

**PLANNING, POLICY & GOVERNMENTAL AFFAIRS
AUGUST 20, 2009**

TAB	DESCRIPTION	ACTION
1	PRESIDENTS' COUNCIL REPORT	Informational Item
2	IDAHO STATE UNIVERSITY ANNUAL REPORT	Informational Item
3	PERFORMANCE MEASURES/BENCHMARKS	Motion to Approve
4	1ST READING, BOARD POLICY I.E.4. SPOUSE REIMBURSEMENT	Motion to Approve
5	PROPOSED RULE – IDVR APPEALS PROCESS	Motion to Approve
6	TEMPORARY/PROPOSED RULE – PROPRIETARY/POSTSECONDARY SCHOOL REGISTRATION	Motion to Approve
7	PROPOSED RULE – RURAL PHYSICIANS INCENTIVE FUND	Motion to Approve
8	TRENDS IN HIGHER EDUCATION	Informational Item

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SUBJECT

Presidents' Council Report

BACKGROUND/ DISCUSSION

Dr. Dene Thomas, President of Lewis-Clark State College 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.

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SUBJECT

Idaho State University Progress Report

BACKGROUND/DISCUSSION

Annually, the public institutions of higher education in the State of Idaho are requested to provide a progress report to the members of the State Board of Education. It has been one year since Idaho State University has supplied an overview of its status and accomplishments. President Art Vailas will be in attendance and will present a summary of the accomplishments and future goals of the university.

BOARD ACTION

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SUBJECT

Agency, Institution, Special/Health Programs Proposed Performance Report Measures and Benchmarks

APPLICABLE STATUTE, RULE, OR POLICY

Idaho State Board of Education Governing Policies & Procedures, Section 67-1901 through 1905, Idaho Code

BACKGROUND/DISCUSSION

Sections 67-1901 through 1905, Idaho Code, prescribe how State agencies are to “generate state agency planning and performance information that can be used to:”

1. Improve state agency accountability to state citizens and lawmakers
2. Increase the ability of the legislature to assess and oversee agency performance
3. Assist lawmakers with policy and budget decisions
4. Increase the ability of state agencies to improve agency management, service delivery and assess program effectiveness

State agencies, including institutions and special/health programs are required to generate and annually update Strategic Plans and to annually submit a Performance Report to the Division of Financial Management (DFM). The Performance Report has two parts.

Part one includes basic profile information:

1. Agency statutory authority
2. Fiscal year revenues/expenditures
3. Cases managed and/or key services provided to meet agency goals

Part two includes:

1. Not more than 10 key quantifiable performance measures which clearly capture the agency’s progress in meeting goals in their Strategic Plans
2. Results from each measure for the four prior fiscal years
3. Benchmarks or performance targets for each measure
4. Explanations where needed
5. Attestation from the agency director

Performance Reports are to be approved by the Board and submitted to DFM by September 1st. Idaho law also provides that the agency is to present the information from its Performance Report orally to Senate and House germane committees.

Additionally, the Board uses this information to measure the institutions’ and agencies’ performance in regards to their progress in implementing their strategic plans.

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IMPACT

To better meet annual performance reporting requirements, Board staff has worked with the agencies/institutions and compiled a suggested list of cases *managed/key services provided* and *performance measures with proposed benchmarks* for each Board governed agency, institution and special/health program. The end result should be more useful agency, institution, and special/health program performance reports for both the Board and the Legislature.

ATTACHMENTS

Attachment 1 – List of Institutions, Agencies, Special/Health Programs under the Board	Page 3
Attachment 2 – Proposed Cases Served/Performance Measures	Page 7

STAFF COMMENTS AND RECOMMENDATIONS

Board members are requested to review the proposed *cases served* and *performance measures and benchmarks*, and, if desired, provide OSBE Staff guidance on additions or deletions to the list. Performance measure reports for each institution, agency, and special/health program will be submitted to DFM on September 1st and presented to the Board at the October Board meeting. Performance measure for this purpose should be specific to the institutions' and agencies' strategic plans. Additionally Board staff will be working with institutional staff to bring the strategic planning and performance measure process more in line with their accreditation reporting process.

BOARD ACTION

A motion to approve the performance measures and cases served as submitted. Institution and agency staff are directed to submit the required data to Board staff by the date specified by Board staff for the annual submission of the Performance Measure report to the Division of Financial Management.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

**Institutions/Agencies under the purview of
the Idaho State Board of Education**

Boise State University (BSU)

- BSU is a public university making the transition to a metropolitan research university.
- Total Expenditures FY08: \$129,442,745
- Key Contact: Dr. Bob Kustra, President

- *Small Business Development Centers (SBDC)*
 - Provides business consulting and training to Idaho's small businesses and entrepreneurs.
 - Total Expenditures FY08: \$302,700
 - Key Contact: Jim Hogge, Director

- *Tech Help*
 - Is a partnership of Idaho's three universities with a primary mission to provide technical assistance, training, and information to strengthen the competitiveness of Idaho manufacturers, processors, and inventors.
 - Total Expenditures FY08: \$176,200
 - Key Contact: Michael Wojcicki, Executive Director

- *Idaho Council on Economic Education*
 - Provides materials, workshops, and training in economic and financial literacy education to k-12 teachers and students.
 - Total Expenditures FY08: \$57,500
 - Key Contact: Leon Maynard, President

Idaho State University (ISU)

- ISU is a publicly supported, research-intensive, doctoral institution of higher education.
- Total Expenditures FY08: \$105,588,000
- Key Contact: Dr. Art Vailas, President

- *ISU Family Medicine Residency*
 - Conducts graduate medical training for physicians pursuing a residency in Family Medicine.
 - Total Expenditures FY08: \$1,567,700
 - Key Contact: Dr. Jonathan Cree, Director

- *Idaho Dental Education Program (IDEP)*
 - Assists Idaho residents in obtaining a dental education, in cooperation with the Creighton University School of Dentistry in Omaha, Nebraska.
 - Total Expenditures FY08: \$1,224,300
 - Key Contact: Dr. Jeff Ybarguen, Program Director

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➤ *Museum of Natural History*

- Charged with preserving and interpreting cultural and natural history for the citizens of Idaho.
- Total Expenditures FY08: \$576,726
- Key Contact:

Lewis Clark State College (LCS)

- LCSC is a public 4-year higher education institution.
- Total Expenditures FY08: \$42,838,604
- Key Contact: Dr. Dene Thomas, President

University of Idaho (UI)

- UI is a high research activity, land-grant institution committed to undergraduate and graduate research education.
- Total Expenditures FY08: \$139,654,095
- Key Contact: M. Duane Nellis, President

➤ *WOI Veterinary Medicine*

- Idaho and Washington cooperative program to provide training for the Doctor of Veterinary Medicine.
- Total Expenditures FY08: \$1,743,700
- Key Contact: Marie S. Bulgin, DVM/Teaching Program Coordinator

➤ *WWAMI Medical Education*

- Cooperative program between University of Washington Medical School and UI to provide Idaho students opportunity to train for a Medical Degree.
- Total Expenditures FY08: \$3,504,867
- Key Contact: Dr. Andrew Turner

➤ *Agricultural Research and Extension*

- Conducts educational outreach programs to improve the quality of life of Idaho citizens through educating, by helping them apply the latest scientific technology to their communities, businesses, lives, and families.
- Total Expenditures FY08: \$31,135,957
- Key Contact: Cherryl Sodorff, Director

➤ *Forest Utilization Research*

- Researches forestry, forest nursery, and related areas.
- Total Expenditures FY08: \$626,600
- Key Contact: William McLaughlin

➤ *Idaho Geological Survey*

- Lead state agency for the collection, interpretation, and dissemination of geologic and mineral data for Idaho.
- Total Expenditures FY08: \$874,800
- Key Contact: Roy Breckenridge, Director

College of Southern Idaho (CSI)

- CSI is a comprehensive community college with a mission to provide educational, social, and cultural opportunities to the diverse population of South Central Idaho.
- Total Expenditures FY08: \$28,183,200
- Key Contact: Dr. Jerry Beck, President

North Idaho College (NIC)

- NIC is a comprehensive community college that provides a wide array of academic, professional technical, and workforce training programs.
- Total Expenditures FY08: \$30,602,800
- Key Contact: Dr. Pricilla Bell, President

College of Western Idaho (CWI)

- CWI is a newly established comprehensive community college that provides education and training programs to the population of Southern Idaho.
- Total Expenditures FY08: \$2,771,188
- Key Contact: Dennis Griffin, President

Eastern Idaho Technical College (EITC)

- EITC provides high quality educational programs that focus on the needs of the community.
- Total Expenditures FY08: \$11,818,741
- Key Contact: Burton L. Waite

Office of the State Board of Education (OSBE)

- OSBE provides staff support to the Board of Education to facilitate Board governance and oversight of all Board governed agencies, institutions, health and special programs.
- Total Expenditures FY08: \$17,502,600
- Key Contact: Dr. Mike Rush, Executive Director

➤ *University of Utah (medical education)*

- Provides Idaho students with opportunity to receive four years of medical training through the University of Utah School of Medicine.
- Total Expenditures FY08: \$1,136,800
- Key Contact: Dr. DeVon Hale

➤ *University of Washington – Boise Family Medicine Residency*

- Provides graduate medical education in Family Medicine and is affiliated with the University of Washington WWAMI Residency Network.
- Total Expenditures FY08: \$846,100
- Key Contact: Dr. Ted Epperly

Division of Professional Technical Education (IDPTE)

- IDPTE is the state's primary educational delivery system for preparing Idaho's workforce. Programs are integrated into a larger educational structure through public school districts, colleges, and universities.
- Total Expenditures FY08: \$60,215,700
- Key Contact: Ann Stevens, Administrator

Idaho Public Television (IPTV)

- IPTV establishes a statewide television delivery system to provide quality educational, informational, and cultural television and related sources.
- Total Expenditures FY08: \$3,467,900
- Key Contact: Peter Morrill, General Manager

Idaho Division of Vocational Rehabilitation (IDVR)

- IDVR provides management of state/federal vocational rehabilitation programs, the state Renal Disease Program and extended employment services, while also serving as a flow-through agency for funding the state Epilepsy Program.
- Total Expenditures FY08: \$22,464,000
- Key Contact: Dr. Michael Graham, Administrator

State Department of Education (SDE) - Exempt

** Idaho Public Schools*

- The State Department of Education partners with independent school districts to ensure all students receive an education that prepares students for successful postsecondary education, employment, and life.
- Total Expenditures FY08: \$1,600,703,900
- Key Contact: Luci Willits, Chief of Staff

**Proposed Cases Served & Performance Measures for
Agencies, Institutions, Health, & Special Programs**

Boise State University (BSU)

- *Cases Served*
 - Annual (unduplicated) Enrollment Headcount (Professional Technical/Undergraduate/Graduate)
 - Annual Enrollment FTE (Professional Technical/Undergraduate/Graduate)
 - Credit Hours Taught per Faculty FTE
 - Degrees/Certificates Awarded (Professional Technical/Undergraduate/Graduate)
 - Dual Credit
 - ◆ Total Annual Credit Hours
 - ◆ Total Annual Student Headcount

Performance Measure	Benchmark
Scholarship & Grants Per Student FTE	\$2,500
Full-time Freshman (degree-seeking) Retention Rate	70%
Graduation Rates (Percent of full-time, first time students from the cohort of new first year students who complete their program within 1½ times the normal program length)	28%
Core Expenses per FTE Enrollment by Function <ul style="list-style-type: none">- Instruction- Research- Public Service- Academic- Institutional Support- Student Services- Other Core Expenses	
Average GPA of Incoming Freshmen	3.4
Total Extramural Funding (federal, state, and private; grants and contracts)	\$45,000,000
Student FTE to Full-Time Faculty FTE Ratio	27
Number of Students Participating in Service Learning Courses	2500
Number of Students Participating in Undergraduate Research Conference	350

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Idaho State University (ISU)

- *Cases Served*
 - Annual (unduplicated) Enrollment Headcount (Professional Technical/Undergraduate/Graduate/Professional)
 - Annual Enrollment FTE (Professional Technical/Undergraduate/Graduate/Professional)
 - Credit Hours Taught per Faculty FTE
 - Degrees/Certificates Awarded (Professional Technical/Undergraduate/Graduate/Professional)
 - Dual Credit
 - ◆ Total Annual Credit Hours
 - ◆ Total Annual Student Headcount

Performance Measure	Benchmark
Scholarship Dollars Per Student FTE <ul style="list-style-type: none"> - Academic - Professional Technical 	\$2,380 \$1,800
Full-time Freshman (degree-seeking) Retention Rate	60%
Graduation Rates (Percent of full-time, first time students from the cohort of new first year students who complete their program within 1½ times the normal program length)	33%
Core Expenses per FTE Enrollment by Function <ul style="list-style-type: none"> - Instruction - Research - Public Service - Academic - Institutional Support - Student Services - Other Core Expenses 	
Credit Hours Taught	255,000
Pass Rates for Required Licensing & Certification Exams	Meets or Exceeds National Rates
External Funding (Grants & Contracts) Awarded Annually to ISU	Increase by 10% per year
Average GPA of Incoming Full-Time, First-Year, Degree-Seeking Freshmen	≥3.4
Student FTE to Faculty FTE Ratio	< 20

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Lewis-Clark State College (LCSC)

- *Cases Served*
 - Annual (unduplicated) Enrollment Headcount (Professional Technical/Undergraduate)
 - Annual Enrollment FTE (Professional Technical/Undergraduate)
 - Credit Hours Taught per Faculty FTE
 - Degrees/Certificates Awarded (Professional Technical/Undergraduate)
 - Dual Credit
 - ◆ Total Annual Credit Hours
 - ◆ Total Annual Student Headcount

Performance Measure	Benchmark
Scholarship Dollars Per Student FTE	
- Academic	\$1,746
- Professional Technical	\$1,180
Full-time Freshman (degree-seeking) Retention Rate	57%
Graduation Rates (Percent of full-time, first time students from the cohort of new first year students who complete their program within 1½ times the normal program length)	28%
Core Expenses per FTE Enrollment by Function	
- Instruction	
- Research	
- Public Service	
- Academic	
- Institutional Support	
- Student Services	
- Other Core Expenses	
Enrollment Headcount (Fall 10 th Day, Credit Courses Only, IPEDS)	4,215
Enrollment Full Time Equivalent (Fall 10 th Day, Credit Courses Only)	2,980
Annual Student Credit Hour Production (Academic Only)	74,577
Professional-Technical Credit Hours (PTE Annual Program Enrollment Summary)	15,163
Concurrent and Tech-Prep enrollment (Fall 10 th -day headcount)	710
First-time licensing/certification Exam Pass Rates	NCLEX-RN: 95% NCLEX-PN: 100% ARRT: 100% PRAXIS II: 92%

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University of Idaho (UI)

▪ *Cases Served*

- Annual (unduplicated) Enrollment Headcount (Undergraduate/Graduate/Professional)
- Annual Enrollment FTE (Undergraduate/Graduate/Professional)
- Credit Hours Taught per Faculty FTE
- Degrees/Certificates Awarded (Undergraduate/Graduate/ Professional)
- Dual Credit
 - ◆ Total Annual Credit Hours
 - ◆ Total Annual Student Headcount

(additional Cases Served)

- Number of Communities and Organizations With Which UI Faculty and Students Have Been Engaged
- Percent of Graduate Assistantships Above the 25th Percentile by Discipline (Oklahoma State Survey)
- Percent of Full-Time UI Faculty Who Report Percent Time Under Extension/Outreach Activities (Position Descriptions)
- Percent Disadvantaged Minority (Full-time Faculty/Full-time Staff/Full-time Students)

Performance Measure	Benchmark
Scholarship Dollars Per Student FTE	\$1,600
Full-time Freshman (degree-seeking) Retention Rate	80%
Graduation Rates (Percent of full-time, first time students from the cohort of new first year students who complete their program within 1½ times the normal program length)	60%
Core Expenses per FTE Enrollment by Function <ul style="list-style-type: none"> - Instruction - Research - Public Service - Academic - Institutional Support - Student Services - Other Core Expenses 	Peer Averages: \$7,900 \$6,600 \$2,800 \$2,000 \$1,800 \$1,000 \$6,400
Full-time Undergraduates Participating in Service-Learning Projects <ul style="list-style-type: none"> - Number - Percent 	800 10%
Grant Applications Supporting/Requiring Interdisciplinary Activities <ul style="list-style-type: none"> - Number - Percent - Total Dollars Awarded 	To be determined by examining FY09 Data

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Academic Programs Reviewed in Detail as Part of the Program Prioritization Process - Number - Percent	45 20%
Faculty & Staff who Have Attended University Climate and Culture or Diversity Workshops - Number - Percent	100 4%
Number of "Requests for Innovations" Approved for Implementation	2
Total Dollars in Gifts & Pledges Received (data from IPEDS)	\$22 million

North Idaho College (NIC)

- *Cases Served*
 - Annual (unduplicated) Enrollment Headcount (Professional Technical/Undergraduate)
 - Annual Enrollment FTE (Professional Technical/Undergraduate)
 - Credit Hours Taught per Faculty FTE
 - Degrees/Certificates Awarded (Professional Technical/Undergraduate)
 - Dual Credit
 - ◆ Total Annual Credit Hours
 - ◆ Total Annual Student Headcount
 - Workforce Training Headcount

Performance Measure	Benchmark
Instructional Dollars per Student FTE - Professional Technical - Transfer	Maintain existing level of support per student FTE.
Scholarship Dollars Per Student FTE	The NIC Foundation will make 700 awards exceeding \$500,000 by 2013.
Number of course offerings at the NIC Outreach Centers and other off-campus sites.	Expand course offerings at the NIC Outreach Centers and other off-site campus sites by 6% by 2013.

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College of Southern Idaho (CSI)

- *Cases Served*
 - Annual (unduplicated) Enrollment Headcount (Professional Technical/Undergraduate)
 - Annual Enrollment FTE (Professional Technical/Undergraduate)
 - Credit Hours Taught per Faculty FTE
 - Degrees/Certificates Awarded (Professional Technical/Undergraduate)
 - Dual Credit
 - ◆ Total Annual Credit Hours
 - ◆ Total Annual Student Headcount
 - Workforce Training Headcount

Performance Measure	Benchmark
Instructional Dollars per Student FTE <ul style="list-style-type: none">- Academic- Professional Technical	Instructional costs per student FTE will compare favorably to that of our peer institutions.
Scholarship Dollars Per Student FTE	By 2012 award CSI Foundation scholarships to at least a third of all eligible CSI students.
Tuition and fees Full-Time Part-Time	Maintain tuition and fees at or below that of our peer institutions.
Employee Compensation Competitiveness	CSI employee salaries will be at the mean or above for comparable positions in the Mountain States Community College Survey.
Total Yearly Dollar Amount Generated Through External Grants	Will submit a minimum of \$2,750,000 yearly in external grant requests with a 30% success rate.
Funds Raised Through the CSI Foundation	By 2012 achieve a minimum of 80% participation in the Foundation's internal campaign.

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College of Western Idaho (CWI)

- *Cases Served*
 - Annual (unduplicated) Enrollment Headcount (Professional Technical/Undergraduate)
 - Annual Enrollment FTE (Professional Technical/Undergraduate)
 - Credit Hours Taught per Faculty FTE
 - Degrees/Certificates Awarded (Professional Technical/Undergraduate)
 - Dual Credit
 - ◆ Total Annual Credit Hours
 - ◆ Total Annual Student Headcount
 - Workforce Training Headcount

- *Performance Measures*
 - Instructional Dollars per Student FTE (Academic/Professional Technical)
 - Scholarship Dollars per Student FTE (Academic/Professional Technical)

Performance Measure	Benchmark
Plan for accreditation Achieve regional accreditation in minimal amount of time	Meet requirement for NWCCU
Hiring qualified faculty and staff Meeting qualifications for hiring	Aligned with standards of League for Innovation
Student Management system	Aligned with Baldrige criteria
Ensure affordable education Instructional Dollars per Student FTE Academic	Determine the best ways to help students finance their education
Ensure affordable education Scholarship Dollars per Student FTE	Determine the best ways to help students finance their education
Provide variety of delivery options Number of students using each venue	Research delivery options at CCs
Provide variety of delivery options - Increase number of sites - Number of online students	Research delivery options at CCs
Technology for classrooms	All classrooms technology enabled
Expand customized training	State performance measure (7% of the workforce trained)

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Eastern Idaho Technical College (EITC)

- *Cases Served*
 - Annual (unduplicated) Enrollment Headcount (Professional Technical/Undergraduate)
 - Annual Enrollment FTE (Professional Technical/Undergraduate)
 - Credit Hours Taught per Faculty FTE
 - Degrees/Certificates Awarded (Professional Technical/Undergraduate)
 - Dual Credit
 - ◆ Total Annual Credit Hours
 - ◆ Total Annual Student Headcount
 - Workforce Training (non-credit/specialized training contact hours)

Performance Measure	Benchmark
Instructional Dollars per Student FTE (Professional-Technical) IPEDS	\$5,008
Scholarship Dollars per Student FTE (Professional-Technical)	\$1,155
Non-credit contact hours – WFT	156,000
Student Retention rate (First year, full time degree seeking students, from fall to fall) IPEDS	49%
Graduate Rate (Percent of full-time, first time students from the cohort of new first year students who complete their program within 1½ times the normal program length)	36%
Percent of AAS and Certificate completers positively placed in employment – PTE	90%

Idaho Division of Professional-Technical Education (IDPTE)

- *Cases Served*
 - Number of Students Enrolled in High School PTE Programs (headcount)
 - Number of Students Enrolled in Postsecondary PTE Programs (headcount)
 - Number of Adults Enrolled in Upgrade and Customized Training (headcount)
 - Number of Adults Enrolled in Statewide Fire and Emergency Services Training Programs (headcount)
 - Number of Minority Students Enrolled in PTE Programs
 - Number of Clients Served in the ABE Program (headcount)
 - Number of Adults Served in the Displaced Homemaker Program (Center for New Directions)
 - Technical College Expenditures per Credit Hour
 - Technical College Expenditures per Program Completer

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Performance Measure	Benchmark
Number of Secondary Tech Prep Students	Increase 1% each year
Number of secondary students who transition to Technical College education or training.	Above 90%
Number of Technical College PTE enrollments.	Increase 2% each year
Number of Technical College PTE completers who achieve a positive placement or transition.	Above 90%
Number of PTE concentrators who take a technical skill assessment (TSA).	Increase 10% each year
Number of ABE clients who meet their stated goal which may include a GED.	Increase 2% each year

Idaho Public Television (IPTV)

- *Cases Served*
 - Channel Hours for Children (under the age of 12)
 - Channel Hours for Ethnic Minorities
 - Channel Hours for Learners
 - Number of Visitors to idahoptv.org
 - Public Affairs Channel Hours
 - Idaho Specific Channel Hours

Performance Measure	Benchmark
Number of awards for IdahoPTV media and services.	35
Number of DTV channel hours of transmission.	137,240
Number of transmitters broadcasting a DTV signal.	5 of 5
Number of DTV-ready translators (DTT).	39 of 39
Number of licensed DTV fill-in translators (DTS).	1 of 7
Percentage of Idaho's population within our DTV signal coverage area.	73.1%
Number of IdahoPTV channel hours of Idaho-specific educational and informational programming.	2,271
Total number of hours of educational programming.	8,300
Total FTE in content delivery and distribution.	<30.45
Successfully comply with FCC policies/PBS programming, underwriting and membership policies/and CPB guidelines.	Yes/Yes/Yes

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State Department of Education (SDE)

- *Cases Served*
 - Number of School Districts Supported
 - Number of Public School District Students K-12
 - Number of K-12 Students Home Schooled
 - Number of K-12 Charter Schools
 - FTE Student Teacher Ratio
- *Performance Measures*
 - Agency personnel (key personnel) total compensation as a percent of peer organizations
 - Number/Percentage of Students Completing High School
 - Percentage of 8th Graders Scoring Proficient or Better on NAEP
 - Number of Highly Qualified Teachers Teaching in Their Area of Specialty as a Percentage of The Total Teaching Population
 - Percentage of K-12 Students Meeting or Exceeding ISAT
 - Number of 3rd Graders Reading at or Above Grade Level
 - Number of Schools Receiving Technical Assistance

Idaho Division of Vocational Rehabilitation (IDVR)

- *Cases Served*
 - Number of Individuals Served by Vocational Rehabilitation
 - The Number of Individuals Who Went to Work After Receiving VR Services
 - The Number of Individuals With Chronic Renal Failure Supported

Performance Measure	Benchmark
Number of Individuals Exiting the VR Program Who Achieved an Employment Outcome	2120
Percentage of Individuals Who Exit the VR Program After Receiving Services Who Are Determined to Have Achieved an Employment Outcome (Federal Benchmark: 55.8%)	55.8%
Average Hourly Earnings of Individuals Exiting the VR Program Who Achieved an Employment Outcome During the Current Year	\$9.90
Number of Individuals Involved With the Correctional System Exiting the VR Program Who Achieved an Employment Outcome	432
Increase the Percentage of Community Supported Employment through the Extended Employment Services Program	.53 ratio

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Boise State University (Special Programs)

*** Small Business Development Centers (SBDC)**

- *Cases Served*
 - Number of Small Businesses Receiving Consulting
 - Average Hours of Consulting Per Client
 - Number of Small Business Trained
 - Number of Consulting Hours (annual)

Performance Measure	Benchmark
Average Sales Growth of SBDC Clients as a Percent of Sales Growth of All Idaho Small Business Sales Growth	300%
Capital raised by clients	\$25,000,000
Total SBDC Client Employment Growth/Jobs Saved	750
ROI (Return on Investment) - Additional Taxes Paid/Total Cost of the Idaho SBDC Program	3.0
Sales Increase of SBDC Clients over An Average Idaho Business	\$25,000,000
New Business Started*	72
Customer Satisfaction Rate (1-5)	3.75

*** Tech Help**

- *Cases Served*
 - Average State Cost per Client Served
 - Manufacturers Served

Performance Measure	Benchmark
Number of Jobs Created or Retained	Exceed prior year by 5%
Customer Satisfaction Score (scale of 1-5)	Exceed 4.0
New and Retained Client Sales	Exceed prior year by 5%
Client Cost Savings	Exceed prior year by 5%
Client Investments in Improvement	Exceed prior year by 5%
Federal Minimum Acceptable Impact Measures Performance Score	Exceed 85 of 100

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Federal \$ per Surveyable Project: Ratio of National Median**	Below national median
Bottom-line Client Impact: Ratio of National Median***	Above national median
Net Revenue from Client Projects	Exceed prior year by 5%
Grant Dollars for Operations & Projects	Exceed prior year by 5%

*** Idaho Council on Economic Education (ICEE)**

▪ *Cases Served*

- Number of Teachers Receiving Training in Economic/Financial Education
- Number of Students Participating in Economic/Financial Programs by Council and Centers

Performance Measure	Benchmark
Number of Community Volunteers Participating in Providing Economic and Financial Education Programs to Idaho Students and Teachers	350

Idaho State University (Health & Special Programs)

*** ISU Family Medicine Residency**

▪ *Cases Served*

- Number of Residents in Training
- Average Total State Funded Dollar Cost per Resident as a Percent of Total Residency Training Costs
- Number of Health Profession Students (non-physician) Receiving Clinical Training at FMR Facilities

Performance Measure	Benchmark
1 - Access:	
a - Number of Hospitalists	5 Hospitalists
b - Application and Site Visit Approval for RTT	Initial Accreditation Granted by RRC
c - Number of Residents Accepted	7 Residents
2 - Quality:	
a - Number of pediatric rotations in Spokane taken by ISU residents	Number of pediatric rotations in Spokane will increase

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b - Number of new clinical quality research projects	Number of research projects will increase
3 - Efficiency:	
a - Identify residency structural change with a potential for improving funding streams	Structural Change Initiated
b - Level of Support from Portneuf Medical Center (PMC) for ISU Family Medicine	No Reduction in Financial and/or Programmatic Support

*** Idaho Dental Education Program (IDEP)**

- *Cases Served*
 - Number of Program Applicants
 - Number of Program Applicants Accepted
 - Number of Graduates (Since Program Inception)

Performance Measure	Benchmark
Average student scores on Dental National Boards Part I written examination	>70%
Average student scores on Dental National Boards Part II written examination	>70%
1 st time pass rate on Clinical Board Examination necessary to obtain dental license	90%
Number of students in the program*	10
Average Cost per student**	<50% National Average
Percentage of IDEP Graduates Returning to Idaho to practice	>50%

*** Museum of Natural History**

- *Cases Served*
 - Number of General Public Visitors
 - Educational Programs for Public Audiences
 - Number of K-12 Students on Class Tours
 - Exhibitions Mounted
 - Loans from Collections
 - Public Served Through Programs

PLANNING, POLICY & GOVERNMENTAL AFFAIRS
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Performance Measure	Benchmark
Number of People Served by the General Public Museum Programs	Increase by 5%
Grant revenue received	Increase by 5%
Number of Exhibitions Developed/Presented at Outreach Locations	Add one each year for the next two years
Museum Store Revenue Received	Increase by 5%
Number of Educational Programs	90

University of Idaho (Health & Special Programs)

*** WOI Veterinary Medicine**

▪ *Cases Served*

- Number of Idaho Residents Enrolled Each Year
- Number of One-Month Student Rotations (or equivalent) at the Caine Veterinary Teaching Center (CVTC) Per Year
- Number of Accepted Clinical Hospital Referral Cases
- Number of Accepted Veterinary Diagnostic Samples

Performance Measure	Benchmark
Senior Veterinary Students Selecting Elective Rotations at the Caine Center	40
Number/Percentage of Idaho Resident New Graduates Licensed to Practice Veterinary Medicine in Idaho	7 Students 65%
Number of Disease Investigations Conducted by WOI Faculty Members	150
Number/Dollar Amount of Grants/Contracts by WOI Faculty Members	7/\$300,000

*** WWAMI Medical Education**

▪ *Cases Served*

- Number of Idaho Students Applying for UW Medical School (Average GPA/Average MCAT Score)
- Number of Idaho Students Admitted to UW Medical School (Percentage Supported by WWAMI Funding)
- Number/Percentage of Graduates Practicing in Idaho (cumulative)

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Performance Measure	Benchmark
Number of Idaho Applicants Per Year - Ratio of State Applicants Per Seat	3.4 : 1
Pass Rate on the U.S. Medical Licensing Examination	90% (2005 U.S. Pass rate)
Number of WWAMI Rural Summer Medical Student Placements Per Year	10
Cumulative Idaho WWAMI return rate for graduates who practice medicine in Idaho (Idaho WWAMI graduates practicing in state/number of Idaho WWAMI graduates)	50%
Overall Idaho return on investment (ROI) for WWAMI graduates (five states) who practice medicine in Idaho (all WWAMI graduates practicing in Idaho/number of Idaho WWAMI graduates)	60%
Percent of Idaho WWAMI graduates choosing primary care specialties for residency training	50%

*** Agricultural Research and Extension**

▪ *Cases Served*

- Number of Youth Participating in 4H
- Number of Individuals/Families Benefiting from Outreach Programs
- Number of Technical Publications (research results) Generated/Revised

Performance Measure	Benchmark
Number and Dollar Value of External Agricultural Research Grants	\$15 million
Number/Type of New Commercial Crop Varieties Developed	4/year
Number of Research Programs Undertaken/Completed	

*** Forest Utilization Research**

▪ *Cases Served*

- Number of Private Landowners Assisted
- Number of Seedling Industry Research Projects
- Number of Research/Teaching/Service Projects

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Performance Measure	Benchmark
Number of New Research Projects Per Year:	
Experimental Forest	4
Pitkin Forest Nursery	5
Number of Research Studies Completed/Published Per Year	5
Number of publications:	
Experimental Forest	3
Policy Analysis Group	10
Pitkin Forest Nursery	10
Number of workshops conducted:	
Experimental Forest	12
Policy Analysis Group	18
Pitkin Forest Nursery	20

*** Idaho Geological Survey**

▪ *Cases Served*

- Square Miles of Geological Mapping
- Number of Educational Programs for Public Audiences
- Number of Geological Reports and Presentations
- Number of Miners/Industry Supervisors Trained/Certified in Safety
- Number of Website Viewers
- Number of Grants & Contracts

Performance Measure	Benchmark
Number of Published Reports on Geology/Hydrology/Hazards/Mineral Resources	38
Cumulative Percent of Idaho's area covered by Modern Geologic Mapping	32%
Externally Funded Grant & Contract Dollars	\$350,000
Number of Web-site Products Delivered	143,000

Office of the State Board of Education (Health & Special Programs)

*** University of Utah**

▪ *Cases Served*

- Number of Students Enrolled
- Number of Idaho Students Applying for University of Utah Medical School
- Number of Idaho Applicants Interviewed from Pool
- Number of Idaho Medical Students Accepted for Admission to Fill
Positions Available at UofU

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Performance Measure	Benchmark
Number of Students Participating in the Summer Shadowing Program*	Maintain number of sponsorships
Number of students who completed rotations during 3 rd and 4 th year of school with Idaho physicians and communities*	Meet or exceed previous year.
Pass Rate on U.S. Medical Licensing Examination for Idaho Students Enrolled in Program	100%
Number of Idaho student graduates from medical school*	Meet or exceed previous year.
Total Number of Residents Trained at University of Utah practicing in Idaho**	Meet or exceed previous year.
Total number of UofU SOM Alumni in Idaho**	Meet or exceed previous year.

*** University of Washington Family Medicine Residency (Boise)**

- *Cases Served*
 - Number of Residents in Training
 - Average Total State Funded Dollar Cost per Resident as a Percent of Total Residency Training Costs
 - Number of Health Profession Students (non-physician) Receiving Clinical Training at FMR Facilities

Performance Measure	Benchmark
Percentage of Physician Residents Graduating	95%
Percentage of Graduates Successfully Completing Board Examination	95%
Percentage of Resident Training Graduates Practicing in Idaho	50%
Number of Residents Matched Annually	100%
Percentage of Qualified Idaho Residents Offered an Interview for Residency Training	100%
Retention of Full Continued Accreditation Status with a Five-Year Revisit Cycle	Full/4 Years

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PLANNING, POLICY & GOVERNMENTAL AFFAIRS
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SUBJECT

First Reading – Board Policy Section I.E.4.

APPLICABLE STATUTE, RULE, OR POLICY

Idaho State Board of Education Governing Policies & Procedures, Section I.A.5.b., and I.M.

BACKGROUND/DISCUSSION

The Board recognizes the valuable service that the spouse of an institution president provides on behalf of the institution. As such, Board staff have developed the following policy in relation to reimbursement of travel expenses for bona fide business purposes. The reimbursement of expenses other than those defined as required for bona fide business purposes would pose additional tax consequences.

IMPACT

Approval of the proposed policy would allow institutions to reimburse the spouse of an Institution president for travel expenses related to bona fide business purposes.

ATTACHMENTS

Attachment 1 – Policies & Procedures, Section I.E.4.

Page 3

STAFF COMMENTS AND RECOMMENDATIONS

Staff recommends approval of Board policy, section I.E.4.

BOARD ACTION

A motion to approve the first reading of the Idaho State Board of Education Governing Policies & Procedures, Section I.E.4. as submitted.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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Idaho State Board of Education

GOVERNING POLICIES AND PROCEDURES

SECTION: I. GENERAL GOVERNING POLICIES AND PROCEDURES

SUBSECTION: E. Annual Planning and Reporting

June 2009 October 2009

[Add new section 4, below]

4. Institutional Presidents: Spouse Official Travel Expenses

The Board acknowledges that the spouse of an institutional president provides valuable service activities on behalf of the institution, the Board, and to the Idaho higher education system. The Board further recognizes that the spouse will be expected to attend certain functions related to the ongoing mission and purposes of the institution. Accordingly, a spouse shall be eligible for reimbursement of authorized domestic official travel expenses (not international), in accordance with the State of Idaho's travel expense policies, that have a bona fide business purpose. To be a bona fide business purpose the presence of the spouse at the function must be significant and essential (not just beneficial) to the institution president being able to carry out his/her business purpose for the institution. If a spouse has no significant role at the function, or performs only incidental duties of a social or clerical nature, then attendance does not constitute a bona fide business purpose. The travel expenses of a spouse that do not constitute a bona fide business purpose for the institution may not be reimbursed under this policy. Spousal travel expenses may not be charged to state funds; various non-state funds controlled by the institution may be used to fund spousal travel. Official travel expenses will be reimbursed under this policy only when prior notice of such travel is provided to the executive director of the Board.

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IDAHO DIVISION OF VOCATIONAL REHABILITATION

SUBJECT

Proposed rule changes to IDAPA 47.01.01 – Clarification of language regarding appeals process

REFERENCE

June 2008	Board approved proposed rules incorporating IDVR's Filed Service Manual by reference to IDAPA 47.01.01.
November 2008	Board approved pending rules incorporating IDVR's Filed Service Manual by reference to IDAPA 47.01.01

APPLICABLE STATUTE, RULE, OR POLICY

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

BACKGROUND/ DISCUSSION

In 2008 the Board approved changes to IDAPA 47.01.01 incorporating the Idaho Division of Vocational Rehabilitation (IDVR) Field Service Manual by reference. The Field Service Manual includes a detailed section on IDVR's appeal process. Once a document is incorporated by reference into a rule it is treated as if it were a rule and requires Board approval to change. The rule process outlined in the field service manual had been updated to bring it in compliance with Federal requirements, and the appeals process in the actual rule was stricken. During the 2009 legislative session the germane committees rejected the section of IDVR's rule eliminating the appeals procedures, indicating that they would like it to be in both places. Because the text in the rule was intended to be stricken it was not updated as the process in the Field Service Manual was and is now out of date. The proposed rule brings the text in the rule in alignment with the text in the Field Service Manual, eliminating any confusion that may be caused by the existing text in rule and bringing it in alignment with Federal guidelines.

IMPACT

Approval of the pending rule will allow for the rule to move forward in the rule making process. After the 21 day comment period the rule will be brought back to the Board with any changes for final approval as a pending rule.

ATTACHMENTS

Attachment 1 – IDAPA 47.01.01

page 3

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STAFF COMMENTS AND RECOMMENDATIONS

Proposed rules have a 21 day comment period prior to becoming Pending rules. Based on received comments and Board direction, changes may be made to Proposed rules prior to entering the Pending stage. All Pending rules will be brought back to the board for approval prior to submittal to the Department of Administration for publication in the Idaho Administrative Bulletin.

Staff recommends approval of the proposed rule change to IDAPA 47.01.01.

BOARD ACTION

A motion to approve the proposed rule change to IDAPA 47.01.01 Rules of the Idaho Division of Vocational Rehabilitation.

Moved by _____ Seconded by _____ Carried Yes ____ No ____

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IDAPA 47
TITLE 01
CHAPTER 01

IDAPA 47 - DIVISION OF VOCATIONAL REHABILITATION

47.01.01 - RULES OF THE IDAHO DIVISION OF VOCATIONAL REHABILITATION

100. CLIENT/PARTICIPANT APPEALS.

In accordance with 34 CFR Part 361.57, the client/participant appeals process is governed by Section 100 of these rules and is outlined in the Division's agency Field Services Manual that is incorporated by reference into these rules in Subsection 004.01.b. (See <http://www.vr.idaho.gov/>). (2-17-09)

~~**01. Informal Dispute Resolution.** Within ten (10) calendar days of notification of the contested action, lack of action or decision, the client/participant may request that an Informal Dispute Resolution be held. The request shall be made in writing to the Regional Manager. The written request should state the reason for the review.~~
~~(5-3-03)~~

~~**a.** The Regional Manager shall inform the client/participant in writing as to the time, place, and date of the Informal Dispute Resolution. The client/participant may choose to represent himself/herself or may have a representative(s) speak on his/her behalf.~~
~~(5-3-03)~~

~~**b.** The Regional Manager will make a decision regarding the specifics of the Informal Dispute Resolution. This decision will be in written form and it will be sent to the client/participant, with a copy in the case file.~~
~~(5-3-03)~~

~~**02. Mediation.** The request shall be made in writing to the Regional Manager. A written request should state the reason for the review. The Mediation must take place within the sixty (60) day requirement for an Impartial Due Process Hearing.~~
~~(5-3-03)~~

~~**03. Impartial Due Process Hearing.** An Impartial Due Process Hearing can be held without an Informal Dispute Resolution or Mediation or if the client/participant is dissatisfied with the result of the Informal Dispute Resolution or Mediation. The Impartial Due Process Hearing will deal with the issues involved in the original Informal Dispute Resolution or Mediation, if one took place. The request for an Impartial Due Process Hearing will be made in writing to the Administrator of the Division within ten (10) calendar days of the Regional Manager's decision from the Informal Dispute Resolution or the Mediation Agreement from Mediation. The hearing by an impartial hearing officer must be held within sixty (60) days of a request by the client unless both parties agree to a specified delay.~~
~~(5-3-03)~~

01. Informal Appeals Process. The Informal Administrative Review process is an option available to the individual as a proven means likely to result in a timely resolution of disagreements. An individual must request an Informal Administrative Review within ten (10) calendar days of the agency notice regarding the provision or denial of services that are in question. The request must be in writing to the Regional Manager. The request must describe the complaint. In holding an Informal Administrative Review, the Regional Manager will function as the Administrative Review Officer and will be responsible for:

a. Conducting the review within fifteen (15) calendar days following written receipt of a request for such a hearing.

b. Advising the individual of his/her right to have a representative present and encouraging the individual to use the services of CAP.

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c. Insuring that the review is conducted at a time mutually agreed to by the parties involved that ensures the entire appeals process can be completed within forty-five (45) calendar days, unless the parties agree to a specific extension of time.

d. When undue delay is caused by the individual in scheduling an Administrative Review, the individual will be informed that if the review is not conducted within thirty (30) calendar days following the individual's request for an Informal Administrative Review, the individual's request will be viewed by the IDVR as invalid.

e. When the individual makes a documented effort to utilize CAP or another selected advocate to resolve his/her dissatisfaction, the time allowed for conducting an Administrative Review will be extended accordingly.

f. Holding the review at a time and place convenient to the individual, generally at the local IDVR branch office.

g. Providing communication methods for those individuals who have a sensory impairment. An interpreter will be provided for those individuals who cannot communicate in English.

h. Assuring that the individual is provided transportation to and from the review site, if needed.

i. The Administrative Review Officer (Regional Manager) will attempt to resolve the matter to the satisfaction of the individual, developing a written agreement with the individual at the conclusion of the appeal process. A copy will be sent to the Administrator, Chief of Field Services, the involved counselor(s) and the counselor's supervisor. The results are binding for the agency unless the decision is not permitted by law. The individual may reject the findings of the review and request a formal appeal known as an Impartial Due Process Hearing.

02. Formal Appeals Process. The Formal Appeal Process is an option available to any individual who is dissatisfied with any determination made by personnel of IDVR that affects the provisions of vocational rehabilitation services. An individual may request, or if appropriate, may request through the individual's representative, a timely review of the determination. Such request must be made within sixty (60) days of the IDVR case management decision resulting in the initial disagreement. The Formal Appeal Process shall include an Impartial Due Process Hearing by an Impartial Hearing Officer (IHO).

An individual may request an Impartial Due Process Hearing immediately without having to go through other appeal steps. Even if an individual agrees to an informal hearings process, such individual is entitled to a Due Process Hearing within sixty (60) days of the IDVR case management decision that initiated the disagreement, unless both parties agree to an extension.

a. A formal hearing is a procedure whereby an individual who is dissatisfied with any determination concerning the provision or denial of IDVR services or the findings of the Administrative Review may seek a determination of agency action before an Impartial Hearing Officer.

b. The individual must request a hearing within ten (10) calendar days of the agency notice regarding the provision or denial of services based upon the conclusion of the Administrative Review or mediation. The individual may bypass the Informal Administrative Review or mediation process entirely and go directly to the Impartial Due Process Hearing (fair hearing). That process will then commence immediately.

c. A request for a hearing must be sent in writing to the Chief of Field Services and clearly state the individual's dissatisfaction.

d. The hearing shall be conducted within sixty (60) calendar days of receipt of the individual's request for review, unless informal resolution is achieved prior to the 60th day, or the parties agree to a specific extension of time.

e. A hearing shall be conducted by an Impartial Hearing Officer selected from the pool of qualified persons identified jointly by the Administrator of IDVR and the State Rehabilitation Council.

f. The Hearing Officer shall issue a written report of the findings and decision of the hearing within thirty (30) calendar days of the completion of the hearing.

g. The decision of the hearing officer shall be considered final by the agency.

h. Any party who disagrees with the findings and decisions of an impartial hearing officer shall have the right to bring a civil action with respect to the matter in dispute. The action may be brought in any state court of competent jurisdiction or in a district court of the United States of competent jurisdiction without regard to the amount in controversy.

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03. Mediation. Mediation is an alternate dispute resolution method available to applicants and eligible individuals who have initiated the Formal Appeals Process.

a. An individual must request Mediation within ten (10) calendar days of the agency notice regarding the results of the Administrative Review. Mediation is available to an individual when an Administrative Review has not resolved the dispute to the satisfaction of the individual.

b. A request for mediation must be made in writing to the Chief of Field Services and clearly state the reason for dissatisfaction with the results of the Administrative Review. The Chief of Field Services will represent IDVR or assign a member of the administrative or supervisory staff who has not participated in agency action that created the individual's dissatisfaction.

c. Participation in the mediation process is voluntary on the part of the individual and on the part of IDVR. Either party may reject mediation as an alternate dispute resolution method. Either party, once accepting mediation as an alternate dispute resolution method, may terminate the mediation process.

d. Mediation is not used to deny or delay the individual's right to pursue an impartial hearing. Should the individual and/or designated representatives select mediation in lieu of a formal hearing; the option for the formal hearing will be extended to allow the results of the mediation to be established. After the final results of the mediation are determined, the individual retains the right to request a formal hearing.

e. Mediation is conducted by qualified and impartial mediators, who are selected randomly from a list of mediators maintained by the IDVR.

f. Mediation discussions are confidential and may not be used as evidence in a subsequent due process hearing.

g. The mediator will develop a written Mediation Agreement, if agreement between the parties is reached, signed by the individual, the mediator and IDVR.

h. Cost of mediation is paid by IDVR, although no costs are provided for representation for the individual.

101. -- 199. (RESERVED).

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PLANNING, POLICY & GOVERNMENTAL AFFAIRS
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SUBJECT

Temporary/Proposed Rule, IDAPA 08.01.11

REFERENCE

June, 2008

Board approved legislation altering the statute affecting registration of postsecondary and proprietary schools offering courses or courses of study in Idaho.

APPLICABLE STATUTE, RULE, OR POLICY

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

BACKGROUND/DISCUSSION

During the 2009 legislative session changes proposed by the Board to title 33, chapter 24 were passed. As a result of those changes it is necessary for the Board to promulgate new rules regulating the registration of postsecondary and proprietary schools. The legislation revised the criteria and process for school surety bonding and student tuition recovery funding.

The temporary/proposed rule brings the rule into alignment with the new statute, specifying the amount and process for determining the registration fee and surety bond.

IMPACT

Approval of this Proposed rule will allow the rule to move forward in the rule making process. After the required public comment period the rule, with any necessary changes, will be brought before the Board for final approval as a Pending rule. Pending rules are then forwarded to the legislature for consideration.

ATTACHMENTS

Attachment 1-Temporary/Proposed Rules Governing Registration Page 3

STAFF COMMENTS AND RECOMMENDATIONS

Board staff recommends approval of the proposed rule as presented to bring IDAPA 08.01.11 in alignment with current statute.

BOARD ACTION

A motion to approve the Temporary/Proposed Rule, IDAPA 08.01.11. Rules – Registration of Postsecondary Education Institutions and Proprietary Schools.

Moved by_____ Seconded by_____ Carried Yes_____ No_____

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IDAPA 08
TITLE 01
CHAPTER 11

**08.01.11 - REGISTRATION OF POST-SECONDARY 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. (4-9-09)

001. TITLE AND SCOPE.

01. Title. This rule shall be cited as IDAPA 08.01.11, "Registration of Post-Secondary Educational Institutions and Proprietary Schools." (4-9-09)

02. Scope. This rule sets forth the registration requirements for post-secondary 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. (4-9-09)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of this rule. (4-9-09)

003. ADMINISTRATIVE APPEALS.

The Administrative Procedures Act, Chapter 52, title 67, Idaho Code, applies to any denial of registration of any post-secondary 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." (4-9-09)

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference. (4-9-09)

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. (4-9-09)

02. Mailing Address. The mailing address of the Board is P.O. Box 83720, Boise, Idaho 83720-0037. (4-9-09)

03. Street Address. The offices of the Board are located at 650 W. State Street, Boise, Idaho. (4-9-09)

04. Telephone. The telephone number of the Board is (208) 334-2270. (4-9-09)

05. Facsimile. The facsimile number of the Board is (208) 334-2632. (4-9-09)

06. Electronic Address. The electronic address of the Board is <http://www.boardofed.idaho.gov>. (4-9-09)

006. PUBLIC RECORDS ACT COMPLIANCE.

This rule is subject to the provisions of the Public Records Act, Title 9, Chapter 3, Idaho Code. (4-9-09)

007. -- 009. (RESERVED).

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010. DEFINITIONS.

01. Accredited. Defined in Section 33-2401(1), Idaho Code, and means that a postsecondary educational institution has been recognized or approved as meeting the standards established by an accrediting organization recognized by the Board. (4-9-09)

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. (4-9-09)

03. Agent's ~~Permit~~ certificate of identification. Defined in Section 33-2401(3), Idaho Code, and means a nontransferable written document issued to an agent by ~~the Board or its designee~~ [the proprietary school that the agent represents](#). (4-9-09)

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. (4-9-09)

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. (4-9-09)

06. Degree. Defined in Section 33-2401(7), Idaho Code, and means any written or any academic, vocational, professional technical or honorary title or designation, mark, appellation, series of letters, numbers, or words such as, but not limited to, which contains, in any language, the word "associate," "bachelor's," "baccalaureate," "master's," "doctorate," or "fellow," any abbreviation thereof, and 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 post secondary educational institution or other entity which may be used for any purpose whatsoever, indicates or represents, or which is intended to indicate or represent, that the person named thereon, in the case of any writing, or the person it is awarded thereto, in the case of any academic title, is learned in or has satisfactorily completed a prescribed course of study in a particular field or that the person has demonstrated proficiency in any field of endeavor as a result of formal preparation or training. (4-9-09)

07. Nonprofit. Means an entity that is recognized under the Internal Revenue Code and applicable regulations as being tax exempt, or an entity such as a nonprofit or 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. (4-9-09)

08. 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 course or courses of study that lead to a degree, or which provides, offers or sells degrees. (4-9-09)

09. 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. (4-9-09)

011. -- 099. (RESERVED).

100. RECOGNITION OF ACCREDITATION ORGANIZATIONS.

Registration of Post-Secondary Educational Institutions. For purposes of registration of post-secondary educational

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institutions, the Board recognizes the regional accreditation organizations listed in Subsections 100.01 through 100.06, below. In addition, the Board recognizes institutional accreditation organizations which are also recognized by and in good standing with both the United States Department of Education and by the Council for Higher Education Accreditation, and which accredit entire colleges or universities, and which do not accredit only courses or courses of study (such as specialized accreditation organizations). Further, the Board may recognize other accreditation organizations on a case-by-case basis. A request for recognition of other accreditation organizations for purposes of registration should be made to the Board's Chief Higher Education Academic Officer, who will 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. (4-9-09)

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. (4-9-09)

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. (4-9-09)

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. (4-9-09)

04. Northwest Commission on Colleges and Universities (NWCCU). Accredits post-secondary educational institutions in Alaska, Idaho, Montana, Nevada, Oregon, Utah, and Washington. (4-9-09)

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. (4-9-09)

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. (4-9-09)

101. -- 199. (RESERVED).

200. REGISTRATION OF POSTSECONDARY EDUCATIONAL INSTITUTIONS.

01. **Delegation.** Section 33-2403, Idaho Code, provides that a proprietary school must hold a valid certificate of registration issued by the Board. The Board delegates authority to its executive director, or his designee, and the [Office of the State Board Of Education](#) to administer the registration of register proprietary schools, in accordance with Chapter 24, Title 33, Idaho Code and this rule.

012. Registration Requirement. (4-9-09)

a. Unless exempted by statute or this rule, as provided herein, a post-secondary 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 33-407(6)(a), Idaho Code.~~ (4-9-09)

b. ~~Initial~~ 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. ~~Initial registration shall mean an institution's~~

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~~initial registration under this rule, even if an institution has previously registered with the Board~~ A registered postsecondary educational institution must renew its certificate of registration annually, and renewal of registration is not automatic. (4-9-09)

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. (4-9-09)

023. Idaho Presence. An institution shall be deemed to have a presence in Idaho, or to be operating or purporting to be operating from a location within the state of Idaho, if it owns, rents, leases, or uses any office or other type of physical location in Idaho, including a mailing or shipping center, or if it represents in any way, such as on an electronic or Internet website, to have an Idaho street or mailing address, including a post office box in Idaho. (4-9-09)

034. Institutions Exempt from Registration. (4-9-09)

a. Idaho public post-secondary 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. (4-9-09)

b. Certain Idaho private, not for profit, post-secondary educational institutions. A private, nonprofit, post-secondary 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.

04. Institutions that Must Register.

a. Out-of-state public post-secondary 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. (4-9-09)

b. Out-of-state private, nonprofit, post-secondary educational institutions. An out-of-state private, nonprofit, post-secondary educational institution must register as provided herein. (4-9-09)

c. Certain Idaho private, nonprofit, post-secondary educational institutions. A private, nonprofit, post-secondary 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. (4-9-09)

d. For-profit post-secondary educational institutions. A post-secondary 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. (4-9-09)

05. ~~Exception~~ Alternative to Registration Requirement for Certain Postsecondary Institutions. (4-9-09)

a. A post-secondary 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. (4-9-09)

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. (4-9-09)

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

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renewal of registration, as applicable), on ~~a the~~ form ~~approved~~provided by the Board ~~office~~. 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. (4-9-09)

07. Registration Fees. The Board shall assess an annual registration fee for initial registration, or renewal of registration, of a post-secondary educational institution. The registration fee must accompany the application for registration, and shall be in the amount of one-half of one percent (.5%) of the gross Idaho tuition revenue of the Institution during the previous registration year, but not less than 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~~ five thousand dollars (\$25,000). The institution must provide financial documentation to substantiate the amount of revenue reported. Registration fees are not refundable. (4-9-09)

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. (4-9-09)

09. Information Required. Such application must include the information requested on the application form, as well as the following information: (4-9-09)

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: (4-9-09)

- i. Copy of most recent accreditation report; (4-9-09)
- ii. Current list of chief officers - e.g. president, board chair, chief academic officer, chief fiscal officer; (4-9-09)
- iii. Most recent copy of strategic plan; (4-9-09)
- iv. Enrollment data for current and past two (2) years; (4-9-09)
- v. Copy of annual audited financial statement; (4-9-09)
- vi. Any additional information that the Board may request. (4-9-09)

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 201.01 through 201.06. of this rule. (4-9-09)

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. (4-9-09)

201. APPROVAL STANDARDS FOR POSTSECONDARY EDUCATIONAL INSTITUTIONS.

Except as provided in Subsection 200.09.a. of this rule, an institution applying for registration must meet, or demonstrate that it will meet, all of the following standards: (4-9-09)

01. Standard I - Legal Status and Administrative Structure. The institution must be in compliance

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with all local, state, and federal laws, administrative rules, and other regulations applicable to post-secondary educational institutions. (4-9-09)

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. (4-9-09)

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. (4-9-09)

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. (4-9-09)

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 post-secondary educational experience at an accredited institution. (4-9-09)

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. (4-9-09)

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. (4-9-09)

g. The administration must establish procedures for evaluating the effectiveness of the entire institution and for assessing the quality of instruction through established and recognized methods of instructional assessment. Evaluation and assessment results must be used to improve institutional programs and services. Evaluative/assessment processes must involve internal constituents from the institution and appropriate external representatives. (4-9-09)

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. (4-9-09)

a. The requirements for all instructional programs must be defined clearly, including applicable completion requirements for courses, credits, and clinicals. 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. (4-9-09)

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: (4-9-09)

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; (4-9-09)

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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; (4-9-09)

iii. Baccalaureate Degree. A credential awarded for completion of requirements entailing at least four (4) years of full-time academic work; (4-9-09)

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 (4-9-09)

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. (4-9-09)

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. (4-9-09)

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. (4-9-09)

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. (4-9-09)

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. (4-9-09)

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. (4-9-09)

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. (4-9-09)

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. (4-9-09)

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: (4-9-09)

i. The institution's mission; (4-9-09)

ii. Admissions policies; (4-9-09)

iii. Information describing the purpose, length, and objectives for the courses or courses of study or

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degrees offered by the institution; (4-9-09)

- iv. Credit requirements for all courses or courses of study or degrees offered by the institution; (4-9-09)
- v. Procedures for awarding credit for work completed outside the collegiate setting; (4-9-09)
- vi. Policies for acceptance of transfer credit; (4-9-09)
- vii. The schedule of tuition, fees, and all other charges and expenses necessary for completion of the courses or courses of study or degrees; (4-9-09)
- viii. Cancellation and refund policies; (4-9-09)
- ix. A definition of the unit of credit as it applies at the institution; (4-9-09)
- x. An explanation of satisfactory progress, including an explanation of the grading/assessment system; (4-9-09)
- xi. The institution's calendar, including the beginning and ending dates for each instructional term, holidays, and registration dates; (4-9-09)
- 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; (4-9-09)
- 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; (4-9-09)
- xiv. A statement of legal control with the names of the trustees, directors, and officers of the institution or corporation or other entity; (4-9-09)
- xv. A complete listing of all scholarships offered, if any; (4-9-09)
- xvi. A statement describing the nature and extent of available student services; (4-9-09)
- xvii. Complete and clearly stated information about the transferability of credit to other post-secondary educational institutions, including two (2) year and four (4) year colleges and universities; and (4-9-09)
- xviii. 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. (4-9-09)

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. (4-9-09)

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. (4-9-09)

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. (4-9-09)

a. Faculty must be qualified through academic preparation appropriate to their assigned classes and degree level. For bachelor degree programs, faculty must have a master's degree from an accredited institution. At

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the graduate level, faculty must have 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. (4-9-09)

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 (1) 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. (4-9-09)

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. (4-9-09)

d. The ratio of faculty to students in each course must be sufficient to assure effective instruction. (4-9-09)

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. (4-9-09)

f. Procedures for evaluating faculty must be established, including provisions for promoting faculty and recognizing scholarly contributions to their academic discipline. (4-9-09)

g. A faculty development program must be established to encourage professional advancement and to enhance one's knowledge and instructional expertise. (4-9-09)

05. Standard V - Resources, Financial Resources, and Facilities. The institution must have adequate financial resources to accomplish its educational mission and objective. (4-9-09)

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. (4-9-09)

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. (4-9-09)

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. (4-9-09)

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. (4-9-09)

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. (4-9-09)

06. Standard VI - Library and Instructional Resources. The institution must obtain and properly

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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. (4-9-09)

a. The institution must have adequate library facilities for the library holdings, space for study, and workspace for the librarian and library staff. (4-9-09)

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. (4-9-09)

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. (4-9-09)

d. The library must be administered by professionally trained staff supported by sufficient personnel. (4-9-09)

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. (4-9-09)

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. (4-9-09)

02. Criteria for Approval 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. (4-9-09)

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. (4-9-09)

04. Certificate of Registration. (4-9-09)

a. A certificate of registration will be issued to a post-secondary 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. (4-9-09)

~~**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 a revised certificate of registration evidencing such approval.~~ (4-9-09)

05. Disapproval and Appeal. If a post-secondary 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. (4-9-09)

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06. Withdrawal of Approval. (4-9-09)

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." (4-9-09)

b. Withdrawal of approval may be for one (1) or more of the following reasons (4-9-09)

i. Violation of Chapter 24, Title 33, Idaho Code or this rule; (4-9-09)

ii. Providing false, misleading, deceptive, or incomplete information to the Board; (4-9-09)

iii. Presenting to prospective or current students information about the institution which is false, fraudulent, misleading, deceptive, or inaccurate in a material respect; or (4-9-09)

iv. Refusing to allow reasonable inspection or to supply reasonable information after a written request by the Board has been received. (4-9-09)

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.

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 its executive director, or his designee, and the Idaho Division of Professional Technical Education (PTE) Office of the State Board Of Education to administer the registration of register proprietary schools, in accordance with ~~this rule~~ Chapter 24, Title 33, Idaho Code and this rule. (4-9-09)

02. Registration Requirement. (4-9-09)

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~~ the Board. A school shall not conduct, provide, offer, or sell a course or courses of study unless registered. A school shall not solicit students for or on behalf of 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.~~ (4-9-09)

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~~ the Board, 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. (4-9-09)

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. (4-9-09)

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

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Idaho. (4-9-09)

04. Exemptions from Registration. The following individuals or entities are specifically exempt from the registration requirements of this rule. (4-9-09)

a. An individual or entity that offers instruction or training solely a vocational or recreational in nature, as determined by the Board. (4-9-09)

b. An individual or entity that offers courses recognized by the Board which comply in whole or in part with the compulsory education law. (4-9-09)

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. (4-9-09)

d. An individual or entity which is otherwise regulated, licensed, or registered with another state agency pursuant to title 54, Idaho Code. (4-9-09)

~~e. Aviation school or instructors approved by and under the supervision of the Federal Aviation Administration.~~ (4-9-09)

~~f. e.~~ 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. (4-9-09)

~~g. f.~~ An individual or entity offering only workshops or seminars lasting no longer than three (3) calendar days. (4-9-09)

~~h. g.~~ A parochial or denominational institution providing instruction or training relating solely to religion for which degrees are not granted. (4-9-09)

~~ih.~~ An individual or entity that offers post-secondary credit through a consortium of public and private colleges and universities under the auspices of the western governors.

05. Application. A proprietary school that is required to register under this rule must submit to ~~PTE~~, the Board office an application for registration (either an application for initial registration, or renewal of registration, as applicable), on a form ~~approved by PTE provided by the Board office~~. 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. (4-9-09)

06. Registration Fees and Costs. ~~The Board shall assess an annual~~ 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. The registration fee must accompany the application for registration, and shall be one-half of one percent (.5%) of the gross Idaho tuition revenue of the school during the previous registration year, but not less than 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, and not to exceed two five thousand dollars (\$25,000). The school shall provide documentation to substantiate the amount of revenue reported.~~ Registration fees are not refundable. (4-9-09)

07. Deadline for Registration. An initial application for registration may be submitted to ~~PTE~~, Board at anytime. A school should expect ~~PTE~~, the Board 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~~, the Board on or before the first business day of May that precedes a registration year. Schools that have not completed annual renewal of registration by July 1st must cease all active operations until approval of registration is received. (4-9-09)

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08. Information Required.

(4-9-09)

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. (4-9-09)

b. ~~_____PTE.~~ The Board 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 ~~4300.056~~ of this rule, shall remain applicable. (4-9-09)

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. (4-9-09)

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. (4-9-09)

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. (4-9-09)

b. The ownership of the school, its agents, and all school officials must be identified by name and title. (4-9-09)

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. (4-9-09)

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. (4-9-09)

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. (4-9-09)

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. (4-9-09)

a. The requirements for each course or courses of study must be defined clearly including applicable completion requirements or other requirements such as practicums and clinicals. 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. (4-9-09)

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.

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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. (4-9-09)

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. (4-9-09)

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. (4-9-09)

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 student, newly-enrolled student, and returning student, complete and clearly presented information indicating the school's current completion and job placement rate. (4-9-09)

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. (4-9-09)

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. (4-9-09)

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. (4-9-09)

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. (4-9-09)

d. The school must provide written information to prospective students prior to enrollment to include the following: (4-9-09)

- i. Information describing the purpose, length, and objectives of the courses or courses of study; (4-9-09)
- ii. Completion requirements for the courses or courses of study; (4-9-09)
- iii. The schedule of tuition, fees, and all other charges and all expenses necessary for completion of the courses or courses of study; (4-9-09)
- iv. Cancellation and refund policies; (4-9-09)
- v. An explanation of satisfactory progress, including an explanation of the grading/assessment system; (4-9-09)
- vi. The calendar of study including registration dates, beginning and ending dates for all courses, and holidays; (4-9-09)
- vii. A complete list of instructors and their qualifications; (4-9-09)

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- viii. A listing of available student services; and (4-9-09)
- ix. Other information about the courses or courses of study that are likely to affect the decision of the student to enroll in the school. (4-9-09)
- 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. (4-9-09)
- 04. Standard IV - Faculty Qualifications and Compensation.** (4-9-09)
- a. Instructor qualifications (training and experience) must be described and the assigned location for each instructor must be identified. (4-9-09)
- b. There must be a sufficient number of full-time instructors to maintain the continuity and stability of courses. (4-9-09)
- c. The ratio of instructors to students in each course must be sufficient to assure effective instruction. (4-9-09)
- d. Commissions may not be used for any portion of the faculty compensation. (4-9-09)
- e. Procedures for evaluating instructors must be established. Provisions for student evaluation are recommended. (4-9-09)
- 05. Standard V - Resources, Finance, Facilities, and Instructional Resources.** (4-9-09)
- a. Adequate financial resources must be provided to accomplish instructional objectives and to effectively support the instructional program, including teaching facilities, instructional materials, supplies and equipment, instructors, staff, library, and the physical and instructional technology infrastructure. (4-9-09)
- 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). (4-9-09)
- 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 recognized financial accounting methods. (4-9-09)
- 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. (4-9-09)
- 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. (4-9-09)

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

If ~~PTE~~ the Board 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. (4-9-09)

- 01. Verification of Information.** ~~PTE.~~ The Board may verify the accuracy of submitted information

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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. (4-9-09)

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 300.08.a. through 300.08.e. of this rule. A school must remain in compliance for the registration year. (4-9-09)

03. Public Information. All information submitted to PTE. [the Board](#) is public information, and is subject to disclosure as set forth in the Public Records Act, Title 9, Chapter 3, Idaho Code. (4-9-09)

04. Certificate of Registration. (4-9-09)

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. [the Board](#) shall advertise or represent in any manner that it is accredited by PTE. [the Board](#). An institution may only represent that it is: "Registered with Idaho Division of Professional-Technical Education." Registration is not an endorsement of the school. (4-9-09)

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. [the Board](#) prior to issuance of the certificate of registration, then the school may submit a supplemental application to PTE. [the Board](#), on a form approved by PTE. [the Board](#), and pay any additional registration fees that are applicable. If approved, PTE. [the Board](#) will issue a revised certificate of registration evidencing such approval. (4-9-09)

05. Disapproval and Appeal. If a proprietary school's request for initial registration or a renewal of registration is disapproved by PTE. [the Board](#), 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. [the Board](#) within thirty (30) days of the date the school is notified of the disapproval. (4-9-09)

06. Withdrawal of Approval. (4-9-09)

a. PTE. [The Board](#) 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." (4-9-09)

b. Withdrawal of approval may be for one (1) or more of the following reasons: (4-9-09)

i. Violation of Chapter 24, Title 33, Idaho Code or this rule. (4-9-09)

ii. Providing false, misleading, deceptive, or incomplete information to PTE. [the Board](#). (4-9-09)

iii. Presenting to prospective or current students information about the school which is false, fraudulent, misleading, deceptive, or inaccurate in a material respect; or (4-9-09)

iv. Refusing to allow reasonable inspection or to supply reasonable information after a written request by PTE. [the Board](#) has been received. (4-9-09)

c. If any information contained in the application submitted by the school becomes incorrect or incomplete, then the registered school shall notify PTE. [the Board](#) of such change within thirty (30) days. A school that ceases operation during the course of a registration year shall immediately notify PTE. [the Board](#) of this event. (4-9-09)

07. Agent's ~~Permit~~ Certificate of Identification. Each proprietary school shall ensure that its agents have a valid ~~permit~~ certificate of identification, 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, at a minimum, the State Bureau of

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Identification, and statewide sex offender registry for each agent having unsupervised contact with minors in the minor's home or at secondary schools, prior to making application for the agent's ~~permit~~ certificate of identification. The criminal history check shall be valid for five (5) years. When an employee returns to any proprietary school, after a break in service of six (6) months or more, a new criminal history check must be obtained. When an employee changes employment between proprietary schools a new criminal history check must be obtained. (4-9-09)

a. The Board shall revoke any agent's certificate of identification issued or authorized under this section, and shall deny the application for issuance of a new certificate of identification of a person who pleads guilty to or is found guilty of, notwithstanding the form of the judgment or withheld judgment, any of the following felony offenses against a child:

- i. The aggravated assault of a child, section 18-905, Idaho Code, or the assault with intent to commit a serious felony against a child, section 18-909, Idaho Code.
- ii. The aggravated battery of a child, section 18-907, Idaho Code, or the battery with intent to commit a serious felony against a child, section 18-911, Idaho Code.
- iii. The injury or death of a child, section 18-1501, Idaho Code.
- iv. The sexual abuse of a child under sixteen (16) years of age, section 18-1506, Idaho Code.
- v. The ritualized abuse of a child under eighteen (18) years of age, section 18-1506A, Idaho Code.
- vi. The sexual exploitation of a child, section 18-1507, Idaho Code.
- vii. Possession of photographic representations of sexual conduct involving a child, section 18-1507A, Idaho Code.
- viii. Lewd conduct with a child under the age of sixteen (16) years, section 18-1508, Idaho Code.
- ix. The sexual battery of a minor child sixteen (16) or seventeen (17) years of age, section 18-1508A, Idaho Code.
- x. The sale or barter of a child for adoption or other purposes, section 18-1511, Idaho Code.
- xi. The murder of a child, section 18-4003, Idaho Code, or the voluntary manslaughter of a child, section 18-4006 1., Idaho Code.
- xii. The kidnapping of a child, section 18-4502, Idaho Code.
- xiii. The importation or exportation of a juvenile for immoral purposes, section 18-5601, Idaho Code.
- xiv. The abduction of a person under eighteen (18) years of age for prostitution, section 18-5610, Idaho Code.
- xv. The rape of a child, section 18-6101 or 18-6108, Idaho Code.

The general classes of felonies listed in this section shall include equivalent laws of federal or other state jurisdictions. For the purpose of this subsection, "child" means a minor or juvenile as defined by the applicable state or federal law.

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. (4-9-09)

09 08. 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

a. The amount of the surety bond shall be equal to the total tuition and fees charged by the school during the previous registration year. If a school is just starting or expects a significant expansion during the next year, the surety bond must cover the expected total tuition and fees.

b. Schools shall ensure that all bonds include "extended coverage" clauses, to remain in effect for 120 days after the date of closure.

c. No party to the surety bond may cancel without 120 day prior notice to all parties, including the Office of the State Board of Education.

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e. [The Board shall be the beneficiary of the bond and shall oversee the distribution of funds to students who file claims. Schools will provide proof of the required bond and submit said documentation with their registration applications.](#)

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.

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SUBJECT

Proposed rule IDAPA 08.01.14 – Rules Governing the Idaho Rural Physicians Fund

APPLICABLE STATUTE, RULE, OR POLICY

Sections, 33-3723 – 33-3725, Idaho Code.

BACKGROUND/ DISCUSSION

Title 33, chapter 37, Idaho Code creates the Rural Physicians Incentive Fund. This fund assesses a fee to students preparing to be physicians in the fields of medicine or osteopathic medicine who participate in the interstate compact for professional education in those fields. The fund is then used to incentivize physicians to practice in rural areas through the partial repayment of student loans related to their education. An Idaho Administrative Rule is necessary to implement the distribution of these funds.

The attached rule sets out the process involved in applying for the Rural Physicians Incentive Funds and the criteria that the Oversight Committee will use for recommending eligible candidates to the Board.

IMPACT

Approval of the pending rule will allow for the rule to move forward in the rule making process. After the 21 day comment period the rule will be brought back to the Board with any changes for final approval as a pending rule.

ATTACHMENTS

Attachment 1- Proposed Rule – Rural Physicians Incentive Fund

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STAFF COMMENTS AND RECOMMENDATIONS

Proposed rules have a 21 day comment period prior to becoming Pending rules. Based on received comments and Board direction, changes may be made to Proposed rules prior to entering the Pending stage. All Pending rules will be brought back to the board for approval prior to submittal to the Department of Administration for publication in the Idaho Administrative Rules Bulletin.

BOARD ACTION

A motion to approve the proposed rule IDAPA 08.01.14 – Rules Governing the Idaho Rural Physicians Fund

Moved by _____ Seconded by _____ Carried Yes ____ No ____

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**IDAPA 08
TITLE 01
CHAPTER 14**

IDAHO RURAL PHYSICIAN INCENTIVE PROGRAM

000. LEGAL AUTHORITY.

These rules are promulgated pursuant to the authority of the State Board of Education (the Board) under Section 33-105, and Sections 33-3723 through 33-3725, Idaho Code.

001. TITLE AND SCOPE.

01. Title. These rules shall be known as IDAPA 08.01.xx, "Idaho Rural Physician Incentive Program."

02. Scope. These rules constitute the requirements for the Idaho Rural Physician Incentive Program.

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19) (b) (IV), Idaho Code any written interpretation of the rules of this chapter are available at the Board office.

003. ADMINISTRATIVE APPEAL.

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

004. INCORPORATION BY REFERENCE.

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

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

The principal place of business of the Board is in Boise, Idaho.

01. Mailing Address. The mailing address is PO Box 83720, Boise, ID 83720-0037.

02. Street Address. The Board's street address is 650 West State Street, Room 307, Boise, Idaho 83702.

03. Office Hours. The office hours are from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays.

006. PUBLIC RECORDS ACT COMPLIANCE.

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

007. COMMUNICATION WITH STATE OFFICIALS.

All inquiries concerning the Rural Physician Incentive Program will be directed to the Office of the Board.

008.—009. (RESERVED)

010. DEFINITIONS.

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These definitions are applicable to this chapter only.

01. Rural physician incentive fee. Means the fee assessed by the Board to students preparing to be physicians in the fields of medicine or osteopathic medicine who are supported by the state pursuant to an interstate compact for professional education in those fields, as those fields are defined by the compact.

02. Rural physician incentive fund. Means the special revenue account in the state treasury created pursuant to Section 33-3724, Idaho Code, relating to the Rural Physician Incentive Program.

03. Rural physician. Means a licensed Idaho physician, MD or DO, who spends a minimum of 28 hours per week, on average, providing primary care medicine services to patients in an eligible area.

04. Primary care medicine. Means family medicine, general internal medicine, and general pediatrics, but if there is a demonstrated high level of need in an eligible area, as determined by the oversight committee, may also include obstetrics and gynecology, general psychiatry, general surgery and emergency medicine.

05. Eligible area. Means a medically underserved area of Idaho, further defined to mean an area designated by the U.S. Secretary of Health and Human Services as a health professions shortage area.

06. Qualified medical education debt. Means debt with a financial aid program or financial institution incurred to meet the educational costs of attending a medical school.

07. Community sponsoring organization. Means a hospital, medical clinic or other medical organization which is located in an eligible area and that employs physicians for purposes of providing primary care medical services to patients.

08. Oversight Committee. Means the committee constituted pursuant to Section 33-3724, Idaho Code, composed of knowledgeable individuals or organizations to assist in the administration of the rural physician incentive program.

011. OBJECTIVES OF THE RURAL PHYSICIAN INCENTIVE PROGRAM

This program is established as a tool to help recruit and retain rural physicians to serve in eligible areas. The grant of an award under this program requires the support of a community sponsoring organization in an eligible area that has experienced physician recruiting difficulties and which can demonstrate broad support for this program from the medical community and community leaders located in the eligible area.

012. ADMINISTRATION

The Board, through the advice and recommendations of the oversight committee, is the administrative agent for the Rural Physician Incentive Program. The Board designates its executive director or his designee as its administrative officer for this program, and delegates to its executive director or his designee, and to the Office of the State Board of Education, such administrative responsibilities as are necessary to carry out and administer the Rural Physician Incentive Program as described in this rule.

013. ASSESSMENT OF A RURAL PHYSICIAN INCENTIVE FEE

01. Pursuant to Section 33-3723, Idaho Code, the rural physician incentive fee assessed to and required to be paid by all state-supported medical students who are preparing to be physicians in the fields of medicine or osteopathic medicine shall be equal to four percent (4%) of the average annual medical support fee paid by the state on behalf of each such student.

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02. The rural physician incentive fee assessed by the Board shall be collected by the Office of the State Board of Education annually from each state supported student during each year of undergraduate medical training, and shall be deposited into the state treasury.

03. Income and earnings from the rural physician incentive fund shall be returned to such fund.

014. ELIGIBILITY FOR A RURAL PHYSICIAN INCENTIVE PROGRAM AWARD

01. Eligibility Requirements. A physician who meets the following requirements is eligible to apply for a Rural Physician Incentive Program award:

a. The physician while pursuing his or her medical education must have been assessed a rural physician incentive fee and paid into the rural physician incentive fund;

b. During the period covered by the award, the physician must be a rural physician providing primary care medicine in an eligible area. A physician may provide patient care services in primary care medicine in more than one eligible area;

c. The physician must be an MD or DO, and have completed an Accreditation Council of Graduate Medical Education or American Osteopathic Association residency;

d. The physician must be Idaho Medical Board certified/Board eligible, hold an unrestricted Idaho medical license and be able to meet the medical staffing requirements of the sponsoring organization when applicable; and

e. The physician must be eligible to care for Medicare and Medicaid patients within the scope of his or her primary care medicine practice.

02. Ineligibility. Notwithstanding Subsection 014.01 of these rules, a physician shall not be entitled to receive an award under this program if he or she is receiving payments for purposes of repaying qualified medical education debt from another state, or from a federal debt repayment program.

015. APPLICATION PROCESS

01. Applications. Applications for the Rural Physician Incentive Program must be on a form prescribed by the Office of the State Board of Education and must include a letter of support, as well as supporting documentation establishing the criteria in Subsection 021.01 and .02 of these rules, from a sponsoring organization. Applications must be received by the Office of the State Board of Education not earlier than October 1, and not later than December 31, for consideration for the award period beginning July 1 of the next succeeding year.

02. Announcement of Award. Announcement of program awards shall be made not later than April 30 each year, with awards to be effective beginning July 1 of that year. Applicants must respond by the date specified in any communication from officials of the Rural Physician Incentive Fund Program. Failure to respond within the time period specified will result in cancellation of the application and forfeiture of the award unless extenuating circumstances can be shown by the applicant.

016. SELECTION OF RURAL PHYSICIAN INCENTIVE FUND AWARD RECIPIENTS

01. The selection of recipients of Rural Physician Incentive Program awards shall be based on ranking and priority of applicants in accordance with the following criteria:

a. Demonstrated physician shortage in the eligible area to be benefitted;

b. Demonstrated physician recruiting difficulties in the eligible area to be benefitted;

c. Support of the medical community and community leaders in the eligible area.

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02. In reviewing and weighing these criteria, all relevant factors shall be considered

03. If a physician selected for an award of debt payments does not accept the award in the manner provided in these rules, then the award shall be awarded to the next eligible applicant who has not received an award.

017. MONETARY VALUE OF THE AWARD

01. Award Amounts. A physician selected to receive a Rural Physician Incentive Program award shall be entitled to receive qualified medical education debt repayments for a period not to exceed five (5) years in such amount as is determined annually. The award shall not exceed the qualified medical education debt incurred by the recipient, and the maximum amount of educational debt repayments that a rural physician may receive shall be fifty thousand dollars (\$50,000) over such five (5) year period. Payments shall be limited to a maximum of ten thousand dollars (\$10,000) in a single year. Award amounts shall be established annually based on recommendations of the oversight committee utilizing such factors as availability of funding, the number of new applicants, and the hours an award recipient will devote to providing primary care services in an eligible area. All qualified medical education debt repayments shall be paid directly to the financial organization holding such debt. Pursuant to Section 33-3725, Idaho Code, the total of all awards from the rural physician incentive fund contractually committed in a year shall not exceed the annual amount deposited in the rural physician incentive fund that same year.

02. Annual Adjustments. An award payment to a recipient in a single year is not guaranteed or assured in subsequent years, and may be increased or reduced. Annual award payments for new and existing award recipients will be announced no later than April 30th of each year.

018. ANNUAL CONTRACT

An award recipient physician must enter into an annual contract to be eligible for qualified medical education debt repayments. Prior to entering into a contract covering a new award year an award recipient must verify that he or she has met and will continue to meet the award eligibility requirements specified in this rule. Pursuant to Section 33-3725, Idaho Code, the contract must provide that the award recipient is liable to the Board for the award payments made on his or her behalf if the recipient ceases to practice in the eligible area during the contract period or fails to perform according to the terms of the contract. Annual verification of continued eligibility must be on a form provided by OSBE and submitted to OSBE no later than December 31st each year.

019. FRAUDULENT INFORMATION. Providing false information on any application or document submitted under this chapter is grounds for declaring the applicant ineligible. Any and all funds determined to have been acquired on the basis of fraudulent information must be returned to the rural physician incentive fund. This section shall not limit other remedies which may be available for the filing of false or fraudulent applications.

020. APPEAL PROCEDURE.

Any Idaho Rural Physician Incentive Program award applicant or recipient adversely affected by a decision made under provisions of these rules may appeal such adverse decision as follows. The Idaho Rural Physician Incentive Program applicant or recipient must appeal no later than thirty (30) days following notice of the decision, and the written statement must include a

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statement of the reason the applicant or recipient believes the decision should be changed or overturned. The appeal must be submitted to the President of the Board. The Board must acknowledge receipt of the appeal within seven (7) days. The President of the Board may or may not agree to review the action, or may appoint a subcommittee of three (3) persons.

01. Transmittal to Subcommittee. If the appeal is transmitted to the subcommittee, the subcommittee will review the appeal and submit a written recommendation to the President of the Board within fifteen (15) days from the time the subcommittee receives the appeal document. The applicant or recipient initiating the appeal will be notified by the chairperson of the subcommittee of the time and place when the subcommittee will consider the appeal and will be allowed to appear before the subcommittee to discuss the appeal.

02. Subcommittee Recommendations. Following the subcommittee's decision, the President of the Board will present the subcommittee's recommendation to the full Board at the next regularly scheduled meeting of the Board. The applicant or recipient initiating the appeal may, at the discretion of the President of the Board, be permitted to make a presentation to the Board.

03. Board Decision. The decision of the Board is final, binding, and ends all administrative remedies, unless otherwise specifically provided by the Board. The Board will inform the applicant or recipient in writing of the decision of the Board.

021-999 (RESERVED)

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SUBJECT

Trends in Higher Education Overview

BACKGROUND/DISCUSSION

Idaho faces significant economic and educational challenges. Higher Education will play a key role in addressing those challenges. Several recent national reports outline the global and national contexts in which higher education must compete and succeed. These reports provide helpful information about where we are and where we need to be with regards to degree production, completion rates and student access. They also provide insights into funding the expansion of higher education.

IMPACT

Information from these reports is valuable for helping Idaho craft its direction for higher education.

BOARD ACTION

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

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