

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
NOVEMBER 17, 2010**

TAB	DESCRIPTION	ACTION
1	PENDING RULE – DOCKET 08-0202-1002	Motion to Approve
2	PENDING RULE – DOCKET 08-0203-1002	Motion to Approve
3	PENDING RULE – DOCKET 08-0111-1011	Motion to Approve

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SUBJECT

Pending Rule Docket 08-0202-1002 - Idaho Comprehensive Literacy Assessment

REFERENCE

October 15, 2009	The State Board of Education approved the proposed changes to Section 33-1207A and directed the Executive Director to make any non-substantive changes as necessary for the legislation to move through the Governor's legislative process.
August 12, 2010	The State Board of Education approved proposed changes to IDAPA 08.02.02. rules governing uniformity to bring sections in compliance with section 33-1207A, Idaho code.

APPLICABLE STATUTE, RULE, OR POLICY

Section 33-1207A, Idaho Code
IDAPA 08.02.02.015.03a and 08.02.02.017

BACKGROUND/DISCUSSION

The Idaho Comprehensive Literacy Assessment was part of the legislation package that created the Idaho Reading initiative in 1999. In an effort to ensure preservice teachers entering the classroom were competent in literacy, the requirement for a single statewide assessment was put into Idaho Code. At that time, procedures were not developed and it was left to the literacy professors at the institutions to design and administer this statewide assessment. Changes to Section 33-1207A, Idaho code during the 2010 legislative session clarify the responsibility and procedures for the assessment necessitated changes to IDAPA 08.02.02.015 and 08.02.02.017.

There were no comments received during the open comment period. No changes have been made to the pending rule language.

IMPACT

All K-12 teacher preparation programs will be required to implement a preservice assessment measure for literacy comprehension. Previously K-8 teacher preparation programs required the literacy comprehension assessment.

ATTACHMENTS

Attachment 2 – Pending Rule Docket 08-0202-1002

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STAFF COMMENTS AND RECOMMENDATIONS

Approved Pending rules will be submitted to the Department of Administration for publication in the Idaho Administrative Rules Bulletin as a Pending Rule and will go before the legislature and become effective at the end of the session if the legislature does not take action on them.

BOARD ACTION

I move to approve the Pending Rule docket 08-0202-1002 as submitted.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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008. -- 011. (RESERVED).

012. ACCREDITED INSTITUTION.

For purposes of teacher certification, an accredited school, college, university, or other teacher training institution is considered by the Idaho State Board of Education to be one that is accredited by a regional accrediting association recognized by the State Board of Education or an alternative model approved by the State Board of Education. (Sections 33-107; 33-114; 33-1203, Idaho Code) (4-1-97)

013. CERTIFICATION OF TEACHERS TRAINED IN FOREIGN INSTITUTIONS.

Considering credentials for teacher certification submitted by persons trained in the institutions of foreign countries will be initiated by a translation and evaluation of the applicant's credentials. (4-1-97)

01. Determination of Eligibility. Determination of eligibility for certification will be made by the State Department of Education as the agent of the State Board of Education. Appeals may be made to the Professional Standards Commission, (PSC). (Section 33-1209, Idaho Code) (3-16-04)

02. Other Procedures. All other procedures in effect at the time must be followed at the time of application. (4-1-97)

014. CERTIFICATES ISSUED TO APPLICANTS FROM REGIONALLY ACCREDITED INSTITUTIONS.

01. The Department of Education. The department of education is authorized to issue Idaho Certificates to applicants from regionally accredited institutions meeting requirements for certification or equivalent (i.e., those based on a bachelor's degree) in other states when they substantially meet the requirements for the Idaho Certificate. (Sections 33-1203; 33-2203 Idaho Code) (3-16-04)

02. The State Division of Professional-Technical Education. The state division of professional-technical education is authorized to determine whether applicants meet the requirements for instructing or administering professional-technical programs at the secondary and postsecondary levels. (Section 33-2203, Idaho Code) (3-16-04)

015. IDAHO INTERIM CERTIFICATE.

01. Issuance of Interim Certificate. The State Department of Education is authorized to issue a three-year (3) interim certificate to those applicants who hold a valid certificate/license from another state or other entity that participates in the National Association of State Directors of Teacher Education and Certification (NASDTEC) Interstate Agreement. An interim certificate is nonrenewable except under extenuating circumstances. (4-2-08)

a. **Idaho Comprehensive Literacy Course.** For all Idaho teachers working on interim certificates, alternate routes or coming from out of the state, completion of a state approved reading instruction course shall be a one-time requirement for full certification. ()

b. **Technology.** Out-of-state applicants will be reviewed by the hiring district for technology deficiencies and may be required to take technology courses to improve technology skills. ()

02. Foreign Institutions. An educator having graduated from a foreign institution that is listed in the Accredited Degree-Granting Institutions section of the "Accredited Institutions of Postsecondary Education" and having a valid/current teaching certificate/license from the country or province in which the foreign institution is located, may be issued a non-renewable, three (3) year interim certificate. The applicant must also complete the requirements listed in Section 013 of these rules. (4-2-08)

016. IDAHO EDUCATOR CREDENTIAL.

The State Board of Education authorizes the State Department of Education to issue certificates and endorsements to those individuals meeting the specific requirements for each area provided herein. (Section 33-1201, Idaho Code)

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(3-16-04)

01. Renewal Requirement - Mathematics In-Service Program. In order to recertify, the state approved mathematics instruction course titled “Mathematical Thinking for Instruction” shall be required. The “Mathematical Thinking for Instruction” course consists of three (3) credits (or forty-five (45) contact hours of in-service training). Teachers and administrators shall take one (1) of the three (3) courses developed that each teacher deems to be most closely aligned with their current assignment prior to September 1, 2014. Successful completion of state approved mathematics instruction course shall be a one-time requirement for renewal of certification for those currently employed in an Idaho school district and shall be included within current requirements for continuing education for renewal. The following individuals listed in Subsection 016.01.a. through 016.01.e. shall successfully complete the “Mathematical Thinking for Instruction” course in order to recertify:

(3-29-10)

a. Each teacher holding an Early Childhood/Early Childhood Special Education Blended Certificate (Birth - Grade 3) who is employed in an elementary classroom (multi-subject classroom, K-8);

(3-29-10)

b. Each teacher holding a Standard Elementary Certificate (K-8);

(3-29-10)

c. Each teacher holding a Standard Secondary Certificate (6-12) teaching in a math content classroom (grade six (6) through grade twelve (12)) including Title I classrooms;

(3-29-10)

d. Each teacher holding a Standard Exceptional Child Certificate (K-12); and

(3-29-10)

e. Each school administrator holding an Administrator Certificate (Pre K-12).

(3-29-10)

02. Out-of-State Applicants. Out-of-state applicants shall take the state approved mathematics instruction course titled “Mathematical Thinking for Instruction” as a certification requirement. The “Mathematical Thinking for Instruction” course consists of three (3) credits (or forty-five (45) contact hours of in-service training).

(3-29-10)

017. CONTENT, PEDAGOGY AND PERFORMANCE ASSESSMENT FOR CERTIFICATION.

01. Assessments. State Board of Education approved content, pedagogy and performance area assessments shall be used in the state of Idaho to ensure qualified teachers are employed in Idaho’s classrooms. The Professional Standards Commission shall recommend assessments and qualifying scores to the State Board of Education for approval.

(4-2-08)

02. Out-of-State Waivers. An out-of-state applicant for Idaho certification holding a current certificate may request a waiver from the above requirement. The applicant shall provide evidence of passing a state approved content, pedagogy and performance area assessment(s) or hold current National Board for Professional Standards Teaching Certificate.

(4-2-08)

03. Idaho Comprehensive Literacy Assessment. All applicants for initial Idaho certification (Kindergarten through grade 12) from an Idaho approved teacher education program must demonstrate competency in comprehensive literacy. Areas to be included as parts of the assessment are: phonological awareness, phonics, fluency, vocabulary, comprehension, writing, and assessments and intervention strategies. Each Idaho public higher education institution shall be responsible for the assessment of teacher candidates in its teacher preparation program. The assessment must measure teaching skills and knowledge congruent with current research on best literacy practices for elementary students or secondary students (adolescent literacy) dependent upon level of certification and English Language Learners. In addition the assessment must measure understanding and the ability to apply strategies and beliefs about language, literacy instruction, and assessments based on current research and best practices congruent with International Reading Association/National Council of Teachers of English standards, National English Language Learner’s Association professional teaching standards, National Council for Accreditation of Teacher Education standards, and state accreditation standards.

()

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04. **Technology Assessment.** All applicants for initial Idaho certification (Kindergarten through grade 12) from an Idaho approved teacher education program must demonstrate proficiency in relevant technology skills and practices to enhance classroom management and instruction. Each Idaho public higher education institution shall be responsible for the assessment of teacher candidates in its teacher preparation program. The assessment must measure understanding and the ability to apply strategies and beliefs about the integration of technology based on current research and best practices congruent with the International Society for Technology in Education professional teaching standards, the National Council for Accreditation of Teacher Education standards, and state accreditation standards. ()

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SUBJECT

Pending Rule Docket 08-0203-1002 – Alternate Graduation Mechanisms

APPLICABLE STATUTE, RULE, OR POLICY

Idaho Administrative Code, IDAPA 08.02.03.105.03

BACKGROUND/DISCUSSION

Currently IDAPA 08.02.03.105.03 states, if a student fails to achieve a proficient or advanced score on the Grade 10 Idaho Standards Achievement Test (ISAT) school districts and LEAs shall provide an alternate mechanism, or plan, for graduation from high school if the student requests it and is qualified. Changes to this section of rule require the districts to notify students who do not achieve a proficient or advances score on the Grade 10 ISAT by the fall semester of the student's junior year.

There were no comments received during the open comment period. No changes have been made to the pending rule language.

IMPACT

School districts and LEAs will be required to develop an alternate plan for graduation for all students that fail the 10th grade ISAT. The plan shall include multiple measures and will be made available to all qualifying students during the fall semester of their senior year.

ATTACHMENTS

Attachment 1 – IDAPA 08.02.03.105.03

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STAFF COMMENTS AND RECOMMENDATIONS

Approved Pending rules will be submitted to the Department of Administration for publication in the Idaho Administrative Rules Bulletin as a Pending Rule and will go before the legislature and become effective at the end of the session if the legislature does not take action on them.

BOARD ACTION

I move to approve Pending Rule docket 08-0203-1002 – Alternate Graduation Mechanisms as submitted.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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06. Proficiency. Each student must achieve a proficient or advanced score on the Grade 10 Idaho Standards Achievement Test (ISAT) in math, reading and language usage in order to graduate. A student who does not attain at least a proficient score prior to graduation may appeal to the school district or LEA, and will be given an opportunity to demonstrate proficiency of the content standards through some other locally established plan. School districts or LEAs shall adopt an alternate plan and provide notice of that plan to all students who have not achieved a proficient or advanced score on the Grade 10 Idaho Standards Achievement Test by the fall semester of the student's junior year. All locally established alternate plans used to demonstrate proficiency shall be forwarded to the State Board of Education for review and information. Alternate plans must be promptly re-submitted to the Board whenever changes are made in such plans. ()

- a.** Before entering an alternate plan, the student must be: (4-2-08)
 - i. Enrolled in a special education program and have an Individual Education Plan (IEP); or (3-20-04)
 - ii. Enrolled in an Limited English Proficient (LEP) program for three (3) academic years or less; or (3-20-04)
 - iii. Enrolled in the fall semester of the junior year. (3-20-04)
 - b.** The alternate plan must: (5-8-09)
 - i. Contain multiple measures of student achievement;
 - ii. Be aligned at a minimum to tenth grade state content standards; (3-20-04)
 - iii. Be aligned to the state content standards for the subject matter in question; (5-8-09)
 - iv. Be valid and reliable; and (5-8-09)
 - v. Ninety percent (90%) of the alternate plan criteria must be based on academic proficiency and performance. (3-20-04)

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SUBJECT

Pending Rule Docket 08-0111-1011 – Registration of Post-Secondary education Institutions and Proprietary Schools

APPLICABLE STATUTE, RULE, OR POLICY

Idaho Administrative code, IDAPA 08.01.11
Section 33-2400, Idaho Code

BACKGROUND/DISCUSSION

The proposed changes to IDAPA 08.01.11 corrected references, provided general language clean up, eliminated the listing of the specific regional accrediting entities, eliminated the requirement for a new application should a postsecondary educational institution or proprietary school wish to add courses during the registration period, changed the requirement for notification of the additional courses, and required that all advertising material for proprietary schools must accurately represent the purpose of the school.

During the open comment period the Board received one comment. The concerns outlined in the comment were regarding statutory language and could not be addressed in rule until after the statute is changed, the amount of the registration fee, the information required for registration and the Bond requirement. None of the concerns specifically addressed the proposed changes.

There has been one change correcting an error in the reference of a subsection.

IMPACT

The proposed changes will clean up existing language within the rule and allow for staff to more efficiently administer the registration process.

ATTACHMENTS

Attachment 1 – Pending Rule Docket 08-0111-1001
Attachment 2 – Comment Submitted

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STAFF COMMENTS AND RECOMMENDATIONS

Approved Pending rules will be submitted to the Department of Administration for publication in the Idaho Administrative Rules Bulletin as a Pending Rule and will go before the legislature and become effective at the end of the session if the legislature does not take action on them.

BOARD ACTION

I move to approve the Pending Rule docket 08-0111-1001 as submitted.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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100. RECOGNITION OF ACCREDITATION ORGANIZATIONS.

For purposes of registration of post-secondary educational institutions, the Board recognizes the regional and institutional accreditation organizations that are 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)

101. -- 199. (RESERVED).

200. REGISTRATION OF POST-SECONDARY EDUCATIONAL INSTITUTIONS.

01. Delegation. Section 33-2403, Idaho Code, provides that a post-secondary educational institution 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 post-secondary educational institutions, in accordance with Title 33, Chapter 24, Idaho Code, and this rule. (3-29-10)

02. 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 that 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. (3-29-10)

b. Registration shall be for the period beginning on the date a certificate of registration is issued and continue through June 30 of the next succeeding year. A registered post-secondary educational institution must renew its certificate of registration annually, and renewal of registration is not automatic. (3-29-10)

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. 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)

04. 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. (4-9-09)

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05. Institutions that Must Register. (4-9-09)

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 200.034.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)

06. Alternative to Registration Requirement for Certain Post-Secondary Institutions. (3-29-10)

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 300 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)

07. Application. A post-secondary educational institution that is required to register under this rule must submit to the Board office an application for registration (either an application for initial registration or renewal of registration, as applicable), on the form 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. (3-29-10)

08. 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) and not to exceed five thousand dollars (\$5,000). The institution must provide financial documentation to substantiate the amount of revenue reported. Registration fees are not refundable. (3-29-10)

09. 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)

10. 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 V, set forth in Section ~~304~~ 201 of this rule. Such institution must submit the following information or documentation, or both, with its application for registration: (3-29-10)

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- i. Copy of most recent accreditation letter showing the period of approval; (4-9-09)
- ii. Current list of chief officers - e.g. president, board chair, chief academic officer, chief fiscal officer; (4-9-09)
- iii. Enrollment data for current and past two (2) years; (4-9-09)
- iv. Copy of annual audited financial statement; (4-9-09)
- v. 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 V, set forth in Section 201 of this rule. (3-29-10)

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 200.08 of this rule, shall remain applicable. (3-29-10)

201. APPROVAL STANDARDS FOR POST-SECONDARY EDUCATIONAL INSTITUTIONS.

Except as provided in Subsection 200.10.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 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

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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)

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)

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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 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)

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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 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)

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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 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 POST-SECONDARY 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

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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.

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 or any of its courses, courses of study, or degrees. (4-9-09)

b. If a post-secondary educational institution wishes to offer additional courses, courses of study, or degrees during a registration year that were not included in its annual registration application, then the institution must submit a letter to the Board Office along with documentation of its accrediting agency's approval of those specific curriculum changes.

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)

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 Office 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 Office of this event. (4-9-09)

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. 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 proprietary schools, in

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accordance with Title 33, Chapter 24, Idaho Code, and this rule. (3-29-10)

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 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. (3-29-10)

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 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. (3-29-10)

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 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. 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)

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

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

h. 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. (4-9-09)

05. Application. A proprietary school that is required to register under this rule must submit to the Board office an application for registration (either an application for initial registration, or renewal of registration, as applicable), on a form provided by the Board office. The application must include a list of each course or courses of

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study the applicant school intends to conduct, provide, offer or sell in Idaho during the registration year. (3-29-10)

06. Registration Fees. The Board shall assess an annual registration fee for initial registration or renewal of registration. 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) and not to exceed five thousand dollars (\$5,000). The school shall provide documentation to substantiate the amount of revenue reported. Registration fees are not refundable. (3-29-10)

07. Deadline for Registration. An initial application for registration may be submitted to the Board at anytime. A school should expect 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 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. (3-29-10)

08. Information Required. 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 Standards I through V set forth in Section 301 of this rule. 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 300.06 of this rule, shall remain applicable. (3-29-10)

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- (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. Written policies must be established to govern admissions and re-admission of dismissed students, 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)

f. 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, anticipated job opportunities, and other relevant information to assist students in making an informed decision to enroll.

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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. 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)

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- 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)
- 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

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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 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 the Board may notify the school of additional information that it will be required to provide in connection with the application for registration. (3-29-10)

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 school shall be responsible for any costs PTE incurs including travel, associated with this review. (3-29-10)

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 Section 301 of this rule. A school must remain in compliance for the registration year. (3-29-10)

03. Public Information. All information submitted to the Board is public information, and is subject to disclosure as set forth in the Public Records Act, Title 9, Chapter 3, Idaho Code. (3-29-10)

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 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 Idaho State Board of Education." Registration is not an endorsement of the school or any of its courses, courses of study. (3-29-10)

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 the Board prior to issuance of the certificate of registration, then the school must submit a letter to the Board Office along with appropriate approval documentation by the applicable professional or trade board, council, or commission. This letter will be added to the school's registration file. (3-29-10)

05. Disapproval and Appeal. If a proprietary school's request for initial registration or a renewal of registration is disapproved by 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 the Board within thirty (30) days of the date the school is notified of the disapproval. (3-29-10)

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

a. 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." (3-29-10)

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. (3-29-10)

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

iv. Refusing to allow reasonable inspection or to supply reasonable information after a written request by the Board has been received. (3-29-10)

c. If any information contained in the application submitted by the school becomes incorrect or incomplete, then the registered school shall notify the Board of such change within thirty (30) days. A school that ceases operation during the course of a registration year shall immediately provide written notice to the Board of this event. (3-29-10)

07. Agent's Certificate of Identification. Each proprietary school shall ensure that its agents have a valid 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 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 certificate of identification. The criminal history check shall be valid for five (5) years and be kept on file by the school. 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 by the new employer. (3-29-10)

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: (3-29-10)

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. (3-29-10)

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. (3-29-10)

iii. The injury or death of a child, Section 18-1501, Idaho Code. (3-29-10)

iv. The sexual abuse of a child under sixteen (16) years of age, Section 18-1506, Idaho Code. (3-29-10)

v. The ritualized abuse of a child under eighteen (18) years of age, Section 18-1506A, Idaho Code. (3-29-10)

vi. The sexual exploitation of a child, Section 18-1507, Idaho Code. (3-29-10)

vii. Possession of photographic representations of sexual conduct involving a child, Section 18-1507A, Idaho Code. (3-29-10)

viii. Lewd conduct with a child under the age of sixteen (16) years, Section 18-1508, Idaho Code. (3-29-10)

ix. The sexual battery of a minor child sixteen (16) or seventeen (17) years of age, Section 18-1508A, Idaho Code. (3-29-10)

x. The sale or barter of a child for adoption or other purposes, Section 18-1511, Idaho Code. (3-29-10)

xi. The murder of a child, Section 18-4003, Idaho Code, or the voluntary manslaughter of a child, Section 18-4006 1., Idaho Code. (3-29-10)

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- xii. The kidnapping of a child, Section 18-4502, Idaho Code. (3-29-10)
 - xiii. The importation or exportation of a juvenile for immoral purposes, Section 18-5601, Idaho Code. (3-29-10)
 - xiv. The abduction of a person under eighteen (18) years of age for prostitution, Section 18-5610, Idaho Code. (3-29-10)
 - xv. The rape of a child, Section 18-6101 or 18-6108, Idaho Code. (3-29-10)
- b.** The general classes of felonies listed in Section 302 shall include equivalent laws of federal or other state jurisdictions. For the purpose of Subsection 302.07, “child” means a minor or juvenile as defined by the applicable state or federal law. (3-29-10)
- 08. Surety Bond.** Each proprietary school shall comply with the provisions in Section 33-2406, Idaho Code, relating to a surety bond. (4-9-09)
- a.** The amount of the surety bond shall be not less than the total tuition and fees to be collected by the school from its students that covers the period from the beginning through completion of such students’ instructional program at the school during the upcoming registration year. This amount shall be based upon the tuition and fees collected by the school from its students covering such period during the previous registration year, subject to modification in the event a school is beginning operations and has no previous revenue or satisfactorily demonstrates that it expects significant changes in tuition and fee revenue during the upcoming year. The Executive Director shall determine the appropriate format and method by which this bond value is to be calculated and reported. (3-29-10)
- b.** Schools shall ensure that all bonds include “extended coverage” clauses to remain in effect for one hundred twenty (120) days after the date of closure. (3-29-10)
- c.** No party to the surety bond may cancel without one hundred twenty (120) day prior notice to all parties, including the Office of the State Board of Education. (3-29-10)
- d.** The Board shall be the beneficiary of the bond and shall oversee the distribution of funds to students who file claims. Schools shall provide proof of the required bond and submit said documentation with their registration applications. (3-29-10)

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From: Lorelei Sturkie [mailto:emsdoc@cableone.net]
Sent: Monday, October 18, 2010 11:21 PM
To: Tracie L. Bent
Subject: Comments on rules 08-0111-1001

200.05.c references 200.03.b (which does not exist.) Should be 200.04.b?

200.08 Registration fees are capped at \$5000. I assume that the Board thinks this is a reasonable amount for a large institution. However, at the current rate (.5% of gross tuition revenue) this maxes out for very small institutions (as an example, that would equal 100 students paying \$10,000 in annual tuition.) This is a substantial burden for schools that have a low profit margin. I would request that the Board revise the percentage so that the maximum fee is reached at the standard of small businesses set by the federal government, or \$7 million in revenue, instead of \$1 million, and that it would apply to both post-secondary and proprietary schools. That multiplier would be approximately .07% instead of .5%.

200.10.a Schools do not choose the dates of their accreditation based on the Board's registration year, and therefore cannot guarantee its accreditation in the years that they are reapplying for accreditation. As an example, my school's accreditation will need to be renewed by December, 2012. Would this provision require any school to use the Standards I-V instead of submitting their accreditation letter? I would suggest that any school simply send the Board the new accreditation letter within 30 days of its receipt to keep the Board informed of each school's status.

200.10.a.ii-vi. I would like to know the justification for requiring private schools to disclose this information to a government entity, other than to state its gross tuition revenue used to calculate the registration fee, or that it will pay the maximum fee. Once again, the Board is listing that this information is part of the public record, the financial information of which has already been rejected by the Legislature.

202.04.b This process is actually backward of the process required by most accreditors of private colleges. The school must first get permission from the state regulatory authority as part of the application process for a new program. Perhaps the Board can simply require notification once a new course or program is approved by the accreditor?

301 While the stated purpose is that the Board accepts the responsibility of ensuring quality educational programs and protecting consumers, I have seen no evidence that the Board is doing either in a reasonable and equitable manner. There is absolutely no consumer protection for any school that is exempt from registration (such as cosmetology or real estate schools) because of oversight of their course content by another government entity. There is no evidence of any effort to ensure quality, but rather an attempt to collect registration fees and information. While the standards listed help to make sure students are informed consumers, they do not indicate quality of education. There is no streamlined process for accredited, proprietary schools like there is for post-secondary schools listed in this rule. Instead, the standards that follow

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mirror those of an accredited school and are too high of a burden for the small businesses that teach short educational programs.

Think of a small business owner who thinks it would be a good idea to teach a class of 5-10 days to help pass on his or her expertise. Who would bother with all of these rules to complete before the first class can even be advertised?

301.01.c Who determines the qualification of the owner of a business? What if they are simply shareholders?

301.02.c I would like to see the same requirement applied to all public institutions that offer vocation education. Until then, it should not be required of private schools unless the state is willing to pay for the cost of obtaining that information.

301.03.b Readmission of students who are dismissed should be determined by the school. Under this wording, it looks like I would not be in compliance when I state that students who fail a course twice or those who are caught cheating will not be readmitted. As a private business, do I not have the right to determine whom I will allow at my school?

301.05.b How does this work with a school with a unique curriculum, such as the one in Idaho that teaches equine dentistry? Why require a teach-out when you already require all money to be returned to the student? It would make sense to allow schools that can have a teach-out policy to create one, which would then relieve them of the requirement of a bond.

302.04.b See the similar wording for post-secondary schools.

302.08.a I strongly protest the current bond requirement. The amount is excessive, the costs too high, and substantially adds to the cost of education. Schools should be expected to refund money to students if they are not able to complete the education promised. However, there is no option allowed that school assets could be sold to provide those funds, that standard liability coverage already applies in case of physical damage to a school, or that other insurance policies could be used in case of the death or disability of the school owner/instructor. Costs are especially high because schools must purchase individual policies based on the personal credit history and assets of the owners, not the financial stability of all proprietary schools as a group. The cost of the newly formulated registration fee and the bond is amounting to at least 10% of my net profit. This regulation is making it very difficult to add new programs and keep tuition reasonable and competitive with public schools that do not have this requirement. In order to find any bond that I could even remotely afford, I have been forced to completely change my tuition payment policies. Instead of requiring payments throughout the course, I have to wait until the end to collect up to half of the tuition. This gives any student who has dropped out or is failing the class no incentive to complete their payment, forcing me to pass this additional risk on to my responsible students by once again raising my tuition. It also makes my education program seem less credible;

after all, how often can you enroll in a course and not pay for half of it until the last day of class?

I would like to see an example of any public vocational education program who could operate under this scenario. When ISU eliminated its paramedic program, did it refund all of its students? When CWI dropped its LPN program, did it do the same? Ah, you might say, but they can transfer to another school and complete their program. I can do that, as well, because I am an accredited school; will you then allow me to operate without a bond as I could if I offered a degree?

I would be happy to contribute to a reasonable tuition recovery fund that calculated the actual risk to students in any given year based on the past 10 to 20 years of actual closure data of regulated schools. Unlike a bond paid to an insurance company, which disappears each year, the fund could grow until it was self-funding for schools who had paid in for an extended period with no history of failure. The only reason that the previous fund failed is that it was too small, not because the premise was bad.

General thoughts for the Board:

- There is a huge difference between a school that teaches a short class that would help someone find a job, and a career education program. I believe that the cutoff for my accrediting organization is around 700 hours of instruction. If the Board or attorney general has no history of complaints from students taking short, lower cost programs, why does the Board need to regulate them at all?
- A student who pays enough tuition to exceed the amount allowed for small claims court should have a higher degree of protection than a student who takes a lifeguarding course at the YMCA to qualify for a summer job. Schools that provide both individual classes and career education programs should not have to count the income from these short courses in the gross tuition calculation for school registration, bond, or tuition recovery fund. These consumer protections should apply equally to all students who invest a substantial sum of their own money, including those in otherwise regulated career schools, non-profit schools and public schools. They should not apply when someone else is paying the bill, such as the VA or an employer, since they have their own resources to seek redress.
- Institutional accreditation, which requires financial stability, consumer protection, and evidence of quality instruction, should be the goal of all career education programs. However, it is a costly and time consuming process. Schools (both post-secondary and proprietary) should be rewarded for their efforts to obtain and maintain accreditation by a streamlined registration process and a reduced cost.
- Adding regulation to a business is not without cost. Every hour a staff member has to fill out more forms, every dollar charged, makes it harder for schools to expand, improve, and provide a low-cost education for their students. It also slows the process of developing innovative education programs for new fields of study, making it more difficult for Idahoans to receive the training they need. You will never know what schools bypass Idaho or are never opened because of the regulatory burden you have created.
- Private education at a for-profit institution is not necessarily of a higher price or lower quality than what is offered at public institutions. The current rules imply that we are guilty of cheating students until we prove ourselves innocent. The long standing policy of not generally accepting credits for transfer implies that our education is inferior. It would be nice if there was a defined and equitable way for the board to evaluate the education programs of private schools and accept their credits at all Idaho public colleges. May I respectfully request that you consider VA

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approval as meeting the threshold. If the federal government considers a program of sufficient quality to pay for veterans to attend, it should be good enough for Boise State or CWI. My 57 credits awarded through a paramedic certificate would only be enhanced if it could be part of a health sciences degree program, and my students who boast a 98% graduation rate and 94% placement rate would be perfect to improve the statistics of Idaho public colleges. The current reluctance of the board to encourage private-public partnerships only hurts Idaho students.

- The \$11,000 I paid this year in registration and bond costs would have paid for the startup costs of a new career education program, which would have resulted in at least five part time jobs, one full time position, and at least 24 graduates. This expansion has been delayed because I must show a profit to remain accredited. I hope to be able to announce the new program in 2011, but fear that we will be unable to do so if the federal income tax rates rise as expected. Many laws have unexpected consequences.
- Please forgive me if you have found my tone somewhat combative. As a small business owner, I have been putting my own savings into my business this past year to make up for the increased state and federal regulations, rather than drawing a salary, which is very difficult with three of my own children in college. My only salvation in this economic climate has been my success at obtaining government contracts, which is keeping me afloat until I can find more students who can afford an education not paid for by federal financial aid. The healthcare reform bill, that eliminated private education loans, has forced me to self-finance my students, which once again increases the risk that I will not get paid for the services provided. It doesn't help that I now must compete with CWI's proposed paramedic course that will be offered for much less than I must charge, which was decided on in the absence of any lack of available programs (there are currently three in the Treasure Valley) or any particularly high demand. I predict that the programs currently at Kuna Fire Department and Ada County Paramedics will be eliminated because enrollment will drop as those students shift to CWI. Fortunately, I actually bring students to Idaho from all over the country, so I may be able to survive this latest assault on my business. I would be happy to speak with any board member to further explain the impact of 08-0111-1001 on private businesses who want to provide quality job training in Idaho.

Loralei Sturkie
President, Guardian College LLC
2150 E. Fairview Ave. Suite 100
Meridian, Idaho 83642
cell (208) 859-0909
office (208) 321-4744
fax (208) 321-4745
www.Guardian.edu