (4-2-08)
- n.** Students who achieve a proficient or advanced score on a portion or portions of the ISAT, or the Idaho Alternate Assessment, offered in their tenth grade year or later are not required to continue taking that portion or portions. (8-15-08)T

PLANNING, POLICY & GOVERNMENTAL AFFAIRS
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IDAHO DIVISION OF VOCATIONAL REHABILITATION

SUBJECT

Approval of Pending Rule, Docket 47-0101-0801

REFERENCE

June 19, 2008 Board approved proposed rules docket 47-0101-0801

APPLICABLE STATUTE, RULE, OR POLICY

Idaho State Board of Education Governing Policies & Procedures, Section I.F
Idaho Code 33-2211(1)
Idaho Code 67-5229

BACKGROUND/DISCUSSION

At the June, 2008 Board meeting the Board approved proposed rules for the Idaho Division of Vocational Rehabilitation (IDVR) updating the Field Service Manual and the Federal State Plan for Vocation Rehabilitation Services in Idaho, and adding language governing equal transparency of for-profit and not-for-profit providers.

During the 21-day comment period the Board Office received six comments from three separate providers addressing the following concerns:

1. Transparency rule #301 will cause undue hardship for small businesses and decrease resources available for services to individuals with disabilities.

Agency response: The purpose of transparency is for enhanced consumer protection. Agencies such as IDVR receiving federal funding are required to use volunteer advisory councils with a consumer perspective in order to provide most appropriate services to consumers. Various forms of audits are standard practice in all types of organizations. The concern that resources will be diverted away from client services would be important if the needed accounting cost were high. Small non-profit agencies already working with IDVR meet the audit obligation as a non-profit through an accounting process identified as a compellation for an annual cost of approximately \$700. This amount has not been reported as a financial hardship by the smaller vender organizations in meeting their audit obligation. Additionally, if the cost is not over \$700 for small organizations as noted by other small venders, going out of business is not likely. Most venders providing services to IDVR provide a minimum of tens of thousands of dollars of services per year. In recent years the number of for-profit venders as been on the rise, indicating diversity of venders is quite robust.

There was also some concern with the use of the term "equal footing." The intent behind equal footing is with respect to transparency for non-profit

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verses for-profit. In these days of economic problems such as extremely high paid CEO's and extravagant bonuses causing distrust among the American public, it is our belief that greater transparency as a principle is good for both venders and their consumers. We are not asking for the same level of transparency as offered by our own agency.

2. Referenced materials are not available.

Agency response: There is a concern expressed that the new proposed rules to be included by reference will not be available to the public, the consumers, and agency venders. Previous Field Service Manuals containing such provisions as appeals, mediation and other consumer rights were available only in hard copy. Under the proposed rules all of the language included by reference will have much greater availability. Accessibility will be achieved through any computer with internet access, including all IDVR offices, public libraries and other places the internet is accessed. The IDVR website also contains contact information, including addresses for all 35 plus offices in the state.

3. No allowance for comparison of the current version of the Field Services Manual to the proposed version.

Agency response: The concern of not having access to the previous IDVR Field Service Manual in order to compare to the proposed manual to become part of rule was addressed by providing a hard copy of the previous manual from 2004-2005 to the party concerned. This update is replacing the 2003-2004 version that was previously incorporated by reference with a 2008 version of the Field Services Manual. All documents incorporated by reference into the rule also follow the same guidelines for changes as the primary text of the rule. Any future changes to the Field Services Manual will require IDVR to go through the rule making process. This includes the submittal of a proposed rule, a 21-day comment period, and the approval of a pending rule by the Board and then approval by the legislature.

4. The agency should focus on consumer outcomes and progress toward achievement of individual goals rather than the attributes of the organizational structure of a CRP service provider.

Agency response: IDVR tracks outcomes and is now beginning to look at outcome patterns. Placing outcomes as a measure in rule would be difficult and not advisable at this time.

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5. Removing appeals protections from rule leaves the client/participant without the essential protection afforded by having these rights identified in rule.

Agency response: No client rights are diminished in the proposed rule as they are already codified in federal regulations and state rule which will now simply be incorporated by reference. None of the rights of the consumer are changed by the proposed rule. Appeals to be submitted to the Bureau Chief can be done as easily as in previous practice of going through the regional manager. Contact information for the Bureau Chief and regional managers is available from the IDVR website. Access to decision making personnel is enhanced in the proposed rule.

6. No opportunity for public comment

Agency response: One of the three parties that submitted comments stated that there was no opportunity to have their position heard on the proposed rules. In actuality the proposed rules, especially on transparency, were discussed in four different public meetings. The first was in a meeting in Twin Falls on April 28, 2008. The meeting was of the group of Vocational Providers of Idaho and there was representation from both of the CRP vendors that have submitted comments. A second meeting of the EES Round Table discussions between IDVR and other interested parties was held June 10th, 2008 in Boise. All three of the organizations that have submitted comments were in the meeting while the topic was discussed. The third meeting was with ACCSES Idaho, the private not-for-profit CRP vendors that provide services to IDVR. None comments have been received from ACCSES Idaho. A fourth meeting of our State Rehabilitation Council was held at the regular quarterly meeting and was open to the public with a published agenda. (Meeting date April 17, 2008)

No other comments were received. No changes have been made to this rule from the proposed version approved by the Board at the June 2008 meeting.

IMPACT

Approval of this Pending Rule will allow the rule to move forward to the legislature for approval. Once approved by the legislature it will become codified.

ATTACHMENTS

Attachment 1 – Pending Rule, Docket 47-0101-0801

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STAFF COMMENTS AND RECOMMENDATIONS

Staff recommends approval of the Pending rule change to IDAPA 47.01.01. The requirement of transparency for both not-for-profit and for profit providers helps protect an often disadvantage portion of Idaho citizens.

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BOARD ACTION

A motion to approve the Pending Rule, docket #47-0101-0801, Rules of the Idaho Division of Vocational Rehabilitation.

Moved by _____ Seconded by _____ Carried Yes ____ No ____

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IDAPA 47 TITLE 01 CHAPTER 01
IDAPA 47 - DIVISION OF VOCATIONAL REHABILITATION
47.01.01 - 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, "Rules of the Idaho Division of Vocational Rehabilitation". (5-3-03)

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 are available from the Idaho Division of Vocational Rehabilitation, 650 W. State Street, Boise, Idaho 83720. Field Services Manual and other agency guidance documents, as well as agency policy statements or interpretations not rising to the legal effect of a rule, if any, are available for inspection and replication at the agency Central Office during regular business hours. ()

003. ADMINISTRATIVE APPEALS.

Administrative appeals shall be governed by Section 100 of these rules in accordance with 34 CFR Part 361.57 ()

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 location or through access to the internet URL addresses outlined in section 004.03 below.: ()

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

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b. These documents are also available at the 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. (5-3-03)

b. Idaho Division of Vocational Rehabilitation Field Services Manual 2008 available for review at <http://www.state.id.us/idvr/idvrhome.htm>. (3-20-04) ()

c. Federal State Plan for Vocational Rehabilitation. 2008-2010 available for review at <http://www.state.id.us/idvr/idvrhome.htm>. (3-20-04) ()

d. Workforce Investment Act, Public Law 105-220. (5-3-03)

e. Federal Register, Department of Education, 34 CFR Part 361-363. ()

f. The Rehabilitation Act of 1973, as amended. (3-30-01) ()

005. -- 009. (RESERVED).

010. DEFINITIONS.

01. Authorization To Purchase. A purchase order issued on behalf of the Division (5-3-03)

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

03. Client/Participant. Any individual who has applied for or is eligible for Vocational Rehabilitation services. (5-3-03)

04. Designated State Agency. The Idaho State Board of Education. (5-3-03)

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

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

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

08. Most Significant Disability (MSD). Meets the criteria as Significant Disability as found in the Rehabilitation Act of 1973, as amended, and defined in 34CFR Part 361.5 (b) 30 and is further defined as: ()

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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 (5-3-03)

b. Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time. (3-20-04)

09. Method Of Written Notification. The written notification of findings and conclusions arising from an Informal Dispute Resolution, Mediation, Impartial Due Process Hearing, shall be served to the client via the U.S. Postal Service by means of certified mail. Durational requirements for appeals shall commence on the day received by the client as noted by the certified mail records. (5-3-03)

10. PM. Policy Memorandum. (5-3-03)

11. RSA. Rehabilitation Services Administration, U.S. Department of Education. (5-3-03)

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

13. VRC. Vocational Rehabilitation Counselor. (5-3-03)

011. -- 099. (RESERVED).

100. CLIENT/PARTICIPANT APPEALS.

The client appeals process shall be governed by Section 100 of these rules in accordance with 34 CFR Part 361.57 and is incorporated within the rules by reference to the agency Field Services Manual 2008. See <http://www.state.id.us/idvr/idvrhome.htm>. ()

101. -- 199. (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. (5-3-03)

a. Priority Number 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. (5-3-03)

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b. Priority Number 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. (5-3-03)

c. Priority Number 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. (5-3-03)

d. Priority Number 4: All eligible clients/participants for Vocational Rehabilitation services (no order of selection in place). (5-3-03)

201. -- 299. (RESERVED)

300. CLIENT/PARTICIPANT SERVICES.

01. Provision of Purchased Services Contingent Upon Financial Need Of The Client/Participant. 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. (5-3-03)

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. (5-3-03)

03. General Provisions. Idaho Division of Vocational Rehabilitation will only pay for services that contribute to the determination of eligibility or to achieve an employment outcome. (3-20-04)

04. Non-Residents Of The State. Financial participation will only be available to residents of Idaho. Citizenship is not a requisite for financial assistance; however, the individual must have legal resident status and be present in the state (i.e., illegal aliens will not be eligible for the Vocational Rehabilitation programs). (3-20-04)

05. Provision Of CRP (Community Rehabilitation Program) Services. IDVR will purchase vocational services from CRPs that are accredited by either CARF, the Rehabilitation Accreditation Commission, 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. (3-20-04)

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301. TRANSPARENCY.

To provide transparency of vocational providers, for profit and not-for-profit, on an equal footing, all vocational providers shall: ()

- a. Use a voluntary board for advice and guidance of the organizational services to IDVR clients. ()
- b. Publicly disclose audit information on an annual basis. ()
- c. Annually publishing of the salary of the CRP CEO. ()

302. -- 999. (RESERVED).

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SUBJECT

Assessment Program Enhancements

REFERENCE

August 2008	Approval to allow 10 th grade students to take the fall administration of the Idaho Standards Achievement Test
January 2008	Approval of DRC 2 nd Amendment (discontinuance of grades 2 and 9 testing)
June 2007	1 st Amendment to DRC contract (no Board action)
July 2006	Approval of the original DRC contract for administration of the Idaho Standards Achievement Test (ISAT)

APPLICABLE STATUTE, RULE, OR POLICY

Idaho State Board of Education Governing Policies & Procedures, Section V.I.3.
Idaho Administrative Code, IDAPA 08.02.03.111.

BACKGROUND/DISCUSSION

The Board amended the DRC contract in January 2008, discontinuing the administration of the 2nd and 9th grade tests and the fall administration of the ISAT. The discontinuance of these tests resulted in a positive balance in the Assessment Program budget of \$325,000. There are five Assessment Program enhancements that have either been requested by districts, or necessitated by other circumstances. The Board office proposes to use the \$325,000 as outlined below:

- Individual Student Rosters - The cost to print individual student rosters currently must be paid by each district. Using the State Department of Administration's print shop to print and ship these rosters will significantly reduce the total printing cost, lift the burden of printing from local districts, and improve the distribution of materials to parents.
- Extender – Accommodated Version – Development and administration of the ISAT Extender Part II for all accommodated versions.
- Calculation of Percentile Rankings – This would allow districts to use state percentile rankings for program placement.
- Preliminary Score Reports Data File - This will allow schools and districts to print the preliminary scores for parents from our Web-based testing system.
- Addition of 10th Grade Students to the Fall Retesting Window – The elimination of the 9th grade test and the Fall test administration resulted in 10th grade students having to take the test they are required to pass as part of their graduation requirements for the first time in the spring of their 10th grade year. This amendment would allow these students to take the sections that are required for graduation in the fall of the same year, allowing for schools to develop instructional programs that will prepare students to reach proficiency by the end of their 10th grade year. This enhancement was approved by the Board at their August 6, 2008 meeting.

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A contingency fund of \$28,500 will be set aside from the \$325,000 to allow for anticipated costs associated with the addition of science to the retesting windows for 10th, 11th, and 12th grade students, study materials to assist schools with instructional programs, sample tests, and other yet unidentified expenses that may occur.

IMPACT

Each of these enhancements would be a benefit to the schools and districts, resulting in a more comprehensive assessment program. The individual financial impact of each enhancement is as follows:

Planned Enhancements for ISAT 2009

Print and mail Individual Student Reports to school districts	\$35,000
Final Development of the <i>Accommodated ISAT Extender</i>	\$203,000
Calculation of <i>Percentile Rankings</i>	\$30,000
Data file for <i>preliminary score reports</i>	\$9,500
Administering <i>Graduation Test</i> to 10th graders in fall	\$19,000
Subtotal	\$296,500
Contingency (in OSBE budget)	\$28,500
Total	\$325,000

STAFF COMMENTS AND RECOMMENDATIONS

Staff recommends that the expenditures be approved as submitted. Each of the expenditures will allow for enhancements that schools and districts have requested.

BOARD ACTION

A motion to approve the request for the expenditure of \$296,500 to fund five Assessment Program enhancements, including four amendments to the DRC contract as follows:

Print and Mail Individual Student Reports to School Districts	\$35,000
Final Development of the Accommodated ISAT Extender	\$203,000
Calculation of Percentile Rankings	\$30,000
Data File For Preliminary Score Reports	\$9,500
Administering Graduation Test to 10th graders in Fall	\$19,000

The Board authorizes the Executive Director to amend the DRC contract as necessary to address these Assessment Program enhancements, and to secure the approval of the Division of Purchasing.

Moved by _____ Seconded by _____ Carried Yes _____ No _____