

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
OCTOBER 18, 2012**

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1	LEWIS-CLARK STATE COLLEGE ANNUAL REPORT	Information Item
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4	IDAHO DIGITAL LEARNING ACADEMY ANNUAL REPORT	Information Item
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6	2013 LEGISLATION	Motion to Approve
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8	PRESIDENT APPROVED ALCOHOL PERMITS	Information Item

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**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
OCTOBER 18, 2012**

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/DISCUSSION

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

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.

ATTACHMENT

Attachment 1 – Outline of LCSC Progress Report

Page 3

BOARD ACTION

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LCSC Progress Report

Tony Fernández

October 17, 2012

Lewis-Clark
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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 local and state economy and other educational programs designed to meet the needs of Idahoans.

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Core Themes

Connecting Learning to Life through

- Academic Programs
- Professional-Technical Programs
- Community Programs

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LCSC Planning Background

- LCSC's planning 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

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LCSC 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

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LCSC Strategic Initiatives

- PG-09: Faculty/Staff Compensation
- PG-15: NWCCU Accreditation
- PG-18: Course Fees
- PG-25: Developmental Courses
- PG-45: Student Health Services
- PG-29: Coeur d'Alene Long Range Planning
- PG-48: General Education Core Review
- PG-63: Strategic Enrollment Management

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Legislative Requests for FY2014

- Employee salaries (CEC)
- Enrollment Workload Adjustment (EWA)
- Inflation (utilities, contracts, Library)
- Capital Equipment Replacement

Lewis-Clark
S T A T E
C O L L E G E

Legislative Requests for FY2014

Complete College Idaho (CCI) initiatives

- CCI #1: Access
- CCI #2: Remediation Reform and Gen Ed

Lewis-Clark
S T A T E
C O L L E G E

LCSC FY14 PBF Requests

Capital Projects

- Joint Facility (LC-UI-NIC) in Coeur d' Alene

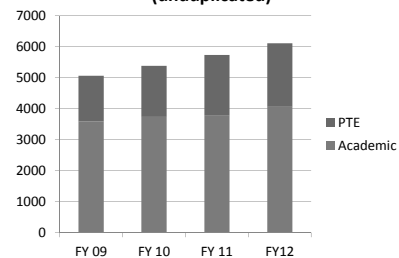
Alteration & Repair Projects

- Silverthorne upgrades + ADA
- Library computer server room fire system & HVAC
- Reid Centennial Hall chiller system
- Student Union Building roof
- Library chiller system
- Sam Glenn Complex Roof

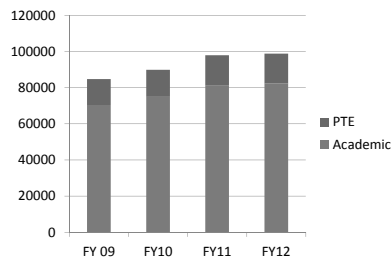
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Annual Enrollment

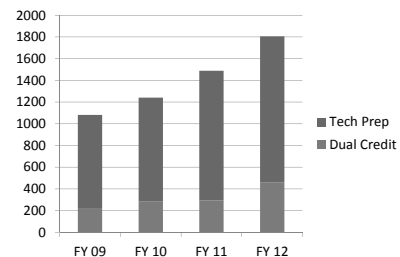
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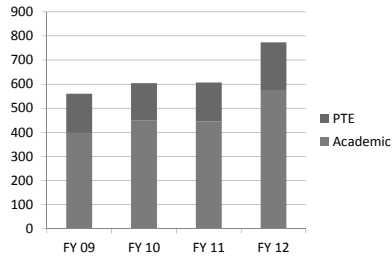
Student Credit Hours



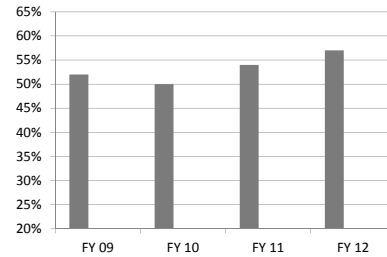
Pre-College Headcount



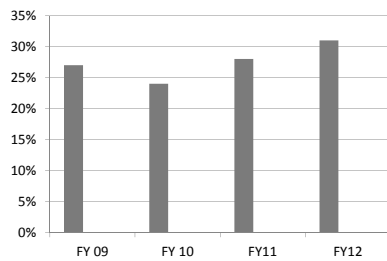
Degrees/Certificates Awarded



Retention Rate



Graduation Rate



Fall 2012 Enrollment

(10th Day)

• Total Enrollment	4652
• FTE	3215
• Freshman	907
• Pre-College	1060
• International	90

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Instructional Programs

- NCLEX-RN first-time pass rate 89%
- ARRT Radiologic Technology pass rate 100%
- Solid performance on teacher Praxis exams: 90% first-time pass rate
- Social Work Licensure first-time pass rate 88%
- Professional-Technical programs meeting workforce needs, positive placement rate 91%

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Outreach

- Community programs mission provided non-credit courses reaching thousands of citizens in the region



- Small Business Development Center (SBDC) served approximately 281 client businesses throughout the region
 - Provided approximately 2,040 consulting hours
 - Helped small businesses acquire and execute in loans
- SBDC provided approximately 46 customized training workshops to support economic development throughout Region II

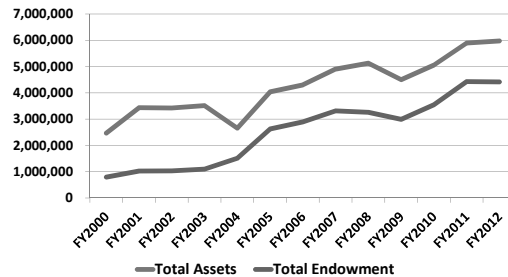
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Outreach

- LCSC ABE/GED programs produced 337 graduates last year.
- Excellent collaboration with Department of Correction
 - GED programs with Cottonwood (NICI) and Orofino (ICIO)
 - Special Education programs for inmates
 - Basic literacy and ELL 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

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Advancement



Research, Grants and Contracts

Existing grants providing \$11,000,000 direct support for Complete College Idaho:

- Access
 - Educational Talent Search
- Student Success/Retention/Completion
 - TRIO Academic Services, Albertson Student Success Program, LC Service Corps AmeriCorps
- Career Ready
 - NSF Advanced Technology Education, CAD/CAM computers and Truck Alignment System through RBEG

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LCSC Goals FY 2013

- Complete the LCSC Comprehensive 5-Year Strategic Plan.
- Continue “Campaign LCSC” and start the public phase.
- Continue to bring faculty and staff CEC further in line with accepted standards.
- Implement the second phase of Northwest Commission of Colleges and Universities accreditation process.
- Update student services within the LCSC organization.

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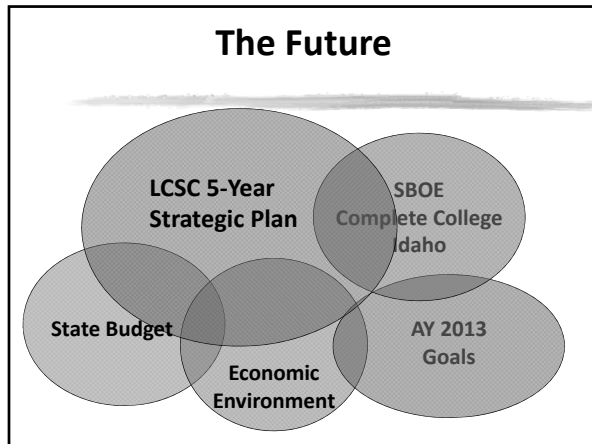
LCSC Goals FY 2013 (con’t)

- Expand credentials that will contribute to the SBOE 60% goal.
- Collaborate with other universities and colleges to increase access, opportunities, and success in higher education.
- Expand opportunities to meet the needs of local industry through credit and non-credit educational programs.
- Improve student recruitment, retention, and completion.

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PRESIDENTS' COUNCIL

SUBJECT

Presidents' Council Report

BACKGROUND/DISCUSSION

President Bert Glandon, College of Western Idaho President, and current chair of the Presidents' Council will give the report from the most recent Presidents' Council meeting and answer questions.

The Presidents' Council met on September 4th, 2012. Items covered at this meeting included:

- Bonding for Deferred Maintenance
- Learning Outcomes
- Comparison of the Metrics for the Voluntary Framework of Accountability
- State-wide regent's degree: Connie Broughton from Washington State presented on Washington's program. Kathy Butler and Mark Stotler from West Virginia presented on West Virginia's programs.
- Reciprocity Agreements and out of state tuition waivers
- GED Program changes update

BOARD ACTION

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

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IDAHO DIVISION OF VOCATIONAL REHABILITATION

SUBJECT

Idaho Division of Vocational Rehabilitation (IDVR) Annual Report

APPLICABLE STATUTE, RULE, OR POLICY

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

BACKGROUND/DISCUSSION

This agenda item fulfills the Board's requirement for IDVR to provide a progress report on the agency's strategic plan, details of implementation, status of goals and objectives and information on other points of interest in accordance with a schedule and format established by the Board's Executive Director.

Don Alveshire, Administrator of the Division of Vocational Rehabilitation, will provide an overview of IDVR's progress in carrying out the agencies strategic plan.

ATTACHMENTS

Attachment 1 – Presentation

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BOARD ACTION

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IDAHO DIVISION OF VOCATIONAL REHABILITATION

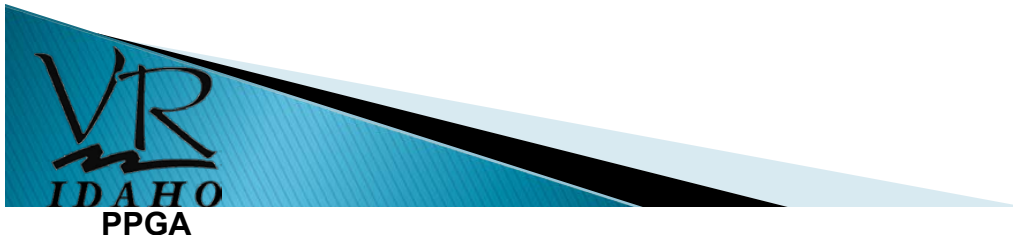
State Board of Education Presentation

October 2012

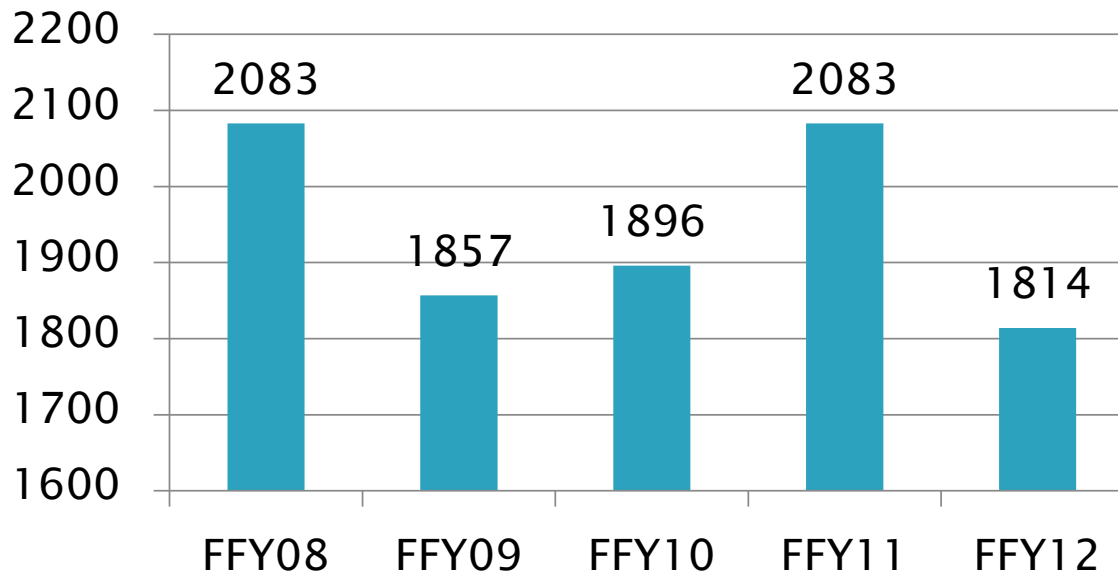


2012 VR Accomplishments

- ▶ Implemented WorkStrides program for IDVR customers.
- ▶ Completion of Motivational Interviewing training by all field staff.
- ▶ Increased counselor focus on active customer cases.
- ▶ Increased average wage rate for rehabilitated customers from \$10.66 in FFY 2011 to \$10.80 in FFY 2012.
- ▶ Met five out of seven federal indicators.



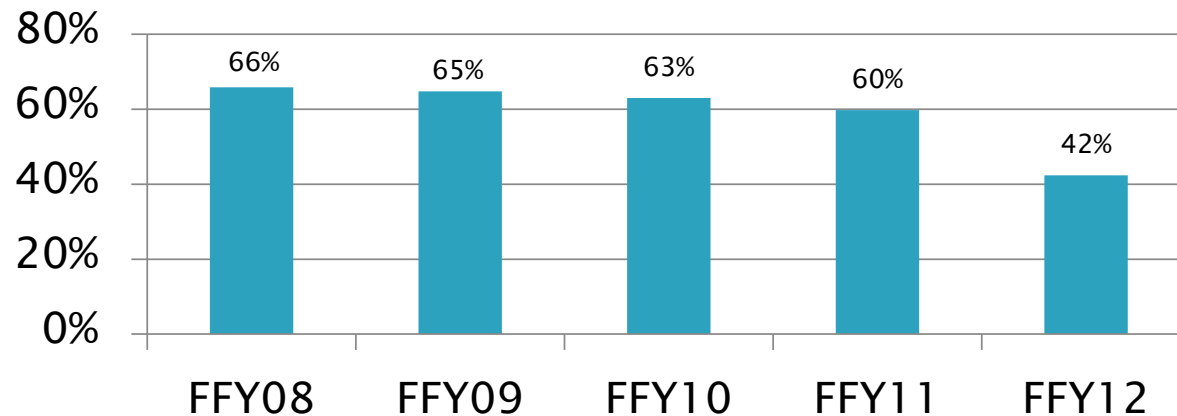
Successful Rehabilitations



In FFY 2012, VR achieved 96% of its state established outcome of 1880 successful case closures. Federal benchmark is to meet the number of previous year rehabilitations or exceed by one (1).

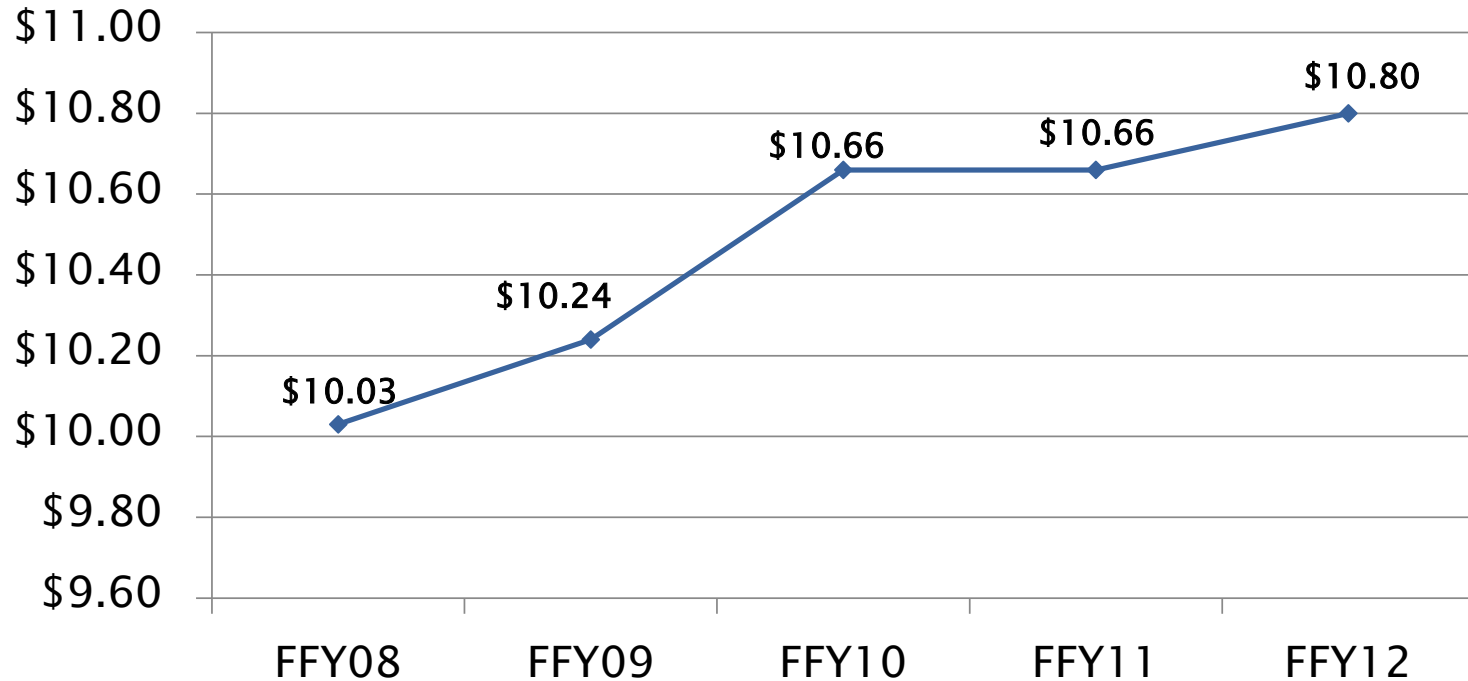
Rehabilitation Percentage

Federal Indicator: 55.8% of individuals who exit the VR program after receiving services who are determined to have achieved an employment outcome*



*In 2012, VRC's began focusing significant service time to customers with active cases, resulting in an overall lower rehabilitation rate than previous years.

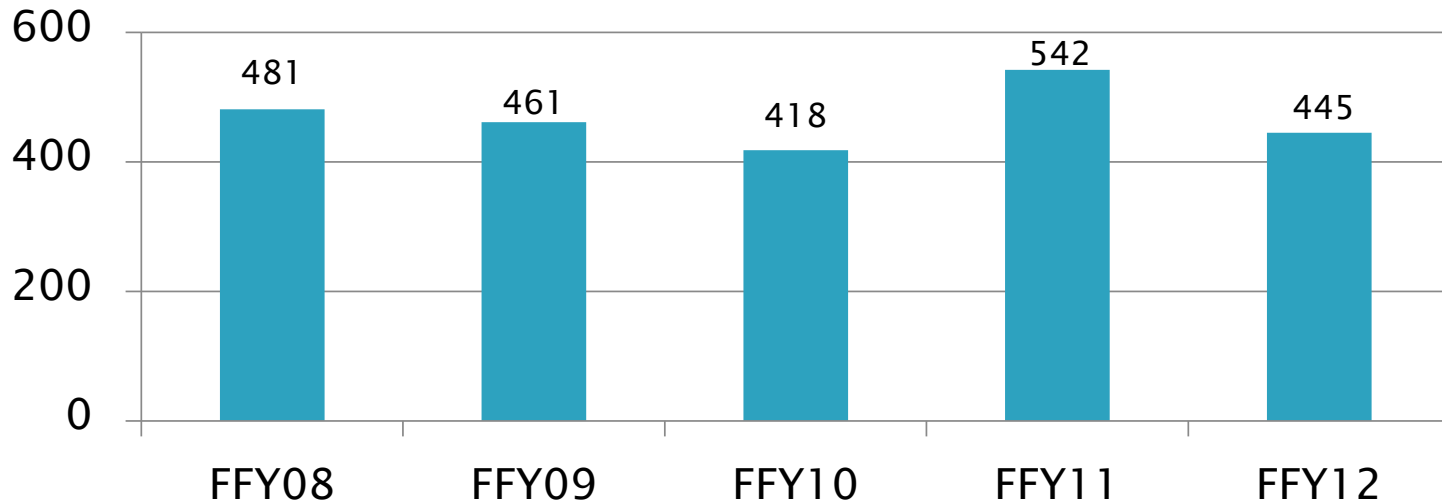
VR Customer Average Hourly Wage



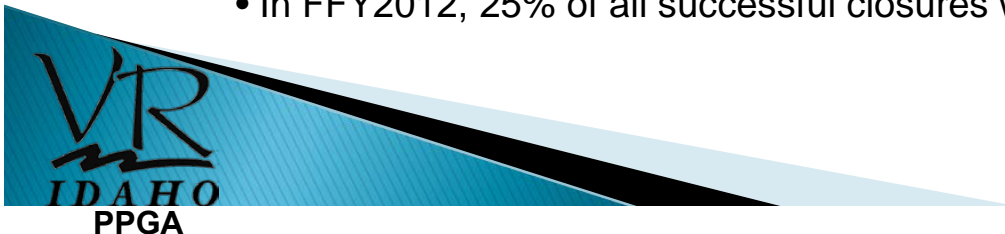
- VR customers consistently demonstrate an increase in wage-earning capacity after VR services.
- VR customers earn 64% of the average state wage (\$17.13).
- Federal benchmark is 52%.

Corrections

Measurement: The number of individuals involved with the correctional system exiting the VR program who achieved an employment outcome (benchmark: 400 per year).

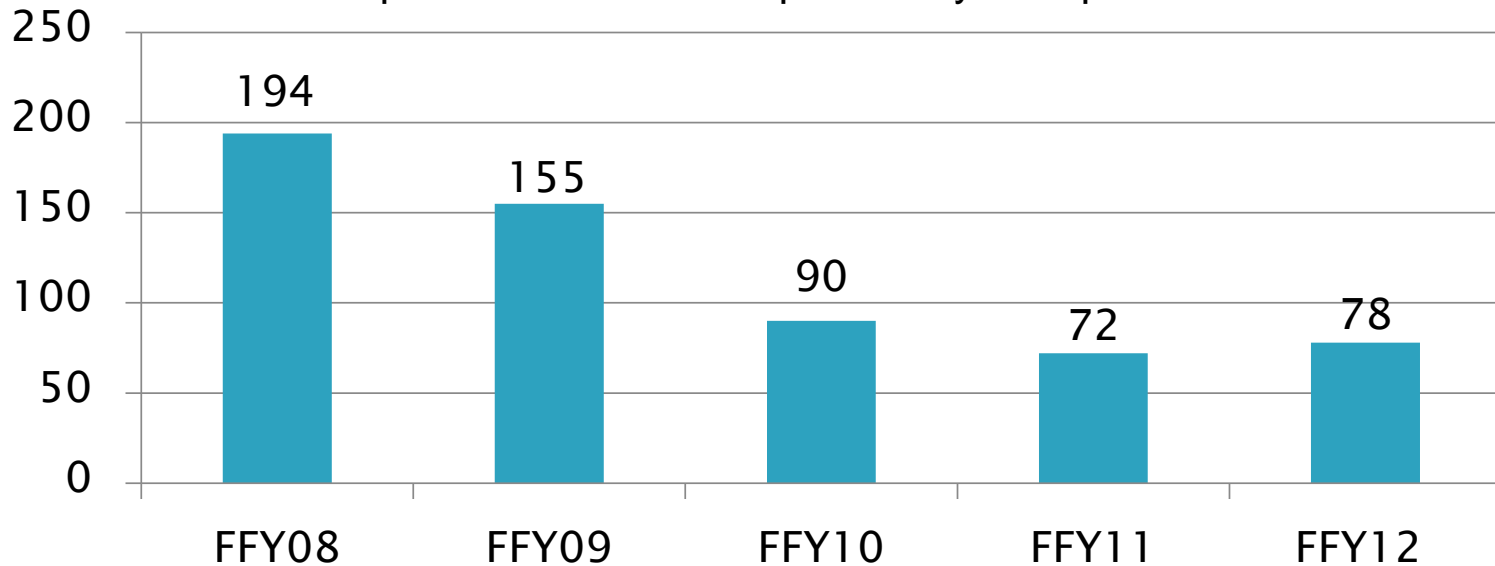


- Continued commitment in working with customers on probation or parole.
- Reduction in recidivism and positive impact on communities.
- Continued partnership with IDOC, including \$100,000 in funding assistance.
- In FFY2012, 25% of all successful closures were corrections customers.



Supported Employment Rehabs

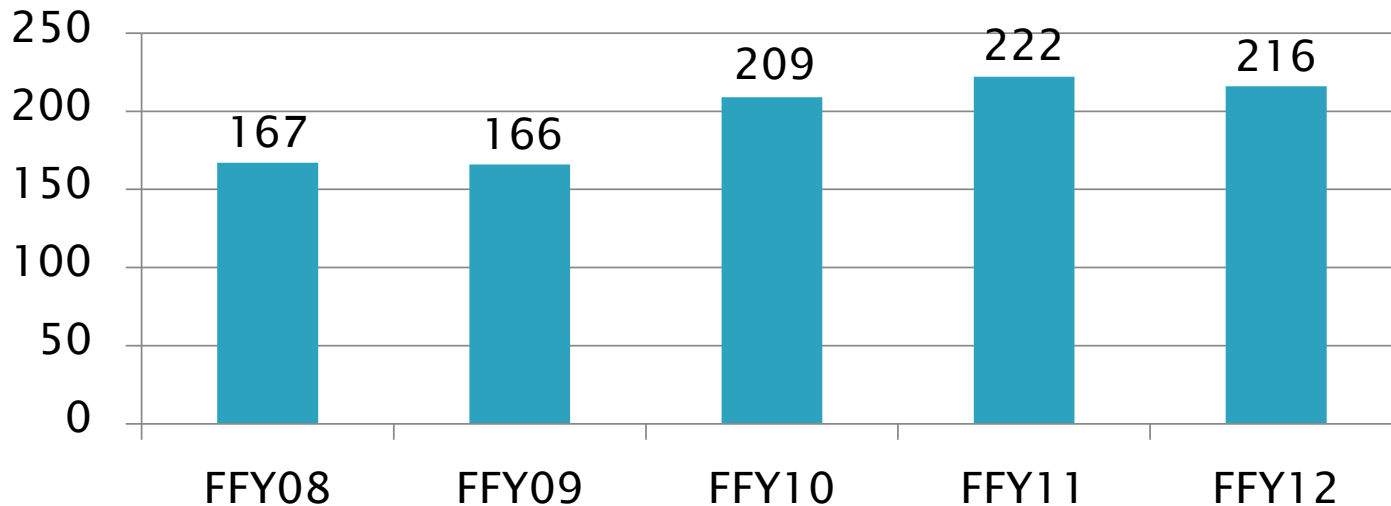
BENCHMARK: The number of individuals with significant disabilities placed into employment with long term job support shall be equal to or exceed the previous year's performance.



- Dramatic decrease in available EES and Medicaid Waiver funds over the last four years.
- External labor market factors disproportionately impact this customer group.

Deaf and Hard of Hearing

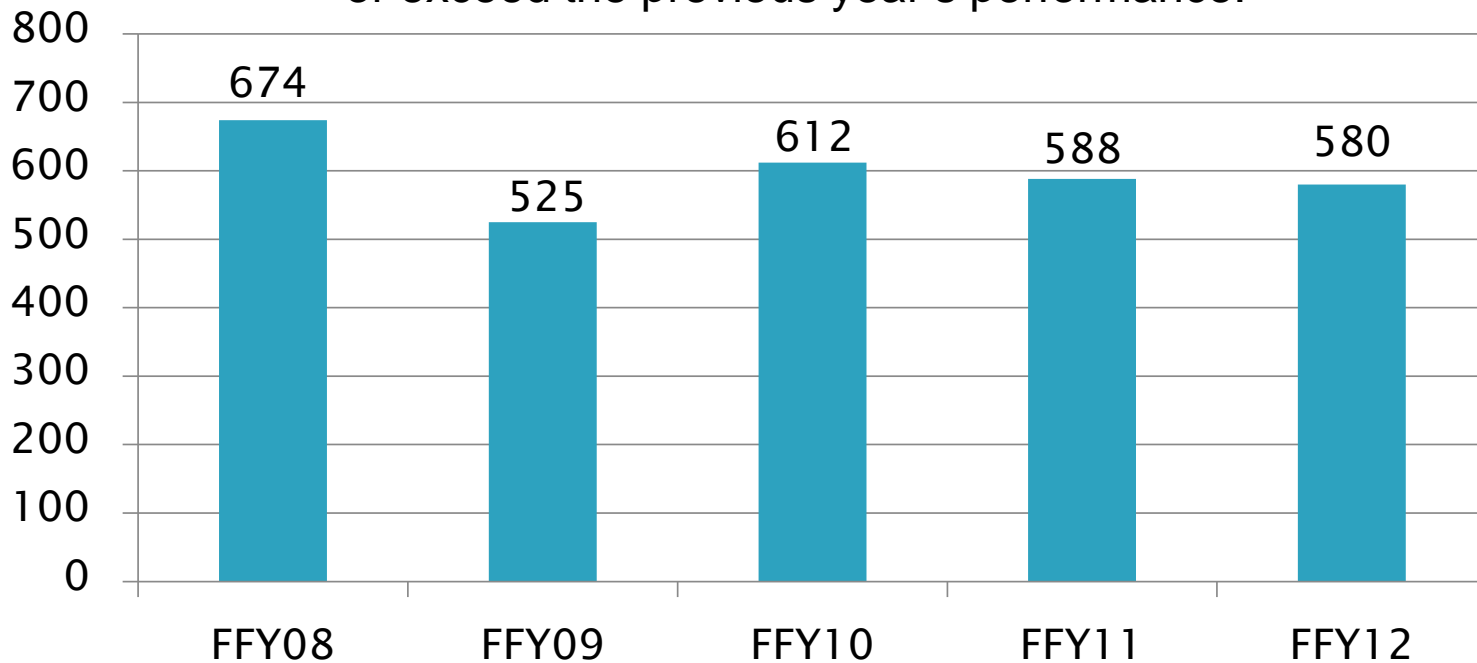
BENCHMARK: The number of rehabilitations for this population will increase 6% between FFY 2011 and the completion of FFY 2013.



- Significant use of assistive technology to assist clients when working.
- Increased community awareness of deaf and hard of hearing customers.

Transition-Age Youth

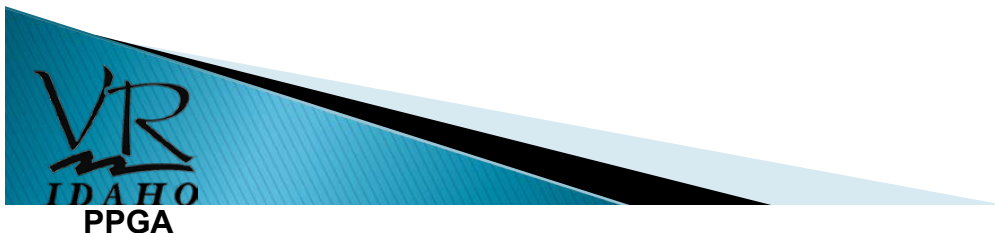
BENCHMARK: The number of transition age youth* exiting the VR program who achieved an employment outcome shall be equal to or exceed the previous year's performance.



*Customers ages 14–24 years old at application for VR services

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Federal Standards and Indicators	FFY11	FFY12	Objective
Number of closed cases with an employment outcome	2083	1814	Meet or exceed by 1
Percentage of cases closed after plan that are successful	59.8%	42.4%	55.8%
Percentage of rehabbed cases with a wage equal to or greater than the minimum wage	99.7%	99.4%	72.6%
Percentage of closed cases with a wage equal to or greater than the minimum wage with significant disabilities	99.7%	99.4%	64.2%
Ratio of successful customer wages to the average state wage	63%	64%	52%
Difference between the percentage of customers whose primary support is self-support at closure compared with at application	74	75.1	53
Ratio of minority to non-minority service rate	.962	.963	.80



Region II Rehab of the Year

Barriers :

- Lack of transferable skills/viable job history.
- Difficulty with emotional stability.
- Limited work relationships.

Plan:

- OJT with Nez Perce Tribe.
- Long-term employment.

Services:

- IDVR/Tribal Coordination.
- Training/testing fees..
- Tools.
- Clothing.
- Transportation assistance.

Result:

- A+ Computer Certification.
- Full-time employment with Nez Perce Tribe..
- Wage=\$13.86/hour (48% wage increase from pre-VR involvement).
- Employer-sponsored health benefits.

Jesse



Budget

\$236,200 in transfer funding requested for VR programs and services in FFY2013

- ▶ **Increase Business Outreach**
 - Direct marketing of available IDVR services to businesses statewide
 - Increased partnerships with business to increase employment placements for IDVR customers.
- ▶ **Funding for previous Renal Program staff**
 - Reallocation of Renal Program funds to Vocational Rehabilitation Program.
 - Maintain current staff levels to ensure continued quality services.
- ▶ **Increase high-school aged Transition Services**
 - Increase inter-agency and community partnerships.
 - Increase community job training programs statewide.
 - Increase statewide successful rehabilitation rates for transition-aged youth.



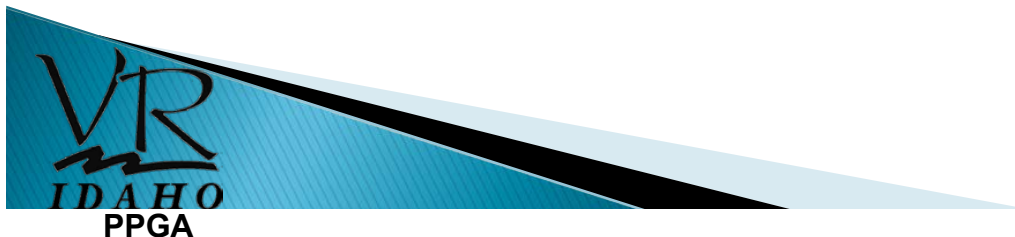
Legislative Audit–VR Programs

▶ Finding:

Improvement needed to ensure eligibility requirements met under rehabilitation service grants.

▶ Corrective Action:

- Revision of Field Services Policy Manual.
- Initiating improved Quality Assurance process for customer services.
- Planned statewide staff training on all new policies and procedures (if approved by Legislature) to ensure statewide consistency and quality customer services.



Region V Rehab of the Year

Lisa



Barriers :

- Permanent physical limitations.
- Lack of education.
- Lack of transferable work skills.

Plan:

- Formal training at Idaho State University.
- Employment in medical records.

Services:

- Vocational counseling.
- Tuition/program fee assistance.
- Textbook funds.
- Certification exam fees.
- Transportation assistance.

Result:

- Completed A.A.S. degree from ISU.
- Received national certification in R.H.I.T.
- Full-time employment at Bingham Memorial Hospital.
- Wage=\$13.26/hour (31% wage increase from pre-VR involvement).
- Employer-sponsored healthcare benefits.

Extended Employment Services

▶ Successes

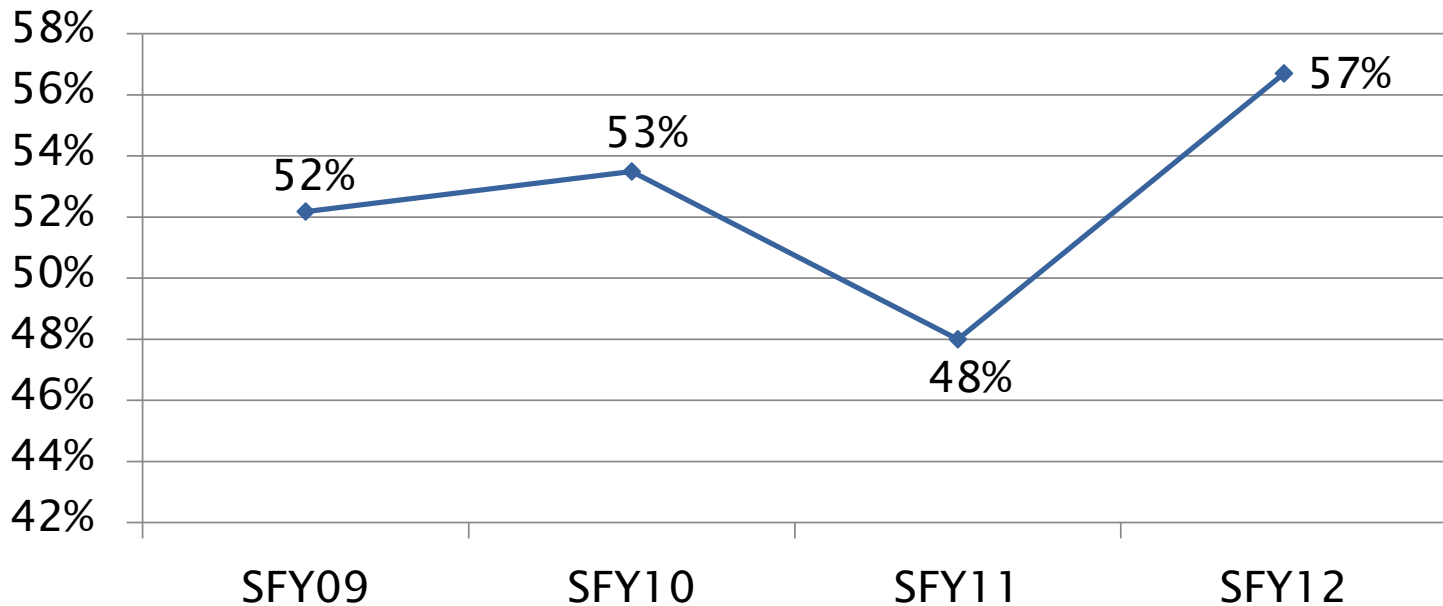
- Developed person centered funding model to increase customer informed choice.
- Streamlined wait-list process for EES customers.
- Supplemental and ongoing funding from Legislature: shorter wait-list time and increased customers served.

▶ Legislative budget increase request 2013

- Requested transfer of \$170,000 from Renal Program
- Increase reimbursement rate for CRP's.
- Increase direct customer service to continue to reduce customer wait-list time and increase EES services.

Extended Employment Services

BENCHMARK: 53% percent of CSE customers served through the Extended Employment Services program.



Council for the Deaf and Hard of Hearing

▶ **Council Goals:**

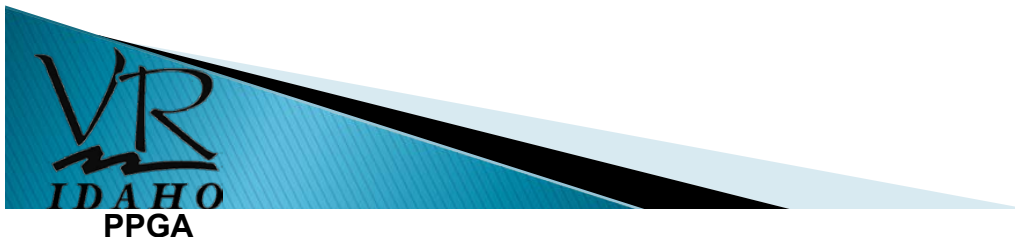
- Increase opportunities for deaf and hard of hearing Idahoans.
- Increase community awareness of deaf and hard of hearing individuals.
- Improve inter-agency cooperation and consultation.
- Provide network of publicly available information.
- Continual program evaluation based on customer needs.

▶ **Achievements:**

- Interagency partnerships with Infant-Toddler program, IESDB, Commission on Aging, Idaho Assistive Tech Project.
- Social Media Outreach.
- Created database of assistive technology available in Idaho for demonstration and loan to deaf and hard of hearing individuals.

▶ **Legislative budget increase request 2013:**

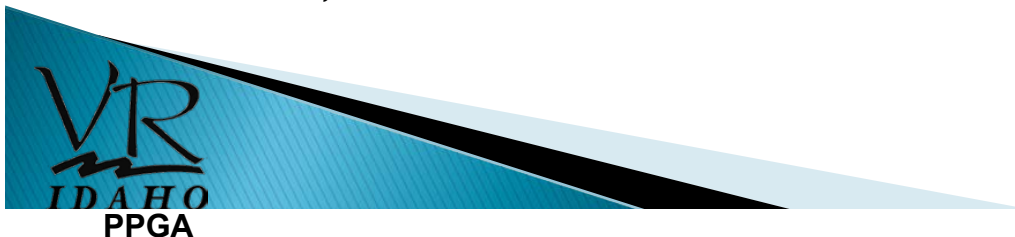
- Requested \$16,500 of transfer funds from state Renal Program for interpreter services and communication accommodations.



State Renal Program

Phase out of State Renal Program as approved by the Legislature and Governor effective June 2013.

- ▶ Implemented based on an Office of Performance Evaluations audit.
- ▶ VR assisting with transition and coordination services for current renal customers:
 - Transportation resources.
 - Medication resources.
- ▶ Requested reallocation of Renal Program funds:
 - \$170,000 to EES program.
 - \$236,000 to VR programs.
 - \$16,500 to CDHH.



Fiscal Activity

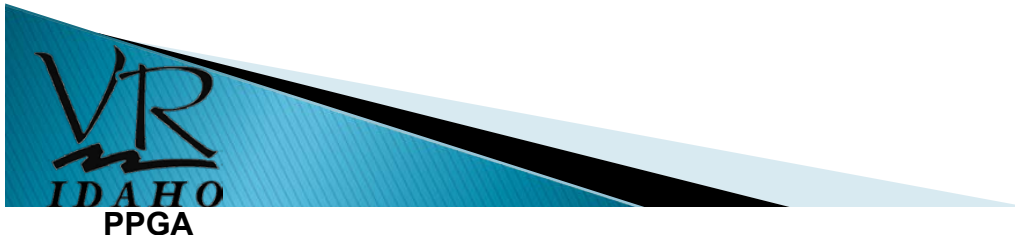
- ▶ Recapture of Social Security monies
 - Expanded use of computer-based tracking program.
 - Significant decrease in agency time and costs.
 - \$517,525 in reimbursed SSI and SSDI funds for FFY2012.
 - Increased from \$446,810 in FFY2011 (14% increase in FFY2012).
- ▶ Sequestration
 - 7.6% reduction in federal grant funding for VR programs.
 - 8.4% reduction in EES, training grants, and Independent Living program funds.
 - Potential negative impact regarding customer access to comparable benefits and services.
- ▶ Zero-Based Budgeting
 - Agency developing a plan as mandated.



Legislative Audit–Fiscal Findings

10 audit findings

- One finding specific to VR program.
- Nine specific to fiscal procedures.
- Majority addressed and rectified prior to final submission of corrective action plan.



Region VIII Rehab of the Year

Barriers:

- Physical limitations.
- Minimal education.
- Transportation.

Sheila

Plan:

- Complete on-line Bachelor of Science Degree.
- Part-time high school Greek instructor.

Services:

- Vocational and personal counseling.
- Tuition and book funding assistance.
- Driving test.
- Challenge exam and CLEP tests cost assistance.
- Assistive technology.
 - Van conversion.
 - Netbook.



Outcome:

- Completion of B.S. Degree.
- Part-time H.S. Latin and Greek teacher
- Private tutor.
- Hourly wage=\$18.46 as a teacher.
- Goal of completing PhD studies.

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IDAHO DIGITAL LEARNING ACADEMY

SUBJECT

Idaho Digital Learning Academy Annual Report (IDLA)

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

Pursuant to IDAPA 08.04.01 Rules Governing the Idaho Digital Learning Academy, an annual report is required to be submitted each year to the State Board of Education. This request is to meet the requirements as outlined in the rule. This report will include Accreditation, Acceptable Use, and an IDLA fee schedule in order to be in compliance with statute and State Board rule.

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 content 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 served 17,649 enrollments for 2011-2012 which is a 29.98% increase over last year. 99% of the school districts in Idaho participated during the 2011-2012 school year. 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 – 2012-2013 Fee Policy Statement

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Attachment 3 – Acceptable Use Policy
Attachment 4 – Accreditation Confirmation

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BOARD ACTION

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**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
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IDAHO DIGITAL LEARNING ACADEMY PRESENTATION INFORMATION

NAMES OF PRESENTERS & TITLES

Dr. Cheryl Charlton, Chief Executive Officer
Mike Caldwell, Director of Program Development
Ryan Gravette, Director of Technology

PRESENTATION TOPICS

2011-2012 Update

2012-2013 IDLA FEES POLICY STATEMENT

FEES FOR IDAHO DIGITAL LEARNING ACADEMY:

The fee schedule for 2012-2013 is determined upon a per-enrollment basis. An "enrollment" is defined as one (1) student enrolled into one (1) IDLA course. IDLA enrollment fees apply to all courses offered through IDLA.

All IDLA course fees are paid by the district directly to IDLA. IDLA policy does not dictate the collection of fees from students/parents. District policy will determine if fees will be paid by the student/parent to the District. IDLA does not invoice or collect fees from students or parents.

IDLA PER-ENROLLMENT COST:

For Summer 2012 and Fall 2012, cost for one (1) enrollment is \$75 for Idaho public school students. For Spring 2013, the cost for one enrollment is \$100.

PRIVATE SCHOOL AND OUT-OF-STATE STUDENT FEES:

For all semesters in 2012-2013, the cost for one (1) enrollment is \$400.

ISAT REMEDIATION COURSES:

Cost for one (1) enrollment is \$75 for Idaho public school. For Spring 2013, the cost for one enrollment is \$100.

ADVANCED PLACEMENT/DUAL CREDIT COURSES:

Cost for one (1) enrollment is \$75 for Idaho public school students. For Spring 2013, the cost for one enrollment is \$100.

Students are responsible for any fees that may be charged by universities to receive college credit for Dual Credit Courses. Additionally, students are responsible for any fees that may be charged by the College Board to take the Advanced Placement Exam. Advanced Placement and Dual Credit courses may require additional textbooks (see below).

SCHOLARSHIPS:

Scholarships are awarded through an application process which is submitted by the District Site Coordinator. Scholarship submissions should be based on the financial need of the parent/student and are only available for IDLA courses which are taken in addition to the student's full course load at the local school. Limited, partial scholarships are available for 2012-2013 at \$50 per 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

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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.

BILLING SCHEDULE:

Billing Sent to Districts:	Sessions Covered:
March 15	January 16 week, February 12 week
May 15	Spring FLEX, custom sessions, and PAST DUE
August 15	Summer 9 week, Summer 12 week, and Summer FLEX
October 15	August 12 week, September 16 week, and custom sessions
January 15	November 12 week, Fall FLEX, and PAST DUE

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 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.

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.

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- 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 (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

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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."

2011-2012

CERTIFICATE OF ACCREDITATION

Idaho Digital Learning Academy

is an accredited Distance Education for the school year 2011-2012 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.



Jerry Peacock, President



David G. Steadman, Executive Director



Leonard Paul, Associate Director



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SUBJECT

Scholarship Committee Recommendations

REFERENCE

June 2012 The Board approved legislative ideas to be submitted through the Governor's Executive Agency Legislation process including an the Idea to amend Idaho Code governing state scholarship programs to ensure programs are relevant and effective in assisting Idaho students in completing postsecondary education and to streamline and improve efficiency of program administration.

APPLICABLE STATUTE, RULE, OR POLICY

Idaho State Board of Education Governing Policies & Procedures Section 33-43, 33-44, 33-46, and 33-56, Idaho Code
Idaho Administrative code, IDAPA 08.01.05, 08.01.10, 08.01.12, 08.01.13

BACKGROUND/DISCUSSION

In January 2012, the Office of Performance Evaluations (OPE) for the Idaho Legislature published a report in 2012 entitled, "Reducing Barriers to Postsecondary Education," which focused primarily on barriers related to college access and affordability. The report noted that "among our neighboring states, Idaho ranks the lowest in terms of state and local financial aid per student. In fact, the ability to pay for college was consistently identified by our survey respondents and national literature as the most common barrier to pursuing postsecondary education. Whether it is access to financial aid and scholarships or insufficient grant amounts, paying for postsecondary education is a significant concern expressed to us by both counselors and students."

OPE's recommendation was that "the State Board of Education should work with the Legislature to increase the amount of need-based aid either through the creation of new scholarships or the reallocation of existing funds. The board should also analyze outcome data of scholarship recipients to better assess the impact scholarships have on the completion of postsecondary degrees and certificates."

First Lady Lori Otter and former State Board of Education President Curtis Eaton are co-chairs of the Board's ad hoc committee of educators, business professionals and elected officials who have conducted a comprehensive review of the scholarships managed by the Office of the State Board of Education. Over the past four months, the committee has evaluated the current eight aid programs and discussed potential changes to consolidate, streamline and increase the effectiveness of the scholarship program as a whole.

The recommendation of this committee is to consolidate six state-funded scholarship programs into one program, a modified version of the existing Opportunity Scholarship. The Governor's Cup, Gear Up, and Tschudy Family

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scholarships will remain unchanged. The Public Safety Officer and Armed Services scholarships will be combined into one section of code. The eligibility requirements for these two scholarships are in alignment with each other and will not be changed as part of the consolidation of the two sections.

IMPACT

The recommendation would redirect the funds previously appropriated for Grow Your Own, Minority/At Risk, Promise A & B, and the Student Loan Forgiveness to augment a revised Opportunity Scholarship. Combined appropriations for these programs is \$4,806,500, which would be added to the \$1,550,700 appropriated for the existing Opportunity Scholarship and result in a total of approximately \$6.4 million available for the amended Opportunity Scholarship.

ATTACHMENTS

Attachment 1 – Key Principles of State Scholarship Programs	Page 3
Attachment 2 – Committee Recommendations	Page 4
Attachment 3 – Scholarship Budget and Descriptions	Page 7

STAFF COMMENTS AND RECOMMENDATIONS

Board staff has worked closely with the Scholarship Committee to provide information and background to guide discussion. Staff brought in representatives from the Western Interstate Commission for Higher Education to provide the committee with perspectives from other states' efforts to improve scholarship programs and present research on the effectiveness of scholarship programs. Staff assisted the committee in developing the guiding principles and in determining the recommendations to consolidate programs in order to maximum the funds available to aid students attending Idaho's institutions of higher education.

The changes recommended, if accepted, would require changes to Idaho Code and Administrative rule. The proposed changes are reflected in the proposed scholarship legislation in Tab 6. If approved by the Board the legislation will be forwarded to the legislature and would go into effect July 1, 2013. If approved by the legislature necessary administrative rule changes would be brought back to the Board in spring 2013.

BOARD ACTION

I move to accept the recommendations of the Scholarship Committee.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

**Scholarship Review Committee
Statement of Purpose and Key Principles
October 2012**

Statement of Purpose: Substantial economic and social benefits accrue to the state because of an educated citizenry. Idaho's Scholarship program focuses on two purposes: providing access to postsecondary education and incentivizing students to complete postsecondary education.

Key Principles:

- Tie state scholarships and aid to state goals – 60% Complete College Idaho goal.
- Provide a smaller number of programs/awards but larger, more meaningful amounts.
- Simplify and consolidate, which may include redirecting funds from some programs to others
- Use a shared responsibility model that defines the state's role and the criteria for the students'/parents' role.
- Provide a need-based scholarship program with performance/success expectations including, but not limited to, GPA and credit completion requirements.
- Include students who are not eligible for significant need-based aid and who may not have academic achievement sufficient to qualify for most merit-based aid, but who have demonstrated a likelihood for success.
- Provide a scholarship program that includes participation for students at community colleges and technical schools.
- Consider ease of administration.
- Consider ease of navigation for students and families.
- Build transparency into the program.
- Use consistent data reporting to gauge the effectiveness of the program and adjust accordingly.
- Identify ways to increase funding for the program.

**Scholarship Review Committee
October 2012**

Program Recommendations:

Tier One: Programs are mandated by requirements outside of state control and cannot be amended by the Scholarship Committee. However, the Committee would encourage those who manage these programs to focus their efforts to coordinate with state goals.

- Governor's Cup
- Tschudy Family Scholarship
- GEAR UP Idaho Scholarship

Tier Two: Programs are mandated by Idaho Statute and are targeted to specific groups.

Type of Scholarship	Program	Recommended Change
Targeted	Freedom Scholarship For dependents of Idahoans who gave their lives or were permanently disabled in service of state/country Covers tuition, fees, living expenses, supplies at state institutions	Consolidate with Public Safety Officer
Targeted	Public Safety Officer For dependents of Idahoans who gave their lives or were disabled during service Covers tuition, fees, living expenses, supplies at state institutions	Consolidate with Freedom Scholarship
Targeted	Grow Your Own Teacher Scholarship (GYO) Provides a career ladder for Idaho school district employees and volunteers to complete requirements for an associate/baccalaureate with bilingual or ESL endorsement or Native American students preparing to teach in school districts with a significant Native American student population.	Redirect \$
Need-based Targeted	Minority/At Risk Scholarship Intended to serve capable students who are at-risk for attending or completing college based on variety of factors.	Redirect \$
N/A – not a scholarship	State Loan Forgiveness Program For nurses and teachers Pays for tuition and fees	Redirect \$ or Defer Recommendation

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Tier Three: Programs are controlled by Idaho Statute and have a broader reach.

Type of Scholarship	Program	Recommended Change
Merit-based	Promise Category A Scholarship For academic scholars and professional-technical students. <u>Academic</u> <u>PTE</u> 3.5 GPA 2.8 GPA 28 on ACT Take ACT/SAT or Compass	Redirect \$
Merit-based	Promise Category B Scholarship For all freshmen entering an eligible Idaho college or university for the first time and who graduated from an Idaho high school or its equivalent 3.0 GPA / score of 20 on ACT Full time enrollment Under 22 yrs old	Redirect \$
Combination need and merit	Opportunity Scholarship Designed to be a last dollars mechanism; meaning that a student must apply for federal financial aid and have a self or family contribution element before they would be eligible for the Opportunity Scholarship. Requires full-time participation and maintenance of 2.0 GPA Student has an identified contribution amount per year Need is weighted at 70% and merit is weighted at 30%	Revise and increase funding w/redirected \$
N/A – not a scholarship	Work Study	Amend distribution formula to use resident headcount

Additional Recommendations:

Explore alternate investment options for the Opportunity Scholarship corpus.
 Request additional funding for Idaho's scholarship program.
 Request funding to administer state scholarship programs.
 Support State Board of Education request for Institutional Research Director to support efforts to evaluate scholarship program effectiveness.

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SUBJECT

Legislation for the 2013 Legislative Session

REFERENCE

June 2012

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 2012 Board meeting. Each of the attached pieces of legislation have been submitted and approved to move forward through the process by the Governor's Office.

The following are descriptive summaries of the five (5) pieces of legislation being proposed:

Scholarship Programs

To amend Idaho Code governing state scholarship programs to ensure programs are relevant and effective in assisting Idaho students in completing postsecondary education and to streamline and improve efficiency of program administration.

The proposed amendments combine the Peace Officers and POW/MIA scholarships into one section, repeals the student education incentive loan forgiveness program section, repeals the Idaho Robert R. Lee Promise Scholarship Program section, repeals the Idaho Minority and "At-Risk" Student Scholarship Act, and modifies the Opportunity Scholarship sections for greater effectiveness and efficiency in the management of the program and delivery of the scholarship.

Fiscal Impact: Appropriations currently funding the repealed sections of code will be redirected into the Opportunity Scholarship program.

Statewide Purchasing Contracts

The legislative change in this bill removes the sunset clause on Idaho Code §67-5728 and allows the institutions of higher education defined in the statute to continue to have sole discretion, under the direction of the State Board of Education, for all items not relating to statewide purchasing contracts. During the 2010 legislative session, HB688 eliminated duplication of efforts in the state purchasing system that existed between the Division of Purchasing and the university and college purchasing departments. The original legislation included a sunset clause that provides for a review opportunity to ensure the new processes at the universities and colleges operated successfully. After a reviewing three years of purchasing practices made under this legislation, it is the consensus of all parties involved that the sunset clause should be removed to continue the efficiencies gained for the state.

Fiscal Impact: None

Workman's Compensation Alignment

This proposed legislation would align the workers compensation laws in the state so that postsecondary students receive the same workers compensation coverage that K-12 students receive while completing work experience credit hours. Under current Idaho law, postsecondary students receiving education credits for completing a work experience project are not covered under the university or college worker's compensation policy with the State Insurance Fund. Idaho Code also does not allow the university or college to purchase separate private workers compensation policies for students in these situations leaving the students without any form of coverage while working on behalf of the institution. These changes modify the existing statutes to allow a university or college to purchase coverage for students through the State Insurance Fund.

Fiscal Impact: The additional number of students that would be covered by these legislative changes is minimal. A university or college may see a slight increase in workers compensation premiums but the cost will be covered within existing budgets.

Proprietary Schools and Postsecondary Educational Institutions

Proposed changes would allow entities greater flexibility in establishing the surety bond requirements.

Fiscal Impact: None

Public School Facilities Cooperative Funding Program

This legislation would amend section 33-909, Idaho code to specify the all approved projects remain under the purview of the panel until finalized.

Fiscal Impact: None

ATTACHMENT

Attachment 1 – Scholarship Program	Page 9
Attachment 2 – Statewide Purchasing Contracts	Page 24
Attachment 3 – Workman's Compensation Alignment	Page 25
Attachment 4 – Proprietary Schools and Postsecondary Educational Education Institution Registration	Page 30
Attachment 5 – Public School Facilities Cooperative Funding Program	Page 31

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.

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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 and submitting to the legislature.

Staff recommends approval of all five pieces of legislation.

BOARD ACTION

Scholarship Program

I move to approve the legislation amending sections of Idaho code related to the Idaho scholarship programs administered by the State Board of Education in substantial conformance to the form submitted as Attachment 1 and to authorize the Executive Director to make additional changes as necessary in accordance with the accepted recommendations from the Scholarship Committee and the Governor's Office.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

Statewide Purchasing Contracts

I move to approve proposed amendments to section 67-5728, 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 _____

Workman's Compensation Alignment

I move to approve proposed amendments to section 72-102 and section 72-205, 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 _____

Proprietary Schools and Postsecondary Educational Institutions

I move to approve proposed amendments to section 33-2406, 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 _____

Public School Facilities Cooperative Funding Program

I move to approve proposed amendments to section 33-909, 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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Attachment 1

An Act

Relating to scholarships; repealing section 33-3722, Idaho code, amending section 33-4301, Idaho code, amending section 33-4302, Idaho code, repealing section 33-4302A, Idaho code, repealing section 33-4303, Idaho code, repealing section 33-4304, Idaho code, repealing section 33-4305, Idaho code, repealing section 44-4306, Idaho code, repealing section 33-4307, Idaho code, repealing section 33-4308, Idaho code, repealing section 33-4309, Idaho code, repealing section 33-4310, Idaho code, repealing section 33-4311, Idaho code, repealing section 33-4312, Idaho code, repealing section 33-4313, Idaho code, repealing section 33-4314, Idaho code, repealing section 33-4315, Idaho code, amending Chapter 43 Title 33, Idaho code, by the addition of a new section 33-4303, Idaho code, repealing Chapter 46, Title 33, Idaho code, repealing Chapter 56, Title 33, Idaho code, amending section 44-4301, Idaho code.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-3722, Idaho code, be and the same is hereby repealed.

~~33-3722. Student education incentive loan forgiveness contract. (1) It is hereby declared that it is in the public interest to encourage and assist individuals who wish to pursue a teaching career or professional nursing career within this state to enroll in an Idaho postsecondary institution and to work in Idaho.~~

~~(2) Any Idaho student pursuing a teaching career may sign a loan forgiveness contract and promissory note for payment of all full-time undergraduate matriculation, facility and activity fees at any Idaho institution of higher learning who:~~

~~(a) Will maintain full-time student status and shall maintain a grade point average of 3.0 or better in the first two (2) semesters and for the remaining semesters; and~~

~~(b) Will pursue a program of study which will qualify the student to receive an Idaho teaching certificate upon completion of his studies; and~~

~~(c) Will pursue a teaching career within the state of Idaho for a minimum of two (2) years, which time requirement will commence upon obtaining a teaching position.~~

~~(3) Any Idaho student pursuing a licensed nursing career may sign a loan forgiveness contract and promissory note for payment of all undergraduate matriculation, facility and activity fees at any Idaho institution of higher learning who:~~

~~(a) Will maintain full-time student status and shall maintain a grade point average of 3.0 or better in the first two (2) semesters and for the remaining semesters; and~~

~~(b) Will pursue a program of study which will qualify the student to write the licensure examination approved by the board of nursing for registered nurse upon completion of his studies; and~~

~~(c) Will pursue a licensed professional nursing career within the state of Idaho for a minimum of two (2) years, which time requirement will commence within one (1) year after a professional nursing license is obtained.~~

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~~(4) Availability of student education incentive loan forgiveness contracts for potential teachers will be limited to sixteen (16) each year, with three (3) to be let by the University of Idaho, three (3) by Boise State University, three (3) by Idaho State University, three (3) by Lewis Clark State College, two (2) by North Idaho College and two (2) by the College of Southern Idaho; for potential registered nurses, contracts will be limited to thirteen (13) each year, with three (3) to be let by Boise State University, three (3) by Idaho State University, three (3) by Lewis Clark State College, two (2) by North Idaho College and two (2) by the College of Southern Idaho.~~

~~(a) Preference in selecting potential registered nurses will be given to applicants who indicate willingness to practice in rural Idaho.~~

~~(b) The length of each contract and promissory note shall not exceed a maximum of eight (8) years, and the beginning date and expiration date shall be specified in each contract.~~

~~(5) The state board of education may reassign unused contracts to other participating institutions. For purposes of reassignment of unused contracts, Eastern Idaho Technical College may be considered as a participating institution and may be awarded student education incentive loan forgiveness contracts for potential registered nurses.~~

~~(6) The student loan office of each institution of higher learning is directed to administer the loan forgiveness program provisions of this section, including the supplying of all necessary forms and the verifying, before each registration and at the expiration of the contract, of each person's compliance with the terms of the contract and collect and account for any necessary repayment of funds. Upon successful completion of the terms of the contract, the promissory note shall be forgiven. The state board of education shall annually determine the interest rate for new promissory notes. Loan repayments shall be allocated to support new student education incentive loan forgiveness contracts.~~

~~(7) Any violation of the terms of the contract shall obligate the person to repay all fees which the person as a student was allowed to waive, as determined by the affected institution.~~

~~(8) Each affected institution shall in its preparation of future budgets include therein costs resultant from fee loss for reimbursement from appropriations of state funds.~~

SECTION 2. That Section 33-4301, Idaho Code, be, and the same is hereby amended to read as follows:

33-4301. SHORT TITLE. This act may be cited as "The POW/MIA Scholarship Act of 1972 Scholarships and State Aid Act."

SECTION 3. That section 33-4302, Idaho code, be, and the same is hereby amended to read as follows:

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33-4302. SCHOLARSHIPS – STATE AID ARMED FORCES AND PUBLIC SAFETY OFFICER SCHOLARSHIPS. (1) The following individuals shall be eligible for the scholarship program provided for herein:

(a) Any spouse or child of any Idaho citizen 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 any area of armed conflict in which the United States is a party; and

(b) Any 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.

(c) Any spouse or child of a full-time or part-time public safety officer, as defined in subsection (d) 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 totally and permanently disabled in the line of duty, in 1975 or thereafter. The scholarship provided in this section shall not be available unless it is determined that:

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

(ii) 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

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

(d) For purposes of this section:

(i) "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.

(ii) "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.

(2) (a) To be eligible for the scholarship provided for herein, a child of a military member or 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 military member or public safety officer is determined to be imprisoned or missing in action, or is killed or becomes totally and permanently disabled, shall be eligible for this scholarship;

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

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(3) 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 (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.

(4) The 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 of the university of Idaho.

(5) 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 applicant and communicate such eligibility to such person and the affected institution or college.

(6) Affected institutions shall 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 appropriations of state funds.

(7) For the purposes of this section, a member of the armed forces of the United States or public safety officer is considered totally and permanently disabled if at the time of application a current disability determination made by the United States social security administration is in effect with respect to such individual.

(8) The state board of education and board of regents of the university of Idaho may adopt rules to implement and administer the scholarship program provided for in this section.

SECTION 4. That Sections 33-4302A through 33-4315, Idaho code, be, and the same are hereby repealed.

~~**33-4302A. Public safety officer scholarships – State aid.** (1) Any spouse or child of a full-time or part-time public safety officer, as defined in subsection (6) 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 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 persons shall be provided by the institution or college with books, equipment and supplies necessary for pursuit of the person's chosen program of enrollment not to exceed the actual cost therefor, or five~~

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~~hundred dollars (\$500), whichever is less, per quarter, semester, intensified semester, or like education period. Said person shall be provided with the institution or college's published normal on-campus residential facility housing and meals program for each month the 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 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 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 a 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 totally and permanently 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 totally and permanently disabled. Provided however, that in the situation of disability, the spouse must be currently married to such person.~~

~~(3) The 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 board of 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 such person and communicate such eligibility to the person and the affected institution or college.~~

~~(4) Affected institutions and colleges shall, in their preparation of future budgets, include therein costs resulting from such tuition, fees, housing, meals, books, equipment and supplies for reimbursement thereof from appropriations of state funds.~~

~~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 a current disability determination made by the United States social security administration is in effect with respect to such individual.~~

~~(5) The scholarships provided in this section shall be available for the spouse or children of public safety officers who were killed or totally and permanently disabled in 1975 or thereafter.~~

~~(6) 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.~~

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~~(7) 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 board of regents of the university of Idaho may adopt rules to implement and administer this scholarship program.—~~

SECTION 3. That section 33-4303 through 33-4315, Idaho code, be and the same is hereby repealed.

~~**33-4303. Short title.** The scholarship program provided for in [sections 33-4303](#) through [33-4315](#), Idaho Code, shall be known and cited as the "Idaho Robert R. Lee Promise Scholarship Program."—~~

~~**33-4304. Public policy.** The legislature hereby recognizes and declares that substantial economic and social benefits accrue to the state because of an educated citizenry, and that the encouragement of the state's most talented Idaho students to enroll in Idaho postsecondary educational institutions is an important element for assuring the future leadership for the state.—~~

~~**33-4305. Purposes.** The purpose of this act is: (1) To establish a state scholarship program for the most talented Idaho secondary school graduates or the equivalent, consisting of category A students with outstanding academic qualifications and category B students with a cumulative grade point average for grades nine (9) through twelve (12) of 3.0 or better or achieving an ACT score of 20 or better or who become eligible after the student's first semester or who meet any other criteria as may be established by the state board of education and the board of regents of the university of Idaho, who will enroll in undergraduate nonreligious academic and professional-technical programs in eligible postsecondary institutions in the state; and—~~

~~(2) To designate the state board of education and the board of regents of the university of Idaho as the administrative agency for the state scholarship program.—~~

~~**33-4306. Definitions.** As used in this act, unless the context otherwise requires: (1) "Eligible postsecondary institution" means a public postsecondary organization governed or supervised by the state board of education, the board of regents of the university of Idaho, a board of trustees of a community college established pursuant to the provisions of [section 33-2106](#), Idaho Code, or the state board for professional-technical education or any educational organization which is operated privately and not for profit under the control of an independent board and not directly controlled or administered by a public or political subdivision. A public or private educational organization becomes eligible to participate in category B grant awards if the organization agrees to match awards granted to each eligible category B student. If an institution declines to match awards, an eligible student will receive the state portion of the award to that institution.—~~

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(2) "Educational costs" means student costs for tuition, fees, room and board, or expenses related to reasonable commuting, books and such other expenses reasonably related to attendance at a postsecondary educational institution.—

(3) "Student" means ~~an individual resident student as defined in [section 33-3717B](#) or 33-2110B, Idaho Code, enrolled full time and carrying a sufficient number of credit hours, or their equivalent, to secure an individual's first degree, certificate, diploma or less, toward which the individual is working, in no more than the number of semesters, or equivalent, normally required by the eligible postsecondary institution in the program in which the individual is enrolled and provided that the baccalaureate degree, certificate, diploma or lesser program requires at least six (6) months or equivalent of consecutive attendance. A student engaged in a four (4) year baccalaureate program shall not be terminated from this scholarship program by having earned an intermediate degree, certificate or diploma.~~—

(4) "Enrollment" means ~~the establishment and maintenance of an individual's status as a student in an eligible postsecondary institution, regardless of the term used at the institution to describe such status.~~—

(5) "Eligible category A student" means ~~any individual who declares his intention to matriculate in an eligible postsecondary institution in the state of Idaho during the educational year immediately following:—~~

(a) ~~The individual's completion of secondary school or its equivalent in the state of Idaho; or—~~

(b) ~~The individual's graduation from an accredited secondary school, or completion of secondary school or its equivalent, outside of the United States, provided that the individual graduated from such school or successfully completed all requirements, and the individual and a parent of the individual were residents of the state of Idaho, within one (1) year of leaving the state due to the military status or job relocation of a parent.~~—

(6) "Eligible category B student" means ~~any student, having completed secondary school or its equivalent in the state of Idaho, or outside of the United States if within one (1) year of leaving the state due to the military status or job relocation of a parent (a) the student completed such secondary school or its equivalent, and (b) the student and a parent of the student were residents of the state of Idaho, and who enrolls as a student in an eligible postsecondary institution in the state of Idaho prior to reaching twenty-two (22) years of age. To maintain eligibility a student must achieve and maintain a 2.5 cumulative grade point average while enrolled in an eligible postsecondary institution. Students meeting the requirements of this subsection who were not eligible for a grant in the first term of postsecondary education and who achieve and maintain a 2.5 cumulative grade point average based on a 4.0 system in an eligible postsecondary institution will become eligible for grant payments in subsequent school terms.~~—

(7) "Grant" means ~~an award to an eligible student for matriculation in an eligible postsecondary institution in the state of Idaho.~~—

(8) "Educational year" means ~~the period from July 1 of a year through June 30 of the succeeding year.~~—

(9) "Competitive examination" means ~~standardized examination(s) measuring achievement administered annually on a voluntary basis on a specified date and at specified locations announced publicly.~~—

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~~(10) "High school record," for category A students, shall be defined by the state board of education and the board of regents of the university of Idaho and shall include, but need not be limited to, an individual's cumulative grade point average and such other measure that demonstrates difficulty of course load taken and extraordinary academic performance, and which for Idaho secondary school graduates is certified by an official of such secondary school.—~~

~~(11) "High school record," for category B students, shall be defined by the state board of education and the board of regents of the university of Idaho and shall include, but need not be limited to, an individual's secondary school cumulative grade point average or a composite score on the American college test (ACT).—~~

~~(12) "Cumulative grade point average" is defined as a student's cumulative grade point average for all courses taken in grades nine (9) through twelve (12) and calculated on a grade of A equals 4.0 points, a grade of B equals 3.0 points, a grade of C equals 2.0 points, a grade of D equals 1.0 point and a grade of F equals 0.0 points.—~~

~~**33-4307. Eligibility - Maximum amounts - Conditions.** A grant may be awarded to an eligible student for matriculation at an eligible postsecondary educational institution in the state of Idaho if:—~~

~~(1) The individual is accepted for enrollment as a full-time undergraduate or professional-technical student, as follows:—~~

~~(a) In the case of an individual beginning his first year or freshman year of postsecondary education, he has satisfied the requirements for admission and has enrolled in an eligible postsecondary institution.—~~

~~(b) In the case of an individual enrolled in an eligible postsecondary institution following the successful completion of the first term, he continues to meet the requirements of this act and has maintained such high standards of performance as may be required. Provided that high academic standards are maintained in accordance with requirements of this chapter, a student continues to be eligible when transferring from one (1) major program to another.—~~

~~(c) In the case of an individual transferring from one (1) eligible postsecondary institution in Idaho to another eligible postsecondary institution in Idaho, he continues to meet the requirements of this act, is accepted and enrolled at the eligible postsecondary institution to which he is transferring, and has maintained such high standards of performance as may be required.—~~

~~(2) The grant for category A students is as follows:—~~

~~(a) The grant payment to an individual per educational year for attendance on a full-time basis is not in excess of an amount determined annually by the state board of education or in excess of the total educational costs as certified by an official of the eligible postsecondary institution to be attended by the individual receiving the grant, whichever is less.—~~

~~(b) The total grant payments over a period of six (6) years to an individual may not exceed four (4) annual grants or the total educational costs for four (4) educational years completed as certified by an official of the eligible postsecondary institution or institutions attended by the individual receiving the grant, whichever is less.—~~

~~(c) The individual receiving such a grant signs an affidavit stating that the grant will be used for educational costs only.—~~

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- ~~(d) The grant is awarded on the basis of extraordinary performance in standardized, unweighted competitive examination and high school record.—~~
- ~~(e) The individual receiving the grant is not precluded from receiving other financial aid, awards, or scholarships, provided the total of the grant and such other financial aid, awards or scholarships does not exceed the total educational costs for attendance at an eligible postsecondary institution as certified by an official of the eligible postsecondary institution to be attended by the individual receiving the grant.—~~
- ~~(f) Grant payments shall correspond to academic terms, semesters, quarters or equivalent time periods at an eligible postsecondary institution; in no instance may the entire amount of a grant for an educational year, as defined in [section 33-4306\(8\)](#), Idaho Code, be paid to or on behalf of such student in advance.—~~
- ~~(g) The individual has complied with such rules as may be necessary for the administration of this act.—~~
- ~~(3) The grant for category B students is as follows:—~~
 - ~~(a) The grant payment to an individual per educational year for attendance on a full-time basis is not in excess of an amount determined annually by the state board of education and the board of regents of the university of Idaho and not to exceed one thousand two hundred dollars (\$1,200) per year including the required match.—~~
 - ~~(b) The total grant payments over a period of four (4) years to an individual may not exceed two (2) annual grants.—~~
 - ~~(c) The individual receiving such a grant signs an affidavit stating that the grant will be used for educational costs only.—~~
 - ~~(d) The grant is awarded on the basis of a high school record of a 3.0 grade point average or an ACT composite score of 20 or better and other criteria as may be established by the state board of education and the board of regents of the university of Idaho.—~~
 - ~~(e) The individual receiving the grant is not precluded from receiving other financial aid, awards or scholarships except that category A student award recipients are not eligible for category B awards.—~~
 - ~~(f) Grant payments shall correspond to academic terms, semesters, quarters or equivalent time periods at an eligible postsecondary institution; in no instance may the entire amount of a grant for an educational year, as defined in [section 33-4306\(8\)](#), Idaho Code, be paid to or on behalf of such student in advance. The first grant payments pursuant to this section for category B students shall be made in the fall of 2001 or in the first fall academic term following an appropriation and when moneys are available to implement the category B scholarship program, whichever date is later.—~~
 - ~~(g) The individual has complied with such rules as may be necessary for the administration of this chapter.—~~
 - ~~(h) All eligible postsecondary institutions will report annually to the state board of education and the board of regents of the university of Idaho the number of students for each term receiving a grant award and the number of awards that were matched by the institution.—~~

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~~**33-4308. Maximum number of grants.** (1) The total number of grants to eligible category A students shall not exceed one hundred (100) per year, nor a cumulative total number of grants of four hundred (400) outstanding at any given time.~~

~~(2) The total number of grants to category B students will be determined annually by the state board of education and the board of regents of the university of Idaho based on the number of eligible students, the individual award amount and the availability of funds.~~

~~**33-4309. Remittance in case of discontinued attendance.** A grant may be made annually for a period not to exceed an educational year. If the student discontinues attendance before the end of any semester, quarter, term, or equivalent, covered by the grant after receiving payment under this act, the eligible postsecondary institution shall remit, up to the amount of any payments made under this grant, any prorated tuition, fees or room and board balances to the state board of education and the board of regents of the university of Idaho. The student shall be required to remit, up to the amount of any other reasonable grant balances, such grant balances to the state board of education and the board of regents of the university of Idaho. In the event of extreme hardship as determined by the state board of education and the board of regents of the university of Idaho, a student may request waiver of remittance.~~

~~**33-4310. Discrimination prohibited.** The grants shall be awarded to eligible students without regard to any student's race, creed, color, sex, national origin, ancestry, age or area of academic competence.~~

~~**33-4311. Certifications of enrollment and termination of attendance of grant recipients.** Eligible postsecondary institutions which accept students under the provisions of this act shall be required to comply with procedures for certification of enrollment of recipients of such grants, and shall be required to certify the termination of attendance by recipients of such grants within thirty (30) days following such termination.~~

~~**33-4312. State board of education and board of regents of University of Idaho as administrative agency.** The state board of education and the board of regents of the University of Idaho is hereby designated as the administrative agency for the state scholarship program created by this act.~~

~~**33-4313. Duties of board.** The state board of education and the board of regents of the university of Idaho shall be responsible for:~~

~~(1) Supervision of the issuance of public information concerning the provisions of this act.~~

~~(2) Determination of recipients of grants made pursuant to the provisions of this act.~~

~~(3) Adoption of rules necessary for processing and approving applications from students.~~

~~(4) Determination of the procedures for payment of grants to recipients.~~

~~(5) Maintenance of fiscal controls and fund accounting procedures as may be necessary to assure proper disbursement of funds.~~

~~(6) Submission of annual reports to the governor and legislature.~~

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~~(7) Establishment of a reasonable and fair appeal procedure for those students and institutions who may have been adversely affected by the application procedures.—~~

~~(8) Holding a public hearing, prior to the adoption of rules, for the purpose of providing interested parties with the opportunity of discussing such rules.—~~

~~(9) Acceptance of funds from public and private sources, and such funds may be expended pursuant to appropriation to the state board of education and the board of regents of the university of Idaho for expenditure consistent with the purposes of this chapter.—~~

~~(10) In the event funds from the millennium fund are used for category B scholarships, the state board of education and the board of regents of the university of Idaho may establish additional eligibility criteria for scholarship recipients.—~~

~~**33-4314. Appointment of administrator and staff.** The state board of education and the board of regents of the University of Idaho may appoint an administrator and such other staff; the administrator shall perform such duties as are prescribed by the state board of education and the board of regents of the University of Idaho.—~~

~~**33-4315. No control of nonpublic institutions which accept grant recipients.** This act shall not be construed as granting any authority to the state board of education and the board of regents of the University of Idaho to control or influence the policies of any eligible nonpublic postsecondary institution or junior college because such institution accepts individuals who receive grants, nor to require any such institution to admit, or, once admitted, to continue in such institution any individual receiving a grant.—~~

SECTION 5. That Chapter 43, Title 33, Idaho code, be, and the same is hereby amended by the addition thereto of a New Section, to be known and designated as section 33-4303, Idaho code, and to read as follows:

33-4303. IDAHO OPPORTUNITY SCHOLARSHIP. (1) The purposes of this section are to:

- (a) Recognize that all Idaho citizens benefit from an educated citizenry;
- (b) Increase individual economic vitality and improve the overall quality of life for many of Idaho's citizens;
- (c) Provide access to eligible Idaho postsecondary education through funding to remove financial barriers;
- (d) Increase the opportunity for economically disadvantaged Idaho students; and
- (e) Incentivize students to complete a postsecondary education degree or certificate.

(2) For the purposes of this section the following definitions shall apply:

(a) "Educational costs" means the dollar amount determined annually by the state board of education as necessary for student tuition, fees, room and board, books and such other expenses reasonably related to attendance at an eligible Idaho postsecondary educational institution.

(b) "Eligible Idaho postsecondary educational institution" means: A public postsecondary organization governed or supervised by the state board, the board of regents of the university of Idaho, a board of trustees of a community

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college established pursuant to the provisions of [chapter 21, title 33](#), Idaho Code, or the state board for professional-technical education; or any educational organization located in Idaho which is:

- (i) Operated privately;
- (ii) Classified as not-for-profit under the Idaho Code;
- (iii) Under the control of an independent board and not directly controlled or administered by a public or political subdivision; and
- (iv) Accredited by an organization recognized by the state board, as provided in [section 33-2402](#), Idaho Code.

(c) "Eligible student" means a student who:

- (i) Is an Idaho resident as defined in [section 33-3717B](#);
- (ii) Has or will graduate from an accredited high school or equivalent in Idaho as determined by the state board;
- (iii) Has enrolled or applied to an eligible Idaho postsecondary educational institution;
- (iv) Is a postsecondary, undergraduate student who has not previously completed a baccalaureate (bachelor's) degree or higher; and
- (v) Meets need and merit criteria as set by the state board

(d) "Shared Model of Responsibility" means a model set by the board to determine the required and expected contributions of the student, the student's family, and available federal financial aid.

(e) "Opportunity scholarship program" means the scholarship program described in this section and in the rules established by the state board.

(f) "State board" means the state board of education.

(3) The state board shall promulgate rules to determine student eligibility, academic and financial eligibility, a process for eligible students to apply, how award amounts shall be determined, how eligible students shall be selected, and when the awards shall be made, as well as other rules necessary for the administration of this section.

(4) An eligible student must: (a) Apply or have applied for federal student financial assistance available to an eligible student who will attend, or is enrolled in an eligible Idaho postsecondary educational institution;

(b) Meet need and merit criteria established by the state board in rule.

(5) Funds that are available for the opportunity scholarship program shall be used to provide scholarships based on a shared model of responsibility between the scholarship recipient and his or her family, the federal government and the participating eligible Idaho postsecondary educational institution that the recipient attends for covering the educational costs.

(6) The opportunity scholarship award shall not exceed the actual educational costs at the eligible Idaho postsecondary educational institution that the student attends. The amount of scholarship shall not exceed the educational costs established by the state board.

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(7) Award payments shall be made annually to an eligible Idaho postsecondary educational institution. In no instance may the entire amount of a award be paid to or on behalf of such student in advance.

(8) If an eligible student becomes ineligible for a scholarship under this chapter, or if a student discontinues attendance before the end of any semester, quarter, term or equivalent, covered by the award after receiving payment under this chapter, the eligible Idaho postsecondary educational institution shall remit, up to the amount of any payments made under this program, any prorated tuition, fees or room and board balances to the state board.

(9) There is hereby created an account in the state treasury to be designated the "opportunity scholarship program account."

(a) 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.

(b) 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.

(c) All moneys placed in the account and earnings thereon are hereby perpetually appropriated to the state board for the purpose described in subsection (9)(b) 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 fifty thousand dollars (\$50,000) of the annual earnings distribution to the state board may be used by the state board annually for administrative costs related to the implementation of the provisions of this chapter.

(d) 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.

(e) Any unused annual funds shall be deposited into the "opportunity scholarship program account."

(f) 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.

(10) The effectiveness of the Idaho Opportunity Scholarship will be evaluated by the state board on a regular basis. This evaluation will include annual data collection as well as longer-term evaluations.

SECTION 6. That Chapter 43, Title 33, Idaho code, be, and the same is hereby amended by the addition thereto of a New Section, to be know and designated as section 33-4304, Idaho code, and to read as follows:

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33-4304. Scholarship Program Reporting Requirements. All eligible institutions participating in the scholarships and state aid programs shall report student level data on the effectiveness of said programs. The data reported shall be established by the State Board of Education.

SECTION 7. That Chapter 46, Title 33, Idaho code, be and the same is hereby repealed.

~~**33-4601. Short title.** This act shall be known and cited as the "Idaho Minority and 'At-Risk' Student Scholarship Act."~~

~~**33-4602. Public policy.** The legislature hereby recognizes and declares that substantial economic and social benefits accrue to the state because of an educated citizenry. The legislature further recognizes that certain talented students, because of their social, cultural and economic circumstances are "at-risk" of failing to obtain the education necessary to realize their potential and that encouraging these at-risk students to enroll in Idaho postsecondary educational institutions is an important element for assuring the future prosperity of the state.~~

~~**33-4603. Purposes.** The purposes of this chapter are:~~

~~(1) To establish a state scholarship program for talented "at-risk" persons who will enroll in undergraduate academic and professional-technical programs in postsecondary institutions in the state; and~~

~~(2) To provide Idaho postsecondary institutions a tool to improve the recruitment and graduation rates of Idaho residents who are at-risk persons as defined in this chapter.~~

~~**33-4604. Definitions.** As used in this chapter:~~

~~(1) "At-risk person" means any Idaho resident who meets three (3) or more of the following five (5) criteria:~~

~~(a) Is a potential first-generation college student;~~

~~(b) Is an individual with a disability as defined in 29 U.S.C. section 705;~~

~~(c) Is a migrant farmworker or other seasonal farmworker or a dependent of a migrant farmworker or other seasonal farmworker;~~

~~(d) Is a minority person as defined in this chapter; or~~

~~(e) Has financial need as defined in this chapter.~~

~~(2) "Board" means the state board of education and the board of regents of the university of Idaho.~~

~~(3) "Eligible student" means any graduate of an accredited Idaho secondary school who is an at-risk person as defined in this chapter and who declares his intention to matriculate in an eligible postsecondary institution in the state of Idaho during the education year immediately following application for an award under this program.~~

~~(4) "Farmwork" means any agricultural activity, performed for either wages or personal subsistence, on a farm, ranch or similar establishment.~~

~~(5) "Financial need" means the extent of a person's inability to meet the institutionally defined cost of education at an eligible postsecondary institution through~~

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parent, family and/or personal resources as determined under rules to be established by the state board of education.—

(6) "Migrant farmworker" means a seasonal farmworker whose employment required travel that precluded the farmworker from returning to his permanent place of residence within the same day.—

(7) "Minority person" means any Idaho resident who is a member of an ethnic group whose members historically have participated in postsecondary education at a rate lower than their occurrence in the population of the United States including, but not limited to, persons of native American, African-American, and Hispanic-American descent.—

(8) "Potential first-generation college student" means a person neither of whose parents received a bachelor's degree.—

(9) "Seasonal farmworker" means a person who, within the past twenty-four (24) months, was employed for at least seventy-five (75) days in farmwork, and whose primary employment was in farmwork on a temporary or seasonal basis (that is, not as a constant year-round activity). All terms not specifically defined in this chapter shall be defined as in [sections 33-4303 through 33-4315](#), Idaho Code, governing the state of Idaho scholarship program.—

~~33-4605. Eligibility – Maximum amounts – Conditions.~~ The conditions governing this program and the size of awards shall be the same as those governing the state of Idaho scholarship program except as superseded by provisions of this chapter and as follows:—

(1) Scholarships shall be awarded on the basis of high school records and other criteria to be established by the board. In the case of equally deserving applicants, priority shall be given to the applicant with the greatest financial need.—

(2) The maximum number of scholarships in any given fiscal year shall be the amount of the fiscal year appropriation for this program divided by the amount of the maximum award for this program.—

~~33-4606. Duties of board.~~ The responsibilities of the board for this program shall be the same as for the state of Idaho scholarship program except as superseded by the provisions of this chapter and as follows:—

(1) The board shall allocate funds for this program to participating institutions on the basis of total enrollment of at-risk persons.—

(2) The board shall conduct audits and maintain fiscal controls and fund accounting procedures as may be necessary to assure proper disbursement of funds.—

(3) The board shall promulgate rules and regulations as necessary to implement this program. (4) The total of grant payments to a single recipient may not exceed the grant amount times the following number corresponding to the recipient's class standing as certified by the institution at the time of the initial award: freshman, four (4) years; sophomore, three (3) years; junior, two (2) years; and senior, one (1) year.—

(5) The board each year shall compile a report on award recipients which shall include ethnic origin, sex, grade point average, class standing, and number of college credits completed.—

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~~(6) The board each year shall compile a report measuring the rates of minority student recruitment and retention at participating institutions.—~~

~~**33-4607. Duties of participating institutions.**— Participating postsecondary institutions shall be responsible for:—~~

~~(1) Selecting recipients of awards.—~~

~~(2) Determining procedures for payment of awards.—~~

~~**33-4608. Relationship of chapter to section 67-5909, Idaho Code.**— This act shall not be construed to be in violation of the provisions of [section 67-5909, Idaho Code](#).—~~

SECTION 8. That Chapter 56, Title 33, Idaho code, be and the same is hereby repealed.

~~**33-5601. Short title.**— This act shall be known and cited as the "Idaho Opportunity Scholarship Act."—~~

~~**33-5602. Legislative intent.**— It is the intent of the legislature to create a scholarship fund to provide financial resources to Idaho students who are economically disadvantaged to close the gap between the estimated cost of attending an eligible Idaho institution of higher education and the expected student and family contribution toward such educational costs, and to encourage the educational development of such students in eligible Idaho postsecondary educational institutions.—~~

~~**33-5603. Purposes.**— The purposes of this chapter are to: (1) Increase the opportunity for economically disadvantaged Idaho students to attend postsecondary educational institutions within Idaho;—~~

~~(2) Reduce the financial burden on eligible students and their families who want to attend eligible postsecondary educational institutions within Idaho;—~~

~~(3) Recognize the individual benefit of education to students and provide resources to finance their postsecondary education;—~~

~~(4) Recognize that all Idaho citizens benefit from an educated citizenry, and provide funding to assist with educational costs of participants; and—~~

~~(5) Increase individual economic vitality and improve the overall quality of life for many of Idaho's citizens.—~~

~~**33-5604. Definitions.**— As used in this chapter: (1) "Educational costs" means the dollar amount determined annually by the state board of education as necessary for student tuition, fees, room and board, books and such other expenses reasonably related to attendance at an eligible Idaho postsecondary educational institution.—~~

~~(2) "Eligible Idaho postsecondary educational institution" means:—~~

~~(a) A public postsecondary organization governed or supervised by the state board, the board of regents of the university of Idaho, a board of trustees of a community college established pursuant to the provisions of [chapter 21, title 33, Idaho Code](#), or the state board for professional technical education; or—~~

~~(b) Any educational organization located in Idaho which is:—~~

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- ~~(i) Operated privately;—~~
- ~~(ii) Classified as not-for-profit under the Idaho Code;—~~
- ~~(iii) Under the control of an independent board and not directly controlled or administered by a public or political subdivision; and—~~
- ~~(iv) Accredited by an organization recognized by the state board, as provided in [section 33-2402](#), Idaho Code.—~~

~~(3) "Eligible student" means a student who:—~~

- ~~(a) Is an Idaho resident;—~~
- ~~(b) Has or will graduate from an accredited high school or equivalent in Idaho as determined by the state board;—~~
- ~~(c) Has enrolled or applied as a full-time student to an eligible Idaho postsecondary educational institution; and—~~
- ~~(d) Is pursuing an undergraduate degree, certificate or diploma.—~~

~~(4) "Financial eligibility" means the extent of a person's inability to meet the educational costs associated with attending an eligible Idaho postsecondary educational institution through a model of shared responsibility, taking into account the required and expected contributions of such person's parents, family and personal resources.—~~

~~(5) "Opportunity scholarship program" means the scholarship program described in this chapter and in the rules established by the state board.—~~

~~(6) "State board" means the state board of education.—~~

~~33-5605. Academic and financial eligibility.~~ ~~The state board shall promulgate rules by August 1, 2007, to determine student eligibility, academic and financial eligibility consistent with this section [chapter] for the purpose of awarding the Idaho opportunity scholarship.—~~

~~33-5606. Application process.~~ ~~(1) The state board shall promulgate rules by August 1, 2007, to establish a process and application form for eligible students to apply for an opportunity scholarship.—~~

~~(2) When applying for an opportunity scholarship an eligible student must:—~~

- ~~(a) Apply or have applied for federal and state student financial assistance available to an eligible student who will attend, or is enrolled in an eligible Idaho postsecondary educational institution;—~~
- ~~(b) Submit to the state board all of the information and documentation required to demonstrate his or her financial eligibility under this chapter, and any other information and documentation the state board may require to determine the applicant's eligibility for an opportunity scholarship under this chapter; and—~~
- ~~(c) Meet any other minimum criteria established by the state board in rule.—~~

~~33-5607. Selection process – Amount of awards – Conditions.~~ ~~(1) The state board shall promulgate rules by August 1, 2007, consistent with this section, to determine:—~~

- ~~(a) How eligible students will be selected to receive the Idaho opportunity scholarship; and—~~
- ~~(b) When the scholarship award will occur.—~~

~~(2) Funds that are available for the opportunity scholarship program shall be used to provide scholarships based on a sharing of responsibility between the scholarship recipient and his or her family, the federal government and the participating~~

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~~eligible Idaho postsecondary educational institution that the recipient attends for covering the educational costs for attendance.—~~

~~(3) The opportunity scholarship award shall not exceed the actual educational costs at the eligible Idaho postsecondary educational institution that the student attends. The amount of scholarship for attendance on a full-time basis shall not exceed the recognized educational costs, after deducting the following:—~~

~~(a) The assigned student/family responsibility, in an amount to be determined by the state board; and—~~

~~(b) The amount of any other public or private scholarships or grants which the applicant receives.—~~

~~(4) Any scholarship awarded under this chapter shall not exceed the equivalent of eight (8) semesters or the equivalent of four (4) academic years. An eligible Idaho postsecondary educational institution participating in this program shall be required to submit statements of continuing student eligibility to the state board, which shall include verification that the student is still enrolled, attending full time, maintaining satisfactory academic progress and has not exceeded the award eligibility terms.—~~

~~(5) Grant payments shall correspond to academic terms, semesters, quarters or equivalent time periods at an eligible Idaho postsecondary educational institution. In no instance may the entire amount of a grant be paid to or on behalf of such student in advance.—~~

~~(6) If an eligible student, scholarship applicant or scholarship recipient becomes ineligible to participate in the opportunity scholarship program under this chapter or the rules established by the state board, then the eligible student may reapply at any time for further consideration under this chapter.—~~

~~(7) If an eligible student becomes ineligible for a scholarship under this chapter, or if a student discontinues attendance before the end of any semester, quarter, term or equivalent, covered by the grant after receiving payment under this chapter, the eligible Idaho postsecondary educational institution shall remit, up to the amount of any payments made under this grant, any prorated tuition, fees or room and board balances to the state board. The student shall be required to remit, up to the amount of any other reasonable grant balances, such grant balances to the state board. In the event of extreme hardship as determined by the state board, a student may request waiver of remittance.—~~

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.—~~

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~~(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 fifty thousand dollars (\$50,000) of the annual earnings distribution to the state board 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.~~

SECTION 1. That Section 67-5728, Idaho code, be, and the same is hereby amended to read as follows:

67-5728. PROCURING AND purchasing by state institution of higher education.

~~[Effective until July 1, 2013.]~~ (1) For the purposes of this section, "state institution of higher education" means Lewis-Clark State College, Idaho State University, Boise State University and Eastern Idaho Technical College.

(2) Any state institution of higher education may establish policies and procedures for procuring and purchasing property that shall be substantially consistent with the requirements for procuring and purchasing property as set forth in this chapter and that shall be approved by the state board of education. When the state board of education has approved such policies and procedures for a state institution of higher education, such institution shall not be subject to the provisions of this chapter, except as provided in subsection (3) of this section.

(3) When the state enters into an open contract, no state institution of higher education that has established policies and procedures pursuant to subsection (2) of this section shall fail to utilize such contract without justifiable cause for such action, pursuant to the provisions of subsection (4) of section [67-5726](#), Idaho Code.

SECTION 1. That Section 72-102, Idaho code, be, and the same is hereby amended to read as follows:

72-102. Definitions. Words and terms used in the worker's compensation law, unless the context otherwise requires, are defined in the subsections which follow:

(1) "Alien" means a person who is not a citizen, a national or a resident of the United States or Canada. Any person not a citizen or national of the United States who relinquishes or is about to relinquish his residence in the United States shall be regarded as an alien.

(2) "Balance billing" means charging, billing, or otherwise attempting to collect directly from an injured employee payment for medical services in excess of amounts allowable in compensable claims as provided by rules promulgated by the commission pursuant to section [72-508](#), Idaho Code.

(3) "Beneficiary" means any person who is entitled to income benefits or medical and related benefits under this law.

(4) "Burial expenses" means a sum, not to exceed six thousand dollars (\$6,000) for funeral and burial or cremation, together with the actual expenses of transportation of the employee's body to his place of residence within the United States or Canada.

(5) "Commission" means the industrial commission.

(6) "Community service worker" means:

(a) Any person who has been convicted of a criminal offense, any juvenile who has been found to be within the purview of [chapter 5, title 20](#), Idaho Code, and who has been informally diverted under the provisions of section [20-511](#), Idaho Code, or any person or youth who has been diverted from the criminal or juvenile justice system and who performs a public service for any department, institution, office, college, university, authority, division, board, bureau, commission, council, or other entity of the state, or any city, county, school district, irrigation district or other taxing district authorized to levy a tax or an assessment or any other political subdivision or any private not-for-profit agency which has elected worker's compensation insurance coverage for such person; or

(b) Parolees under department of correction supervision, probationers under court order or department of correction supervision and offender residents of community work centers under the direction or order of the board of correction who are performing public service or community service work for any of the entities specified in paragraph (6)(a) of this section other than the department of correction.

(7) "Compensation" used collectively means any or all of the income benefits and the medical and related benefits and medical services.

(8) "Custom farmer" means a person who contracts to supply operated equipment to a proprietor of a farm for the purpose of performing part or all of the activities related to raising or harvesting agricultural or horticultural commodities.

(9) "Death" means death resulting from an injury or occupational disease.

(10) Dependency limitations.

(a) "Adopted" and "adoption" include cases where persons are treated as adopted as well as those of legal adoption unless legal adoption is specifically provided.

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(b) "Brother" and "sister" include stepbrothers and stepsisters, half brothers and half sisters, and brothers and sisters by adoption.

© "Child" includes adopted children, posthumous children, and acknowledged illegitimate children, but does not include stepchildren unless actually dependent.

(d) "Grandchild" includes children of legally adopted children and children of stepchildren, but does not include stepchildren of children, stepchildren of stepchildren, or stepchildren of adopted children unless actually dependent.

(e) "Parent" includes stepparents and parents by adoption.

(f) "Grandparent" includes parents of parents by adoption, but does not include parents of stepparents, stepparents of parents, or stepparents of stepparents.

(11) "Disability," for purposes of determining total or partial temporary disability income benefits, means a decrease in wage-earning capacity due to injury or occupational disease, as such capacity is affected by the medical factor of physical impairment, and by pertinent nonmedical factors as provided in section [72-430](#), Idaho Code.

(12) "Employee" is synonymous with "workman" and means any person who has entered into the employment of, or who works under contract of service or apprenticeship with, an employer. It does not include any person engaged in any of the excepted employments enumerated in section [72-212](#), Idaho Code, unless an election as provided in section [72-213](#), Idaho Code, has been filed. Any reference to an employee who has been injured shall, where the employee is dead, include a reference to his dependents as herein defined, if the context so requires, or, where the employee is a minor or incompetent, to his committee or guardian or next friend.

(13) (a) "Employer" means any person who has expressly or impliedly hired or contracted the services of another. It includes contractors and subcontractors. It includes the owner or lessee of premises, or other person who is virtually the proprietor or operator of the business there carried on, but who, by reason of there being an independent contractor or for any other reason, is not the direct employer of the workers there employed. If the employer is secured, it means his surety so far as applicable.

(b) "Professional employer" means a professional employer as defined in [chapter 24, title 44](#), Idaho Code.

© "Temporary employer" means the employer of temporary employees as defined in section [44-2403](#)(7), Idaho Code.

(d) "Work site employer" means the client of the temporary or professional employer with whom a worker has been placed.

(14) "Farm labor contractor" means any person or his agent or subcontractor who, for a fee, recruits and employs farm workers and performs any farm labor contracting activity.

(15) "Gender and number." The masculine gender includes the feminine and neuter; "husband" or "wife" includes "spouse"; the singular number includes plural and the plural the singular.

(16) "Income benefits" means payments provided for or made under the provisions of this law to the injured employee disabled by an injury or occupational disease, or his dependents in case of death, excluding medical and related benefits.

(17) "Independent contractor" means any person who renders service for a specified recompense for a specified result, under the right to control or actual control of his principal as to the result of his work only and not as to the means by which such

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result is accomplished. For the purposes of worker's compensation law, a custom farmer is considered to be an independent contractor.

(18) "Injury" and "accident."

(a) "Injury" means a personal injury caused by an accident arising out of and in the course of any employment covered by the worker's compensation law.

(b) "Accident" means an unexpected, undersigned, and unlooked for mishap, or untoward event, connected with the industry in which it occurs, and which can be reasonably located as to time when and place where it occurred, causing an injury.

© "Injury" and "personal injury" shall be construed to include only an injury caused by an accident, which results in violence to the physical structure of the body. The terms shall in no case be construed to include an occupational disease and only such nonoccupational diseases as result directly from an injury.

(19) "Manifestation" means the time when an employee knows that he has an occupational disease, or whenever a qualified physician shall inform the injured worker that he has an occupational disease.

(20) "Medical and related benefits" means payments provided for or made for medical, hospital, burial and other services as provided in this law other than income benefits.

(21) "Medical services" means medical, surgical, dental or other attendance or treatment, nurse and hospital service, medicines, apparatus, appliances, prostheses, and related services, facilities and supplies.

(22) "Occupational diseases."

(a) "Occupational disease" means a disease due to the nature of an employment in which the hazards of such disease actually exist, are characteristic of, and peculiar to the trade, occupation, process, or employment, but shall not include psychological injuries, disorders or conditions unless the conditions set forth in section [72-451](#), Idaho Code, are met.

(b) "Contracted" and "incurred," when referring to an occupational disease, shall be deemed the equivalent of the term "arising out of and in the course of" employment.

© "Disablement," except in the case of silicosis, means the event of an employee's becoming actually and totally incapacitated because of an occupational disease from performing his work in the last occupation in which injuriously exposed to the hazards of such disease, and "disability" means the state of being so incapacitated.

(d) "Disablement," in the case of silicosis, means the event of first becoming actually incapacitated, because of such disease, from performing any work in any remunerative employment; and "disability" means the state of being so incapacitated.

(e) "Silicosis" means the characteristic fibrotic condition of the lungs caused by the inhalation of silicon dioxide (SiO₂) dust.

(23) "Outworker" means a person to whom articles or materials are furnished to be treated in any way on premises not under the control or management of the person who furnished them.

(24) "Person" means the state or any political subdivision thereof, or any individual, partnership, firm, association, trust, corporation, including the state insurance fund, or any representative thereof.

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(25) "Physician" means medical physicians and surgeons, ophthalmologists, otorhinolaryngologists, dentists, osteopaths, osteopathic physicians and surgeons, optometrists, podiatrists, chiropractic physicians, and members of any other healing profession licensed or authorized by the statutes of this state to practice such profession within the scope of their practice as defined by the statutes of this state and as authorized by their licenses.

(26) "Provider" means any person, firm, corporation, partnership, association, agency, institution, or other legal entity providing any kind of medical services related to the treatment of an injured employee which are compensable under Idaho's worker's compensation law.

(27) "Secretary" means the secretary of the commission.

(28) "Self-insurer" means an employer who has been authorized under the provisions of this law to carry his own liability to his employees covered by this law.

(29) "State" includes any state, district, commonwealth, zone or territory of the United States or any province of Canada.

(30) "Surety" means any insurer authorized to insure or guarantee payment of worker's compensation liability of employers in any state; it also includes the state insurance fund, a self-insurer and an inter-insurance exchange.

(31) "United States," when used in a geographic sense, means the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone and the territories of the United States.

(32) "Volunteer emergency responder" means a firefighter or peace officer, or publicly employed certified personnel as that term is defined in section [56-1012](#), Idaho Code, who is a bona fide member of a legally organized law enforcement agency, a legally organized fire department or a licensed emergency medical service provider organization who contributes services.

(33) "Wages" and "wage earning capacity" prior to the injury or disablement from occupational disease mean the employee's money payments for services as calculated under section [72-419](#), Idaho Code, and shall additionally include the reasonable market value of board, rent, housing, lodging, fuel, and other advantages which can be estimated in money which the employee receives from the employer as part of his remuneration, and gratuities received in the course of employment from others than the employer. "Wages" shall not include sums which the employer has paid to the employee to cover any special expenses entailed on him by the nature of his employment.

(34) "Wages" and "wage earning capacity" after the injury or disablement from occupational disease shall be presumed to be the actual earnings after the injury or disablement, which presumption may be overcome by showing that those earnings do not fairly and reasonably represent wage earning capacity; in such a case wage earning capacity shall be determined in the light of all factors and circumstances which may affect the worker's capacity to earn wages.

(35) "Work experience student" means any person enrolled in the public school districts or [public institutions of higher education](#) of this state and who, as part of his instruction, is enrolled in a class or program for academic credit and for which the student is employed by, or works for, a private or governmental entity. The student need not receive wages from the private or governmental entity in order to be classified as a work experience student.

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(36) “Worker’s compensation law” or “workmen’s compensation law” means and includes the worker’s compensation law of this state and any like or similar law of any state, United States, territory, or province of Canada.

SECTION 2. That Section 72-205, Idaho code, be, and the same is hereby amended to read as follows:

72-205. Public employment generally – Coverage. The following shall constitute employees in public employment and their employers subject to the provisions of this law:

(1) Every person in the service of the state or of any political subdivision thereof, under any contract of hire, express or implied, and every official or officer thereof, whether elected or appointed, while performing his official duties, except officials of athletic contests involving secondary schools, as defined by section [33-119](#), Idaho Code.

(2) Every person in the service of a county, city, or any political subdivision thereof, or of any municipal corporation.

(3) Participants in the Idaho youth conservation project under the supervision of the Idaho state forester.

(4) Every person who is a volunteer emergency responder shall be deemed, for the purposes of this law, to be in the employment of the political subdivision or municipality where the department, agency or organization is organized.

(5) Every person who is a regularly enrolled volunteer member or trainee of the department of disaster and civil defense, or of a civil defense corps, shall be deemed, for the purposes of this law, to be in the employment of the state.

(6) Members of the Idaho national guard while on duty and employees of or persons providing voluntary service to an approved Idaho national guard morale, welfare, and recreational activity. No Idaho compensation benefits shall inure to any such member, employee or volunteer or their beneficiaries for any injury or death compensable under federal law.

(7) A community service worker, as that term is defined in section [72-102](#), Idaho Code, is considered to be an employee in public employment for purposes of receiving worker’s compensation benefits, which shall be the community service worker’s exclusive remedy for all injuries and occupational diseases as provided under chapters 1 through 8, [title 72](#), Idaho Code.

(8) Every person who participates in a youth employment program funded in whole or in part by state or federal money and administered by a state or federal agency or a nonprofit corporation or entity.

(9) A work experience student, as that term is defined in section [72-102](#), Idaho Code, who does not receive wages while participating in the school’s work experience program shall be covered by the school district’s policy [or Idaho Higher Education policy](#).

33-2406. SURETY BOND. As a condition of registration, a proprietary school shall obtain a surety bond, or other financial instrument in a format approved by the director, issued by an insurer duly authorized to do business in this state in favor of the state of Idaho for the indemnification of any student for any loss suffered as a result of a failure by such proprietary school to satisfy its obligations pursuant to the terms and conditions of any contract for tuition or other instructional fees entered into between the proprietary school and a student, or as a result of any violation of this chapter or the rules promulgated pursuant to this chapter. The term of the bond shall extend over the period of registration, and shall be in such amount as is established in rule by the board. ~~The board may permit the director to accept from a newly registered proprietary school, for a period not to exceed five (5) years, a bond in a lesser amount that is supplemented by other financial instruments deemed acceptable by the director.~~

The director may submit a demand upon the surety on the bond on behalf of a student or students when it is reasonably believed that a loss has occurred due to a failure by such proprietary school to satisfy its obligations pursuant to the terms and conditions of any contract for tuition or other instructional fees entered into between the proprietary school and a student, or as a result of any violation of the provisions of this chapter or the rules promulgated pursuant to this chapter.

Neither the principal nor surety on the bond or other financial instrument may terminate the coverage of the bond, except upon giving one hundred twenty (120) days' prior written notice to the director.

**TITLE 33. EDUCATION
CHAPTER 9. SCHOOL FUNDS**

§ 33-909. Public school facilities cooperative funding program – Fund created

(1) In fulfillment of the constitutional requirement to provide a general, uniform and thorough system of public, free common schools, it is the intent of the state of Idaho to advance its responsibility for providing a safe environment conducive to learning by providing a public school facilities funding program to enable qualifying school districts to address unsafe facilities identified as unsafe under the standards of the Idaho uniform school building safety act.

(2) Participation in the program, for the purpose of obtaining state financial support to abate identified school building safety hazards, requires submission of an application to the public school facilities cooperative funding program panel. Application can be made by:

(a) Any school district that has failed to approve at least one (1) or more bond levies for the repair, renovation or replacement of existing unsafe facilities, within the two (2) year period immediately preceding submission of the application; or

(b) The administrator of the division of building safety, for a school district that has failed to address identified unsafe facilities as provided in chapter 80, title 39, Idaho Code.

(3) There is hereby created within the office of the state board of education the Idaho public school facilities cooperative funding program panel, hereafter referred to as the panel. The panel shall consist of the administrator of the division of building safety, the administrator of the division of public works and the executive director of the state board of education, or a designee appointed by a panel member. It shall be the duty of the panel to consider all applications made to it, and to either approve, modify or reject an application based on the most economical solution to the problem, as analyzed within a projected twenty (20) year time frame.

(4) The application shall contain the following information:

(a) The identified school building safety hazards and such other information necessary to document the deficiencies;

(b) The school district's plan for abating the defects, including costs and sources and amounts of revenue available to the school district;

(c) The market value for assessment purposes of the school district; and

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(d) A detailed accounting of all bond and plant facility levies of the school district and the revenues raised by such levies.

For applications initiated by the administrator of the division of building safety pursuant to subsection (2)(b) of this section, the school district shall provide the information required in this subsection (4) if such information is not available to the administrator.

(5) In considering an application, the panel shall determine whether the plan as proposed is acceptable, or is acceptable with modifications as determined by the panel, or should be rejected. The panel shall notify the applicant of its decision, in writing, within sixty (60) days of receiving the application. At the same time the panel notifies the applicant, the panel shall send notification of an approved application or a modified application to the state board of education, along with the panel's specifications for the project and its costs.

(6) If an application received from a school district is accepted or modified by the panel, the local board of trustees of that school district, at the next election held pursuant to *section 34-106, Idaho Code*, shall submit the question to the qualified electors of the school district of whether to approve a bond in the amount of the cost of the project as approved by the panel.

(7) Within thirty-five (35) calendar days of receiving notification from the panel that an application submitted by the administrator of the division of building safety pursuant to subsection (2)(b) of this section has been approved or modified by the panel, or within thirty-five (35) calendar days of receiving certification from the panel that the question submitted to the electorate pursuant to subsection (6) of this section was not approved in the election, the state board of education shall appoint a district supervisor for interim state supervision of the local school district. The district supervisor shall be responsible for ensuring that the project, as approved by the panel, is completed and shall regularly report to the panel in a manner as determined by the panel upon approval of the project. The district supervisor shall also have the authority granted to said position by the provisions of *section 6-2212, Idaho Code*. A district supervisor's term of service shall continue for the duration of the project, and such person appointed as a district supervisor shall serve at the pleasure of the state board of education.

(8) The abatement of unsafe public school facilities through the public school facilities cooperative funding program shall be performed in accordance with the regular permitting, plan review, and inspection requirements of the division of building safety. The Idaho building code board shall function as a board of appeals for the division of building safety for such construction in accordance with section 39-4107, Idaho Code. Upon successful completion of the construction in accordance with applicable building codes, a certificate of occupancy shall be issued by the administrator of the division of building safety. Upon issuance of a certificate of occupancy, responsibility for ensuring the safety of the facility, or portion thereof so constructed will then be returned to the school district, and responsibility for ensuring subsequent compliance with building codes returned to the authority having jurisdiction.

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(9) Upon approval of an application or a modified application submitted by the administrator of the division of building safety pursuant to subsection (2)(b) of this section, or upon receipt of certification from the county that the question submitted to the electorate pursuant to subsection (6) of this section was not approved in the election, the panel shall certify the cost of the project, as approved by the panel, to the state department of education.

(a) The total cost of the project shall initially be paid by the state from the public school facilities cooperative fund.

(b) The district's share of costs that may be repaid through the levy provisions of this section shall not exceed the district's share of bond payment costs as calculated for the bond levy equalization support program in the fiscal year in which the application is made. Interest shall be charged on the unpaid balance of the district's share of costs, as such balance exists at the end of each fiscal year, at the rate of interest earned by the state treasurer on the investment of the idle funds in that fiscal year.

(c) It shall be the responsibility of the state department of education to calculate a state-authorized plant facilities levy rate in accordance with the provisions of subsection (9) of this section, which, when imposed over a maximum period not to exceed twenty (20) years, may yield the revenues needed to repay the school district's share of the cost of the project.

(d) The levy rate calculated by the state department of education shall be certified by the department to the county or counties wherein the boundaries of the school district are contained, for assessment of the levy and collection of the revenues by such county or counties in the manner provided by law. The revenues collected by imposition of the state-authorized plant facilities levy shall be remitted to the state treasurer for deposit to the public school facilities cooperative fund.

(10) The annual state-authorized plant facilities levy rate shall be limited to the greater of:

(a) The difference between the school district's combined bond and plant facilities levy rates, and the statewide average bond and plant facility levy rates; or

(b) The statewide average plant facility levy rate.

The initial levy rate so calculated shall be established as the minimum levy rate that shall be imposed for the amount of time required to reimburse the state for the school district's share of the project cost, but not to exceed twenty (20) years, even if this period would not provide reimbursement of the entire amount of the school district's share of the cost of the project. The state department of education is authorized and directed to recalculate the levy rate on an annual basis, and is authorized to increase or decrease the levy rate according to the scheduled payback, but the levy rate shall not be less than the levy rate initially imposed. Provided however, if the levy rate calculated is estimated to raise more money than would be necessary to repay the district's share of costs, then the state department of education shall certify to the county or counties

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wherein the boundaries of the school district are contained, the moneys necessary to repay the district's share of costs.

(~~40~~11) There is hereby created in the state treasury a public school facilities cooperative fund. The fund shall contain such moneys as may be directed pursuant to appropriation. Moneys in the fund shall be used exclusively to finance the public school facilities cooperative funding program, and are hereby continuously appropriated for such purposes as authorized by this section. Moneys in the fund shall be invested by the state treasurer in the same manner as provided under *section 67-1210, Idaho Code*, with respect to other idle moneys necessary to repay the district's share of costs.

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SUBJECT

Distinguished Schools and Additional Yearly Growth Awards for 2012.

REFERENCE

October 2011	Board presented with Distinguished Schools and Additional Yearly Growth Awards for 2011
October 2010	Board presented with Distinguished Schools and Additional Yearly Growth Awards for 2010

APPLICABLE STATUTE, RULE, OR POLICY

Idaho Administrative Rule, IDAPA 08.02.03, Section 113 – Accountability Awards

BACKGROUND/DISCUSSION

Since 2007, the Board has recognized Idaho K-12 schools who meet very rigorous requirements as part of their performance on the Idaho Standards Achievement Test (ISAT). IDAPA 08.02.03, subsection 113 outlines the requirements for the Distinguished Schools and the Additional Yearly Growth awards. The Distinguished Schools Award is given to schools who meet the following criteria:

- Must make AYP two consecutive years
- Based on grade level test
 - Reduce gap between group or subgroups
 - Subgroups must have at least 34 or greater student populations
- Top 5% of this group of schools that have reduced the gap(s) in their school

Nine (9) schools will receive the Distinguished Schools Award this year.

The Additional Yearly Growth Award is given to schools who meet the following criteria:

- Must make AYP two consecutive years
- Based on grade level test:
 - Show an increase in at least one group or subgroup- Ethnicity or Special Programs (Special Ed, LEP, Free or Reduced Lunch)
 - Groups/Subgroups must have at least 34 or greater student populations.
 -

Six (6) schools will receive Additional Yearly Growth Awards this year.

IMPACT

Once presented to the Board, Board staff will arrange visits to the recipient schools to present the awards.

ATTACHMENTS

Attachment 1 – List of Awards for 2012

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BOARD ACTION

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

Distinguished Schools Award 2012

Carey Public School, Blaine County District
Central Elementary, Nampa School District
Challis Elementary School, Challis Joint District
Filer Elementary School, Filer District
Garfield Elementary School, Boise Independent District
Grace Junior/Senior High School, Grace Joint District
Idaho Arts Charter School, Nampa
Lowell Elementary School, Boise Independent District
Rocky Mountain High School, Joint District No. 2 (Meridian)

Additional Yearly Growth Award 2012

Capital Senior High School, Boise Independent District
Hamer Elementary School, West Jefferson District
Wilder Elementary School, Wilder District
Rocky Mountain High School, Joint District No. 2 (Meridian)
Salmon River Junior/Senior High School, Salmon River Joint School District
Victor Elementary School, Teton County District

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SUBJECT

Alcohol Permits - Issued by University Presidents

APPLICABLE STATUTE, RULE, OR POLICY

Idaho State Board of Education Governing Policies and Procedures, I.J.2.b.

BACKGROUND/DISCUSSION

The chief executive officer of each institution may waive the prohibition against possession or consumption of alcoholic beverages only as permitted by and in compliance with Board policy. Immediately upon issuance of an Alcohol Beverage Permit, a complete copy of the application and the permit shall be delivered to the Office of the State Board of Education, and Board staff shall disclose the issuance of the permit to the Board no later than the next Board meeting.

The last update presented to the Board was at the August 2012 Board meeting. Since that meeting, Board staff has received ten (10) permits from Boise State University, thirteen (13) permits from Idaho State University, and sixteen (16) permits from the University of Idaho.

Board staff has prepared a brief listing of the permits issued for use. The list is attached for the Board's review.

ATTACHMENTS

Attachment 1 - List of Approved Permits by Institution

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BOARD ACTION

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

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APPROVED ALCOHOL SERVICE AT BOISE STATE UNIVERSITY August 2012 – October 2012				
EVENT	LOCATION	Institution Sponsor	Outside Sponsor	DATE (S)
Surprise Birthday Party	Stueckle Sky Center (SSC)		X	8/25/12
Coaches Radio Show	SSC	X		8/27/12, 9/26/12, 10/3/12, 10/10/12, 10/17/12
Cecil D. Andrus Award for Political Leadership	SUB – Jordan Ballroom	X		9/28/12
Ronald McDonald House Dinner/Auction	SSC		X	9/18/12
National Association of Regional Councils / Compass Reception	SSC		X	9/24/12
Planned Parenthood Annual Check-Up Fundraiser	SSC		X	10/2/12
Stick Your Neck Out for Idaho's Children Event	SUB – Simplot Ballroom		X	10/4/12
Brantley Gilbert: Hell on Wheels Tour	Taco Bell Arena		X	10/6/12
Heather Williams Wedding	SSC		X	10/6/12
All Steinway Donor Celebration	Founder's Room		X	10/9/12

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APPROVED ALCOHOL SERVICE AT IDAHO STATE UNIVERSITY August 2012 – April 2013				
EVENT	LOCATION	Institution Sponsor	Outside Sponsor	DATE (S)
"Idaho Heroes" Honoring the Rahims	PAC – Rotunda		X	8/24/12
Faculty/Staff Welcoming Assembly	SUB – Salmon River		X	8/30/12
Week of Welcome Musical Closing Night Reception	Stephens Performing Arts Center (SPAC)		X	9/1/12
IANs/IEEE Dinner Meeting	CAES		X	9/11/12
Tour de Vins Wine Tasting & Auction	SUB – ISU Ballroom		X	9/15/12
Reception for Meridian VIP's	Meridian Health Sciences Center		X	9/18/12
Idaho National Lab Fertel & Pardee Visit	CAES		X	9/20/12
Civic Symphony Concert	SPAC – Rotunda		X	9/28/12, 11/9/12, 12/7/12, 12/8/12, 2/15/13, 3/9/13, 4/26/13, 4/27/13
Robinson / Phillips Wedding & Reception	SPAC		X	10/6/12
Festival of Trees: Opening Gala	SPAC		X	11/27/12
Festival of Trees: Employee Appreciation Reception	SPAC		X	11/28/12
Festival of Trees: Ladies Holiday Tea	SPAC		X	12/1/12
Festival of Trees: Employee Party	SPAC		X	12/1/12

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APPROVED ALCOHOL SERVICE AT UNIVERSITY OF IDAHO August 2012 – December 2012				
EVENT	LOCATION	Institution Sponsor	Outside Sponsor	DATE (S)
U of I Donors / Prospects Reception	Sun Valley Resort	X		8/5/12
New Department Chairs Meeting with U of I Leadership	1795 Amy Court, Moscow, ID	X		8/8/12
New U of I Faculty Orientation Dinner	President's Residence	X		8/12/12
Convocation Speaker Dinner: George P. Bush	President's Residence	X		8/16/12
Engineering Reception before the North Idaho Celebration	CDA Resort – Floating Green Restaurant	X		8/23/12
Graduate Student Leadership Reception	President's Residence	X		8/27/12
College of Engineering Alumni Dinner	McMenamins Grand Lodge, OR	X		9/6/12
UI Prichard Art Gallery Friends Annual Meeting	UI Prichard Art Gallery	X		9/20/12
Golden I Reunion Celebration Dinner	SUB – Ballroom	X		9/21/12
Faculty Club – Faculty Networking	Commons – Clearwater/Whitewater Rooms	X		9/28/12
Women's Leadership Conference	SUB – Ballroom	X		10/4/12
Faculty Gathering / Interdisciplinary Reception	Commons – Clearwater/Whitewater Rooms	X		10/12/12
Mark Twain Donor Reception	Legacy Point, UI Boise	X		10/16/12
Alcohol Awareness Education with Moscow Police Department	SUB – Ballroom	X		10/17/12
Alumni Awards for Excellence	SUB – Ballroom	X		12/7/12
Palouse Holiday Gingerbread Dinner	SUB – Ballroom	X		12/11/12

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