

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
OCTOBER 20, 2011**

TAB	DESCRIPTION	ACTION
1	LEWIS-CLARK STATE COLLEGE REPORT	Information Item
2	PRESIDENTS' COUNCIL REPORT	Information Item
3	60% GOAL REPORT	Information Item
4	IDAHO DIGITAL LEARNING ACADEMY	Information Item
5	STATE BOARD OF EDUCATION GOVERNING POLICY I.O. DATA MANAGEMENT COUNCIL – 2ND READING	Motion to Approve
6	DATA MANAGEMENT COUNCIL UPDATE	Information Item
7	IDAHO DIVISION OF VOCATIONAL REHABILITATION – IDAPA 47.01.01 – TEMPORARY RULE	Motion to Approve
8	2012 BOARD LEGISLATION	Motion to Approve

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LEWIS-CLARK STATE COLLEGE

SUBJECT

Lewis-Clark State College (LCSC) Annual Progress Report

APPLICABLE STATUTE, RULE, OR POLICY

Idaho State Board of Education Governing Policies & Procedures, Section I.M.3.

BACKGROUND

This agenda item fulfills the Board's requirement for LCSC to provide a progress report on the institution's strategic plan and information on other points of interest in accordance with a schedule and format established by the Board's Executive Director.

DISCUSSION

President Fernandez will provide a 15-minute overview of LCSC's progress in carrying out the College's strategic plan. An outline of points to be covered is provided in Attachment 1.

IMPACT

LCSC's strategic plan, based on its assigned role and mission from the State Board and supportive of the State Board's own strategic plan, drives the College's integrated planning; programming, budgeting, and assessment cycle and is the basis for the institution's annual budget requests and performance measure reports to the Division of Financial Management and the Legislative Services Office.

ATTACHMENTS

Attachment 1 – Outline of LCSC Progress Report

Page 3

BOARD ACTION

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

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LCSC Progress Report

Tony Fernández
October 20, 2011

LCSC's Mission

Lewis-Clark State College is a regional state college offering instruction in the liberal arts and sciences, professional areas tailored to the educational needs of Idaho, applied technical programs which support the state and local economy and other educational programs designed to meet the needs of Idahoans.

Type of Institution

Lewis-Clark State College will formulate its academic plan and generate programs with primary emphasis in the areas of:

- *Business*
- *Criminal justice*
- *Nursing*
- *Social Work*
- *Teacher Preparation*
- *Professional-Technical Education*
- *Liberal Arts and Sciences*

Type of Institution

Lewis-Clark State College will maintain basic strengths in the liberal arts and sciences, which provide the core curriculum or general education portion of the curriculum.

Type of Institution

The College will give continuing emphasis to select programs offered on and off campus at non-traditional times, using non-traditional means of delivery and serving a diverse student body.

Themes

Connecting Learning to Life Through -

- *Academic Programs*
- *Professional-Technical Programs*
- *Community Programs*



LCSC Strategic Plan: Background

- *LCSC's Strategic Plan continues to:*
 - *Draw goals from SBOE Strategic Plan*
 - *Integrate planning-budgeting-assessment process*
 - *Focus on role and mission*
 - *Align organizational structure to mission*
 - *Be driven by integrated planning teams*
- *This integrated planning process helps LCSC provide high-quality, accessible, and efficient programs in a period of growing demand.*

LCSC Strategic Planning Process

- *Phase I: Unit Action Plan preparation*
- *Phase II: Functional Area Review Groups convene and prioritize requests*
- *Phase III: President and VPs review committee reports*
- *Phase IV: Committee chair reports to President and VPs*
- *Phase V: Prioritization of planning requests and testimony to State Legislature*
- *Phase VI: Finalization of plans and budget submission*

Strategic Plan Initiatives

- *PG-09: Faculty/Staff Compensation*
- *PG-11: Faculty/Staff Workload*
- *PG-15: NWCCU Accreditation*
- *PG-19: Demand-Based Course Scheduling*
- *PG-29: Coeur d'Alene Long Range Planning*
- *PG-48: General Education Core Review*
- *PG-60: Collaborative Programs*
- *PG-63: Strategic Enrollment Management*



Recommendation:

"The Visiting Team recommends that Lewis-Clark State College continue to develop measurable learning objectives and appropriate assessment measurements consistently across the curriculum and use the results to improve teaching and learning at the College. At the same time, we recommend that they do so as part of the ongoing review of the General Education Curriculum (Standard 2.B.3)"



LCSC Response:

- *Internal Assessment of General Education Outcomes*
- *College Basic Academic Subjects Examinations*
- *Professional Examinations*
- *ETS Major Field Tests*
- *ETS Graduate Record Examinations*
- *ETS Proficiency Profile*

ETS Proficiency Profile

- *LCSC seniors tested higher than 83% of peers*
- *Specific Rankings:*
 - *Critical Thinking 83%*
 - *Reading 86%*
 - *Writing 58%*
 - *Mathematics 86%*
 - *Humanities 75%*
 - *Social Sciences 75%*
 - *Natural Sciences 83%*

Specialized Accreditation

- *BSN: Commission on Collegiate Nursing Education (2018)*
- *Teacher Education: National Council for the Accreditation of Teacher Education (2012)*
- *Medical Assistant: Commission on Accreditation of Allied Health Education Programs (2014)*
- *Practical Nursing: Idaho Board of Nursing (2014)*
- *Social Work Education: Council on Social Work Education (2014)*
- *Business Division: International Assembly of Collegiate Business Education (2017)*

Instructional Programs

- *Over the past year, LCSC delivered quality programs in each of our six assigned emphasis areas*
- *Academic credit hour production 77,537 (+3%)*
- *Duplicated headcount in distance learning 7,431 (+9%)*
- *611 degrees conferred (+1%)*
- *Retention for first-time, full-time students 59% (+5%)*

Instructional Programs

- *NCLEX-RN first-time pass rate 95% (+15%)*
- *Radiologic Technology pass rate 92% (no change)*
- *Solid performance on teacher Praxis exams: 92% first-time pass rate (+4%)*
- *Social Work Licensure first-time pass rate 93% (+3%) (national pass rate 76%)*
- *PACE program (accelerated teacher certification initiative)*
- *Professional-Technical programs meeting workforce needs, placement rate 90% (-1%)*

National Survey of Student Engagement

- 81% felt substantial emphasis on academics
- 86% had a favorable image of LCSC
- 85% of seniors would choose LCSC again
- 78% thought LCSC substantially committed to their success

Outreach LCSC Coeur d'Alene

- Enrollment + 8.9%
- Applied Science
- Business Administration
- Communications
- Interdisciplinary Studies
- Justice Studies
- Nursing (BSN)
- PACE (accelerated teacher certification)
- Social Work (BSW)



Outreach

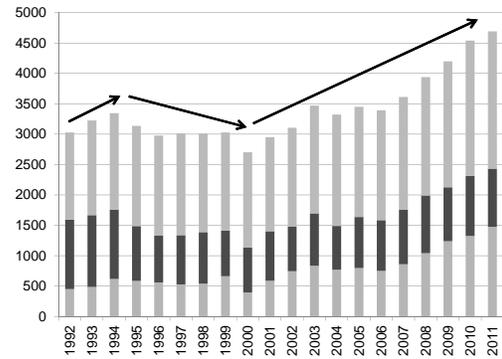
- *Community programs mission provided non-credit courses reaching thousands of citizens in the region*
- *Small Business Development Center (SBDC) served approximately 300 client businesses (+50%) throughout the region, to support economic development*
 - *Provided approximately 2,200 consulting hours (-8%)*
 - *Helped small businesses acquire and execute \$2 Million in loans (-33%)*
- *SBDC provided approximately 2,200 hours of customized training to support economic development throughout Region II (+10%)*



Outreach

- LCSC ABE/GED programs produce 400-500 graduates each year.
- Excellent collaboration with Department of Correction
 - Robust GED programs with Cottonwood (NICI) and Orofino (ICIO)
 - Special Education programs for inmates
 - Basic literacy and ESL classes
 - Family/Parenting Education for inmates/families
 - Education during incarceration has a dramatic impact on recidivism rates
 - LCSC supports Idaho Correctional Industries
 - *Red Shirt* program reduces recidivism and provides employment skills

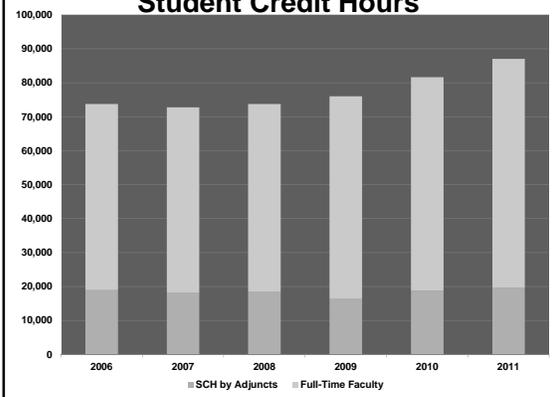
Enrollment



Enrollment

- **4,693 total enrollment (+3.3%, 74% increase since 2000)**
- **FTE 3,311 (+2.7%)**
- **Freshman enrollment flat**
- **Pre-College enrollment up 10.5%**
- **International enrollment up 6.7%**

Student Credit Hours



Finance

- **LCSC runs a lean and practical operation focused on professions that promote economic development. Realistic planning and aggressive management help us cope with the combined impact of:**
 - - Increased enrollment
 - - Increased costs
 - - Decreased funding from State
- **LCSC has taken the steps necessary to sustain our mission.**

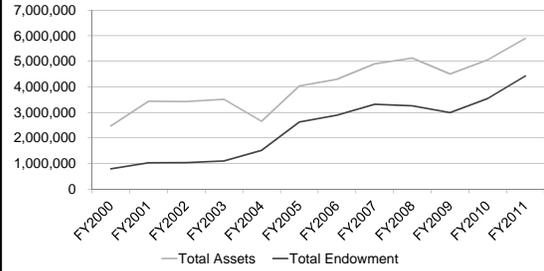
FY13 Budget Request

- **MCO**
- **Change in Employee Compensation (1%) \$175,000**
- **Inflation Adjustments \$228,000**
- **Replacement Capital Outlay \$1,300,000**
- **Enrollment Workload Adjustment \$348,000**
- **Line Items**
- **EWA (unfunded) \$944,000**
- **Occupancy Costs (Sacajawea Hall) \$487,000**
- **Strategic Initiatives \$920,000**

Research, Grants, and Contracts

- Total grants growth from \$3.3M in FY01 to \$13.5 M in FY11
- Providing vital support for primary mission areas:
 - High School Participation (ETS)
 - LCSC participation in the IDEA Network for Biomedical Research Excellence (INBRE) grant
 - Nursing and Health Sciences (Hispanic & Native American scholarships)
 - Professional-Technical (workforce training)

Advancement



Concluding Remarks

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BOISE STATE UNIVERSITY

SUBJECT

Presidents' Council Report

BACKGROUND/DISCUSSION

President Bob Kustra, Boise State University, and current chair of the Presidents' Council will give the report from the most recent Presidents' Council meeting and answer questions.

The Presidents' Council last met on September 13, 2011.

The following items were covered:

- Report to the Board on their 60% Goal. A template was agreed to and the OSBE staff added statewide goals. A separate agenda item to the Board is forthcoming.
- Mike Rush distributed information on Public-Private Partnerships in Idaho
- The Council met with Governor C.L. "Butch" Otter. The Governor presented to the Presidents his "iGem" initiative.

The next meeting is scheduled for October 4, 2011.

BOARD ACTION

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PRESIDENTS' COUNCIL

SUBJECT

Current and future strategies to achieve the Board's goal of 60% of Idahoans aged 25 – 34 earning a degree or certificate by the year 2020

REFERENCE

- | | |
|-------------|---|
| August 2010 | The State Board of Education approved that the State of Idaho's College Completion Goal be for 60% of young Idahoans (ages 25-34) to have a college degree or certificate by 2020, and to have the board staff and institutions develop a final recommendation set of College Completion metrics. At this time, the Board identified additional degrees/certificates needed annually by institution to meet the 60% goal. |
| June 2011 | The Board approved a motion charging the Presidents' Council with providing the next steps in implementation of the 60% objective for the October Board Meeting. |
| August 2011 | Board Presentation on 60% College Completion Goal |

BACKGROUND/DISCUSSION

At the August 2011 Board meeting, the Board asked the Presidents' Council to develop a report to illustrate progress on the Board's "60%" goal. A template was created and each institution was asked to provide information relative to their plans for achieving the goal and any progress to date.

The template was finalized at the September 2011 Presidents' Council meeting and each institution has submitted their information, which is attached.

ATTACHMENTS

- | | |
|--|---------|
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| Attachment 2 - Idaho State University | Page 5 |
| Attachment 3 - University of Idaho | Page 8 |
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| Attachment 6 - North Idaho College | Page 15 |
| Attachment 7 - College of Southern Idaho | Page 18 |
| Attachment 8 - College of Western Idaho | Page 25 |
| Attachment 9 - Professional-Technical Education | Page 29 |
| Attachment 10- Degree Distribution (August 2010 Brd Mtg) | Page 31 |

STAFF COMMENTS AND RECOMMENDATIONS

At the August 2010 Board meeting the Board set Idaho's College Completion Goal. As part of that discussion the Presidents of our public institutions were asked to weigh in on the goal being discussed. All institutions felt that the goal was attainable. A few of the concerns expressed by the Presidents at that time

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were how the goal could be met with continued erosion of funding to support special programs, the cost of reaching the goal, and how degree completions are counted. Additional discussion at that time included reconciliation of the goal to community needs as to the type of degrees and quality of education, whether private institutions are included, and who would take on ownership and responsibilities of the processes.

At the June 2011 Board meeting during the discussion regarding the Institutions Strategic plans it was suggested the institutions inform the Board of what they need in terms of resources and time to accommodate the growth proposed by the 60% Completion Goal and that the Presidents' Council have relevant and ongoing discussions about the needs and how to meet them; and to bring those needs to the attention of the Board.

BOARD ACTION

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Current and future strategies to achieve goal of 60% of Idahoans aged 25 – 34 earning a degree or certificate

Boise State University

Summary

As the university located in the population center of the state, Boise State University will focus its efforts mainly on increasing the graduation rates of current and future enrolled students. In addition, we have made a list of 40 universities with growing enrollments that have increased their graduation rate dramatically over the last five years, and will be systematically going through that list and making contact with them to identify best practices.

Our efforts to increase graduation rates will be based on four strategies: 1) employ high impact practices aimed at increasing retention and progress to graduation; 2) enhance academic advising and course planning;

3) increase both course availability and pass rates in courses that have a critical impact on progress toward graduation; and 4) intervene in a targeted and timely manner when students get off track and/or are struggling.

STRATEGY A	
Employ High Impact Practices Aimed at Increasing Retention and Progress to Graduation	
Objectives:	
	1. Implement new Foundational Studies Program (general education core), which has several features to enhance retention and graduation rates, including a first year seminar, linked courses that build learning communities, experiential learning, and a capstone experience.
<i>Progress:</i>	

STRATEGY B	
Enhance Academic Advising & Course Planning	
Objectives:	
	1. Increase the number of professional academic advisors at the college level, in order to increase coordination of services, track and facilitate student progress, and provide support for advising at the department level. College-level advisors also ensure the transference of university-level retention and graduation initiatives to the academic departments.
	2. Add online tools for course planning, which makes it easier for students and their advisors to create and implement course scheduling, degree progress reports, and to monitor waitlists for courses.
	3. Revise academic advising policies to more clearly define accountability for advising, and require all departments to have an assigned coordinator who assumes the responsibilities outlined in the policies.
	4. Require all students to see an advisor before they are allowed to register. They will: <ul style="list-style-type: none"> ▪ develop a plan to complete the courses in their major; ▪ make a specific course schedule for at least the next two semesters; ▪ identify milestones to be achieved in the major.
	5. Support planning and tracking of student progress with electronic advising files, which

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will provide a single location for all advising notes, referrals and other student information, and includes an online query function and automatic triggers for interventions.
<i>Progress:</i>

STRATEGY C
Increase both course availability and pass rates in courses that have a critical impact on progress toward graduation
Objectives:
1. Monitor the availability of such courses on an ongoing basis, as well as the completion rates.
2. Increase capacity in such courses by providing additional sections and increasing class sizes.
<i>Progress:</i>

STRATEGY D
Intervene in a targeted and timely manner when students are struggling
Objectives:
1. Activate an early warning system in our course management system (Blackboard) so that if a student does not meet certain performance standards or attendance requirements in a given course both the student and our Advising and Academic Enhancement Center will be contacted.
2. Activate a warning system that alerts both the student and the advisor when a student fails to complete a critical course that may impact their progress toward degree.
<i>Progress:</i>

**GOAL PROGRESS
BOISE STATE UNIVERSITY**

YEAR	# OF GRADUATES (BACCALAUREATE)	# OF GRADUATES (BACCALAUREATE)
	GOAL	ACTUAL
2010-2011	2,127	2,406
2011-2012	2,270	
2012-2013	2,413	
2013-2014	2,557	
2014-2015	2,700	
2015-2016	2,843	
2016-2017	2,986	
2017-2018	3,130	
2018-2019	3,273	
2019-2020	3,416	

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Current and future strategies to achieve goal of 60% of Idahoans ages 25 – 34 earning a postsecondary certificate or degree

IDAHO STATE UNIVERSITY

Summary

Idaho State University serves a diverse population of students. We value the differing socioeconomic, cultural, racial and ethnic characteristics of our students. We recognize their differing levels of college readiness, interests, and academic goals, and provide diverse opportunities for students to enter college and be successful in achieving their academic objectives. Given that there is no public community college in eastern Idaho, we serve a large number of students seeking postsecondary certificates and associate degrees.

Our efforts to increase the retention and graduation rates of our diverse student population will focus on the following strategies:

1. Create a “seamless” set of practices related to recruitment and admission, to facilitate enrollment of students.
2. Centralize student support services, including advising, First Year Seminar, Native American Student Services, and tutoring in the Student Success Center.
3. Enhance course scheduling and availability of key courses students require to complete their program of study in a timely manner.
4. Implement our revised general education core, which is outcomes based, and provides increased flexibility for students to complete the core requirements.
5. Encourage students who have completed all requirements for an associate degree in general studies to apply for the degree; including students who plan to continue and complete a bachelor’s degree.

STRATEGY A.	
Create a “seamless” set of practices related to recruitment and admission, to facilitate enrollment of students.	
	Objectives:
	1. Increase recruitment activities, including marketing and communications, throughout the state.
	2. Offer summer programs to raise expectations of college attendance for historically underserved and underrepresented students.
	3. Streamline the admission process and link Undergraduate Admissions with Recruiting.
	4. Implement a follow-up process to communicate with students who fail to complete the application process and/or who do not register for courses once admitted.
	5. Contact students who are within 15 credit hours of graduation who are not currently enrolled and offer support and advice to help them complete their degree.
<i>Progress:</i>	

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STRATEGY B	
Centralize all student support services, including advising, First Year Seminar, and tutoring in the Student Success Center.	
Objectives:	
1.	Implement a degree audit program to assist students and advisors in course planning.
2.	Encourage all students to enroll in First Year Seminar.
3.	Develop Bridge Programs for targeted student populations, including Native American students.
4.	Develop an “early warning” system to identify students who need additional tutoring or other student services.
<i>Progress:</i>	

STRATEGY C	
Enhance course scheduling and availability of key courses students require to complete their program of study in a timely manner	
Objectives:	
1.	Standardize course schedules (i.e., M-W-F or Tu-Th) to achieve maximize classroom use.
2.	Institute mechanized wait-listing system for student scheduling, with automatic notifications to students via e-mail and phone when openings become available.
3.	Schedule course offerings to reflect student needs and preferences, rather than instructor preferences.
4.	Review course schedule each semester to ensure that courses needed for students’ timely completion of degree programs are available.
<i>Progress:</i>	

STRATEGY D	
Implement our revised general education core, which is outcomes based, and provides increased flexibility for students to complete the core requirements.	
Objectives:	
1.	Educate all advisors, in central advising and in the academic units, about the new general education core.
2.	Clarify for students the changes in the general education core requirements, to be implemented in Fall 2012.
3.	Create assessment tools for all general education courses in order to evaluate effectiveness of the general education core for student success.
<i>Progress:</i>	

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
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STRATEGY E	
Encourage students who have completed all requirements for an associate degree in general studies to apply for the degree; including students who plan to continue and complete a bachelor's degree.	
Objectives:	
1. Inform advisors and students about the availability of the interdisciplinary associate's degree in General Studies, available upon completion of the general education core and additional credits (total credits is a minimum of 60).	
2. Institute associate degree tracking system for all enrolled academic students.	
<i>Progress:</i>	

**GOAL PROGRESS
IDAHO STATE UNIVERSITY**

YEAR	Number of Certificates and Degrees Awarded (all levels)	Number of Certificates and Degrees Awarded (all levels)
	GOAL (+3%/yr)	ACTUAL
2010-2011	2155	2155
2011-2012	2220	
2012-2013	2287	
2013-2014	2356	
2014-2015	2427	
2015-2016	2500	
2016-2017	2575	
2017-2018	2652	
2018-2019	2732	
2019-2020	2814	

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Current and future strategies to achieve goal of 60% of Idahoans aged 25 – 34 earning a degree or certificate

The University of Idaho

As the state’s Land Grant flagship university, the University of Idaho will focus its efforts mainly on increasing attendance and graduation rates of current and future Idaho resident students. In addition, we will continue to participate in the Consortium for Student Retention Data Center (CSRDE) in order to track progress through peer comparisons, especially regarding first-generation and minority students. The CSRDE also provides access to wealth of information on best practices for enhancing retention and graduation rates.

Our efforts to increase graduation rates will be based on continuing to refine and track our successful implementations of research based best practices aimed at increasing retention graduation rates. Specifically, we will 1) track the success of our first-year residential living requirement for new freshmen; 2) enhance academic advising and use of automated tools for tracking progress toward the degree; 3) increase pass rates in courses that have proven to be both difficult and critical for eventual graduation; 4) intervene in a targeted and timely manner when students get off track and/or are struggling; and 5) critically examine the effects of our financial aid policies and practices in order to insure access and encourage persistence.

Strategy A	
Track the success of our first-year residential living requirement for new freshmen.	
Objectives:	
	1. We have run studies of retention by housing units to establish a baseline for our new program requiring new freshmen to reside on-campus either in University-owned housing or Greek housing. We will run statistics and work with University Housing Coordinators and Resident Assistants to gauge success of this requirement and look at programs within University Housing that lead to academic success.
<i>Progress:</i> Changes in retention by housing unit and correlation with programs targeting retention in university owned housing.	

Strategy B	
We will enhance academic advising and use of automated tools for tracking progress toward the degree.	
Objectives:	
	1. The Registrar has implemented, with great effort, a Degree Audit system that allows students and advisors to track course requirements for scheduling purposes and track degree progress. It updates at the end of semester and with changes in major.
	2. Establish a tracking and evaluation system to enable analysis of how often the students and their advisors successfully develop a specific course plan in their major and identify and track milestones.
<i>Progress:</i> Our Graduating Senior survey will show if satisfaction with advising has improved. Analyses of total credits and time-to-degree will reveal whether course taking patterns have been streamlined.	

Strategy C	
Increase pass rates in courses that have proven to be both difficult and critical for eventual graduation	

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Objectives:	1. Advising resources can be targeted to increase pass rates in these courses. We generate and provide reports on course-by-course success rates to Student Support Services for them to target advising and tutoring resources.
<i>Progress:</i> Higher proportions of students passing these targeted courses.	

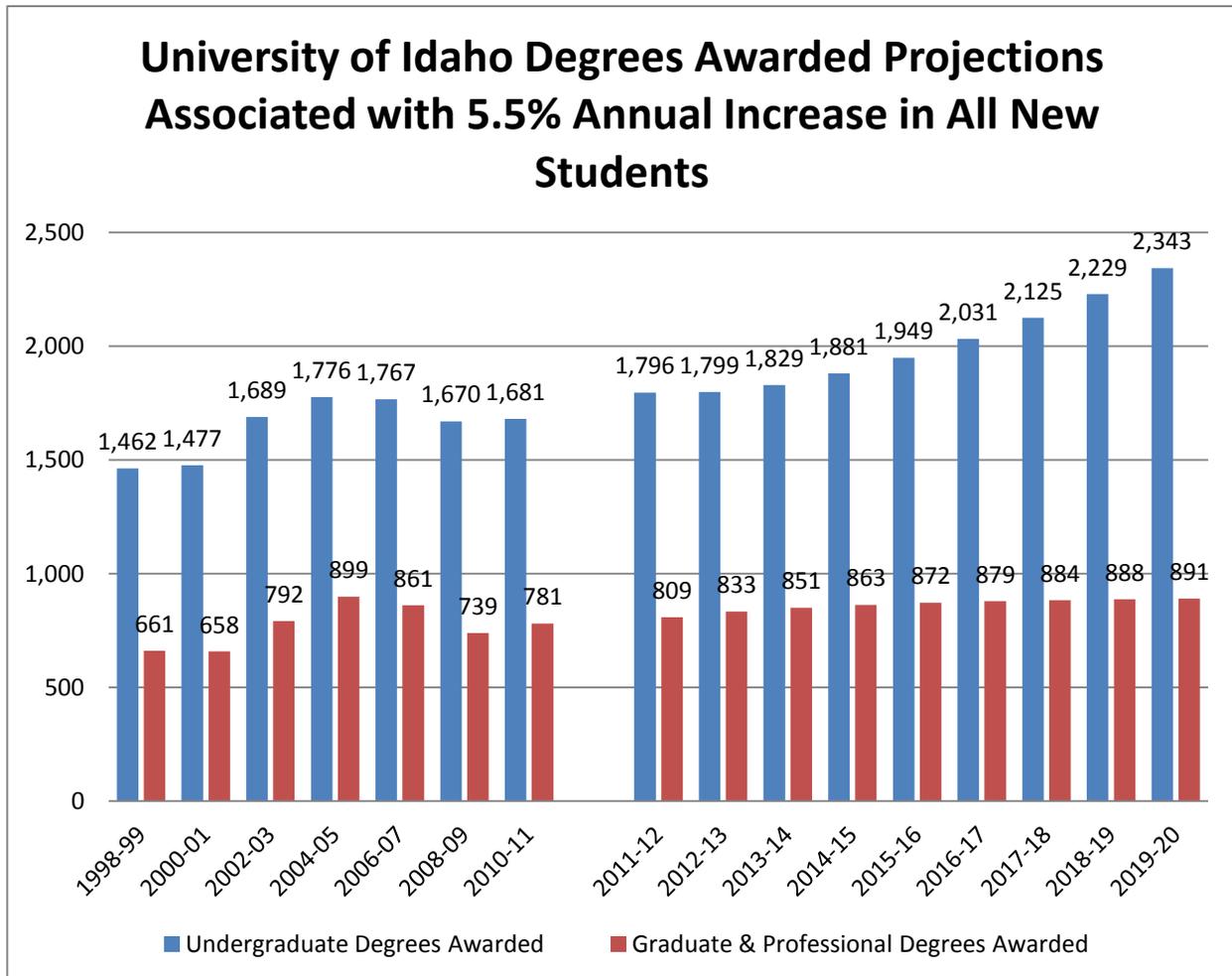
Strategy D	
Intervene in a targeted and timely manner when students get off track and/or are struggling	
Objectives:	1. Early warning system to notify students and advisors when students show poor performance – early warning is 3 weeks before midterms. The system has worked well when faculty are encouraged to participate and interventions are provided for students identified as needing help. In fact, this is one of the best and most likely to succeed interventions that can be done within resource limitations. Studies have shown that graduation rates are even more related to first-semester success than first-year retention rates.
	2. First Semester Freshmen on probation are urged to participate in our SOAR program. The program helps students take action to improve and build a strong foundation for future success. Coaching, time management, academic success plan, support services are all discussed.
<i>Progress:</i> First semester grades and retention return rates into the spring and the next fall semesters of students, including breakout of those identified by the early warning system.	

Strategy E	
Critically examine the effects of our financial aid policies and practices in order to insure access and encourage persistence.	
Objectives:	1. We have shifted much of our institutional financial aid from first-year only to four-year awards in order to enhance retention and graduation rates.
	2. Student with aid based on merit whose GPA slips below the level required should have the ability to be reinstated once they recover the required GPA.
<i>Progress:</i> Comparison of retention and graduation rates for students who have large first-year only aid with four-year aid packages.	

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**GOAL PROGRESS
UNIVERSITY OF IDAHO**

YEAR	# OF GRADUATES (BACCALAUREATE)	# OF GRADUATES (BACCALAUREATE)
	GOAL	ACTUAL
2010-2011	Baseline	1,681
2011-2012	1,796	
2012-2013	1,799	
2013-2014	1,829	
2014-2015	1,881	
2015-2016	1,949	
2016-2017	2,031	
2017-2018	2,125	
2018-2019	2,229	
2019-2020	2,343	



Current and future strategies to contribute to the goal of 60% of Idahoans aged 25 – 34 earning a degree or certificate

Lewis-Clark State College

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Summary

Lewis-Clark State College is a public state college located in Lewiston offering both academic and professional-technical programs. The college’s student population includes a significant number of low-income, first-generation college students many of whom commence their studies in their late 20s or 30s.

We are in the process of fleshing out several strategies which are based on best and proven practices in the areas of student retention and recruitment.

STRATEGY A	
Expand academic advising services for all students.	
	Objectives:
	1. Begin implementation of E-Advising, a database enhancement, to facilitate academic/course planning for students, improve communication between course instructors and advisors, and enable academic departments to develop more accurate projections of future course demand.
	2. Consider establishment of a peer advising program to assist new students in building course schedules. This could enable faculty advisors to devote more time to degree planning and developmental advising.
	3. Provide greater access for and more expeditious responses to advisees, perhaps through more use of “program advisors” in some divisions.
<i>Progress:</i>	

STRATEGY B	
Establish a First-Year Experience Program for at-risk students	
	Objectives:
	1. Develop prescriptive course schedules for at-risk first-year students, defined as students who require developmental education.
	2. Increase the college’s career counseling capacity and require at-risk students to engage in formal career planning prior to declaring an academic major and prior to enrolling in non-core or non-developmental classes.
	3. Require new student orientation for all first-time degree seeking students as a condition of enrollment to the college.
	4. Create learning communities, consisting of lecture format classes, for at-risk students based on academic, career, and/or extra-curricular interests.
	5. Promote pre-college skills development via referral to the college’s Adult Basic Education program.
<i>Progress:</i>	

STRATEGY C	
Identify academic “safety nets” for students within the current curriculum.	
	Objectives:
	1. Incorporate career focused options within academic associate degree curricula.
	2. Establish dual advising programs and parallel academic tracks for students in selective programs (e.g., nursing) who do not get admitted to the programs.
<i>Progress:</i>	

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STRATEGY D	
Expand access for academically qualified students.	
Objectives:	
1.	Increase traditional recruitment activity targeted toward students achieving a 20 composite ACT score or above (and equivalent scores for SAT takers).
2.	Increase evening and weekend course offerings.
3.	Expand on-line degree offerings to accommodate place-bound and time-bound students.
<i>Progress:</i>	

GOAL PROGRESS*

*600 is a nominal figure to approximate expansion between 2011 and 2020. The 14% growth rate per annum calculated as necessary to meet the 60% goal would result in LCSC awarding nearly 2000 degrees by 2020. With all other factors (retention, etc.) held constant, this would require a total enrollment of 15,000 at LCSC by 2020. We do not believe this is a realistic goal. The figures given below represent 3% growth per annum, which is a more reasonable estimated growth rate based upon anticipated increased enrollment, retention, and completion rates and the capacity of LCSC at current resource levels.

**GOAL PROGRESS
LEWIS-CLARK STATE COLLEGE**

YEAR	# OF GRADUATES (Degrees/Certificates)	# OF GRADUATES (Degrees/Certificates)
	GOAL	ACTUAL
2010-2011	N/A	600*
2011-2012	618	
2012-2013	637	
2013-2014	656	
2014-2015	675	
2015-2016	696	
2016-2017	716	
2017-2018	738	
2018-2019	760	
2019-2020	783	

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Current and future strategies to achieve goal of 60% of Idahoans aged 25 – 34 earning a degree or certificate

Eastern Idaho Technical College

Summary

Eastern Idaho Technical College (EITC) is one of six public postsecondary colleges within the State of Idaho. EITC provides occupational specific education programs in response to the labor market needs of College District VI as well as other courses and programs related to adult learners. Our efforts to assist in the goal of having 60% of Idahoans aged 25-34 earning a degree or certificate by 2020 will focus on the following strategies which focus on student success and collaboration.

STRATEGY A	
Employ pre-enrollment practices that promote college preparedness.	
	Objectives:
	1. Provide comprehensive pre-enrollment career counseling for all potential students.
	2. Continue with the development of new student orientation for students enrolling in programs of study.
	3. Provide assistance with financial aid application process to any student who may request it.
	4. Continue development of bridge program with the regional adult learning center.
<i>Progress:</i>	

STRATEGY B	
Enhance student advising	
	Objectives:
	1. Develop an agreed upon campus wide protocol for advising responsibilities.
	2. Assess the needs of faculty advisors and develop appropriate training.
<i>Progress:</i>	

STRATEGY C	
Increase completion rates of program participants	
	Objectives:
	1. Develop a referral system that identifies at risk students prior to enrollment and refer for services.
	2. Fine tune the early alert system for identifying students experiencing difficulties.
	3. Continue with mid-term referral of students who are underperforming.
	4. Assess the needs of current students relating to course scheduling and support services.
	5. Reduce the number of general education requirements to 15 credits.
<i>Progress:</i>	

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STRATEGY D	
Collaborate with other education institutions.	
Objectives:	
	1. Continue to work with other post-secondary institutions to develop cooperative agreements which promote access and success of students.
	2. Continue to align curriculum and develop articulation agreements with secondary schools.
<i>Progress:</i>	

**GOAL PROGRESS
EASTERN IDAHO TECHNICAL COLLEGE**

YEAR	# OF DEGREES AND CERTIFICATES AWARDED	# OF DEGREES AND CERTIFICATES AWARDED
	GOAL	ACTUAL
2010-2011		235
2011-2012	240	
2012-2013	244	
2013-2014	248	
2014-2015	252	
2015-2016	256	
2016-2017	260	
2017-2018	264	
2018-2019	268	
2019-2020	272	

Other Considerations:

- The number of annual graduates is a function of program capacities versus the success of students. In order to have a significant increase in graduates the labor market needs must drive new program development, which in turn would increase enrollment and lead to an increased number of degrees/certificates awarded.
- The Presidents of EITC and CSI have begun discussion regarding the prospect of CSI offering AA and AS degrees in Idaho Falls, utilizing EITC campus resources. Should this initiative be approved and implemented there could be a greater number of students successfully completing degrees.

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Current and future strategies to contribute to the goal of 60% of Idahoans aged 25 – 34 earning a degree or certificate

North Idaho College

Summary:

North Idaho College is an open enrollment institution that has experienced tremendous growth over the last four years. In order to reach the goal of increasing the number of students graduating from NIC, the college will continue the efforts of increasing enrollment and serve more students. In addition, the college will engage in four strategies designed to increase the number of students who attend or have attended NIC to complete their programs of study.

STRATEGY A: Enhanced Advising	
Improve existing advising practices while adding additional and more intense advising models	
Objectives:	
	1. Establish closer connections with current and incoming students
	2. Provide more information to all students on the benefits of college completion
	3. Continue to advise students through the graduation ceremony
<i>Progress: New programs have been initiated and more college employees are now engaged in the advising practices of the college.</i>	
Initiatives Supporting Strategy A:	
	1. Phi Theta Kappa Honor Society Commitment to Complete Challenge <ul style="list-style-type: none"> a. PTK students are working with the student population and providing information on the importance of college graduation b. Students are being asked to sign a pledge of completion of their college program
	2. SMART Advising Program <ul style="list-style-type: none"> a. A program of intensive advising for at risk students (students testing into multiple remedial education classes) involving monitoring and additional advising sessions
	3. OARS (Orientation, Advising, Registration) program improvements <ul style="list-style-type: none"> a. The advising session for incoming students is continually being improved to provide better service and additional information

STRATEGY B: Target Near Completers	
Identify and communicate with former students that left NIC prior to graduation	
Objectives:	
	1. Identify former NIC students that are within 12 credits of completing a program of study
	2. Connect with the former students and advise them of their proximity to graduation
	3. Provide advising and other services to facilitate return to NIC
	4. Once re-enrolled, continue to advise and counsel through graduation
<i>Progress: Data systems were built to ease the process of identifying the target students. Telephone calls were made and the former students were notified of their status regarding completion of degree requirements.</i>	

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Initiatives Supporting Strategy B:
<ol style="list-style-type: none"> 1. Project Greenlight <ol style="list-style-type: none"> a. The goal of this program was to identify and track students nearing graduation. The students were contacted and notified of their close proximity to the college degree.
<ol style="list-style-type: none"> 2. Reverse Transfer <ol style="list-style-type: none"> a. Former NIC students that transferred to other institutions prior to graduating from NIC are being contacted and encouraged to transfer their university level credits back to NIC
<ol style="list-style-type: none"> 3. Transfer Center Initiatives <ol style="list-style-type: none"> a. Improvement of the transfer website b. Update current program documents and advising worksheets to more clearly define graduation and transfer requirements

STRATEGY C: Curriculum and Program Development
Add academic programs and curriculum options to increase the number of degree and certificate options within the college inventory of programs
Objectives:
1. Write the curriculum for new programs (especially in professional, technical areas)
2. Create additional academic program degree and certificate options
3. Gain state board approval of the new curriculum
4. Partner with other Idaho institutions wherever possible
5. Modify existing program curriculum and degree requirements to allow faster completion of programs
<i>Progress: Academic Deans have begun the communication processes with local industry and Idaho universities to start curriculum development and transfer articulation. Grant applications have been written and submitted, and program accreditation requirements are in the initial stages of completion.</i>
Initiatives Supporting Strategy C:
1. New Program Development – Physical Therapist Assistant
2. New Program Development – Wastewater Treatment Technician
3. New Program Development – Aerospace, Airframe and Composites
4. Curriculum Change – reduce number of credits required within degree and certificate requirements wherever possible

STRATEGY D: Better recruitment of high school students
Expand dual credit opportunities of students within Region One
Objectives:
1. Increase (double in FY12) the number of dual credit classes being conducted in Region One high schools
2. Identify and hire high school instructors with the appropriate qualifications to teach the NIC dual credit courses in the high school setting
3. Make NIC the first choice among dual credit providers within Region One

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Progress: Dual credit enrollment has grown significantly over the last four years, but much of the growth has been on campus. More classes are being offered in the high schools, but there is a strong need to expand NIC's services within the high school settings.

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60% Goal

Current and future strategies to achieve goal of 60% of Idahoans aged 25 – 34 earning a degree or certificate

College of Southern Idaho

Summary

As a comprehensive community college, the College of Southern Idaho (CSI) offers basic skills, transfer, and professional-technical educational opportunities. CSI serves a diverse student population that includes dual credit students, traditional college students who recently graduated from high school and are attending CSI full-time, as well as a great number of non-traditional students who may be older, have part-time or full-time jobs, as well as family responsibilities. While access to higher education has always been an important element of CSI’s mission, CSI has been focusing more and more on student success and completion, in addition to maintaining access. Access will continue to be important as only students who begin to attend college will have an opportunity to complete a degree or certificate. However, access alone is not enough. We strive to continue to increase graduation and transfer rates. Furthermore, we strive to graduate students who have the right skills, knowledge, and abilities to compete successfully in a global society and marketplace. Commitment to these initiatives starts with our Board of Trustees, and is shared by administration, faculty, and staff.

Strategies used to improve graduation and transfer rates at CSI are guided by answers to the following questions: Are we meeting the needs of our students and providing true value? Are we offering the right degrees and certificates? Do our degrees and certificates require the right classes? Do those classes provide the right knowledge, skills, and experiences our students need in order to succeed? Do we offer the courses when and where students can take them, in the format that supports access as well as student learning and success? Do we provide appropriate student support services to help our students graduate in a timely fashion?

CSI utilizes five strategies to increase the number of students who graduate with a degree or certificate or transfer to a four-year university: 1) provide convenient, affordable, and equitable access to our programs, services, and resources; 2) meet the diverse and changing needs and expectations of our students; 3) demonstrate continued commitment to, and shared responsibility for, student learning and success; 4) maintain a culture of planning, assessment, data-driven decision making, and continuous improvement; 5) build and maintain effective partnerships.

STRATEGY A	
Provide convenient, affordable, and equitable <u>access</u> to our programs, services, and resources	
	Objectives:
	1. Continue to aggressively recruit new students - recruitment will continue to be very important for CSI; if students do not begin their college education, they cannot be retained and will not graduate
	2. Expand early awareness and pre-college programs and services
	3. Eliminate or minimize barriers to access <ul style="list-style-type: none"> a. Continue to strengthen partnerships with high schools to ensure college readiness
	4. Maintain the affordability of our programs and services <ul style="list-style-type: none"> a. Clearly communicate financial aid eligibility criteria b. Continue to increase the availability of need-based scholarships
<i>Progress:</i>	

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STRATEGY B	
Meet the diverse and changing needs and expectations of our students	
	Objectives:
	1. Continue to improve the quality, relevancy, efficiency, and effectiveness of our courses, programs, and services
	2. Ensure that the curricula provide the skills, knowledge, and experiences most needed by students and employers
	3. Maintain an entrepreneurial approach to program development and management
	4. Continue to critically analyze our program mix, class scheduling, and resource allocation <ul style="list-style-type: none"> a. Offer appropriate number of classes and services when and where students need it, in the format they are needed (online, evening, weekends, compressed accelerated courses) in order to assist students who have full-time or part-time jobs to continue to attend college. - In a recent study conducted by The Public Agenda (non-profit agency sponsored by the Bill and Melinda Gates Foundation), 71% of a random sample of college dropouts said work was the reason they left college. Many were not struggling academically; they simply did not have the time because they had families, responsibilities, and other issues. b. Develop and expand bridge programs c. Provide Placement Test Prep training sessions – information about what the Placement Test is, how to prepare for it, as well as short refresher sessions for students who have been out of high school for a few years and need a quick refresher in order to place into college-level courses. d. Provide ongoing learning subject workshops which focus on placement test scores to help eliminate the add/drop runarounds during the first week when instructors perform first-day assessments. Students would be able to select the right courses way before the semester begins, without having to change courses after the course has begun. If a student needs to take developmental courses, that realization should happen before the first day of courses. <ul style="list-style-type: none"> • Develop courses that link developmental courses to college-level courses and compressed accelerated developmental courses to allow students to earn college credit immediately or much more quickly. Research has shown that those who participate in these types of tracks are more likely to persist because they are working out of remedial work quickly and entering college-level courses just like their college-ready peers. The need for belonging has an important affective/emotional impact. • Increase the availability and pass rate of “gate keeper” (initial college-level math and English) courses e. Continue to critically review the curriculum, total number of credits required for degrees and certificates, and the relevancy of college-level electives keeping in mind the best interest of student goal completion. Review our rationale for having our institutional associate degrees at the 64 minimum credits, when SBOE allows for college/universities to set them at 60 total credits.

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	f. Implement waitlisting in order to gain better insight into the real demand for various courses, to help ensure that students can enroll in courses they want/need and that they do not become discouraged when the appropriate courses reach their authorized capacities and become unavailable for enrollment.
<i>Progress:</i>	

STRATEGY C	
Demonstrate a continued commitment to, and shared responsibility for, <u>student learning and success</u>	
	Objectives:
	1. Identify and reduce barriers to student learning and success
	<ul style="list-style-type: none"> a. Assist students with establishing specific educational goals by offering career exploration services and resources for students who are undecided about career direction or uncertain about the major they want to choose - students are more likely to complete their education if they have a specific educational goal. b. Provide assistance to at-risk students whose academic performance is being affected by alcohol or other drug use, depression, anxiety, grief, mental health, violence, or other factors. c. Through the Center for New Directions (CND) provide individual mentoring and counseling to help students navigate through the challenges of attending college with outside family responsibilities and/or adjustments due to their minority or gender status in their field of study. d. Reach out to students who stopped attending college to find out the reasons for leaving and offer resources to encourage them to return.
	2. Maintain high standards for student learning, performance, and achievement
	<ul style="list-style-type: none"> a. Increase the number of graduates and/or transfer students without compromising on the quality and rigor of instruction (no watered down curriculum, easier courses/assignments, grade inflation, etc.) b. Graduate students who have the right skills, knowledge, and abilities to compete successfully in a global society and marketplace
	3. Provide appropriate academic, financial, social, and personal support
	<ul style="list-style-type: none"> a. Provide clear and consistent information about program and graduation requirements and important timelines/due dates b. Further improve and expand academic advising services and resources; increase the number of professional academic advisors in order to assist student progress and graduation/transfer; further expand meaningful and impactful involvement in advising by faculty; revise academic advising policies to more clearly define responsibility and accountability for advising c. Ensure that all degree-seeking students have an established and agreed-upon academic plan d. Provide advising opportunities for undeclared/non-degree seeking students (e.g. dual credit students, students who have not met academic standards and could not register as degree-seeking students, etc.). Currently this population does not have a "go-to" person(s). e. Develop accessible and effective systems, tools, and processes for students and

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- their advisors to track students' progress – degree audit, course needs report, “what if” scenario degree evaluation, academic plans, monitoring waitlists, etc.
- f. Explore cluster credit enrollment tracks - as more program course offerings become sequential semester-based, explore the possibility of developing a system/process that would give students an opportunity to register for semester enrollment plans based on clusters. For example, each program should have a first-semester enrollment cluster of classes that a first-time full-time student should be provided upon logging in to the registration portal. This should help minimize the out-of-sequence registration mistakes made and allow students to enroll in "must have" courses that are only offered in specific semesters without having to wait a full academic year if they happen to miss out on the course. Later develop these recommended credit clusters for second, third, and fourth semester students.
 - g. Continue to expand and customize new student orientation (online and face-to-face); more active and meaningful involvement from programs/faculty in orientation to help students with questions related to their specific major (what to expect in their classes/labs/clinical, tools, equipment, job outlook, transfer related questions, etc.) and to get to know students early and forge a stronger relationship with them; ongoing communication with and follow-up on students who completed new student orientation
 - h. Rethink at-risk student support to be more tailored to the individual needs/circumstances of each student (with the proper staffing levels) and to allow the student to be active participants and to take responsibility for their own learning and success.
 - i. Continue to publish and distribute the First Year Advisor
 - j. Expand Satisfactory Academic Progress (SAP) standards to all degree-seeking students, not just students seeking initial or continued eligibility for Federal Financial Aid
 - k. Expand tutoring and mentoring services for students (face-to-face, online)
 - l. Continue to improve and expand early intervention systems
 - The PASS Early Alert program – provides CSI students with an early alert system for academic progress problems. This program stresses student success at CSI through a joint partnership with the three major partners in advising: the student, the advisor, and the instructor.
 - The SMART program - provides comprehensive referral support throughout the semester. Unlike its PASS sister companion, which provides an “early alert” system for students who are experiencing classroom problems that may affect their overall class success, the SMART program aims at contacting students who may need a “wake-up” alert in making decisions before it’s too late in the semester.
 - Blackboard’s Early Warning System and Performance Dashboard. Using the College’s Learning Management System (LMS) to track student participation, progress, and success, and to implement an early warning system that automatically sends customized messages to students with low grades, late assignments, or waning participation. The purpose of the system is to identify students with performance deficiencies and to help struggling students get back on track. The Early Warning System helps faculty members recognize when a

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	<p>performance problem is emerging or becoming more serious.</p> <p>m. Continue to improve and expand information and support provided to students about financial aid and scholarship eligibility, due dates, policies, procedures, and systems</p> <p>n. Strengthen financial literacy programs and services</p> <p>o. Continue to improve services to transfer students and veterans</p> <p>p. Encourage, remind, and aggressively market the importance of applying for graduation, becoming core certified or earning an associate degree prior to transferring to a four-year institution</p>
4.	Foster active and collaborative learning; build learning communities
5.	Offer interdisciplinary, experiential, and service learning opportunities
6.	<p>Develop and strengthen learning communities</p> <ul style="list-style-type: none"> • Learning Community- a long used model (origins in the Experimental College est. at the University of Wisconsin in 1927 by Alexander Meiklejohn) in 4 year universities to help small groups of underprepared students get to know each other better, see connections between subjects, strengthen cognitive skills, and improve relationships with faculty. Students are enrolled together in 2 or more courses, often linked thematically and assignments are shared. • Emphasize student cohorts - student cohorts promote connections to faculty and lead to stronger relationships among students, creating both personal and academic support networks.
7.	<p>Develop a peer-to-peer student coaching program</p> <ul style="list-style-type: none"> • Coaches contact students regularly to develop a clear vision of their goals, help them connect their daily activities to those goals, and support them in areas such as information about programs and services, time management, and study skills.
8.	Encourage meaningful engagement - A more involved student is a more successful student. Students who participate in the classroom and are also involved in college activities are proven to be more likely to stay in school.
9.	Recruit and retain faculty and staff who are committed to student learning and success
10.	Support employees by providing the necessary resources, tools, training, and information needed to do their jobs effectively
11.	Recognize and reward competence, performance, and contributions to student learning and success
12.	Utilize appropriate information technologies that support and enhance teaching and learning, improve accessibility and quality of services, and increase the effectiveness and efficiency of operations
<i>Progress:</i>	

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STRATEGY D	
Maintain a culture of planning, assessment, data-driven decision making, and continuous improvement	
	Objectives:
	<p>1. Continually assess and improve the quality, relevancy, efficiency, and effectiveness of our systems, programs, services, processes, and practices - “Best Practices should be Best Processes”- David Jenkins</p> <ul style="list-style-type: none"> • Implement LEAN Higher Education (LHE) principles and practices in order to improve the efficiency and effectiveness of various processes, eliminate waste (activities that overburden employees and add little or no value to beneficiaries), help with the judicious use of limited resources, improve accountability, and ultimately provide services that meet the needs of students. <i>“LEAN [Higher Education] provides a way to do more and more with less and less – less human effort, less equipment, less time, and less space – while coming closer and closer to providing customers with exactly what they want.”</i> (Womack & Jones, 2003, p. 15)
	<p>2. Employ meaningful and effective measures, methodologies, and technologies to accurately and systematically measure and continually improve institutional performance, effectiveness, and accountability</p> <ul style="list-style-type: none"> • Emphasize data-driven decision making. In light of diminishing resources, it has become imperative that we measure the success, effectiveness, and efficiency of our various initiatives, that we know what works and what does not work, and that we put resources towards those initiatives that are producing the right results and do not waste scarce resources. Data-driven decision making requires access to quality information when and where needed, in the format needed, accessible to those who needed.
<i>Progress:</i>	

STRATEGY E	
Build and maintain effective partnerships	
	Objectives:
	<p>1. Continue to partner with the College of Western Idaho (CWI) in order to assist CWI in meeting standards for accreditation and to help CWI offer college credit instruction, certificates and degrees, and federal financial aid while seeking accredited status. For the duration of this partnership credits, certificates and degrees earned at CWI appear on CSI transcripts and are transferable to four-year institutions, subject to the policies of those institutions.</p>
	<p>2. Develop and maintain appropriate articulation agreements.</p>
<i>Progress:</i>	

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**GOAL PROGRESS
COLLEGE OF SOUTHERN IDAHO**

The goal includes degrees and certificates so the measurement should also include certificates, associate degrees, in addition to bachelor's, master's, doctoral, and professional degrees

YEAR	# OF GRADUATES (BACCALAUREATE)	# OF GRADUATES (BACCALAUREATE)
	GOAL	ACTUAL
2010-2011		
2011-2012		
2012-2013		
2013-2014		
2014-2015		
2015-2016		
2016-2017		
2017-2018		
2018-2019		
2019-2020		

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Current and future strategies to achieve goal of 60% of Idahoans aged 25 – 34 earning a degree or certificate

College of Western Idaho

As a comprehensive community college located in the Treasure Valley, CWI has a unique opportunity to partner with high schools and state colleges and universities to provide a number of two year degrees and a variety of professional technical certificates. The community college mission in Idaho includes offering classes in basic skills, general education transfer, and professional-technical education. CWI has experienced growing enrollments and an opportunity after 2+ years of operations to begin to provide increasing numbers of graduates. CWI plans to increase enrollments through the addition of several new systems for tracking and managing student progress, improve methods to prepare and retain students for success and identify best practices in teaching and learning.

The College of Western Idaho has three Board Priorities that align directly to the stated 60% graduation goal for the State of Idaho. Board Priority 1: Structure Student Success - The College of Western Idaho will implement a variety of programs to foster students' success in reaching their educational goals. Board Priority 2: Develop systems to support faculty and staff. The College will prioritize support for faculty and staff as a way to optimize effective practice in pedagogy and service to students which will maximize student success and retention. Board Priority 3: Connect the College to the Community - The College of Western Idaho will implement a variety of programs to bring the College into the community in meaningful ways.

Summary

STRATEGY A - Preparation	
Ensuring students are ready to start and succeed with their first experience at CWI	
Objectives:	
	1. Develop an effective, mandatory course placement system including accurate assessment and course prerequisites supported by centralized and faculty focused advising such as our PACE Program. (CWI Board Priority)
	2. Initiate a core function for supporting first semester and "at risk" students.
	3. Develop a structured "First Semester" Program to support first generation students and students who would not find college as a comfortable concept. (CWI Board Priority)
	4. Continue current processes in aggressively recruiting new students. Emphasis on relationships with high schools, dual credit offerings and Tech Prep relationships with high schools.
	5. Attempt to maintain the affordability of our programs
	6. Continue to increase the availability of need-based scholarships
<i>Progress:</i>	

STRATEGY B – Advising and Delivery	
Enhance Academic Advising & Course Planning	
Objectives:	
	1. Continue to improve the quality, relevancy, and effectiveness of our degrees, certificates, courses, programs, and services. Utilize methods such as outside advisory committees, relationships with high schools and universities, and student feedback to improve content and delivery of our programs and services.
	2. Implement best practices in basic skills instruction and student services that are

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	effective in moving students from basic skills into college-level courses. (CWI Board Priority)
	3. Implement strategies that have proven to be effective in connection to students with various learning styles., increasing student persistence and retention. (CWI Board Priority)
	4. Implement a waitlist process to improve use of existing facilities and course offerings by measuring real time demand for various course sections
	5. Work closely with the K-12 shift to Accuplacer to better place students in appropriate level courses
	6. Continue to improve and implement “bridge” programs to link students previous academic experiences with their current educational goals. (example – RN nursing)
	7. Continue to provide short duration topics to students for the purpose of improving their academic, test taking and critical thinking skills.
	8. Maintain an entrepreneurial approach to program development and management. Review our program mix, resource allocation and class scheduling to better serve both our traditional and non-traditional students.
<i>Progress:</i>	

STRATEGY C – Student Retention	
Demonstrate a continued commitment to retaining students	
	Objectives:
	1. Identify and reduce barriers to student learning and success
	2. Assist students with establishing specific educational goals by offering career exploration services and resources for students who are undecided about career direction or uncertain about the major they want to choose - students are more likely to complete their education if they have a specific educational goal.
	3. Continue to utilize the Center for New Directions (CND) provide individual mentoring and counseling to help students with the challenges of attending college
	4. Utilize a system of “retention alert” to permit faculty and advisors to identify students who are struggling with courses or issues that could affect their success at college
	5. Continue to utilize systems, tools, and processes for students and their advisors to track students’ progress – “degree audit”, “what if” scenario degree evaluation, academic plans, and monitoring waitlists
	6. Further improve and expand academic advising services and resources; increase the number of professional academic advisors in order to assist student progress and graduation/transfer; further expand meaningful and impactful involvement in advising by faculty; revise academic advising policies to more clearly define responsibility and accountability for advising
	7. Continue to improve communications with students in areas of academic planning, student life opportunities, assistance with identified disabilities, veteran’s services and academic standards. Implement a “student portal.”
	8. Encourage and aggressively market the importance of applying for graduation, becoming core certified or earning an associate degree prior to transferring to a four-year institution. Work with Idaho colleges and universities to identify students who after transfer have met requirements for an AA or AS degree. Work with professional technical students to encourage completion of an AAS and certificates.

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	9. Continue to improve and expand alternative methods of delivery through the implementation of a “virtual campus”, use of Idaho Education Network (IEN), use of hybrid classes and a “virtual one-stop” to better serve needs of non-traditional students and leveraging our lack of physical classroom space.
	10. Expand Satisfactory Academic Progress (SAP) standards to all degree-seeking students
	11. Expand tutoring and mentoring services for students in both a face-to-face and online venues
	12. Continue to recruit and retain faculty and staff who are committed to student learning and success. Support faculty and staff by providing the necessary resources, tools, training, and information needed to do their jobs effectively.
<i>Progress:</i>	

STRATEGY D - Planning	
Maintain a culture of planning, assessment, data-driven decision making, and continuous improvement	
	Objectives:
	1. Improve data gathering, aggregating, access and reporting through a shift to DataTel. Improve staff access to real-time information through the use of dashboards.
	2. Develop and improve systematic measures of institutional performance, effectiveness, and accountability. Continue to improve in data-driven decision making processes.
<i>Progress:</i>	

STRATEGY E - Partnerships	
Build and maintain effective partnerships	
	Objectives:
	1. Continue to partner with the College of Southern Idaho in order to align CWI processes and standards with CSI during our accreditation process. Ensure that credits, certificates and degrees earned at CWI appear on CSI transcripts and are transferable to four-year institutions.
	2. Work closely with Idaho universities to create “co-enrollment” and “co-admission” agreements to provide access for students to take courses at both CWI and Idaho universities.
	3. Continue partnerships with SBOE in Near-Peer Mentor Programs for selected high schools
	4. Develop and maintain appropriate articulation agreements. Increase the number of 2+2 agreements with college and university partners.
<i>Progress:</i>	

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**GOAL PROGRESS
COLLEGE OF WESTERN IDAHO**

The goal includes degrees and certificates so the measurement should also include certificates, associate degrees, in addition to bachelor's, master's, doctoral, and professional degrees

YEAR	# OF GRADUATES (BACCALAUREATE)	# OF GRADUATES (BACCALAUREATE)
	GOAL	ACTUAL
2010-2011		
2011-2012		
2012-2013		
2013-2014		
2014-2015		
2015-2016		
2016-2017		
2017-2018		
2018-2019		
2019-2020		

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
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60% Goal

Current and future strategies to achieve goal of 60% of Idahoans aged 25 – 34 earning a degree or certificate

Professional-Technical Education

Summary

Professional-Technical Education (PTE) is defined as “secondary, postsecondary and adult courses, programs, training and services administered by the Division of Professional-Technical Education for occupations or careers that require other than a baccalaureate, masters or doctoral degree.” The Division will focus on these strategies to achieve the goal of 60% of Idahoans aged 25-34 earning an AAS degree or certificate.

STRATEGY A	
Strengthen articulation agreements between secondary and postsecondary PTE programs	
Objectives:	
	1. Better align secondary PTE programs of study learning outcomes with technical college programs’ learning outcomes
<i>Progress:</i>	

STRATEGY B	
Increase access to postsecondary technical college PTE programs	
Objectives:	
	1. Address the tuition cost differential between four and two year institutions within the technical college system.
<i>Progress:</i>	

STRATEGY C	
Increase postsecondary PTE completion	
Objectives:	
	1. All new AAS programs will not exceed 72 credits.
	2. Reduce the number of general education credits for an AAS Degree from sixteen to fifteen to provide flexibility in student choice of courses and make the general education requirement more streamlined and cost effective for AAS degree majors.
	3. Identify additional ways to assist PTE students with general education course work to enable students to complete their programs.
	4. Provide additional postsecondary PTE Advising to ensure that Career and Technical Counselors work with students to place them in appropriate programs based on their interests and aptitudes.
	5. Strengthen early intervention techniques for PTE students.
<i>Progress:</i>	

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STRATEGY D	
Transition adult learners into PTE Completers	
Objectives:	
1. Increase the number of bridge programs designed to transition adults into PTE programs.	
<i>Progress:</i>	

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
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2008 Degree/Certificate Production & Additional Award Annually

Public Institutions	Associate	Bachelor's	Certificates 1-2 yrs	2008 Total awards	Institution's % of Total Awards	Undergraduate Fall 2008 Enrollment
Boise State University		1,840		1,840	25.2%	17,574
University of Idaho		1,782		1,782	24.4%	9,241
Idaho State University	307	1,045	78	1,430	19.6%	10,574
College of Southern Idaho	667			667	9.1%	7,542
Lewis-Clark State College	124	387	9	520	7.1%	3,940
North Idaho College	397		129	526	7.2%	4,323
College of Western Idaho*	296		131	427	5.8%	**
Eastern Idaho Technical College	71		43	114	1.6%	768
Total Awards (2008)	1,862	5,054	390	7,306		

* Certificates and associate degrees awarded by Boise State University in 2008 have been attributed to the College of Western Idaho for projecting future growth.

** No Enrollment data not available for Fall 2008

Additional awards annually by institution to meet 60% goal:¹

Institution	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	TOTAL
												2010-20
Boise State University	143	287	430	573	717	860	1,003	1,146	1,290	1,433	1,576	9,458
University of Idaho	139	278	416	555	694	833	971	1,110	1,249	1,388	1,527	9,160
Idaho State University	111	223	334	445	557	668	780	891	1,002	1,114	1,225	7,350
College of Southern Idaho	52	104	156	208	260	312	364	416	468	519	571	3,430
North Idaho College	40	81	121	162	202	243	283	324	364	405	445	2,670
Lewis-Clark State College	41	82	123	164	205	246	287	328	369	410	451	2,706
College of Western Idaho*	33	67	100	133	166	200	233	266	299	333	366	2,196
Eastern Idaho Technical College	9	18	27	36	44	53	62	71	80	89	98	587
Total Additional Annual Awards	568	1,140	1,707	2,276	2,845	3,415	3,983	4,552	5,121	5,691	6,259	37,557

1] Assuming current distribution of awards by institution stays constant through 2020.

* Certificates and associate degrees awarded by Boise State University in 2008 have been attributed to the College of Western Idaho for projecting future growth.

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IDAHO DIGITAL LEARNING ACADEMY

SUBJECT

Idaho Digital Learning Academy (IDLA) Annual Report

APPLICABLE STATUTE, RULE, OR POLICY

Section 33-5501, Idaho Code

Idaho Administrative code, IDAPA 08.04.01 Rules Governing the Idaho Digital Learning Academy

BACKGROUND/DISCUSSION

IDAPA 08.04.01 Rules Governing the Idaho Digital Learning Academy, requires an annual report to be submitted each year to the State Board of Education. In compliance with IDAPA 08.04.01 this report will include Accreditation information, IDLA Acceptable Use Policy, and the IDLA fee schedule.

The 2002 Idaho Legislature created the Idaho Digital Learning Academy (IDLA) as an online, school-choice learning environment (Title 33 Chapter 55, Idaho Code). IDLA is a state virtual school providing Idaho students with greater access to a diverse assortment of courses. This virtual school was created to address the educational needs of all Idaho students: traditional, home schooled, at-risk, and gifted learners and is a service to Idaho students and schools. Rigorous online courses delivered by highly qualified faculty assists the state in preparing Idaho students to meet Idaho's high school graduation requirements, Idaho standards, and the increased demand from colleges and industry.

In 2011, Senate Bill 1184 restructured IDLA's funding formula (section 33-1020, Idaho code) to reduce state appropriation for IDLA effective July 1, 2012. The revision to this Section eliminates IDLA's growth funding support which equates to approximately 80% of IDLA's total funding. Additionally, a minimum funding clause was created for Fiscal Years 2013 and 2014 to be enacted should IDLA's total revenue from State allocation and Idaho school district contracts drop below \$3.5 million.

IMPACT

IDLA was legislatively capped at 15,000 enrollments for 2010-2011. As a result, IDLA served 14,974 enrollments for 2010-2011 which is a 4% increase over last year. 98% of the school districts in Idaho participated in 2010-2011. The number one reason for taking IDLA courses is scheduling conflicts. Other reasons include: course not offered; advanced placement; dual credit; early graduation; foreign languages; and credit recovery.

ATTACHMENTS

Attachment 1 – IDLA Presentation Information	Page 3
Attachment 2 – 2011-2012 Fee Policy Statement	Page 4
Attachment 3 – Acceptable Use Policy	Page 6

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Attachment 4 – Accreditation Confirmation

Page 11

STAFF COMMENTS AND RECOMMENDATIONS

Section 33-1627, Idaho code's requirement for online courses and Proposed rule, IDAPA 08.02.03.105 online learning graduation requirement may potentially impact operations at the Idaho Digital Learning Academy. Many of the people commenting during the public hearings indicated a preference for using IDLA in providing online courses for their students and an aversion to sending state monies to private for-profit or non-profit companies that may be located out of the state. There is some concern that the decrease in general fund appropriation and new process of contracting with school districts may negatively impact IDLA's ability to meet the potential need these new requirements may generate.

BOARD ACTION

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

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IDAHO DIGITAL LEARNING ACADEMY PRESENTATION INFORMATION

NAMES OF PRESENTERS & TITLES

Dr. Cheryl Charlton, Chief Executive Officer
Mr. Mike Caldwell, Director of Academics
Dr. Wiley Dobbs, Superintendent, Twin Falls School District

PRESENTATION TOPICS

2010-2011 Update
2012 IDLA Services

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2011-2012 IDLA FEES POLICY STATEMENT

FEES FOR IDAHO DIGITAL LEARNING ACADEMY:

There will be two fee schedules for 2011-2012 based upon District completion of the IDLA Online Site Coordinator course. These fees apply to all IDLA courses for all sessions.

All IDLA course fees are paid by the district directly to IDLA. Where appropriate, the district will collect fees from the student. IDLA does not collect fees from students. Districts will be billed for all registered students according to the following schedule:

Date Parameters:	Billing Sent to Districts:	Sessions Covered:
January 1 – March 31 & Past Due	First week of May	Jan, Feb, April, March & Past Due
April 1 – June 30	First week of July	Summer
July 1 – Sept 30 & Past Due	First week of October	Aug, Sept, & Past Due
October 1 – December 31	First week of January	November

DISTRICTS WITH A SITE COORDINATOR WHO HAVE SUCCESSFULLY COMPLETED THE IDLA SITE COORDINATOR CLASS:

For one (1) student for a one (1) semester course is \$75 for Idaho public school students, with the exception of Advanced Placement (AP) and Dual Credit (DC) classes. There are no IDLA course fees for AP & DC classes (see Other Fees for Advanced Placement/Dual Credit Courses).

DISTRICTS WITH A SITE COORDINATOR WHO HAVE NOT COMPLETED THE IDLA SITE COORDINATOR CLASS

For one (1) student for a one (1) semester course is \$100 for Idaho public school students. The Advanced Placement/Dual Credit fee waiver does not apply.

ISAT REMEDIATION

ISAT Math, ISAT Language Arts, and ISAT Reading will be waived for 2011-2012 upon the district designated Site Coordinator's successful completion of the free IDLA online at-risk training module.

OUT-OF-STATE FEES

For one (1) student for one (1) semester course is \$400 for out-of-state students. The Advanced Placement/Dual Credit fee waiver does not apply.

ADULT LEARNER FEES

For one (1) student for one (1) semester course is \$125 for adult learner students.

OTHER FEES FOR ADVANCED PLACEMENT/DUAL CREDIT COURSES

Fees to take the Advanced Placement Exam by the College Board and fees for dual credit to receive college credit may apply. Students in Dual Credit Courses are

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responsible for all university fees. Advanced Placement and Dual Credit courses may require additional textbooks (see below).

SCHOLARSHIPS

Limited partial scholarships are available for 2011-2012 for \$50 per course enrollment.

TEXTBOOKS

IDLA provides online textbooks in the majority of content areas and provides access to Libraries Linking Idaho (LILI-D). In cases where an online textbook is unavailable, the local school district may be responsible to provide the required text(s) according to school district policy. For example, advanced placement, dual credit, and English courses may require additional textbooks or required readings not available online. The local school district is also responsible to provide access and assistance to library media centers if necessary. Please refer to the IDLA Course Catalog posted at www.IdahoDigitalLearning.org for a list of required textbooks.

IDLA ACCEPTABLE USE POLICY

Students should print and review this policy with a parent or guardian to ensure a safe and rewarding experience with IDLA. All students enrolled in any course work of Idaho Digital Learning Academy (IDLA) shall be responsible to comply with all of the policies of their home school district and the policies of IDLA including this Acceptable Use Policy (AUP).

1. The IDLA network is for educational purposes only and includes computers, communication networks, the Internet, and other electronic resources used in the delivery of IDLA courses.
2. All users of IDLA must agree to all of the terms of this AUP prior to being able to access a user account providing access to the IDLA network.
3. Privileges and Rights of IDLA Community Members:

Members of the IDLA community have certain privileges and rights. These include:

A. Safety

- *No student or IDLA personnel shall utilize the IDLA network to access any site that includes, but is not limited to pornography, graphic sexual or violent content, or advocates the use of illegal substances.*
- *Communication on the IDLA network between students shall respect the privacy of all individuals and shall not contain personal information regarding other persons.*
- Bullying or harassment of IDLA users shall not be tolerated. No user of the IDLA network shall engage in any communication or entry that shall have the intent of, or results in, the bullying or harassment of other students or employees of IDLA or utilizes profanity or degrading language directed at known persons. Any user who receives, or believes they are subject of, such communications should immediately notify the IDLA online principal.
- For reasons of privacy and safety, users are prohibited from downloading or uploading photographs of persons other than as may be directly relevant to the required coursework, and any depiction of fellow students or IDLA personnel is expressly prohibited without the written permission of the individual, or permission of that individual's parent or legal guardian if the individual is a minor.
- Any graphic or digital representation must be presented in an appropriate manner in accordance with the local school district's dress code policy. IDLA reserves the right to determine whether a graphic representation is appropriate and to respond accordingly.

B. Access for all users

All IDLA users shall be granted access to as many IDLA services as the available technology and IDLA role will allow. Relevant exploration of the Internet for educational

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purposes is permissible in IDLA courses within the limitations of compliance with this policy and the acknowledgement that certain sites may be offensive to specific individuals. IDLA will make every effort to ensure that course content will be appropriate to the designated grade-level of that course, regardless of the ages of students enrolled in that course.

C. Intellectual Freedom

- Discussion forums within the IDLA course management system are a free and open forum for expression, including all viewpoints within the role and mission of IDLA. The poster of an opinion should be aware that other community members may be openly critical of such opinions.

- Any statement of personal belief is implicitly understood to be representative of the author's individual point of view, and not that of the IDLA, its administrators, teachers, other staff, or the participating schools. Personal attacks are not an acceptable use of IDLA resources at anytime and IDLA instructional staff or administration should be notified. IDLA does not officially endorse any opinions stated on the network.

D. Privacy

In guarding the safety of its students and users, there is no reasonable expectation of privacy in any use of the IDLA network by any user. IDLA is a public educational agency and therefore IDLA personnel, both technology specialists and teaching and/or administrative staff, may periodically access accounts, review emails sent or received, internet sites (including any social networking websites) and chat rooms visited, as well as electronic class discussion materials.

4. The Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records.

FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."

- Parents or eligible students have the right to inspect and review the student's education records maintained by the school. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for parents or eligible students to review the records. Schools may charge a fee for copies.
- Parents or eligible students have the right to request that a school correct records which they believe to be inaccurate or misleading. If the school decides not to amend the record, the parent or eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the

parent or eligible student has the right to place a statement with the record setting forth his or her view about the contested information.

- Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):
 - School officials with legitimate educational interest;
 - Other schools to which a student is transferring;
 - Specified officials for audit or evaluation purposes;
 - Appropriate parties in connection with financial aid to a student;
 - Organizations conducting certain studies for or on behalf of the school;
 - Accrediting organizations;
 - To comply with a judicial order or lawfully issued subpoena;
 - Appropriate officials in cases of health and safety emergencies; and
 - State and local authorities, within a juvenile justice system, pursuant to specific State law.

5. Responsibilities of IDLA users

With the rights and privileges of participation in the IDLA community come certain responsibilities. IDLA users need to familiarize themselves with these responsibilities.

A. Using appropriate language

Profanity or obscenity will not be tolerated. All IDLA community members must use language appropriate for school situations. Inappropriate language includes, but is not limited to language that is: defamatory, inaccurate, abusive, rude, sexually explicit, threatening, harassing, or racially offensive;

B. Avoiding offensive or inflammatory speech

IDLA users must respect the rights of others both in IDLA courses and in the Internet at large. Personal attacks are an unacceptable use of the network. If an IDLA user is the victim of a personal attack, they are responsible to bring the incident to the attention of an IDLA teacher or administrator.

C. Copyright adherence

IDLA users must respect all copyright issues regarding software, information, and attributions of authorship. The unauthorized copying or transfer of copyrighted materials may result in the loss of IDLA privileges.

D. Plagiarism

IDLA users must not engage in plagiarism, which is the act of presenting other peoples' ideas, writings, or products (written or electronic) by claiming them to be one's own and not giving credit to these sources. Forms of plagiarism include: submitting work that is not your own, failing to properly cite words and ideas that are not your own, using direct wording from another source (even a cited one) without quotation marks, or slightly re-wording phrases from another source and passing the phrases as your own.

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E. Cheating

IDLA users must not engage in cheating, which in its various forms includes, but is not limited to: copying another student's work or allowing your work to be copied; allowing someone other than yourself to submit work in your name; using unauthorized assistance on an assessment; allowing someone other than yourself to take an assessment; inappropriate use of a translator in language classes; submitting the same work for multiple courses; or giving answers to other students.

F. Fabricating Data

IDLA users must not engage in fabricating data when completing assignments that require research and/or collecting data. Forms of fabrication include, but are not limited to: falsifying or manipulating data to achieve a desired result; reporting data for an experiment that was not conducted (dry-labbing); or submitting written work with fabricated or falsified sources.

G. Academic Sabotage

IDLA users must not engage in Academic sabotage, which consists of any act that damages another student's work or grade on purpose.

H. False Information

IDLA users must not lie to an instructor, site coordinator, parent, or principal (such as saying an assignment has been completed when it has not, or lying about your grade).

I. Illegal activities

Illegal activities include tampering with IDLA computer hardware or software, unauthorized entry into computers, knowledgeable vandalism or destruction of computer files, or encouraging the use of illegal materials. Use of the IDLA for any illegal activities is prohibited and will result in legal action.

J. System disruption

Intentional or malicious attempts to degrade or disrupt system performance of the IDLA or any other computer system or network are considered criminal activity under state and federal law. IDLA encourages IDLA users to use best practices to avoid unintentional disruption of system performance.

K. Account responsibility

IDLA users have full responsibility for the use of their account. All violations of this policy traced to an individual account name will be treated as the sole responsibility of the owner of that account.

L. User information

IDLA mandates all users to provide current demographic information which includes but is not limited to full name, mailing address, email address, and phone number.

M. Impersonation

All IDLA users must use their own name in the use of the IDLA network. Impersonation

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(logging in as another user or under a false name) is not allowed. (This prohibition does not extend to activities with curricular objectives, such as role-playing within a class discussion, in which users are not attempting to disguise their identities).

N. Anonymity

All IDLA users must use their name on all communication. Anonymity is not allowed. As an educational network, we believe that individuals are responsible for their actions and words;

O. Representation.

When navigating locations on the Internet or using IDLA tools, IDLA users must conduct themselves as representatives of both their respective schools and the IDLA.

P. Email Communication

Email accounts are required to communicate on the IDLA network, and inappropriate email user account names will not be allowed in the system.

6. IDLA assumes no responsibility for Internet access including phone charges, line costs, usage fees, hardware, software, other media, or any other non-specified technology costs associated with a user's connectivity to the Internet or that may be required to access IDLA courses or other instructional resources. IDLA assumes no responsibility for information obtained via the Internet, which may be illegal, defamatory, inaccurate or offensive. IDLA assumes no responsibility for any damages to the user's computer system under any circumstances. The technology requirements of all courses are available on the IDLA website prior to enrollment. Users are solely responsible for acquiring and learning to use all required technology needed to access and complete all online IDLA courses activities.

7. Failure to abide by the IDLA Acceptable Use Policy could result in:

- Report to the local district of the infraction
- Immediate removal of the user's access to IDLA instructional computing resources, which could result in their inability to complete learning activities and subsequent course failure.
- Immediate removal of the user from the course.
- Involvement of law enforcement agencies and possible legal action.

IDLA reserves the right to make modifications to the document at any time without prior notification.

Northwest Accreditation Commission

"...advancing excellence in education through the process of accreditation."

2010-2011

CERTIFICATE OF ACCREDITATION

Idaho Digital Learning Academy

is an accredited Distance Education for the school year 2010-2011 by the Commission on Schools of the Northwest Accreditation Commission with member schools in Alaska, Idaho, Montana, Nevada, Oregon, Utah, Washington, along with other geographical areas of the United States and the world. This school is recognized for promoting and maintaining a well-balanced education program and for meeting or exceeding standards considered essential for quality education.

First Year of Accreditation 2002

The signatures below certify the authenticity of this document.



Stan Baker, President



David G. Steadman, Executive Director



Leonard Paul, Associate Director



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PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
OCTOBER 20, 2011

SUBJECT

Second Reading, Board Policy I.O. Data Management Council

REFERENCE

August 2010	Board directed staff to do a needs assessment that includes the technical, fiscal, and governance requirements for a P-20 and Workforce SLDS.
February 2011	Board accepted the recommendations from the SLDS needs assessment and authorized the Executive Director to determine the configuration and make initial appointments to the Data Management Council.
August 2011	Board approved the first reading of Board policy I.O. Data Management Council.

BACKGROUND/DISCUSSION

The Idaho Data Management Council (hereinafter referred to as "Council") is a council established to make recommendation on the oversight and development of Idaho's Statewide Longitudinal Data System (SLDS) and oversees the creation, maintenance and usage of said system.

There has been one change between the first and second reading. Section 3, subsection f has been increased from two (2) school representatives to three (3) school representatives.

IMPACT

Setting the policy for the Data Management Council (DMC) is the foundation for organizing the council and allowing it to fulfill its intended purpose.

ATTACHMENTS

Attachment 1 – Board Policy I.O. – Second Reading

Page 3

STAFF COMMENTS AND RECOMMENDATIONS

Board staff recommends approval.

BOARD ACTION

I move to approve the second reading of a new section of Board Policy, I.O Data Management Council as submitted and to delegate to the Executive Director the authority approve the members of the council.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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Idaho State Board of Education
GOVERNING POLICIES AND PROCEDURES

SECTION: I. General Policies

SUBSECTION: O. Data Management Council

October 2011

1. Purpose

The Idaho Data Management Council (hereinafter referred to as “Council”) is a council established to make recommendation on the oversight and development of Idaho’s Statewide Longitudinal Data System (SLDS) and oversees the creation, maintenance and usage of said system.

The purpose of the SLDS will be to allow longitudinal tracking of students from preschool through all levels of the public education system (elementary, middle and high schools, college and graduate school) and into the workforce. To reflect this scope, the SLDS will be referred to as a P-20W system. This system will collect data from a variety of disparate source systems, including the K-12 system developed by the State Department of Education, the systems in use at the various postsecondary institutions, the State Department of Labor, the National Student Clearinghouse, and others, and will transform that data into a single, coherent structure on which longitudinal reporting and analysis can be performed.

The construction, maintenance and administration of the P-20W SLDS shall be carried out by designated staff of the Office of the State Board of Education and State Department of Education. The role of the council is to provide direction and make recommendations to the Board on policies and procedures for the development and usage of the system, and to report back to the Board as needed on the progress made on any issues that require Board consideration.

2. Roles and Responsibilities

In order to advise and make recommendation to the Board on the implementation of the SLDS, the council will report to the Board through the Planning, Policy and Governmental Affairs Committee. The scope of responsibilities of the Council will include the following:

a. Data Standards and Quality

- i. Ensure that all data elements within the SLDS are clearly and unambiguously defined and used consistently throughout the system.
- ii. Ensure that the data within the SLDS is as complete and accurate as possible and complies with the agreed upon definitions.

b. Access and Security

- i. Establish parameters for security and encryption of data uploads, data storage, user roles and access, privacy protection, and appropriate use of data.
- ii. Review and approve mechanisms (technical and procedural) for implementing the required security and access rights.

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- iii. Establish guidelines for responding to requests for data access by various stakeholders, including school, district and college/university staff, education researchers, and the public.

- c. Change Management and Prioritization
 - i. Propose enhancements to the SLDS, review enhancements proposed by other groups, and set priorities for the development of those enhancements.
 - ii. Review and approve or deny any proposed changes to existing functionality, data definitions, access and security policies, etc.

- d. Training and Communication
 - i. Establish guidelines for training of SLDS users, and review and approve specific training plans.
 - ii. Ensure adequate communication concerning the SLDS.

In each of these areas, the Council shall develop policies and procedures for Board approval as appropriate.

3. Membership

The membership of the Council shall consist of:

- a. One member of the State Board of Education, appointed by the Board President.
- b. One representative from the Office of the State Board of Education.
- c. Three representatives from public postsecondary institutions, of whom at least one shall be from a community college and no more than one member from any one institution.
- d. One representative who serves as the registrar at an Idaho public postsecondary institution, which may be from the same institution represented in subsection 3.c. above.
- e. Two representatives from the State Department of Education.
- f. ~~Two~~Three representatives from a school district, with at least one from an urban district and one from a rural district, and no more than one member from any one district.
- g. One representative from the Division of Professional-Technical Education.
- h. One representative from the Department of Labor.

Original appointments shall be for terms that are initially staggered to provide a rolling renewal of appointments. Thereafter, appointments shall be for two years, commencing on July 1st. All members of the Council shall have equal voting privileges.

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The Chair shall be selected by the membership on a rotating basis, such that no one constituency shall hold the chair in consecutive terms (i.e. no two representatives from a postsecondary institution or school district shall serve as chair in consecutive terms.

4. Nominating Process

The Council shall nominate candidates for membership for Board consideration. The list of candidates including letters of interest and biographical information must be forwarded to the Board for consideration not less than 60 days prior to expiration of the term of a committee member, or within 30 days after any vacancy.

a. Incumbent Reappointment

If the incumbent candidate is interested in reappointment and is eligible to continue serving based on the Council's current membership structure, the incumbent will provide in writing his or her interest for reappointment, which will be forwarded to the Board for consideration.

b. Open Appointment

- i. Council members shall solicit nominations from all constituency groups.
- ii. Each nominee must provide a written statement expressing his or her interest in becoming a member of the Council. Each nominee must also provide a description of his or her qualifications.
- iii. The Council will review all nominations for the vacant position and will forward the qualified candidates with recommendations to the Board for consideration.

The Board may, after a review of nominee's pursuant to the process described herein, consider other candidates for Council membership identified by the Board or its staff.

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PLANNING, POLICY, AND GOVERNMENTAL AFFAIRS
OCTOBER 20, 2011

SUBJECT

Update on the Data Management Council

REFERENCE

August 2010	Board directed staff to do a needs assessment that includes the technical, fiscal, and governance requirements for a P-20 and Workforce SLDS.
February 2011	Board accepted the recommendations from the SLDS needs assessment and authorized the Executive Director to determine the configuration and make initial appointments to the Data Management Council.
August 2011	Board approved the first reading of Board policy I.O. Data Management Council.

BACKGROUND/DISCUSSION

This will be a presentation by Board staff reviewing the status of the Data Management Council.

The Data Management Council was created by the State Board of Education to oversee the creation and use of the P-20 to Workforce State Longitudinal Data System (SLDS). The members have been appointed and the officers have been elected. The initial policy and bylaws have been created and are being reviewed. The council has been involved with the current development effort to establish the postsecondary repository.

IMPACT

The Data Management Council is essential to ensure that the required policies, procedures, and safeguards are in place to gather, validate, protect, and use the longitudinal data that will be contained in the P-20 to Workforce SLDS. The council will also be integral to the SLDS design and setting priorities for the system.

ATTACHMENT

Attachment 1 – Data Management Council Update

Page 3

STAFF COMMENTS AND RECOMMENDATIONS

The information in this presentation will update the State Board of Education regarding the efforts of the Data Management Council and share their planned activities.

BOARD ACTION

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

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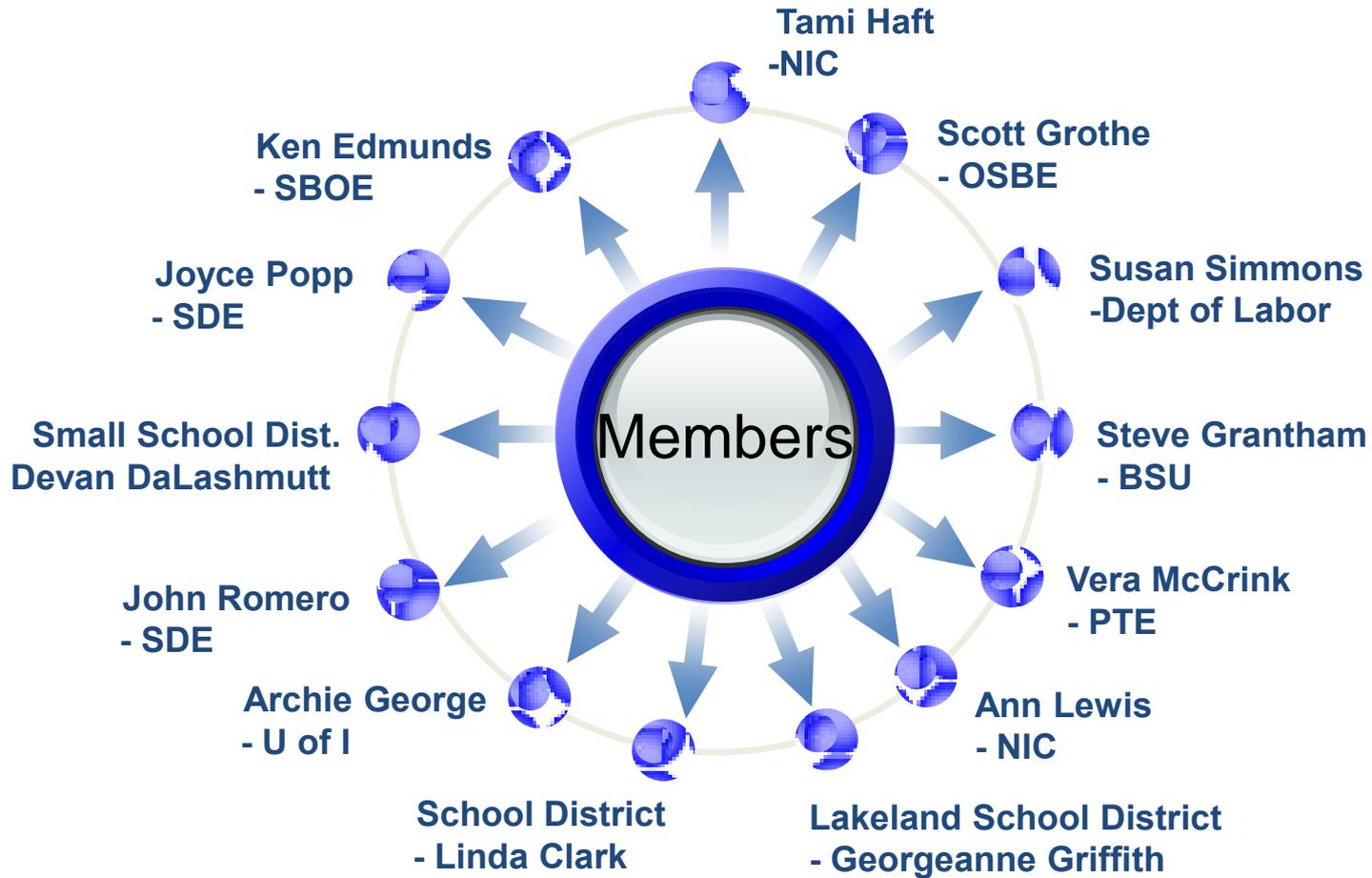
Data Management Council

Update



IDAHO STATE BOARD OF EDUCATION
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Data Management Council



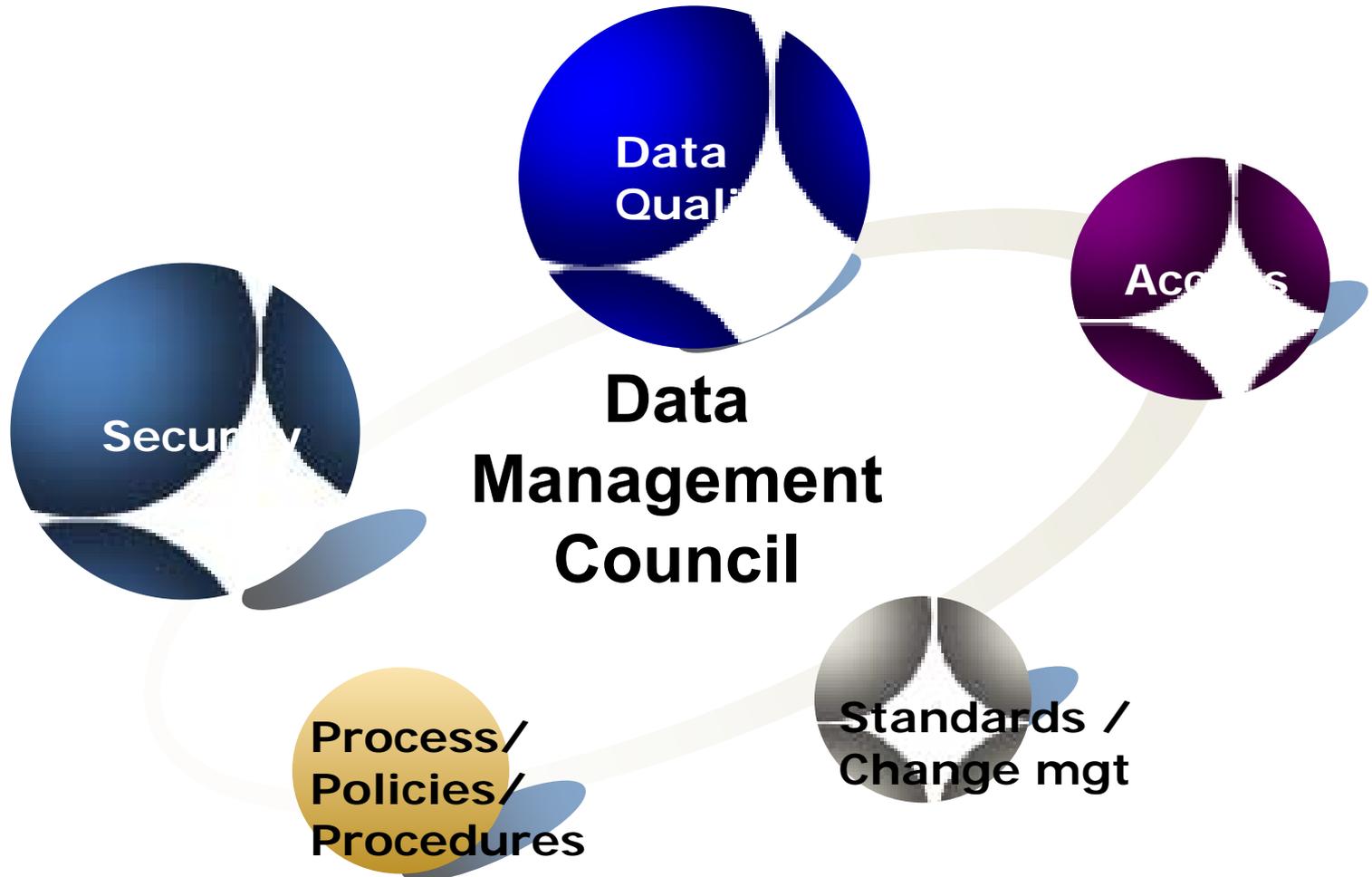
Purpose & Role





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Purpose



Data Management Council

- purpose

- Oversee the creation, development, maintenance and usage of the P-20 to Workforce Statewide Longitudinal Data System

Data Management Council

- role

- Utilize their vast experience and expertise to oversee the resources and activities supporting all SLDS phases, and coordinate with other data systems
- Ensure common vision, avoid duplication of effort and leverage expertise and resources to their full potential.

Data Management Council

- status

- Policy – 2nd reading
- Bylaws – drafted
- Data Security and Acceptable Use
 - Being reviewed
- Data Quality – initial draft being developed.
- Next Steps:
 -

Other Initiatives

- National Student Clearinghouse
- P-20 Workforce SLDS
- Multi-state data exchange
- Issues

National Student Clearinghouse

- Has records for almost all US institutions, enrollment and degrees
- Agreement funded by the College Access Challenge Grant for one year – provide all schools access to Student Tracker.
- Looking to fund three years through a grant.

P-20 Workforce SLDS

- Started with Oregon University System Data Dictionary
- Postsecondary repository build
 - Data Transfer
 - ETL – business rules - reports
- Selected elements needed to meet requirements under ARRA SFSF.
 - Gathering – due September 2011
- Review entire list after complete ARRA

Other Initiatives – Multi-State Data Exchange

- Four state pilot program – Idaho, Oregon, Washington, Hawaii
- Managed by WICHE
- Funded by the Gates Foundation
- Pilot data exchange
- Proof of concept
- K-12, postsecondary, and labor data

Issues

- EDUID – matching
- Data Collection
- 2004-05 graduates
- Labor agreement for multi-state
- Data Quality
- Historical data

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IDAHO DIVISION OF VOCATIONAL REHABILITATION

SUBJECT

Temporary Rule IDAPA 47.01.01, Division of Vocational Rehabilitation

APPLICABLE STATUTE, RULE, OR POLICY

Idaho Administrative code, IDAPA 47.01.01, Division of Vocational Rehabilitation

BACKGROUND/DISCUSSION

The Idaho Division of Vocation Rehabilitation (IDVR) Field Services Manual is incorporated by reference into IDAPA 47.01.01. The Manual outlines the processes and procedures for application and eligibility for services, assessment of needs, and appeals as well as participation of individuals in cost of services, purchase of services and supplies and individualized employment plans. Because the manual is incorporated by reference in to IDAP 47.01.01 it is treated and has the same force as an Administrative Rule and requires the process as rules when changes are necessary.

The proposed changes to the Manual incorporates language requested as a result of a corrective action plan by Rehabilitation Administration Services resulting from their 107 Review, wherein IDVR was found to be out of compliance with federal regulations.

IMPACT

These changes will put IDVR in compliance with federal regulatory guidelines.

ATTACHMENTS

Attachment 1 – Temporary Rule, IDAPA 47.01.01	Page 3
Attachment 1 - Field Services Policy Manual, Section 5.0 Application for Services/Eligibility Determination	Page 4
Attachment 2 - Field Services Policy Manual Section 12.20 Services to Groups of Individuals	

STAFF COMMENTS AND RECOMMENDATIONS

This rule is being presented as a Temporary rule and will require the Board reapprove it in the future as a Proposed and then Pending rule for it to become Permanent. Due the transition issues and timing of the corrective action plan IDVR was unable to bring this rule change forward in time for it go through the Proposed and Pending process during this session. The rule will be brought back at the end of 2012 legislative session as a Proposed Rule. Temporary rules do not require a 21 day comment period.

Staff recommends approval.

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BOARD ACTION

I move to approve the temporary rule changes to IDAPA 47.01.01 as submitted by the Idaho Division of Vocational Rehabilitation.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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**IDAPA 47
TITLE 01
CHAPTER 01**

IDAPA 47 - DIVISION OF VOCATIONAL REHABILITATION

47.01.01 - RULES OF THE IDAHO DIVISION OF VOCATIONAL REHABILITATION

000. LEGAL AUTHORITY.

Section 33-2301, Idaho Code and the Rehabilitation Act of 1973 and all subsequent Amendments. (3-30-01)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 47.01.01, "Rules of the Idaho Division of Vocational Rehabilitation." (5-3-03)

02. Scope. The chapter has the following scope: To streamline the existing rules and to implement program changes necessitated by the 1998 Amendments of the Rehabilitation Act of 1973. (4-5-00)

002. WRITTEN INTERPRETATIONS.

Written interpretations to these rules in the form of the explanatory comments accompanying the notice of proposed rulemaking are available from the Idaho Division of Vocational Rehabilitation, 650 W. State Street, Boise, Idaho 83720. Other agency guidance documents, as well as agency policy statements or interpretations not rising to the legal effect of a rule, if any, are available for inspection and replication at the agency Central Office during regular business hours. (2-17-09)

003. ADMINISTRATIVE APPEALS.

Administrative appeals are governed by Section 100 of these rules in accordance with 34 CFR Part 361.57. (2-17-09)

004. INCORPORATION BY REFERENCE.

01. General. Unless provided otherwise, any reference in these rules to any document identified in Subsection 004 shall constitute the full incorporation into these rules of that document for the purposes of the reference, including any notes and appendices therein. The term "documents" includes codes, standards or rules which have been adopted by an agency of the state or of the United States or by any nationally recognized organization or association. (3-30-01)

02. Documents Incorporated by Reference. The following documents are incorporated by reference into these rules: (3-30-01)

a. All federal publications through the [Rehabilitation Services Administration](#). (2-17-09)

b. Idaho Division of Vocational Rehabilitation Field Services Manual, ~~2008~~ October 2011, available for review on the website at <http://www.vr.idaho.gov/>. (2-17-09)

c. Federal State Plan for Vocational Rehabilitation 2008 - 2010, available for review on the website at <http://www.vr.idaho.gov/>. (2-17-09)

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

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e. Federal Register, Department of Education, 34 CFR Part 361- 363. (2-17-09)

f. The Rehabilitation Act of 1973, as amended. (2-17-09)

03. Availability of Reference Material. Copies of the documents incorporated by reference into these rules are available at the Central Office, Idaho Division of Vocational Rehabilitation, 650 W. State Street, Room 150, Boise, Idaho 83720, (208) 334-3390 or through access to the internet URL addresses outlined in Subsection 004.02. (2-17-09)

SECTION 5.0 APPLICATION FOR SERVICES / ELIGIBILITY DETERMINATION

5.1 Application for Idaho Division of Vocational Rehabilitation (IDVR) Services

An applicant is:

~~A. An individual who believes s/he has a disability that creates an impediment to employment; who believes s/he requires VR services; and who desires employment as an outcome of those services;~~

~~AND~~

~~B. Who signs a dated application or dated document requesting services;~~

~~AND~~

~~C. Who has provided information necessary to initiate an assessment to determine eligibility;~~

~~AND~~

~~D. is available to complete the assessment process.~~

~~It is the policy of IDVR to respond to referrals as soon as possible. The goal of IDVR is to respond to a referral within 5 working days to initiate the application process.~~

5.1 – Application for Idaho Division of Vocational Rehabilitation (IDVR) Services

An application process is complete when the following three criteria are met:

1. IDVR receives a signed and dated application form from an individual or his/her representative, or in those instances where the process is a burden to the individual due to disability, an alternate request for application is made to an IDVR regional office representative.
2. The individual provides the information needed to begin an assessment of eligibility. Information gathered in the intake interview meets this criterion.
3. The individual is available and free of restrictions to complete the assessment process for determining eligibility for VR services.

The individual must be present in the state in order to be available.

Applicants must be available to keep appointments that may be required to gather information for an eligibility determination.

IDVR must, as part of the application process, inform applicants that the goal of VR services is to assist eligible individuals to obtain or maintain employment and that services provided are toward this goal. Applicants must also be informed of their rights and responsibilities.

IDVR will respond to all inquiries for VR services received via telephone, mail or electronic format within seven business days.

Inquiries for VR services from individuals available to participate in services that are made via mail or electronic format will be entered into the case management system as an open referral. IDVR staff will make a minimum of three (3) attempts to contact the individual before the referral is closed. The first attempt will include a phone call or e-mail. If unable to make contact, a letter will be sent to confirm IDVR has received the inquiry and will include the VR office phone number. If the individual does not respond to the first letter, a second letter will be sent stating that IDVR has been unable to contact the individual and that the referral for services will be closed. Attempts to reach the individual and those results will be documented in the case management system.

The 60-day eligibility determination period begins when the application is complete.

5.1.1 Orientation to Vocational Rehabilitation

IDVR is obligated to provide all applicants with information about the following:

1. The Client Assistance Program;
2. Confidentiality;
3. VR services;
4. Informed choice;
5. The rehabilitation process;
6. That individuals who receive VR services must intend to achieve an employment outcome;
7. The rights and responsibilities of the individual; and
8. The VR appeals process.

This information may be conveyed to individuals through group orientations, in a one-on-one interview setting or over the telephone by IDVR staff.

5.1.2 Intake interview

The intake interview is part of the application process and is the beginning of the assessment process to determine eligibility and the services to be included on the individualized plan for employment (IPE). Medical, psychological, social, vocational, educational, cultural and economic information is gathered to determine the unique strengths, abilities and interests of the individual.

During the intake process, the counselor/assistant must communicate understanding and trust and be very willing to listen to the viewpoint and needs of the applicant. This will ensure the applicant feels he or she has freedom of expression, feels understood by the counselor, and has confidence in the counselor's ability to provide support. Therefore, the intake interview becomes an extremely important process in the case record and the collection of information.

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At the end of the intake interview, the IDVR staff member should identify the actions needed by both IDVR and the individual. This could include:

1. Appointment(s) scheduled
2. Releases of Information obtained
3. Authorizations issued
4. Referral letters
5. Next scheduled meeting

5.1.3 Selective Service System (SSS)

An application will not be denied if the individual is not registered in the SSS. Even so, any male between the ages of 18 – 25 must have registered with the SSS in order to qualify for federal student aid, job training benefits and most federal employment. IDVR, therefore, requests SSS registration verification during the application process to ensure:

1. That IDVR can legally provide training services to these individuals;
2. That the individual is eligible to apply for the Pell Grant which is a similar benefit;
3. That the individual will not be denied Job Training services; and
4. That the individual will not be denied the opportunity to apply for federal or state employment.

Verification may be made by the individual presenting his SSS card or through the SSS web-site, <http://www.sss.gov/records.htm>. The web-site verification requires the individual's SSN, birth date and last name. It is easy and fast to do. Once verification has been made, print the results, and place in the case file.

If an individual is 25 or younger and has not registered with SSS, inform them of their responsibility to do so. They may register at any Post Office or on-line. For men over the age of 25 who are not registered, they must request a "status information" letter from the SSS. Instructions for this process and other information on SSS registration and requirements may be found at <http://www.sss.gov>.

SSS registration, while a legal requirement, affects neither the application nor the eligibility process although it could affect the development and the implementation of the IPE.

5.1.4 Exceptions

Any exception to policy must be approved by the Chief of Field Services or his/her designee.

SECTION 12.20 SERVICES TO GROUPS OF INDIVIDUALS

The Rehabilitation Act of 1973 as amended authorizes the provision of rehabilitation services to groups of individuals.

Guidelines

Services for a group of individuals with disabilities must be expected to contribute substantially to the vocational rehabilitation of a group of individuals but does not relate directly to the individualized rehabilitation program of any one individual with disability.

The decision to provide services to groups will be made based on the need for the services as well as the available resources of the agency.

Establishment

Under the authority of 34 CFR 361.49(a)(1), IDVR may pursue the establishment, development, or improvement of a public or other nonprofit community rehabilitation program that is used to provide vocational rehabilitation services that promote integration and competitive employment, including, under special circumstances, the construction of a facility for a public or nonprofit community rehabilitation program. Examples of "special circumstances" include the destruction or natural disaster of the only available center serving an area or a State determination that construction is necessary in a rural area because no other public agencies or private nonprofit organizations are currently able to provide vocational rehabilitation services to individuals.

Any CRP establishment activities undertaken by IDVR will be supported by the pre-planning requirements under 34 CFR 361.49(b)(1) and 34 CFR 361.29.

In order for IDVR to engage in activities to establish, develop or improve a public or non-profit CRP, pursuant to 34 CFR 361.49(a)(1), and use of non-Federal expenditures incurred by those activities to satisfy match requirement under the VR Program, IDVR must first satisfy several pre-planning requirements:

- 1) IDVR must have written policies that set forth the nature and scope of services that will be provided to groups of individuals with disabilities, and the criteria that will be used to determine the provision of those services (34 CFR 361.49(b)(1)); and
- 2) Establishment activities must have been identified as a need in IDVR's most recent statewide comprehensive needs assessment and IDVR must have included in its State plan a discussion of the strategies it would use to meet that need (34 CFR 361.29).

If IDVR has satisfied the above pre-planning requirements for activities related to establishing, developing, or improving a CRP, then the following requirements must be satisfied in order for IDVR to use non-Federal expenditures incurred for these activities towards its match requirements under the VR program pursuant to 34 CFR 361.60(b)(3)(i):

- 1) The activities proposed must fit within the definition of establishment, development, or improvement of a CRP at 34 CFR 361.5(b)(17);

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- 2) The establishment, development, or improvement of a facility for a CRP at 34 CFR 361.5(b)(18), or
- 3) The construction of a facility for a CRP at 34 CFR 361.5(b)(12); and
- 4) The activities must be designed to provide VR services to IDVR consumers and applicants.

Based on 34 CFR 361.5(b)(17), IDVR may:

- 1) The establishment of a facility for a public or nonprofit community rehabilitation program.
- 2) Staffing, if necessary to establish, develop, or improve a community rehabilitation program for the purpose of providing vocational rehabilitation services to applicants or eligible individuals.
- 3) Other expenditures related to the establishment, development, or improvement of a community rehabilitation program that are necessary to make the program functional or increase its effectiveness in providing vocational rehabilitation services to applicants or eligible individuals, but are not ongoing operating expenditures of the program.

Employment Related Services to Individuals with Disabilities

Under the authority of 34 CFR 361.49(a)(6), IDVR may pursue services that promise to contribute substantially to the rehabilitation of a group of individuals but that are not related directly to the individualized plan for employment of any one individual.

The nature and scope of the services provided include:

1. Increase access to employment and educational opportunities for persons who are deaf or hard of hearing.
2. Increase awareness of the needs of persons who are deaf and hard of hearing through educational and informational programs.
3. Encourage consultation and cooperation among departments, agencies, and institutions serving the deaf and hard of hearing.

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SUBJECT

Legislation for the 2012 Legislative Session

REFERENCE

June 2011

The Board approved legislative ideas to be submitted through the Governors Executive Agency Legislation process.

BACKGROUND/ DISCUSSION

The Board approved legislative ideas and authorized the Executive Director to submit additional ideas as necessary to the Governor's office through the Division of Financial Management at the June 2010 Board meeting. Each of the attached pieces of legislation have been submitted and approved to move forward through the process.

The following are descriptive summaries of the twelve (12) pieces of legislation being proposed:

Residency Classification – Military Personnel

Section 33-3717B, Idaho code outlines the requirements for a public institution of higher education to recognize and individual as a resident for tuition purposes. Proposed changes recognize the Idaho residency status of Idaho residents

Individuals who join the armed forces of the United States and continue to maintain their Idaho residency (and their dependents) during their term of service would be considered residents for tuition paying purposes. Under the current residency statute, these Idahoans would not be eligible for in-state residency status for fee payment purposes. Their dependents are also not eligible to benefit from the parents Idaho resident status for fee payment purposes.

Fiscal Impact

The actual numbers of students who have been impacted are minimal and there would be little to no general fund fiscal impact.

Rural Physician Incentive Fund

Changes to section 33-3724, Idaho code would move the administration of the fund and the appointment of the oversight committee to the Department of Health and Welfare.

Fiscal Impact

There would be no impact to the state general fund.

Interstate Compact

Section 33-4104, Idaho code is the Interstate Compact on qualification of educational personnel and addresses the agreement to recognize the professional preparation and experience of educational personnel among the participating states. A review of the compact is done every five years. The review was done this past year by representatives from the participating states at

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a recent meeting of the National Association of State Directors of Teacher Education and Certification (NASDTEC) and new language was developed for the compact. The current statute incorporates that actual language of the compact and will need to be updated to reflect the changes implemented by NASDTEC.

Fiscal Impact

There will be no state general fund fiscal impact.

Health Education – Professional Studies Account

This legislation will amend section 33-3721, Idaho code, removing reference to state appropriations for the health education programs being deposited to the “Professional Studies Account.” This account was created by an act of the Legislature in 1983, but the account was never formally set up in the State’s accounting system, so no state appropriations have been run through the account. Auditors have recommended that either Code be followed or be aligned with current practice. Staff cannot identify any value added by using the account for appropriated funds.

Fiscal Impact

There is no fiscal impact to any fund. This amendment would simply codify current practice.

State Junior College Account

This legislation will amend section 33-2139, and 2141 Idaho code to clarify that only liquor funds are deposited to the state junior college account, and that these funds are to be distributed by the liquor division directly to the community colleges on a quarterly basis.

Fiscal Impact

There is no fiscal impact to any fund.

Opportunity Scholarship

This legislation amends section 33-5608(4), Idaho code, to provide that up to \$50,000 in annual Opportunity Scholarship fund earnings may be used for costs related to administration of the program. Current law limits administrative funds to 5% of earnings (not to exceed \$75,000). Investment earnings on the fund have been consistent with national economic conditions for the past several years such that 5% does not generate funds sufficient to administer the program.

Fiscal Impact

There would be no impact to the state general fund. The amendment would reduce the potential impact to the Opportunity Scholarship fund from \$75,000 to \$50,000

Online Course Definition

Changes to section 33-1002A, Idaho code would amend the definition of an online course. The current language prohibits the teacher of an online course from being at the same location or school where the course is being taken. This language strictly interpreted could prohibit a teacher from loading course content into a learning management system in his or her office while a student or group of students are "on-line" completing assignment in a computer lap in the building and could decrease the efficiency in implementing the online learning graduation requirement for secondary students. The definition of on-line learning and on-line courses is more appropriately defined in administrative rule.

Fiscal Impact

There will be no fiscal impact to the general fund.

Scholarship - Housekeeping

Proposed amendments to section 33-4302 and 33-4302A, Idaho code would bring both scholarship programs into alignment increasing the efficiency in the management of the programs. Additionally proposed amendments will clarify the process for determining disability and eligibility.

Fiscal Impact

Proposed changes will limit the potential current liability to the state general fund.

Charter School Funding

This legislation would amend section 33-5208(1), Idaho code to add a provision that if enrollment growth estimated by a public charter school does not actually occur for three consecutive years, advance funding will no longer be made available to that public charter school. The intent of this legislation is to close a loophole permitting charter schools to inaccurately predict unlikely expansion in order to obtain advance funding to bolster cash flow over the summer, essentially using the current fiscal year's funding for the last fiscal year's expenses.

Fiscal Impact

There is no impact on the general fund. The amount of funding sent to a public charter school is based on average daily attendance; this legislation will affect the timing, but not the amount, of funds allocated to affected schools.

Charter School Statute Clean-Up

The proposed legislation would make a number of minor amendments to section 33-5208, Idaho code to establish more practical timelines for public hearings; clarify that the full record will be considered by a hearing officer in the event of an appeal regarding the denial of a charter petition; clarify the State Department of Education's role in providing technical assistance to petitioners and public charter schools; restructure the flow of information within the chapter to a more logical order; remove redundant and outdated language; and make corrections to grammar and verbiage to improve clarity and consistency.

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Fiscal Impact

There would be no impact to the state general fund.

Charter School Growth Cap

This legislation would amend section 33-5203(2)(a), Idaho code to remove the growth cap of six new public charter schools per year and one new public charter school per district per year. Section 33-5203(2)(e), Idaho code would also be amended to remove reference to the growth cap.

Fiscal Impact

There is no anticipated impact to the general fund. Historically charter school growth rates, together with the extensive nature of the charter petitioning process, indicate that removal of the cap will not result in an increased rate of growth in the number of public charter schools.

Community College – Out of District Tuition

Under section 33-2110A, Idaho code Idaho students who reside in an area outside of a community college district pay the same as in district students with the provision for their county of residence to make up the difference between in district and out of district tuition to the community college of attendance. The amount of county reimbursement is currently capped at no more than \$500 each semester for a full time student with a lifetime liability of \$3,000. The statute proscribes the use of liquor funds for this purpose. The proposed legislation would increase the per semester cap to \$1,000 and lifetime liability to \$6,000.

Fiscal Impact

The maximum liability of the county of residence would increase to the new limits. There would be no impact to the state general fund.

ATTACHMENT

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IMPACT

Any Legislation not approved by the Board will be withdrawn from the Governor's legislative process. The Board office will continue to work with the Governor's Office, the Division of Financial Management and Legislative Services to finalize legislation prior to the start of the legislative session.

STAFF COMMENTS AND RECOMMENDATIONS

Charter School Legislation: The three pieces of legislation regarding charter schools was approved and submitted by the Idaho Public Charter School Commission. While historically charter school growth rates have indicated that the removal of the cap will not result in an increased rate of growth, removal of the cap could potentially increase the number of applications for authorization to a point where staff's ability to properly manage the potential number of applications could be impacted. Additionally, the removal of the "one new charter school" per district could be a financial burden to small districts if a number of new charter schools were to be approved in the same year within their district.

Additional changes to legislation may be necessary as the Board Office works with the various governmental entities prior to finalizing proposed legislative changes.

BOARD ACTION

Residency Classification – Military Personnel

I move to approve the proposed changes to section 33-3717B, Idaho Code as submitted and to direct the Executive Director to make any non-substantive changes as necessary as the legislation moves forward through the Governor's legislative process.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

Rural Physician Incentive Fund

I move to approve the proposed changes necessary to move the administration of the Rural Physician Incentive Fund awards to the Department of Health and welfare as submitted and to direct the Executive Director to make any non-substantive changes as necessary as the legislation moves forward through the Governor's legislative process.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

Interstate Compact

I move to approve the proposed changes Section 33-4104, Idaho code as submitted and to direct the Executive Director to make any non-substantive changes as necessary as the legislation moves forward through the Governor's legislative process.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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Health Education – Professional Studies Account

I move to approve the proposed changes to section 33-3721, Idaho code as submitted and to direct the Executive Director to make any non-substantive changes as necessary as the legislation moves forward through the Governor's legislative process.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

State Junior College Account

I move to approve the proposed changes to section 33-2139, and 2141 Idaho code as submitted and to direct the Executive Director to make any non-substantive changes as necessary as the legislation moves forward through the Governor's legislative process.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

Opportunity Scholarship

I move to approve the proposed changes to s section 33-5608(4), Idaho Code as submitted and to direct the Executive Director to make any non-substantive changes as necessary as the legislation moves forward through the Governor's legislative process.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

Online Course Definition

I move to approve the proposed changes to section 33-1002A, Idaho code as submitted and to direct the Executive Director to make any non-substantive changes as necessary as the legislation moves forward through the Governor's legislative process.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

Scholarship – Housekeeping

I move to approve the proposed changes to section 33-4302 and 33-4302A, Idaho code as submitted and to direct the Executive Director to make any non-substantive changes as necessary as the legislation moves forward through the Governor's legislative process.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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Charter School Funding

I move to approve the proposed changes to section 33-5208(1), Idaho code as submitted and to direct the Executive Director to make any non-substantive changes as necessary as the legislation moves forward through the Governor's legislative process.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

Charter School Statute Clean-Up

I move to approve the proposed changes Title 33 Chapter 52, Idaho code as submitted and to direct the Executive Director to make any non-substantive changes as necessary as the legislation moves forward through the Governor's legislative process.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

Charter School Growth Cap

section 33-5203(2)(a), Idaho code

I move to approve the proposed changes to section 33-5203(2)(a) and section 33-5203(2)(e), Idaho code as submitted and to direct the Executive Director to make any non-substantive changes as necessary as the legislation moves forward through the Governor's legislative process.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

Community College – Out of District Tuition

I move to approve the proposed changes to section 33-2110A, Idaho code as submitted and to direct the Executive Director to make any non-substantive changes as necessary as the legislation moves forward through the Governor's legislative process.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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TITLE 33
EDUCATION
CHAPTER 37

MISCELLANEOUS PROVISIONS RELATING TO STATE INSTITUTIONS OF
LEARNING

33-3717B. Residency requirements. (1) For any public institution of higher education in Idaho, a "resident student" is:

(a) Any student who has one (1) or more parent or parents or court-appointed guardians who are domiciled in the state of Idaho, and the parent, parents or guardians provide at least fifty percent (50%) of the student's support. Domicile, as used in this section, means that individual's true, fixed and permanent home and place of habitation. It is the place where that individual intends to remain, and to which that individual expects to return when that individual leaves without intending to establish a new domicile elsewhere. To qualify under this section, the parent, parents or guardians must have maintained a bona fide domicile in the state of Idaho for at least twelve (12) months prior to the opening day of the term for which the student matriculates.

(b) Any student, who receives less than fifty percent (50%) of the student's support from a parent, parents or legal guardians and who has continuously resided and maintained a bona fide domicile in the state of Idaho primarily for purposes other than educational for twelve (12) months next preceding the opening day of the term during which the student proposes to attend the college or university.

(c) Subject to subsection (2) of this section, any student who is a graduate of an accredited secondary school in the state of Idaho, and who matriculates at a college or university in the state of Idaho during the term immediately following such graduation regardless of the residence of the student's parent or guardian.

(d) The spouse of a person who is classified, or is eligible for classification, as a resident of the state of Idaho for the purposes of attending a college or university.

(e) A member of the armed forces of the United States who entered service as an Idaho resident and who has maintained Idaho resident status, but is not stationed within the state of Idaho on military orders.

(ef) A member of the armed forces of the United States, stationed in the state of Idaho on military orders.

(fg) An officer or an enlisted member of the Idaho national guard.

~~(g) A student whose parent or guardian is a member of the armed forces and stationed in the state of Idaho on military orders and who receives fifty percent (50%) or more of support from parents or legal guardians. The student, while in continuous attendance, shall not lose that residence when the student's parent or guardian is transferred on military orders.~~

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(h) A person separated, under honorable conditions, from the United States armed forces after at least two (2) years of service, who at the time of separation designates the state of Idaho as his intended domicile or who has Idaho as the home of record in service and enters a college or university in the state of Idaho within one (1) year of the date of separation, or who moves to Idaho for the purpose of establishing domicile; provided however, to maintain status as a resident student, such person must actively establish domicile in Idaho within one (1) year of matriculation in a public institution of higher education in Idaho. (i) The dependent child of a person who qualifies as a resident student under this paragraph subsections (1)(e) through (h) of this section, and who receives at least fifty percent (50%) support from such person, shall also be a resident student, and shall not lose that resident status if, after he or she enters a college or university in the state of Idaho, the parent or guardian is transferred out of the state of Idaho on military orders.

(ij) Any individual who has been domiciled in the state of Idaho, has qualified and would otherwise be qualified under the provisions of this statute and who is away from the state for a period of less than thirty (30) months and has not established legal residence elsewhere provided a twelve (12) month period of continuous residence has been established immediately prior to departure; provided however, time spent away from the state while enrolled in a postsecondary education program shall not be included in the thirty (30) months. Such time spent away from the state while enrolled shall include normal academic year breaks, such as summer breaks or breaks between semesters or quarters, that occur prior to the receipt of the postsecondary degree.

(jk) A student who is a member of any of the following Idaho Native American Indian tribes, regardless of current domicile, shall be considered an Idaho state resident for purposes of fees or tuition at institutions of higher education: members of the following Idaho Native American Indian tribes, whose traditional and customary tribal boundaries included portions of the state of Idaho, or whose Indian tribe was granted reserved lands within the state of Idaho: (i) Coeur d'Alene tribe; (ii) Shoshone-Paiute tribes; (iii) Nez Perce tribe; (iv) Shoshone-Bannock tribes; (v) Kootenai tribe.

(2) A "nonresident student" shall mean any student who does not qualify as a "resident student" under the provisions of subsection (1) of this section, and shall include:

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

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(b) A person who is not a citizen of the United States of America, who does not have permanent or temporary resident status or does not hold "refugee-parolee" or "conditional entrant" status with the United States immigration and naturalization service or is not otherwise permanently residing in the United States under color of the law and who does not also meet and comply with all applicable requirements of this section.

(3) The establishment of a new domicile in Idaho by a person formerly domiciled in another state has occurred if such person is physically present in Idaho primarily for purposes other than educational and can show satisfactory proof that such person is without a present intention to return to such other state or to acquire a domicile at some other place outside of Idaho. A student who is enrolled for more than eight (8) hours in any semester or quarter during a twelve (12) month period shall be presumed to be in Idaho for primarily educational purposes. Such period of enrollment shall not be counted toward the establishment of a bona fide domicile in this state unless the student proves, in fact, establishment of a bona fide domicile in this state primarily for purposes other than educational. Institutions determining whether a student is domiciled in the state of Idaho primarily for purposes other than educational shall consider, but shall not be limited to, the following factors:

(a) Any of the following, if done for at least twelve (12) months before the term in which the student proposes to enroll as a resident student, proves the establishment and maintenance of domicile in Idaho for purposes other than educational and supports classification of a student as an Idaho resident:

(i) Filing of Idaho state income tax returns covering a period of at least twelve (12) months before the term in which the student proposes to enroll as a resident student;

(ii) Permanent full-time employment or the hourly equivalent thereof in the state of Idaho; or

(iii) Ownership by the student of the student's living quarters.

(b) The following, if done for at least twelve (12) months before the term in which the student proposes to enroll as a resident student, lend support to domiciliary intent and the absence of which indicates a lack of domiciliary intent. By themselves, the following do not constitute sufficient evidence of the establishment and maintenance of a domicile in Idaho for purposes other than educational:

(i) Registration and payment of Idaho taxes or fees on a motor vehicle, mobile home, travel trailer or other item of personal property for which state registration and the payment of a state tax or fee is required;

(ii) Registration to vote for state elected officials in Idaho at a general election;

(iii) Holding an Idaho driver's license;

(iv) Evidence of abandonment of a previous domicile;

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- (v) Presence of household goods in Idaho;
- (vi) Establishment of accounts with Idaho financial institutions; and
- (vii) Other similar factors indicating intent to be domiciled in Idaho and the maintenance of such domicile.

(4) The state board of education and the board of regents of the university of Idaho shall adopt uniform and standard rules applicable to all state colleges and universities now or hereafter established to determine resident status of any student and to establish procedures for review of that status.

(5) Appeal from a final determination denying resident status may be initiated by the filing of an action in the district court of the county in which the affected college or university is located; an appeal from the district court shall lie as in all civil actions.

(6) Nothing contained herein shall prevent the state board of education and the board of regents of the university of Idaho from establishing quotas, standards for admission, standards for readmission, or other terms and requirements governing persons who are not residents for purposes of higher education.

(7) For students who apply for special graduate and professional programs including, but not limited to, the WWAMI (Washington, Wyoming, Alaska, Montana, Idaho) regional medical program, the WICHE student exchange programs, Creighton university school of dental science, the university of Utah college of medicine, and the Washington, Oregon, Idaho (WOI) regional program in veterinary medical education, no applicant shall be certified or otherwise designated as a beneficiary of such special program who has not been a resident of the state of Idaho for at least one (1) calendar year previous to the application date.

SECTION 1.

TITLE 33
EDUCATION
CHAPTER 37
MISCELLANEOUS PROVISIONS RELATING TO STATE INSTITUTIONS OF
LEARNING

33-3723. Rural physician incentive fee assessment. The state board of education may assess a fee 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 a professional education program in those fields, as those fields are defined by the compact. Money is also payable into the fund from state appropriations, from private contributions, from gifts and grants, and from other sources. Income and earnings on the fund shall be returned to the fund. The fee may not exceed an amount equal to four percent (4%) of the annual average medicine support fee paid by the state. The fee must be assessed by the board and deposited in the rural health care access and physician incentive fund established in section ~~33-3724~~39-5902, Idaho Code to be administered by the department of health and welfare, through the Idaho rural health care access program. The expenses of administering the physician incentive fund portion of the rural health care access and physician incentive fund shall not exceed ten percent (10%) of the annual fees assessed pursuant to this section.

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

~~33-3725. Incentive payments from fund. The moneys in the rural physician incentive fund are hereby appropriated for the uses of the fund. The state board of education may use the moneys to pay:~~

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

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

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

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

~~The maximum amount of educational debt payment that a rural physician may receive is fifty thousand dollars (\$50,000) over a five (5) year period. The board may structure the payment schedule to make greater payments in the later years.~~

~~When determining an applicant's eligibility, the state board of education may give preference to those applicants who have paid into the rural physician incentive fund pursuant to section 33-3723, Idaho Code, but shall not exclude from consideration applicants who have not contributed to the fund.~~

SECTION 2. TITLE 39, HEALTH AND SAFETY, CHAPTER 59. IDAHO RURAL HEALTH CARE ACCESS PROGRAM

39-5902. RURAL HEALTH CARE ACCESS AND PHYSICIAN INCENTIVE FUND. (1)

There is hereby created in the state treasury a fund known as the "Rural Health Care Access Fund, and Physician Incentive Fund." Subject to appropriation by the legislature and receipt of rural physician assessment fees established in section 33-3723 Idaho code, moneys in the fund shall be used exclusively for the purpose of grants for improving access to primary care medical services including physician loan repayment in areas designated as primary care health professional shortage areas and medically underserved areas and their administration pursuant to this chapter.

39-5903. Definitions. As used in this chapter:

(1) "Applicant" means an entity submitting documents required by the rural health care access program for the purpose of requesting a grant from the rural health care access fund.

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(2) "Application period" means the time period from July 1 to August 30 of the state fiscal year for which funding is requested.

(3) "Approval" means written notification that the application will be awarded funding through the rural health care access fund.

(4) "Board" means the joint health care access and physician incentive grant program review board.

(5) "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.

(56) "Department" means the department of health and welfare.

(67) "Director" means the director of the department of health and welfare.

(8) "Eligible area," for physician incentive grants, 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 professional shortage area.

(79) "Grant period" means the time immediately following the application period from July 1 through June 30 (state fiscal year) for which funding is granted.

(810) "Nurse practitioner" means a health care provider licensed pursuant to chapter 14, title 54, Idaho Code.

(911) "Oral health care provider" means a dentist or dental hygienist licensed pursuant to chapter 9, title 54, Idaho Code.

(102) "Physician assistant" means a health care provider licensed pursuant to chapter 18, title 54, Idaho Code.

(143) "Primary care," for purposes of rural health care access grants, means the provision of professional comprehensive health services, including oral health care services, that includes health education and disease prevention, initial assessment of health problems, treatment of acute care and chronic health problems, and the overall management of an individual's or family's health care services as provided by an Idaho licensed internist, obstetrician, gynecologist, pediatrician, family practitioner, general practitioner, dentist, dental hygienist, nurse practitioner or physician assistant. It provides the initial contact for health services and referral for secondary and tertiary care.

(14) "Primary care medicine," for purposes of physician incentive grants, 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 board, may also include obstetrics and gynecology, general psychiatry, general surgery and emergency medicine.

(125) "Primary care health professional shortage area" means a geographic area or population group which the U.S. secretary of health and human services has determined is underserved by primary care health professional(s).

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(136) "Medically underserved area" means a geographic area which the U.S. secretary of health and human services has determined is underserved by primary care health professional(s).

(17) "Qualified medical education debt" means a debt with a financial aid program or financial institution incurred to meet the educational costs of attending a medical school.

(148) "Rural health care access grant" means a grant awarded pursuant to this chapter.

(159) "Rural health care access program" means the program that administers the rural health care access fund and the rural physician incentive fund.

(20) "Rural physician," for purposes of physician incentive grants, means a licensed Idaho physician, MD or DO, who spends a minimum of twenty-eight (28) hours per week, on average, providing primary care medicine services to patients in an eligible area.

(21) "Rural physician incentive fee" means the fee assessed by the state 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.

(22) "Rural physician incentive fund" means the special revenue account in the state treasury created pursuant to Section 33-3723, Idaho Code, relating to the Rural Health Care Access and Physician Incentive Program.

39-5904. JOINT HEALTH CARE ACCESS AND PHYSICIAN INCENTIVE GRANT REVIEW BOARD.

(1) The director shall appoint the members of a board to be known as the joint health care access and physician incentive grant review board, who shall serve at the pleasure of the director. Board members shall not be compensated, but shall be reimbursed for travel expenses incurred for attendance at board meetings.

(2) The board shall meet at least annually, for the purposes described in this chapter.

(3) The board shall be composed of the following: a representative from the Idaho academy of family physicians, a representative from the nurse practitioner conference group, a rural hospital administrator, a representative from the physician

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assistant association, ~~the health resources section supervisor~~ a representative from the office of rural health, division of public health, a faculty member from one (1) of the Idaho family medicine residency programs, an Idaho medical association representative, an Idaho hospital association representative, an Idaho primary care association representative, an Idaho area health education center representative, a medical student program administrator representative from each state supported program, and an Idaho association of counties representative.

(4) Appointments to the board shall be for three (3) years. Board members may be reappointed at the end of each three (3) year period. Initial appointments shall be staggered in such a manner that approximately one-third (1/3) are appointed for one (1) year, one-third (1/3) are appointed for two (2) years, and one-third (1/3) are appointed for three (3) years.

(5) A majority of the board members constitutes a quorum for the transaction of business. A majority vote is required by the quorum in finalizing decisions.

39-5905. SCOPE OF RURAL HEALTH CARE ACCESS AND PHYSICIAN INCENTIVE GRANT SUPPORT. The board may award grants, in accordance with the procedures and criteria in this chapter, to governmental and nonprofit entities and to physicians' for qualified medical education debt repayments for the purpose of improving access to primary health care services to rural and underserved areas and for physician loan repayment.

(1) Rural health care access grant awards:

(a) Individual grant awards will be limited to a total of thirty-five thousand dollars (\$35,000), direct and indirect costs, per year.

~~(2)~~(b) Applicants may propose projects for funding for up to three (3) years.

~~(a)~~(i) Continued funding for projects beyond the first grant year, years two (2) and three (3), shall be subject to the appropriation of funds and grantee performance.

~~(b)~~(ii) No project may be funded for more than a total of three (3) years.

~~(c)~~(iii) Any unused grant funds shall be returned to the rural health care access fund by the applicant no later than August 30 of the grant period.

~~(3)~~(c) No funds awarded under a grant may be used for purchase, construction, renovation or improvement of real property or for projects which are solely or

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predominantly designed for the purchase of equipment. Use of funds for the purchase of equipment may be allowed when such equipment is an essential component of a program. However, the purchase of equipment may not represent more than forty percent (40%) of the total annual share of a proposal. Indirect costs shall not exceed fifteen percent (15%) of the total project.

(2) Physician incentive grant awards:

(a) A physician selected to receive a Rural Physician Incentive grant award shall be entitled to receive qualified medical education debt repayments for a period not to exceed four (4) years in such amount as is determined annually.

(b) Award amounts shall be established annually based on recommendations of the Joint Health Care Access and Physician Incentive Grant Review Board utilizing such factors as availability of funding, the number of new applicants, and the hours an award recipient will devote to providing primary care medicine in an eligible area.

(c) 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 four (4) year period.

(d) 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.

(e) An award payment to a recipient in a single year is not guaranteed or assured in subsequent years and may be increased or reduced.

39-5906 CATEGORIES OF RURAL HEALTH CARE ACCESS AND PHYSICIAN INCENTIVE GRANTS.

(1) There are ~~four (4)~~ three (3) categories of rural health care access grant assistance:

~~Recruitment and retention of primary care providers -- Grant funds may be used for loan repayment for primary care providers, recruitment incentive, and/or reimbursement of relocation expenses for primary care providers.~~

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~~(2)(a)~~ Telehealth projects -- Grant funds may be used for projects that involve the use of telecommunications technologies for distance learning and for projects to improve access to care for rural communities.

~~(3)(b)~~ Community development projects -- Grant funds may be used for health needs assessments, marketplace analysis, financial analysis and strategic planning activities.

~~(4)(c)~~ Other -- Communities may choose to apply for funds for activities that they have identified and determined will help to improve access to primary care in rural areas, including loan repayment for primary care providers, recruitment incentive, and/or reimbursement of relocation expenses for primary care providers.

(2) Physician incentive payments -- Grants are limited to loan repayment for physicians providing primary care medicine in eligible areas.

39-5907.ELIGIBILITY FOR GRANTS. GENERAL: Applicants must meet the following requirements:

(1) Rural Health Care Access Grant Awards

(a) The geographical area to be benefitted must be located in a current primary care or dental health professional shortage area or a medically underserved area.

~~(2)(b) Applicant must be a governmental entity, a nonprofit entity registered with the Idaho secretary of state, or a qualifying physician's leading institution.~~

(2) Rural Physician Incentive Grant Awards

(a) A physician who meets the following requirements is eligible to apply for a Rural Physician Incentive Program award.

(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 (1) eligible area.

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(c) The physician must be a Doctor of Medicine (M.D.) or Doctor of Osteopathic Medicine (D.O.) 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, be eligible for 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 accept Medicare and Medicaid patients within the capacity of his or her primary care medicine practice.

(f) Physicians who have paid the fee authorized in section 33-3723, Idaho Code, shall be given a preference over other applicants.

(g) Ineligibility. A physician shall not be entitled to receive an award under this program if the physician is receiving payments for purposes of repaying qualified medical education debt from another state or from a federal debt repayment program.

39-5908. RURAL HEALTH CARE ACCESS AND PHYSICIAN INCENTIVE APPLICATION REQUIRED. (1) A completed ~~rural health care access~~ grant application must be submitted by the applicant for the purpose of requesting a grant or contract, on or before the conclusion of the application period specified for the appropriate grant cycle.

(2) ~~Each application shall include;~~ General: All applications must include the required information. The grant application and any attachments submitted by the applicant shall be the primary source of information for awarding a grant. Additionally, the board may request and/or use other information known to them in making their decision.

(3) Rural Health Care Access application shall include:

- (a) Geographical area of need;
- (b) Individual or entity requesting funds;
- (c) Narrative description of the methods to be used to address needs and demonstrate the potential of the project to improve access to health care services in the community;
- (d) Identification of measurable goals, objectives to be used to reach the goals, and the resources necessary to complete each activity;

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- (e) Estimation of how long it will take to accomplish the individual activities of the project;
- (f) Demonstrated community and organizational support for the project;
- (g) County or local governmental endorsement;
- (h) Operating budget including:
 - (i) Proportion of operating budget, if any, the applicant proposes to match with the rural health care access grant funds;
 - (ii) Documentation of one (1) or more vendor price quotes for all proposed equipment purchases;
 - (iii) Contact person for verification of fiscal information;
- (i) Federal tax identification number; and
- (j) Other information required by the board.

~~(34) All applications must include the required information. Rural Physician~~

Incentive Application shall include:

(a) Applications must be on a form prescribed by the Rural Health Care Access and Physician Incentive Board; and

(b) Applications must include a letter of support, along with supporting documentation;

~~(4) The grant application and any attachments submitted by the applicant shall be the primary source of information for awarding a grant. Additionally, the board may requests and/or use other information known to them in making their decision.~~

39-5909 RURAL HEALTH CARE ACCESS AND PHYSICIAN INCENTIVE GRANT AWARD SCHEDULE. The board shall conduct the grant process in accordance with the following schedule:

(1) The rural health care access ~~director~~ and physician incentive program manager will generate, and make available, a list of areas eligible for potential grant assistance no later than May 1 prior to the application period.

(2) The rural health care access ~~director~~ and physician incentive program manager shall develop an application form and make guidance available no later than July 1 which shall initiate the application period prior to the grant period.

(3) The completed application shall be submitted no later than August 30 of the application period.

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(4) The board shall issue notification to every applicant regarding the disposition of their grant request by October 30 prior to the grant period.

(5) Funds for approved rural health care access grants shall be disbursed during November of that grant period or over the course of the current grant year as funds become available.

(6) Funds for approved rural physician incentive grants shall be disbursed upon completion of six months of service in an eligible area during the initial grant period, and annually thereafter upon completion of a twelve month term of service in an eligible area.

39-5910. RURAL HEALTH CARE ACCESS AND PHYSICIAN INCENTIVE AWARD CRITERIA. ~~The board shall award grants based on the following weighted criteria:~~

(1) Rural Health Care Access awards shall be made by the board based on ranking following weighted criteria:

(a)Background of bidding organization. The applicant must show adequate experience, knowledge, and qualifications to adequately perform the scope of work: weight = 10%;

(2b)Community and organizational support. The applicant must demonstrate community and organizational support for the project: weight = 15%;

(3c)Specificity and clarity of scope of project. The proposal will be evaluated based on the extent to which the goals and objectives are specific, measurable, and relevant to the purpose of the proposal and the activities planned to accomplish those objectives are germane and can be sustained beyond the grant time frame. Additionally, there must be a demonstrated need for and lack of availability of funds from other sources to address the primary health care needs of the defined area of service: weight = 35%;

(4d) Monitoring and evaluation. The proposal will be evaluated based on the extent to which the monitoring and evaluation system will document program or activity progress and measure effectiveness: weight = 15%;

(5e) Budget. The proposal will be evaluated based on the extent to which a detailed itemized budget and justification are consistent with stated objectives and planned program activities: weight = 25%;[.]

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(2) Physician Incentive awards shall be made by the board based on ranking and priority of applicants in accordance with the following criteria:

(a) Priority selection for physicians who were Idaho-resident students and were assessed the rural physician incentive fee and paid into the fund, followed by physicians who were Idaho-residents prior to completing medical school out of the state and who did not contribute to the fund, followed by physicians from other states who were not Idaho-residents;

(b) Demonstrated physician shortage in the eligible area to be benefitted;

(c) Demonstrated physician recruiting difficulties in the eligible area to be benefitted;

(d) Support of the medical community and community leaders in the eligible area;

(e) Relevant Factors. In reviewing and weighing these criteria, all relevant factors shall be considered; and

(f) Debt Payments Not Accepted. If a physician selected for an award of debt payments does not accept the award in the manner provided in this statute, then the award shall be awarded to the next eligible applicant who has not received an award.

(g) The physician is liable for the payments if the physician ceases to practice in the eligible area during the contract period.

~~39-5910. NEGOTIATION. The board shall have the authority to negotiate the amount of the grant award and any potential continuation, not to exceed a total of three (3) years.~~

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TITLE 33
EDUCATION
CHAPTER 41
INTERSTATE COMPACTS

33-4104. Interstate compact agreement on qualification of educational personnel. The interstate agreement on qualification of educational personnel is hereby enacted into law and entered into with all jurisdictions legally joining therein, as outlined in the National Association of State Directors of Teacher Education and Certification (NASDTEC) Interstate Agreement , 2010 - 2015 in the form substantially as follows:

ARTICLE I, PURPOSE, ~~FINDINGS, AND POLICY.~~

~~(1) The states party to this agreement, desiring by common action to improve their respective school systems by utilizing the teacher or other professional educational person wherever educated, declare that it is the policy of each of them, on the basis of cooperation with one another, to take advantage of the preparation and experience of such persons wherever gained, thereby serving the best interests of society, of education, and of the teaching profession. It is the purpose of this agreement to provide for the development and execution of such programs of cooperation as will facilitate the movement of teachers and other professional educational personnel among the states party to it, and to authorize specific interstate educational personnel contracts to achieve that end.~~

~~(2) The party states find that included in the large movement of population among all sections of the nation are qualified educational personnel who move for family and other personal reasons but who are hindered in using their professional skill and experience in their new locations. Variations from state to state in requirements for qualifying educational personnel discourage such personnel from taking the steps necessary to qualify in other states. As a consequence, a significant number of professionally prepared and experienced educators is lost to our school systems. Facilitating the employment of qualified educational personnel, without reference to their states or origin, can increase the availability of educational manpower.~~

The purpose of this Interstate Agreement is to provide a mechanism to inform the Membership and the public of Jurisdiction- Specific Requirements for educator licensure in each Member Jurisdiction.

ARTICLE II, ~~DEFINITIONS.~~ ASSUMPTIONS

~~As used in this agreement and contracts made pursuant to it, unless the context clearly requires otherwise:~~

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- ~~(1) "Educational personnel" means persons who must meet requirements pursuant to state law as a condition of employment in educational programs.~~
- ~~(2) "Designated state official" means the education official of a state selected by that state to negotiate and enter into, on behalf of his state, contracts pursuant to this agreement.~~
- ~~(3) "Accept," or any variant thereof, means to recognize and give effect to one or more determinations of another state relating to the qualifications of educational personnel in lieu of making or requiring a like determination that would otherwise be required by or pursuant to the laws of a receiving state.~~
- ~~(4) "State" means a state, territory, or possession of the United States; the District of Columbia; or the Commonwealth of Puerto Rico.~~
- ~~(5) "Originating state" means a state (and the subdivision thereof, if any) whose determination that certain educational personnel are qualified to be employed for specific duties in schools is acceptable in accordance with the terms of a contract made pursuant to Article III.~~
- ~~(6) "Receiving state" means a state (and the subdivision thereof) which accepts education [educational] personnel in accordance with the terms of a contract made pursuant to Article III.~~

(1) Education is a regulated profession.

(2) Each Member Jurisdiction has the authority to establish professional and ethical standards for preparation, licensure and continuing development of educators.

(3) Each Member Jurisdiction has the responsibility to adhere to federal requirements and guidelines regarding the qualification of educators.

(4) Understanding licensure requirements of the different Member Jurisdictions facilitates professional educator mobility.

(5) The term "reciprocity" is often inappropriately applied to educator mobility between Member Jurisdictions.

(6) As licensure criteria differ from Member Jurisdiction to Member Jurisdiction, an educator's license from one Member Jurisdiction is not automatically "exchanged" for a license in another Member Jurisdiction.

(7) Minimum essential components of an approved educator preparation program are completion of a:

- (a) bachelor's degree (either prior to admission to the program or as part of the program);
- (b) supervised clinical practice; and
- (c) planned program of study.

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A Member Jurisdiction may impose additional components to meet its own standards.

(8) Recognition of national certification of educators, for example the National Board for Professional Teaching Standards, is at the discretion of Member Jurisdictions.

(9) The terms defined in this Interstate Agreement provide a common vocabulary which Member Jurisdictions agree to use in disseminating information nationally and internationally.

(10) The Interstate Agreement is not intended to alter, amend or regulate individual Member Jurisdiction licensure requirements.

ARTICLE III, ~~INTERSTATE EDUCATIONAL PERSONNEL CONTRACTS.~~

DEFINITIONS

~~(1) The designated state official of a party state may make one or more contracts on behalf of his state with one or more other party states providing for the acceptance of educational personnel. Any such contract for the period of its duration shall be applicable to and binding on the states whose designated state officials enter into it, and the subdivisions of those states, with the same force and effect as if incorporated in this agreement. A designated state official may enter into a contract pursuant to this article only with states in which he finds that there are programs of education, certification standards or other acceptable qualifications that assure preparation or qualification of educational personnel on a basis sufficiently comparable, even though not identical to that prevailing in his own state.~~

~~(2) Any such contract shall provide for:~~

~~a. Its duration.~~

~~b. The criteria to be applied by an originating state in qualifying educational personnel for acceptance by a receiving state.~~

~~c. Such waivers, substitutions, and conditional acceptances as shall aid the practical effectuation of the contract without sacrifice on basic educational standards.~~

~~d. Any other necessary matters.~~

~~(3) No contract made pursuant to this agreement shall be for a term longer than five (5) years but any such contract may be renewed for like or lesser periods.~~

~~(4) Any contract dealing with acceptance of educational personnel on the basis of their having completed an educational program shall specify the earliest date or dates on which originating state approval of the program or programs involved can have occurred. No contract made pursuant to this agreement shall require acceptance by a receiving state of any persons qualified because of successful completion of a program prior to January 1, 1954.~~

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~~(5) The certification or other acceptance of a person who has been accepted pursuant to the terms of a contract shall not be revoked or otherwise impaired because the contract has expired or been terminated. However, any certificate or other qualifying document may be revoked or suspended on any ground which would be sufficient for revocation or suspension of a certificate or other qualifying document initially granted or approved in the receiving state.~~

~~(6) A contract committee composed of the designated state officials of contracting states or their representatives shall keep the contract under continuous review, study means of improving its administration, and report no less frequently than once a year to the heads of the appropriate education agencies of the contracting states.~~

For purposes of this Interstate Agreement, the following terms are defined as:

(1) **“Accredited Institution”** means a college or university which awards a baccalaureate or higher degree and, if located within the United States, is fully accredited by one of the following regional accrediting bodies:

- (a) Middle States Association of Colleges and Schools;
- (b) New England Association of Schools and Colleges;
- (c) North Central Association of Colleges and Schools;
- (d) Northwest Association of Schools and Colleges;
- (e) Southern Association of Colleges and Schools; and
- (f) Western Association of Schools and Colleges.

If the college or university does not have regional accreditation as detailed above, consideration of the educator for licensure is at the discretion of the Member Jurisdiction.

(2) **“Administrator”** means an educator whose primary duties may include :

- (a) the supervision of programs or curriculum; or
- (b) supervision or management of a local educational agency, a school building, a school program, or a school system.

(3) **“Approved program”** means a planned program of study leading to licensure in the appropriate Member Jurisdiction. Approved programs may be either traditional or non-traditional. A non-traditional program is a post-baccalaureate program in which the candidate may be employed as an educator prior to completion of the program, as defined by the USDOE.

TEACHER	<i>Traditional Program</i>	<i>Non-Traditional Program</i>
<u>Rigorous Admission Standards</u>	<u>Yes</u>	<u>Yes—including a bachelor's degree earned prior to admission</u>
<u>Conferred Degree Upon Program Completion</u>	<u>Yes or No</u>	<u>Yes or No</u>
<u>Delivered By An IHE</u>	<u>Yes</u>	<u>Yes or No</u>
<u>Supervised Clinical</u>	<u>Yes</u>	<u>Yes but may differ from a</u>

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<u>Practice</u>		<u>traditional program</u>
<u>May Be Employed As An Educator While Completing Program</u>	<u>No</u>	<u>Yes</u>
ADMINISTRATOR	<u>Traditional Program</u>	<u>Non-Traditional Program</u>
<u>Rigorous Admission Standards</u>	<u>Yes—including a bachelor's degree or higher earned prior to admission</u>	<u>Yes—including a bachelor's degree or higher earned prior to admission</u>
<u>Conferred Degree Upon Program Completion</u>	<u>Yes or No</u>	<u>Yes or No</u>
<u>Delivered By An IHE</u>	<u>Yes</u>	<u>Yes or No</u>
<u>Supervised Clinical Practice</u>	<u>Yes</u>	<u>Yes but may differ from a traditional program</u>
<u>May Be Employed As An Educator While Completing Program</u>	<u>Yes or No</u>	<u>Yes</u>

A program approved in one Member Jurisdiction may not lead to licensure in another Member Jurisdiction.

(4) "Educator" is categorized as a teacher, administrator or support professional who may be required by the Member Jurisdiction to hold a license. A Member Jurisdiction may recognize additional categories of licensure (e.g. Career and Technical educators) not addressed by this Interstate Agreement.

(5) "Experience" means employment and licensure as required by the Member Jurisdiction.

(6) "Jurisdiction-specific requirement" (JSR) means any criterion beyond the minimum essential components required by a Member Jurisdiction for licensure. The following is a non-inclusive list of JSRs:

- (a) grade-point average;
- (b) testing or other forms of assessment;
- (c) mentoring;
- (d) supervised and evaluated pre-service or professional experience;
- (e) course delivery methodology;
- (f) program approval comparability;
- (g) specific coursework;
- (h) valid license, as defined by the Receiving Member Jurisdiction,
- (i) post-baccalaureate coursework or degrees;
- (j) continuing professional development;
- (k) moral fitness or character; or
- (l) citizenship.

(7) “**Stages of Administrator License**” are described below and are general categories of licensure. Member Jurisdictions may or may not offer these stages of licensure or require licensure to be eligible for certain school administrator work assignments.

(a) “**Stage 1 Administrator License**” means a license issued to an individual who holds a minimum of a Bachelor’s degree, has met approved school administrator preparation program admission requirements, but has not met the jurisdiction specific requirements of the issuing Member Jurisdiction.

(b) “**Stage 2 Administrator License**” means a license issued to an individual who has completed an approved school administrator preparation program, but has not met the jurisdiction-specific requirements for a Stage 3 license of the issuing Member Jurisdiction.

(c) “**Stage 3 Administrator License**” means a license issued to an individual who holds a minimum of a Master’s degree and has met all Jurisdiction Specific Requirements for licensure, including endorsements when applicable.

(8) “**Stages of Teacher Licensure**” are described below and are general categories of licensure. Member Jurisdictions may or may not have licenses available in each stage.

(a) “**Stage 1 Teacher License**” means a license issued to an individual who holds a minimum of a Bachelor’s degree, has met approved teacher preparation program admission requirements, but has not met the jurisdiction-specific requirements of the issuing Member Jurisdiction.

(b) “**Stage 2 Teacher License**” means a license issued to an individual who holds a minimum of a Bachelor’s degree, has completed an approved teacher preparation program, but has not met the jurisdiction-specific requirements for a Stage 3 license of the issuing Member Jurisdiction.

(c) “**Stage 3 Teacher License**” means a license issued to an individual who holds a minimum of a Bachelor’s degree, has completed an approved teacher preparation program and has met all jurisdiction-specific requirements of the issuing Member Jurisdiction.

(d) “**Stage 4 Teacher License**” means a license issued to an individual who holds a minimum of a Master’s degree or the equivalent, has completed an approved teacher preparation program and has met any jurisdiction-specific requirements beyond those required for the Stage 3 License of the issuing Member Jurisdiction.

(9) “**License**” means certificate, credential or other similar term designated by the Member Jurisdiction.

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(10) “Member Jurisdiction” means an entity which is a voting member of NASDTEC.

(11) “School” means an institution, other than a home school, which offers instruction for students of any grade, birth-Grade 12, which satisfies the compulsory attendance requirements of the Member Jurisdiction in which the institution is located.

(12) “Support Professional” means a person, other than a teacher or administrator, who is required to hold an educator license based upon at least a bachelor’s degree.

(13) “Teacher” means a person whose primary responsibility is to instruct students or as otherwise defined by the Member Jurisdiction.

~~ARTICLE IV, APPROVED AND ACCEPTED PROGRAMS.~~ DUTIES OF MEMBER JURISDICTIONS.

~~(1) Nothing in this agreement shall be construed to repeal or otherwise modify any law or regulation of a party state relating to the approval of programs of educational preparation having effect solely on the qualification of educational personnel within the state.~~

~~(2) To the extent that contracts made pursuant to this agreement deal with the educational requirements for the proper qualification of educational personnel, acceptance of a program of educational preparation shall be in accordance with such procedures and requirements as may be provided in the applicable contracts.~~

In signing this Interstate Agreement, Member Jurisdictions agree to:

(1) Adopt and enforce quality standards for approved programs;

(2) Maintain and publish a current listing of programs approved within the Member Jurisdiction;

(3) Apply Jurisdiction-Specific Requirements equitably to applicants completing approved programs in any other Member Jurisdiction;

(4) Agree in principle to the “Assumptions” set forth in this Interstate Agreement;

(5) Agree in principle to the “Minimum Essential Components”;

(6) In addition to the signing the NASDTEC Interstate Agreement for Educator Licensure, each Member Jurisdiction signs the NASDTEC Educator Information Clearinghouse Agreement, agreeing to notify the NASDTEC Educator Information Clearinghouse immediately upon denial, suspension, revocation, or surrender of an educator’s License for reasons other than failing to meet academic requirements.

~~ARTICLE V, INTERSTATE COOPERATION.~~ PROCEDURE FOR MEMBER PARTICIPATION

~~The party states agree that:~~

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~~(1) They will, so far as practicable, prefer the making of multi-lateral contracts pursuant to article III of this agreement.~~

~~(2) They will facilitate and strengthen cooperation in interstate certification and other elements of educational personnel qualifications and for this purpose shall cooperate with agencies, organizations, and associations interested in certification and other elements of educational personnel qualifications.~~

(1) Each Member Jurisdiction shall complete a Jurisdiction-Specific Requirement (JSR) Index for each educator category in the form and timeframe as directed by the NASDTEC Executive Director.

(2) Each Member Jurisdiction shall revise the Jurisdiction-Specific Requirement Index immediately in the event that its licensure criteria are amended or modified.

(3) The NASDTEC Executive Director shall compile a Master Index reflecting all Member Jurisdiction's Jurisdiction-Specific Requirements for distribution and for posting on the NASDTEC web site.

~~ARTICLE VI, AGREEMENT EVALUATION, DURATION OF THE INTERSTATE AGREEMENT~~

~~The designated state officials of any party states may meet from time to time as a group to evaluate progress under the agreement, and to formulate recommendations for changes.~~

(1) This Interstate Agreement shall have duration until September 30 of each year ending in a five or a zero, unless terminated as provided below. The Interstate Agreement shall be automatically renewed in the then-current format for each subsequent five-year period unless written notice of intent not to renew is given to the Executive Director of NASDTEC by July 1 of the final year of an Interstate Agreement period.

(2) A Member Jurisdiction may withdraw from the Interstate Agreement upon one year's written notice to the Executive Director of NASDTEC who shall in turn notify all other affected Member Jurisdictions. It shall be incumbent upon the Executive Director to notify other Member Jurisdictions.

~~ARTICLE VII, OTHER ARRANGEMENTS, MISCELLANEOUS TERMS~~

~~Nothing in this agreement shall be construed to prevent or inhibit other arrangements or practices of any party state or states to facilitate the interchange of educational personnel.~~

(1) The NASDTEC Executive Board, by and through the Chair of the NASDTEC Interstate Agreement Committee, shall be responsible for administration and interpretation of this Interstate Agreement.

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(2) NASDTEC recognizes the fluidity of educator preparation and licensure laws, regulations and policies in Member Jurisdictions. It is NASDTEC's intent to maintain the JSR Index as a current and accurate reflection of each Member Jurisdiction's requirements. However, circumstances beyond the control of NASDTEC may, on occasion, inhibit the accuracy of the Master Index. Accordingly, it is recommended that users of the JSR Index refer to Member Jurisdictions' websites to confirm specific requirements. Further, it is understood that this Interstate Agreement and the JSR Index are provided to facilitate the exchange of information and are not intended to supplant or supersede individual jurisdiction's authority.

ARTICLE VIII, ~~EFFECT AND WITHDRAWAL.~~ MEMBER JURISDICTION-SPECIFIC LICENSURE REQUIREMENTS

~~(1) This agreement shall become effective when enacted into law by two (2) states. Thereafter it shall become effective as to any state upon its enactment of this agreement.~~

~~(2) Any party state may withdraw from this agreement by enacting a statute repealing the same, but no such withdrawal shall take effect until one (1) year after the governor of the withdrawing state has given notice in writing of the withdrawal to the governors of all other party states.~~

~~(3) No withdrawal shall relieve the withdrawing state of any obligation imposed upon it by a contract to which it is a party. The duration of contracts and the methods and conditions of withdrawal therefrom shall be those specified in their terms.~~

Driven by the Assumptions identified in Article II of this document, as of October, 2010, NASDTEC Member Jurisdictions recognize the complex nature of the Interstate Agreement, and the public's need for clear, accurate information when moving from one Member Jurisdiction to another. Member Jurisdictions agree to make Levels of Licensure and Jurisdiction Specific Requirements (JSR) clear to each other and the public by completing and maintaining the JSR Index. This Index is intended to provide information to anyone seeking educator licensure in a Member Jurisdiction, whether prepared through a traditional or non-traditional pathway. It identifies specific requirements beyond the NASDTEC-identified "Minimum Essential Components" for educator preparation. A Member Jurisdiction's laws and regulations in place at the time of application for licensure supersede information provided here.

ARTICLE IX, ~~CONSTRUCTION AND SEVERABILITY.~~

~~This agreement shall be liberally construed so as to effectuate the purposes thereof. The provisions of this agreement shall be severable and if any phrase, clause, sentence, or provision of this agreement is declared to be contrary to the constitution of any state or of the United States, or the application thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this agreement and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this agreement shall be held contrary to the constitution of~~

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~~any state participating therein, the agreement shall remain in full force and effect as to the state affected as to all severable matters.~~

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33-3721. Professional studies account. (1) There is hereby created in the dedicated fund, the professional studies account. The professional studies account shall be used to receive moneys ~~from state appropriations~~, from private contributions, from gifts and grants, from repayment of loans, and from any other source, in support of medical, dental, veterinary, or other health-related professional programs of study.

(2) Interest earned on investments from moneys in the account shall be paid to the account.

(3) All moneys in the account are hereby appropriated to the state board of education for the purposes of section [33-3720](#), Idaho Code.

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33-2139. State ~~junior~~ community college account created. There is hereby created a state ~~junior~~ community college account in the state operating fund in the state treasurer's office to which shall be credited all moneys which may be ~~appropriated, apportioned, or allocated~~ transferred to that account pursuant to section 23-404(1)(b)(iii), Idaho Code. The state treasurer shall make such disbursements from the account as may be ordered by the state ~~board of education~~ liquor division in accordance with the provisions of this act.

33-2141. Disbursement of funds -- Method -- Funds disbursed not considered in fixing tuition. Funds ~~appropriated~~ transferred to the state ~~junior~~ community college account shall be disbursed quarterly to the qualifying ~~junior~~ community college districts as follows: ~~fifty percent (50%) of the moneys in the account shall be disbursed on the twentieth day of July of each year and the remainder of the account shall be disbursed on the first day of September of each year.~~ Funds disbursed under this act shall not be considered by the board of trustees of any ~~junior~~ community college in fixing tuition of such college pursuant to section 33-2110, Idaho Code.

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33-5608. Opportunity scholarship program account. (1) There is hereby created an account in the state treasury to be designated the "opportunity scholarship program account."

(2) The account shall consist of moneys appropriated to the account by the legislature, moneys contributed to the account from other sources, and the earnings on such moneys. The executive director of the state board may receive on behalf of the state board any moneys or real or personal property donated, bequeathed, devised or conditionally granted to the state board for purposes of providing funding for such account. Moneys received directly or derived from the sale of such property shall be deposited by the state treasurer in the account.

(3) Earnings from moneys in the account or specified gifts shall be distributed annually to the state board to implement the opportunity scholarship program as provided for under this chapter.

(4) All moneys placed in the account and earnings thereon are hereby perpetually appropriated to the state board for the purpose described in subsection (3) of this section. All expenditures from the account shall be paid out in warrants drawn by the state controller upon presentation of the proper vouchers. Up to ~~five percent (5%)~~ fifty thousand dollars (\$50,000) of the annual earnings distribution to the state board, ~~but not to exceed seventy five thousand dollars (\$75,000)~~, may be used by the state board annually for administrative costs related to the implementation of the provisions of this chapter.

(5) Allowable administrative costs include, but are not limited to, operating expenses for the implementation and maintenance of a database, operating expenses to administer the program, personnel costs necessary to administer the program and costs related to promoting awareness of the program.

(6) Pending use, surplus moneys in the account shall be invested by the state treasurer in the same manner as provided under section 67-1210, Idaho Code. Interest earned on the investments shall be returned to the account.

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TITLE 33
EDUCATION
CHAPTER 10
FOUNDATION PROGRAM -- STATE AID – APPORTIONMENT

33-1002A. Fractional average daily attendance. (1) Beginning in fiscal year 2013, for students attending school in more than one (1) school district or public charter school, or who are enrolled in one (1) or more online courses in which the student's home school district or public charter school is not the content provider, attendance shall be counted and divided based on the portion of the student's daily attendance time that is spent in attendance at each school district, public charter school or online course. This provision shall not apply to:

(a) An online course in which the school district or public charter school has a contract in place for the provision of online courses.

(b) Any online course which causes the total number of courses in which a student is enrolled to exceed the maximum number of periods of instruction offered at the school in which the student is enrolled. If a student is enrolled in multiple online courses and one (1) or more online course falls within this limitation and one (1) or more fall beyond it, then the most expensive courses shall be subject to fractional average daily attendance. School districts and public charter schools may choose to pay for any online courses that fall beyond the limitation of this paragraph, at their discretion. The parents or guardians of students shall be responsible for paying the cost of any online courses in which the student is enrolled beyond the limitation of this paragraph, unless such cost has been paid by the student's school district or public charter school. A student's home school district or public charter school shall notify the student's parent or guardian at the time of registration if any online courses in which the student is enrolling exceed the maximum provided in this paragraph.

(2) For online courses subject to fractional counting and division, the average daily attendance shall be counted and funded as part of the student's home school district or public charter school attendance. However, the state department of education shall identify the fraction attributable to such attendance for each student and furnish the home school district or public charter school with a dollar amount of funding attributable to each such fraction. The home school district or public charter school shall then remit two-thirds (2/3) of such amount to each online course content provider.

(3) For the purposes of this section and section [33-1627](#), Idaho Code, the term "online course" means a course which delivers a sequential program of synchronous and/or asynchronous instruction primarily through the use of technology, ~~in which the instructor is not physically located at the school or place in which the student is receiving instruction.~~ Nothing in this definition shall prohibit a blended course that

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includes face-to-face, in person instruction, provided that a majority of the instruction is delivered as stated herein.

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TITLE 33

EDUCATION

CHAPTER 43
SCHOLARSHIPS

33-4302. Scholarships -- State aid. (1) The following individuals shall be eligible for the scholarship program provided for herein:

(a) Any ~~dependent spouse or child~~ of any Idaho citizen ~~who is a resident of the state of Idaho on or after the effective date of this act and who, while such person is or was a resident of the state of Idaho,~~ has been determined by the federal government to be a prisoner of war or missing in action; or to have died of, or become totally and permanently disabled by, injuries or wounds sustained in action in ~~southeast Asia, including Korea, or in Iraq or in Afghanistan or who shall become so hereafter,~~ in any area of armed conflict in which the United States is a party; and

(b) Any ~~dependent~~ spouse or child of any member of the armed forces of the United States who is stationed in the state of Idaho on military orders and who is deployed from the state of Idaho to any area of armed conflict in which the United States is a party and who has been determined by the federal government to be a prisoner of war or missing in action; or to have died of, or become totally and permanently disabled by, injuries or wounds sustained in action as a result of such deployment. ~~Provided further, that such dependent must be a resident of the state of Idaho and must have completed secondary school or its equivalent in the state of Idaho.~~

(2) (a) To be eligible for the scholarship provided for herein, a child of a military member must be a resident of the state of Idaho, and must have completed secondary school or its equivalent in the state of Idaho. A child already born, or born after a military member is determined to be imprisoned or missing in action, or is killed or becomes disabled, shall be eligible for this scholarship.

(b) To be eligible for the scholarship provided for herein, the spouse of a military member must be a resident of the state of Idaho, and must have been married to such person at the time the military member was determined to be imprisoned or missing in action, or was killed or became disabled; provided further, in the situation of disability, the spouse must be currently married to such person.

~~(23)~~ An eligible individual who applies for the scholarship provided for herein shall, after verification of eligibility, receive the scholarship and be admitted to attend undergraduate studies at any public institution of higher education or public professional-technical college within the state of Idaho without the necessity of paying tuition and fees therefor; such student shall be provided with books, equipment and supplies necessary for pursuit of such program of enrollment not to exceed five hundred dollars (\$500) per quarter, semester, intensified semester, or like educational period; such student shall be furnished on-campus housing and subsistence for each month he or she is enrolled full-time under this program and actually resides in such on-campus facility; provided, however, that such undergraduate educational benefits shall not exceed a total of thirty-six (36) months or four (4) nine (9) month periods. Provided further, that the initiation of such educational benefits shall extend for a period of ten

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(10) years after achieving a high school diploma or its equivalency, or for a period of ten (10) years after the event giving rise to the eligibility for the scholarship, whichever is longer.

(34) The dependent eligible individual shall meet such other educational qualifications as such institution of higher education or professional-technical college has established for other prospective students of this state, as well as any additional educational qualifications established by the state board of education and board of regents for the university of Idaho.

(45) Application for eligibility under this section shall be made to the state board of education and the board of regents of the university of Idaho or the state board of vocational-technical education. The board shall verify the eligibility of the dependent applicant and communicate such eligibility to ~~the dependent such person~~ and the affected institution or college.

(56) Affected institutions shall provide an eligible individual with the educational benefits set forth in paragraph (3) of this section. in their preparation of future budgets include therein costs resultant from such tuition, fee, book, equipment, supply, housing and subsistence loss for reimbursement thereof from The legislature shall annually appropriate of state general funds to reimburse affected institutions for all costs resultant from the educational benefits provided to an eligible individual under this section.

(7) For the purposes of this section, a member of the armed forces of the United States is considered totally and permanently disabled if, at the time of application, he or she is unable to perform with reasonable continuity the material duties of any gainful occupation for which he or she is reasonably fitted by education, training and experience. Aa current disability determination made by the United States Social Security Administration is in effect with respect to such individual.

(6) ~~Applicants for the scholarship program herein prescribed shall provide institutional administrative personnel with documentation of their rights under this act.~~

(8) The state board of education and the board of regents of the University of Idaho may adopt rules to implement and administer this scholarship program.

33-4302A. Public safety officer ~~dependent~~ scholarships -- State aid. (1) Any ~~dependent spouse or child~~ of a full-time or part-time public safety officer, as defined in subsection [(156)] of this section, employed by or volunteering for the state of Idaho or for a political subdivision of the state of Idaho, which public safety officer is or was a resident of the state of Idaho at the time such officer was killed or became totally and permanently disabled in the line of duty shall be admitted to attend undergraduate studies at any public institution of higher education or public professional-technical college within the state of Idaho without the necessity of paying tuition and fees therefor. Said ~~dependents~~ persons shall be provided by the institution or college with books, equipment and supplies necessary for pursuit of the ~~dependent's~~ person's chosen program of enrollment not to exceed the actual cost therefor, or five hundred dollars (\$500), whichever is less, per quarter, semester, intensified semester, or like education period. Said ~~dependent person~~ shall be provided with the institution or college's published normal on-campus residential facility housing and meals program for each

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month the dependent person is enrolled full time under this statute and continues to actually reside in such on-campus residential facility. Provided however, that the undergraduate educational benefits provided for in this section shall not exceed a total of thirty-six (36) months or four (4) nine-month periods; provided further, that such educational benefits shall not extend beyond ten (10) years following the date the dependent person receives a high school diploma, a high school equivalency diploma, a special diploma or a certificate of high school completion, or beyond the date such dependent person turns thirty (30) years old, whichever comes first.

(2) (a) To be eligible for the scholarship provided for herein a child of a public safety officer must be a resident of the state of Idaho, and must have completed secondary school or its equivalent in the state of Idaho. A child already born, or born after a public safety officer is killed or becomes disabled, shall be eligible for this scholarship.

(b) To be eligible for the scholarship provided for herein the spouse of a public safety officer must be a resident of the state of Idaho, and must have been married to such person at the time the public safety officer was killed or became disabled; provided further, in the situation of disability, the spouse must be currently married to such person.

(23) The dependent eligible individual shall be required to meet the educational qualifications as such institution of higher education or professional-technical college as established for other prospective students of this state, as well as any additional educational qualifications established by the state board of education and regents of the university of Idaho. Application for eligibility under this section shall be made to the state board of education and board of regents of the University of Idaho. The board shall verify the eligibility of ~~the dependent~~ such person and communicate such eligibility to ~~the dependent~~ such person and the affected institution or college.

(34) Affected institutions and colleges shall provide an eligible individual with the educational benefits set forth in paragraph (1) of this section, in their preparation of future budgets, include therein costs resulting from such tuition, fees, housing, meals, books, equipment and supplies for reimbursement thereof from The legislature shall annually appropriate of state general funds to reimburse affected institutions for all costs resultant from the educational benefits provided to an eligible individual under this section.

For the purposes of this section, a public safety officer employed by or volunteering for the state of Idaho or for a political subdivision of the state of Idaho is considered totally and permanently disabled if, at the time of application, he or she is unable to perform with reasonable continuity the material duties of any gainful occupation for which he or she is reasonably fitted by education, training and experience. A current disability determination made by the United States Social Security Administration is in effect with respect to such individual.

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(45) The scholarships provided in this section shall be available for ~~dependents~~ the spouse or children of public safety officers who were killed or disabled in 1975 or thereafter.

(56) For purposes of this section:

(a) "Public safety officer" means a peace officer or firefighter, or a paramedic, emergency medical technician or first responder as those terms are defined in section [56-1012](#), Idaho Code.

(b) "Volunteering" means contributing services as a bona fide member of a legally organized law enforcement agency, fire department or licensed emergency medical service provider organization.

(67) The scholarship provided in this section shall not be available unless it is determined that:

(a) The death or disablement of the public safety officer occurred in the performance of the officer's duties;

(b) The death or disablement was not caused by the intentional misconduct of the public safety officer or by such officer's intentional infliction of injury; and

(c) The public safety officer was not voluntarily intoxicated at the time of death.

(8) The state board of education and the board of regents of the University of Idaho may adopt rules to implement and administer this scholarship program.

CHAPTER 52
PUBLIC CHARTER SCHOOLS

33-5208.PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT. Except as provided in subsection (8) of this section, from the state educational support program the state department of education shall make the following apportionment to each public charter school for each fiscal year based on attendance figures submitted in a manner and time as required by the department of education:

(1) Per student support. Computation of support units for each public charter school shall be calculated as if it were a separate school according to the schedules in section [33-1002](#)(4), Idaho Code, except that public charter schools with fewer than one hundred (100) secondary ADA shall use a divisor of twelve (12) and the minimum units shall not apply, and no public charter school shall receive an increase in support units that exceeds the support units it received in the prior year by more than thirty (30). Funding from the state educational support program shall be equal to the total distribution factor, plus the salary-based apportionment provided in [chapter 10, title 33](#), Idaho Code. Provided however, any public charter school that is formed by the conversion of an existing traditional public school shall be assigned divisors, pursuant to section [33-1002](#), Idaho Code, that are no lower than the divisors of the school district in which the traditional public school is located, for each category of pupils listed.

(2) Special education. For each student enrolled in the public charter school who is entitled to special education services, the state and federal funds from the exceptional child education program for that student that would have been apportioned for that student to the school district in which the public charter school is located.

(3) Alternative school support. Public charter schools may qualify under the provisions of sections [33-1002](#) and [33-1002C](#), Idaho Code, provided the public charter school meets the necessary statutory requirements, and students qualify for attendance at an alternative school as provided by rule of the state board of education.

(4) Transportation support. Support shall be paid to the public charter school as provided in [chapter 15, title 33](#), Idaho Code, and section [33-1006](#), Idaho Code. Each public charter school shall furnish the department with an enrollment count as of the first Friday in November, of public charter school students who are eligible for reimbursement of transportation costs under the provisions of this subsection and who reside more than one and one-half (1 1/2) miles from the school. For charter schools in the initial year of operation, the petition shall include a proposal for transportation services with an estimated first year cost. The state department of education is authorized to include in the annual appropriation to the charter school sixty percent (60%) of the estimated transportation cost. The final appropriation payment in July shall reflect reimbursements of actual costs pursuant to section [33-1006](#), Idaho Code. To be eligible for state reimbursement under the provisions of section [33-1006](#), Idaho Code, the student to be transported must reside within the public charter school's attendance zone, and must meet at least one (1) of the following two (2) criteria:

- (a) The student resides within the school district in which the public charter school is physically located; or
- (b) The student resides within fifteen (15) miles of the public charter school, by

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road.

The limitations placed by this subsection on the reimbursement of transportation costs for certain students shall not apply to public virtual schools.

(5) Payment schedule. The state department of education is authorized to make an advance payment of twenty-five percent (25%) of a public charter school's estimated annual apportionment for its first year of operation, and each year thereafter, provided the public charter school has an increase of student population in any given year of twenty (20) students or more, to assist the school with initial start-up costs or payroll obligations.

(a) For a state public charter school to receive the advance payment, the school shall submit its anticipated fall membership for each grade level to the state department of education by June 1.

(b) Using the figures provided by the public charter school, the state department of education shall determine an estimated annual apportionment from which the amount of the advance payment shall be calculated. Advance payment shall be made to the school on or after July 1 but no later than July 31.

(c) All subsequent payments, taking into account the one-time advance payment made for the first year of operation, shall be made to the public charter school in the same manner as other traditional public schools in accordance with the provisions of section [33-1009](#), Idaho Code.

(d) Notwithstanding the provisions of this section, no public charter school that fails to achieve estimated enrollment growth for three (3) consecutive years shall be eligible to receive advance payment for the following year.

A public charter school shall comply with all applicable fiscal requirements of law, except that the following provisions shall not be applicable to public charter schools: section [33-1003B](#), Idaho Code, relating to guaranteed minimum support; that portion of section [33-1004](#), Idaho Code, relating to reduction of the administrative and instructional staff allowance when there is a discrepancy between the number allowed and the number actually employed; and section [33-1004E](#), Idaho Code, for calculation of district staff indices.

(6) Nothing in this chapter shall be construed to prohibit any private person or organization from providing funding or other financial assistance to the establishment or operation of a public charter school.

(7) Nothing in this chapter shall prevent a public charter school from applying for federal grant moneys.

(8) (a) For the period July 1, 2003, through June 30, 2005, all public virtual schools shall be assigned divisors, pursuant to section [33-1002](#), Idaho Code, that are no higher than the median divisor shown for each respective category of pupils, among the possible divisors listed, for each respective category of pupils that contains more than one (1) divisor. If there is an even number of possible divisors listed for a particular category of pupils, then the lesser of the two (2) median divisors shall be used. For the period July 1, 2005, through June 30, 2007, all public virtual schools shall be assigned divisors, pursuant to section [33-1002](#), Idaho Code, that are no higher than the second highest divisor shown, among the possible divisors listed, for each respective category of pupils that contains more than one (1) divisor. The divisor provisions contained herein shall only be applicable to the number of pupils in average daily attendance in such public virtual schools for the period July 1, 2003, through June 30, 2004. If the number of

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pupils in average daily attendance in any particular category of pupils increases, during the period July 1, 2004, through June 30, 2005, to a number above that which existed in the prior fiscal year, then those additional pupils in average daily attendance shall be assigned the divisor, pursuant to section [33-1002](#), Idaho Code, that would have otherwise been assigned to the school district or public charter school had this section not been in force.

(b) Each student in attendance at a public virtual school shall be funded based upon either the actual hours of attendance in the public virtual school on a flexible schedule, or the percentage of coursework completed, whichever is more advantageous to the school, up to the maximum of one (1) full-time equivalent student.

(c) All federal educational funds shall be administered and distributed to public charter schools, including public virtual schools, that have been designated by the state board of education as a local education agency (LEA), as provided in section [33-5203\(7\)](#), Idaho Code.

(9) Nothing in this section prohibits separate face-to-face learning activities or services.

(10) The provisions of section [33-1021](#), Idaho Code, shall apply to public charter schools provided for in this chapter.

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CHAPTER 52
PUBLIC CHARTER SCHOOLS

33-5201.SHORT TITLE. This chapter shall be known and may be cited as the "Public Charter Schools Act of 1998."

33-5202.LEGISLATIVE INTENT. It is the intent of the legislature to provide opportunities for teachers, parents, students and community members to establish and maintain public charter schools which operate independently from the existing traditional school district structure but within the existing public school system as a method to accomplish any of the following:

- (1) Improve student learning;
- (2) Increase learning opportunities for all students, with special emphasis on expanded learning experiences for students;
- (3) Include the use of different and innovative teaching methods;
- (4) Utilize virtual distance learning and on-line learning;
- (5) Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site;
- (6) Provide parents and students with expanded choices in the types of educational opportunities that are available within the public school system;
- (7) Hold the schools established under this chapter accountable for meeting measurable student educational standards.

33-5202A.DEFINITIONS. As used in this chapter, unless the context requires otherwise:

(1) "Authorized chartering entity" means either the local board of trustees of a school district in this state, or the public charter school commission pursuant to the provisions of this chapter.

(2) "Charter" means the grant of authority approved by the authorized chartering entity to the board of directors of the public charter school.

(3) "Founder" means a person, including employees or staff of a public charter school, who makes a material contribution toward the establishment of a public charter school in accordance with criteria determined by the board of directors of the public charter school, and who is designated as such at the time the board of directors acknowledges and accepts such contribution. The criteria for determining when a person is a founder shall not discriminate against any person on any basis prohibited by the federal or state constitutions or any federal, state or local law. The designation of a person as a founder, and the admission preferences available to the children of a founder, shall not constitute pecuniary benefits.

(4) "Petition" means the document submitted by a person or persons to the authorized chartering entity to request the creation of a public charter school.

(5) "Professional-technical regional public charter school" means a public charter secondary school authorized under this chapter to provide programs in professional-technical education which meet the standards and qualifications established by the division of professional-technical education. A professional-technical regional public charter school may be approved by an authorized chartering entity and by the terms of its charter, shall operate in association with at least two (2) school districts. Notwithstanding the provisions of section 33-5206(1), Idaho Code, participating school

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districts need not be contiguous.

(6) "Public charter school" means a school that is authorized under this chapter to deliver public education in Idaho.

(7) "Traditional public school" means any school existing or to be built that is operated and controlled by a school district in this state.

(8) "Virtual school" means a school that delivers a full-time, sequential program of synchronous and/or asynchronous instruction primarily through the use of technology via the internet in a distributed environment. Schools classified as virtual must have an online component to their school with online lessons and tools for student and data management.

33-5203.AUTHORIZATION -- LIMITATIONS. (1) The creation of public charter schools is hereby authorized. Public charter schools shall be part of the state's program of public education.

(2) The number of new public charter schools which may begin educational instruction in any one (1) school year shall be limited in number in accordance with the following:

(a) Not more than six (6) new public charter schools may begin educational instruction in any one (1) school year, and

(b) Not more than one (1) new public charter school may begin educational instruction that is physically located within any one (1) school district in any one (1) school year, and

(c) No whole school district may be converted to a charter district or any configuration which includes all schools as public charter schools, and

(d) Public virtual charter schools approved by the public charter school commission are not included in paragraph (b) of this subsection, and

(e) The transfer of a charter for a school already authorized pursuant to section [33-5205A](#), Idaho Code, is not included in the limit on the annual number of public charter schools approved to begin educational instruction in any given school year as set forth in paragraph (a) of this subsection, and

(f) A petition must be received by the initial authorized chartering entity no later than September 1 to be eligible to begin instruction the first complete school year following receipt of the petition, and

(g) To begin operations, a newly-chartered public school must be authorized by no later than January 1 of the previous school year.

(3) A public charter school may be formed either by creating a new public charter school, which charter may be approved by any authorized chartering entity, or by converting an existing traditional public school to a public charter school, which charter may only be approved by the board of trustees of the school district in which the existing public school is located.

(4) No charter shall be approved under this chapter:

(a) Which provides for the conversion of any existing private or parochial school to a public charter school.

(b) To a for-profit entity or any school which is operated by a for-profit entity, provided however, nothing herein shall prevent the board of directors of a public charter school from legally contracting with for-profit entities for the provision of products or services that aid in the operation of the school.

(c) By the board of trustees of a school district if the public charter school's

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physical location is outside the boundaries of the authorizing school district. The limitation provided in this subsection (4)(c) does not apply to a home-based public virtual school.

(5) A public virtual school charter may be approved by the public charter school commission. In addition, a charter may also be approved by the state board of education pursuant to section 33-5207(5)(b), Idaho Code.

(6) The state board of education shall adopt rules, subject to law, to establish a consistent application and review process for the approval and maintenance of all public charter schools.

(7) The state board of education shall be responsible to designate those public charter schools that will be identified as a local education agency (LEA) as such term is defined in 34 CFR 300.18; however, only public charter schools chartered by the board of trustees of a school district may be included in that district's LEA.

33-5204.NONPROFIT CORPORATION -- LIABILITY -- INSURANCE. (1) A public charter school shall be organized and managed under the Idaho nonprofit corporation act. The board of directors of a public charter school shall be deemed public agents authorized by a public school district, the public charter school commission, or the state board of education to control the public charter school, but shall function independently of any school board of trustees in any school district in which the public charter school is located, or independently of the public charter school commission except as provided in the charter. For the purposes of section 59-1302(15), Idaho Code, a public charter school created pursuant to this chapter shall be deemed a governmental entity. Pursuant to the provisions of section 63-3622O, Idaho Code, sales to or purchases by a public charter school are exempt from payment of the sales and use tax. A public charter school and the board of directors of a public charter school are subject to the provisions of:

- (a) Sections 18-1351 through 18-1362, Idaho Code, on bribery and corrupt influence, except as provided by section 33-5204A(2), Idaho Code;
- (b) Chapter 2, title 59, Idaho Code, on prohibitions against contracts with officers;
- (c) Chapter 7, title 59, Idaho Code, on ethics in government;
- (d) Chapter 23, title 67, Idaho Code, on open public meetings; and
- (e) Chapter 3, title 9, Idaho Code, on disclosure of public records

in the same manner that a traditional public school and the board of school trustees of a school district are subject to those provisions.

(2) A public charter school may sue or be sued, purchase, receive, hold and convey real and personal property for school purposes, and borrow money for such purposes, to the same extent and on the same conditions as a traditional public school district, and its employees, directors and officers shall enjoy the same immunities as employees, directors and officers of traditional public school districts and other public schools, including those provided by chapter 9, title 6, Idaho Code. The authorized chartering entity that approves a public school charter shall have no liability for the acts, omissions, debts or other obligations of a public charter school, except as may be provided in the charter. A local public school district shall have no liability for the acts, omissions, debts or other obligations of a public charter school located in its district that has been approved by an authorized chartering entity other than the board of trustees of the local school district.

(3) Nothing in this chapter shall prevent the board of directors of a public charter

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school, operating as a nonprofit corporation, from borrowing money to finance the purchase or lease of school building facilities, equipment and furnishings of those school building facilities. Subject to the terms of a contractual agreement between the board and a lender, nothing herein shall prevent the board from using the facility, its equipment and furnishings, as collateral for the loan.

(4) Public charter schools shall secure insurance for liability and property loss.

(5) It shall be unlawful for:

(a) Any director to have pecuniary interest directly or indirectly in any contract or other transaction pertaining to the maintenance or conduct of the authorized chartering entity and charter, or to accept any reward or compensation for services rendered as a director except as may be otherwise provided in this subsection (5). The board of directors of a public charter school may accept and award contracts involving the public charter school to businesses in which the director or a person related to him by blood or marriage within the second degree has a direct or indirect interest, provided that the procedures set forth in section 18-1361 or 18-1361A, Idaho Code, are followed. The receiving, soliciting or acceptance of moneys of a public charter school for deposit in any bank or trust company, or the lending of moneys by any bank or trust company to any public charter school, shall not be deemed to be a contract pertaining to the maintenance or conduct of a public charter school and authorized chartering entity within the meaning of this section; nor shall the payment by any public charter school board of directors of compensation to any bank or trust company for services rendered in the transaction of any banking business with such public charter school board of directors be deemed the payment of any reward or compensation to any officer or director of any such bank or trust company within the meaning of this section.

(b) The board of directors of any public charter school to enter into or execute any contract with the spouse of any member of such board, the terms of which said contract require, or will require, the payment or delivery of any public charter school funds, moneys or property to such spouse, except as provided in section 18-1361 or 18-1361A, Idaho Code.

(6) When any relative of any director or relative of the spouse of a director related by affinity or consanguinity within the second degree is to be considered for employment in a public charter school, such director shall abstain from voting in the election of such relative, and shall be absent from the meeting while such employment is being considered and determined.

33-5204A.APPLICABILITY OF PROFESSIONAL CODES AND STANDARDS -- LIMITATIONS UPON AUTHORITY. (1) Every person who serves in a public charter school, either as an employee, contractor, or otherwise, in the capacity of teacher, supervisor, administrator, education specialist, school nurse or librarian, must comply with the professional codes and standards approved by the state board of education, including standards for ethics or conduct.

(2) Every employee of a public charter school and every member of the board of directors of a public charter school, whether compensated or noncompensated, shall comply with the standards of ethics or conduct applicable to public officials including, but not limited to, chapter 7, title 59, Idaho Code, except that section 59-704A, Idaho Code, which permits a noncompensated public official to have an interest in a contract made or entered into by the board of which he is a member under certain conditions,

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shall not apply to the board of directors of a public charter school. A member of the board of directors of a public charter school is prohibited from receiving a personal pecuniary benefit, directly or indirectly, pertaining to a contractual relationship with the public charter school.

33-5205.PETITION TO ESTABLISH PUBLIC CHARTER SCHOOL. (1) Any group of persons may petition to establish a new public charter school, or to convert an existing traditional public school to a public charter school.

(a) A petition to establish a new public charter school, including a public virtual charter school, shall be signed by not fewer than thirty (30) qualified electors of the attendance area designated in the petition. Proof of elector qualifications shall be provided with the petition.

(b) A petition to establish a new public virtual school must be submitted directly to the public charter school commission. A petition to establish a new public charter school, other than a new public virtual school, shall first be submitted to the local board of trustees in which the public charter school will be located. A petition shall be considered to be received by an authorized chartering entity as of the next scheduled meeting of the authorized chartering entity after submission of the petition.

(c) The board of trustees may either: (i) consider the petition and approve the charter; or (ii) consider the petition and deny the charter; or (iii) refer the petition to the public charter school commission, but such referral shall not be made until the local board has documented its due diligence in considering the petition. Such documentation shall be submitted with the petition to the public charter school commission. If the petitioners and the local board of trustees have not reached mutual agreement on the provisions of the charter, after a reasonable and good faith effort, within ~~sixty (60)~~seventy-five (75) days from the date the charter petition is received, the petitioners may withdraw their petition from the local board of trustees and may submit their charter petition to the public charter school commission, ~~provided it is signed by thirty (30) qualified electors as required by subsection (1)(a) of this section.~~ Documentation of the reasonable and good faith effort between the petitioners and the local board of trustees must be submitted with the petition to the public charter school commission.

(d) The public charter school commission may either: (i) consider the petition and approve the charter; or (ii) consider the petition and deny the charter.

(e) A petition to convert an existing traditional public school shall be submitted to the board of trustees of the district in which the school is located for review and approval. The petition shall be signed by not fewer than sixty percent (60%) of the teachers currently employed by the school district at the school to be converted, and by one (1) or more parents or guardians of not fewer than sixty percent (60%) of the students currently attending the school to be converted. Each petition submitted to convert an existing school or to establish a new charter school shall contain a copy of the articles of incorporation and the bylaws of the nonprofit corporation, which shall be deemed incorporated into the petition.

(2) Not later than ~~sixty (60)~~seventy-five (75) days after receiving a petition signed by ~~thirty (30) qualified electors as required by subsection (1)(a) of this section,~~ the authorized chartering entity shall hold a public hearing for the purpose of discussing the provisions of the charter, at which time the authorized chartering entity shall consider

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the merits of the petition and the level of employee and parental support for the petition. In the case of a petition submitted to the public charter school commission, such public hearing must be not later than ~~sixty (60)~~ seventy-five (75) days after receipt of the petition, which may be extended to ~~ninety (90) days~~ for an additional, specified period of time if both parties agree to an extension. Such agreement shall be established in writing and signed by representatives of both parties.

In the case of a petition for a public virtual charter school, if the primary attendance area described in the petition of a proposed public virtual charter school extends within the boundaries of five (5) or fewer local school districts, the public charter school commission shall provide notice in writing of the public hearing no less than thirty (30) days prior to such public hearing to those local school districts. Such public hearing shall include any oral or written comments that an authorized representative of the local school districts may provide regarding the merits of the petition and any potential impacts on the school districts.

In the case of a petition for a non-virtual public charter school submitted to the public charter school commission, the board of the district in which the proposed public charter school will be physically located, shall be notified of the hearing in writing, by the public charter school commission, no less than thirty (30) days prior to the public hearing. Such public hearing shall include any oral or written comments that an authorized representative of the school district in which the proposed public charter school would be physically located may provide regarding the merits of the petition and any potential impacts on the school district. The hearing shall include any oral or written comments that petitioners may provide regarding any potential impacts on such school district. If the school district chooses not to provide any oral or written comments as provided for in this subsection (2), such school district shall notify the public charter school commission of such decision. Following review of any petition and any public hearing provided for in this section, the authorized chartering entity shall either approve or deny the charter within ~~sixty (60)~~ seventy-five (75) days after the date of the public hearing, provided however, that the date may be extended by an additional ~~sixty (60)~~ days, specified period of time if the petition fails to contain all of the information required in this section, or if both parties agree to the extension. Such agreement shall be established in writing and signed by representatives of both parties. This public hearing shall be an opportunity for public participation and oral presentation by the public. This hearing is not a contested case hearing as described in chapter 52, title 67, Idaho Code.

(3) An authorized chartering entity may approve a charter under the provisions of this chapter only if it determines that the petition contains the requisite signatures, the information required by subsections (4) and (5) of this section, and additional statements describing all of the following:

(a) The proposed educational program of the public charter school, designed among other things, to identify what it means to be an "educated person" in the twenty-first century, and how learning best occurs. The goals identified in the program shall include how all educational thoroughness standards as defined in section 33-1612, Idaho Code, shall be fulfilled.

(b) The measurable student educational standards identified for use by the public charter school. "Student educational standards" for the purpose of this chapter means the extent to which all students of the public charter school demonstrate they have attained the skills and knowledge specified as goals in the school's educational program.

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- (c) The method by which student progress in meeting those student educational standards is to be measured.
- (d) A provision by which students of the public charter school will be tested with the same standardized tests as other Idaho public school students.
- (e) A provision which ensures that the public charter school shall be state accredited as provided by rule of the state board of education.
- (f) The governance structure of the public charter school including, but not limited to, the person or entity who shall be legally accountable for the operation of the public charter school, and the process to be followed by the public charter school to ensure parental involvement.
- (g) The qualifications to be met by individuals employed by the public charter school. Instructional staff shall be certified teachers as provided by rule of the state board of education.
- (h) The procedures that the public charter school will follow to ensure the health and safety of students and staff.
- (i) A plan for the requirements of section 33-205, Idaho Code, for the denial of school attendance to any student who is an habitual truant, as defined in section 33-206, Idaho Code, or who is incorrigible, or whose conduct, in the judgment of the board of directors of the public charter school, is such as to be continuously disruptive of school discipline, or of the instructional effectiveness of the school, or whose presence in a public charter school is detrimental to the health and safety of other pupils, or who has been expelled from another school district in this state or any other state.
- (j) The primary attendance area of the charter school, which shall be composed of a compact and contiguous area. For the purposes of this section, if services are available to students throughout the state, the state of Idaho is considered a compact and contiguous area.
- ~~(j)~~ (k) Admission procedures, including provision for overenrollment. Such admission procedures shall provide that the initial admission procedures for a new public charter school, including provision for overenrollment, will be determined by lottery or other random method, except as otherwise provided herein. If initial capacity is insufficient to enroll all pupils who submit a timely application, then the admission procedures may provide that preference shall be given in the following order: first, to children of founders, provided that this admission preference shall be limited to not more than ten percent (10%) of the capacity of the public charter school; second, to siblings of pupils already selected by the lottery or other random method; ~~and~~ third, to students residing within the primary attendance area of the public charter school; and fourth, by an equitable selection process such as by a lottery or other random method. If so stated in its petition, a new public charter school may include the children of full-time employees of the public charter school within the first priority group subject to the limitations therein. Otherwise, such children shall be included in the ~~third~~ highest priority group for which they would otherwise be eligible. If capacity is insufficient to enroll all pupils who submit a timely application for subsequent school terms, ~~who submit a timely application~~, then the admission procedures may provide that preference shall be given in the following order: first, to pupils returning to the public charter school in the second or any subsequent year of its operation; second, to children of founders, provided that this admission preference shall be limited to not more than ten percent (10%)

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of the capacity of the public charter school; third, to siblings of pupils already enrolled in the public charter school; ~~and~~ fourth, to students residing within the primary attendance area of the public charter school; and fifth, by an equitable selection process such as by a lottery or other random method. There shall be no carryover from year to year of the list maintained to fill vacancies. A new lottery shall be conducted each year to fill vacancies which become available. If so stated in its petition, a public charter school may include the following children within the second priority group subject to the limitations therein:

- (i) The children of full-time employees of the public charter school;
- (ii) Children who previously attended the public charter school within the previous three (3) school years, but who withdrew as a result of the relocation of a parent or guardian due to an academic sabbatical, employer or military transfer or reassignment.

Otherwise, such children shall be included in the ~~fourth~~ highest priority group for which they are otherwise eligible.

~~(k)~~ (l) The manner in which ~~an~~ annual audits of the financial and programmatic operations of the public charter school ~~is~~ are to be conducted.

~~(l)~~ (m) The disciplinary procedures that the public charter school will utilize, including the procedure by which students may be suspended, expelled and reenrolled, and the procedures required by section 33-210, Idaho Code.

~~(m)~~ (n) A provision which ensures that all staff members of the public charter school will be covered by the public employee retirement system, federal social security, unemployment insurance, worker's compensation insurance, and health insurance.

~~(n)~~ (o) The public school attendance alternative for students residing within the school district who choose not to attend the public charter school.

~~(o)~~ (p) A description of the transfer rights of any employee choosing to work in a public charter school that is approved by the board of trustees of a school district, and the rights of such employees to return to any noncharter school in the same school district after employment at such charter school.

~~(p)~~ (q) A provision which ensures that the staff of the public charter school shall be considered a separate unit for purposes of collective bargaining.

~~(q)~~ (r) The manner by which special education services will be provided to students with disabilities who are eligible pursuant to the federal individuals with disabilities education act, including disciplinary procedures for these students.

~~(r)~~ (s) A plan for working with parents who have students who are dually enrolled pursuant to section 33-203, Idaho Code.

(s) The process by which the citizens in the ~~area of~~ primary attendance area shall be made aware of the enrollment opportunities of the public charter school.

~~(t)~~ (u) A proposal for transportation services, ~~as required by section 33-5208(4), Idaho Code~~ including estimated first year cost.

~~(u)~~ (v) A plan for termination of the charter by the board of directors, to include:

- (i) Identification of who is responsible for dissolution of the charter school;
- (ii) A description of how payment to creditors will be handled;
- (iii) A procedure for transferring all records of students with notice to parents of how to request a transfer of student records to a specific school; and
- (iv) A plan for the disposal of the public charter school's assets.

(4) The public charter school commission may approve a charter for a public

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virtual school under the provisions of this chapter only if it determines that the petition contains the requirements of subsections (3), and ~~(4)~~ (5) of this section and the additional statements describing the following:

- (a) The learning management system by which courses will be delivered;
- (b) The role of the online teacher, including the consistent availability of the teacher to provide guidance around course material, methods of individualized learning in the online course and the means by which student work will be assessed;
- (c) A plan for the provision of professional development specific to the public virtual school environment;
- (d) The means by which public virtual school students will receive appropriate teacher-to-student interaction, including timely, frequent feedback about student progress;
- (e) The means by which the public virtual school will verify student attendance and award course credit. Attendance at public virtual schools shall focus primarily on coursework and activities that are correlated to the Idaho state thoroughness standards;
- (f) A plan for the provision of technical support relevant to the delivery of online courses;
- (g) The means by which the public virtual school will provide opportunity for student-to-student interaction; and
- (h) A plan for ensuring equal access to all students, including the provision of necessary hardware, software and internet connectivity required for participation in online coursework.

~~(4) (5) The petitioner shall provide information regarding the proposed operation and potential effects of the public charter school including, but not limited to, the facilities to be utilized by the public charter school, the manner in which administrative services of the public charter school are to be provided and the potential civil liability effects upon the public charter school and upon the authorized chartering entity.~~

~~(5) At least one (1) person among a group of petitioners of a prospective public charter school shall attend a public charter school workshop offered by the state department of education. The state department of education shall provide notice of dates and locations when workshops will be held, and shall provide proof of attendance to workshop attendees. Such proof shall be submitted by the petitioners to an authorized chartering entity along with the charter petition.~~

~~(6) The public charter school commission may approve a charter for a public virtual school under the provisions of this chapter only if it determines that the petition contains the requirements of subsections (3) and (4) of this section and the additional statements describing the following:~~

- ~~(a) The learning management system by which courses will be delivered;~~
- ~~(b) The role of the online teacher, including the consistent availability of the teacher to provide guidance around course material, methods of individualized learning in the online course and the means by which student work will be assessed;~~
- ~~(c) A plan for the provision of professional development specific to the public virtual school environment;~~
- ~~(d) The means by which public virtual school students will receive appropriate~~

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~~teacher-to-student interaction, including timely, frequent feedback about student progress;~~

~~(e) The means by which the public virtual school will verify student attendance and award course credit. Attendance at public virtual schools shall focus primarily on coursework and activities that are correlated to the Idaho state thoroughness standards;~~

~~(f) A plan for the provision of technical support relevant to the delivery of online courses;~~

~~(g) The means by which the public virtual school will provide opportunity for student-to-student interaction; and~~

~~(h) A plan for ensuring equal access to all students, including the provision of necessary hardware, software and internet connectivity required for participation in online coursework.~~

33-5205A.TRANSFER OF CHARTER. (1) A charter for a public charter school approved by the board of trustees of a local school district may be transferred to, and placed under the chartering authority of, the public charter school commission if the board of trustees of such local school district, the public charter school commission, and the board of directors of the public charter school all agree to such transfer, including any revision to the charter that may be required in connection with such transfer. A charter for a public charter school approved by the public charter school commission may be transferred to, and placed under the chartering authority of, the board of trustees of the local school district in which the public charter school is located if the public charter school commission, the board of trustees of such local school district, and the board of directors of the public charter school all agree to such transfer, including any revisions to the charter that may be required in connection with such transfer. A request to transfer a charter may be initiated by the board of directors of a public charter school or by the authorized chartering entity with chartering authority over the charter of such public charter school.

(2) A public charter school, ~~approved~~ authorized by the public charter school commission, which has a primary attendance area located within more than one (1) school district, may transfer the physical location of its public charter school within its primary attendance area to locate the facilities within the boundaries of another school district within the ~~approved~~ primary attendance area if the public charter school commission, the board of trustees of each of the relevant school districts and the board of directors of the public charter school all approve of such transfer of facilities location, and if the public charter school commission approves any revisions to the charter that may be required in connection with such transfer.

(3) If all parties fail to reach agreement in regard to the request to transfer a charter, as required herein, then the matter may be appealed directly to the state board of education. With respect to such appeal, the state board of education shall substantially follow the procedure as provided in section 33-5207(5)(b), Idaho Code. A transferred charter school shall not be considered a new public charter school, and shall not be subject to the limitations of section 33-5203(2), Idaho Code.

33-5206.REQUIREMENTS AND PROHIBITIONS UPON APPROVAL OF A PUBLIC CHARTER SCHOOL. (1) In addition to any other requirements imposed in this chapter, a public charter school shall be nonsectarian in its programs, affiliations, admission

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policies, employment practices, and all other operations, shall not charge tuition, levy taxes or issue bonds, and shall not discriminate against any student on any basis prohibited by the federal or state constitutions or any federal, state or local law. Admission to a public charter school shall not be determined according to the place of residence of the student, or of the student's parent or guardian within the district, except that a new or conversion public charter school established under the provisions of this chapter shall adopt and maintain a policy giving admission preference to students who reside within the primary attendance area of that public charter school. ~~The primary attendance area of a charter school, as described in the petition, shall be composed of compact and contiguous area. For the purposes of this section, if services are available to students throughout the state, the state of Idaho is considered a compact and contiguous area.~~

(2) No board of trustees shall require any employee of the school district to be involuntarily assigned to work in a public charter school.

(3) Certified teachers in a public charter school shall be considered public school teachers. Educational experience shall accrue for service in a public charter school and such experience shall be counted by any school district for any teacher who has been employed in a public charter school.

(4) Employment of charter school teachers and administrators shall be on written contract in form as approved by the state superintendent of public instruction, conditioned upon a valid certificate being held by such professional personnel at the time of entering upon the duties thereunder.

(5) No board of trustees shall require any student enrolled in the school district to attend a public charter school.

(6) Upon approval of the petition by the authorized chartering entity, the petitioner shall provide written notice of that approval, including a copy of the approved petition, to the state board of education. For the purpose of implementing the provisions of section 33-5203(2), Idaho Code, the state board of education shall assign a number to each petition it receives. Petitions shall be numbered based on the chronological order in which notice of the approved petition is received by the state board of education.

(7) Each public charter school shall annually submit a report to the authorized chartering entity which approved its charter. The report shall contain the audit of the fiscal and programmatic operations as required in section 33-5205(3)(k), Idaho Code, a report on student progress based on the public charter school's measurable student educational standards identified in section 33-5205(3)(b), Idaho Code, and a copy of the public charter school's accreditation report.

(8) A public charter school or the authorized chartering entity may enter into negotiations to revise its charter at any time. A public charter school may petition to revise its charter at any time. The authorized chartering entity's review of the revised petition shall be limited in scope solely to the proposed revisions. In those instances where a non-virtual public charter school submits a proposed charter revision to the public charter school commission and such revision includes a proposal to increase such public charter school's approved student enrollment cap by ten percent (10%) or more, the commission shall hold a public hearing on such petition. The public charter school commission shall provide the board of the local school district in which the public charter school is physically located, notice in writing of such hearing, no later than thirty (30) days prior to the hearing. The public hearing shall include any oral or written comments that an authorized representative of the school district in which the public

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charter school is physically located may provide regarding the impact of the proposed charter revision upon the school district. Such public hearing shall also include any oral or written comments that any petitioner may provide regarding the impact of the proposed charter revision upon such school district.

~~(8)~~ (9) When a charter is revoked pursuant to section 33-5209, Idaho Code, or the board of directors of the public charter school terminates the charter, the assets of the public charter school remaining after all debts of the public charter school have been satisfied must be returned to the authorized chartering entity for distribution in accordance with applicable law.

33-5207.CHARTER APPEAL PROCEDURE. (1) If a local school board of trustees, acting in its capacity as an authorized chartering entity, approves a petition for the conversion of an existing traditional public school within the school district over the objection of thirty (30) or more persons or employees of the district, or if an authorized chartering entity denies a petition for the establishment of a new public charter school for any reason including, but not limited to, failure by the petitioner to follow procedures or for failure to provide required information, then such decisions may be appealed to the state superintendent of public instruction within thirty (30) days of the date of the written decision, at the request of persons opposing the conversion of an existing traditional public school, or at the request of the petitioner whose request for a new charter was denied.

(2) The state superintendent of public instruction shall select a hearing officer to review the action of the authorized chartering entity, pursuant to section 67-5242, Idaho Code. The hearing officer shall, within thirty (30) days of receipt of the request, review the full record regarding the charter petition and convene a public hearing regarding the charter petition. Within ten (10) days of the public hearing, the hearing officer shall submit a written recommendation to the authorized chartering entity and to the persons requesting the review. The recommendation by the hearing officer either to affirm or reverse the decision of the authorized chartering entity shall be based upon the full record regarding the charter petition, including the standards and criteria contained in this chapter and upon any public charter school rules adopted by the state board of education. The recommendation shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the recommendations based on the applicable statutory provisions and factual information contained in the record.

(3) Within thirty (30) days following receipt of the hearing officer's written recommendation, the authorized chartering entity shall hold a meeting open to the public for the purpose of reviewing the hearing officer's written recommendation. Within ten (10) days of such meeting, the authorized chartering entity shall either affirm or reverse its initial decision. The authorized chartering entity's decision shall be in writing and contain findings which explain the reasons for its decision.

(4) If, upon reconsideration of a decision to approve the conversion of a traditional public school to a public charter school, the local school board:

- (a) Affirms its initial decision to authorize such conversion, the charter shall be approved and there shall be no further appeal.
- (b) Reverses its initial decision and denies the conversion, that decision is final and there shall be no further appeal.

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(5) If, upon reconsideration of a decision to deny a petition for a public charter school, the authorized chartering entity:

(a) Reverses its initial decision and approves the public charter school petition, there shall be no further appeal.

(b) Affirms its initial decision denying the public charter school petition, the board of directors of the nonprofit corporation identified in the petition may appeal to the state board of education. The state board of education shall hold a public hearing within a reasonable time after receiving notice of such appeal but no later than sixty (60) calendar days after receiving such notice, and after the public hearing, shall take any of the following actions: (i) approve or deny the petition for the public charter school, provided that the state board of education shall only approve the petition if it determines that the authorized chartering entity failed to appropriately consider the charter petition, or if it acted in an arbitrary manner in denying the petition; (ii) remand the matter back to the authorized chartering entity, which shall have authority to further review and act on such matter as directed by the state board of education; or (iii) redirect the matter to another authorized chartering entity for further review as directed by the state board of education. Such public hearing shall be conducted pursuant to procedures as set by the state board of education.

(6) A public charter school for which a charter is approved by the state board of education shall qualify fully as a public charter school for all funding and other purposes of this chapter. The public charter school commission shall assume the role of the authorized chartering entity for any charter approved by the state board of education as provided in subsection (5)(b) of this section. Employees of a public charter school approved by the state board of education shall not be considered employees of the local school district in which the public charter school is located, nor of the state board of education, nor of the commission.

(7) The decision of the state board of education shall be subject to review pursuant to chapter 52, title 67, Idaho Code. Nothing in this section shall prevent a petitioner from bringing a new petition for a public charter school at a later time.

(8) There shall be no appeal of a decision by a local school board of trustees which denies the conversion of an existing traditional public school within that district to a public charter school, or by an authorized chartering entity which approves a petition for a public charter school.

33-5208.PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT. Except as provided in subsection (8) of this section, from the state educational support program the state department of education shall make the following apportionment to each public charter school for each fiscal year based on attendance figures submitted in a manner and time as required by the department of education:

(1) Per student support. Computation of support units for each public charter school shall be calculated as if it were a separate school according to the schedules in section 33-1002(4), Idaho Code, except that public charter schools with fewer than one hundred (100) secondary ADA shall use a divisor of twelve (12) and the minimum units shall not apply, and no public charter school shall receive an increase in support units that exceeds the support units it received in the prior year by more than thirty (30). Funding from the state educational support program shall be equal to the total

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distribution factor, plus the salary-based apportionment provided in chapter 10, title 33, Idaho Code. Provided however, any public charter school that is formed by the conversion of an existing traditional public school shall be assigned divisors, pursuant to section 33-1002, Idaho Code, that are no lower than the divisors of the school district in which the traditional public school is located, for each category of pupils listed.

(2) Special education. For each student enrolled in the public charter school who is entitled to special education services, the state and federal funds from the exceptional child education program for that student that would have been apportioned for that student to the school district in which the public charter school is located.

(3) Alternative school support. Public charter schools may qualify under the provisions of sections 33-1002 and 33-1002C, Idaho Code, provided the public charter school meets the necessary statutory requirements, and students qualify for attendance at an alternative school as provided by rule of the state board of education.

(4) Transportation support. Support shall be paid to the public charter school as provided in chapter 15, title 33, Idaho Code, and section 33-1006, Idaho Code. Each public charter school shall furnish the department with an enrollment count as of the first Friday in November, of public charter school students who are eligible for reimbursement of transportation costs under the provisions of this subsection and who reside more than one and one-half (1 1/2) miles from the school. ~~For charter schools in the initial year of operation, the petition shall include a proposal for transportation services with an estimated first year cost.~~ The state department of education is authorized to include in the annual appropriation to the charter school sixty percent (60%) of the estimated transportation cost. The final appropriation payment in July shall reflect reimbursements of actual costs pursuant to section 33-1006, Idaho Code. To be eligible for state reimbursement under the provisions of section 33-1006, Idaho Code, the student to be transported must reside within the public charter school's primary attendance zone area, and must meet at least one (1) of the following two (2) criteria:

- (a) The student resides within the school district in which the public charter school is physically located; or
- (b) The student resides within fifteen (15) miles of the public charter school, by road.

The limitations placed by this subsection on the reimbursement of transportation costs for certain students shall not apply to public virtual schools.

(5) Payment schedule. The state department of education is authorized to make an advance payment of twenty-five percent (25%) of a public charter school's estimated annual apportionment for its first year of operation, and each year thereafter, provided the public charter school has an increase of student population in any given year of twenty (20) students or more, to assist the school with initial start-up costs or payroll obligations.

- (a) For a ~~state~~ public charter school to receive the advance payment, the school shall submit its anticipated fall membership for each grade level to the state department of education by June 1.
- (b) Using the figures provided by the public charter school, the state department of education shall determine an estimated annual apportionment from which the amount of the advance payment shall be calculated. Advance payment shall be made to the school on or after July 1 but no later than July 31.
- (c) All subsequent payments, taking into account the one-time advance payment made for the first year of operation, shall be made to the public charter school in

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the same manner as other traditional public schools in accordance with the provisions of section 33-1009, Idaho Code.

A public charter school shall comply with all applicable fiscal requirements of law, except that the following provisions shall not be applicable to public charter schools: section 33-1003B, Idaho Code, relating to guaranteed minimum support; that portion of section 33-1004, Idaho Code, relating to reduction of the administrative and instructional staff allowance when there is a discrepancy between the number allowed and the number actually employed; and section 33-1004E, Idaho Code, for calculation of district staff indices.

(6) Nothing in this chapter shall be construed to prohibit any private person or organization from providing funding or other financial assistance to the establishment or operation of a public charter school.

(7) Nothing in this chapter shall prevent a public charter school from applying for federal grant moneys.

~~(8) (a) For the period July 1, 2003, through June 30, 2005, all public virtual schools shall be assigned divisors, pursuant to section 33-1002, Idaho Code, that are no higher than the median divisor shown for each respective category of pupils, among the possible divisors listed, for each respective category of pupils that contains more than one (1) divisor. If there is an even number of possible divisors listed for a particular category of pupils, then the lesser of the two (2) median divisors shall be used. For the period July 1, 2005, through June 30, 2007, all public virtual schools shall be assigned divisors, pursuant to section 33-1002, Idaho Code, that are no higher than the second highest divisor shown, among the possible divisors listed, for each respective category of pupils that contains more than one (1) divisor. The divisor provisions contained herein shall only be applicable to the number of pupils in average daily attendance in such public virtual schools for the period July 1, 2003, through June 30, 2004. If the number of pupils in average daily attendance in any particular category of pupils increases, during the period July 1, 2004, through June 30, 2005, to a number above that which existed in the prior fiscal year, then those additional pupils in average daily attendance shall be assigned the divisor, pursuant to section 33-1002, Idaho Code, that would have otherwise been assigned to the school district or public charter school had this section not been in force.~~

~~(b) Each student in attendance at a public virtual school shall be funded based upon either the actual hours of attendance in the public virtual school on a flexible schedule, or the percentage of coursework completed, whichever is more advantageous to the school, up to the maximum of one (1) full-time equivalent student.~~

~~(e)(b) All federal educational funds shall be administered and distributed to public charter schools, including public virtual schools, that have been designated by the state board of education as a local education agency (LEA), as provided in section 33-5203(7), Idaho Code.~~

(9) Nothing in this section prohibits separate face-to-face learning activities or services.

(10) The provisions of section 33-1021, Idaho Code, shall apply to public charter schools provided for in this chapter.

33-5209.ENFORCEMENT -- REVOCATION -- APPEAL. (1) An authorized chartering

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~~entity shall ensure that all public charter schools for which it approved petitions, or for which it has responsibility, operate in accordance with the approved charter. A public charter school or the authorized chartering entity may enter into negotiations to revise its charter at any time. A public charter school may petition to revise its charter at any time. The authorized chartering entity's review of the revised petition shall be limited in scope solely to the proposed revisions. In those instances where a non-virtual public charter school submits a proposed charter revision to the public charter school commission and such revision includes a proposal to increase such public charter school's approved student enrollment cap by ten percent (10%) or more, the commission shall hold a public hearing on such petition. The public charter school commission shall provide the board of the local school district in which the public charter school is physically located, notice in writing of such hearing, no later than thirty (30) days prior to the hearing. The public hearing shall include any oral or written comments that an authorized representative of the school district in which the public charter school is physically located may provide regarding the impact of the proposed charter revision upon the school district. Such public hearing shall also include any oral or written comments that any petitioner may provide regarding the impact of the proposed charter revision upon such school district.~~

(2) If the authorized chartering entity has reason to believe that the public charter school has done any of the following, it shall provide the public charter school written notice of the defect and provide a reasonable opportunity to cure the defect:

- (a) Committed a material violation of any condition, standard or procedure set forth in the approved charter;
- (b) Failed to substantially meet any of the student educational standards identified in the approved charter;
- (c) Failed to meet generally accepted accounting standards of fiscal management;
- (d) Failed to demonstrate fiscal soundness. In order to be fiscally sound, the public charter school must be:
 - (i) Fiscally stable on a short-term basis, that is, able to service all upcoming obligations; and
 - (ii) Fiscally sustainable as a going concern, that is, able to reasonably demonstrate its ability to service any debt and meet its financial obligations for the next fiscal year;
- (e) Failed to submit required reports to the authorized chartering entity governing the charter; or
- (f) Violated any provision of law.

(3) A charter may be revoked by the authorized chartering entity if the public charter school has failed to cure a defect after receiving reasonable notice and having had a reasonable opportunity to cure the defect. Revocation may not occur until the public charter school has been afforded a public hearing and a reasonable opportunity to cure the defect, unless the authorized chartering entity reasonably determines that the continued operation of the public charter school presents an imminent public safety issue, in which case the charter may be revoked immediately. Public hearings shall be conducted by the governing authorized chartering entity, or such other person or persons appointed by the authorized chartering entity to conduct public hearings and receive evidence as a contested case in accordance with section 67-5242, Idaho Code. Reasonable notice and opportunity to reply shall include, at a minimum, written notice setting out the basis for consideration of revocation, a period of not less than thirty (30)

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days within which the public charter school can reply in writing, and a public hearing within thirty (30) days of the receipt of the written reply.

(4) A decision to revoke a charter or to deny a revision of a charter may be appealed directly to the state board of education. With respect to such appeal, the state board of education shall substantially follow the procedure as provided in section 33-5207(5)(b), Idaho Code. In the event the state board of education reverses a decision of revocation, the public charter school subject to such action shall then be placed under the chartering authority of the commission.

33-5210.APPLICATION OF SCHOOL LAW -- ACCOUNTABILITY -- EXEMPTION FROM STATE RULES. (1) All public charter schools are under the general supervision of the state board of education.

(2) Every authorized chartering entity that approves a charter shall be responsible for ensuring that each public charter school program approved by that authorized chartering entity meets the terms of the charter, complies with the general education laws of the state unless specifically directed otherwise in this chapter 52, title 33, Idaho Code, and operates in accordance with the state educational standards of thoroughness as defined in section 33-1612, Idaho Code.

(3) Each charter school shall comply with the financial reporting requirements of section 33-701, subsections 5. through 10., Idaho Code, in the same manner as those requirements are imposed upon school districts.

(4) Each public charter school is otherwise exempt from rules governing school districts which have been promulgated by the state board of education, with the exception of state rules relating to:

(a) Waiver of teacher certification as necessitated by the provisions of section 33-5205(3)(g), Idaho Code;

(b) Accreditation of the school as necessitated by the provisions of section 33-5205(3)(e), Idaho Code;

(c) Qualifications of a student for attendance at an alternative school as necessitated by the provisions of section 33-5208(3), Idaho Code;

(d) The requirement that all employees of the school undergo a criminal history check as required by section 33-130, Idaho Code; and

(e) All rules which specifically pertain to public charter schools promulgated by the state board of education. Public charter schools authorized by the public charter school commission are also subject to rules promulgated by the public charter school commission.

~~33-5211.ASSISTANCE WITH PETITIONS~~ — TECHNICAL SUPPORT AND INFORMATION. (1) The state department of education shall provide technical assistance to persons or groups preparing or revising charter petitions—, and to existing public charter schools in the same manner as such assistance is provided to traditional public schools and school districts.

(2) Upon request, the state department of education shall provide the following information concerning a public charter school whose petition has been approved:

(a) The public charter school's petition.

(b) The annual audit performed at the public charter school pursuant to the public charter school petition.

(c) Any written report by the state board of education to the legislature reviewing

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the educational effectiveness of public charter schools.

(3) At least one (1) person among a group of petitioners of a prospective public charter school shall attend a public charter school workshop offered by the state department of education. The state department of education shall provide notice of dates and locations when workshops will be held, and shall provide proof of attendance to workshop attendees. Such proof shall be submitted by the petitioners to an authorized chartering entity along with the charter petition.

(4) Prior to submission of a petition for a new or conversion public charter school to an authorized chartering entity, the state department of education must conduct a sufficiency review of the petition and provide to the petitioners, in writing, the findings of such review.

33-5213.PUBLIC CHARTER SCHOOL COMMISSION. (1) There is hereby created an independent public charter school commission, referred to hereinafter as the commission, to be located in the office of the state board of education, pursuant to section 33-105, Idaho Code. It shall be the responsibility and duty of the executive director of the state board of education acting at the direction of the commission to administer and enforce the provisions of this chapter, and the director or his designee, shall serve as secretary to the commission.

(2) The public charter school commission shall adopt rules, subject to law, regarding the governance and administration of the commission.

(3) The commission shall be composed of seven (7) members:

(a) Three (3) members shall be current or former members of boards of directors of Idaho public charter schools, and shall be appointed by the governor, subject to the advice and consent of the senate; provided however, that no current board member of a public charter school authorized by the commission shall be eligible for appointment;

(b) Three (3) members shall be current or former trustees of an Idaho school district, and shall be appointed by the governor, subject to the advice and consent of the senate; and

(c) One (1) member shall be a member of the public at large not directly associated with the Idaho public education system, and shall be appointed by the governor, subject to the advice and consent of the senate.

~~For the purpose of establishing staggered terms of office, the The initial term of office for three (3) commission members shall be four (4) years and thereafter shall be four (4) years; the initial term of office for two (2) members shall be three (3) years and thereafter shall be four (4) years; and the initial term of office for two (2) members shall be two (2) years and thereafter shall be four (4) years.~~ In making such appointments, the governor shall consider regional balance. Members of the commission shall hold office until the expiration of the term to which the member was appointed and until a successor has been duly appointed, unless sooner removed for cause by the appointing authority. Whenever a vacancy occurs, the appointing authority shall appoint a qualified person to fill the vacancy for the unexpired portion of the term.

(4) All members of the commission shall be citizens of the United States and residents of the state of Idaho for not less than two (2) years.

(5) The members of the commission shall, at their first regular meeting following the effective date of this act, and every two (2) years thereafter, elect, by a majority vote of the members of the commission, a chairman and a vice-chairman. The chairman

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shall preside at meetings of the commission, and the vice-chairman shall preside at such meetings in the absence of the chairman. A majority of the members of the commission shall constitute a quorum. The commission shall meet at such times and places as determined to be necessary and convenient, or at the call of the chair.

(6) Each member of the commission not otherwise compensated by public moneys shall be compensated as provided in section 59-509(h), Idaho Code.

33-5215.PROFESSIONAL-TECHNICAL REGIONAL PUBLIC CHARTER SCHOOL. (1) A professional-technical regional public charter school is hereby declared to be a public charter school and as such, the provisions of chapter 52, title 33, Idaho Code, shall apply to each professional-technical regional public charter school in the same manner and to the same extent as the provisions of charter school law apply to other public charter schools, with the exception of certain conditions and applications as specifically provided in this section.

(2) In addition to the approval provisions of this chapter, approval of a professional-technical regional public charter school by an authorized chartering entity shall not be final until the petition has also been reviewed by the division of professional-technical education.

(3) Funding for a professional-technical regional public charter school shall be the same as provided in section 33-5208, Idaho Code, except that:

(a) The salary-based apportionment for a professional-technical regional public charter school shall be the statewide average index for public charter schools. Such salary-based apportionment may be used for payment of contracted services or for direct hire of staff;

(b) The board of directors may contract for the services of certificated and noncertificated personnel, to procure the use of facilities and equipment, and to purchase materials and equipment, which in the judgment of the board of directors is necessary or desirable for the conduct of the business of the professional-technical regional public charter school; and

(c) Transportation support shall be paid to the professional-technical regional public charter school in accordance with the provisions of chapter 15, title 33, Idaho Code.

(4) A professional-technical regional public charter school shall provide assurances in state attendance reports that it has verified attendance reports, which generate ADA with its participating school districts, to make certain that the districts and the charter school do not duplicate enrollment or ADA claims.

33-5216.PUBLIC POSTSECONDARY INSTITUTIONS -- PUBLIC CHARTER HIGH SCHOOLS. (1) Any public postsecondary institution located in this state is hereby authorized to operate a public charter high school in Idaho. The provisions of chapter 52, title 33, Idaho Code, shall apply to each such public charter high school in the same manner and to the same extent as the provisions of charter school law apply to other public charter schools, with the exception of certain conditions and applications as specifically provided in this section.

(2) With the consent of the state board of education, a public postsecondary institution may petition to establish a public charter high school to the public charter school commission or to the local board of trustees.

(3) The president or chief executive officer of such postsecondary institution, or

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his designee(s), shall serve as the board of trustees of any public charter high school opened for educational instruction pursuant to this section.

(4) For the purposes of this section, the term "high school" means a school serving any grades from ninth grade or higher.

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33-5203.AUTHORIZATION -- LIMITATIONS. (1) The creation of public charter schools is hereby authorized. Public charter schools shall be part of the state's program of public education.

(2) The number of new public charter schools which may begin educational instruction ~~in any one (1) school year~~ shall be limited ~~in number~~ in accordance with the following:

~~(a) Not more than six (6) new public charter schools may begin educational instruction in any one (1) school year, and~~

~~(b) Not more than one (1) new public charter school may begin educational instruction that is physically located within any one (1) school district in any one (1) school year, and~~

~~(c) (a) No whole school district may be converted to a charter district or any configuration which includes all schools as public charter schools, and~~

~~(d) Public virtual charter schools approved by the public charter school commission are not included in paragraph (b) of this subsection, and~~

~~(e) The transfer of a charter for a school already authorized pursuant to section 33-5205A, Idaho Code, is not included in the limit on the annual number of public charter schools approved to begin educational instruction in any given school year as set forth in paragraph (a) of this subsection, and~~

~~(f) (b) A petition must be received by the initial authorized chartering entity no later than September 1 to be eligible to begin instruction the first complete school year following receipt of the petition, and~~

~~(g) (c) To begin operations, a newly-chartered public school must be authorized by no later than January 1 of the previous school year.~~

(3) A public charter school may be formed either by creating a new public charter school, which charter may be approved by any authorized chartering entity, or by converting an existing traditional public school to a public charter school, which charter may only be approved by the board of trustees of the school district in which the existing public school is located.

(4) No charter shall be approved under this chapter:

(a) Which provides for the conversion of any existing private or parochial school to a public charter school.

(b) To a for-profit entity or any school which is operated by a for-profit entity, provided however, nothing herein shall prevent the board of directors of a public charter school from legally contracting with for-profit entities for the provision of products or services that aid in the operation of the school.

(c) By the board of trustees of a school district if the public charter school's physical location is outside the boundaries of the authorizing school district. The limitation provided in this subsection (4)(c) does not apply to a home-based public virtual school.

(5) A public virtual school charter may be approved by the public charter school commission. In addition, a charter may also be approved by the state board of education pursuant to section [33-5207](#)(5)(b), Idaho Code.

(6) The state board of education shall adopt rules, subject to law, to establish a consistent application and review process for the approval and maintenance of all public charter schools.

(7) The state board of education shall be responsible to designate those public charter schools that will be identified as a local education agency (LEA) as such term is

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defined in 34 CFR 300.18; however, only public charter schools chartered by the board of trustees of a school district may be included in that district's LEA.

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TITLE 33
EDUCATION
CHAPTER 21
JUNIOR COLLEGES

33-2110A. TUITION OF OUT OF DISTRICT IDAHO STUDENTS, COUNTY TAXES AND OTHER FINANCIAL SUPPORT. (1) Any student residing in the area of a county outside of a community college district or in a county without a community college district, who has been a resident of the county and state as defined by section [33-2110B](#), Idaho Code, immediately prior to the date of his first enrollment in a community college, which residence may not be acquired while attending and enrolled in a community college, may enroll in any community college in the state, and the county of his residence shall pay that portion of his tuition as hereinafter set out. The tuition which shall be paid by the resident county shall be that portion of the tuition uniformly established by a community college district for all out of district students, both in state as well as out of state, pursuant to section [33-2110](#), Idaho Code, after deducting therefrom the amount of tuition paid by a resident student at the community college; however, the liability of the resident county shall not exceed two-thirds (2/3) of the total tuition and fees charged and in no instance shall it exceed ~~five hundred one thousand~~ dollars (\$~~51,000~~) each semester for a two (2) semester year for a full-time student. The student shall pay the tuition and fees charged a student resident in the district, and the balance, if any, of the nonresident student tuition above the maximum liability of the county of his residence. No county shall be liable for out of district tuition unless the board of county commissioners of that county has first verified to the community college in writing the fact that the student is a resident of the county. Upon verification, the county shall thereafter be liable for the out of district tuition so long as the student is duly enrolled and attending the college subject to the following limitations:

(a) Liability shall be the term of the curriculum for which the student is enrolled, with a maximum lifetime liability of ~~three six~~ thousand dollars (\$~~36,000~~) ~~and~~:-

(b) Liability shall terminate if the student's domiciliary residence changes and that change continues for twelve (12) months.

(2) The nonresident tuition shall be established annually not later than August 1 and shall be forthwith filed with the state board of education, together with a statement supporting the computation thereof. Each community college, by October 15 and March 15 of each year, shall bill the county of residence of each nonresident student enrolled at the commencement of each semester, and each board of county commissioners shall allow and order paid any bill for tuition at the first regular meeting following receipt of the bill, but not exceeding forty-five (45) days after receipt. Upon failure of a county to pay the tuition, a community college district may commence action in the district court of the state of Idaho for the county to collect the same.

(3) For the payment of tuition of nonresident students as herein provided, there shall be allocated in each county without a community college district to a county community college fund, and paid to the county treasurer to be held in that fund, fifty percent (50%) of all moneys apportioned to the county out of liquor funds of the state of Idaho as set forth in [chapter 4, title 23](#), Idaho Code, and that amount shall be deducted from the amount that would otherwise be allocated to the county; and if liquor funds are not sufficient to pay the tuition, ~~commencing for the calendar year 1966~~, the board of county commissioners shall levy upon the taxable property within each county without a

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community college district, and, in a county with such a district, upon the taxable property within the county lying outside of the community college district, a property tax not to exceed six hundredths percent (.06%) of market value for assessment purposes, to be certified as set out in section [33-2111](#), Idaho Code. The proceeds of the levy shall be placed in the county community college fund.

~~Apportionment of liquor funds herein provided shall commence for the fiscal quarter ending September 30, 1965, and accruing during that quarter.~~

(4) Based upon the enrollment established by the first semester's tuition bills received by October 15, the board of county commissioners shall establish immediately a total community college annual tuition budget for two (2) semesters which shall be equal to twice the amount of the tuition bills plus a contingency factor of ten percent (10%). This budget shall be adjusted after March 15 based on any change of enrollment shown by the second semester tuition bills. If enrollment is from zero to not more than four (4) students, a minimum budget of five (5) students at five hundred dollars (\$500) each shall be established. In the event all tuition bills received have been paid, notwithstanding any other provision hereof, (a) any liquor funds received, which in the quarter when received to any extent are in excess of the budget, to the extent of that excess shall not be paid over to the county treasurer to be held in the community college fund, and (b) any funds received from the levy on taxable property, which when received to any extent are in excess of the budget after the application of liquor funds thereto, to the extent of that excess shall not be paid over to the community college fund. Excess liquor funds shall be paid pursuant to law as if this section were not applicable and excess funds shall be paid to the general fund of the county. In the event the total liquor fund payable hereunder to the county community college fund together with the receipts from the levy on taxable property for each fiscal year are insufficient to pay tuition bills, which deficiency is caused by a levy of less than the maximum allowed hereunder, or by enrollment in excess of the budget herein provided, the budget for each following year shall be increased to the maximum allowed by the maximum tax levy authorized to pay any deficiency at the earliest time. If the deficiency is due to the lack of funds in a fiscal year when the maximum levy authorized shall have been made, for the next fiscal year thereafter the number of students from that county shall be limited by the board of county commissioners to the extent necessary to pay the deficiency not later than the end of the following year. ~~Provided nevertheless, for the two (2) semesters commencing September, 1965, the board of county commissioners shall limit the community college budget and total students to estimated liquor funds available on quarterly disbursements through June 30, 1966.~~ Any limitation of students authorized shall be accomplished (a) on the basis of student grades and financial need, and (b) by each community college notifying the county of residence of each student's application and the county shall accept or reject the application at least five (5) days prior to the tuition billing dates set out herein. A community college shall nevertheless have a right to require any student residing outside the district to pay nonresident tuition if the county of his residence is more than twenty-five percent (25%) in arrears of a total county tuition bill for one (1) year as of the beginning of the subsequent semester, but tuition shall be refunded to such students when paid by the county.