

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
DECEMBER 4-5, 2008**

TAB	DESCRIPTION	ACTION
1	PRESIDENTS' COUNCIL REPORT	Informational Item
2	COLLEGE OF WESTERN IDAHO REPORT	Informational Item
3	IDAHO SCHOOL FOR THE DEAF AND BLIND ANNUAL REPORT	Informational Item
4	IDAHO STATE HISTORICAL SOCIETY BOARD OF TRUSTEES APPOINTMENTS	Motion to Approve
5	EASTERN IDAHO TECHNICAL COLLEGE ADVISORY COMMITTEE APPOINTMENTS	Motion to Approve
6	BOARD POLICY SECTION I.E. – EXECUTIVE OFFICERS – 1ST READING	Motion to Approve
7	BOARD POLICY SECTION III.P. – STUDENTS – 2ND READING	Motion to Approve
8	DELEGATION OF AUTHORITY – RESIDENCY APPEAL DETERMINATION	Motion to Approve
9	DELEGATION OF AUTHORITY – RURAL PHYSICIANS INCENTIVE FUND ADVISORY COMMITTEE	Motion to Approve
10	PENDING RULE DOCKET 08-0203-0805- GRADUATION REQUIREMENTS	Motion to Approve
11	PENDING RULE DOCKET 08-0111-0802 – PROPRIETARY SCHOOL REGISTRATION	Motion to Approve

THIS PAGE INTENTIONALLY LEFT BLANK

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
DECEMBER 4-5, 2008

SUBJECT

Presidents' Council Report

BACKGROUND/ DISCUSSION

Dr. Jerry Beck, President of the College of Southern Idaho and current Chair of the Presidents' Council will give the bi-monthly report for the Presidents' Council.

BOARD ACTION

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

THIS PAGE INTENTIONALLY LEFT BLANK

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
DECEMBER 4-5, 2008**

SUBJECT

College of Western Idaho Progress Report

BACKGROUND/DISCUSSION

Periodically, the institutions of higher education in the State of Idaho are requested to provide a progress report to the members of the State Board of Education. This will be the College of Western Idaho's first opportunity to provide the Board an overview of its status and accomplishments.

Dr. Dennis Griffin, President of the College of Western Idaho, will be in attendance at the meeting and will present a summary of the accomplishments and future goals of the college.

IMPACT

President Griffin's presentation will provide the State Board members and others with current status information about the College of Western Idaho.

BOARD ACTION

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

THIS PAGE INTENTIONALLY LEFT BLANK

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
DECEMBER 4-5, 2008**

SUBJECT

Idaho School for the Deaf and Blind (ISDB) Agency Report

BACKGROUND/DISCUSSION

In an effort to allow the agencies under the authority of the State Board of Education an opportunity to present to the State Board of Education on a regular basis, one of the agencies will be making a presentation before the Board at each meeting. This report will be a progress report and an opportunity for the agency to supply an overview of its status and accomplishments.

Ms. Mary Dunne, Superintendent, will be in attendance at the meeting and will present a summary of the accomplishments and future goals of ISDB.

IMPACT

Ms. Dunne's presentation will provide the State Board members and others with current status information about ISDB.

BOARD ACTION

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

THIS PAGE INTENTIONALLY LEFT BLANK

IDAHO STATE HISTORICAL SOCIETY

SUBJECT

Idaho State Historical Society Board of Trustees Appointments

APPLICABLE STATUTE, RULE, OR POLICY

Idaho State Board of Education Governing Policies & Procedures, Section IV.G.
Section § 31-4124 and 67-4124, Idaho Code

BACKGROUND/ DISCUSSION

The Idaho State Historical Society is charged with responsibility for the preservation of the state's history and prehistory. This is done primarily in accordance with Chapters 41 of Title 67 of the Idaho Code, and through other statutory capacity, such as that provided under Titles 14, 33, 58, and 63. Chapter 41, Title 67 as above provides statutory authority for the Society to preserve and protect the state's historic, archaeological, architectural, and cultural resources.

The State Board of Education is responsible for appointing members to the Idaho State Historical Society Board of Trustees. Under the Board's appointment procedures the Board may re-appoint an incumbent to the Board of Trustees without soliciting other candidates. For an open appointment the Board of Trustees is required to advertise the vacancy in the Society's publications and through other regional and local historical societies. The Board of Trustees reviews all application received and forwards only the most highly qualified applicants, in order of preference to the Board for consideration. In making the final appointment, the Board is required to consider geographic representation and qualifications as provided for in Idaho Code §67-4124.

- 1) Jesse Walters' (Trustee representing District 4, which encompasses Valley, Boise, Elmore, and Ada counties) first term expires on December 31, 2008. Walters has expressed willingness to remain in this position for a second term.

District 4 Board Appointment Recommendation: The Board of Trustees of the Idaho State Historical Society respectfully request the State Board of Education reappoint the incumbent without soliciting other candidates, thus completing the appointment procedures for District 4.

- 2) One vacancy on the Board of Trustees of the Idaho State Historical Society has been in place since May 23, 2008, when Fred Walters resigned his position as Trustee for District 3.

The Idaho State Historical Society issued a news release to all media in District 3 which encompasses Adams, Washington, Gem, Payette, Canyon, and Owyhee counties. In addition, a notice was mailed to all historical societies and museums in the district.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
DECEMBER 4-5, 2008**

The following actions were also undertaken:

- September 5, 2008: Four applications were received by the nominating committee (Earl Bennett, District 2 ; Jesse Walters, District 4; Hope Benedict, District 7).
- September 29, 2008: The nominating committee interviewed applicants by phone.
- October 21, 2008: The ISHS Board of Trustees took action on recommendations for the new board member for District 3.

District 3 Board Appointment Recommendation: The Board of Trustees of the Idaho State Historical Society respectfully submits to the State Board of Education the following recommendation for consideration. No other candidates were qualified:

1. John R. Walker, Jr, Mayor of Weiser

We look forward to the appointment of this position to the ISHS Board.

IMPACT

These appointments would fill all vacant positions on the ISHS Board of Trustees.

ATTACHMENTS

Attachment 1 – Jess Walters, Bio

Page 3

Attachment 2 – John R. Walker, Jr – Resume

Page 4

BOARD ACTION

A motion to approve the reappointment of Jess Walters, District 4 to the Idaho State Historical Society Board of Trustees for a term beginning January 1st, 2009 and ending December 31, 2014.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

A motion to approve the appointment of John R. Walker, Jr, District 3, to the Idaho State Historical Society Board of Trustees for a term beginning upon appointment and ending December 31, 2012.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
DECEMBER 4-5, 2008**

Jesse R. Walters, Boise (District 4), is a retired Idaho Supreme Court Justice. Justice Walters was admitted to the Idaho Bar in 1963, the United States District Court of the District of Idaho and the Ninth Circuit Federal Court of Appeals. Justice Walters has been a member of the American Bar Association for over twenty-five years. He served on the Board of Directors of the American Judicature Society and of the Idaho Law Foundation. A fourth generation Idahoan and a Boise resident since 1963, he has been active in many community affairs and was an instructor in numerous continuing legal and judicial education programs. Since his retirement, Justice Walters has been serving as a volunteer docent at the Idaho State Historical Museum and as an interpreter and tour guide and the Old Idaho State Penitentiary.

First term expires 12/31/2008.

Resume

John r. walker jr
1790 Kinsell drive
Weiser, id 83672

208-549-3071

EARLY BACKGROUND: Born in Ontario, Oregon and raised between Weiser and Rupert, Idaho. Graduated from Weiser High School in 1959.

EDUCATION: High School Graduate – 1959

Attended Santa Monica City College (Did not Graduate)
Air Force Basic Training -1960
Personnel Technician Crse – 17 weeks – 1960
AF NCO Academy
AF Senior NCO Academy (Correspondence)
Academy of Military Science – Graduated 1980 (In residence)
Squadron Officer School (Correspondence)
Air Command and Staff College (Correspondence)
Numerous Leadership Courses throughout Air Force Career

EMPLOYMENT HISTORY:

US Air Force – Military Personnel (4 years)
Idaho Air National Guard – Senior Master Sergeant – Personnel Sys Mgr
Idaho Air National Guard – Personnel Officer, Logistics Plans Officer
Squadron Commander – Deputy Installation Commander
While in the Military I rose through the enlisted ranks to the grade of
Senior Master Sergeant – Was commissioned as an officer and
Retired as a Lt Col with 32 years military service.
Washington County Economic Development – Executive Director
City of Weiser – City Clerk Coordinator (5 years)
City of Weiser – President of Weiser City Council (4 years)
City of Weiser – Current Mayor

I grew up mainly in Weiser and Rupert and spent most of my military career at Gowen Field in Boise. After I retired I moved back to Weiser and after the fire at the Snake River Heritage Museum in 1994, I arranged the Air guards 124th Civil Eng Flt to start the re-construction. I am a life member of the Snake River Heritage Museum and volunteer to give tours. I am also a life member of the Weiser Architectural Commission. I am married with four grown children who live in the Boise area.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
DECEMBER 4-5, 2008**

EASTERN IDAHO TECHNICAL COLLEGE

SUBJECT

There are five vacancies on the EITC Advisory Council.

APPLICABLE STATUTE, RULE, OR POLICY

Idaho State Board of Education Governing Policies and Procedures IV.I.
Section 33-2212, Idaho Code

BACKGROUND/ DISCUSSION

Consistent with Idaho Code 33-2212, the State Board for Professional-Technical Education may appoint an Eastern Idaho Technical College (EITC) Advisory Council consisting of not less than twelve (12) or more than fifteen (15) persons. State Board of Education policy states that the EITC Advisory Council consists of the State Division of Professional-Technical Education Administrator and the EITC President as ex-officio members, and other members appointed by the State Board for Professional-Technical Education, each to a term of three years. A council member is eligible for reappointment to consecutive terms. In the event the incumbent is interested in reappointment, the Board may choose to reappoint the incumbent without soliciting other candidates. For an open appointment the EITC Advisory Council is required to advertise the vacancy in regional newspapers. The Advisory Council reviews all applications received and forwards only the most highly qualified applicants, in order of preference, to the Board for consideration.

Five (5) people are presented by the current EITC Advisory Council to the State Board of Education for consideration in order to fill the vacancies that will be created January 1, 2009, by the resignation of two (2) Advisory Council members and the term completion of three (3) Advisory Council members. Legal notices ran in three (3) area newspapers, the *Rexburg Standard Journal*, the *Post Register*, and the *Jefferson Star*. There were two respondents to the legal notices.

Reappointments

Terry Butikofer, Michael Clark, and Dr. Mary Girling to the EITC Advisory Council have all expressed their interest in being reappointed to the EITC Advisory Council. The Advisory Council recommends reappointment of these members.

New Appointments

Sylvia Medina and Maureen Parks are nominated by the EITC Advisory Council. The EITC Advisory Council requests the State Board of Education appoint Sylvia Medina and Maureen Parks.

Their terms will begin immediately upon State Board of Education approval and continue through December 2011.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
DECEMBER 4-5, 2008**

IMPACT

This will bring the EITC Advisory Council membership to fifteen (15).

ATTACHMENTS

Attachment 1 - Legal Notice	Page 3
Attachment 2 - Sylvia Medina Resume	Page 4
Attachment 3 - Maureen Parks Letter & Resume	Page 5
Attachment 3 - Terry Butikofer Letter & Resume	Page 7
Attachment 4 - Michael Clark Letter & Resume	Page 10
Attachment 5 - Dr. Mary Girling Letter & Resume	Page 14

BOARD ACTION

Motion to approve the reappointment of Terry Butikofer, Michael Clark, and Dr. Mary Girling Eastern Idaho Technical College Advisory Council for a term beginning January 1, 2009 and ending December 31, 2011.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

A motion to approve the appointment of Sylvia Medina to the Eastern Idaho Technical College Advisory Council for a term beginning immediately and ending December 31, 2011.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

A motion to approve the appointment of Maureen Parks to the Eastern Idaho Technical College Advisory Council for a term beginning immediately and ending December 31, 2011.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
DECEMBER 4-5, 2008**

Eastern Idaho Technical College

On behalf of the Idaho State Board for Professional Technical Education, the EITC Advisory Council (EITCAC) is accepting applications from the public for membership on the EITCAC. The Council's mission is to provide advice and counsel in the organization, establishment and conduct of Eastern Idaho Technical College. The three year appointment will be made by the Idaho State Board for Professional Technical Education. Members serve without salary and can expect to meet in Idaho Falls four times annually. Prospective members must have a high interest in professional technical education and a general understanding of the college mission.

To be considered for appointment each applicant must submit a one page letter expressing his or her interest in membership, provide a resume of qualifications and identify his or her primary residence. All applications must be received no later than July 31, 2008, and addressed as follows:

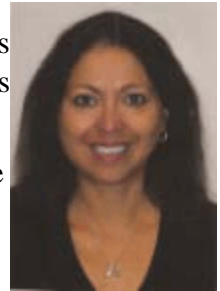
Chairman
EITC Advisory Council
Eastern Idaho Technical College
1600 South 25th East
Idaho Falls, Idaho 83404-5788



Sylvia Medina

President & CEO, North Wind, Inc.

Ms. Sylvia Medina is the President and CEO of North Wind, Inc. North Wind, Inc. is a woman owned SBA 8(a) business that provides a full suite of environmental services and selected traditional construction services.



Ms. Medina began North Wind, Inc. with a clear vision for positively impacting the environment, developing impeccable customer relations, and employing highly skilled professionals with a passion for work in their areas of expertise. Her technical and business insights have contributed to North Wind=s award-winning customer service and remarkable small business growth since its inception in 1997. Celebrating its 11th year in business, North Wind has successfully launched business operations from more than 19 independent office locations. North Wind=s geographical coverage includes offices located in the majority of the western and southern United States, the East Coast, and Alaska. North Wind=s net worth has experienced sustained growth since its inception, and revenues have more than tripled since 2003. This trend is due, in part, to the addition of patent-pending innovative technologies, research and development initiatives, significant investment in capital equipment and machinery required to self-perform full-service programs, and persistent diversification of customer base.

Now with over 18 years of experience serving the environmental industry as both a corporate executive and environmental engineer, Ms. Medina is recognized in the industry as a leader in small business innovation and unmatched customer responsiveness. North Wind=s customers include Department of Energy, Air Force, Army, Army Corp of Engineers, Navy, Environmental Protection Agency, National Park Service, Bureau of Land Management, Forest Service, National Oceanic and Atmospheric Administration, as well as many contracts in the private sector.

Sylvia grew up in northern Arizona and attended college at New Mexico Tech in Socorro, New Mexico, where she received Bachelor=s of Science degrees in Environmental Engineering and Biology. After graduating from New Mexico Tech, Ms. Medina relocated to Idaho, where she made numerous contributions as an environmental engineer at the Idaho National Environmental Laboratory (INEL). During her five year employment period at the INEL, she returned to college at the University of Idaho and received her Master=s of Science degree in Waste Management with an emphasis in Chemical Engineering.

In addition to her work in the environmental industry, she serves on the Board of Directors for several organizations, including:

- Women Impacting Public Policy (WIPP), Washington, DC
- Grow Idaho Falls
- Idaho Falls Symphony
- Idaho State University Foundation
- Snake River Animal Shelter, LLC (President)

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
DECEMBER 4-5, 2008**

6930 Limousin Avenue
Idaho Falls, ID 83404
July 2, 2008

Chairman
EITC Advisory Council
Eastern Idaho Technical College
1600 South 25th East
Idaho Falls, ID 83404-5788

Dear Sir or Madam:

The legal notice in the Post Register seeking applicants for membership on the Eastern Idaho Technical College Advisory Council (EITCAC) piqued my interest. I understand this is a three-year appointment made by the Idaho State Board for Professional-Technical Education. With a good knowledge of, and high interest in, professional-technical education and an understanding of the college mission, I wish to be considered for the position.

I have recently retired from the position of Region VI Tech Prep Coordinator where I worked to deliver the federal Tech Prep program to administrators, staff, and faculty in 17 school districts (24 high schools). I am proud of the program that is currently offered to students to prepare them for lives beyond their high school experiences.

In addition, my job responsibilities required me to work closely with the State Division of Professional-Technical Education in supporting its mission of providing youth and adults with the technical skills, knowledge, and attitudes necessary for successful performance in a highly effective workplace.

I wish to be appointed to the Advisory Council and support EITC in its mission to provide superior educational services in a positive learning environment that supports student success and regional workforce needs.

Thank you for your consideration. The enclosed resume will give you additional information. Please call me at 521-0976 to further discuss this appointment.

Sincerely,



Maureen Parks

Enclosure

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
DECEMBER 4-5, 2008**

6930 Limousin Avenue 208-521-0976
Idaho Falls, ID 83404 parks@ida.net

Maureen Parks

Position	Member, Eastern Idaho Technical College Advisory Council (EITCAC)
Experience	<p>May 2005 c June 2008 Region VI Tech Prep Coordinator Eastern Idaho Technical College</p> <p>Was responsible for:</p> <ul style="list-style-type: none">\$ administering federal Tech Prep program for 17 school districts (24 high schools)\$ writing grants\$ budgeting\$ coordinating activities with Idaho Division of Professional-Technical Education and college personnel <p>August 1989 c August 2005 School District #91, Idaho Falls, ID Classroom teacher, Business Education, 16 years Professional-Technical Education Department Chairman, 14 years</p>
Education	<p>Master of Education, Idaho State University, May 1998 \$ Major Occupational Training Management</p> <p>Bachelor of Science, Idaho State University, May 1989 \$ Major Education/Business Education/Office Occupations</p>
Qualifications	<p>Strong writing and verbal communication skills Interpersonal and negotiating skills Experience setting long-term goals and working collaboratively to achieve them High interest in professional-technical education Understanding of the college mission Problem solver and decision maker</p>
References	Furnished upon request.

Terry L. Butikofer, Business Manager
East-Central Idaho Planning and
Development Association
299 East 4th North, Rexburg, ID 83440
Phone: (208) 356-4525, Ext. 311
Fax: (208) 356-4544
Cell: (208) 390-4946
E-Mail: terry.butikofer@ecipda.net



Jacque Larsen
Eastern Idaho Technical College
1600 S. 25th E.
Idaho Falls, Idaho 83404-5788

November 26, 2008

Dear Jacque,

I am interested in continuing my appointment to the Eastern Idaho Technical College's advisory board. I have enjoyed my association with others on the Council and with Eastern Idaho Technical College and feel that my membership has led to effective partnerships with the College. I look forward to continuing this relationship.

Thank you for your assistance in this matter.

Sincerely,

Terry Butikofer

TERRY L. BUTIKOFER

482 Partridge Lane
Rexburg, Idaho 83440
(208) 356-4946
E-mail: terry.butikofer@ecipda.net

PROFESSIONAL PROFILE

Successful planner who works effectively with people from diverse professional backgrounds and orientation; skilled developer and manager of projects and programs; accustomed to seeing projects completed on time and on budget; known as an organizer that pays attention to detail and follows through with tasks; effective team player with strong work ethic and sense of loyalty; proficient communicator with excellent platform skills; qualified computer user with working knowledge of networking, the Internet, electronic spreadsheets, word processing, data-base packages, and accounting software. I have worked with the Eastern Idaho Technical College for the past 23 years in various workforce development activities.

PROFESSIONAL EXPERIENCE AND SKILLS

The Development Company - Rexburg, Idaho

1985 - Present

- ✚ Have worked with Cities and Counties to help conduct public facility studies, and develop public facility projects, benefiting communities in East-Central Idaho.
- ✚ Have obtained and administered private and federal funding for numerous area Cities and Counties to assist in the funding of water and sewer projects, street projects, fire stations, community centers, senior citizen centers, and district health centers.
- ✚ Have developed and implemented effective workforce development activities in the nine county area of East-Central Idaho. Have coordinated local workforce development efforts as part of the State's Workforce Development efforts including rapid response to business closures and lay-offs.
- ✚ Vice Chairman of Eastern Idaho Technical College's advisory council.
- ✚ Currently also working in the loan department to assist small businesses grow and expand throughout the region.

TERRY L. BUTIKOFER

Page 2

ComputerLand Corporation - Hayward, California

1984 -1985

Training Coordinator / Trainer

- ✚ Coordinated all corporate training classes for franchise owners and store managers.
- ✚ Developed training materials for use in franchise owner and store manager training.
- ✚ Trained and facilitated small groups from diverse professional backgrounds in various areas including; the use of computer hardware and software, and small business management.

EDUCATION AND TRAINING

Rapport Leadership Institute
Atlanta, Georgia
Leadership Breakthrough I

Grantsmanship Center
Boise, Idaho
Graduate, Program Planning and Proposal Writing

Idaho State University
Idaho Falls, Idaho
Graduate Studies: Emphasis Corporate Training

Brigham Young University
Provo, Utah
B.A., Training and Human Resource Development: August, 1984

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
DECEMBER 4-5, 2008**

05 November, 2008

Frank Just
Chairman,
EITC Advisory Council
1600 S 25th E
Idaho Falls, ID 83404-5788

Dear Mr. Just

I would like to thank you and the college administration for the opportunity to work with the Eastern Idaho Technical College these past years. As my term on the council expires in December of this year, I would like to express my interest in continued service to the college through participation on the advisory council.

Sincerely

Michael L. Clark, P.E.

Attachments: MLC-2008 Resume

MICHAEL L. CLARK, P.E.

EDUCATION

- **Master of Science**, Mechanical Engineering, Utah State University, Logan, Utah. June 1993.
Thesis: "The Automation of Microbiological Analysis through the Application of Reflectance Colorimetry."
- **Bachelor of Science**, Mechanical Engineering, Utah State University, Logan, Utah. June 1988.

WORK EXPERIENCE

- **Advisory Engineer**, Battelle Energy Alliance, LLC, Idaho Falls, ID. January 1990 - Present.
- Project engineer for Remote Treatment Project (RTP) at MFC. Responsible for coordination and integration of INL and subcontractor design efforts.
- Mechanical design, analysis, fabrication, and testing of remote waste package vacuum and inerting, leak testing, non-destructive evaluation, and stress mitigation equipment for Yucca Mountain Project.
- Mechanical/structural design, fabrication, and integration of sensor mounting hardware and modification of aircraft for DARPA research projects
- Conceptual design and specification of bag-out and waste canister loading/sealing system for the Sodium Bearing Waste facility proposed at INTC.
- Project lead responsible for mechanical process design, analysis, and system integration of a low-cost, public access liquid and compressed natural gas (LNG/CNG) refueling station. Program lead for the INEEL alternative fuel vehicle component development program.
- Project manager and technical lead for an automated laboratory technology development program. Duties included proposal generation, development and tracking of work scope and budget (\$1.1M/yr), coordination of mechanical, electrical, and software design, fabrication efforts, and coordination with development teams at five Department of Energy (DOE) and three university facilities. Responsible for hardware specification, development, evaluation, and documentation for a national automated laboratory technology development program.
- Technical advisor and sub-committee review chairman for Laboratory Directed Research and Development (LDRD) program. Coordinate technical review of research and development proposals submitted for funding by INL researchers. Provide ongoing technical oversight and review of research projects.
- Project engineer for a wide variety of technology development programs. Responsible for the design, analysis, fabrication, system integration, and testing of remote inspection vehicles, remote drum and package handling equipment and remote automated laboratory instrumentation.
- Mechanical engineer providing component design, system integration, and analysis for remote waste facility support equipment, off-gas scrub solution recycling and sludge handling systems, and a high-pressure (60,000-psi) cryogenic fluid cutting and abrading system.
- Proficient using Pro-engineer Wildfire 3 modeling/analysis package, AutoCAD, and most PC office software.
- Laboratory Space Coordinator for leased lab facility. Responsible for coordinating research and development projects in the facility. Responsible for ensuring implementation of Integrated Safety Management System (ISMS) in the facility. Responsible for authorizing work in laboratory areas. Primary authorized employee for activities requiring lockout/tagout controls in the facility.

MICHAEL L. CLARK, P.E.

Page 2

- Received EG&G corporate waste reduction award, three Quality Improvement/Cost Reduction awards (\$200K savings), nine Lockheed Martin Excellent Performance awards, and eight Bechtel P+ awards.
- Member, INL Speaker's Bureau and INL Volunteer Tutor's Program, participating in many technology presentations to local and statewide schools and youth groups each year.
- **Patents**
 - "Apparatus for Dispensing Compressed Natural Gas and Liquefied Natural Gas to Natural Gas Powered Vehicles" (Clark, Wilding, Palmer, Bingham)
 - "Analytical Liquid Test Sample Filtration Apparatus" (Lohnes, Clark, Klingler, Turner),
 - "Method and Apparatus for Processing a Test Sample to Concentrate an Analyte in the Sample from a Solvent in the Sample" (Clark, Klingler, Turner, Beller).
 - "Sonication Standard Laboratory Module" (Beugelsdijk, Hollen, Roybal, Errkila, Broniz, Clark)
- **Principle Project/Design Engineer**, WESCOR INC., Logan, Utah. June 1988 - Dec. 1989.
 - Mechanical and control system design and manufacturability development of the OmniSpec® Automated Bio-Burden Analyzer from initial concept to beta-test prototype
- **Designer/Draftsman**, Space Dynamic Laboratories, Logan, Utah. June 1987-June 1988.
 - Mechanical and structural design of cryogenic Dewar and cryogenic fluid distribution systems used in calibration and test equipment for atmospheric research satellites.
- **Subcontractor**, Self-Employed, Logan, Utah. June 1986 - August 1987.
 - Installed and serviced residential HVAC systems.
- **Inventory Control**, Logan Farm Equipment, Idaho Falls, Idaho. Summers 1981 - 1985.
 - Responsible for quality inspection of parts
 - Managed/controlled spare and production parts inventories.
 - Assisted with on-site service and repair.
- **Farmer**, Rigby, Idaho. 1971 - 1985. (Indentured servitude)
 - Assisted in the operation of family-owned hay, grain and cattle farm.

COMMUNITY

- **Advisory Council Member**, Eastern Idaho Technical College Advisory Council. Serve in an advisory capacity to help develop the college mission and vision with respect to technical education.
- **Chairman**, Jefferson County Planning and Zoning Commission, and Comprehensive Plan Development Committee.
- **City Councilman**, Elected city council, Menan, Idaho. 1994 - 2002. 2 Terms.
 - First term, responsible for parks and recreation programs, including facilities maintenance.
 - Second term, responsible for municipal wastewater plant upgrades and operation.
- **Scoutmaster**, Explorer Post Advisor, Varsity Scout Coach, Boy Scouts of America.
- **Chairman**, Menan Community Fourth of July Celebration and Fireworks
- **Competition Judge**, Annual Robo-Challenge robotics competition

OTHER

- **Professional Engineer**, Mechanical, State of Idaho
- **Certified Waste Water Operator**, State of Idaho, Level I
- Member, SAE Alternative Fuel Vehicle Standards Development Committee.
- Department of Energy "Q" Security Clearance

MICHAEL L. CLARK, P.E.

Page 3

- Selected to Outstanding Young Men of America, 1987.
- Conversant in oral and written Spanish

SELECTED PUBLICATIONS AND PAPERS

- "A Modular Approach for Automated Sample Preparation and Chemical Analysis." Clark, Turner, Klingler, and Pacetti. "NASA Tech Briefs", NASA Conference Publication 3249, Volume One. Presented paper at Technology 2003 Technology Transfer Conference. 1993
- - "Integrating a Broad Variety of Laboratory Modules into the CAA Architecture." Pittsburgh Conference on Analytical Chemistry and Applied Spectroscopy, 1994. Pacetti, Ferguson, Turner, Clark, and Klingler.
- "Standard Laboratory Modules: Function and Design." Laboratory Robotics and Automation", Vol. 6, No 2, April 1994. Erkkila, Clark, Turner, and Dodson.
- "Development and Integration of GPC and Drying Column Technologies into Standard Laboratory Modules. ORNL DOE Conference on Analytical Chemistry in Energy Technology, October 1992. Presented paper.
- "Remote Size Reduction for DOE, OTD Robotics Technology Development Program" Spectrum 92 International Topical Meeting on Nuclear and Hazardous Waste Management, August 1992. Presented paper.
- "Chemical Analysis Automation Standard Laboratory Module Paradigm: The High Volume Concentrator Module @ Pittsburgh Conference on Analytical Chemistry and Applied Spectroscopy, 1997. Clark, Turner, Klingler, Shurtliff, Kinoshita and Young.
- Real-Time Radioscopy Upgrade At The Idaho National Engineering And Environmental Laboratory Stored Waste Examination Pilot Plant. Presented at Spectrum 2003, Croft, Davis, Clark, Gavalya, Carney, Weseman, Zollinger, and Galbraith

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
DECEMBER 4-5, 2008**

November 6, 2008

Chairman
EITC Advisory Council
1600 S 25th E
Idaho Falls, ID 83404-5788

To Whom it may Concern:

I would like the opportunity to continue my appointment on the Eastern Idaho Executive Advisory Counsel for the coming year. I will send a full statement and list of qualifications on November 6, 2008. Thank you very much for allowing me to serve.

Mary E. Girling MD

Mary E. Girling, MD

Career Objective: Part Time Practice in General Obstetrics and Gynecology

Work Experience: Idaho Falls, Idaho
General Obstetrics and Gynecology
2002-present

Lynchburg, Virginia
Partner, General Obstetrics and Gynecology
1999-2002

Certification: Diplomat of the American Board of Obstetrics and Gynecology
November 9, 2001-December 31, 2007

Education: Medical College of Virginia, Richmond, VA 1995-1999
Obstetrics and Gynecology Residency
Chief Resident 1998-1999
Richmond Symphony Chorale 1996-1999
Bowman Gray School of Medicine,
Winston-Salem, NC 1991-1995
Degree: Doctor of Medicine
Honors: Graduated Top Ten Percent of Class
McMillan Scholarship
PEO Woman's Regional Scholarship
Parallel Curriculum 1991-1993
Duke University, Durham, NC 1987-1991
Degree: Bachelor of Science of Engineering
Majors: Biomedical and Electrical Engineering
Honors: Tracy Leonard Scholarship
Honor's Distinction in Biomedical Engineering
Activities: Duke Engineering Planning Board
Freshman Advisory Counselor
Delta Gamma Sorority: Rush Party Chair, Music
Ritual Officer
Duke University Chapel Choir
Duke University Chorale

Research: Medical College of Virginia, Chief Research and Presentation,
Steroid Use in Clinical Stabilization of HELLP Syndrome.
Duke University, Honors Thesis in Biomedical Engineering,
Computer Modeling of Tropomyosin and Coiled-Coil Proteins
Duke University, Research Assistant for assembly of cardiac implants,
Measuring Cardiac Flow Parameters via Piezoelectric Crystals

Licensure: State of Idaho, State of Virginia

NBME: Steps 1, II, and III

Associations: ACOG Fellow, #0416847
Idaho Medical Association
Lynchburg Academy of Medicine
Virginia Medical Society
Ware-Dunn Honorary Society

Honors: University of Utah, James R. Scott MD Award

Personal: Married to Phillip Girling, MD for 10 years with 4 children Enjoys cooking,
pets (3 dogs and 3 cats), piano and choral music

THIS PAGE INTENTIONALLY LEFT BLANK

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
DECEMBER 4-5, 2008**

SUBJECT

First Reading – Board Policy I.E. Executive Officers

REFERENCE

April, 2007

Board approved the first reading of Board Policy I.E. Executive Officers.

APPLICABLE STATUTE, RULE, OR POLICY

Idaho State Board of Education Governing Policies & Procedures, Sections I.E. Executive Officers.

BACKGROUND/DISCUSSION

Board Policy I.E.2.c. provides that the Board and each chief executive officer shall sign an annual letter of agreement that documents the period of appointment, salary, and any additional terms. These annual letter agreements correspond to the state fiscal year, with effective dates beginning each July 1 and continuing through June 30 of the next succeeding year. In an effort to improve and strengthen the Board's efforts in recruiting and retaining highly qualified candidates, Board President Terrell has asked the Office of State Board of Education staff to propose a revision to Board Policy to permit multi-year employment agreements for its chief executive officers. A proposed policy revision is outlined in attachment 1. Note that the Board approved proposed revisions to Policy I.E. in June 2007, but those revisions have not received final Board approval. Because of the length of time that has passed since those proposed revisions were first approved, they are being submitted for re-approval as another first reading, and include the additional Policy revision permitting multi-year employment agreements with the institution presidents.

In addition, staff were requested to provide information about structuring more competitive executive compensation and benefits packages for institutional presidents. That information is contained in attachment 2.

IMPACT

Proposed revisions to this policy would allow for the Board to enter into multi-year contracts with the Board's chief executive officers when deemed necessary for retention purposes.

ATTACHMENTS

Attachment 1 - Revised Governing Policy Section I.E.	Page 3
Attachment 2 – Executive Compensation – Additional Contractual Options (excerpt from “Presidential Compensation in Higher Education, AGP Press-2008	Page 9

STAFF COMMENTS AND RECOMMENDATIONS

If the Board chooses to revise its Policy and to enter into multi-year employment agreements with its chief executive officers, then care should be taken to

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
DECEMBER 4-5, 2008

carefully craft appropriate terms and conditions of employment, including compensation and benefits, as well as provisions relating to evaluations and separation.

Board staff recommends approval of the first reading of Board Policy I.E. as submitted.

BOARD ACTION

A motion to approve the first reading of the amendment to Board Policy I.E. Executive Officers.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
DECEMBER 4-5, 2008**

Idaho State Board of Education

GOVERNING POLICIES AND PROCEDURES

SECTION: I. GENERAL GOVERNING POLICIES AND PROCEDURES

SUBSECTION: E. Executive Officers

April 2002-February 2008

E. Executive Officers

This policy section shall apply to the Board's chief executive officers, as defined in Section II. D. 2. b. This policy section does not apply to the executive director of the Idaho State Historical Society or the State Library Commission.

1. Executive Director

The Executive Director serves as the administrative ~~extension of the Board~~ director of the Board's staff. Pursuant to Idaho Code 33-102A the Executive Director shall be under the direction of the Board and shall have such duties and powers as are prescribed by the Board. The Executive Director is charged with ensuring the effective articulation and coordination of ~~the institutions, school, agency, and school, and statewide~~ concerns and is advisor to the Board and the ~~pPresidents/aAgency hHeads/~~Superintendent on all appropriate matters.

2. Presidents/Agency Heads/Superintendent ~~(also referred to as chief executive officers)~~

a. Responsibilities

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

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

b. The Chief Executive Officer is held accountable to the Board for performing the following duties within his or her designated areas of responsibility:

(1) Relations with the Board

- (a) Conduct of the institution, ~~school or agency, or school~~ in accordance with the Governing Policies and Procedures of the Board and applicable state and federal laws.

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
DECEMBER 4-5, 2008

- (b) Effective communication among the Board, the Board office, and the institution, ~~school or agency, or school~~.
 - (c) Preparation of such budgets as may be necessary for proper reporting and planning.
 - (d) Transmittal to the Board of recommendations initiated within the institution, ~~school or agency, or school~~.
 - (e) Participation and cooperation with the office of the Board in the development, coordination, and implementation of policies, programs, and all other matters of statewide concern.
 - (f) Notification to Board President or Executive Director of any out-of-state absence exceeding one week.
- (2) Leadership of the institution, ~~school or agency, or school~~
- (a) Recruitment and retention of employees
 - (b) Development of programs, in accordance with an evolving plan for the institution, ~~school or agency, or school~~.
 - (c) In cooperation with appropriate parties, the promotion of the effective and efficient functioning of the institution, ~~school or agency, or school~~.
 - (d) Development of methods that will encourage responsible and effective contributions by various parties associated with the institution, ~~school or agency, or school~~ in the achievement of the goals of the institution, ~~school or agency, or school~~.
- (3) Relations with the Public
- (a) Development of rapport between the institution, ~~school or agency, or school~~ and the public that it ~~each~~ serves.
 - (b) Official representation of the institution, ~~school or agency, or school~~ and its Board-approved role and mission to the public.
 - (c) ~~The agency heads and superintendent are evaluated by the Executive Director, who makes recommendations to the Board with respect to future contracts and compensation. The Presidents are evaluated by the Board. The performance evaluation is based upon the duties outlined in the policy and mutually agreed upon goals. Final decisions with respect to future contracts are made by the Board.~~

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
DECEMBER 4-5, 2008

c. Appointment Terms and Conditions

Each chief executive officer is employed and serves at the pleasure of the Board as an at-will employee. Appointments to the position of President of the higher education institutions and Executive Director of the Board are made by the Board. The Executive Director shall have authority to identify candidates and make recommendations for the appointment of the Agency Heads and superintendent, which must be approved and appointed by the Board. The Board and each chief executive officer shall sign an annual letter of agreement may enter into an employment agreement for a term of more than one (1) year but not more than five (5) years that documents the period of appointment, salary compensation, and any additional terms. The Board shall evaluate the performance of each chief executive officer pursuant to the Board's evaluation policy. The Board's Policies regarding Non-classified Employees, Section II, Subsection F, do not apply to the Board's chief executive officers.

d. Evaluations

The Agency Heads and Superintendent are evaluated by the Executive Director annually, who makes recommendations to the Board with respect to compensation and employment actions. The Presidents and Executive Director are evaluated by the Board annually. The performance evaluation is based upon the term of any employment agreement, the duties outlined in the policy, and mutually agreed upon goals. Final decisions with respect to compensation and employment actions with regard to chief executive officers are made by the Board.

e. Compensation and Benefits

~~The Each~~ chief executive officer's annual salary shall be set and approved by the Board. The chief executive officers shall not receive ~~personal supplemental~~ salary or ~~benefits or supplements~~ compensation from an affiliated institutional foundations or from any other affiliated organizations source except as ~~allowed for that~~ institutional pPresidents pursuant to may receive perquisites or benefits as permitted by topic 3, subtopic E, below and as such is specifically approved by the Board in each instance. Additionally, the ~~C~~chief ~~E~~xecutive ~~O~~fficer may not receive personal salary or benefits or supplements from other outside sources without prior Board approval.

In addition to the salary referred to above, ~~the each~~ ~~C~~chief ~~E~~xecutive ~~O~~fficer shall receive the usual and ordinary medical, retirement, leave, educational, and other benefits available to all institutional, ~~school and~~ agency, and school employees.

f. Termination

In the event a chief executive officer's appointment is terminated by Board action (for or without cause), then such individual shall only be entitled to compensation and benefits, if any, for which he or she may be eligible under the terms of his or her employment agreement.

g. ~~The Each~~ ~~C~~chief ~~E~~xecutive ~~O~~fficer shall receive reasonable and adequate liability insurance coverage under the state's risk management program. ~~In addition, the~~

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
DECEMBER 4-5, 2008

~~institutional foundations and other affiliates shall provide the necessary directors and officers insurance for the Chief Executive Officer.~~

ei. Relocation and moving expenses incurred by ~~the~~ each chief executive officer will be paid in accordance with the policies and rates established by the State Board of Examiners.

fh. Each chief executive officer earns annual leave at a rate of two (2) days per month or major fraction thereof of credited state service.

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

a. The institutional ~~p~~Presidents are responsible for hosting official functions to promote their respective institutions. ~~Three (3) institutions—The University of Idaho and Lewis-Clark State College~~ each own homes that are the most suitable facilities available for this purpose. At these institutions, the ~~p~~Presidents of such institutions are required to live in the official residences provided.

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

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

b. Each institutional ~~p~~President shall be provided an automobile. Maintenance, repairs, gas for business use, and insurance shall be provided for this vehicle.

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

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

~~d. Termination~~

~~In the event the president's appointment is terminated by Board action (for or without cause), the president shall be paid all compensation and benefits, under the terms of his or her employment agreement until the termination of said appointment. A President with tenure privileges may return to the college in the institution in which tenure was granted as an academic faculty member.~~

ed. Foundation Provided Perquisites or Benefits

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
DECEMBER 4-5, 2008

- (1) ~~Supplemental compensation~~Perquisites or benefits for the institutional pPresidents; such as country club or dining club memberships, may be provided by the institution's affiliated foundation meeting all requirements of Section V, Subsection E of the Board's Governing Policies and Procedures if approved by the Board on a case-by-case basis. Any such supplemental compensation or benefit must meet all requirements of this subtopic.
 - (2) ~~The funding for such supplemental compensation or benefits must be provided by the institution's related foundation meeting all requirements of Section V, Subsection E of the Board's Governing, Policies and Procedures.~~
 - (3) ~~The presidents shall, at the first knowledge of any proposed supplemental compensation or benefits, refer the foundation representatives to the Board President and the Executive Director. The Board President and the Chairman of the Board's Business Affairs and Human Resources Committee, or their designee, shall direct the conduct of any and all negotiations with the foundations regarding any supplemental compensation or benefits agreements.~~
 - (4) ~~An agreement between the foundation, the President, and the Board must be created that details the nature and scope of the supplemental compensation and benefits. The agreement must contain a provision in which the foundation and president each agree to indemnify the institution and the Board from and against all claims arising from any supplemental compensation and benefits agreement.~~
 - (5) ~~Specific and prior Board approval is required for any supplemental compensation and benefits agreement and for any amendment thereto.~~
4. Superintendent for the Idaho School for the Deaf and the Blind (ISDB): Housing and Automobile Policy
- a. The superintendent for the ISDB is responsible for hosting official functions to promote the school. The ISDB owns a home that is the most suitable facility available for this purpose. The superintendent for the ISDB is required to live in this official residence.
- To preserve the image of the ISDB and to provide adequate maintenance of state-owned property, the ISDB shall provide support services for this residence. This support shall include maintenance, utilities, custodial, and grounds keeping.
- b. The superintendent for the ISDB shall be provided an automobile. Maintenance, repairs, gas for business use, and insurance shall be provided for this vehicle.

5. President Emeritus/Emerita Designation

The Board may choose to grant pPresident Emeritus/Emerita status to a retiring pPresident. President Emeritus/Emerita status should be reserved to honor, in retirement, a president who has made distinguished professional contributions to the institution and who has also served a significant portion of his/her career at the institution. The intent of conferring President

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
DECEMBER 4-5, 2008**

Emeritus/Emerita status is to bestow an honorary title in recognition of successful tenure in the ~~p~~Presidential role.

- a. **Appointment Procedure** An institution may forward a recommendation to the Board that this honorary title be conferred upon a ~~p~~President that is retiring or has retired from the institution. Each institution shall provide for input into the recommendation from the campus community.
- b. **Rights, Privileges and Responsibilities** Rights and privileges of such a distinction shall be, insofar as resources will allow, similar to those of active institutional staff, including such privileges as:
 - (1) staff privileges for activities, events and campus facilities;
 - (2) receipt of institutional newspaper and other major institutional publications and receipt of employee/spouse fee privilege (see Section V. R.).

Additional Contractual Options

A president's employment agreement may include many optional compensation provisions. Not all of these provisions are appropriate for all presidents or institutions, nor do the details about these provisions necessarily need to be part of an employment contract. However, if they are part of the agreement, both parties should discuss and understand them.

- 1) *Performance bonuses.* Pay-for-performance incentives and "longevity bonuses" are becoming common in presidential contracts, though they may not always be appropriate. One benefit of a bonus system is that it requires the board and president to discuss achievement of specific goals (enrollment gains, for example) and quantifiable performance measures (reaching fundraising targets).

Bonuses are distinct from other kinds of salary increases because the amount of the bonus does not go into the salary "base" for subsequent years. Bonus payments are taxable upon receipt. Moreover, any bonus payment is part of a president's total compensation package that can be evaluated under the IRS intermediate sanctions rules.

- 2) *Housing.* Most institutions provide either a house or a housing allowance to the president. If living in the house is a condition of employment for the president—either as a convenience to or requirement of the institution— and the house is on or proximate to the campus, then the value of the housing (or a housing subsidy) often is not considered a taxable benefit. The employment agreement therefore should include a written provision that states the president is required to live in the house.

Many agreements also specify that if the IRS determines that compensation related to housing should be reported as taxable income, the institution will increase the salary by the amount necessary to pay the additional tax. Before agreeing to such an arrangement, the institution should ask legal counsel to assess the chances that the housing allowance indeed will need to be reported as taxable income and to calculate the amount of additional salary to be included in the contract.

Issues sometimes arise on taxability of housing benefits, especially if the house is not located on the campus. To address this eventuality, the institution should maintain records that document that the house is used for business purposes in a significant and continuous fashion. Some presidents want to maintain their own private residence during the course of the presidency, even if they are required to live in a university owned house. In such cases, any mortgage interest costs of the private house should continue to be tax deductible to the president, though presidents should seek tax advice about this.

*Summary from "Presidential Compensation in Higher Education, 2008, by Robert H. Atwell, AGP press

- 3) *Spousal recognition and compensation.* The “two for the price of one” presumption, where the president’s spouse is expected to be an unpaid employee, continues to dissipate. Increasingly, presidents are part of a dual wage-earning team, in which the spouse has a professional life. But a spouse need not be employed outside the home to decline to be an unpaid volunteer to the institution. Boards should not be presumptuous in the regard. Spouses who are “expected” to perform social or other responsibilities should be interviewed along with the president, and the expectations must be fully discussed.

If the president has no spouse, or if the spouse chooses not to assume the social responsibilities associated with the office of the presidency, the board and president should clarify their expectations about staff support for entertaining. Also, if the board prefers that the spouse *not* be directly involved in university business, or if it prefers the spouse is employed only in work that is separate from the president’s day-to-day offices, this should be discussed and mutually understood as well. If the spouse chooses to take on responsibilities that ordinarily would require staff to be hired, appropriate compensation if fully justified, though it is still relatively rare.

Spouses who do not take on compensated employment may still perform significant social roles for the institution. The board also can recognize the spouse as an employee for purposes of business travel, so that he or she can be covered by university insurance. This can be particularly important when the spouse drives the university car with the president as a passenger. Because the spouse is a family member of a person who is deemed to have “substantial influence” over the institution, his or her compensation may be evaluated under the IRS’s intermediate sanctions rule to determine if it is market-rate compensation. In any event, it is likely to need to be reported on the institution’s tax information form (Form 990).

The general thought is that if the spouse is to be paid, then the spouse should be treated like other employees; that is, the spouse’s compensation must be justified by the services the spouse is performing. Further, because the spouse is related to the president, the school should expect that the compensation arrangement will face additional scrutiny by anyone reviewing the arrangement. As such, care should be exercised in using and “innovative” compensation arrangements.

- 4) *Supplements from public institution foundations.* Many public colleges and universities with affiliated foundations use foundation resources to supplement presidential compensation. Although salary supplements from foundation sources may be legitimate, the board should not use them to avoid public disclosure of compensation. Indeed, under the current IRS rules, sources of compensation that stem from a private foundation are publicly available in GuideStar and other Web sources and, if excessive, could result in sanctions for both the president and the foundation board members. Foundations that want or need to play a role in supporting the president should consider other ways to support the *presidency* if public funds cannot be used for these purposes. For instance, it is appropriate to use foundation resources to help with some of the social aspects of the presidency,

**Summary from "Presidential Compensation in Higher Education, 2008, by Robert H. Atwell, AGP press*

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
DECEMBER 4-5, 2008

especially for events that involve private fundraising. These can include entertainment expenses, spousal travel, and club memberships.

In any event, the board should develop a policy that facilitates an efficient and transparent transfer of funds from the foundation to the institution- and allows the institution to allocate the funds once the transfer takes place. The policy should specify that the governing board must make a formal, written request to the foundation board and stipulate the amount and terms of the transfer.

- 5) *Limits on outside employment.* The board and president should discuss whether the president expects to derive income from outside employment or service on corporate boards. Some presidents want to continue their consulting or scholarly work, though most do not. In any event, the board and president should agree about the boundaries of such arrangements. These might include the types of undertakings in which the president may be engaged, any prior approval, and any limits on the amount of time that may be devoted to such undertakings. The parties also may wish to clarify in the contract the degree to which the president will be allowed to retain any honoraria, fees, or other payments generated by his or her speaking engagements, service on compensated boards, consulting, publications, or any other work that may be related to the president's position at the institution.
- 6) *Automobile.* Many institutions provide the president with a car for business and personal use. Presidents permitted to use the car for personal purposes should maintain records about actual mileage for income-tax purposes. If the institution maintains the automobile insurance policy, provisions should allow members of the president's family to drive the car and be covered under the policy.
- 7) *Business travel, including spousal travel.* Most institutions reimburse the president for all business travel. If first-class travel is permitted (for example, for flights in excess of a given length), this should be made explicit. The agreement also should clarify policies concerning payment for any of the expenses associated with spousal travel. For example, reimbursed spousal travel that is properly substantiated as being related to the institution's business would not be taxable to the president, but reimbursements for spousal travel that are not related to the institution's business (or are not properly substantiated) should be included in the president's taxable income. It might be useful to include this concept in the agreement so the president is aware of the rules for reimbursement of spousal travel. First-class and spousal travel have become sensitive issues.
- 8) *Entertainment expenses.* The agreement should clarify expectations for reimbursement of entertainment expenses. These may include the costs of mailing invitations, decorating, staff support, catering, and preparation. The agreement also should stipulate whether the president has a fixed allowance or is to be reimbursed for all out-of-pocket expenses. Other issues to consider include the size of the budget, whether university facilities are available for entertainment

*Summary from "Presidential Compensation in Higher Education, 2008, by Robert H. Atwell, AGP press

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
DECEMBER 4-5, 2008**

purposes, whether the president is obliged to use the university catering service, and who is responsible for organizing and cleaning up after these functions. In instances in which the institution provides housing (and possibly household help) in addition to entertainment expenses, the board and president should make practical arrangements to ensure that the president reimburses the institution for any sums allotted to private purposes or that the amount is reflected in the president's reported compensation. Careful record-keeping is essential in these situations.

- 9) *Club memberships.* Many institutions provide presidents with memberships in athletic, country, or social clubs and pay dues on behalf of the institution. The IRS may consider reimbursement or repayment of dues as taxable to the president if such memberships are not used exclusively for business purposes. Institutions that want the president to participate in clubs might consider increasing compensation if club dues are counted as taxable income.
- 10) *Personal use of university recreational, vacation, or retreat facilities.* Free or discounted use of university recreational, vacation, or retreat facilities may be counted as taxable income under some circumstances. If family members are entitled to the use of these facilities, this should be clarified.
- 11) *Dependent tuition assistance.* Provisions for tuition assistance for dependents of the president should specify the duration of the benefit and any limits on the types of institutions dependents are eligible to attend. For instance, many institutions participate in "tuition exchanges," to allow the president's family members to receive tuition assistance from other institutions involved in an exchange, in the same fashion as is provided for dependents of faculty members.
- 12) *Academic rank or tenure status.* If the president wishes or is expected to hold a faculty appointment, there should be a discussion about how the rank or tenure status is to be determined. If the board offers a faculty position at the end of the presidency, it must specify the basis of these arrangements, including such things as rank, the basis for calculating salary, and determining any teaching responsibilities. In general, faculty rank and status should be granted only through the usual faculty processes and not be granted unilaterally by the board.
- 13) *Moving expenses on entering and leaving the presidency.* The agreement should specify whether moving expenses are covered, both entering into and leaving the presidency. The types of expenses that will be reimbursed and any maximum limits should be specified.
- 14) *Child care.* The agreement should specify whether a child care allowance or reimbursement for child care is to be provided and whether university facilities are available.

**Summary from "Presidential Compensation in Higher Education, 2008, by Robert H. Atwell, AGP press*

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
DECEMBER 4-5, 2008

- 15) *Outside financial or legal counsel.* The agreement should specify the circumstances under which the board will pay for the cost of hiring outside financial or legal counsel for the president. In some agreements, the institution will agree to pay the president's legal fees incurred for the review and negotiation of the agreement, at least up to a stated maximum.
- 16) *Service on corporate or nonprofit boards.* The contract may specify the number of board memberships for the president- most particularly compensated boards- and the total acceptable compensation from such sources. The president should make the board aware of any opportunities for outside board service, and the board may want the opportunity to review such opportunities before the president accepts them.
- 17) *Long-term care insurance.* Some colleges and universities purchase an individual long-term disability policy for their president. The individual policy can provide the president with coverage limits in excess of those available under the school's group policy and the coverage is "portable" (meaning the president can take it with him/ her after termination of his employment). Sometimes coverage under the president's individual policy is coordinated with the school's base long-term disability policy; at other times the president is "carved out" of the school's base long-term disability policy (which may result in a decrease in the premiums for the group coverage). As with any long-term disability coverage, if the college or university pays for the insurance coverage and excludes the cost of the premiums from the president's taxable compensation, then any benefits paid to the president under the policy will be taxable to the president; alternatively, if the premiums for the coverage are included in the president's taxable compensation, then any benefits received under the policy are not taxable to the president. Institutions should be prepared to address requests for enhanced disability insurance. The institution may be asked to adjust upward the president's salary to cover the president's costs for the insurance premiums, and the president may ask that those costs be grossed-up.

**Summary from "Presidential Compensation in Higher Education, 2008, by Robert H. Atwell, AGP press*

THIS PAGE INTENTIONALLY LEFT BLANK

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
DECEMBER 4-5, 2008**

SUBJECT

Second Reading - Board Policy III.P.

REFERENCE

October, 2008

Board approved the first reading of amendments to Board Policy III.P.

APPLICABLE STATUTE, RULE, OR POLICY

Idaho State Board of Education Governing Policies & Procedures, Sections I.A.5. and III.P.7.

BACKGROUND / DISCUSSION

Current Board policy defines a "full-time" undergraduate student as any student carrying eight (8) or more credits (or equivalent in audit and zero-credit registrations) and graduate students on full appointments (instructional and graduate assistants), regardless of the number of credits for which they are registered. A review of policy history indicates that this definition has not been revised in well over 10 years.

The attached revision of Board policy will align the Board's definition of a full time student with Federal Financial Aid Guidelines and reduce confusion to students. This definition is also consistent with WICHE and other national definitions.

IMPACT

This revision will align the Board's definition of a full-time student so that it is consistent with the Federal Financial Aid definition, as well as with national standards. These changes will increase the number of undergraduate credits from 8 to 12, in order to be considered a full-time student. It will not limit the total number of credits that a student can take and will not impact the overload fee institutions can assess when students take a higher number of credits. The Federal definition of a full-time undergraduate student is already required for all federal reports, and therefore, this change will have no impact at the federal level.

ATTACHMENTS

Attachment 1 - Revised Governing Policy Section III.P.

Page 3

STAFF COMMENTS AND RECOMMENDATIONS

There have been no additional comments received or changes made to this policy amendment between the first and second reading.

BOARD ACTION

A motion to approve the second reading of the amendment to Board Policy III.P. 7. Definition of a full-time student.

Moved _____ Seconded _____ Carried Yes _____ No _____

THIS PAGE INTENTIONALLY LEFT BLANK

Idaho State Board of Education
GOVERNING POLICIES AND PROCEDURES
SECTION: III. POSTSECONDARY AFFAIRS
SUBSECTION: P. STUDENTS

July 2003 December 2008

P. Students

7. Full-Time Students

~~For fee and tuition purposes, a "full-time student" means any student carrying eight (8) or more credits (or equivalent in audit and zero-credit registrations) and graduate students on full appointments (instructional and graduate assistants), regardless of the number of credits for which they are registered.~~

a. Undergraduate Student

For fee and tuition purposes, a "full-time" undergraduate student means any undergraduate student carrying twelve (12) or more credits (or equivalent in audit and zero-credit registrations).

ai. Student Body Officers and Appointees

For fee and tuition purposes, the president, vice president, and senators of the associated student body government are considered full-time students when carrying at least the following credit loads: (a) president, three (3) credits and (b) vice president and senators, six (6) credits.

bii. Editors

Editors of student-published newspapers are recognized as full-time students when carrying a three-credit load, and as associate editors are recognized as full-time students when carrying a six-credit load.

b. Graduate Student

For fee and tuition purposes, a "full-time" graduate student means any graduate student carrying nine (9) or more credits, or any graduate student on a full appointment as an instructional or graduate assistant, regardless of the number of credits for which such instructional or graduate assistant is registered.

THIS PAGE INTENTIONALLY LEFT BLANK

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
DECEMBER 4-5, 2008

SUBJECT

Designation of Board representatives to review and make a determination on residency appeals on behalf of the Board.

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.

November 7, 2008 Board approved pending rule, Docket 08-0104-0801

APPLICABLE STATUTE, RULE, OR POLICY

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

BACKGROUND/DISCUSSION

Idaho Code § 3717B and Idaho Administrative Code, IDAPA 08.01.04, Rules Governing Residency Classification, set out the requirements a student must meet in order to qualify as an Idaho resident for tuition purposes. Idaho Code §3717B(4) requires the Board to adopt residency rules, including procedures for review of residency determinations. IDAPA 08.01.04.103 outlines the review processes for residency determination. Initial appeals are at the institution level. The decision of the campus based review committee is final unless the student elects to appeal to the Board.

IDAPA 08.01.04.103.02 states that 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, except that the student has a statutory right to appeal the final determination in a district court action (Idaho Code § 33-3717B(5)).

This item is for purposes of designating the Board's representative for reviewing residency determinations on behalf of the Board. The recommendation is for the board to designate the Chief Academic Officer to review residency appeals and to make recommendations to the Executive Director of the Idaho State Board of Education. The Executive Director will then make the final residency determination.

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
DECEMBER 4-5, 2008**

IMPACT

The Executive Director will serve as the Board's designee for residency appeals.

STAFF COMMENTS AND RECOMMENDATIONS

Residency appeals are typically handled very effectively at the campus level. Instances of appeals to the Board over the past several years have been infrequent and the designation of the review by the Chief Academic Officer and final decision by the Executive Director will allow for efficient and timely review of residency appeals. The Chief Academic Officer's review will assure that student due process has been followed and that the campus-based decision is in accordance with applicable statute and rule. The recommendation of the Chief Academic Officer as well as a review of all related documents will form the basis of the final decision by the Executive Director.

BOARD ACTION

A motion to designate the Executive Director as the Board's representative for reviewing residency determinations and authorizing the Executive director, after such review, to issue the decision of the Board based on such review. Any such appeal requests to the Board will be submitted to the Chief Academic Officer for review and determination of recommended action, and then forwarded to the Executive Director for a final determination.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
DECEMBER 4-5, 2008

SUBJECT

Rural Physicians Incentive Fund Oversight Committee

APPLICABLE STATUTE, RULE, OR POLICY

Section 33-3724 and Section 33-3725, Idaho Code

BACKGROUND/DISCUSSION

The State of Idaho assesses a fee to students preparing to become physicians in the fields of medicine or osteopathic medicine and who are supported by the state pursuant to an interstate compact for a professional education program in those fields. The fee may not exceed an amount equal to four percent (4%) of the annual average medicine support fee paid by the state. The fee must be assessed by the board and deposited in the rural physician incentive fund established in section 33-3724, Idaho Code. Idaho Code Section 33-3724 also sets out the authority for the State Board of Education to appoint an oversight committee to assist in the administration of this fund.

The initial charge of this committee is to develop by-laws and operational procedures for the oversight committee and to develop the process for distribution of these funds. Once these processes have been developed, the committee will then submit them to the Board for approval.

Board staff has been working to identify candidates for this initial committee. At the time of preparation of this Board agenda item, only a few individuals have confirmed their intent to serve on the committee. Additionally, as the committee works through recommendations with Board staff for by-laws and operating procedures, it may be determined, that in order for the committee to have a balanced make up of stakeholders, that additional members may need to be added during this startup phase. In order to expedite the process, Board staff is asking that appointment authority be delegated to the Executive Director.

IMPACT

Delegating the appointment authority will allow those committee members who have been identified to start working with staff immediately, as well as allow the Executive Director to appoint new members as willing individuals desiring to serve are identified. Recommendations from this committee will be brought back to the Board for approval. The formation of this committee will allow procedures to be put in place by the target date for distribution of the Rural Physician Incentive Funds in the Fall of 2009.

ATTACHMENTS

Attachment 1 – Section 33-3724 and 33-2725, Idaho Code

Page 3

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
DECEMBER 4-5, 2008**

STAFF COMMENTS AND RECOMMENDATIONS

Board staff recommends approval of the delegation of appointment authority for the Rural Physicians Incentive Fund Oversight Committee.

BOARD ACTION

A motion to delegate the authority of the Board for the appointment of the Rural Physicians Incentive Fund Oversight Committee to the Board's Executive Director. Any such appointments by the Executive Director shall be reported to the Board at its next regular scheduled meeting.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

33-3724. RURAL PHYSICIAN INCENTIVE FUND. There is hereby created the rural physician incentive fund in the state treasury. Money is payable into the fund as provided in section 33-3723, Idaho Code. Income and earnings on the fund shall be returned to the fund. The state board of education shall administer the fund as provided by section 33-3725, Idaho Code. The state board of education shall identify an oversight committee made up of knowledgeable individuals or organizations to assist in the administration of this fund. Members of this oversight committee should come from the Idaho hospital association, Idaho medical association, office of rural health, Idaho rural health education center, medical student program administrators and others as appropriate.

33-3725. INCENTIVE PAYMENTS FROM FUND. The moneys in the rural physician incentive fund are hereby appropriated for the uses of the fund. The state board of education may use the moneys to pay:

(1) The educational debts of rural physicians who practice primary care medicine in medically underserved areas of the state that demonstrate a need for assistance in physician recruitment; and

(2) The expenses of administering the rural physician incentive program. The expenses of administering the program shall not exceed ten percent (10%) of the annual fees assessed pursuant to section 33-3723, Idaho Code.

The board, through the oversight committee, shall establish procedures for determining the areas of the state that qualify for assistance in physician recruitment. An eligible area must demonstrate that a physician shortage exists or that the area has been unsuccessful in recruiting physicians by other mechanisms.

A physician from an area determined to be eligible under this section may apply to the board for payment of an educational debt directly related to a professional school. Physicians who have paid the fee authorized in section 33-3723, Idaho Code, shall be given a preference over other applicants. To receive the educational debt payments, the physician shall sign an annual contract with the board. The contract must provide that the physician is liable for the payments if the physician ceases to practice in the eligible area during the contract period.

The maximum amount of educational debt payment that a rural physician may receive is fifty thousand dollars (\$50,000) over a five (5) year period. The board may structure the payment schedule to make greater payments in the later years. The amount contractually committed in a year shall not exceed the annual amount deposited in the rural physician incentive fund.

THIS PAGE INTENTIONALLY LEFT BLANK

PLANNING, POLICY & GOVERNMENTAL AFFAIRS
DECEMBER 4-5, 2008

SUBJECT

Pending Rule IDAPA 08.02.03.105 – Graduation Requirements

REFERENCE

August 23, 2007	During the August 23, 2007 special Board meeting President Terrell recommended the State Department of Education gather feedback and make a recommendation whether 10 th grade students in 2008 must pass the science ISAT to graduate.
October 11, 2007	Board approved the temporary rule making changes to IDAPA 08.02.03.105 and 08.02.03.107 postponing the requirement for passing the science portion of the 10 th grade ISAT for graduation purposes until 2012.
August 6, 2008	Board approved the proposed rule combining IDAPA 08.02.03.105 and 08.02.03.107.

APPLICABLE STATUTE, RULE, OR POLICY

Idaho Administrative code, IDAPA 08.02.03 – Section 105 through 107

BACKGROUND/DISCUSSION

In 2003 the State Board of Education passed rules requiring students in grade 10 to pass the Idaho Standards Achievement Test (ISAT) for graduation beginning with the class of 2006. The Department of Education submitted a temporary rule in October of 2007 postponing the requirement that students pass the science portion of the 10th Grade ISAT as a condition of graduation until the graduating class of 2012. That temporary rule will be in effect until the close of the legislative session in 2009. If this pending rule is approved, it will become effective after the current temporary rule expires. This new addition to the rule would require students entering 9th grade in the fall of 2009 (graduating class of 2013) or later to pass the science portion of the ISAT in order to meet graduation requirements.

During the 21-day comment period the Board Office received comments from parents, teachers, and school principals and district administrators requesting that the implementation of the science requirement either be postponed to 2013, to align with the new graduation requirement, or to be removed altogether. There were no other comments received regarding the combination of the two sections. The Board office received 80 separate comments from individuals in 30 different school districts around the state asking that the Board not require passage of the science portion of the 10th grade ISAT for graduation purposes at all.

Jim Reed, Superintendent from the Weiser School District, and Joe Kelly, Curriculum Director from the Meridian School District, have come as representatives from the Idaho Association of School Administrators to make a few short remarks regarding the proposed rule.

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS
DECEMBER 4-5, 2008**

IMPACT

Approval of this pending rule will postpone the requirement for passing the science portion of the 10th grade ISAT to 2013. Students graduating in the class of 2013 or later will be required to meet proficiency on the science portion of the ISAT. Waiting to implement the requirement until 2013 allows for students and schools to prepare for this requirement as part of their preparation for the new graduation requirements, also being implemented for the graduating class of 2013. If the current temporary rule is allowed to expire without a new amendment in place, then students who entered 9th grade in 2006 (graduating class of 2010) would be required to pass all portions of the 10th grade ISAT, including science.

Approval of this Pending rule will allow the rule to move forward to the legislature for review.

ATTACHMENTS

Attachment 1 – Pending Rule for IDAPA 08.02.03.105	Page 3
Attachment 2 – Prepared Statement from the Idaho Association of School Administrators	Page 6

STAFF COMMENTS AND RECOMMENDATIONS

Staff recommends approval of the rule as submitted.

BOARD ACTION

Motion to approve the pending rule, docket # 08-0203-0805, IDAPA 08.02.03.105, Rules Governing Thoroughness, as submitted.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS
DECEMBER 4-5, 2008**

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0203-0805

105. HIGH SCHOOL GRADUATION REQUIREMENTS.

A student must meet all of the requirements identified in this section before the student will be eligible to graduate from an Idaho high school. The local school district or LEA may establish graduation requirements beyond the state minimum. ()

01. Credit Requirements. The State minimum graduation requirement for all Idaho public high schools is forty-two (42) semester credits. The forty-two (42) semester credits must include twenty-five (25) semester credits in core subjects as identified in Paragraphs 105.01.a. through 105.01.f. All credit-bearing classes must be aligned with state high school standards in the content areas for which standards exist. For all public school students who enter high school at the 9th grade level in Fall 2009 or later, the minimum graduation requirement will be forty-five (45) semester credits and must include twenty-nine (29) semester credits in core subjects as identified in Paragraphs 105.01.a. through 105.01.f. ()

a. Secondary Language Arts and Communication. Nine (9) semester credits are required that include eight (8) semester credits of instruction in Language Arts. Each year shall consist of language study, composition, and literature; including one (1) semester credit of instruction in communications consisting of oral communication and technological applications that includes a course in speech, a course in debate, or a sequence of instructional activities that meet the state high school communications standards requirements. ()

b. Mathematics. Four (4) semester credits are required. Secondary mathematics includes Applied Mathematics, Business Mathematics, Algebra, Geometry, Trigonometry, Fundamentals of Calculus, Probability and Statistics, Discrete Mathematics, and courses in mathematical problem solving and reasoning. ()

i. If a student completes any required high school course with a grade of C or higher before entering grade nine (9), and if that course meets the same standards that are required in high school, then the student has met the high school content area requirement for such course. However, the student must complete the required four (4) credits of high school math in addition to the courses completed in middle school. ()

ii. For all public school students who enter high school at the 9th grade level in Fall 2009 or later, six (6) semester credits are required. For such students, secondary mathematics includes instruction in the following areas: ()

(1) Two (2) semester credits of Algebra I or courses that meet Algebra I standards as approved by the State Department of Education; ()

(2) Two (2) semester credits of Geometry or courses that meet Geometry standards as approved by the State Department of Education; and ()

(3) Two (2) semester credits of mathematics of the student's choice. ()

(4) Two (2) semester credits of the required six (6) semester credits of mathematics must be taken in the last year of high school. ()

c. Science. Four (4) semester credits are required, two (2) of which will be laboratory based. Secondary sciences include instruction in applied sciences, earth and space sciences, physical sciences, and life sciences. ()

i. Effective for all public school students who enter high school at the 9th grade level in Fall 2009 or later, six (6) semester credits will be required. Secondary sciences include instruction in the following areas: biology, physical science or chemistry, and earth, space, environment, or approved applied science. Four (4) semester credits of these courses must be laboratory based. ()

PLANNING, POLICY & GOVERNMENTAL AFFAIRS
DECEMBER 4-5, 2008

ii. If a student completes any required high school course with a grade of C or higher before entering grade nine (9), and if that course meets the same standards that are required in high school, then the student has met the high school content area requirement for such course. However, the student must complete the required number of semester credits of high school science in addition to the courses completed in middle school. ()

d. Social Studies. Five (5) semester credits are required, including government (two (2) semester credits), United States history (two (2) semester credits), and economics (one (1) semester credit). Current world affairs and geography will be integrated into all social studies instruction. Courses such as geography, sociology, world affairs, and world history may be offered as electives, but are not to be counted as a social studies requirement. ()

e. Humanities. Two (2) semester credits are required. Humanities courses include instruction in interdisciplinary humanities, visual and performing arts, or world language. Other courses such as literature, history, philosophy, architecture, or comparative world religions may satisfy the humanities standards if the course syllabus is approved by the State Department of Education as being aligned with the Humanities Standards. ()

f. Health/Wellness. One (1) semester credit is required. Course must focus on positive health habits. ()

02. Achievement Standards. Each student shall meet locally established subject area standards (using state content standards as minimum requirements) demonstrated through various measures of accountability including examinations or other measures. (4-2-08)

03. Proficiency. Each student must achieve a proficient or advanced score on the Grade 10 Idaho Standards Achievement Test (ISAT) in math, reading and language usage in order to graduate. For all public school students who enter high school at the 9th grade level in the Fall 2008⁹ or later, each student must also achieve a proficient or advanced score on the science portion of the ISAT in order to graduate. A student who does not attain at least a proficient score prior to graduation may appeal to the school district or LEA, and will be given an opportunity to demonstrate proficiency of the content standards through some other locally established mechanism. All locally established mechanisms used to demonstrate proficiency will be forwarded to the State Board of Education for review and information. Districts with alternate measures on file with the Board on the effective date of this rule must re-submit their plans to the Board. Alternate mechanisms must be re-submitted to the Board when changes are made in their plans. ()

a. Before entering an alternate measure, the student must be: (4-2-08)

i. Enrolled in a special education program and have an Individual Education Plan (IEP); or (3-20-04)

ii. Enrolled in an Limited English Proficient (LEP) program for three (3) academic years or less; or (3-20-04)

iii. Enrolled in the fall semester of the senior year. (3-20-04)

b. The measure must be: ()

i. Aligned at a minimum to tenth grade state content standards; (3-20-04)

ii. Aligned to the state content standards for the subject matter in question; ()

iii. Valid and reliable; and ()

iv. Ninety percent (90%) of the criteria of the measure, or combination of measures, must be based on academic proficiency and performance. (3-20-04)

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS
DECEMBER 4-5, 2008**

- c. A student is not required to achieve a proficient or advanced score on the ISAT if: ()
- i. The student received a proficient or advanced score on an exit exam from another state that requires a standards-based exam for graduation. The state's exit exam must be approved by the State Board of Education and must measure skills at the tenth grade level and be in comparable subject areas to the ISAT; ()
- ii. The student completes another measure established by a school district or LEA and received by the Board as outlined in Subsection 105.03; or ()
- iii. The student has an IEP that outlines alternate requirements for graduation or adaptations are recommended on the test; ()
- iv. The student is considered an LEP student through a score determined on a language proficiency test and has been in an LEP program for three (3) academic years or less; ()
04. Foreign Exchange Students. Foreign exchange students may be eligible for graduation by completing a comparable program as approved by the school district or LEA. (4-11-06)
05. Special Education Students. A student who is eligible for special education services under the Individuals With Disabilities Education Improvement Act must, with the assistance of the student's Individualized Education Program (IEP) team, refer to the current Idaho Special Education Manual for guidance in addressing graduation requirements. (4-11-06)
06. College Entrance Examination. (Effective for all public school students who enter high school at the 9th grade level in Fall 2009 or later.) A student must take one (1) of the following college entrance examinations before the end of the student's eleventh grade year: COMPASS, ACT or SAT. Scores must be included in the Learning Plan. ()
07. Senior Project. (Effective for all public school students who enter high school at the 9th grade level in Fall 2009 or later.) A student must complete a senior project by the end of grade twelve (12). The project must also include a written report and an oral presentation. ()

(BREAK IN CONTINUITY OF SECTION

107. (RESERVED).

PLANNING, POLICY & GOVERNMENTAL AFFAIRS
DECEMBER 4-5, 2008



Dr. Wayne R. Davis, Executive Director
Idaho Association of School Administrators
777 S. Latah St. Boise, ID 83705
Phone: 208-345-1171
Fax: 208-345-1172
www.idschadm.org
Email: wayne.davis@idschadm.org

November 20, 2008

Dear President Terrell and members of the State Board of Education,

The members of the Idaho School Superintendents' Association have spent some time recently discussing their districts' preparedness for the successful implementation of the Science ISAT as a graduation requirement.

In our opinion, the Science ISAT is an important piece of accountability and continues the State Board's initiative, as President Terrell characterized it to the school trustees last week, of "raising the bar."

Below are listed some ideas we propose for the successful implementation of the test. It is our opinion that some important things need to be done before this test becomes a graduation requirement in 2012 and/or 2013. However, we respectfully ask that the Science ISAT not be used as a graduation requirement until we can put these things in place:

1. There is no "data stream" or "scaffolding" between the 5th, 7th, and the 10th grade science tests which would allow districts to remediate and adjust instruction as is currently done with Reading, Math, and Language Usage with ISATS in grades 3 through 8 and grade 10. Remember the concerns when we were told that there would not be any 9th grade ISAT. Those same concerns are valid in this case.
2. Current science courses are subject specific. The science ISAT is an integrated science test spanning Earth Science, Physical Science, Biology... It will take time for districts to re-organize their science curricula and purchase texts, materials and supplies to make sure the science standards are met within the science courses prior to the 10th grade science ISAT. Once that is complete, it will take about 3 years for the first group of students to progress through the new offerings. This preparation will take time and money.
3. There is concern regarding the future of the Plato software used throughout the state for remediation and as an alternative route to graduation. The State has not purchased the Science Plato and it is doubtful districts could purchase it on their own at this time. A science remediation plan and the related resources need to be identified. In our district, 45% or 55 of the 10th graders taking the ISAT Science in the spring of 2008 were not proficient or had a score below the cut score. If it were a graduation requirement, we would need to have in place remedial/skill development courses in the 11th and 12th grade to prepare the students to pass the ISAT. That's the type of underpinnings we have developed over the years with the other ISATs but which are not in place for science. If we had an 8th and 9th

PLANNING, POLICY & GOVERNMENTAL AFFAIRS
DECEMBER 4-5, 2008

grade Science ISAT, we would have an understanding of the needs of the students and be able to address those needs prior to taking the 10th grade ISAT rather than after.

4. In light of the many challenges schools face implementing the current 2013 graduation requirements – including increased math and science credit requirements, required college entrance exams, requiring advanced learning opportunities, and a senior project – a science ISAT graduation requirement is one more issue requiring the scarce time and resources of our school districts.
5. As you are so well aware, the 2013 graduation requirements already include a requirement to strengthen science knowledge and skills by increasing the amount of science for graduation from 2 years of science to 3 years.

It is the recommendation of the Idaho School Superintendents' Association to postpone using the science ISAT as a graduation requirement until :

- science ISATs can be offered in grades 8 and 9,
- school districts have the resources and time to re-align science curricula using the science standards,
- and the State has a contract with Plato for the science remediation and alternate route to graduation pieces.

Sincerely,



Wayne R. Davis, Executive Director

THIS PAGE INTENTIONALLY LEFT BLANK

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
DECEMBER 4-5, 2008

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.
November 7, 2008	Board approved Amendment to Temporary and Pending 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

During the November 7, 2008 Special Board meeting the Board approved amendments to this temporary and pending rule. Since that time it has been brought to our attention that the definition of nonprofit as originally submitted was too narrowly defined by being limited to entities recognized as tax exempt by the IRS. The broader definition includes not-for-profit entities; and comports with Statement of Financial Accounting Standards No. 116, and has been recognized by the Idaho Board of Tax Appeals. The attached rule shows the amendments originally approved by the Board at the November 7, 2008 meeting as well as the new definition of nonprofit in section 010, subsection 07. Additionally the requirement for criminal history checks for proprietary school agents to include the Federal Bureau of Investigation (FBI) has been stricken. The FBI will not complete criminal history checks for private corporations. The criminal history check provision now includes the State Bureau of Identification 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.

IMPACT

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

The modified language will better define non-profit and not-for-profit entities, clarifying the rule.

ATTACHMENTS

Attachment 1-Temporary/Pending Rules Governing Registration Page 3

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
DECEMBER 4-5, 2008

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.

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. as submitted.

Moved by_____ Seconded by_____ Carried Yes_____ No_____

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
DECEMBER 4-5, 2008**

**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).

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
DECEMBER 4-5, 2008

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.~~ Means an entity that is recognized under the Internal Revenue Code and applicable regulations as being tax exempt, or an entity such as a not-for-profit organization that possesses the following characteristics that distinguish it from a business enterprise: (a) contribution of significant amounts of resources from resource providers who do not expect commensurate or proportionate pecuniary return, (b) operating purposes other than to provide goods or services at a profit, and (c) absence of ownership interests like those of business enterprises.

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

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
DECEMBER 4-5, 2008

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 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. Registration shall be for the period beginning on July 1 of any year and continue through June 30 of the next succeeding year. 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

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
DECEMBER 4-5, 2008

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

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, 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, 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, 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, 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

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
DECEMBER 4-5, 2008

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, 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.

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
DECEMBER 4-5, 2008

Evaluative/assessment processes must involve internal constituents from the institution and appropriate external representatives. (4-17-08)T

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

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
DECEMBER 4-5, 2008

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;
 - 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

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
DECEMBER 4-5, 2008

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

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
DECEMBER 4-5, 2008**

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,

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
DECEMBER 4-5, 2008

offer, or sell a course or courses of study unless registered. A school shall not solicit students for or on behalf of 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. Registration shall be for the period beginning 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

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
DECEMBER 4-5, 2008

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

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
DECEMBER 4-5, 2008

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

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
DECEMBER 4-5, 2008

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

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
DECEMBER 4-5, 2008

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).