

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
OCTOBER 17, 2013**

TAB	DESCRIPTION	ACTION
1	LEWIS-CLARK STATE COLLEGE – ANNUAL PROGRESS REPORT	Information Item
2	PRESIDENTS’ COUNCIL REPORT	Information Item
3	IDAHO DIVISION OF VOCATIONAL REHABILITATION – ANNUAL REPORT	Information Item
4	IDAHO REGIONAL OPTICAL NETWORK (IRON) – UPDATE	Information Item
5	2014 BOARD LEGISLATION	Motion to Approve
6	PENDING RULES – DOCKETS 08-0105-1301, 08-0106-1301, 08-0112-1301 – SCHOLARSHIPS REPEAL	Motion to Approve
7	PENDING RULE – DOCKET 08-0109-1301 – GEAR UP IDAHO SCHOLARSHIP	Motion to Approve
8	PENDING RULE – DOCKET 08-0113-1301 – OPPORTUNITY SCHOLARSHIP	Motion to Approve
9	PENDING RULES – DOCKET 08-0204-1301 – RULES GOVERNING CHARTER SCHOOLS AND DOCKET 08-0301-1301 – RULES GOVERNING THE PUBLIC CHARTER SCHOOL COMMISSION	Motion to Approve
10	TEMPORARY RULE – IDAPA 08.02.03.113 – AWARD SCHOOLS	Motion to Approve

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11	DISTINGUISHED SCHOOL AWARDS FOR 2013	Information Item
12	POSTSECONDARY PROFESSIONAL TECHNICAL EDUCATOR CERTIFICATION FEES	Motion to Approve
13	BOARD POLICY I.O. DATA MANAGEMENT COUNCIL – SECOND READING	Motion to Approve
14	PRESIDENT APPROVED ALCOHOL PERMITS	Information Item

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LEWIS-CLARK STATE COLLEGE

SUBJECT

Lewis-Clark State College (LCSC) Annual Progress Report

APPLICABLE STATUTE, RULE, OR POLICY

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

BACKGROUND/DISCUSSION

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

President Fernandez will provide a 15-minute overview of LCSC's progress in carrying out the College's strategic plan.

IMPACT

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

ATTACHMENTS

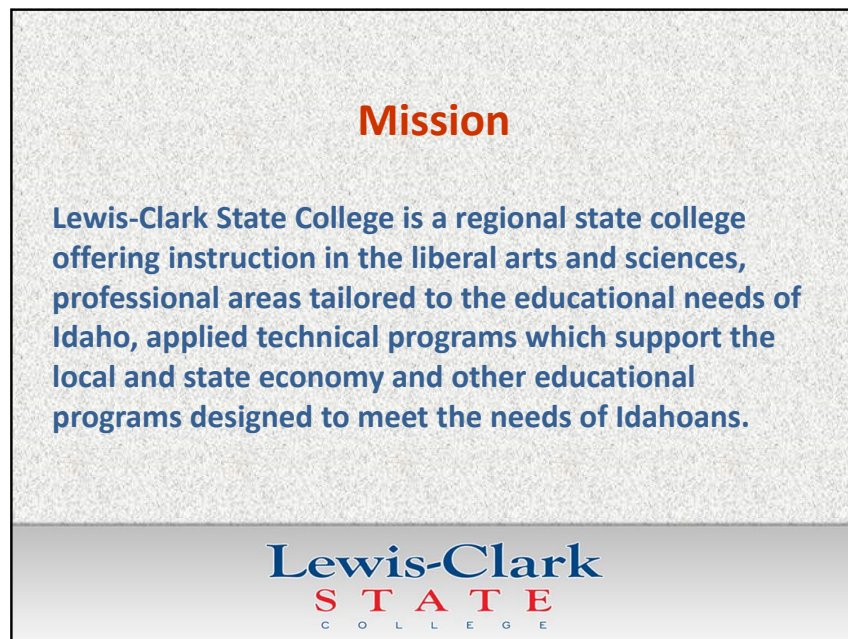
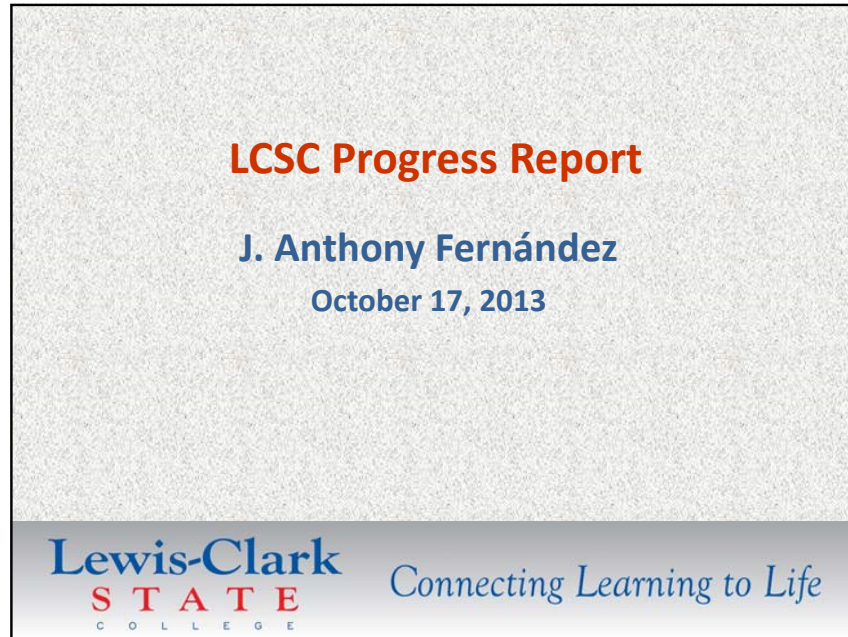
Attachment 1 – Outline of LCSC Progress Report

Page 3

BOARD ACTION

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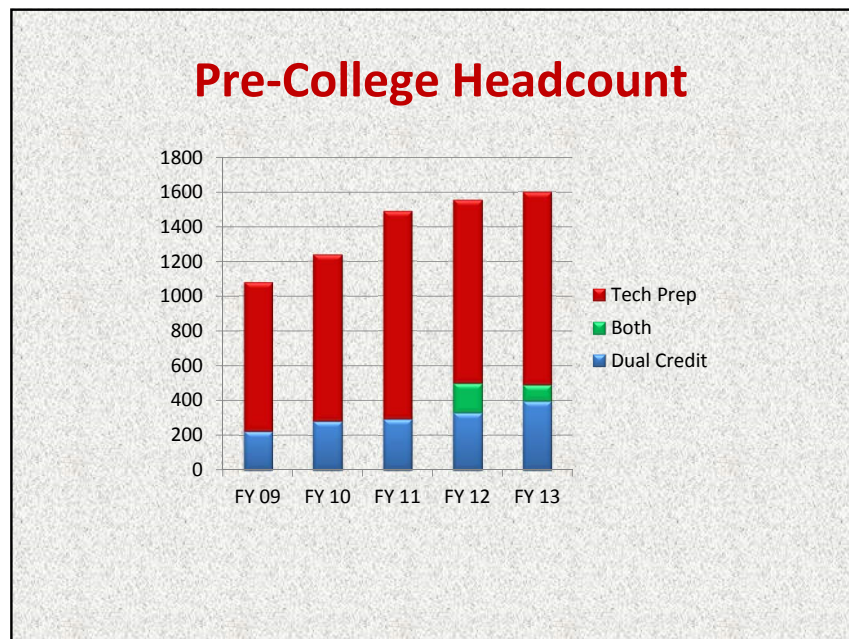
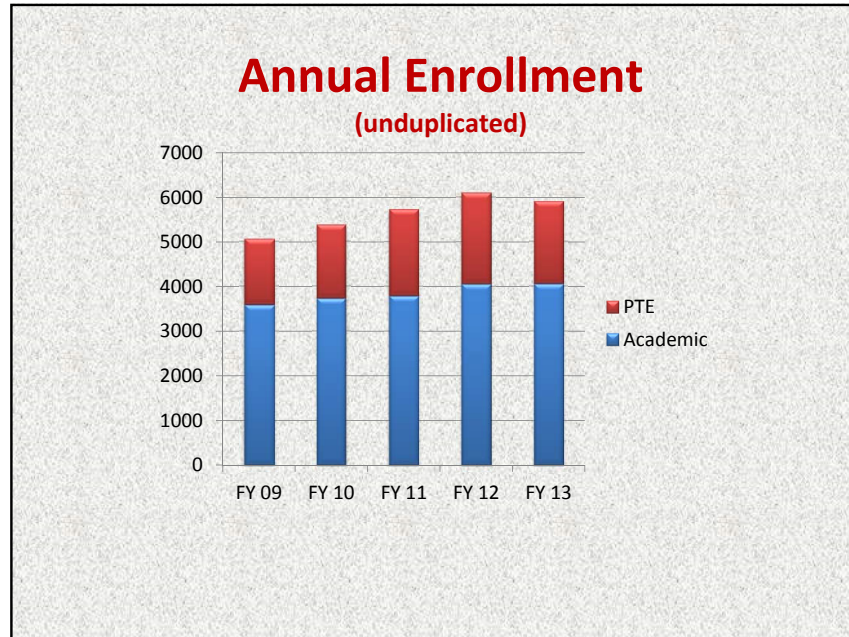


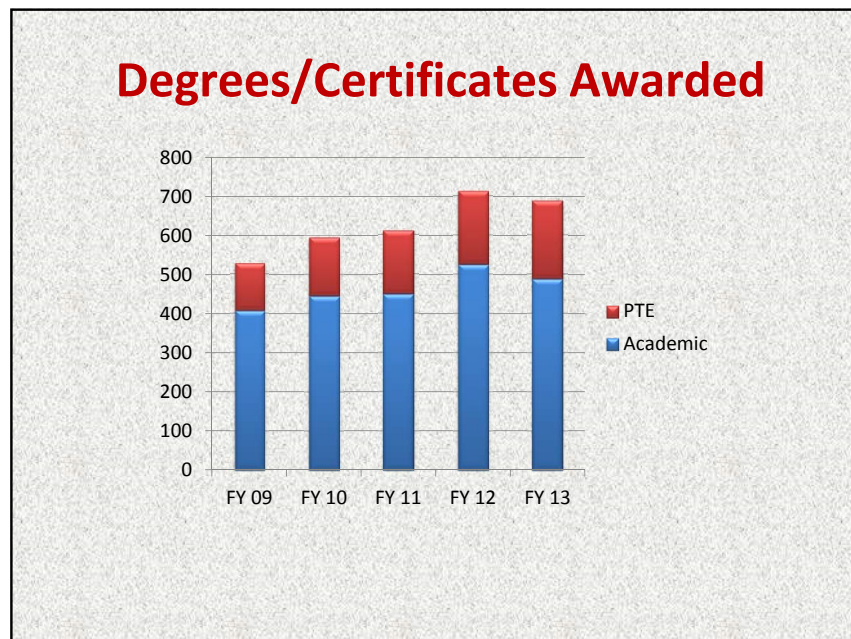
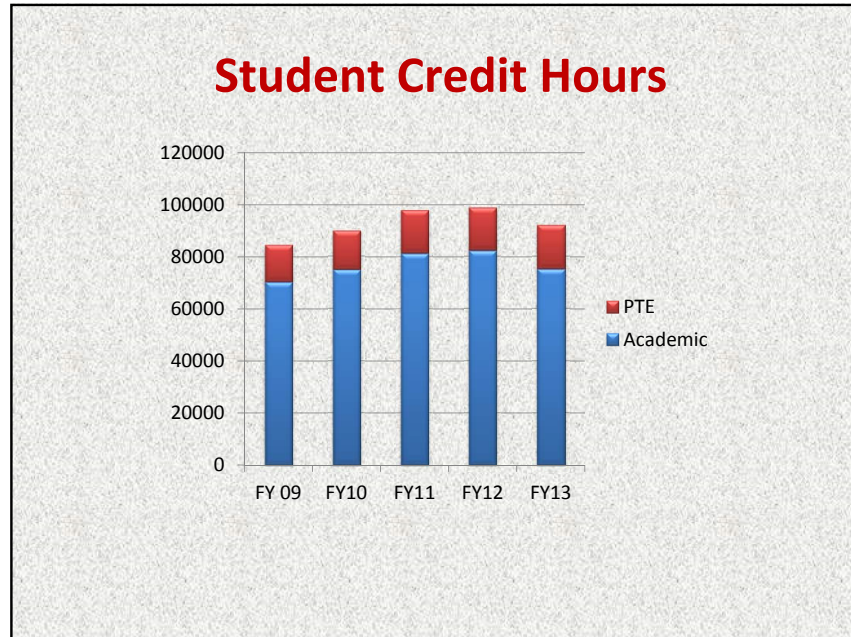
LCSC Goals FY 2013

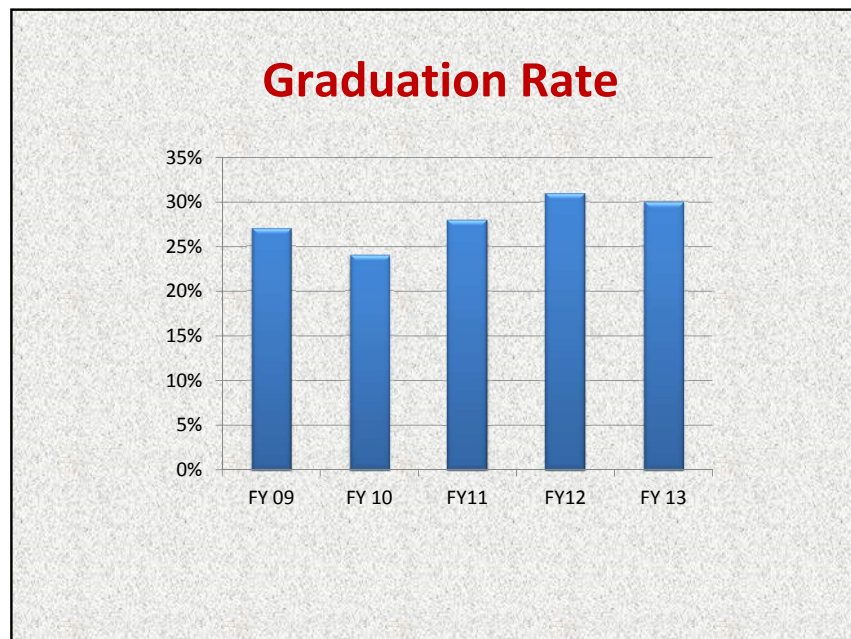
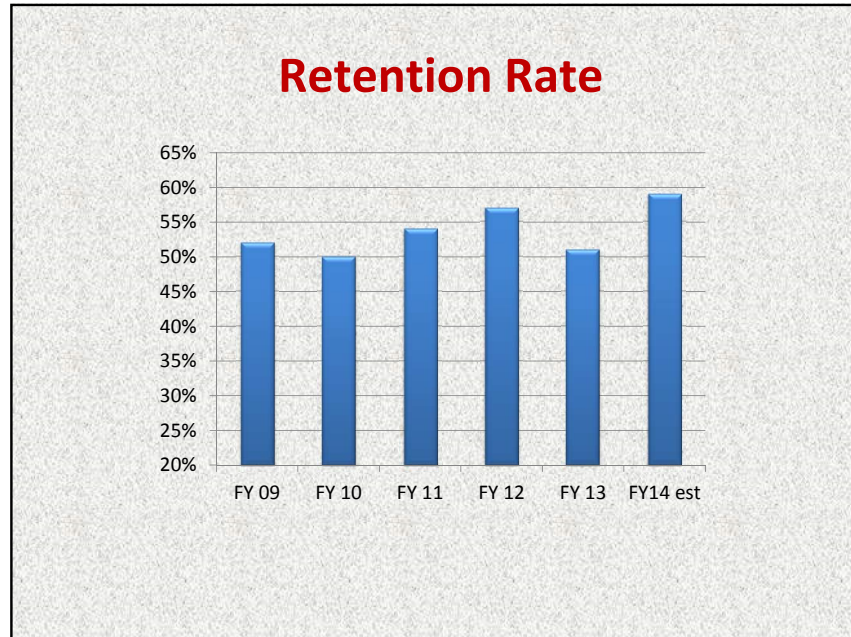
- Complete the LCSC Comprehensive 5-Year Strategic Plan.
Done
- Continue “Campaign LCSC” and start the public phase.
Done
- Continue to bring faculty and staff CEC further in line with accepted standards.
Modest progress made: market adjustments, adjunct pay increase, one-time bonus
- Begin the second phase of Northwest Commission of Colleges and Universities accreditation process.
Done
- Update student services within the LCSC organization.
Done

LCSC Goals FY 2013 (con’t)

- Expand credentials that will contribute to the SBOE 60% goal.
In progress
- Collaborate with other universities and colleges to increase access, opportunities, and success in higher education.
Ongoing
- Expand opportunities to meet the needs of local industry through credit and non-credit educational programs.
Ongoing
- Improve student recruitment, retention, and completion.
Accomplished for FY 14







Fall 2013 Enrollment
October 15

TBD

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

Instructional Programs

- NCLEX-RN first-time pass rate 92%
- NCLEX-PN first-time pass rate 100%
- ARRT Radiologic Technology pass rate 92%
- Teacher Praxis exams 93% first-time pass rate
- Social Work Licensure first-time pass rate 79%
- PT programs placement rate 85%

Outreach

- Community programs mission provides credit and non-credit courses reaching thousands of citizens in the region including Outreach Centers in Coeur d'Alene, Orofino, and Grangeville
- Small Business Development Center (SBDC) served 303 clients, provided 1,887 consulting hours, and helped small businesses acquire and execute loans

Outreach (con't)

- 44 SBDC customized training workshops supporting economic development throughout Region II
- LCSC ABE/GED programs
- Continued collaboration with Department of Correction GED with Cottonwood (NICI) and Orofino (ICIO)

Comprehensive 5-year Strategic Plan

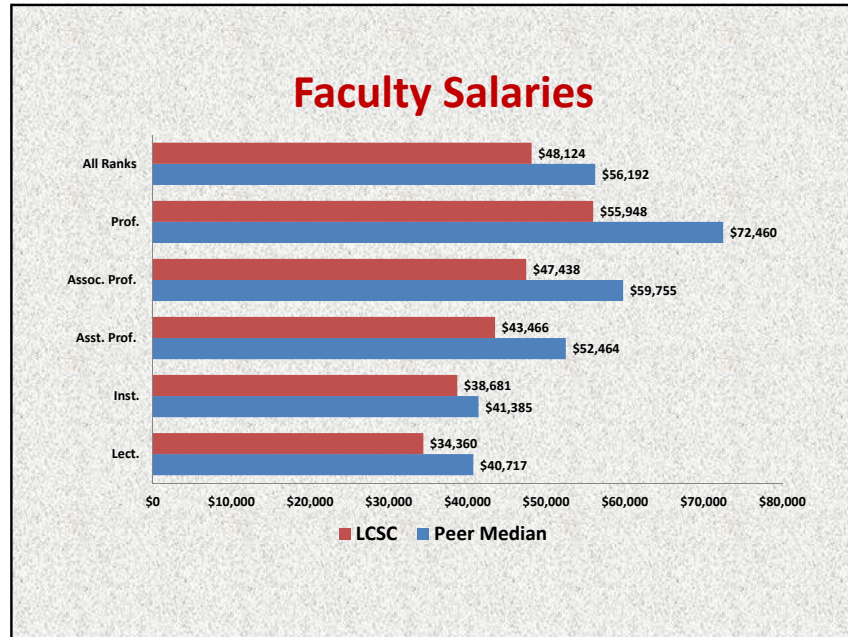
- Goal 1: Sustain and enhance excellence in teaching and learning.**
- Goal 2: Optimize student enrollment and promote student success.**
- Goal 3: Strengthen and expand collaborative relationships and partnerships.**
- Goal 4: Leverage resources to maximize institutional strength and efficiency.**

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

Connecting Learning to Life

Sustain and enhance excellence in teaching and learning.

- **Program prioritization**
- **General education assessment**
- **Technology-based course delivery**
- **Faculty and staff CEC**



Optimize student enrollment and promote student success.

- Implement demand-based course scheduling
- Continue strategic enrollment management
- Establish a Teaching and Learning Center

Strengthen and expand collaborative relationships and partnerships.

- Increase student internship and volunteer opportunities
- Create opportunities for community leaders to participate in college activities
- Strengthen participation in the NAIA “Champions of Character” program

Leverage resources to maximize institutional strength and efficiency.

- Support priorities and programs central to the LCSC mission
- Maximize efficiency of institutional processes and organization.
- Update Master Plan annually

Legislative Requests for FY2015

Maintenance of Current Operations (MCO)

- 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 FY2015

Line Item Requests

- CEC fund shift (avoids shifting cost to students)
- Student Success/Support (faculty, staff, advisors)

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

LCSC FY2015 PBF Requests

Capital Projects

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

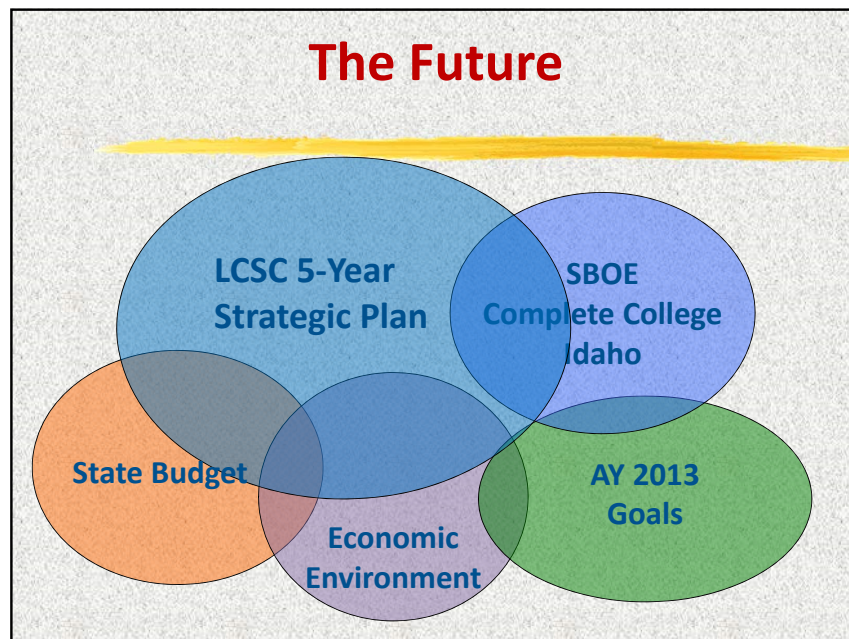
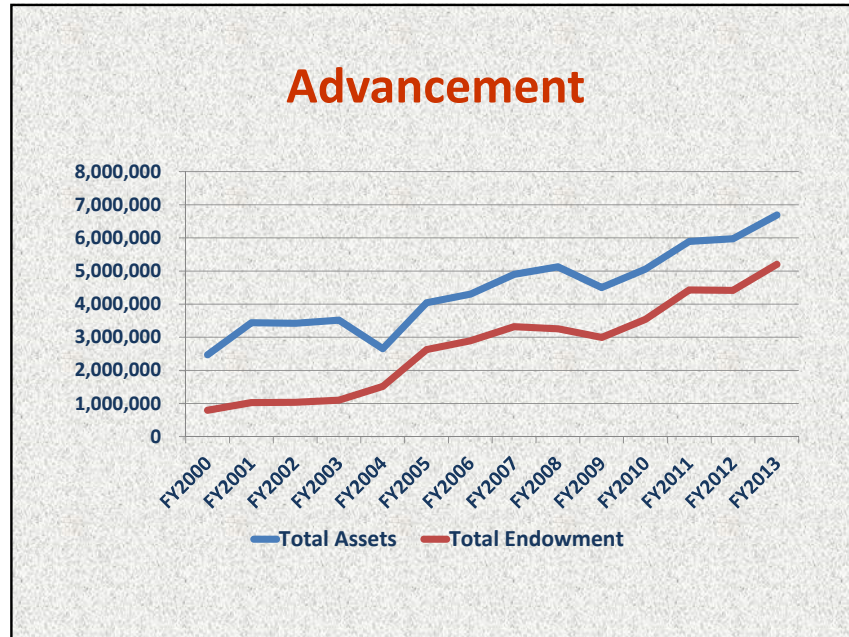
Alteration & Repair Projects

- Clearwater Hall—complete first floor build out
- Teaching and Learning Center—reconfigure old facility
- Administration Building—upgrade conference room
- “President’s Home” facility—install HVAC
- Sidewalks—repair, address ADA access/safety
- Replace roof on Reid Centennial Hall

Research, Grants and Contracts

80 open grants providing \$8,283,294 direct support for Complete College Idaho:

- Access
 - Educational Talent Search
 - Teaching for Excellence in Science & Literacy Achievement
- Student Success/Retention/Completion
 - TRIO Academic Services, Albertson Student Success Program
 - LC Service Corps AmeriCorps
 - NSF INBRE (with UI)
- Career Ready
 - NSF Advanced Technology Education, CAD/CAM computers
 - Machine Shop Upgrades through RBEG



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PRESIDENTS' COUNCIL

SUBJECT

Presidents' Council Report

BACKGROUND/DISCUSSION

President Don Burnett, University of Idaho (UI) Interim President and current chair of the Presidents' Council, will give a report on the recent activities of the Presidents' Council and answer questions. The Presidents' Council last met on September 25th.

BOARD ACTION

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

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Boise State University
Student Alcohol Policies and Educational Programming

Boise State University provides a safe, inclusive, and affirming learning environment in which our students are taught responsible decision-making and held accountable for their actions. Through education, assessment, intervention, and treatment of alcohol issues, we provide a number of initiatives for our student body. Our collaborative approach focuses on behavioral risk reduction. The following report details policies, education and outreach, and responsive actions that take place when students violate codes of conduct, local and state laws. Departments from across the university collaborate to provide relevant programming to students on a variety of topics.

Boise State Alcohol/Drug Policies

Student Code of Conduct

The Student Code of Conduct is both a standard for student behavior and mechanism for accountability when violations occur. The impact of the code on students is primarily educational, but punitive sanctions in the form of suspension or expulsion from the University occur for egregious violations. Additional Boise State Policies; Student Athletes Conduct Policy (Policy 2060), Alcohol on Campus (Policy 1050), and Club/Organization Policy provide permissible and impermissible use guidelines. Students are educated on these policies and held accountable via the conduct process. All students residing in the residence halls, and any student documented or cited on campus by Police/Security, are adjudicated and sanctioned as appropriate.

The sections below describe Boise State University Student Code of Conduct Policy, the Office of the Dean of Students sanctioning guidelines for offenders and protocol for communicating with parents.

Article 4: Section 2 – Alcohol

A violation may include, but is not limited to, possession, consumption, or distribution of alcoholic beverages. This is prohibited in University-owned, -leased, or -operated facilities and on campus grounds unless otherwise allowed by University and SBOE policy. Disruptive behavior exhibited as the result of consumed alcohol is prohibited campus-wide even if the alcohol was consumed elsewhere. Members of the University community will adhere to all state and federal laws with regard to alcohol.

Article 4: Section 3 – Drugs

A violation may include, but is not limited to the possession, manufacture, distribution, use, or sale of drugs or drug paraphernalia and narcotics classified as illegal, except those taken under a doctor's prescription. This is prohibited on University-owned or -controlled property, in University housing, and/or at any University-sponsored or -supervised function. Disruptive behavior exhibited as the result of the use of a drug is prohibited campus-wide even if a drug was

consumed elsewhere. A violation may occur if the odor of a drug is present when it can reasonably be traced to a specific individual or location by more than one individual. Members of the University community will adhere to all state and federal laws with regard to illegal substances.

Housing Alcohol Policy – Residence Halls

We encourage all of our students to take responsibility for the safety of themselves and others. As such, students who are concerned for the welfare of another community member, but are worried about sharing information with Housing & Residence Life Officials because of apprehension about their own conduct status, should review the Medical Emergency Protocol for Drugs and Alcohol (Appendix C).

1. There is no alcohol permitted, regardless of age, in the residence halls. Students may not possess and/or display empty alcohol containers (cans, funnels, bottles, displays, cases, bong, keg caps, etc.) as they are considered evidence of use and/or consumption. Bars or bar structures are not permitted in Housing & Residence Life.
2. Anyone found in a room where alcohol is present will be held responsible for consuming alcohol.
3. Students may not purchase, provide or make alcohol available to underage students and/or their guests, regardless of their age.

Housing Alcohol Policy – Apartments and Townhomes

Tenants and occupants in University Apartments and Townhomes who are of legal age to consume alcohol are permitted to do so under the following conditions. Students are encouraged to assume responsibility for their own safety and that of others. As such, students who are concerned for the welfare of another community member, but are apprehensive over sharing information with University officials, should review the Medical Emergency Protocol for Drugs and Alcohol (Appendix C).

1. They do not contribute to the delinquency of minors – by purchasing, providing, consuming, or making alcohol available to underage students and/or guests. The ONLY exception granted will be for tenants and occupants whose children or dependents are minors.
2. They do not display alcohol containers or erect a bar structures.
3. They are not found to be intoxicated. Intoxication is considered a violation of University policy and results from excessive consumption of alcoholic beverages. Intoxicated persons jeopardize their own safety, the safety of other occupants, and responding Housing & Residence Life and emergency personnel when intoxicated.
4. Possessing and/or consuming alcohol is not permitted in any public area of the University owned buildings or grounds, including landings, balconies/decks, parking lots, grassy quad areas, playgrounds and other surrounding areas.
5. Excessive amounts of alcohol and common sources are prohibited. An excessive amount references a quantity of alcohol deemed extreme for the number of occupants present and/or alcohol which is distributed indiscriminately. Examples of excessive amounts

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might include having several cases of beer for only a small gathering or large mixtures of “punch” or the presence of “punch buckets”. The determination of what is excessive will be made during the conduct process. Examples of typical common sources of alcohol are kegs and beer balls.

6. Drinking games (and associated paraphernalia) foster an atmosphere of irresponsible consumption and can cause significant injury to participants. For this reason these games are strictly prohibited. Students found in violation will be subject to a charge through the conduct process and a review of compliance with terms stated within their lease.

Violations and Response

Students found responsible for conduct violation(s) are provided sanctions. The completion of sanctions are mandated outcomes. If a student does not complete a sanction, an administrative “hold” is placed on their ability to register, preventing further attendance until the educational sanction is complete.

The following sanctions must be applied as a MINIMUM sanction for a drug/alcohol infraction. Additional sanctions may be applied as is appropriate for the offense.

Alcohol Violations – Minimum Sanctions

Level	Disciplinary Sanction	Educational Sanctions	Fees	University Service Hours (<i>Discretionary</i>)	Parental Notice **
1 ST OFFENSE	Disciplinary Warning	Choices Level 1	\$20	NA	Yes
2 ND OFFENSE	Disciplinary Probation (1 semester)	Choices Level 2 AND Behavioral Contract	\$20	10 hours	Yes
3 RD OFFENSE	Disciplinary Probation (1 year) AND Consider University Housing Suspension	Alcohol Assessment (2 session minimum)	\$40	15 hours	Yes

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4 TH OFFENSE	<u>Refer to Student Conduct Board:</u> Consider BSU Suspension (semester) Disciplinary Probation Upon Return	Possible off campus alcohol assessment.	NA	NA	Yes
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** Parental Notification is to occur for any student under the age of 21 found responsible for violating either the alcohol and/or drug policy at Boise State University. While Parental Notification is NOT a sanction per se (ie--it is not appealable), language is to be included in the decision letter that this notification will occur. Notice will be sent to parents from the Office of the Dean of Students at the conclusion of the conduct process (which includes appeal time frames).

CHOICES is a nationally recognized alcohol risk reduction curriculum. Students who attend CHOICES have been found in violation of the alcohol policy on campus. This two-hour class is designed for students as part of their alcohol sanction from the University. Specifically, CHOICES addresses perception vs. reality of campus drinking norms, facts about alcohol, drinking risks & harm, and strategies to reduce those risks. All fees associated with this program go back to fund additional alcohol outreach.

CHOICES 2.0 is an extended alcohol prevention program for students who have received a second violation of the alcohol policy on campus.

DECISIONS is a marijuana prevention program for students who have been found in violation of the drug policy on campus. This two-hour class is designed for students as part of their sanction from the University. Students learn about the impact marijuana has on the brain & body as well as accurate information about laws regarding marijuana. DECISIONS is designed to help students identify the impact of marijuana use on personal health, academics, and work performance, thereby guiding individuals to decrease their use of marijuana.

AODA Assessments are conducted via Counseling Services. Counselors see students found in violation of the university alcohol and/or drug policy as part of the sanction process, in addition those who voluntarily are seeking support regarding alcohol or drugs.

Additional Educational Sanctions

For drug and alcohol incidents, the university applies outcomes as per the sanctioning rubric for drugs and alcohol. Additional sanctions are provided when a hearing officer concludes more education is needed (reflection papers, interviews, etc.) after talking with the student and considering the nature of the violation. The goal is to “meet the student where s/he is” in their developmental process. Thus, not all students will have the same sanctions because they may be at different levels emotionally and maturely.

Parent Notification and Education

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Parents are informed during summer orientation programs about alcohol/drug issues in higher education. In addition, when a student violates the Code and is under the age of 21, parents are notified via letter about the incident. An educational resource document is also sent home to parents at that time, informing them about drug/alcohol use in higher education and how best to communicate with their students about the situation.

Drug Violations – Minimum Sanctions

Level	Disciplinary Sanction	Educational Sanctions	Fees	University Service Hours (<i>Discretionary</i>)	Parental Notice **
1 ST OFFENSE	Disciplinary Probation (1 year)	Decisions Class AND Behavioral contract	\$20	15 hours	Yes
2 ND OFFENSE	Consider University Housing Suspension (1 year)	TBD	NA	20 hours	Yes
3 RD OFFENSE	<u>Refer to Student Conduct Board</u> BSU Suspension AND/OR BSU Expulsion Disciplinary Probation Upon Return (Remainder of academic	Off campus drug assessment. Student is referred to off campus practitioner and required to attend prior to re-admittance	NA	NA	Yes

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Marijuana Smell Protocol (when it cannot be found, but can be smelled)

Level	Action	Sanction
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1 st Smell	Informal visit/conversation with student No conduct finding	Give verbal warning Outline what will happen next time Explain policy and how students can be found responsible for even just a smell
2 nd	Treat as first offense on rubric above	
3 rd	Treat as second offense on rubric	
4 th	Treat as 3 rd offense on rubric	

University Security and the Boise Police Department: The alcohol enforcement philosophy on campus is consistent with education/enforcement objectives. On campus, minor alcohol violations may be referred to Housing and or Student conduct with no police involvement. Serious or recurring alcohol problems may be referred to police to be cited or arrested. Students who overdose on alcohol are taken to the hospital and may be cited for a criminal violation at the discretion of the responding police officer. Students who are found guilty in court of misdemeanor alcohol crimes are typically sentenced to a fine and a court ordered alcohol education class.

Education and Outreach

University Security and Boise Police Department Resource Allocation: Security assigns three senior security officers to Housing & Residence Life to assist with drug and alcohol use in the residence halls. Boise State maintains an office on campus for Officer Jermaine Galloway. Officer Galloway is a nationally recognized expert on the subject of alcohol related problems and is a full time alcohol enforcement officer for the Boise Police Department. In addition to state agency partnerships, he forms the off campus “party patrols” where much of the enforcement takes place.

Student Employee and Paraprofessional Staff Training

Student employees who have significant contact with students are trained on issues related to student conduct including alcohol, relationships and academic honesty. These student leadership roles include orientation leaders, resident and community assistants, and peer educators. Various levels of training prepare students to identify alcohol, respond to various situations and facilitate educational conversations with their peers.

New Student Orientation: A variety of presentations and workshops are provided for incoming students and their parents/families. During the opening session, expectations of being a part of the Boise State community, including rights and responsibilities, are addressed. Professional staff facilitate discussions around critical issues faced by college students. Students participate in guided group session debriefs. Parents are alerted they will receive notices should their student be found in violation of the Student Code of Conduct for alcohol or drug use. Presentation materials for students include: understanding personal choices; understanding that underage drinking can come with legal, academic and social consequences; understanding the tenets in the Boise State Student Code of Conduct and Idaho state drinking laws.

Annual Educational meetings: University Security and Boise Police Department conduct annual educational meetings to discuss alcohol related issues. Meetings take place with students and staff in university housing and residence life; Athletic team and coaches (mandatory per coach);

sororities and fraternities; and, neighborhood associations around Boise State. Further, University Security and Boise Police Department provides the Arbiter (student newspaper) with information for alcohol related articles if requested.

Alcohol Education: A multitude of alcohol education programs are offered throughout the year. These programs focus on risk reduction, alternatives to alcohol, safer spring breaks, and the risks of binge drinking. A week of alcohol education programming takes place in the fall and spring. Specifically we offer:

- A program designed for students living on campus. This online education program assesses risk and promotes responsible drinking behaviors. Completed in the first six weeks of the fall semester, this helps ensure students receive consistent information. An 85.5% completion rate was achieved during fall 2012.
- A program targeted to students reaching legal drinking age. An online interactive birthday card that is sent one week before a student's 21st birthday brings to light the protective and risk factors they may engage in on their birthday. A follow-up interactive activity is sent the week after their birthday to assess the protective and risk factors they actually engaged in.
- A program open to all students that focuses on various scenes from a typical house party. Each scene addresses different scenarios and illustrates how drinking can lead to harmful situations. Scenes are written and acted by students for students. This program will be part of Bronco Welcome next Fall with an emphasis on first year students attending.
- A program focused to our Greek Community. This two-hour workshop for students in sororities and fraternities informs students of the alcohol policy and how to drink responsibly. This program is strongly encouraged for all members of our Greek community.
- A program as part of a campus wide campaign that includes a multitude of optional educational and co-curricular programs aimed at preventing sexual assault. These peer-to-peer and staff led workshops and trainings include a focus on alcohol as the most commonly used drug facilitating sexual assault. Programs are delivered to interested campus groups including student organizations, classes, departments and athletic teams. A few examples include Housing's Resident Advisors, Orientation Leaders, Parking and Transportation staff, Football, Men's Basketball, Gymnastics, University Foundations 200 course and Crime Victims Week participants.

Athletics

In addition to policies outlined above that apply to all students, student-athletes have additional policies for which they are accountable. On-campus incidents are handled through the Boise State conduct process although the coach may impose sanctions in addition to what the University imposes. All off-campus incidents are subject to the three-strike policy (attached). Student-athletes are required to report under the following protocol pursuant to the Boise State Intercollegiate

Athletics Alcohol Policy:

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- Any alcohol violation, on or off campus, must be reported by the student-athlete to his or her head coach within twenty-four (24) hours of the incident. Failure to do so may result in additional sanctions.
- The head coach must inform the Senior Associate Athletic Director and/or the Athletic Director within twenty-four (24) hours of being informed of the incident.
- The student-athlete shall meet with the Senior Associate Athletic Director within five days to initiate the conduct process.
- All on-campus alcohol violations shall be handled in accordance with the conduct process outlined in the Boise State University Student Code of Conduct and are not subject to the three-strike policy but may result in sanctions from the head coach and/or department. All off-campus violations shall be handled in accordance with both the Boise State University Student Code of Conduct and this policy and are subject to the three-strike policy.

Three Strikes Policy for Student Athletes:

The sanctions listed below are the minimum requirements imposed by the Athletic Department. The head coach reserves the right to impose stricter sanctions up to and including dismissal from the program at his or her discretion.

First Strike

- If a student-athlete receives an alcohol violation, the student-athlete shall receive a strike.
- The protocol as set forth above shall be initiated.
- The student-athlete will be required to make contact with his or her parent(s) or guardian(s) and, spouse (if applicable) and provide notification of the alcohol violation. The head coach will verify that contact has been made.
- The student-athlete will be required to complete counseling through Boise State University Health Services.
- The student-athlete shall be suspended for a minimum of one competition effective immediately. The suspension may carry over to the following year's competition schedule.

Second Strike

- If a student-athlete receives a second alcohol violation, the student-athlete shall receive a second strike.
- The protocol as set forth above shall be initiated.
- The student-athlete will be required to participate in a conference call between the student-athlete, his or her parent(s) or guardian(s) or spouse (if applicable) the head coach, and the Senior Associate Athletic Director.
- The student-athlete will be required to complete counseling through Boise State University Health Services.
- The student-athlete shall be suspended for a minimum of 20% of a year's competition schedule effective immediately. The suspension may carry over to the following year's competition schedule.

Third Strike

- If a student-athlete receives a third alcohol violation, the student-athlete shall receive a third strike.
- The protocol as set forth above shall be initiated.
- The student-athlete will be required to participate in a conference call between the student-athlete, his or her parent(s) or guardian(s) or spouse (if applicable) the head coach, and the Senior Associate Athletic Director.
- The student-athlete shall be permanently removed from all athletic teams.
- If the student-athlete has an athletic grant-in-aid, such grant-in-aid shall be cancelled immediately or at the end of the academic term at the discretion of the Athletic Director.

Student Organizations and Alcohol/Third Party Vendor Policies

Student organizations, including clubs, club sports, and social fraternities and sororities, are not allowed to hold events on campus that include alcohol. They are also discouraged from hosting events off campus that include alcohol; however, there are some off-campus events where service is deemed appropriate.

Examples

Alpha Kappa Psi (business honor society) hosts an annual alumni banquet. This spring event was held at the Owyhee Plaza downtown and included a catered dinner and a cash-only bar managed by the Owyhee Plaza. The event was attended by members of the organization as well as local alumni.

Several social sororities and fraternities held formal events off-campus at which alcohol was available for purchase through a third-party vendor. These approved events were held by Tau Kappa Epsilon, Alpha Chi Omega, Alpha Kappa Lambda, Delta Sigma Phi, and Sigma Chi. These events typically feature catering, dancing, and a specific program, such as awards or recognition of members or alumni.

There have been no problems stemming from any club approved events at which alcohol was present. A copy of the liability insurance for the third party vendor must be provided to the university prior to the event. In addition to following university policy, social sororities and fraternities must follow the Fraternity Information and Policy Group (FIPG) Risk Management Policy.

Additionally, student organizations and club sports attend an educational training prior to holding the event. At least one student from the organization will be asked to be a non-drinking monitor at the event. Depending on the scale and scope of the event, more than one student may be asked to fulfill this role. Monitors will be trained on alcohol risk-reduction and safe party

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techniques. No student organization or university funds may be spent on alcohol. A full copy of our rules are included in Appendix A and B.

APPENDICES

Appendix A – Club and Organization Alcohol Policy

Appendix B – Third Party Vendor Guidelines

Appendix C – Medical Emergency Protocol for Drug and Alcohol

Appendix A: Student Organization Alcohol Policy
Alcohol at Events and Activities

The possession, sale, use or consumption of ALCOHOLIC BEVERAGES during a student organization event, in any situation sponsored or endorsed by the student organization, or at any event an observer would associate with the student organization, must be in compliance with any and all applicable laws of the state, province, county, city and Boise State University policy, and must comply with the Third Party Vendor Guidelines.

No alcoholic beverages may be purchased through or with student organization funds nor may the purchase of same for members or guests be undertaken or coordinated by any member in the name of or on behalf of the student organization. The purchase or use of a bulk quantity or common source(s) of alcoholic beverage, for example, kegs or cases, is prohibited.

OPEN PARTIES, meaning those with unrestricted access by non-members of the student organization, without specific invitation, where alcohol is present, are prohibited.

No members, collectively or individually, shall purchase for, serve to, or sell alcoholic beverages to any minor (i.e., those under legal drinking age).

The possession, sale or use of any ILLEGAL DRUGS or CONTROLLED SUBSTANCES while on University controlled property including University owned buildings, vehicles and/or grounds, or during a student organization event or at any event that an observer would associate with the student organization is strictly prohibited.

No student organization may co-sponsor an event with an alcohol distributor or tavern at which alcohol is given away, sold or otherwise provided to those present. This includes any event held in, at or on the property of a tavern as defined below for purposes of fundraising. However, a student organization may rent or use a room or area in a tavern as defined above for a closed event held within the provisions of this policy, including the use of Third Party Vendor Guidelines. An event at which alcohol is present may be conducted or co-sponsored with a charitable organization if the event is held within the provisions of this policy and the other provisions outlined in the Third Party Vendor Guidelines.

No student organization may co-sponsor, co-finance or attend or participate in a function at which alcohol is purchased by any of the host student organizations or groups without also complying with Third Party Vendor Guidelines.

All recruitment activities associated with any student organization will be non-alcoholic. No recruitment activities associated with any student organization may be held at or in conjunction with a tavern or alcohol distributor as defined in this policy.

No member, associate, new member or novice shall permit, tolerate, encourage or participate in "high risk drinking" as defined below.

Failure to abide by the provisions of this policy may result in the loss of recognition of a student organization as well as other disciplinary and/or legal procedures as appropriate.

Hosting an Event

Student organizations and social fraternities and sororities wishing to rent or use a room or area in a tavern or other venue for a closed event at which students may purchase alcohol from a third party vendor should contact the Student Involvement & Leadership Center for approval. Club sports wishing to do the same or wishing to host a sporting event at which a third party vendor is selling alcohol should contact Recreation Services for approval. A copy of the liability insurance for the third party vendor must be provided to the university prior to the event taking place.

Additionally, student organizations and club sports will be asked to attend an educational training prior to holding the event. At least one student from the organization will be asked to be a non-drinking sober monitor at the event. Depending on the scale and scope of the event, more than one student may be asked to fulfill this role. Sober monitors will be trained on alcohol risk-reduction and safe party techniques.

Definitions

Alcohol Defined: Any liquor (distilled spirits), beer (fermented malt beverage) or wine containing ethyl alcohol.

Tavern Defined: Any establishment generating more than half of annual gross sales from alcohol.

Lower Risk Drinking can be defined as:

- Being 21 or older.
- Drinking only if you want to, not letting others dictate your choice.
- Eating a meal before drinking.
- Drinking no more than one drink per hour; maximum 1 for women, two for men. A drink is defined as 5 ounces of wine, 12 ounces of regular beer or 1.5 ounce of 80 proof spirits.
- Alternating alcoholic and non-alcoholic drinks.
- Always knowing what you are drinking; never leaving a drink unattended.
- Knowing how you will get home safely before you go out. Having a designated driver.

High Risk Drinking is defined as:

- Chugging, drinking games, shots (drinking anything out of a punch bowl, trough, hose or funnel).
- Drinking to get drunk (intoxicated).
- Driving after drinking or riding with someone under the influence.
- Drinking too much too fast.
- Going to parties where people drink too much.
- Not knowing what is in your glass or leaving it unattended.
- Mixing alcohol with medications or illegal drugs.

Appendix B: Student Organization Alcohol Policy/Third Party Vendor Guidelines
Alcohol at Events and Activities

The possession, sale, use, or consumption of alcoholic beverages during a student organization event, in any situation sponsored or endorsed by the student organization, or at any event an observer would associate with the student organization, must be in compliance with any and all applicable laws of the state, province, county, city and Boise State University policy, and must comply with the Alcohol at Events and Activities policy in the Student Organization Handbook and these Third Party Vendor Guidelines.

These guidelines will help you understand the steps to take to work with a vendor to provide alcohol for a student organization event. For further information, please refer to the Alcohol at Events and Activities policy found in the Student Organization Handbook.

Finding a Vendor

To serve alcohol at events off-campus, a student organization must use a Third Party Vendor. When a vendor is identified, a copy of their liability insurance must be sent to the Student Involvement & Leadership Center to be kept on file. No student organization funds can be used to pay for alcohol, but vendors may set up a cash bar at an event. Events with alcohol at them must be held off-campus. It is expected that food be provided by the vendor and/or the student organization or that it be available for purchase at the event.

Vendor Responsibilities

It will be the responsibility of the vendor to serve and sell the alcohol at the event. Student organizations may not be associated with the selling or distribution of alcohol, otherwise they will be found in violation of the alcohol policy. Vendors may not serve alcohol brought to an event by attendees.

Vendors must agree to the following:

- Provide staff to check IDs of participants
- Provide staff that are trained to serve alcohol responsibly
- Provide a cash bar
- The vendor or staff serving is not a member of a student organization
- Have a current liquor license
- Have proper insurance on file with Boise State

Educational Training

Student organizations wishing to be approved to have alcohol at off-campus events need to attend an educational training session. These sessions are coordinated by the Student Involvement & Leadership Center and University Health and Recreation Services. The training is focused on providing organizations with information on how to host a safe event where alcohol is present. The person(s) from your organization who attend the training session must also be present at your event. Dates and times of the sessions can be found on the Student Involvement & Leadership Center's website.

Food at Events

It is expected that food be provided by the vendor and/or the student organization or that it be available for purchase at the event. It is recommended that foods provided not be salty. Recommended foods include sandwiches, fruits, and vegetables.

Appendix C: MEDICAL EMERGENCY PROTOCOL FOR DRUGS AND ALCOHOL Philosophy

Boise State University cares about the health and safety of its community members. When a student has consumed drugs and/or alcohol, a situation may arise whereby emergency medical assistance is needed immediately. While all students should understand their rights and responsibilities as outlined in the Student Code of Conduct, the University recognizes that some students may be reluctant to seek help for themselves or others, even though someone's health and safety is at risk, for fear of facing student disciplinary action when alcohol or drugs have been used.

This protocol embraces Boise State University's effort to demonstrate the Shared Value of Caring by reducing harmful consequences that may be caused by the consumption of alcohol and/or drugs. The University does not condone the illegal use of drugs by students, faculty or staff or the consumption of alcohol by those under the age of 21. It is, however, committed to increasing the occurrence university community members will call for medical assistance when faced with an alcohol or drug-related emergency.

This protocol is intended to notify students that Student Code of Conduct charges may not be filed against them for drug and/or alcohol policy violations if they act in a responsible manner by seeking emergency medical assistance in alcohol or drug-related emergencies. This protocol is not intended, however, to enable or ignore problematic behaviors relating to substance use. Therefore, this protocol will promote and support education and assistance for individuals who seek emergency medical attention related to the use of alcohol and/or drugs in order to reduce the likelihood of future occurrences.

Scope of Protocol

The Boise State University Medical Emergency Protocol only provides relief to students who may have violated the Student Code of Conduct for drugs and/or alcohol. It does not grant amnesty or relief from criminal, civil, or legal consequences for violations of Federal, State, or local laws.

The Medical Emergency Protocol is not intended to shield or protect those students who repeatedly violate the Student Code of Conduct for drug or alcohol violations. In cases where repeat violations occur, the University reserves the right to take disciplinary action on an individual basis regardless of the manner in which the incident was reported. In addition, the University reserves the right to adjudicate any event in which the incidents are serious. Disciplinary relief applies only to alcohol or other drug-related medical emergencies but does not apply to other prohibited conduct such as assaults, sexual misconduct, property damage or distribution of illicit substances. This Protocol also only applies to those students who seek emergency medical assistance in connection with an alcohol or drug-related medical emergency. The protocol may not apply to individuals experiencing an alcohol or drug-related medical emergency who are found by university employees (i.e.—Campus Security, residence hall staff, etc).

Protocol

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Students Seeking Help for Self Students who seek emergency medical attention for themselves related to consumption of drugs or alcohol will not be charged with violations of the Student Code of Conduct for drugs and/or alcohol, provided the student subsequently complies with conditions made as a result of the review of the incident by the Office of Student Rights & Responsibilities. Failure to comply with the conditions will void the terms above and may result in further university administrative action.

Students Seeking Help for Others Students are encouraged to demonstrate responsible, caring behavior by seeking out emergency medical assistance when another individual is in need of assistance. Students who seek emergency medical attention for someone else will not be charged with violations of the Student Code of Conduct for drugs and/or alcohol. The student for whom the emergency medical attention is requested will also be eligible to have student conduct charges waived for drugs and/or alcohol. Students will have to subsequently comply with conditions made as a result of the review of the incident by the Office of Student Rights & Responsibilities. Failure to comply with the conditions will void the terms above and may result in further university administrative action.

**DRUG-FREE SCHOOLS AND CAMPUSES
BIENNIAL REPORT
LEWIS-CLARK STATE COLLEGE
DECEMBER 2012**

Introduction:

Lewis-Clark State College takes serious the federal mandate to provide substance abuse and dependency prevention efforts on campus for faculty, staff and students. This report is written by the Director of Student Counseling Center and Disability and Health Services with input from students, staff and faculty members of the Student Life Committee (SLC), the Vice President for Student Affairs, Director of Residence Life, and Director of Security at LCSC. The purpose of this document is to comply with the Education Department General Administrative Regulations (EDGAR) Part 86 mandate to review Lewis-Clark State College's "alcohol and other drug" (AOD) prevention program to the campus community. This report addresses the following elements:

1. Overview of the current AOD prevention program
2. Discussion of goals and subsequent assessment of each AOD program goal.
3. Synopsis of strengths and weaknesses of our AOD program
4. Incident Reports and Resolutions
5. Suggested changes, improvements to the AOD prevention program
6. Identification of AOD prevention program goals – 2013-2014
7. Current policies distributed to LCSC students, faculty and staff

Overview of LCSC Alcohol and other Drug Prevention Program:

Lewis-Clark State College maintains an ongoing substance abuse prevention program currently consisting of educational, early intervention, enforcement and environmental strategies. The Student Life Committee (SLC) made up of students, faculty and staff members, works under the direction of the Vice President for Student Affairs (previously Dean of Student Services). The Director of the Student Counseling Center (SCC) is the current chair of this committee which works to address campus substance abuse concerns and other relevant topics to provide support and direction for campus prevention efforts.

Lewis-Clark State College is also a member of the Idaho College Health Coalition (IDHC) which consists of 9 other colleges and universities in Idaho State to address relevant health, substance abuse and prevention issues. This coalition helps to support programming and funding for prevention efforts. Every two years since 2005, LCSC, along with other Institutions of Higher Education (IHE) in the IDHC, have conducted the American College Health Association – National College Health Assessment (ACHA-NCHA) on our students. Results of these surveys are distributed to relevant campus wide stake holders and offices and are used in substance abuse and other health related programming efforts by SCC, Student Health Services, and the SLC. Survey results are also posted on the SCC website for campus and community distribution. This

coalition also provides additional trainings and opportunities to benefit campus prevention programs.

The AOD prevention program at LCSC consists of the following components and activities:

1. Alcohol and Drug Use Education

All incoming students attending orientation services and those entering campus residencies are provided with the AOD policy, information regarding the effects and potential harmful consequences of AOD use, consequences of violating those policies and are given campus and community referral resources if needed. The campus community also receives periodic opportunities to participate in AOD screening programs and events and is provided other educational information related to substance use throughout each academic year. Additionally, the SCC and Student Health Services (SHS) both routinely provide educational information to their clients and other groups as needed/requested and provide relevant AOD information on our websites. These sites also maintain substance abuse education and services links for students as well as faculty and staff use. Starting with registration for FA, 2011, the LCSC AOD policy and required notification information is presented during registration so that each student (except HS/dually enrolled students and some professional technical students) is exposed to this information during the registration process. This allows LCSC a systematic and comprehensive method for our notification mandate.

Employees are provided an orientation to the campus when they first start, via the Office of Human Resource Services. During that training, they are made aware of the college's policies about drug and alcohol use. They are also informed of the Mental Health, Substance Abuse, and Employee Assistance Program made available to college employees and they are given a 24-hour hotline that they can call at any time if they need help. All services and policies are posted on the college's web site: www.lcsc.edu/humanresources/additional%20benefits.htm and SCC site www.lcsc.edu/osl/counseling.htm.

2. Early Intervention Services

Students who come to the attention of faculty, Residence Life, Security or other staff or faculty for concerns related to AOD use and/or abuse, are referred to the SCC for initial substance abuse screening, education and referral services. Students who violate the Student Code of Conduct related to the alcohol and drug policy are referred to the VP of Student Affairs for adjudication.. Students found in violation of this policy for the first time are typically asked to verify completion of the Electronic - Check Up to Go for Alcohol (e-CHUG) program. Depending on the situation, some students are also then referred to SCC to complete the Choices: A Brief Alcohol Abuse and Prevention and Harm Reduction Program and required to provide verification of their attendance and participation in this program. Students receiving a second or third alcohol related violation are referred to the SCC to receive at least two sessions of Brief Alcohol Screening and Intervention for College Students (BASICS) , and likely face additional related judicial sanctions as well. Students found using illegal substances (marijuana, OTC meds, etc) and in violation of our substance abuse policy are referred directly to the SCC for substance abuse assessment and evaluation and receive other sanctions as warranted. Parental notification is also included in alcohol/drug violation sanctions and is used at the discretion of the VP for Student Affairs. If necessary or warranted additional counseling services are

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provided and can be mandated or proper referrals are made to other community services when appropriate.

3. Environmental Strategies

LCSC continues to provide an active campus recreation and Student Activity program that offers a variety of safe, free or low cost and AOD free alternatives for all students. Such programming, which includes intramural sports, student clubs, outdoor recreation opportunities, student government and other leadership development activities, are marketed aggressively to the student population. This wide menu of student activities promotes student engagement and provides alternatives to more destructive behavior including AOD use or abuse. Over the past two years, the Associated Student Body of LCSC along with the Student Activity program initiated a weekly campus wide event called ‘Warrior Wednesday’ which has become a very well attended, well ran and organized and effective event to provide both specific information regarding specific topics of interest and/or concern but also to provide campus engagement and cohesiveness and to add diversity to the campus as a whole. The SLC has now become regular participants in this activity to provide periodic AOD information and Alcohol Screening opportunities. The last event we participated in during October, 2012, we conducted 34 individual alcohol screenings and had many more participants in the alcohol related education and programming during this event.

The Office of Residence Life (RL) also continues to improve its provision of alcohol and drug free activities for student residents. Large numbers of students are now attending many of the RL sponsored events and include but are not limited to:

Bowling	\$1 movie night	Swimming	Ice skating	Capture the flag
BBQ	Glow in the dark Frisbee	Scary Wood	Game night	Movie on the wall
Community service	Group hike	Minute- to- win -it	Corn maze	Sock assassin
Root beer pong	Roller skating	Safe Trick or Treat (for families in Talkington Hall)	Chalk it up	Resident dances

Residence Life has mandatory meetings at the beginning of every semester regarding the residence hall handbook and specifically addresses the alcohol drug use guidelines-Additionally, the Director of SCC, Student Health Services Nurse, and a Lewiston police officer all speak during mandatory Resident Assistants (RAs) training each semester on alcohol awareness and related issues and to other residence and campus groups as needed or requested.

4. Enforcement Efforts

The Security Office takes AOD infractions seriously and refers students to the VP for Student Affairs, who is also acting as a Judicial Affairs officer along with the Director of Residence Life, for on campus students violating the AOD policy. The Director of Security, Director of Residence Life, Director of Student Counseling Center and the VP for Student Affairs typically

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meet weekly to discuss enforcement efforts and to make appropriate referrals to campus and community resources as needed to effectively deal with AOD infractions. The security office also work with local law enforcement as needed when a student, staff or faculty member appears to have violated an alcohol or drug law.

The SCC also provides periodic training for RA's, security and other staff and faculty members to address alcohol and drug effects and to explain the referral process to continue to build prevention efforts at LCSC.

Incident Reports and Resolutions

Judicial Issues - Preview of Drug and Alcohol Reports by semester:

Spring 2011

<u>Outcome:</u>	<u>Number</u>
1) No Action	1
2) Warning	1
3) Official Warning	4
4) Probation	0
5) Withheld Suspension	1
6) Suspended	1
7) Refer for Intervention (E-Chug, Choices, BASICS, other)	8
Total	8

Fall 2011

<u>Outcome:</u>	<u>Number</u>
1) No Action	13
2) Warning	4
3) Official Warning	9
4) Probation	0
5) Withheld Suspension	0
6) Suspended	0
7) Refer for Intervention (E-Chug, Choices, BASICS, other)	24
Total	24

Spring 2012

<u>Outcome:</u>	<u>Number</u>
1) No Action	2
2) Warning	4
3) Official Warning	27
4) Probation	0
5) Withheld Suspension	0
6) Suspended	0
7) Refer for Intervention (E-Chug, Choices, BASICS, other)	9
Total	9

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Fall 2012

<u>Outcome:</u>	<u>Number</u>
1) No Action	0
2) Warning	2
3) Official Warning	5
4) Probation	0
5) Withheld Suspension	2
6) Suspended	0
7) Refer for Intervention (E-Chug, Choices, BASICS, other)	3
Total	3

AOD Program Goals and Assessment

The goals for Lewis-Clark State's AOD program for 2011-12 included the following:

- 1) All students, faculty, and staff will be notified of the college's drug and alcohol policies. AOD counseling/assistance programs, and will be provided with information needed to access those policies independently. (Carried over from the 2010 report):**

Assessment: Staff and faculty members at LCSC are now typically notified each semester via campus mail about the LCSC AOD policy and are given referral information as to where to receive assistance if needed. New employees are provided the AOD policy at the time they are hired and ongoing staff members receive periodic post card mailings reminding them of this policy. Every new student is given information about the AOD policies as well as information needed to access those policies (i.e., the proper location on the college's web site). Additionally, the AOD policy and required notification information is now presented to students each semester during the online, registration process. This allows LCSC a systematic and comprehensive method for our notification mandate. The current plan was in place starting in FA, 2011 and has worked well at presenting this information in a consistent and reliable fashion. Dually enrolled students (HS/Dual Enrollment) and others not registering online, in the typical fashion are provided this information in paper in their registration material.

All this information is also provided in the Student Handbook and Academic Calendar which is available for new and returning students. It is also available to all students on the Student Counseling Center homepage at:

<http://www.lcsc.edu/osl/counseling/AlcoholDrugPolicy/CurrentAlcoholDrugAbusePolicy.pdf>

- 2,) Development of surveys and establish a process of evaluating perceived student needs to begin January, 2011.** The SLC has begun developing a series of brief student surveys to address specific, campus perceptions of LCSC life, AOD use/abuse by students on campus and associated problems that the college should explore.

Assessment: The SLC began the process in early 2011 looking at developing student surveys related to alcohol and other drug use programming options, ideas etc. This goal has not come to complete fruition as of this time as other issues and needs have taken precedence. However, the SLC will continue to explore options related to better data collection of student perceived needs as it relates to future AOD prevention education and programming.

3.) Pending continued funding, LCSC in conjunction with the ICHC will conduct the American College Health Association – National College Health Assessment (ACHA-NCHA) during FA, 2011 semester.

Assessment: The NCHA was completed as planned in November, 2011 and we generated 612 student responses to questions ranging from substance use, abuse and dependency to mental health, physical health and safety concerns and related problems to name only a few of the areas addressed. The information that was gathered was disseminated to all relevant campus wide stake holders and offices and to faculty, staff and students. Also the results are being used in substance abuse and other health related programming efforts and is posted on the SCC website for campus and community distribution.

4.) Work to fully implement the Electronic - Check Up to Go for Alcohol (e-CHUG) program to students at LCSC, across campus, as well as with all first time, sanctioned students.

Assessment: The E-Chug was completed by 54 LCSC students over the past 2 years, 39 of those were completed in the past year alone, which is the largest number of students in one year that has ever completed it at LCSC. Students violating the LCSC AOD policy were the primary participants in the program but several other campus groups – RA's and other student groups and organizations encouraged students to complete the program. Some also completed as part of an orientation workshop that the SCC conducted FA, 2012.

5.) Continuation and expansion of the Choices: A Brief Alcohol Abuse and Prevention and Harm Reduction Program intervention, currently used for sanctioned students to other student groups (Athletes, RA's, student leaders, etc.)

Assessment: Choice's was completed by about 18 students over the past two years. This includes students who were mandated to be in this due to AOD policy violation. Six of these students participated voluntarily to learn more about the alcohol related decisions as part of an orientation workshop program, FA, 2012. The idea to expand student exposure to Choices will continue in similar and new ways in the future.

Annual Notification Procedures

Current procedures for notifying the campus community of the college's policies related to drugs and alcohol consist primarily of information disseminated to major campus groups (e.g., the student body) via in-take or orientation programs. The policies and assistance programs are also featured prominently on high-traffic web pages. Starting with registration for FA, 2011, the LCSC AOD policy and required notification information is now presented during registration so that each student (except HS/dually enrolled students and some professional technical students) is exposed to this information during the registration process. This allows LCSC a systematic and comprehensive method for our notification mandate. Periodic post card mailings to notify faculty and staff of this policy continue as the primary periodic, notification tool at this time with employees, which occurs usually at least two times per year. For faculty/staff the primary web page is the college's Human Resources web page www.lcsc.edu/humanresources. For students, the primary web page is the Student Counseling Center (SCC) web page www.lcsc.edu/osl.

LCSC AOD Prevention Program Strengths and Weaknesses

In recent years Student Services staff and other key staff members at LCSC have dedicated their time and efforts to the Student Life Committee (SLC) and have agreed to work together toward expanding and improving its AOD prevention program. Additionally the ASLCSC student leadership has contributed greatly to our efforts and have become an integral part of our processes. As a result, our program has become more comprehensive in nature and is developing into a united and organized effort rather than the piecemeal or patchwork delivery that has occurred in the past. LCSC's continued involvement with the ICHC has also contributed to improved campus communication about AOD issues. The additional direction from the VP for Student Affairs has made our prevention efforts not only compliant with the federal law and the institution's ethical obligations to keep students and staff informed of AOD concerns, but has allowed this program to employ some best practices in our response to student needs.

The LCSC AOD programs needs to be expanded to include services to a broader and more diverse campus community and when possible should incorporate changes in technology and account for differences in the student, staff and faculty populations.. In addition, review of and possible changes should occur to the notification protocols for faculty, and staff to make that process more systematic and thorough. With a lack of direct responsibility assigned to staff other than the Director of SCC planning and implementation of prevention programming is often disjointed and tenuous at times. However, last year the Director of SCC began utilizing the SCC counseling intern more deliberately as part of the internship itself to maximize our efforts given the limited resources we have at our disposal at this time.

The off year, brief review that was called for in the previous, 2010 report was not completed in January 2012 as outlined but will be conducted next January, 2013.

Further goals and the continuation of previous program goals and objectives are outlined below.

Recommendations for Improvement of LCSC AOD Prevention Efforts

1. Continued growth and inclusion of additional students and faculty members to participate in the Student Life Committee (SLC) and promote further campus-wide "buy in" for these efforts.
2. LCSC will explore the feasibility of developing and or adopting an online or more "automated" notification of AOD issues program for the faculty staff notification process. Human Resources, (HR) will continue with the current system, as is for the immediate future.
3. More institutional investment through funding and additional staffing needs in order to more fully address the current and increasing demand for prevention services as a result of increased practice standards and need for effective program implementation, support and outcome assessment of services provided..
4. Need improved plan to educate and communicate with students, staff, faculty members regarding the SLC and related activities, events, programs and initiatives.

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5. The college should conduct a brief annual review of its compliance with the Drug Free Schools and Campuses Act (scheduled for January 2014) until its AOD program has been sufficiently expanded to meet the needs of the current student body. The annual review and report will be published in January of every year.

LCSC Substance Abuse Prevention Program Goals for 2013-14

1. Re direct the SLC toward the development of survey and or implementation of an existing standardized survey to evaluate perceived student needs The SLC will also explore use of a series of brief student surveys to address specific, campus perceptions of LCSC life, AOD use/abuse by students on campus and associated problems that the college should explore. This information will drive opportunities to offer substance abuse education programs more frequently during an academic year.
2. Pending continued funding, LCSC in conjunction with the ICHC will conduct the American College Health Association – National College Health Assessment (ACHA-NCHA) during FA, 2013 semester.
 - a. Will fully disseminate the results of this survey to all relevant campus wide stake holders and offices and to faculty, staff and students.
 - b. Results will be used in substance abuse and other health related programming efforts.
 - c. Results will be posted on the SCC website for campus and community distribution.
3. SLC and SCC and other relevant departments will work together to develop and implement a pro-social, peer to peer based, bystander training program (such as “Step Up”, ‘Red Watch Program”, etc) with projected implementation date of FA, 2013 or SP, 2014.
4. Work to continue implementation of the Electronic - Check Up to Go for Alcohol (e-CHUG) program to all students at LCSC, across campus, as well as with all first time, sanctioned students.
5. Continuation and expansion of the Choices: A Brief Alcohol Abuse and Prevention and Harm Reduction Program intervention, currently used for sanctioned students to other interested individual students through the student orientation workshop format, in other venues or to other individual or student groups (Athletes, RA’s, student leaders, etc.)

Current LCSC AOD Policies

Please see Appendix for web links to global policies covering students, faculty, and staff. Student policies, as published in the Student Code of Conduct and Student Handbook are as follows:

Alcoholic Beverages

1. Illegal possession or consumption of alcoholic beverages (beer, wine, liquor or other beverage which is controlled as an alcoholic beverage under Idaho law) is prohibited in College or College-owned, leased or operated facilities and on campus grounds.

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2. Alcoholic beverages may not be possessed or consumed under any circumstances in areas open to and most commonly used by the general public. Public areas include, but are not limited to, lounges, College Union buildings, recreation rooms, conference rooms, athletic facilities and other public areas of College-owned buildings or grounds.
3. Sale of alcoholic beverages is prohibited in College-owned, leased or operated facilities and on campus grounds.
4. Guests and visitors shall observe these regulations while on campus or other College property. Noncompliance may subject a person to sanctions imposed by the College as well as to the provisions of local and state law. (Adopted by the State Board of Education, December 1, 1977).
5. For LCSC sponsored events which are open to the campus community and at which alcohol will be present, the sponsor will work with the Dean of Student Services or the appropriate academic or vocational dean to assure adherence to this policy. The following information will need to be provided to assure adherence.
 - a. Names and ages of individuals designated as bartenders or servers to check identification.
 - b. Means to inform participants of applicable state and federal laws regarding alcohol
 - c. Consumption.
 - d. Nonalcoholic beverages and food consumption
 - e. Designated driver program
6. No social event shall include any form of drinking contest in its activities or promotion. The Idaho law states that it is illegal to sell, serve or furnish beer, wine or other alcoholic beverages or intoxicating liquor to a person under 21 years of age. It is illegal for any person under 21 years of age to purchase or attempt to purchase, procure, possess, or consume any alcoholic or intoxicating liquor.
 - a. There are a number of minors attending LCSC and as a state institution; the College is legally obligated to comply with the state law.

Drugs

Possession, manufacture, distribution, use or sale of marijuana, drug narcotics or other controlled substances classified as illegal under Idaho law, except those taken under a doctor's prescription is prohibited on College-owned or controlled property (as that term is herein and hereafter used, College owned or controlled property includes student housing owned by or rented through the College), or at any College-sponsored or supervised function (See campus policy on Alcohol and Drug abuse, and rules on sanctions for alcohol and drug abuse).

Appendix

Policy 3.113 Drug/Alcohol <http://www.lcsc.edu/policy/Policy/3.113.PDF>

Policy 3.114 Drug-Free Workplace <http://www.lcsc.edu/policy/Policy/3.114.PDF>:

Student Counseling Center link to alcohol/drug policy and associated resources:

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<http://www.lcsc.edu/osl/counseling/AlcoholDrugPolicy/CurrentAlcoholDrugAbusePolicy.pdf>

ComPsych web site <http://www.guidanceresources.com/groWeb/login/login.xhtml>

Employee Assistance Program (EAP) information

<http://www.lcsc.edu/humanresources/additional%20benefits.htm>

If you have questions or concerns related to any part of this report please contact: Coordinator of Student Counseling Center at 792-2211 or VP Student Affairs at 792-2218.

Respectfully submitted

Doug Steele, MA

Director, Student Counseling Center, Disability and Health Services

Chair, Student Life Committee, LCSC

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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 an annual 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 as outlined in Board policy Section I.M.3.

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

BOARD ACTION

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

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SUBJECT

Idaho Regional Optical Network (IRON) update

BACKGROUND/DISCUSSION

Update on the Idaho Regional Optical Network (IRON) to commemorate their fifth anniversary. This will include presentation of awards to university and college presidents to recognize their support and participation.

On October 9, 2008, Gov. C.L. "Butch" Otter launched the Idaho Regional Optical Network (IRON), a high-speed fiber optic research network that connects Idaho to the ultra-high-speed research computer network The National Lambda Rail. In commemoration of their fifth anniversary, the directors and officers of IRON will present awards of appreciation to the chief executive officers of IRON's Charter Associates.

IRON connects state government, research institutions, education, and health care facilities across Idaho enabling researchers to collaborate on regional, national, and international research projects.

IRON partners include state and regional universities, the State of Idaho, the Idaho Hospital Association, and the Idaho National Laboratory (INL).

By increasing both speed and reliability, IRON provides education, health care, and research with cost-effective access to national research and education networks. IRON bridges the digital divide and provides increased opportunities for research and funding at universities and laboratories in Idaho.

ATTACHMENTS

Attachment 1 – List of IRON Honorees

Page 3

STAFF COMMENTS

The chief executive officers of IRON's Charter Associates, which include the presidents of Boise State University, Idaho State University, and the University of Idaho, have provided endorsement and support of the network over the past five years, resulting in creation of a valuable and lasting strategic asset for the state of Idaho.

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List of Honorees to Commemorate IRON's 5th Anniversary

IRON will present awards of appreciation to each honoree in acknowledgement of their commitment to improving Idaho's research, education, and healthcare through IRON.

Honorees:

- PRESIDENT ROBERT KUSTRA, Boise State University
- PRESIDENT KIM B. CLARK, Brigham Young University - Idaho
- PRESIDENT STEVEN A. MILLARD, Idaho Hospital Association
- DIRECTOR JOHN J. GROSSENBACHER, Idaho National Laboratory
- PRESIDENT ARTHUR C. VAILAS, Idaho State University
- DIRECTOR TERESA LUNA, Idaho Department of Administration
- PRESIDENT DONALD BURNETT, University of Idaho
- PRESIDENT ELSON S. FLOYD, Washington State University

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SUBJECT

Legislative Ideas - 2014 Legislative Session

REFERENCE

June 2013 The Board approved legislative nine (9) ideas to be submitted through the Governor's 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 2013 Board meeting. Each of the attached pieces of legislation have been submitted as legislative ideas and approved to move forward through the process by the Governor's Office.

The following are descriptive summaries of eight (8) of the legislative ideas that were proposed:

1. Board of Education Member Appointments

Statement of Purpose

Section 33-102, Idaho Code specifies that Board member appointments must be made on the first day of March and that the appointments must be confirmed by the Senate. Due to the timing of the appointments, and the other demands on the Governor and the legislature during this time frame, it is often difficult for an appointment to be made during this time frame. The result has been a break in service of Board members that were reappointed or vacant seats on the Board. The proposed change would amend section 33-102, Idaho Code to specify that the appointment must be made by the first day of January.

2. Residency Determination

Statement of Purpose

Section 33-3717B, Idaho Code specifies the residency requirements for any public institution of higher education in Idaho for the purposes of determining tuition rate. Section 33-2110B, Idaho Code specifies the residency requirements for community colleges. These two sections of code were in alignment at one time, with the exception of those categories of students that are only applicable at either the community colleges or the four year institutions. Change over the years has caused these two sections of code to be out of alignment. The proposed amendments would bring the two sections back into alignment for those sections should be are applicable to all institutions. Additionally, changes are proposed to section 33-3717B, to remove the list of tribes whose "traditional and customary boundary" were within the state of Idaho and whose members are considered residents for tuition purposes. The Board would be required to maintain the list of tribes.

3. Registration of Postsecondary and Proprietary Schools

Statement of Purpose

Section 33-2406, Idaho Code specifies that as a condition of registration, a proprietary school must obtain a surety bond. Changes were made to this section of Code during the 2013 legislative session that would allow, under certain circumstances, proprietary schools to use alternate financial instruments, approved by the Board's Executive Director, as a means of satisfying this requirement. The proposed amendment would correct a technical error in the language that has been brought to our attention and remove the bond requirement for proprietary schools that meet the same accreditation requirements of degree granting postsecondary education institutions.

4. Postsecondary Enrollment

Statement of Purpose

Chapter 51, Title 33, Idaho Code outlines the options for secondary students to attend postsecondary institutions for either secondary credit, for postsecondary credit, or for dual credit and is the foundational statute that allows for secondary students to take dual credit courses. Proposed changes to this Chapter would eliminate the requirement that each individual school district have an MOU with the governing Board of each institution from which students take courses from as well as update terms used within the Chapter to better reflect the options student have today.

5. Liquor Funds Disbursement to Community Colleges

Statement of Purpose

This legislation would revise Idaho Code to provide that disbursement of liquor funds to the community colleges shall be authorized by the State Board of Education instead of the Liquor Division.

6. University Administrative Flexibility

Statement of Purpose

The purpose of this legislation is to provide efficiency and accountability in Idaho higher education and to provide additional flexibility to the four state institutions of higher education. This bill will provide increased flexibility to the state board to govern the state college and universities and allow the institutions to request permission from the Board to "opt out" of identified state services.

This bill also codifies the Supreme Court ruling of the independent legal status of the University of Idaho, Idaho State University, Lewis-Clark State College and Boise State University from *State v. Continental Casualty Company*, 121 Idaho 938, 829 P.2d 528 (1992), and clarifies existing statutes that already so state (such as Idaho Code §§ 33-2804, 33-3003, 33-3102, and 33-4005).

This legislation provides that the state board may allow college and universities to utilize state departments for services when it makes sense to do so and the State Board cannot allow the institutions to exit existing participation in those programs without providing at least 18 months' notice. If the institutions wish to

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rejoin the programs for such services, then it will be via mutual written agreement and those agreements may be on a fee for services basis.

7. Charter School Commission

Statement of Purpose

Section 33-5213, Idaho Code establishes the Public Charter School Commission and designates the Executive Director of the State Board of Education to enforce the provisions of the Charter School laws and serve as the secretary to the commission. The proposed changes would move the Public Charter School Commission out from under the Board. The Charter Commission would become a self-governing agency, similar to the changes that were made when the Idaho Commission for Libraries and Idaho Historical Society were moved out from under the Board. This separation would address any potential conflicts that arise when the Board must hear appeals from schools authorized by the Commission.

8. Enrollment Workload Adjustment

Statement of Purpose

The Enrollment Workload Adjustment (EWA) is currently established and defined only in Board policy. The purpose of this legislation is to codify EWA, such that it would be treated similar to the enrollment growth formula for public schools. Just as the state does not fund school districts based on the number of students but rather on the number of support units, the state does not provide funding to the colleges and universities based on the number of students but rather weighted student credit hours. Generally speaking, however, there is recognition among policymakers that in either case the state needs to provide some measure of funding for costs associated with enrollment growth.

ATTACHMENT

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IMPACT

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

STAFF COMMENTS AND RECOMMENDATIONS

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 language for the legislative ideas 1 - 7.

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Staff does not recommend moving forward with the legislation to codify EWA at this time. Based on the EWA formula as defined in Board policy V.S., the FY 2015 EWA request for the colleges and universities is as follows:

BSU:	-\$291,200	CSI:	-\$346,300
ISU:	-\$562,500	CWI:	\$757,500
UI:	-\$591,200	NIC:	\$-1,400
LCSC:	\$68,700	TOTAL:	\$409,800
TOTAL:	-\$1,304,200		

Five of the seven institutions have negative EWA due to declines in credit hours. However, Board staff has negotiated an agreement with LSO and DFM staff which would allow the institutions to apply their negative EWA against their balances of prior-years unfunded EWA. This is an adjustment on paper and would hold the institutions harmless from actual reductions in base funding.

The current cumulative balances of prior-years unfunded EWA since FY 2003 are as follows:

BSU:	\$8,945,700	CSI:	\$1,115,300
ISU:	\$4,991,100	CWI:	\$5,961,100
UI:	\$815,300	NIC:	\$83,300
LCSC:	\$943,700	TOTAL:	\$7,159,700
TOTAL:	\$15,695,800		

There are pros and cons to Board-sponsored legislation to codify the EWA formula. Strategically speaking, this could be a good year to pursue legislation because the fiscal impact would be minimal. In other words, the Legislature may find codification more palatable when it's not going to require a significant amount of new money.

The flip-side of the coin is that if as part of deliberations the Legislature held the Board and its institutions to the EWA formula and did not allow the institutions to net their negative EWA against their unfunded EWA balances, all three universities would recognize base reductions totaling \$1.3M at a time when they are still recovering from a 25% loss in state funding during the economic downturn. The negative fiscal impact to the institutions could be compounded if the EWA multiplier is codified at 100% (as staff would recommend) rather than 67%.

It is also important to consider whether the drop in credit hours as reflected in the FY15 EWA is an anomaly or possibly a trend. Several institution representatives and Board members have speculated the latter, in which case the potential for further base reductions under a codified formula are possible.

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Finally, pursuing codification could send mixed signals from a higher education finance policy perspective. Last year the Board aggressively pursued a performance-based funding (PBF) initiative. The initiative received the Governor's support in his FY 2014 budget recommendation. The primary impetus behind this initiative was to move from funding inputs (i.e. cost of enrollments) to rewarding progress and completion. Pursuit of this initiative was deferred for a year while the institutions undertake program prioritization, but seeking to codify EWA in the interim seems counter to the Board-approved PBF initiative. Nationally, 22 states now have some form of PBF in place and another seven are transitioning to PBF.

At the June Board meeting one additional Legislative Idea was approved as a placeholder for legislation that might come out of the work of the Governor's Education Improvement Taskforce. At this time staff is unaware of any legislation developed regarding the 20 taskforce recommendations.

BOARD ACTION

I move to approve the proposed legislation in substantial conformance to the form submitted as attachments 1-7 and to authorize the Executive Director to make additional 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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Board Member Appointments

33-102. Membership -- Appointment -- Term of office -- Qualifications -- Place of office. The state board of education shall consist of the state superintendent of public instruction, who shall be an ex officio voting member and who shall serve as executive secretary of the board for all elementary and secondary school matters, and seven (7) members appointed by the governor, each for a term of five (5) years. Annually on the first day of ~~March~~ January the governor shall appoint members to fill the board positions for which the terms of office have expired. The governor shall, by appointment, fill any vacancy on the board, such appointment to be for the unexpired term of the retiring member. Any member of the Board whose term has expired may not continue on the Board unless reappointed by the governor. Appointment to the board shall be made solely upon consideration of the ability of such appointees efficiently to serve the interests of the people, and education, without reference to locality, occupation, party affiliation or religion. Any person appointed to said board shall have been a resident of the state for not less than three (3) years prior to the date of appointment; and shall qualify and assume the duties in accordance with laws governing similar appointments to, and qualifications for, office on other state boards. ~~All appointments of members to the state board of education made after the effective date of this act must be confirmed by the senate.~~ Members shall act and assume full powers and duties upon appointment, but such appointments shall be subject to confirmation by the senate at it's next regular session.

~~Members of the state board of education holding office on the effective date of this act shall continue in office for the balance of the term to which they were appointed.~~

The state board shall have and maintain its office in Ada county.

Residency Requirements for Tuition Purposes

Section 1: Residency – college and universities

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

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

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

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

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

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

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

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

(h) A person separated, under honorable conditions, from the United States armed forces after at least two (2) years of service, who at the time of separation designates the state of Idaho as his intended domicile or who has Idaho as the home of record in service and enters a college or university in the state of Idaho within one (1) year of the date of separation, or who moves to Idaho for the purpose of establishing domicile; provided however, to maintain status as a resident student, such person must actively establish domicile in Idaho within one (1) year of matriculation in a public institution of higher education in Idaho.

(i) The dependent child of a person who qualifies as a resident student under the provisions of subsection (1)(e) through (h) of this section, and who receives at least fifty percent (50%) support from such person shall also be a resident student, and shall not lose that resident status if, after he or she enters a college

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or university in the state of Idaho, the parent or guardian is transferred out of the state of Idaho on military orders.

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

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

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

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

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

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

(a) Any of the following, if done for at least twelve (12) months before the term in which the student proposes to enroll as a resident student, proves the

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establishment and maintenance of domicile in Idaho for purposes other than educational and supports classification of a student as an Idaho resident:

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

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

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

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

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

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

(iii) Holding an Idaho driver's license;

(iv) Evidence of abandonment of a previous domicile;

(v) Presence of household goods in Idaho;

(vi) Establishment of accounts with Idaho financial institutions; and

(vii) Other similar factors indicating intent to be domiciled in Idaho and the maintenance of such domicile.

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

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

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

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

Section 2: Residency – community colleges

33-2110B. Residency -- Rules -- Appeal -- Standards for nonresidents. (1) For purposes of this chapter, a "resident student" is:

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- (a) Any student whose parents or court-appointed guardians are domiciled in the community college district and provide more than fifty percent (50%) of his support. Domicile as used in this section, means an individual's true, fixed and permanent home and place of habitation. It is the place where he intends to remain, and to which he expects to return when he leaves without intending to establish a new domicile elsewhere. To qualify under this section the parents or guardian must have resided continuously in the community college district for twelve (12) months next preceding the opening day of the term for which the student matriculates.
- (b) Any student who receives less than fifty percent (50%) of his support from parents or legal guardians who are not residents of the community college district for voting purposes and who has continuously resided in the community college district for twelve (12) months next preceding the opening day of the period of instruction during which he proposes to attend the community college.
- (c) The spouse of a person who is classified, or is eligible for classification, as a resident of the community college district for the purposes of attending that community college.
- (d) A member of the armed forces of the United States, stationed in the community college district on military orders or who entered service as a resident of the community college district and who has maintained resident status, but is not stationed within the community college district on military orders.
- (e) An officer or an enlisted member of the Idaho national guard.
- (f) A student whose parents or guardians are members of the armed forces and stationed in the community college district on military orders and who receives fifty percent (50%) or more of support from parents or legal guardians. The student, while in continuous attendance, shall not lose his residence when his parents or guardians are transferred on military orders.
- (g) A person separated, under honorable conditions, from the United States armed forces after at least two (2) years of active service, who at the time of separation designates the community college district as his intended domicile or who has the district as the home of record in service and enters the community college within one (1) year of the date of separation.
- (h) Any individual who has been domiciled in the community college district, has qualified and would otherwise be qualified under the provisions of this statute, and who is away from the district for a period of less than one (1) calendar year and has not established legal residence elsewhere provided a twelve (12) month period of continuous residence has been established immediately prior to departure.
- (2) A community college board of trustees shall adopt rules and regulations applicable to their college now or hereafter established to determine residence status of any student and to establish procedures for review of that status.
- (3) Appeal from a final determination denying resident status may be initiated by the filing of an action in the district court of the county in which the affected community college is located. An appeal from the district court shall lie as in all civil actions.
- (4) Nothing contained herein shall prevent a community college board of trustees from waiving tuition to be paid by nonresident students.
- (5) Nothing contained herein shall prevent a community college board of trustees from establishing quotas, standards for admission, standards for readmission, or other terms

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and requirements governing persons who are not residents for purposes of the first two (2) years of postsecondary education.

Registration of Postsecondary and Proprietary Schools

33-2406. Surety bond. Unless exempted as provided herein, ~~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 or other financial instrument in a format approved by the director, 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 the provisions 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 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.

Proprietary schools which are accredited by an accreditation organization recognized by the board shall not be required to obtain a surety bond or other financial instrument.

Postsecondary Enrollment

Section 1:

33-5102. Definitions. As used in this chapter:

(1) "Course" means a course of instruction or a program of instruction.

(2) "Dual Credit" means credit awarded to a student on their secondary and postsecondary transcript for the completion of a single course.

(23) "Eligible institution" means an Idaho public postsecondary institution; a private two-year trade and technical school accredited by a reputable accrediting association; or a private, residential, two-year or four-year liberal arts, degree-granting college or university located in Idaho.

(4) "Postsecondary credit" means credit awarded to a student on their postsecondary transcript for the completion of a course.

(5) "Secondary credit" means credit awarded to a student on their secondary transcript for the completion of a course.

Section 2:

33-5104. Counseling. (1) To the extent possible, the school district shall provide counseling services to pupils and their parents or guardians before the pupil enrolls in courses under the provisions of this chapter to ensure that the pupil and parents or guardian are fully aware of the risks and possible consequences of enrolling in postsecondary courses. ~~The district~~ Counseling services shall ~~provide~~ include information on the program including who may enroll, what institutions and sources are available under this program, the decision-making process for granting academic credits, financial arrangements for tuition, books and materials, eligibility criteria for transportation aid, available support services, the need to arrange an appropriate schedule, consequences of failing or not completing a course in which the pupil enrolls, the effect of enrolling in this program on the pupil's ability to complete the required high school graduation requirements, financial aid, and the academic and social responsibilities that must be assumed by the pupil and the parents or guardian. The person providing counseling shall encourage pupils and their parents or guardian to also use available counseling services at the postsecondary institutions prior to the semester of enrollment to ensure that anticipated plans are appropriate and adequate.

~~(2) Prior to enrolling, the pupil and the pupil's parents or guardian must sign a form that shall be provided by the school district and may be obtained from a postsecondary institution stating that they have received the information specified herein and that they understand the responsibilities that must be assumed in enrolling in this program. The superintendent of public instruction shall, upon request, provide technical assistance to a school district in developing appropriate forms and counseling guidelines.~~

Section 3:

33-5105. Dissemination of information -- Notification of intent to enroll. By March 1 of each year, a school district shall provide general information about the program to

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~~all secondary pupils in grades ten (10) and eleven (11). To assist the district in planning, a pupil shall inform the district by March 30 of each year of the pupil's intent to enroll in postsecondary courses during the following school year. A pupil is not bound by notifying or not notifying the district by March 30.~~

~~33-5106. Limit on participation. (1) A pupil who first enrolls in grade eleven (11) may not enroll in postsecondary courses under the provisions of this chapter for secondary credit for more than the equivalent of two (2) academic years.~~

~~(2) A pupil who first enrolls in grade twelve (12) may not enroll in postsecondary courses under the provisions of this chapter for secondary credit for more than the equivalent of one (1) academic year.~~

~~(3) A pupil may also be enrolled in courses for secondary credits approved by the local school district. If a pupil's enrollment pursuant to this chapter decreases the pupil's instructional time in the local school district to less than four (4) hours a day, the pupil shall nevertheless be counted as in local school district instructional time for four (4) hours a day for purposes of [chapter 10, title 33](#), Idaho Code.~~

~~(4) A pupil who has completed course requirements for graduation but who has not received a diploma may participate in the program.~~

~~(5) A pupil who has graduated from high school cannot participate in the program.~~

Section 4:

~~33-5107. Enrollment priority. A postsecondary institution shall give priority to its postsecondary students when enrolling ~~eleventh and twelfth grade pupils~~ secondary students in courses for secondary credit only. Once a pupil has been enrolled in a postsecondary course under the provisions of this chapter, the pupil shall not be displaced by another student.~~

Section 5:

~~33-5108. Courses according to agreements. An eligible pupil may enroll in a nonsectarian course taught by a secondary teacher or a postsecondary faculty member and offered at a secondary school, or another location, according to an agreement between a school board and the governing body of an eligible public postsecondary system or an eligible private postsecondary institution. All provisions of this section shall apply to a pupil, school board, school district and the governing body of a postsecondary institution, except as otherwise provided.~~

Liquor Funds Disbursement to Community Colleges

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

University Administrative Flexibility

Section 1: State Board of Education

33-107. General powers and duties of the state board. The state board shall have power to:

- (1) Perform all duties prescribed for it by the school laws of the state;
- (2) Acquire, hold and dispose of title, rights and interests in real and personal property;
- (3) Have general supervision, through its executive departments and offices, of all entities of public education supported in whole or in part by state funds;
- (4) Approve the withdrawal of an Idaho public university or college from use of a state service as authorized by law; provided, however that said institution shall provide eighteen (18) months' prior written notice to the agency providing the service following approval.

(45) (a) Delegate to its executive secretary, to its executive officer, or to such other administrators as the board may appoint, such powers as said officers require to carry out and administer the policies, orders and directives of the board;

(b) Delegate to its executive officer, if necessary to enhance effectiveness and efficiency, such powers as he requires to exercise discretionary authority and to perform duties vested in the state board related to the operation, control and management of Idaho's state universities and colleges and other agencies under the supervision and governance of the state board, and to perform duties and render decisions prescribed to the state board involving the exercise of judgment and discretion that affect the public schools in Idaho;

(c) Delegate to the presidents of Idaho's state universities and colleges, if necessary to enhance effectiveness and efficiency, such powers as said officers require to exercise discretionary authority and to perform duties vested in the state board related to the operation, control and management of Idaho's state universities and colleges;

(d) Delegate to its executive secretary, the superintendent of public instruction, if necessary to enhance effectiveness and efficiency, such powers as he requires to perform duties and render decisions prescribed to the state board involving the exercise of judgment and discretion that affect the public schools in Idaho;

(e) Delegations of powers under this subsection must be adopted as statements of agency action by the state board, as provided in section [33-105\(2\)](#), Idaho Code, and pursuant to a process that provides for notice, opportunity for input and formal adoption by the state board;

(56) Through its executive departments and offices:

(a) Enforce the school laws of the state,

(b) Study the educational conditions and needs of the state and recommend to the legislature needed changes in existing laws or additional legislation;

(67) In addition to the powers conferred by [chapter 24, title 33](#), Idaho Code:

(a) Maintain a register of postsecondary educational institutions approved to provide programs and courses that lead to a degree or which provide, offer and sell degrees in accordance with the procedures established in [chapter 24, title 33](#), Idaho Code,

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(b) Determine whether to accept academic credit at public postsecondary educational institutions in Idaho. Academic credit shall not be transferred into any Idaho public postsecondary institution from a postsecondary educational institution or other entity that is not accredited by an organization recognized by the board,

(c) Maintain a register of proprietary schools approved to conduct, provide, offer or sell a course or courses of study in accordance with the procedures established in [chapter 24, title 33](#), Idaho Code;

(78) Prescribe the courses and programs of study to be offered at the public institutions of higher education, after consultation with the presidents of the affected institutions;

(89) Approve new courses and programs of study to be offered at community colleges organized pursuant to [chapter 21, title 33](#), Idaho Code, when the courses or programs of study are academic in nature and the credits derived therefrom are intended to be transferable to other state institutions of higher education for credit toward a baccalaureate degree, and when the courses or programs of study have been authorized by the board of trustees of the community college.

Section 2: Tort Claims Against Governmental Entities

6-902. Definitions. As used in this act:

(1) "State" means the state of Idaho or any office, department, agency, authority, commission, board, institution, hospital, college, university or other instrumentality thereof.

(2) "Political subdivision" means any county, city, municipal corporation, health district, school district, irrigation district, an operating agent of irrigation districts whose board consists of directors of its member districts, special improvement or taxing district, or any other political subdivision or public corporation. As used in this act, the terms "county" and "city" also mean state licensed hospitals and attached nursing homes established by counties pursuant to [chapter 36, title 31](#), Idaho Code, or jointly by cities and counties pursuant to [chapter 37, title 31](#), Idaho Code.

(3) "Governmental entity" means and includes the state and political subdivisions as herein defined.

(4) "Employee" means an officer, board member, commissioner, executive, employee, or servant of a governmental entity, including elected or appointed officials, and persons acting on behalf of the governmental entity in any official capacity, temporarily or permanently in the service of the governmental entity, whether with or without compensation, but the term employee shall not mean a person or other legal entity while acting in the capacity of an independent contractor under contract to the governmental entity to which this act applies in the event of a claim.

(5) "Bodily injury" means any bodily injury, sickness, disease or death sustained by any person and caused by an occurrence.

(6) "Property damage" means injury or destruction to tangible property caused by an occurrence.

(7) "Claim" means any written demand to recover money damages from a governmental entity or its employee which any person is legally entitled to recover under this act as compensation for the negligent or otherwise wrongful act or omission

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of a governmental entity or its employee when acting within the course or scope of his employment.

(8) "state educational institution" means the University of Idaho, Boise State University, Idaho State University, and Lewis-Clark State College.

Section 3: Tort Claims Against Governmental Entities

6-919. Liability insurance for state -- Comprehensive plan by division of insurance management. The administrator of the division of insurance management in the department of administration shall provide a comprehensive liability plan which will cover and protect the state and its employees from claims and civil lawsuits. He shall be responsible for the acquisition and administration of all liability insurance of the state or for the use of the retained risk account provided in section [67-5776](#), Idaho Code, to meet the obligations of the comprehensive liability plan.

The administrator shall, after consultation with the departments, agencies, commissions, and other instrumentalities of the state, provide a comprehensive liability plan for the state providing liability coverage to the state and its employees in amounts not less than the minimum specified in section [6-924](#), Idaho Code. He shall have the authority to use the retained risk account provided in section [67-5776](#), Idaho Code, or to purchase, renew, cancel and modify all policies according to the comprehensive liability plan.

Notwithstanding the foregoing, upon approval of the state board of education and eighteen (18) months prior written notice to the administrator, a state educational institution.

Section 4: Tort Claims Against Governmental Entities

6-920. Liability insurance for state procured by division of insurance management. Except as provided by law, No state agency or institution other than the administrator of the division of insurance management in the department of administration may procure liability insurance under this act. All state agencies and institutions shall comply with this act and the comprehensive liability plan developed by the administrator of the division.

Provided however, nothing contained in this section shall preclude the state board of education from authorizing the state educational institutions from purchasing liability insurance.

Section 5: Standards Appropriations Act of 1945

~~67-3610. University of Idaho~~—Annual audited financial statement. As a condition to availability of appropriations made to it, and to institutions and activities under its control or supervision, the state board of education and board of regents of the University of Idaho shall file with the state controller on or before a date mutually agreed upon by the state controller and the state board of education and board of regents of the university of Idaho, an audited financial statement showing receipt of moneys from state and federal appropriations, endowment funds, local and institutional incomes, or from any other source, made to it and to institutions and activities under its control or supervision.

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Section 6: Personnel System

67-5303. Application to state employees. All departments of the state of Idaho and all employees in such departments, except those employees specifically defined as nonclassified, shall be classified employees, who are subject to this chapter and to the system of personnel administration which it prescribes. Nonclassified employees shall be:

- (a) Members of the state legislature and all other officers of the state of Idaho elected by popular vote, and persons appointed to fill vacancies in elective offices, and employees of the state legislature.
- (b) Members of statutory boards and commissions and heads of departments appointed by and serving at the pleasure of the governor, deputy directors appointed by the director and members of advisory boards and councils appointed by the departments.
- (c) All employees and officers in the office, and at the residence, of the governor; and all employees and officers in the offices of the lieutenant governor, secretary of state, attorney general, state treasurer, state controller, and state superintendent of public instruction who are appointed on and after the effective date of this chapter.
- (d) Except as otherwise provided by law, not more than one (1) declared position for each board or commission and/or head of a participating department in addition to those declared to be nonclassified by other provisions of law.
- (e) Part-time professional consultants who are paid on a fee basis for any form of legal, medical or other professional service, and who are not engaged in the performance of administrative duties for the state.
- (f) Judges, temporary referees, receivers and jurors.
- (g) All employees of the Idaho supreme court, Idaho court of appeals and district courts.
- (h) All employees of the Idaho state bar.
- (i) Assistant attorneys general attached to the office of the attorney general.
- (j) All officers, members of the teaching staffs of state educational institutions and employees of the state educational institutions designated by the board as nonclassified, the professional staff of the office of the state board of education and Idaho department of education administered by the board of regents and the board of education, and the professional staffs of the Idaho division of professional-technical education and vocational rehabilitation administered by the state board for professional-technical education. "Teaching staff" includes teachers, coaches, resident directors, librarians and those principally engaged in academic research. The term "officer" means presidents, vice presidents, deans, directors, or employees in positions designated by the state board as such. The term professional staff shall mean any employee in a position whose primary responsibilities require the exercise of judgment and discretion as determined by the state board of education who receive an annual salary of not less than step "A" of the pay grade equivalent to three hundred fifty five (355) Hay points in the state compensation schedule. A nonclassified employee who is designated as an "officer" on July 5, 1991, but does not meet the requirements of this subsection, may make a one (1) time irrevocable election to remain nonclassified. Such an

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~~election must be made not later than August 2, 1991. When such positions become vacant, these positions will be reviewed and designated as either classified or nonclassified in accordance with this subsection.~~

(k) Employees of the military division.

(l) Patients, inmates or students employed in a state institution.

(m) Persons employed in positions established under federal grants, which, by law, restrict employment eligibility to specific individuals or groups on the basis of nonmerit selection requirements. Such employees shall be termed "project exempt" and the tenure of their employment shall be limited to the length of the project grant, or twenty-four (24) months, or four thousand one hundred sixty (4,160) hours of credited state service, whichever is of the shortest duration. No person hired on a project-exempt appointment shall be employed in any position allocated to the classified service.

(n) Temporary employees.

(o) All employees and officers of the following named commodity commissions, and all employees and officers of any commodity commission created hereafter: the Idaho potato commission, as provided in [chapter 12, title 22](#), Idaho Code; the Idaho honey advertising commission, as provided in [chapter 28, title 22](#), Idaho Code; the Idaho bean commission, as provided in [chapter 29, title 22](#), Idaho Code; the Idaho hop grower's commission, as provided in [chapter 31, title 22](#), Idaho Code; the Idaho wheat commission, as provided in [chapter 33, title 22](#), Idaho Code; the Idaho pea and lentil commission, as provided in [chapter 35, title 22](#), Idaho Code; the Idaho apple commission, as provided in [chapter 36, title 22](#), Idaho Code; the Idaho cherry commission, as provided in [chapter 37, title 22](#), Idaho Code; the Idaho mint grower's commission, as provided in [chapter 38, title 22](#), Idaho Code; the Idaho sheep and goat health board, as provided in [chapter 1, title 25](#), Idaho Code; the state brand inspector, and all district supervisors, as provided in [chapter 11, title 25](#), Idaho Code; the Idaho beef council, as provided in [chapter 29, title 25](#), Idaho Code; and the Idaho dairy products commission, as provided in [chapter 31, title 25](#), Idaho Code.

(p) All inspectors of the fresh fruit and vegetable inspection service of the Idaho department of agriculture, except those positions involved in the management of the program.

(q) All employees of correctional industries within the department of correction.

(r) All deputy administrators and wardens employed by the department of correction. Deputy administrators are defined as only the deputy administrators working directly for the nonclassified division administrators under the director of the department of correction.

(s) All public information positions with the exception of secretarial positions, in any department.

(t) Any division administrator.

(u) Any regional administrator or division administrator in the department of environmental quality.

(v) All employees of the division of financial management.

(w) All employees of the Idaho food quality assurance institute.

(x) The state appellate public defender, deputy state appellate public defenders and all other employees of the office of the state appellate public defender.

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(y) All quality assurance specialists or medical investigators of the Idaho board of medicine.

(z) All pest survey and detection employees and their supervisors hired specifically to carry out activities under the Idaho plant pest act, [chapter 20, title 22](#), Idaho Code, including but not limited to pest survey, detection and eradication, except those positions involved in the management of the program.

Section 7: Department of Administration, Public Works

67-5711. Construction, alteration, equipping, furnishing and repair of public buildings and works. (1) The director of the department of administration, or his designee, of the state of Idaho, is authorized and empowered, subject to the approval of the permanent building fund advisory council, to provide or secure all plans and specifications for, to let all contracts for, and to have charge of and supervision of the construction, alteration, equipping and furnishing, repair, maintenance other than preventive maintenance of any and all buildings, improvements of public works of the state of Idaho, the cost of which construction, alteration, equipping and furnishing, repair, maintenance other than preventive maintenance exceeds the sum of one hundred thousand dollars (\$100,000) for labor, materials and equipment, which sum shall exclude design costs, bid advertising and related bidding expenses, provided, that the director or his designee, and permanent building fund advisory council shall, in the letting of contracts under this section, comply with the procedure for the calling of bids provided in section [67-5711C](#), Idaho Code; provided, however, that this section shall not apply to the construction, alteration, equipping or furnishing or repair or maintenance other than preventive maintenance of public buildings under the jurisdiction and control of the state board of education and board of regents of the university of Idaho; provided further, that the bidding procedures required by this section and section [67-5711C](#), Idaho Code, shall not apply to performance contracts as provided in section [67-5711D](#), Idaho Code; provided further, that public works for the Idaho transportation department, the department of fish and game, the department of parks and recreation, the department of lands, and the department of water resources and water resource board, except for administrative office buildings and all associated improvements, are exempt from the provisions of this section that relate to the administration and review of such projects by the director of the department of administration or his designee and by the permanent building fund advisory council. This exemption shall not relieve the Idaho transportation department, the department of fish and game, the department of parks and recreation, the department of lands, and the department of water resources and water resource board in the letting of contracts for public works, from complying with the procedures of section [67-5711C](#), Idaho Code, related to the advertising and bidding for contracts. The permanent building fund advisory council may adopt rules consistent with existing law, including rules for a program of inspection and maintenance, to carry out the provisions of this chapter.

(2) Provided however, nothing contained in this section shall preclude the state educational institutions from using services as provided for in this section. Once a state educational institution has withdrawn, the state board of education may request supervision of public works under their jurisdiction by the department of administration. Such supervision shall be provided upon the approval of the administrator of public

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works under such terms as the administrator determines are in the best interest of the state.

Section 8: Department of Administration

67-5745A. Definitions. As used in this chapter:

(1) "Information technology" means all present and future forms of computer hardware, computer software and services used or required for automated data processing, computer-related office automation or telecommunications.

(2) "State agencies" means all state agencies or departments, boards, commissions, and councils and institutions of higher education, but shall not include the elected constitutional officers and their staffs, the legislature and its staffs ~~or, the judiciary or the state postsecondary institution pursuant to section 6-902, Idaho code.~~

(3) "Telecommunications" means all present and future forms of hardware, software or services used or required for transmitting voice, data, video or images over a distance.

Section 9: Department of Administration

67-5747. Powers and duties. (1) The department of administration is hereby authorized and directed:

(a) (i) To control and approve the acquisition and installation of all communications equipment and facilities for all departments and institutions of state government, except as provided in subparagraphs (ii), (iii) and (iv) of this subsection;

(ii) To coordinate the acquisition and installation of all communications equipment and facilities for ~~the institutions of higher education and~~ the elected officers in the executive department;

(iii) To coordinate the acquisition and installation of all communications equipment and facilities for the legislative and judicial departments;

(iv) Provided however, that the acquisition and installation of all public safety and microwave equipment shall be under the control of the military division.

In approving or coordinating the acquisition or installation of communications equipment or facilities, the department shall first consult with and consider the recommendations and advice of the directors or executive heads of the various departments or institutions. Any acquisition or installation of any communications equipment or facilities that is contrary to the department's recommendation, or is not in harmony with the state's overall plan for communications and information sharing, shall be reported in writing to the governor and the legislature.

(b) To receive and hold, upon order of the board of examiners, physical custody and control of such existing communications equipment and facilities utilized by or in the possession of any department or institution, as may be necessary to carry out the purposes of this chapter.

(c) To provide a system of communications for all departments and institutions of state government. The department may prescribe adequate rules for the use of any communications equipment and facilities now in use or hereafter made available. Funds received pursuant to this subsection shall be appropriated for

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payment of communication and telephone charges incurred by the various agencies and institutions of state government.

(d) To provide a means whereby political subdivisions of the state may utilize the state communications system, upon such terms and under such conditions as the department may establish.

(e) To accept federal funds granted by congress or by executive order for all or any of the purposes of this chapter, as well as gifts and donations from individuals and private organizations or foundations.

(2) The state board of education may request the department of administration provide services authorized under this section to the state postsecondary institutions. Such services shall be provided upon mutually agreed upon terms.

Section 10: Department of Administration, Group Insurance

67-5761. Powers and duties -- Group insurance. (1) The director of the department of administration shall:

(a) Establish an advisory committee to be comprised of program participants from the executive, legislative and judicial branches of state government. The advisory committee shall include one (1) active and one (1) retired employee representative. The director shall consult with the advisory committee in the performance of those duties as enumerated in subsection (2) of this section.

(b) Promulgate rules for determining eligibility of active personnel, retired personnel and dependents of such active and retired personnel for participation in any group plans.

(c) Determine the nature and extent of needs for group life insurance, group annuities, group disability insurance, and group health care service coverages with respect to personnel, including elected or appointed officers and employees, of all offices, departments, divisions, boards, commissions, institutions, agencies and operations of the government of the state of Idaho and retired personnel, the premiums or prepayments for which are payable in whole or in part from funds of the state. "Disability" insurance includes all personal accident, health, hospital, surgical, and medical coverages, and "health care service" includes all services rendered for maintenance of good health and diagnosis, relief, or treatment of any injury, ailment, or bodily condition.

(d) Determine the types, terms, conditions, and amounts of group insurance, group annuities, or group coverage by health care service organizations, as the case may be, required by such needs.

(e) Negotiate and contract for, and have placed or continued in effect all such insurance and coverages as may reasonably be obtainable from insurers and health care service organizations, as the case may be, duly authorized to transact such business in this state. The director may negotiate deductibles to any group plan or coverage. Alternatively, the director may self-insure any insurance or coverage and may contract with any insurance company or third party administrator duly authorized to transact business in this state or administer such plan.

(f) Prepare or otherwise obtain and make available to all personnel affected thereby, printed information concerning all such group plans currently in effect, together with the rules governing eligibility, payment of premium or prepayment

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where applicable, claims procedures, and other matters designed to facilitate utilization and administration of such plans.

(g) Administer all such group plans on behalf of the insured, including but not limited to:

(i) Enrollment and reporting to the insurer or health care service organization of individuals eligible for coverage and covered under particular policies or contracts, and termination of such enrollment upon termination of eligibility;

(ii) Collection or payment of premiums or prepayments for such coverage, policies and contracts and accounting for the same;

(iii) Establishment of reasonable procedures for handling claims arising under such coverage, policies and contracts, and rendering assistance to claimants, as may be required in the presentation and consideration of claims;

(iv) Effectuation of changes in such coverage, policies and contracts and renewal or termination thereof;

(v) Making and settlement of claims.

(2) The director shall formulate and negotiate a plan or plans of health care service coverage which includes eligible active personnel and their dependents in consultation with the advisory committee.

(3) The director shall formulate and negotiate a plan or plans of health care service coverage which includes eligible retired personnel and dependents. Such plan or plans will be pooled for rating purposes with the plan or plans provided for in subsection (2) of this section.

(a) Beginning July 1, 2009, the state shall pay one hundred fifty-five dollars (\$155) per eligible retired personnel per month toward such health care service coverage, subject to the conditions of subsection (3)(b) of this section. Retired personnel shall be responsible for paying the balance of the monthly premium for any plan of health care service coverage provided pursuant to this section.

(b) Beginning January 1, 2010, retired personnel health care service coverage shall not be available to any retired personnel or dependent who is or becomes eligible for medicare. Dependent spouses of such medicare eligible retired personnel who are not themselves medicare eligible may remain on health care service coverage until they become eligible for medicare.

(c) Any person who is eligible for health care service coverage as a retired person prior to June 30, 2009, remains eligible for coverage subject to the conditions of subsections (3)(a) and (b) of this section.

(d) No personnel, including elected or appointed officers and employees, of all offices, departments, divisions, boards, commissions, agencies and operations of the government of the state of Idaho, who begin service or employment after June 30, 2009, shall be provided or be eligible for any retired personnel health care service coverage, unless such personnel have credited state service of at least twenty thousand eight hundred (20,800) hours before June 30, 2009, and subsequent to reemployment, election or reappointment on or after July 1, 2009, accumulate an additional six thousand two hundred forty (6,240) continuous hours of credited state service, and who are otherwise eligible for coverage.

(e) Nothing in this subsection prohibits an active employee who retires from state service on or after July 1, 2009, from being eligible for health care service coverage provided that he or she is drawing a state retirement benefit and meets eligibility requirements of the health care service coverage.

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(f) The Idaho department of administration shall assist medicare eligible retirees in transitioning to a medicare supplement plan in accordance with procedures established by the advisory committee.

(4) Nothing contained herein and no coverage, policy or contract which provides coverage or benefits for active personnel, dependents of personnel, or retired personnel shall create any vested right or benefit for any such individual in group insurance coverage.

(5) Upon approval of the state board of education, and eighteen (18) months prior written notice to the director, a state education institution, pursuant to section 6-902, Idaho code may elect to withdraw from participation in the group plans contracted for by the director. Upon withdrawal, the institution and its employees shall not be eligible for such group plans. The institution may begin participation in the group plans following withdrawal upon the approval of the director under such terms as the director determines are in the best interest of the state.

Section 11: Department of Administration, Risk Management

67-5773. Powers and duties -- Risk management. (1) The director of the department of administration shall:

(a) Determine the nature and extent of needs for insurance coverages of all kinds, other than life and disability insurances, as to risks and property of all offices, departments, divisions, boards, commissions, institutions, agencies and operations of the government of the state of Idaho, the premiums on which are payable in whole or in part from funds of the state.

(b) Determine the character, terms, and amounts of insurance coverages required by such needs.

(c) Within funds available therefor from each respective office, department, division, board, commission, institution, agency or operation with respect to coverage to be provided to it, negotiate for, procure, purchase, and have placed or continued in effect all such insurance coverages and services as may reasonably be obtainable, whether from insurers or brokers duly authorized to transact business in this state.

(d) Administer all such coverages on behalf of the insured, including making and settlement of loss claims arising thereunder. The director, with the advice of the attorney general, may cause suit to be brought with respect to any such coverage or loss.

(e) Within available funds and personnel, make periodic inspection or appraisal of premises, property and risks as to conditions affecting insurability, risk, and premium rate, and submit a written report of each such inspection or appraisal together with recommendations, if any, to the officer, department, or agency in direct charge of such premises, property or risks.

(f) Perform such other duties and exercise such other powers as are provided by law.

(g) Establish a risk management advisory committee. The director shall consult with the advisory committee in the performance of those duties enumerated above.

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(2) As to all such needs and coverages, the director shall give due consideration to information furnished by and recommendations of any office, department, division, board, commission, institution or agency.

(3) Provided however, nothing contained in this section shall preclude the state educational institutions from using services as provided for in this section.

Charter School Commission

33-5213. Public charter school commission. (1) There is hereby created an independent public charter school commission, referred to hereinafter as the commission, ~~to be located in the office of the state board of education, pursuant to section 33-105, Idaho Code, for the purpose of section 20, article IV of the constitution of the state of Idaho, be maintained within the department of self-governing agencies.~~ The commission is hereby authorized to appoint a director of the commission who shall serve at the pleasure of the commission and shall receive such salary as fixed by the commission. It shall be the responsibility and duty of the ~~executive~~ director of the ~~state board of education commission~~ acting at the direction of the commission to administer and enforce the provisions of this chapter, and the director or his designee shall serve as secretary to the commission.

(2) The public charter school commission shall adopt ~~rules~~ policies, subject to law, regarding the governance and administration of the commission and make recommendation to the state board of education regarding the oversight of public charter schools.

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

(a) Three (3) members shall be appointed by the governor, subject to the advice and consent of the senate;

(b) Two (2) members shall be appointed by the speaker of the house of representatives; and

(c) Two (2) members shall be appointed by the president pro tempore of the senate.

Commissioner appointments made pursuant to this section prior to July 1, 2013, shall remain valid through the duration of the term to which each commissioner was appointed. To establish a transition to the appointing authority structure contained in this subsection, the first four (4) appointments available on or after July 1, 2013, shall be made in an alternating sequence for each appointment by the speaker of the house of representatives and the president pro tempore of the senate, followed by three (3) appointments by the governor. Subsequent appointments shall be made by the same appointing authority that originally appointed the commissioner whose term expired.

The term of office for commission members shall be four (4) years. In making such appointments, the appointing authorities shall consider regional balance. Members appointed to the commission shall collectively possess strong experience and expertise in public and nonprofit governance, management and finance, public school leadership, assessment, curriculum and instruction and public education law. All members of the commission shall have demonstrated understanding of and commitment to charter schools as a strategy for strengthening public education. No commissioner shall serve more than two (2) consecutive four (4) year terms. Members of the commission shall hold office until the expiration of the term to which the member was appointed and until a successor has been duly appointed, unless sooner removed for cause by the appointing authority. Whenever a vacancy occurs, the appointing authority shall appoint a qualified person to fill the vacancy for the unexpired portion of the term.

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

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(5) The members of the commission shall, at their first regular meeting following the effective date of this act, and every two (2) years thereafter, elect, by a majority vote of the members of the commission, a chairman and a vice-chairman. The chairman shall preside at meetings of the commission, and the vice-chairman shall preside at such meetings in the absence of the chairman. A majority of the members of the commission shall constitute a quorum. The commission shall meet at such times and places as determined to be necessary and convenient, or at the call of the chair.

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

(7) The commission shall report annually to the state board of education.

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SUBJECT

Pending Rules Docket 08-0105-1301, Docket 08-0106-1301, and Docket 08-0112-1301

REFERENCE

June 2013 Board approved proposed rules repealing IDAPA 08.01.05., 08.01.06., and 08.01.12.

APPLICABLE STATUTE, RULE, OR POLICY

Idaho Administrative Code, IDAPA 08.01.05, IDAPA 08.01.06, and IDAPA 08.01.12

BACKGROUND/DISCUSSION

During the 2013 legislative session, the Board's legislation (Senate Bill 1027) consolidating and streamlining the scholarships, managed by the Board office, passed. In order to minimize the impact on students currently receiving state funded scholarships, the proposed changes to the state scholarship programs will be transitioned in over the next two fiscal years, FY14 and FY15. Students currently receiving a scholarship award will continue to receive those awards as long as they meet the current program eligibility requirements, subject to available funding, for the duration of their current award term. One year awards will be granted in FY14 under the current Opportunity Scholarship Act, Promise Scholarship program, and Minority and "At-Risk" Scholarship programs, using those programs current requirements. The repeal of the Idaho Robert R. Lee Promise Scholarship Program, and the Idaho Minority and "At-Risk" Student Scholarship Act becomes effective July 1, 2014. In addition to these changes, the Leveraging Educational Assistance Partnership Program, and State/Federal partnership are no longer funded and sections of Administrative Rule pertaining to the program need to be repealed.

As a result of this legislation, there are a number of sections of Administrative Rule that need to be repealed. These rules, if accepted by the legislature, would take effect at the end of the 2014 legislative session.

No comments were received during the public comment period. No changes have been made from the original proposed rule approved by the Board.

IMPACT

The removal of IDAPA 08.01.05, IDAPA 08.01.06, and IDAPA 08.01.12 will eliminate what is, or will become, unnecessary sections of administrative rule.

ATTACHMENTS

Attachment 1 – Pending Rule Docket 08-0105-1301	Page 3
Attachment 2 – Pending Rule Docket 08-0106-1301	Page 13
Attachment 3 – Pending Rule Docket 08-0112-1301	Page 19

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STAFF COMMENTS AND RECOMMENDATIONS

Pending rules approved by the Board will be posted in the next Administrative Bulletin and move forward to the legislature. Pending rules become effective at the end of the legislative session in which they are submitted if they are not rejected by concurrent resolution of the legislature.

Staff recommends approval.

BOARD ACTION

I move to approve the Proposed Rule changes removing Docket 08-0105-1301, Docket 08-0106-1301, and Docket 08-0112-1301.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
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**IDAPA 08
TITLE 01
CHAPTER 05**

~~08.01.05 IDAHO PROMISE SCHOLARSHIP PROGRAM~~

~~000. LEGAL AUTHORITY.~~

~~These rules are promulgated pursuant to the authority of the State Board of Education (the Board) under Section 33-105 and Title 33, Chapter 43, Idaho Code.~~ (4 2 08)

~~001. TITLE AND SCOPE.~~

~~01. Title. These rules shall be known as IDAPA 08.01.05, "Idaho Promise Scholarship Program."~~ (4 2 08)

~~02. Scope. These rules constitute the requirements for the Idaho Promise Scholarship Program, Promise A and Promise B.~~ (4 2 08)

~~002. WRITTEN INTERPRETATIONS.~~

~~In accordance with Section 67-5201(19)(b)(iv), Idaho Code any written interpretation of the rules of this chapter are available at the Board office.~~ (4 2 08)

~~003. ADMINISTRATIVE APPEAL.~~

~~Unless otherwise provided for in the rules of the Board or in the State Board of Education Governing Policies and Procedures, all administrative appeals allowed by law shall be conducted as provided herein.~~ (4 2 08)

~~004. INCORPORATION BY REFERENCE.~~

~~There are no documents to incorporate by reference pursuant to, and in accordance with Section 67-5229, Idaho Code.~~ (4 2 08)

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

~~The principal place of business of the Board is in Boise, Idaho. The mailing address is PO Box 83720, Boise, ID 83720-0037. The Board's street address is 650 West State Street, Room 307, Boise, Idaho 83702. The office hours are from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays.~~ (4 2 08)

~~006. PUBLIC RECORDS ACT COMPLIANCE.~~

~~This rule has been promulgated in accordance with the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code, and is a public record.~~ (4 2 08)

~~007. DEFINITIONS.~~

~~These definitions are applicable to this chapter only.~~ (4 2 08)

~~01. Full-Time Student. An average of at least twelve (12) credit hours per semester, including any remedial coursework.~~ (4 2 08)

~~02. Secondary School Equivalent. The instruction of students in grades nine (9) through twelve (12), provided by home schools or other educational delivery systems or by successful completion of the General Educational Development (GED) test.~~ (4 2 08)

~~03. Idaho Secondary School. Any secondary school located in the state of Idaho, including secondary schools located in border school districts attended by Idaho residents in accordance with Section 33-1403, Idaho Code.~~ (4 2 08)

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~~04. High School Record for Promise A Students.~~ An individual's cumulative grade point average (GPA) for grades nine (9) through twelve (12), and difficulty of course load taken as certified by an official of such secondary school. (4 2 08)

~~05. High School Record for Promise B Students.~~ An individual's secondary school cumulative grade point average for grades nine (9) through twelve (12), or a composite score on the American College Test (ACT), or a sum of sub scores on the ACT Computerized Adaptive Placement Assessment and Support System (COMPASS), or a combined score on the College Board's Scholastic Aptitude Test I (SAT). (4 2 08)

~~06. Grade Point Average or GPA.~~ Means the average earned by a student, figured by dividing the unweighted grade points earned on a scale of four point zero (4.0) by the number of credits attempted. (4 2 08)

008. OBJECTIVES OF THE IDAHO PROMISE SCHOLARSHIP PROGRAM.

The legislature has recognized and declared 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 secondary school graduates to enroll in Idaho educational institutions is an important element for assuring the future leadership in the State. See Chapter 43, Title 33, Idaho Code. The Idaho Promise Scholarship Program recognizes high standards of achievement, as measured by competitive examination and high school records of graduates of public, private, or the equivalent secondary schools in Idaho who attend public or independent postsecondary institutions in Idaho. (4 2 08)

009. MONETARY VALUE OF THE SCHOLARSHIP.

~~01. Monetary Value.~~ The monetary value of each Promise A and Promise B scholarship shall be set annually by the Board in accordance with Sections 33-4307(2), (3) et seq., Idaho Code. (4 2 08)

~~02. Duration.~~ The grant covers up to one (1) educational year or equivalent for attendance at an eligible postsecondary educational institution, as defined in Section 33-4306(1), Idaho Code. (4 2 08)

010. SELECTION AND ELIGIBILITY REQUIREMENTS OF SCHOLARSHIP RECIPIENTS.

~~01. Selection and Eligibility Requirements.~~ Selection and eligibility requirements for a scholarship are based upon the provisions of the Idaho Promise Scholarship Program. Applicants for the Idaho Promise Scholarship are responsible for providing to the eligible institution in which he intends to enroll and/or the Board any and all information necessary to verify a student's eligibility for the Idaho Promise Scholarship. (4 2 08)

~~02. Educational Costs.~~ The recipient must certify that this scholarship, if awarded, will be used only for educational costs as defined in Section 33-4306, Idaho Code. (4 2 08)

~~03. Enrollment.~~ The recipient must pursue an undergraduate course of study leading to a degree, certificate, diploma, or other documentation of completion, which requires at least six (6) months, or equivalent of consecutive attendance. Furthermore, the applicant shall not enroll in an educational program leading directly to a baccalaureate degree in theology or divinity. (4 2 08)

~~04. Compliance.~~ The recipient must comply with all the provisions of the Idaho Promise Scholarship Program and these rules. (4 2 08)

011. ADMINISTRATION.

The Board has delegated to the Board office the responsibility for the administration of the Idaho Promise Scholarship Program. As administrator, the Board office is responsible for releasing any public information regarding the Idaho Promise Scholarship Program, determination of scholarship recipients, determination of procedures for payment of scholarships to recipients, maintaining fiscal controls and accounting procedures, preparing annual reports as required, and authorizing release of all forms, affidavits, and certification necessary for the operation of the program. (4 2 08)

012. AUTHORITY OF THE BOARD.

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~~With the sole exception of the ability to audit the Idaho Promise Scholarship Program as set forth in Section 013 of this chapter, these rules do not grant any authority to the Board to control or influence the policies of any eligible, nonpublic postsecondary education institution or community college because those institutions accept as students recipients of the Idaho Promise Scholarship, nor do these rules require any institution to admit or, once admitted, retain a recipient of an Idaho Promise Scholarship.~~ (4 2 08)

013. — AUDIT.

~~Participating institutions shall agree in advance to submit to regular, periodic audits by the legislative auditor and/or an auditor designated by the Board to ensure compliance with the statutes, rules, and policies governing the Idaho Promise Scholarship Program.~~ (4 2 08)

014. — 099. — (RESERVED)

100. — PROMISE A SCHOLARSHIP.

~~The following Sections 100 through 108 specifically relate to the Idaho Promise A Scholarship.~~ (4 2 08)

101. — PROMISE A NUMBER OF SCHOLARSHIPS.

~~The total number of initial and continuing scholarships will not exceed the number authorized in the Idaho Promise Scholarship Program or by the appropriation to support the program, whichever is less. The number of initial scholarships to individuals enrolled in academic and professional technical programs shall be determined annually by the Board. If the number of qualified professional technical applicants is not sufficient, additional awards will be given to qualified academic applicants.~~ (4 2 08)

102. — PROMISE A PRIORITY FOR AWARD.

~~In the event the state of Idaho does not provide an appropriation sufficient to support the maximum number of scholarships authorized by the Idaho Promise Scholarship Program, the priority for initial and continuing scholarships will be as follows:~~ (4 2 08)

~~01. — Highest Priority. Highest priority is given to continuing recipients in an order beginning with the date of the initial award. However, in the event further priority must be established among continuing recipients, the recipient's rank within the recipient's academic or professional technical major and class will be used, with priority given to the recipient with a higher ranking within the recipient's academic or professional technical major and class.~~ (4 2 08)

~~02. — Secondary Priority. Secondary priority is given to initial scholarship recipients until the appropriation is exhausted or the maximum number of initial scholarships authorized by the Idaho Promise Scholarship Program is reached, whichever is less.~~ (4 2 08)

103. — PROMISE A SCHEDULE FOR APPLICATION, NOTICE, AND RESPONSE TO COMMUNICATIONS.

~~01. — Initial Applications. Completed applications for initial scholarships must be submitted to the Board office electronically no later than January 15 for the awarding of initial scholarships for such year. An applicant without electronic capabilities may submit an application on the form established by the Board through the United States Postal Service which must be postmarked no later than January 15.~~ (4 2 08)

~~02. — Announcement of Award. Announcement of award of initial scholarships will be made no later than May 1 of each year, with awards to be effective July 1 of that year.~~ (4 2 08)

~~03. — Deadline for Acceptance. An applicant notified that he has been selected as a recipient must respond in writing by the date specified regarding the recipient's intent to accept the award. Failure to submit a response of acceptance in writing will result in forfeiture of the scholarship.~~ (4 2 08)

~~04. — Communication With State Officials. Applicants for either initial or continuing scholarships must respond by the date specified to any communication from officials of the Idaho Promise Scholarship Program~~

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~~Failure to respond within the time period specified will result in cancellation of the application or forfeiture of the scholarship unless extenuating circumstances are involved. (4 2 08)~~

104. — PROMISE A RESPONSIBILITIES OF SCHOLARSHIP APPLICANTS AND RECIPIENTS.

~~**01. — Application for Initial Scholarship.** Applicants for the Idaho Promise Scholarship are responsible for any errors or omissions in the information provided on the electronic, or paper, application form or to the eligible postsecondary institutions. The Board, the Board office, any official of a secondary school in Idaho, an eligible postsecondary educational institution in Idaho, American College Testing, and any official of the Idaho Promise Scholarship Program, individually or collectively, are not responsible for any information provided by an applicant on the electronic, or paper, application form or for any errors or omissions in the information provided by the applicant. In addition, each applicant must submit the required standardized test scores. Applications submitted without the required standardized scores are incomplete and will not be considered for the scholarship. (4 2 08)~~

~~**02. — Submission of Application.** Applicants for initial Idaho Promise A Scholarships are responsible for submitting completed electronic application forms to the Idaho Promise Scholarship Program at the Board office. (4 2 08)~~

~~**03. — Unused Scholarship Balances.** Following the initial award of the scholarship, each recipient is responsible for remitting any reasonable unused scholarship balances to their institutions on behalf of the Board in the event the recipient discontinues attendance before the end of any semester, quarter, term, or equivalent. (4 2 08)~~

105. — PROMISE A SELECTION AND ELIGIBILITY.

~~Applicants who intend to enroll in academic programs at eligible Idaho postsecondary educational institutions are selected as recipients on the basis of their high school record and GPA as defined in this chapter. Applicants who intend to enroll in professional technical programs at eligible Idaho postsecondary educational institutions are selected on the basis of performance on the ACT COMPASS exam and GPA in grades nine through twelve (9-12). To be eligible for consideration, the criteria used during the selection process for Promise A applicants are as follows:~~

~~(4 2 08)~~

~~**01. — High School Record and GPA.** Academic applicants must have a cumulative GPA of three point five (3.5) or better on a scale of four point zero (4.0). Professional technical applicants must have a cumulative GPA of two point eight (2.8) or better on a scale of four point zero (4.0). (4 2 08)~~

~~**02. — ACT Composite Score.** Academic applicants must verify an ACT composite score of twenty-eight (28) or better. (4 2 08)~~

~~(4 2 08)~~

~~**03. — COMPASS Score.** Professional technical applicants must provide a copy of their ACT COMPASS report, which must include scores from the Writing Skills, Reading Skills and Mathematics sections of the COMPASS. Alternatively, professional technical applicants may submit a copy of their ACT report, which will be equated to Compass Writing skills, Reading skills and Mathematics. Scores on the COMPASS report will be evaluated as a whole and used to rank professional technical applicants. (4 2 08)~~

~~**04. — Attendance.** The applicant must declare an intention of enrolling at an eligible public or private postsecondary educational institution in Idaho (as defined in Section 33-4306(1), Idaho Code) during the academic year immediately following completion of secondary school, or its equivalent in the state of Idaho. (4 2 08)~~

~~**05. — ACT, GPA and Ranking.** Academic applicants are ranked against other academic applicants, and professional technical applicants are ranked against other professional technical applicants as follows: (4 2 08)~~

~~**a.** Equal weight is given to the academic applicant's performance on the prescribed ACT measurements and the applicant's cumulative GPA. (4 2 08)~~

~~**b.** Equal weight is given to the professional technical applicant's performance on the ACT COMPASS exam, or comparable score on the ACT exam equated to Compass Writing skills, Reading skills, and~~

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Mathematics, and cumulative GPA. (4 2 08)

106. — PROMISE A CONTINUING ELIGIBILITY.

The total grant payments over a period of six (6) years to an individual may not exceed four (4) annual grants. To remain eligible for renewal of a scholarship following the successful completion of the first or freshman year of study, the scholarship recipient must comply with all of the provisions of the Idaho Promise Scholarship Program and these rules in addition to the following requirements: (4 2 08)

—— **01. — Credit Hours.** A scholarship recipient must enroll in and complete at least an average of twelve (12) credit hours per semester during the educational year in which the recipient receives the award at an eligible postsecondary institution. (4 2 08)

—— **02. — GPA.** A scholarship recipient who does not meet the GPA and enrollment requirements at the end of the educational year will forfeit the scholarship in subsequent years. (4 2 08)

—— **03. — Transfer of Scholarship.** A scholarship recipient who transfers from one eligible postsecondary educational institution in Idaho to another must comply with all of the requirements of the Idaho Promise Scholarship Program and these rules to maintain eligibility for the scholarship. The Promise A scholarship recipient must file a statement with the Board office declaring the intention to transfer as a full time undergraduate student in an academic or professional technical program in an eligible postsecondary educational institution in Idaho for the succeeding year no later than sixty (60) days prior to the first day of the academic term in which the student intends to enroll. (4 2 08)

—— **04. — Eligibility Following Interruption of Continuous Enrollment.** A Promise A recipient whose continuous enrollment is interrupted for more than four (4) months for any reason but who intends to re-enroll in an eligible postsecondary educational institution in Idaho must file a letter of intent to interrupt continuous enrollment no later than sixty (60) days prior to the first day of the academic term of the discontinued attendance. Failure to do so may result in forfeiture of the scholarship. The Board office will review each request for interruption and notify the applicant of approval or denial of the request. In addition, the recipient must file a statement with the Board office declaring the intent to re-enroll as a full time undergraduate student in an academic or professional technical program in an eligible postsecondary institution in Idaho for the succeeding academic year no later than thirty (30) days prior to the first day of the academic term in which the student intends to re-enroll. (4 2 08)

—— **05. — Promise A Recipient.** (4 2 08)

—— **a.** Must file a statement with the Board office each year declaring the recipient's intention to continue as a full time undergraduate student in an academic or professional technical program at an eligible postsecondary educational institution in Idaho for the succeeding year. The Board office will provide to each eligible institution a list of anticipated recipients. The education official of each institution shall certify to the Board office the current cumulative GPA of those recipients attending said institution. (4 2 08)

—— **b.** Must maintain high standards of performance in the recipient's academic or professional technical major and class, with a cumulative GPA of three point zero (3.0) or better. (4 2 08)

107. — PROMISE A PAYMENT OF SCHOLARSHIPS.

—— **01. — Award.** Scholarships will be awarded on an annual basis and payments will correspond to academic terms, semesters, quarters, or equivalent units. In no instance will the entire amount of a scholarship be paid in advance to or on behalf of a scholarship recipient. (4 2 08)

—— **02. — Promise A Payments.** Payments are made in the name of the recipient and will be sent to a designated official at the postsecondary educational institution in which the recipient is enrolled. The official must certify the applicant's eligibility, and if eligible, transmit the payment to the recipient within a reasonable time following receipt of the payment. (4 2 08)

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~~108. — PROMISE A ADDITIONAL RESPONSIBILITIES OF POSTSECONDARY INSTITUTIONS.~~

~~01. — Certification of Enrollment.~~ The officials must certify that scholarship recipients have actually enrolled as full time students. Such certification for Promise A recipients must be submitted when requested by Board office staff, and no later than thirty (30) days following the end of the regular enrollment period. (4 2 08)

~~02. — Withdrawal from Institution.~~ In the event a scholarship recipient withdraws from the college, school, or university, the officials at the college, school, or university must certify to the Board office that the recipient has withdrawn. Furthermore, in the event a recipient withdraws from all classes during a semester, quarter, term, or equivalent, the officials must remit to the Board office the amount of any tuition or fees refunded as a result of the withdrawal, after first having returned funds to federal aid programs as required by federal statute, up to the full amount of the scholarship received for the current semester, quarter, term, or equivalent. The following additional provisions apply if a scholarship recipient withdraws from the institution: (4 2 08)

~~a. —~~ The refund to the Promise Scholarship Program shall be calculated as follows: refund due to the student from the educational institution minus any refund applied towards federal financial aid repayments, as calculated in accordance with the Federal Return of Title IV Funds Formula, provides the refund due the Promise Scholarship, up to the total amount the student received for the term. The educational institution must remit the balance if any as provided in Section 108 of this chapter. (4 2 08)

~~b. —~~ In the event of extreme hardship as determined by the professional judgment of the designated official at the educational institution, a student may request to the educational institution a waiver of remittance. Members of the National Guard or Reserves who have been ordered to active military duty are eligible for a waiver of remittance. Each institution shall provide to the Board office an accounting of all waivers granted. (4 2 08)

~~c. —~~ In the event that the full amount of the student's scholarship for the semester, quarter, term, or equivalent is returned to the state, that semester, quarter, term, or equivalent shall not be considered in determining the student's eligibility for renewal. (4 2 08)

~~03. — Annual Educational Costs.~~ The officials must certify that the Idaho Promise A Scholarship award does not exceed the average educational costs for students who will be enrolled during the succeeding year. (4 2 08)

~~109. — 199. — (RESERVED)~~

~~200. — PROMISE B SCHOLARSHIP.~~

The following Sections 200 through 207 specifically relate to the Idaho Promise B Scholarship. (4 2 08)

~~201. — PROMISE B NUMBER OF SCHOLARSHIPS — PRIORITY FOR AWARD.~~

The total number of scholarships awarded to Promise B students will be determined annually by the Board based on the number of eligible students as certified by the eligible postsecondary institutions, the individual award amount, and the availability of funds. (4 2 08)

~~202. — PROMISE B PRIORITY FOR AWARD.~~

In the event that the state of Idaho does not provide an appropriation sufficient to award the maximum amount of the scholarship authorized by Section 33-4307(3)(a), Idaho Code then recipients of Promise A Scholarships shall not be eligible to receive Promise B Scholarships. In addition, the Board may proportionally decrease the amount of the Promise B Scholarship so as to provide an award to all eligible students. (4 2 08)

~~203. — PROMISE B SCHEDULE FOR APPLICATION, NOTICE, AND RESPONSE TO COMMUNICATIONS.~~

Applicants for either initial or continuing scholarships must respond by the date specified to any communication from officials of the Idaho Promise Scholarship Program. Failure to respond within the time period specified will result in cancellation of the application or forfeiture of the scholarship unless extenuating circumstances are involved. (4 2 08)

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204. — PROMISE B SELECTION AND ELIGIBILITY.

A student who first enrolls in an eligible Idaho postsecondary institution and who meets the eligibility requirements of the Idaho Promise B Scholarship as verified by the designated financial aid or scholarship office of the eligible institution will receive the Promise B Scholarship. Criteria used to determine eligibility includes the following:

(4 2 08)

——— **01. — Grade Point Average for Promise B Scholarship.** Applicants must have a cumulative secondary school (grades nine (9) through twelve (12)) GPA of three point zero (3.0) or better on a scale of four point zero (4.0).

(4 2 08)

——— **02. — ACT or Equivalent Score.** Applicants who do not have a three point zero (3.0) grade point average must verify a composite score of twenty (20) or better on the ACT assessment, or a corresponding score on the SAT I as established on the ACT/SAT I equivalency table, or at least a combined score of one hundred ninety-five (195) from the Writing Skills, Reading Skills and Algebra areas of the ACT COMPASS examination.

(4 2 08)

——— **03. — Completion Requirements.** The applicant must have completed secondary school or its equivalent in the state of Idaho as defined in Section 007 of this chapter.

(4 2 08)

——— **04. — Age Requirements.** An individual must be under the age of twenty two (22) on July 1 of the educational year in which the initial award is made.

(4 2 08)

——— **05. — Full Time.** An individual must enroll as a full time student.

(4 2 08)

205. — PROMISE B CONTINUING ELIGIBILITY.

The total grant payments over a period of four (4) years to an individual may not exceed two (2) annual payments. To remain eligible for renewal of a scholarship following the successful completion of the first or freshman year of study, the scholarship recipient must comply with all of the provisions of the Idaho Promise Scholarship Program and these rules in addition to the following requirements:

(4 2 08)

——— **01. — Credit Hours.** A scholarship recipient must enroll in and complete at least an average of twelve (12) credit hours per semester during the educational year in which the recipient receives the award at an eligible postsecondary institution.

(4 2 08)

——— **02. — GPA.** A scholarship recipient who does not meet the GPA and enrollment requirements at the end of the educational year will forfeit the scholarship in subsequent years.

(4 2 08)

——— **03. — Transfer of Scholarship.** A scholarship recipient who transfers from one eligible postsecondary educational institution in Idaho to another must comply with all of the requirements of the Idaho Promise Scholarship Program and these rules to maintain eligibility for the scholarship.

(4 2 08)

——— **04. — Eligibility Following Interruption of Continuous Enrollment.** A Promise B recipient whose continuous enrollment is interrupted for more than four (4) months for any reason but who intends to re-enroll in an eligible postsecondary education institution in Idaho must contact the financial aid office at the eligible postsecondary institution to request reinstatement of remaining Promise B eligibility. The student must have met the eligibility requirements prior to the interruption of continuous enrollment, and may not attend a non-eligible institution in the interim. The student must notify the financial aid office at the eligible postsecondary institution within the first semester (term) of resumed attendance regarding reinstatement of eligibility in order to qualify for continued Promise B scholarship eligibility.

(4 2 08)

——— **05. — Promise B Recipient.** The Promise B recipient must maintain high standards of performance by achieving and maintaining a two point five (2.5) cumulative GPA on a four point zero (4.0) system.

(4 2 08)

206. — PROMISE B PAYMENT OF SCHOLARSHIPS.

Scholarships will be awarded on an annual basis and payments will correspond to academic terms, semesters, quarters, or equivalent units. In no instance will the entire amount of a scholarship be paid in advance to or on behalf

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of a scholarship recipient. (4 2 08)

~~01. **Promise B Payments.** Payments will be sent to a designated official at the eligible postsecondary educational institution based upon the estimated number of recipients expected to enroll at the institution as provided for in Section 207 of this chapter. The official must transmit the payment to the recipients within a reasonable time following receipt of the payment. Transmittal of funds for the scholarship will be in accordance with a schedule established by the Board office. The schedule will also establish dates by which the following activities will occur to ensure accurate and timely payments to the postsecondary institutions on behalf of recipients.~~ (4 2 08)

~~02. **Number of Estimated Recipients.** The postsecondary educational institutions must submit to the Board office the estimated number of Idaho Promise B fall term and spring term recipients each educational year.~~ (4 2 08)

~~03. **Semester Payment Schedule.** The Board office shall distribute scholarship funds to a designated official at the postsecondary educational institutions at least fifteen (15) days prior to the start of the fall and spring academic terms.~~ (4 2 08)

~~04. **Mid-Semester Adjustments.** The postsecondary educational institution must submit mid-semester scholarship adjustment information, including refunds resulting from withdrawal from the institution, which reports the actual number of students who were eligible to receive the Promise B Scholarship to the Board office each academic term of the educational year.~~ (4 2 08)

~~a. Where the postsecondary educational institution has underestimated the number of scholarship recipients, the Board office will send an additional payment on behalf of those students to the educational institutions each academic term of the educational year.~~ (4 2 08)

~~b. Where the postsecondary educational institution has overestimated the number of fall recipients, the Board office will deduct the amount overpaid to the educational institution from its spring semester payment. Spring semester overpayments to the educational institutions must be refunded to the Board office prior to the end of the educational year.~~ (4 2 08)

~~05. **Year-End Final Report.** The postsecondary educational institution must submit to the Board office prior to the end of the educational year a final report indicating for each term the number of students that received an Idaho Promise B scholarship and the number of Promise B scholarships that were matched by the institution. Any outstanding overpayment made to the institution during the educational year must accompany the final year end report.~~

207. PROMISE B ADDITIONAL RESPONSIBILITIES OF POSTSECONDARY INSTITUTIONS.

In addition to other responsibilities provided for in this chapter, officials of Idaho postsecondary educational institutions in which scholarship recipients have enrolled are responsible for the following: (4 2 08)

~~01. **Number of Promise B Recipients.** The total number of grants to Promise B students will be determined annually.~~ (4 2 08)

~~a. The officials of eligible Idaho postsecondary educational institution are responsible for identifying eligible Promise B recipients in accordance with Promise Scholarship Program and these rules.~~ (4 2 08)

~~b. The officials must provide to the Board office an estimation of the number of Idaho Promise B recipients enrolled at the postsecondary institution during each of the corresponding academic terms.~~ (4 2 08)

~~02. **Annual Report to Board.** The officials must report annually to the Board office the number of students for each term receiving a Promise B award and the number of awards that were matched by the institution.~~ (4 2 08)

~~03. **Annual Educational Costs.** The officials must certify that the Idaho Promise B Scholarship award does not exceed the average educational costs for students who will be enrolled during the succeeding year.~~ (4 2 08)

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~~04. Certification of Enrollment.~~ The officials must certify that scholarship recipients have actually enrolled as full time students. Such certification for Promise B recipients must be submitted within thirty (30) days following the end of the regular enrollment period. (4 2 08)

~~05. Withdrawal from Institution.~~ In the event a scholarship recipient withdraws from the educational institution, the officials at the educational institution must certify to the Board office that the recipient has withdrawn. Furthermore, in the event a recipient withdraws from all classes during a semester, quarter, term, or equivalent, the officials must remit to the Board office the amount of any tuition or fees refunded as a result of the withdrawal, after first having returned funds to federal aid programs as required by federal statute, up to the full amount of the scholarship received for the current semester, quarter, term, or equivalent. The following additional provisions apply if a scholarship recipient withdraws from the institution: (4 2 08)

~~a.~~ The refund to the Promise Scholarship Program shall be calculated as follows: refund due to the student from the educational institution minus any refund applied towards federal financial aid repayments, as calculated in accordance with the Federal Return of Title IV Funds Formula, provides the refund due the Promise Scholarship, up to the total amount the student received for the term. The educational institution must remit the balance if any as provided in Section 207 of this chapter. (4 2 08)

~~b.~~ In the event of extreme hardship as determined by the professional judgment of the designated official at the educational institution, a student may request to the educational institution a waiver of remittance. Members of the National Guard or Reserves who have been ordered to active military duty are eligible for a waiver of remittance. Each institution shall provide to the Board office an accounting of all waivers granted. (4 2 08)

~~c.~~ In the event that the full amount of the student's scholarship for the semester, quarter, term, or equivalent is returned to the state, that semester, quarter, term, or equivalent shall not be considered in determining the student's eligibility for renewal. (4 2 08)

~~208. 299. (RESERVED)~~

300. APPEAL PROCEDURE.

Any Promise B applicant or recipient adversely affected by a decision made under provisions of this chapter may appeal using the institution's financial aid appeals process. Any Promise A applicant, recipient, or eligible postsecondary educational institution, or any Promise B applicant who desires further consideration of an appeal after the institutional decision has been reached, may appeal to the Board. The applicant, recipient, or eligible postsecondary educational institution must submit the appeal in writing no later than thirty (30) days following notice of the decision, and the written statement must include a statement of the reason the applicant, recipient, or eligible postsecondary educational institution believes the decision should be changed. The appeal must be submitted to the president of the Board in care of the Board office, which must acknowledge receipt of the appeal within seven (7) days. The president of the Board may or may not agree to review the action, or may appoint a subcommittee of three (3) persons, including at least one (1) financial aid administrator at an eligible postsecondary educational institution in Idaho.

~~01. Transmittal to Subcommittee.~~ If the appeal is transmitted to the subcommittee, the subcommittee will review the appeal and submit a written recommendation to the president of the Board within fifteen (15) days from the time the subcommittee receives the appeal document. The applicant, recipient, or institution initiating the appeal will be notified by the chairperson of the subcommittee of the time and place when the subcommittee will consider the appeal and will be allowed to appear before the subcommittee to discuss the appeal. (4 2 08)

~~02. Subcommittee Recommendations.~~ Following the subcommittee's decision, the president of the Board will present the subcommittee's recommendation to the Board at the next regularly scheduled meeting of the Board. The applicant, recipient, or eligible postsecondary educational institution initiating the appeal may, at the discretion of the president of the Board, be permitted to make a presentation to the Board. (4 2 08)

~~03. Board Decision.~~ The decision of the Board is final, binding, and ends all administrative remedies,

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~~unless otherwise specifically provided by the Board. The Board will inform the applicant, recipient, or eligible postsecondary educational institution in writing of the decision of the Board. (4-2-08)~~

~~301. -- 999. (RESERVED)~~

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IDAPA 08
TITLE 01
CHAPTER 06

~~08.01.06 — LEVERAGING EDUCATIONAL ASSISTANCE PARTNERSHIP PROGRAM~~

~~000. — LEGAL AUTHORITY.~~

~~In accordance with Section 33-105, Idaho Code, the Idaho State Board of Education shall promulgate rules implementing the provisions of Title IV, Part A, Subpart 4 of the Higher Education Act of 1965 as amended and Compilation of Student Aid Regulations 34 CFR 692. (4-5-00)~~

~~001. — TITLE AND SCOPE.~~

~~01. Title. These rules shall be cited as IDAPA 08.01.06, “Leveraging Educational Assistance Partnership Program,” IDAPA 08, Title 01, Chapter 06. (4-5-00)~~

~~02. Scope. These rules constitute the requirements for the Leveraging Educational Assistance Partnership Program in Idaho. (4-5-00)~~

~~002. — WRITTEN INTERPRETATIONS.~~

~~In accordance with Section 67-5201(19)(b)(iv) Idaho Code any written interpretation of the rules of this chapter are available at the Office of the State Board of Education located at 650 W. State Street, Room 307, Boise, Idaho 83702. (4-5-00)~~

~~003. — ADMINISTRATIVE APPEAL.~~

~~Unless otherwise provided for in the Rules of the State Board of Education or in the State Board of Education Governing Policies and Procedures, all administrative appeals allowed by law shall be conducted as provided herein. (4-5-00)~~

~~004. — (RESERVED)~~

~~005. — DEFINITIONS.~~

~~The following definitions are used in these rules unless the context otherwise requires. (7-1-93)~~

~~01. Eligible Postsecondary Educational Institution. An educational organization participating in one (1) or more programs of student financial aid within the State authorized by state or federal legislation. (7-1-93)~~

~~a. Public Postsecondary Institution. A public postsecondary organization governed or supervised by the State Board of Education and the Board of Regents of the University of Idaho; by a board of trustees of a community college established pursuant to the provisions of Section 33-2106, Idaho Code, as amended; or by the State Board of Professional Technical Education. (4-5-00)~~

~~b. Private or Other Nonprofit Institution. An 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. (7-1-93)~~

~~c. Proprietary Postsecondary Institution. An educational organization that meets the definition of “proprietary institution of higher education” in Section 481(b) of the Higher Education Act of 1965, as amended, except that the institution must have been in existence for at least five (5) consecutive years; has a current valid Program Participation Agreement showing Pell Grant eligibility; and has a federal student loan default rate of twenty percent (20%) or less. (4-5-00)~~

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~~02. Educational Costs.~~ Student costs for tuition, fees, room and board, transportation, and expenses reasonably related to attendance at a postsecondary educational institution. (7-1-93)

~~03. Full-Time Student.~~ An individual carrying a full time workload, other than correspondence, as measured by both coursework or other activities required by the institution and the tuition and fees normally charged for full time study by that institution. (7-1-93)

~~04. Half-Time Student.~~ An individual enrolled in and carrying not less than one half (1/2) of the number of credit hours which would qualify that individual as a full time student at the postsecondary educational institution in which the individual is enrolled. (7-1-93)

~~05. Part-Time Student.~~ An individual enrolled in and carrying less than one half of the number of credit hours which would qualify that individual as a full time student at a postsecondary educational institution in which the individual is enrolled. (7-1-93)

~~06. Graduate Student.~~ A student who has a baccalaureate degree. (7-1-93)

~~07. Enrollment.~~ The establishment and maintenance of an individual's status as a student in a postsecondary educational institution regardless of the term used at the institution to describe such status. (7-1-93)

~~08. Substantial Financial Need.~~ The difference between the student's net financial assets available, including those available from a spouse, parents, parent, guardian, or other person to whom he looks for support or who stands in loco parents, and the student's anticipated expenses while attending a postsecondary educational institution. (7-1-93)

~~09. Expected Family Contribution.~~ The sum of the amount which reasonably may be expected from the student and the student's spouse to meet the student's cost of education and the amount which reasonably may be expected to be made available to him by his parents for this purpose. (7-1-93)

~~10. Independent Student.~~ An individual who meets the federal definition of independent student in Section 480(d) of the Higher Education Act (HEA), as amended. (4-5-00)

~~11. Dependent Student.~~ A student who does not qualify as "independent student" as defined in Subsection 005.10 of this chapter. (4-5-00)

~~12. Eligible Student.~~ A student who is enrolled in an eligible postsecondary educational institution as defined in Subsection 005.01 of this chapter. (7-1-93)

~~13. Grant.~~ An award by the Board to an eligible student for educational costs as defined in Subsection 005.02 of this chapter. (7-1-93)

~~14. Educational Year.~~ The period from July 1 of a year through June 30 of the succeeding year. (7-1-93)

~~15. Board.~~ The State Board of Education and the Board of Regents of the University of Idaho. (7-1-93)

~~006. -- 099. (RESERVED)~~

100. OBJECTIVES AND PURPOSES OF THE LEVERAGING EDUCATIONAL ASSISTANCE PARTNERSHIP PROGRAM.

~~01. Objectives.~~ The State Board of Education and the Board of Regents of the University of Idaho recognizes and declares that postsecondary education for students who are properly qualified is important to the welfare of this state and nation and further recognizes and declares that the state can enhance its economic and social potential when students have the opportunity to contribute to the full extent of their capabilities through the removal

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of the financial barriers to their economic, social, and educational goals. (7 1 93)

02. Purposes. The purposes of this program are: (7 1 93)

a. To make grants to eligible students with substantial financial need to enable them to receive nonreligious educational services in an eligible postsecondary educational institution in this state; and (7 1 93)

b. To establish such administrative procedures as are necessary for the implementation of such a financial assistance program as established by the federal government under authority granted in Title IV, Part A, Subpart 4, of the Higher Education Act of 1965, as amended, and related acts. (4 5 00)

101. ELIGIBILITY.

A Leveraging Educational Assistance Partnership Program grant may be awarded to an eligible student for attendance at an eligible postsecondary educational institution under the following circumstances: (4 5 00)

01. Status. The student is a national of the United States; is in the United States for other than a temporary stay and intends to become a permanent resident thereof; is a permanent resident of the Trust Territory of the Pacific Islands or the Northern Mariana Islands; or is an eligible noncitizen as declared by the U.S. Department of Education. (7 1 93)

02. Enrollment. The individual is accepted for enrollment as follows: (7 1 93)

a. In the case of an individual beginning his first year or freshman year of postsecondary education, he has satisfied requirements for admission and has enrolled in an eligible postsecondary educational institution as defined in Subsection 005.01 of this chapter. (7 1 93)

b. In the case of an individual enrolled in an eligible postsecondary educational institution following the successful completion of the first term, he continues to meet the requirements of the Leveraging Educational Assistance Partnership Program and maintains satisfactory progress as required by the institution in which he is enrolled. (4 5 00)

03. Student not in Default. The student must certify that he does not owe a refund on grants previously received at a postsecondary educational institution, is not in default on any loan from a student loan fund at a postsecondary educational institution, or is not in default on any loan made, insured, or guaranteed by the Secretary of the United States Department of Education under Title IV of the Higher Education Act of 1965, as amended. (4 5 00)

04. Maximum Grant. Grant awards shall not exceed amounts established by the provisions of federal requirements for the Leveraging Educational Assistance Partnership Program. (4 5 00)

05. Financial Need. The student has substantial financial need as defined in Subsection 005.08 of this chapter of at least one thousand dollars (\$1,000), determined annually in accordance with the criteria and standards for determining need promulgated by the Secretary of Education, U.S. Department of Education, under the Higher Education Act of 1965, as amended. Student financial aid directors may, on the basis of professional judgement, make necessary adjustments to the cost of attendance and expected family contribution computations to allow for treatment of individual students with special circumstances. Student financial aid directors may use supplementary information about the financial status of eligible applicants in selecting recipients and determining the amount of awards. (4 5 00)

06. Duration. The grant covers up to one (1) educational year or equivalent as defined in Subsection 005.14 of this chapter for attendance at an eligible postsecondary educational institution. (4 5 00)

07. Statement. The individual receiving such a grant will use the funds solely for educational purposes as defined in Section 005.02 of this chapter. (4 5 00)

08. Other Financial Assistance. The individual receiving such a grant is not precluded from

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~~receiving other financial aid, provided such other aid must be included as part of the student's financial aid award. (7-1-93)~~

~~_____ **09. Ineligible Programs.** The individual is not pursuing courses leading to a theological or divinity degree. (7-1-93)~~

~~_____ **10. Program Compliance.** The student has complied with all the provisions of the Leveraging Educational Assistance Partnership Program. (4-5-00)~~

~~_____ **11. Payment Schedule.** Grant payments to students should correspond to academic terms, semesters, quarters, or equivalent time periods at an institution of postsecondary education. In no instance, however, will the entire amount of a student's award for an academic term, or its equivalent, be paid in advance to or on behalf of such student. (7-1-93)~~

~~**102. RESPONSIBILITIES OF INSTITUTIONS AND STUDENTS DISCONTINUING ATTENDANCE.**
If the student, after receiving payments, discontinues attendance before the end of any term covered by a Leveraging Educational Assistance Partnership Program award, the eligible postsecondary educational institution may re-award the funds to another eligible student. (4-5-00)~~

~~**103. PRIORITY.**
In the awarding of grants, priority is given to eligible full time students, but at the discretion of the Board, grants may be awarded to half time, part time, or graduate students enrolled in an eligible postsecondary educational institution. (7-1-93)~~

~~**104. NONDISCRIMINATION.**
The Board will discharge the authority granted it under the Leveraging Educational Assistance Partnership Program without regard to any student's race, creed, color, sex, national origin, ancestry, or age. (4-5-00)~~

~~**105. COMPLIANCE.**
Eligible postsecondary educational institutions which accept students under the provisions of this program are required to comply with procedures determined for confirmation of enrollment of recipients of such grants and to notify the Office of the State Board of Education within thirty (30) calendar days of the termination of attendance by recipients of such grants. (7-1-93)~~

~~**106. ADMINISTRATION.**
The State Board of Education and the Board of Regents of the University of Idaho is the administrative agency for the administration of the Leveraging Educational Assistance Partnership Program. The Board designates the Office of the State Board of Education as the administrator for the program. The Board is responsible for: (4-5-00)~~

~~_____ **01. Public Information.** Supervision of the issuance of public information concerning the provisions of the Leveraging Educational Assistance Partnership Program. (4-5-00)~~

~~_____ **02. Eligibility Criteria.** Determination of criteria for the eligibility of grantees. (7-1-93)~~

~~_____ **03. Rules.** Adoption of rules for processing and approving applications from students. (7-1-93)~~

~~_____ **04. Appeal Procedure.** Establishment of a reasonable and fair appeal procedure for those students and institutions who have been adversely affected by the application procedures of the Board. (7-1-93)~~

~~_____ **05. Applications.** Submission of applications for federal student financial aid under the provisions of the Higher Education Act of 1965, as subsequently amended. (7-1-93)~~

~~_____ **06. Accounting of Funds.** Receiving and accounting for all funds which may be available to the Office of the State Board of Education. (7-1-93)~~

~~_____ **07. Fiscal Controls.** Maintenance of such fiscal controls and fund accounting procedures as may be~~

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necessary to assure proper disbursement of funds. (7 1 93)

~~08. Annual Reports.~~ Submission of annual reports to the federal government and the Office of the Governor and the Legislature of the state of Idaho. (7 1 93)

107. APPEAL PROCEDURE.

~~01. Internal Appeal.~~ Students may appeal directly through the institution's financial aid appeals process. (7 1 93)

~~02. Board Appeal.~~ Students or institutions who desire further consideration of an appeal after the institutional decision has been reached may appeal such decision to the State Board of Education as follows: (7 1 93)

~~a.~~ All appeals to the Board must be in writing no later than thirty (30) calendar days following the institutional decision. (7 1 93)

~~b.~~ All appeals must be submitted to the president of the Board. The president of the Board or his designee will acknowledge receipt of the appeal within seven (7) calendar days following receipt of such an appeal. (7 1 93)

~~c.~~ The president of the Board will appoint a subcommittee of three (3) persons, including at least one (1) financial aid administrator at an eligible postsecondary educational institution in Idaho. (7 1 93)

~~d.~~ The president of the Board will transmit the appeal to the committee as designated in Subsection 107.02.c. above within ten (10) calendar days following the receipt of the appeal. (7 1 93)

~~e.~~ The subcommittee will review the appeal and submit a written recommendation to the president of the Board within thirty (30) calendar days after receipt of the appeal by the subcommittee. (7 1 93)

~~f.~~ The student or institution initiating the appeal will be notified by the chairman of the subcommittee of the time and place when the subcommittee will hear the appeal. The student or institution will be permitted to present the appeal to the subcommittee. (7 1 93)

~~g.~~ The president of the Board, following receipt of the recommendation of the subcommittee, will present the original appeal and the recommendation of the subcommittee to the Board meeting in public session at the next regular meeting following receipt of the subcommittee's recommendation. The student or institution initiating the appeal may, at the discretion of the president of the Board, be permitted to make a presentation to the Board. (7 1 93)

~~03. Board Decision is Final.~~ The decision of the State Board of Education is final. The secretary of the State Board of Education will inform in writing the student or institution initiating the appeal of the decision of the Board. (7 1 93)

~~04. Legal Action.~~ The provisions for appeal do not abridge the recourse to legal action by the State Board of Education, any applicant, grant recipient, or eligible postsecondary educational institution. (7 1 93)

108. INSTITUTIONAL PARTICIPATION.

In order to participate in the program during a specific fiscal year, eligible institutions shall: (7 1 93)

~~01. Annual Application.~~ Submit to the Office of the State Board of Education an annual application on or before the November 1 preceding the beginning of the fiscal year. (7 1 93)

~~02. Student Enrollment Form.~~ Submit to the Office of the State Board of Education a properly completed and accurate Student Enrollment Form (PSR 1) for the fall semester preceding the fiscal year. The required PSR 1 shall be submitted on or before the November 1 preceding the beginning of the fiscal year. (7 1 93)

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~~109. — ALLOCATION OF FUNDS.~~

~~Funds appropriated to the Office of the State Board of Education for the Leveraging Educational Assistance Partnership Program shall be allocated to participating institutions based on enrollment data submitted by each institution on the Student Enrollment Form (PSR 1) for the fall semester immediately preceding the fiscal year of participation. The allocation shall be based on the number of full time headcount students. The number of full time headcount students for each institution divided by the number of full time headcount students for all participating institutions shall determine the proportion of the appropriation for the Leveraging Educational Assistance Partnership Program to be allocated to each institution.~~ (4 5 00)

~~110. — AUDIT.~~

~~Participating institutions shall agree in advance to submit to regular, periodic audits by the legislative auditor and the internal auditor of the Office of the State Board of Education to ensure compliance with the statutes, rules, and policies governing the Leveraging Educational Assistance Partnership Program, including provision of accurate enrollment information.~~ (4 5 00)

~~111. — DISTRIBUTION OF FUNDS.~~

~~Funds allocated to participating institutions for a specific fiscal year by the Office of the State Board of Education shall be distributed to the institution no later than August 15 and January 15 of the fiscal year.~~ (7 1 93)

~~112. — AUTHORITY OF STATE BOARD OF EDUCATION.~~

~~This rule is not to 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 postsecondary educational institution because such institution accepts students who receive grants or to require any such institution to admit or, once admitted, to continue in such institution any student receiving a grant.~~ (7 1 93)

~~113. — AUTHORITY OF RULES.~~

~~All rules must comply with the provisions of the Leveraging Educational Assistance Partnership Program, Title IV, Part A, Subpart 4, of the Higher Education Act of 1965, as amended. If any section in the rules or any part of any section is declared invalid or unconstitutional, such declaration of invalidity does not affect the validity of the remaining portions thereof.~~ (4 5 00)

~~114. -- 999. — (RESERVED)~~

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IDAPA-08
TITLE-04
CHAPTER-12

~~08.01.12 IDAHO MINORITY AND "AT-RISK" STUDENT SCHOLARSHIP PROGRAM~~

~~000. LEGAL AUTHORITY.~~

~~These rules are promulgated pursuant to the authority of the State Board of Education (the Board) under Section 33-105, and Section 33-4606, Idaho Code.~~ (3-15-02)

~~001. TITLE AND SCOPE.~~

~~01. Title. These rules shall be known as IDAPA 08.01.12, "Idaho Minority and 'At-Risk' Student Scholarship Program."~~ (3-15-02)

~~02. Scope. These rules constitute the requirements for the Idaho Minority and "At Risk" Student Scholarship Program.~~ (3-15-02)

~~002. WRITTEN INTERPRETATIONS.~~

~~In accordance with Section 67-5201(19)(b)(iv) Idaho Code any written interpretation of the rules of this chapter are available at the Board Office.~~ (3-15-02)

~~003. ADMINISTRATIVE APPEAL.~~

~~Unless otherwise provided for in the rules of the State Board of Education or in the State Board of Education Governing Policies and Procedures, all administrative appeals allowed by law shall be conducted as provided herein.~~ (3-15-02)

~~004. INCORPORATION BY REFERENCE.~~

~~There are no documents to incorporate by reference pursuant to, and in accordance with Section 67-5229, Idaho Code.~~ (3-15-02)

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

~~The principal place of business of the Board is in Boise, Idaho. The mailing address is PO Box 83720, Boise, ID 83720-0037. The Board's street address is 650 West State Street, Room 307, Boise, Idaho 83702. The office hours are from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays.~~ (3-15-02)

~~006. PUBLIC RECORDS ACT COMPLIANCE.~~

~~This rule has been promulgated in accordance with the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code, and is a public record.~~ (3-15-02)

~~007. DEFINITIONS.~~

~~01. High School Record. An individual's rank in his secondary school class, cumulative grade point average (GPA) for grades nine (9) through twelve (12) and difficulty of course load taken as certified by an official of such secondary school.~~ (3-15-02)

~~02. Financial Need. Financial need is the difference between the student's net financial assets available, including those available from a spouse, parents, parent, guardian, or other person to whom he looks for support or who stands in loco parentis, and the student's anticipated expenses while attending a postsecondary educational institution.~~ (3-15-02)

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~~03. Educational Costs. Student costs for tuition, fees, room and board, or expenses related to reasonable commuting, books and other such expenses reasonably related to attendance at a postsecondary educational institution. (3-15-02)~~

~~008. 099. (RESERVED)~~

~~**100. OBJECTIVES OF THE IDAHO MINORITY AND “AT-RISK” STUDENT SCHOLARSHIP PROGRAM.**~~

~~The legislature has recognized and declared 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. (3-15-02)~~

~~**101. PRIORITY FOR AWARDS.**~~

~~Priority for initial awards shall be in accordance with Section 33-4605, Idaho Code. In the event the state of Idaho does not provide an appropriation sufficient to support the program, first priority is given to continuing recipients in an order beginning with the date of an initial award. (3-15-02)~~

~~01. Further Priority. In the event further priority must be established among continuing recipients, the recipient's rank within his academic or professional technical major and class will be used, with priority given to the recipient with a higher ranking within his academic or professional technical major and class. (3-15-02)~~

~~02. Secondary Priority. Secondary priority is given to new scholarship recipients until the appropriation is exhausted, in accordance with Section 33-4605, Idaho Code. (3-15-02)~~

~~**102. MONETARY VALUE OF THE SCHOLARSHIP.**~~

~~01. Monetary Value. The monetary value of each scholarship shall be the same as that set annually by the Board for the Idaho Promise Category A Scholarship in accordance with Sections 33-4307 et seq., Idaho Code. (3-15-02)~~

~~02. Other Financial Assistance. A recipient is not precluded from receiving other financial aid, awards, or scholarships, provided that the total of the Idaho Minority and “At Risk” Student Scholarship and such other financial aid, awards, or scholarships does not exceed the total educational costs for attendance at an eligible postsecondary institution. (3-15-02)~~

~~**103. DISTRIBUTION OF FUNDS.**~~

~~01. Allocation of Funds. Funds appropriated to the Board for the Idaho Minority and “At Risk” Student Scholarship Program shall be allocated to participating institutions each fiscal year based on enrollment data submitted by each institution verifying the minority student headcount from the previous year for the participating institution. (3-15-02)~~

~~02. Notification of Allocation. Participating institutions will be notified each year of the amount of the allocation and the number of awards allocated to each institution. (3-15-02)~~

~~03. Distribution of Funds. Funds allocated to participating institutions for the fiscal year by the Office of the State Board of Education shall be distributed to the institutions prior to the start of the academic year. (3-15-02)~~

~~04. Enrollment Factor. The allocation for a participating institution in a specific fiscal year shall be equal to the portion of the appropriation for that fiscal year multiplied by an enrollment factor. That enrollment factor shall be calculated by dividing the headcount of full-time minority students at the participating institutions by the total headcount of full-time minority students for all participating institutions. (3-15-02)~~

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~~05. **Carry Forward of Funds.** Unexpended funds allocated to participating institutions for this program shall not be carried forward from one fiscal year to the next. Such unexpended funds shall be returned to the Board for reallocation in the succeeding fiscal year. (3-15-02)~~

~~**104. **SELECTION OF SCHOLARSHIP RECIPIENTS.****~~

~~Recipients of scholarships are selected by a committee appointed by the financial aid director of each participating eligible institution, in accordance with Chapter 46, Title 33, Idaho Code, as verified by the staff of the Board.~~

~~(3-15-02)~~

~~**105. **FINANCIAL NEED.****~~

~~Financial need will be determined annually by the participating institutions in accordance with the criteria and standards for determining need promulgated by the Secretary of Education, U.S. Department of Education, under the Higher Education Act of 1965, as amended. Student financial aid directors may, on the basis of professional judgment, make necessary adjustments to the cost of attendance and expected family contribution computations to allow for treatment of individual students with special circumstances. Student financial aid directors may use supplementary information about the financial status of eligible applicants in considering applicants. (3-15-02)~~

~~**106. **CONTINUING ELIGIBILITY.****~~

~~01. **Academic Progress.** To remain eligible for renewal of a scholarship, the recipient must enroll in and complete an average of twelve (12) credit hours per semester and maintain satisfactory academic progress as defined by the participating institution. (3-15-02)~~

~~02. **Financial Need.** If financial need is one of the eligibility criteria used in the scholarship selection, the recipient must continue to have financial need. (3-15-02)~~

~~03. **Compliance.** The recipient must continue to comply with all of the provisions of the Minority and "At Risk" Scholarship Program and these rules. (3-15-02)~~

~~04. **Transfer Students.** A student who transfers from one eligible institution to another shall not be entitled to retain this scholarship award. (3-15-02)~~

~~05. **Interruption.** A recipient who discontinues his enrollment shall not be entitled to retain this scholarship. However, upon re-enrollment in an eligible institution the individual may re-apply for the scholarship. (3-15-02)~~

~~**107. **ADDITIONAL RESPONSIBILITIES OF ELIGIBLE POSTSECONDARY INSTITUTIONS.****~~

~~01. **Scholarship Recipient Report.** Participating institutions shall provide to the Board an annual list of scholarship recipients prior to disbursement of scholarship funds which shall include ethnic origin, gender, grade point average, class standing, and number of college credits completed. (3-15-02)~~

~~02. **Recruitment and Retention Report.** Participating institutions shall provide to the Board an annual report on minority recruitment and retention. (3-15-02)~~

~~03. **Withdrawal from Institution.** In the event a scholarship recipient withdraws from the college, school, or university, the officials at the college, school, or university must certify to the Office of the State Board of Education that the recipient has withdrawn. Furthermore, in the event a recipient withdraws from all classes within the first sixty percent (60%) of any semester, quarter, term, or equivalent, the officials must remit to the Office of the State Board of Education a prorated share of any scholarship payments made to the institution, up to the full amount of the scholarship received for the current semester, quarter, term, or equivalent. (3-15-02)~~

~~04. **Waiver.** In the event of extreme hardship as determined by the professional judgement of the designated official at the educational institution, a student may request to the educational institution a waiver of remittance. Members of the National Guard or Reserves who have been ordered to active military duty are eligible for a waiver of remittance. Each institution shall provide to the Office of the State Board of Education an accounting~~

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of all waivers granted. (3-15-02)

108. — APPEAL PROCEDURE.

Any applicant, recipient, or eligible postsecondary educational institution adversely affected by a decision made under procedures of this chapter may appeal using the institution's financial aid appeals process. Students or educational institutions that desire further consideration of an appeal after the institutional decision has been reached may appeal such decision to the Board. (3-15-02)

~~01. — Requirements for Submitting Appeal.~~ The applicant, recipient, or eligible postsecondary educational institution must submit the appeal in writing no later than thirty (30) days following notice of the decision, and the written statement must include a statement of the reason the applicant, recipient, or eligible postsecondary educational institution believes the decision should be changed. (3-15-02)

~~02. — Submission of Appeal to President of Board.~~ The appeal must be submitted to the president of the State Board of Education in care of the Office of the State Board of Education, which must acknowledge receipt of the appeal within seven (7) days. The president of the Board may or may not agree to review the action, or may appoint a subcommittee of three (3) persons, including at least one (1) financial aid administrator at an eligible postsecondary educational institution in Idaho. (3-15-02)

~~03. — Transmittal to Subcommittee.~~ If the appeal is transmitted to the subcommittee, the subcommittee will review the appeal and submit a written recommendation to the president of the State Board of Education within fifteen (15) days from the time the subcommittee receives the appeal document. The applicant, recipient, or institution initiating the appeal will be notified by the chairperson of the subcommittee of the time and place when the subcommittee will consider the appeal and will be allowed to appear before the subcommittee to discuss the appeal. (3-15-02)

~~04. — Subcommittee Recommendations.~~ Following the subcommittee's decision, the president of the State Board of Education will present the subcommittee's recommendation to the State Board of Education at the next regularly scheduled meeting of the Board. The applicant, recipient, or eligible postsecondary educational institution initiating the appeal may, at the discretion of the president of the State Board of Education, be permitted to make a presentation to the Board. (3-15-02)

~~05. — Board Decision.~~ The decision of the State Board of Education is final, binding and end all administrative remedies unless otherwise specifically provided by the Board. The State Board of Education will inform the applicant, recipient, or eligible postsecondary educational institution in writing of the decision of the State Board of Education. (3-15-02)

109. — AUTHORITY OF THE STATE BOARD OF EDUCATION.

With the sole exception of the ability to audit the Idaho Minority and "At Risk" Student Scholarship Program as set forth in Section 110 of this chapter, these rules do not grant any authority to the State Board of Education and Board of Regents of the University of Idaho to control or influence the policies of any eligible, nonpublic postsecondary education institution or community college because those institutions accept as students recipients of the Idaho Minority and "At Risk" Student Scholarship, nor do these rules require any institution to admit or, once admitted, retain a recipient of a Minority and "At Risk" Student Scholarship. (3-15-02)

110. — AUDIT.

Participating institutions shall agree in advance to submit to regular, periodic audits by the legislative auditor and/or an auditor designated by the Board to ensure compliance with the statutes, rules, and policies governing the Minority and "At Risk" Student Scholarship Program. (3-15-02)

111. — 999. — (RESERVED)

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SUBJECT

Pending Rule Docket 08-0109-1301 – Rules Governing the GEAR UP Idaho Scholarship Program

APPLICABLE STATUTE, RULE, OR POLICY

Idaho Administrative Code, IDAPA 08.01.09

BACKGROUND/DISCUSSION

The GEAR UP Idaho Scholarship is the scholarship component of the Federal GEAR UP grant. The scholarship is available to student who attended a school participating in the GEAR UP program and who participated in the programs early intervention component in grades seven (7) through ten (10). To be eligible for participation, the student must have graduated in 2012, or will be graduating in 2013 or 2014. During this past award cycle, a number of areas within the rule were identified as needing further clarification.

The proposed amendment to IDAPA 08.01.09 provides additional clarity to the initial application process, the selection of recipients, and continuing eligibility requirements.

IMPACT

The proposed changes will provide for efficiencies in the administration of the rule as well provide clarity for individuals applying for the scholarship.

ATTACHMENTS

Attachment 1 – Pending Rule Docket 08-0109-1301

Page 3

STAFF COMMENTS AND RECOMMENDATIONS

Pending rules approved by the Board will be posted in the next Administrative Bulletin and move forward to the legislature. Pending rules become effective at the end of the legislative session in which they are submitted if they are not rejected by concurrent resolution of the legislature.

Staff recommends approval.

BOARD ACTION

I move to approve the Pending Rule Docket 08-0109-1301 as submitted.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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OCTOBER 17, 2013

IDAPA 08
TITLE 01
CHAPTER 09

08.01.09 - RULES GOVERNING THE GEAR UP IDAHO SCHOLARSHIP PROGRAM

000. LEGAL AUTHORITY.

These rules are promulgated pursuant to the authority of the State Board of Education (Board) under Section 33-105, Idaho Code. (3-29-12)

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 08.01.09, "Rules Governing the GEAR UP Idaho Scholarship Program." (3-29-12)

02. Scope. These rules constitute the requirements for the GEAR UP Idaho Scholarship Program. (3-29-12)

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, written interpretations, if any, of the rules of this chapter are available at the Board. (3-29-12)

003. ADMINISTRATIVE APPEALS.

Unless otherwise provided for in the rules of the Board or in the Board Governing Policies and Procedures, all administrative appeals allowed by law shall be conducted as provided herein. (3-29-12)

004. INCORPORATION BY REFERENCE.

There are no documents that have been incorporated by reference into these rules. (3-29-12)

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

The principal place of business of the State Board of Education is in Boise, Idaho. (3-29-12)

01. Mailing Address. The mailing address is PO Box 83720, Boise, Idaho 83720-0037. (3-29-12)

02. Street Address. The State Board of Education's street address is 650 West State Street, Room 307, Boise, Idaho 83702. (3-29-12)

03. Office Hours. The office hours are from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. (3-29-12)

006. PUBLIC RECORDS ACT COMPLIANCE.

These rules are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. (3-29-12)

007. -- 009. (RESERVED)

010. DEFINITIONS.

~~**01. Dependable Strengths Report.** A tool available on the Idaho Career Information System that assists students in assessing skills and abilities as they relate to career choices and options. Dependable Strengths is accessed via My CIS Portfolio. (3-29-12)~~

02. Educational Costs. Student costs for tuition, fees, room and board, or expenses related to

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reasonable commuting, books and other expenses reasonably related to attendance a postsecondary educational institution. This cost is determined by the postsecondary institution the student attends and is the institution's published cost of attendance for the academic year for which the student is attending. (3-29-12)

03. Eligible Institution. (3-29-12)

a. A public postsecondary educational institution governed or supervised by the Board, or a board of trustees of a community college established pursuant to the provisions of Chapter 21, Title 33, Idaho Code; or (3-29-12)

b. Any educational organization located in Idaho that is: (3-29-12)

i. Operated privately; and (3-29-12)

ii. Classified as not-for-profit under ~~the~~ Idaho Code; and (3-29-12)

iii. Under the control of an independent board and not directly controlled or administered by a public or political subdivision; and (3-29-12)

iv. Accredited by an organization recognized by the Board, as provided in section 33-2402, Idaho code. (3-29-12)

v. Eligible for receipt of federal financial aid funding. (3-29-12)

04. Eligible Student. A student who: (3-29-12)

a. Is an Idaho resident, as defined in section 33-3717B or 33-2110B, Idaho code as applicable to the institution the student is applying to, and who has participated in the early intervention component (7th through 10th grade) of the GEAR UP Idaho program and who has or will graduate from an accredited high school or equivalent in Idaho as determined by the Board in 2012, 2013, or 2014; (3-29-12)

b. Has enrolled or applied as a full-time student in an eligible institution for a minimum of twenty-four (24) credit hours in an academic year. (3-29-12)

05. Administrator. The Executive Director of the Idaho State Board of Education or his designee. (3-29-12)

011. -- 099. (RESERVED)

100. OBJECTIVES OF THE GEAR UP IDAHO SCHOLARSHIP PROGRAM.

The objectives of the GEAR UP Idaho scholarship program are as follows: (3-29-12)

01. Continuation of Education. To support the continuation of education at the postsecondary level by providing qualified students with a scholarship; and (3-29-12)

02. Successful Completion of Program Activities. To recognize the successful completion of GEAR UP program activities by student participants. (3-29-12)

101. ELIGIBILITY.

01. Eligible Student. An applicant must be ~~an eligible student and~~ less than twenty-two (22) years of age at the time the student first receives a scholarship award. (3-29-12)

02. Undergraduate Student. An ~~eligible student applicant~~ must be enrolled full-time in an undergraduate program at an eligible institution. A student enrolled in an undergraduate program is eligible for consideration for a scholarship award, even if some of the student's courses are at the graduate level. (3-29-12)

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102. -- 199. (RESERVED)

200. APPLICATION PROCESS.

01. Initial Applications. (3-29-12)

a. An ~~eligible student~~ who has not yet graduated from an accredited high school or its equivalent in the state of Idaho ~~applicant~~ must complete and submit the GEAR UP Idaho Scholarship Application to the Board electronically on or before the date specified in the application, but not later than ~~January 15th~~ March 1 of the year the student will graduate from a secondary school or its equivalent. An applicant without electronic capabilities may receive assistance in completing the electronic application from a high school counselor or from the State Board of Education scholarship staff ~~and~~. The application may also be submitted to the Gear Up Idaho Scholarship Administrator through the United States Postal Service, which must be postmarked not later than ~~January 15th~~ March 1. (3-29-12)

b. An applicant must complete and submit the Free Application for Federal Student Aid (FAFSA) on or before ~~February 15th~~ March 1 of the year student will graduate from secondary school or its equivalent. (3-29-12)

~~c. An applicant must submit with his or her application a copy of the applicant's Dependable Strengths Report or in lieu of submitting the applicant's Dependable Strengths Report an applicant may submit a one page essay on the topic "My Unique Dependable Strengths."~~ (3-29-12)

02. Announcement of Award. Announcement of the award of initial scholarships for the 2012–2013 academic year will be made no later than May 15, 2012, with awards to be effective at the beginning of that academic year. The announcement of award recipients in future academic years recipients will be made no later than May 1. (3-29-12)

03. Communication with State Officials. Applicants ~~for initial scholarships~~ must respond ~~by the date specified~~ to any communication from officials of the GEAR UP Idaho Program by the date specified. Failure to respond within the time period specified will result in cancellation of the application or forfeiture of the scholarship ~~unless extenuating circumstances are involved~~. (3-29-12)

201. -- 299. (RESERVED)

300. SELECTION ~~OF SCHOLARSHIP RECIPIENTS~~ CRITERIA.

~~Applications will be reviewed and awards selected based on financial need, hours of participation in the GEAR UP program and academic preparation based on a combination of the ACT composite or SAT combined reading and math score and cumulative high school grade point average (GPA). Priority will be given to applicants who are eligible to receive Pell grant funding, as determined by the Free Application for Federal Student Aid (FAFSA).~~ (3-29-12)

01. Academic Eligibility. (3-29-12)

a. Applicants for the GEAR UP Idaho scholarship are ~~selected~~ granted as recipients, in part, on the basis of their academic performance. The ~~student~~ applicant's ~~high school GPA and~~ ACT composite or SAT combined reading and math score are ~~weighed equally used~~ to determine an applicant's academic rank. (3-29-12)

b. The academic ranking constitutes twenty percent (20%) of the selection ranking. (3-29-12)

~~c. Grade point average (GPA). An eligible student's applicants unweighted GPA will be used to determine the GPA value.~~ (3-29-12)

d. ACT Composite or SAT combined reading and math Score. Academic applicants must take the ACT or SAT reading and math exam. The highest composite score from any single test administration taken prior to the application deadline of January 15 will be considered. ~~Applicants will be ranked against other applicants based upon the ACT composite score.~~ (3-29-12)

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02. Financial Eligibility. (3-29-12)

a. Applicants for GEAR UP Idaho scholarship are selected as recipients, in part, on the basis of demonstrated financial need. The ~~primary tool that will be used by the GEAR UP Scholarship Program officials to determine financial need will be the federal-FAFSA, used by the United States Department of Education to determine eligibility for financial aid and an expected family's contribution (EFC) to a student's postsecondary education.~~ The financial need of an applicant for a GEAR UP scholarship will be based upon the validated expected family contribution, as identified by the FAFSA Student Aid report. (3-29-12)

b. The financial need factor, as determined by FAFSA, will constitute sixty percent (60%) of the weighting for the selection of recipients of GEAR UP scholarships. (3-29-12)

03. Participation Eligibility. (3-29-12)

a. Applicants for GEAR UP Idaho scholarships must have attending a school participating in the GEAR UP Idaho program and are selected in part on the basis of their participation in GEAR UP activities. (3-29-12)

~~b. The participation factor will constitute twenty percent (20%) of the selection ranking. (3-29-12)~~

~~eb.~~ Participation is reported in hours. Participation is determined based upon the hours a GEAR UP applicant participated in available GEAR UP early intervention program activities offered at their school. Applicants will be compared to other applicants from the same school. GEAR UP participation hours shall be provided by the GEAR UP school the student participated in. (3-29-12)

~~c. The participation factor shall constitute twenty percent (20%) of the selection ranking ()~~

301. -- 399. (RESERVED)

400. GEAR UP IDAHO SCHOLARSHIP AWARD.

01. Distribution. GEAR UP Idaho scholarships will be awarded at each ~~GEAR UP~~ school that has participated in the GEAR UP Idaho program, with distribution based on school population in relation to the over-all state GEAR UP population. (3-29-12)

02. Monetary Value of the Gear Up Idaho Scholarship. (3-29-12)

a. The monetary value of the GEAR UP Idaho scholarship award ~~to a student is set at the maximum amount of the Federal Pell Grant as established by the Federal government for the given year shall be determined based on a student's financial need, academic merit, and participation factor.~~ (3-29-12)

~~b. If the applicant is awarded a Pell Grant, the minimum award shall not be less than the applicants Pell Grant award.~~

~~bc.~~ The total amount of financial aid from all sources shall not exceed the student's total educational costs. (3-29-12)

03. Payment. Payment of scholarship awards will be made in the name of the recipient and will be sent to a designated official at the eligible institution in which the recipient is enrolled. The official must transmit the payment to the recipient within a reasonable time following receipt of the payment. (3-29-12)

04. Duration. Scholarships will be awarded on an annual basis and payments will correspond to academic terms, semesters, quarters, or equivalent units. In no instance will the entire amount of a scholarship be paid in advance to, or on behalf of, a scholarship recipient. The scholarship covers up to one (1) educational year or equivalent for attendance at an eligible institution. ~~Request for part time study must have prior authorization by the GEAR UP Idaho administrator, and if granted, scholarship awards will be reduced proportionally.~~ (3-29-12)

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05. Eligibility. If a student receives a scholarship payment and it is later determined that the student did not meet all of the eligibility requirements, then the student is considered in overpayment status, and must return program funds in accordance with the eligible institution's refund policy. (3-29-12)

401. -- 499. (RESERVED)

500. CONTINUING ELIGIBILITY.

To remain eligible for renewal of a GEAR UP Idaho scholarship, the recipient must comply with all of the provisions of the GEAR UP Idaho Program and these rules, in addition to the following requirements: (3-29-12)

01. Renewal Application. A scholarship recipient must complete and submit a renewal application in order to be considered for a continuing scholarship for each succeeding year. A completed application for the renewal of a GEAR UP Idaho scholarship must be submitted to the Board electronically by the date established on the application, but not later than ~~January 30~~ March 1. An applicant without electronic capabilities may submit an application on the form established by the GEAR UP Idaho Program administrator through the United States Postal Service, which must be postmarked no later than ~~January 30~~ March 1. In addition, a scholarship recipient must update and submit the FAFSA on or prior to ~~February 15~~ March 1. (3-29-12)

02. Credit Hours. To remain eligible for renewal of a scholarship award, the scholarship recipient must be enrolled as a full-time student and have completed a minimum of twenty-four (24) credit hours or its equivalent for the academic year in which the student received a scholarship award. ~~A student must be enrolled in full-time study each term unless prior approval by the program administrator is granted to attend part time. If a student does not receive a minimum of twelve (12) credit hours in a term, they may not receive the second semester award without seeking approval from the scholarship administrator.~~ (3-29-12)

03. Satisfactory Academic Progress. To remain eligible for renewal of a scholarship, the scholarship recipient must have maintained a minimum cumulative grade point average of two point zero (2.0) on a scale of four point zero (4.0) during the time that the recipient received an award, and must be maintaining satisfactory academic progress, consistent within federal financial regulations as implemented at the eligible Idaho postsecondary educational institution at which the scholarship recipient was enrolled. (3-29-12)

04. Transfer Students. Scholarship recipients who transfer to another eligible institution remain eligible for scholarship renewal and must inform the administrator no later than March 1 following the transfer. (3-29-12)

05. Maximum Scholarship Award. The award of a GEAR UP Idaho scholarship shall not exceed the equivalent of eight (8) continuous semesters or the equivalent of four (4) continuous academic years. (3-29-12)

501.--- 599. (RESERVED)

600. MISCELLANEOUS PROVISIONS.

~~**01. Interruption of Enrollment.** A scholarship recipient who requests to take leave from and interrupt enrollment at an eligible institution must submit a letter of intent to interrupt continuous enrollment to the GEAR UP Idaho administrator no later than sixty (60) days prior to the first day of the academic term of the discontinued attendance. Requests can only be made after the completion of one (1) full academic year. Failure to do so may result in forfeiture of any continuing scholarship eligibility. The administrator will review each request for interruption and notify the individual of approval or denial of the request. In addition, the individual must file a statement with the administrator declaring his intent to re-enroll as a full-time undergraduate student at an eligible institution for the succeeding academic year no later than thirty (30) days prior to the first day of the academic term in which the individual intends to re-enroll. If a leave request is granted, the total time that the scholarship will be available to the student shall not exceed the four (4) academic years immediately following the student's graduation from secondary school or its equivalent. A scholarship recipient whose continuous enrollment is interrupted for more than four (4) months for any reason but who intends to re-enroll in an eligible Idaho postsecondary educational institution must file a letter of intent to interrupt continuous enrollment no later than sixty (60) days prior to the first day of the academic term of the discontinued attendance. Failure to do so may result in forfeiture of the scholarship.~~

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The Board will review each request for interruption and notify the individual of approval or denial of the request. In addition, the individual must file a statement with the Board declaring his intent to re-enroll as a full-time undergraduate student in an academic or professional-technical program in an eligible Idaho postsecondary educational institution for the succeeding academic year no later than thirty (30) days prior to the first day of the academic term in which the individual intends to re-enroll. An extension of interruption of continuous enrollment period may be granted for eligible students due to military service in the United States armed forces, medical circumstances, or other circumstances approved by the state board of education's executive director. All requests for extension must be made sixty (60) days prior to the start of the succeeding academic year. (3-29-12)

~~02. Reassignment of Scholarships in Case of Discontinuance or Termination.~~ If a scholarship recipient enrolled in an eligible institution permanently withdraws or is dismissed prior to completion of his or her four (4) academic year scholarship eligibility term, then the GEAR UP Idaho administrator may award the scholarship to another eligible GEAR UP applicant (an alternate recipient) in the same application year. If there are no other alternates from that year, then the administrator may award the scholarship to another qualifying GEAR UP applicant. In the event that an award is made to an alternate recipient, then this new student shall assume the vacant scholarship of the Idaho GEAR UP student who has withdrawn or was dismissed. However, such student shall only receive the benefits of this scholarship for the remaining years of eligibility for the GEAR UP scholarship recipient who withdrew or was dismissed prior to completion of the scholarship eligibility term. (3-29-12)

~~03. Reassignment in Case of Leave of Absence.~~ If a GEAR UP scholarship recipient enrolled in an eligible institution requests and is granted a leave of absence during his or her four (4) academic year scholarship eligibility term, then the GEAR UP Idaho administrator may award the scholarship to another eligible GEAR UP applicant (an alternate recipient) from the same application year for the duration of the leave period. If there are no other alternates from that year, then the administrator may award the scholarship to another qualifying GEAR UP applicant. In the event that an award is made to an alternate recipient, then this new student shall assume the vacant scholarship of the Idaho GEAR UP student who is on an approved leave. However, such student shall only receive the benefits of this scholarship for the term of the leave. (3-29-12)

601. -- 699. (RESERVED)

700. RESPONSIBILITIES OF ELIGIBLE IDAHO POSTSECONDARY EDUCATIONAL INSTITUTIONS.

01. Statements of Continuing Eligibility. An eligible institution participating in this GEAR UP Idaho Scholarship Program must submit statements of continuing student eligibility to the ~~GEAR UP Idaho~~ administrator by the 30th day after the end of each academic term. Such statements must include verification that the scholarship recipient is still enrolled, attending full time, maintaining satisfactory academic progress, and has not exceeded the award eligibility terms.

02. Other Requirements. An eligible institution must: (3-29-12)

a. Be eligible to participate in Federal Title IV financial aid programs, and must provide prompt notification regarding any changes in this status to the State Board of Education; (3-29-12)

b. Provide data on student enrollment and federal, state, and private financial aid for students to the ~~GEAR UP Idaho~~ administrator; and (3-29-12)

c. Agree to permit periodic GEAR UP Idaho Scholarship Program audits to verify compliance with these rules. (3-29-12)

701. ADMINISTRATION.

The ~~GEAR UP Idaho~~ administrator is responsible for: (3-29-12)

01. Information. Releasing any public information regarding the GEAR UP Idaho Scholarship Program; (3-29-12)

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- 02. Recipient Determination.** Determination of scholarship recipients; (3-29-12)
- 03. Payment Procedures.** Determination of procedures for payment of scholarships to recipients; (3-29-12)
- 04. Accounting.** Maintaining fiscal controls and accounting procedures; (3-29-12)
- 05. Program Management.** Authorizing release of all forms, affidavits, and certification necessary for the operation of the program. (3-29-12)
- 703. -- 799. (RESERVED)**

800. APPEALS.

Any scholarship applicant or recipient adversely affected by a decision made under provisions of these rules may appeal such adverse decision as follows. The ~~opportunity~~ scholarship applicant or recipient must appeal in writing no later than thirty (30) days following notice of the decision, and the written statement must include the basis for the appeal. The appeal must be submitted to the ~~GEAR-UP Idaho~~ administrator, who must acknowledge receipt of the appeal within seven (7) days. The ~~GEAR-UP Idaho~~ administrator shall forward the appeal to the President of the Board. The Board may or may not agree to review the action, or may appoint a subcommittee of three (3) persons to hear the appeal, including at least one (1) financial aid administrator at an eligible postsecondary educational institution in Idaho. ~~(3-29-12)~~

01. Transmittal to Subcommittee. If the appeal is transmitted to the subcommittee, the subcommittee will review the appeal and submit a written recommendation to the President of the Board within fifteen (15) days from the time the subcommittee receives the appeal document. The ~~opportunity~~ scholarship applicant or recipient initiating the appeal will be notified by the chairperson of the subcommittee of the time and place when the subcommittee will consider the appeal and will be allowed to appear before the subcommittee to discuss the appeal. ~~(3-29-12)~~

02. Subcommittee Recommendations. Following the subcommittee's decision, the President of the Board will present the subcommittee's recommendation to the full Board at the next regularly scheduled meeting of the Board. The ~~opportunity~~ scholarship applicant or recipient initiating the appeal may, at the discretion of the President of the Board, be permitted to make a presentation to the Board. ~~(3-29-12)~~

03. Board Decision. The decision of the Board is final, binding, and ends all administrative remedies, unless otherwise specifically provided by the Board. The Board will inform the ~~opportunity~~ scholarship applicant or recipient in writing of the decision of the Board. (3-29-12)

801. -- 999. (RESERVED)

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SUBJECT

Proposed Rules Docket 08-0113-1301 – Rules Governing the Opportunity Scholarship Program

APPLICABLE STATUTE, RULE, OR POLICY

Idaho Administrative Code, IDAPA 08.01.13
Chapter 56, Title 33, Idaho Code

BACKGROUND/DISCUSSION

Senate Bill 1027 (2013) consolidated and streamlined the scholarships managed by the Board office. In order to minimize the impact on students currently receiving state funded scholarships, the proposed changes to the state scholarship programs will be transitioned in over the next two fiscal years, FY14 and FY15. Students currently receiving a scholarship award will continue to receive those awards as long as they meet the current program eligibility requirements, subject to available funding, for the duration of their current award term. One year awards will be granted in FY14 under the current Opportunity Scholarship Act, Promise Scholarship program, and Minority and “At-Risk” Scholarship programs, using those programs current requirements. The repeal of the Idaho Robert R. Lee Promise Scholarship Program, and the Idaho Minority and “At-Risk” Student Scholarship Act becomes effective July 1, 2014.

Proposed changes to IDAPA 08.01.13 were approved by the Board at the June 2013 Board meeting and will bring the Opportunity Scholarship rule into alignment with the changes made in Idaho code in Senate Bill 1027 as well as clarify how the amended Opportunity Scholarship program will be administered. Amendments are made to the academic eligibility and continuing eligibility requirements for applicants, and the deadline for submitting applications. Clarify language was added to specify the grade point average used shall be the cumulative grade point average and the monetary value of the award.

IMPACT

The proposed changes will provide for efficiencies in the administration of the rule as well provide clarity for individuals applying for the scholarship. The proposed rule, if accepted by the legislature, would take effect at the end of the 2014 legislative session.

ATTACHMENTS

Attachment 1 – Pending Rule Docket 08-0113-1301

Page 3

STAFF COMMENTS AND RECOMMENDATIONS

Amendments to the rule have been made to the proposed rule to add further clarification and remove additional sections that were considered redundant to language contained in Idaho code. One comment was received during the open comment period, the amendments made are in alignment with the majority of the comments received.

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Pending rules approved by the Board will be posted in the next Administrative Bulletin and move forward to the legislature. Pending rules become effective at the end of the legislative session in which they are submitted if they are not rejected by concurrent resolution of the legislature.

Staff recommends approval.

BOARD ACTION

I move to approve the Pending Rule Docket 08-0113-1301 as submitted.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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**IDAPA 08
TITLE 01
CHAPTER 13**

08.01.13 - RULES GOVERNING THE OPPORTUNITY SCHOLARSHIP PROGRAM

000. LEGAL AUTHORITY.

In accordance with Sections 33-105, ~~33-5605,~~ and ~~33-5606(2)(e)~~~~33-4303(3)~~, Idaho Code the State Board of Education (Board) shall promulgate rules implementing the provisions of Title 33, Chapter 56, Idaho Code. (4-2-08)

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 08.01.13, "Rules Governing the Opportunity Scholarship Program." (4-2-08)

02. Scope. These rules constitute the requirements for the Opportunity Scholarship Program. (4-2-08)

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, written interpretations, if any, of the rules of this chapter are available at the Board. (4-2-08)

003. ADMINISTRATIVE APPEALS.

Unless otherwise provided for in the rules of the Board or in the Board Governing Policies and Procedures, all administrative appeals allowed by law shall be conducted as provided herein. (4-2-08)

004. INCORPORATION BY REFERENCE.

There are no documents that have been incorporated by reference into these rules. (4-2-08)

005. OFFICE INFORMATION.

01. Office Hours. The offices of the Board are open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays. (4-2-08)

02. Street Address. The offices of the Board are located at 650 W. State Street, Boise, Idaho. (4-2-08)

03. Mailing Address. The mailing address of the Board is P.O. Box 83720, Boise, Idaho 83720-0037.(4-2-08)

04. Telephone Number. The telephone number of the Board is (208) 334-2270. (4-2-08)

05. Facsimile. The facsimile number of the Board is (208) 334-2632. (4-2-08)

06. Electronic Address. The electronic address of the Board of Education at www.boardofed.idaho.gov.(4-2-08)

006. PUBLIC RECORDS ACT COMPLIANCE.

These rules are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. (4-2-08)

007. -- 009. (RESERVED)

010. DEFINITIONS.

~~**01. Educational Costs.** Is defined in Section 33-5604(1), Idaho Code and 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.~~

(4-2-08)

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~~**02. Eligible Idaho Postsecondary Educational Institution.** Is defined in Section 33-5604(2), Idaho Code, and means:~~ (4-2-08)

~~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~~ (4-2-08)

~~b. Any educational organization located in Idaho which is:~~ (4-2-08)

~~i. Operated privately;~~ (4-2-08)

~~ii. Classified as not for profit under the Idaho Code;~~ (4-2-08)

~~iii. Under the control of an independent board and not directly controlled or administered by a public or political subdivision; and~~ (4-2-08)

~~iv. Accredited by an organization recognized by the state board, as provided in Section 33-2402, Idaho Code.~~ (4-2-08)

~~**03. Eligible Student.** Is defined in Section 33-5604(3), Idaho Code, and means a student who:~~ (4-2-08)

~~a. Is an Idaho resident;~~ (4-2-08)

~~b. Has or will graduate from an accredited high school or equivalent in Idaho as determined by the state board;~~ (4-2-08)

~~c. Has enrolled or applied as a full-time student to an eligible Idaho postsecondary educational institution; and~~ (4-2-08)

~~d. Is pursuing an undergraduate degree, certificate, or diploma.~~ (4-2-08)

~~**04. Financial Eligibility.** Is defined in Section 33-5604(4), Idaho Code, and 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.~~ (4-2-08)

~~**05. Grade Point Average or (GPA).** Means the average grade earned by a student, figured by dividing the grade points earned by the number of credits attempted.~~ (4-2-08)

~~**06. Opportunity Scholarship Program.** Is defined Section 33-5604(5), Idaho Code and means the scholarship program described in Title 33, Chapter 56, Idaho Code, and these rules.~~ (4-2-08)

011. -- 099. (RESERVED)

~~**100. OBJECTIVES OF THE OPPORTUNITY SCHOLARSHIP PROGRAM.**~~

~~The legislature has recognized and declared an intent 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. These rules set forth academic and financial eligibility requirements and other criteria for purposes of awarding opportunity scholarships.~~ (4-2-08)

101. ELIGIBILITY.

~~**01. Idaho Resident.** An eligible student must be an Idaho resident, as defined in Section 33-3717B or 33-2110B, Idaho Code as applicable to the institution the student is applying to, and IDAPA 08.01.04, "Residency Classification," Subsection 005.01.~~ (4-2-08)

~~**02. Undergraduate Student.** An eligible student must be pursuing an their first undergraduate certificate or degree, certificate, or diploma. A student may have received multiple certificates or degrees as part of the natural progression towards a recognized baccalaureate degree program. A student who is enrolled in a~~

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graduate program, but who has not yet earned a baccalaureate degree, is not eligible for an opportunity scholarship. A student enrolled in an undergraduate program is eligible for consideration for an opportunity scholarship, even if some of the student's courses are at the graduate level. () (4-2-08)

03. Academic Eligibility.

(4-2-08)

a. Applicants for the opportunity scholarship are selected as recipients, in part, on the basis of their cumulative GPA. ~~An eligible student's GPA will constitute thirty percent (30%) of the weighting for the selection of recipients of opportunity scholarships.~~ () (4-2-08)

b. To be eligible ~~to apply~~ for an opportunity scholarship, an applicant must meet minimum academic eligibility criteria, as follows: (4-2-08)

i. A student who has not yet graduated from secondary school or its equivalent in the state of Idaho must have an un-weighted minimum cumulative grade point of average of ~~three point zero (3.0)~~ or better on a scale of ~~four point zero (4.0)~~ to be ~~academically~~ eligible to apply for an opportunity scholarship. Home schooled students must provide a transcript of subjects taught and grades received signed by the parent or guardian of the student. () (4-2-08)

ii. A student who has obtained a general equivalency diploma must have taken the ACT assessment ~~examination administered by the College Board (ACT)~~, and received a minimum composite score of twenty (20) or better, or the equivalent SAT ~~I~~ assessment ~~examination (SAT I) with an equivalent weighted score and received a 950 or better~~, to be academically eligible to apply for an opportunity scholarship. () (4-2-08)

~~iii. A student who has obtained a general equivalency diploma for purposes of academic eligibility, such student's cumulative GPA will be determined by the student's ACT or SAT score, equalized to reflect a secondary school GPA.~~ ()

~~iiiiv.~~ A student currently enrolled in an eligible Idaho postsecondary educational institution must have a minimum cumulative grade point average of ~~two three point zero (23.0)~~ or better on a scale of ~~four point zero (4.0)~~ at such institution in order to be academically eligible to apply for an opportunity scholarship. () (4-2-08)

~~e. The following additional criteria shall be used to determine an eligible student's GPA:~~ (4-2-08)

~~i. A student who has not yet graduated from secondary school and who has earned more than twelve (12) credits of postsecondary academic credit for purposes of academic eligibility, the student's GPA shall be the higher of his or her secondary school GPA, or his or her postsecondary GPA, weighted to equalize secondary and postsecondary academic performance.~~ (4-2-08)

~~ii. A student who has obtained a general equivalency diploma for purposes of academic eligibility, such student's GPA will be determined by the student's ACT score, equalized to reflect a secondary school GPA.~~ (4-2-08)

~~iii. A student currently enrolled in an eligible Idaho postsecondary educational institution for purposes of academic eligibility, such student's GPA will be weighted to equalize secondary and post secondary academic performance.~~ (4-2-08)

04. Financial Eligibility.

(4-2-08)

a. Applicants for the opportunity scholarship are selected as recipients, in part, on the basis of demonstrated financial need. The ~~primary tool that will be used by Opportunity Scholarship Program officials~~ to determine financial need will be the ~~federal~~ Free Application for Federal Student Aid (FAFSA), used by the United States Department of Education ~~to determine eligibility for financial aid and a family's expected contribution to a student's postsecondary education~~. The financial need of an applicant for an opportunity scholarship will be based upon the validated expected family contribution, as identified by the FAFSA Student Aid report the Student Aid

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report used to calculate financial need will be the report generated on the March 1 application deadline. (4-2-08)

~~b. The financial need factor, as determined by FAFSA, will constitute seventy percent (70%) of the weighting for the selection of recipients of opportunity scholarships.~~ (4-2-08)

05. Additional Eligibility Requirements. (4-2-08)

~~a. A student who has not yet graduated from high school, or its equivalent, in the state of Idaho must be at least in his junior year to be eligible to apply for an opportunity scholarship must be in their last year of high school or its equivalent to apply for an opportunity scholarship.~~ (4-2-08)

~~b. To be eligible to receive an opportunity scholarship, an eligible student must:~~ (4-2-08)

~~i. Have taken the ACT assessment examination, or the equivalent SAT I assessment examination, or the Writing Skills, Reading Skills, and Algebra areas of the ACT Compass COMPASS, or ACCUPLACER examination;~~ (4-2-08)

~~ii. Be enrolled as a full-time student in an eligible Idaho postsecondary educational institution; and~~ (4-2-08)

~~iii. Be pursuing an undergraduate degree, certificate, or diploma.~~ (4-2-08)

~~c. A student must accept all federal grant aid that is made available to such student to be eligible to receive an Idaho opportunity scholarship.~~ (4-2-08)

~~da. To be eligible to receive an opportunity scholarship, the A student must not be in default on a student educational loan, or owe a repayment on a federal grant, and must be in good financial standing with the Oportunity Sscholarship Pprogram.~~ (4-2-08)

~~eb. If a student has attempted or completed more than one hundred (100) postsecondary academic credits, then such student must identify his or her major, the required number of credits necessary for graduation in such major, and shall submit an academic transcript that contains all courses taken and all postsecondary academic credit received to the Board office. A student shall not be eligible for an Oportunity Sscholarship if:~~ (4-2-08)

~~i. The student is not meeting satisfactory academic progress at the eligible Idaho postsecondary educational institution the student is attending at the time he or she applies for an Oportunity Sscholarship;~~ (4-2-08)

~~ii. The student has completed more than one hundred fifty percent (150%) of the courses and academic credit necessary to graduate in such major; or~~ (4-2-08)

~~iii. The student is not within two (2) semesters of graduation in such major, based on normal academic course load. Upon review of the student's academic transcript(s), the student cannot complete their degree/certificate in the major they have identified within two (2) semesters based on normal academic course load.~~ (4-2-08)

~~06. Student Responsibility. The Board will, by resolution each year, establish the annual amount of the expected student contribution toward his education through employment or other contributions (student responsibility). It is expected that a student will contribute an amount equal to a student working a minimum of twenty (20) hours per week during the time that a postsecondary educational institution is in session, and a minimum of forty (40) hours per week during the summer recess. This expectation will be one (1) of the factors the Board will use to set the amount of student responsibility. The Board may consider other factors as well, such as summer living expenses, and transition time between the academic year and the summer, as examples.~~ (4-2-08)

102. -- 200. (RESERVED)

201. APPLICATION PROCESS (EFFECTIVE JULY 1 THROUGH DECEMBER 31, 2007).

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01. Initial Applications. (4-2-08)

~~a. An eligible student who has enrolled in an eligible Idaho postsecondary educational institution for the 2007—2008 academic year, and who completed and submitted the FAFSA on or prior to March 1, 2007, shall be eligible for consideration for an opportunity scholarship award for the 2007—2008 academic year. Eligible Idaho postsecondary educational institutions shall transmit to the Board enrolled students who meet the eligibility requirements of these rules.~~ (4-2-08)

~~b. After this selection process is performed, eligible students will be contacted by Opportunity Scholarship Program officials and must agree to the terms of the program, including these rules, by signing and electronically submitting an application to the Board.~~ (4-2-08)

~~02. Announcement of Award. Announcement of the award of initial scholarships for the 2007—2008 academic year will be made no later than September 30, 2007, with awards to be effective at the beginning of that academic year.~~ (4-2-08)

~~03. Communication with State Officials. Applicants for initial scholarships must respond by the date specified to any communication from officials of the Opportunity Scholarship Program. Failure to respond within the time period specified will result in cancellation of the application or forfeiture of the scholarship unless extenuating circumstances are involved.~~ (4-2-08)

2021. APPLICATION PROCESS (EFFECTIVE JANUARY 1, 2008). () (4-2-08)

01. Initial Applications. (4-2-08)

~~a. An eligible student who has not yet graduated from an accredited high school or its equivalent in the state of Idaho must complete and submit the Opportunity Scholarship Program application to the Board electronically on or before the date specified in the application, but not later than March 1. An applicant without electronic capabilities may submit an application on the form established by the Board through the United States Postal Service, which must be postmarked not later than March 1. An applicant who is in his junior year must complete and submit the FAFSA 4easter on or prior to March 1 of their junior year. All applicants must complete and submit the FAFSA on or prior to March 1 of his last year of secondary school (including applicants who were secondary school juniors that previously submitted the FAFSA 4easter). An applicant without electronic capabilities may submit an application on the form established by the Board through the United States Postal Service, which must be postmarked by March 1.~~ (4-2-08)

~~b. An eligible student currently enrolled in an eligible Idaho postsecondary educational institution must complete and submit the Opportunity Scholarship Program application to the Board electronically on or before the date specified in the application, but not later than March 1. An applicant without electronic capabilities may submit an application on the form established by the Board through the United States Postal Service, which must be postmarked by March 1. A current postsecondary educational institution student must complete and submit the FAFSA on or prior to March 1.~~ (4-2-08)

~~02. Announcement of Award. Announcement of the award of initial scholarships will be made no later than the first business day after June 15 of each year, with awards to be effective at the beginning of the first full term following July 1 of that year. Announcements must clearly state the award is part of the state's scholarship program and is funded through state appropriated funds.~~ () (4-2-08)

~~03. Communication with State Officials. Applicants for either initial or continuing scholarships must respond by the date specified to any communication from officials of the Opportunity Scholarship Program. Failure to respond within the time period specified will result in cancellation of the application or forfeiture of the scholarship unless extenuating circumstances are involved and approved by the state board of education executive director or designee.~~ () (4-2-08)

203. -- 299. (RESERVED)

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300. SELECTION OF SCHOLARSHIP RECIPIENTS.

01. Selection Process. ~~The selection of applicants for the receipt of an opportunity s~~Scholarship awards will be based on the availability of ~~funding for the Opportunity Scholarship Program funds.~~ In addition, opportunity scholarships will be awarded to applicants, based on ranking and priority, in accordance with the following criteria:(4-2-08)

~~a. Applicants will be ranked to determine the eligible students with the greatest demonstrated financial need, based on the financial eligibility requirements of these rules. Then, e~~Eligible students shall be selected based on rating criteria that assigns seventy percent (70%) to financial eligibility, and thirty percent (30%) to academic eligibility. In the event that this weighted score results in a tie, an eligible student who submitted his application to the Board earliest in time will be assigned a higher rank. () (4-2-08)

b. Notwithstanding Subsection 300.01.a. of these rules, the priority for the selection of recipients of opportunity scholarship awards shall be to scholarship recipients who received a previous opportunity scholarship award, and have continuing eligibility based upon financial need and other criteria provided in these rules. (4-2-08)

02. Monetary Value of the Opportunity Scholarship. (4-2-08)

~~a. The Board will, by resolution each year, establish the maximum annual amount that a student may receive under the Opportunity Scholarship Program. In addition, the Board will,~~ by resolution each year, establish the educational costs for attending an eligible Idaho postsecondary educational institution for purposes of the Opportunity Scholarship Program. The educational costs will be established as a not to exceed amount for each eligible Idaho postsecondary educational institution. () (4-2-08)

b. The monetary value of the opportunity scholarship award to a student shall be based on the educational costs for attending an eligible Idaho postsecondary educational institution, less the following: (4-2-08)

i. The amount of the assigned student responsibility, established by the Board annually; (4-2-08)

ii. The amount of federal grant aid, as identified by the ~~federal~~ Student Aid Report (SAR) that is known at the time of award determination; () (4-2-08)

iii. The amount of other financial aid awarded the student, from private or other sources that is known at the time of award determination. (4-2-08)

c. The amount of an opportunity scholarship award to an individual student shall not exceed the ~~maximum amount educational cost~~ established by the Board annually, and shall not exceed the actual cost of tuition at an Idaho public postsecondary educational institution, or if the student attends or will attend an Idaho private postsecondary educational institution, the average tuition ~~or matriculation fees~~ at Idaho's public four (4) year postsecondary educational institutions. () (4-2-08)

301. OPPORTUNITY SCHOLARSHIP AWARD.

01. Payment. Payment of opportunity scholarship awards will be made in the name of the recipient and will be sent to a designated official at the eligible Idaho postsecondary educational institution in which the recipient is enrolled. The official must ~~transmit credit~~ the payment to the recipient within a reasonable time following receipt of the payment. (4-2-08)

02. Duration. Scholarships will be awarded on an annual basis and payments will correspond to academic terms, semesters, quarters, or equivalent units. In no instance will the entire amount of a scholarship be paid in advance to, or on behalf of, a scholarship recipient. The scholarship covers up to ~~one four (4)~~ four (4) educational years, or eight (8) semesters or equivalent ~~for attendance at an eligible Idaho postsecondary educational institution.~~ Awards are contingent on annual appropriations by the legislature and continued eligibility feof the student. () (4-2-08)

03. Eligibility. If a student receives an opportunity scholarship payment and it is later determined that the student did not meet all of the Opportunity Scholarship Program eligibility requirements, then the student is considered in overpayment status, and must return program funds in accordance with the eligible Idaho postsecondary educational institution's refund policy. (4-2-08)

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302. CONTINUING ELIGIBILITY.

To remain eligible for renewal of an opportunity scholarship, the recipient must comply with all of the provisions of the Opportunity Scholarship Program and these rules, in addition to the following requirements: (4-2-08)

01. Renewal Application. A scholarship recipient must complete and submit a renewal application in order to be considered for a continuing scholarship for each succeeding year. ~~A completed application for the renewal of an opportunity scholarship must be submitted to the Board electronically by the date established on the application, but not later than January 31. An applicant without electronic capabilities may submit an application on the form established by the Board through the United States Postal Service, which must be postmarked not later than January 31. In addition, a scholarship recipient must~~ and update and submit the FAFSA on or prior to March 1. (____)(4-2-08)

02. Credit Hours. To remain eligible for renewal of an opportunity scholarship, the scholarship recipient attending a four (4) year eligible postsecondary institution must have completed a minimum of twelve (12) credit hours or its equivalent each semester that the student received an opportunity scholarship award. A scholarship recipient attending a two (2) year eligible postsecondary institution must have completed a minimum of nine (9) credit hours or its equivalent each semester that the student received an opportunity scholarship award. (____)(4-2-08)

03. Satisfactory Academic Progress. To remain eligible for renewal of an opportunity scholarship, the scholarship recipient must have maintained a minimum cumulative grade point average of ~~two-three~~ point zero (23.0) on a scale of four point zero (4.0) during the time that the recipient received an opportunity scholarship award, and must be maintaining satisfactory academic progress, consistent within federal financial regulations as implemented at the eligible Idaho postsecondary educational institution at which the scholarship recipient was enrolled. (____)(4-2-08)

04. Maximum Duration of Scholarship Award. The award of an opportunity scholarship shall not exceed the equivalent of eight (8) semesters or the equivalent of four (4) academic years. (4-2-08)

05. Eligibility Following Interruption of Continuous Enrollment. A scholarship recipient whose continuous enrollment is interrupted for more than four (4) months but less than two years for any reason but who intends to re-enroll in an eligible Idaho postsecondary educational institution must file a letter of intent to ~~interrupt continuous enrollment~~ withdraw no later than sixty (60) days prior to the first day of the academic term of the discontinued attendance to the Office of the State Board of Education. Failure to do so may result in forfeiture of the scholarship. The Board's Executive Director will review each request for interruption and notify the individual of approval or denial of the request. In addition, the individual must file a statement with the Board declaring his intent to re-enroll as a full-time undergraduate student in an academic or professional-technical program in an eligible Idaho postsecondary educational institution for the succeeding academic year no later than thirty (30) days prior to the first day of the academic term in which the individual intends to re-enroll within two (2) years of the approval of the request to withdraw, failure to do so will result in forfeiture of the scholarship unless an extension has been granted. An extension of interruption of continuous enrollment period may be granted for eligible students due to military service in the United States armed forces, medical circumstances, or other circumstances approved by the state board of education's executive director. All requests for extension must be made sixty (60) days prior to the start of the succeeding academic year. (____)(4-2-08)

303. -- 399. (RESERVED)

400. RESPONSIBILITIES OF ELIGIBLE IDAHO POSTSECONDARY EDUCATIONAL INSTITUTIONS.

01. Statements of Continuing Eligibility. An eligible Idaho postsecondary educational institution participating in this Opportunity Scholarship Program must submit statements of continuing student eligibility to the Board by the 30th day after the end of each academic term. Such statements must include verification that the scholarship recipient is still enrolled, attending full time, maintaining satisfactory academic progress, and has not exceeded the award eligibility terms. (____)(4-2-08)

02. Other Requirements. An eligible Idaho postsecondary educational institution must: (4-2-08)

a. Be eligible to participate in Federal Title IV financial aid programs, and must supply documentation to the Board verifying this eligibility, and prompt notification regarding any changes in this status; (4-2-08)

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b. Have the necessary administrative computing capability to administer the Opportunity Scholarship Program on its campus, and electronically report student data records to the Board; (4-2-08)

c. Provide data on student enrollment and federal, state, and private financial aid for students to the Board, and (4-2-08)

~~d. Provide student level data as requested by the board on the effectiveness of the scholarship program in the form and timeframe established by the board. ()~~

~~de. Agree to permit periodic Opportunity Scholarship Program audits to verify compliance with Idaho law and these rules related to the program. () (4-2-08)~~

~~401. ADMINISTRATION.~~

~~The Board is responsible for: (4-2-08)~~

- ~~a. Releasing any public information regarding the Opportunity Scholarship Program; (4-2-08)~~
- ~~b. Determination of scholarship recipients; (4-2-08)~~
- ~~c. Determination of procedures for payment of scholarships to recipients; (4-2-08)~~
- ~~d. Maintaining fiscal controls and accounting procedures; (4-2-08)~~
- ~~e. Preparing annual reports as required, and (4-2-08)~~
- ~~f. Authorizing release of all forms, affidavits, and certification necessary for the operation of the program. (4-2-08)~~
- ~~g. Providing annually to the participating institutions the formulas that will be used in calculating: ()~~
 - ~~i. academic eligibility scores ()~~
 - ~~ii. weighting financial eligibility and academic eligibility ()~~

402. -- 500. (RESERVED)

501. APPEALS.

Any opportunity scholarship applicant or recipient adversely affected by a decision made under provisions of these rules may appeal such adverse decision as follows. The opportunity scholarship applicant or recipient must appeal no later than thirty (30) days following notice of the decision, and the written statement must include ~~a statement of the reason the opportunity scholarship applicant or recipient believes the decision should be changed~~ the basis for the appeal. The appeal must be submitted to the President-executive director of the Board ~~or designee~~. The ~~Board must office of the board shall~~ acknowledge receipt of the appeal within seven (7) days. The President-executive director of the Board may or may not agree to review the action, or may appoint a subcommittee of three (3) persons ~~to hear the appeal~~, including at least one (1) financial aid administrator at an eligible postsecondary educational institution in Idaho. () (4-2-08)

01. Transmittal to Subcommittee. If the appeal is transmitted to the subcommittee, the subcommittee will review the appeal and submit a written recommendation to the President-executive director of the Board within fifteen (15) days from the time the subcommittee receives the appeal document. The opportunity scholarship applicant or recipient initiating the appeal will be notified by the chairperson of the subcommittee of the time and place when the subcommittee will consider the appeal and will be allowed to appear before the subcommittee to discuss the appeal. () (4-2-08)

02. Subcommittee Recommendations. Following the subcommittee's decision, the President-executive director of the Board will present the subcommittee's recommendation to the full Board at the next regularly scheduled meeting of the Board. The opportunity scholarship applicant or recipient initiating the appeal may, at the discretion of the President-executive director of the Board, be permitted to make a presentation to the Board. () (4-2-08)

03. Board Decision. The decision of the Board is final, binding, and ends all administrative remedies, unless otherwise specifically provided by the Board. The Board will inform the opportunity scholarship applicant or recipient in writing of the decision of the Board. (4-2-08)

502. -- 999. (RESERVED)

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SUBJECT

Pending Rules Docket 08-0204-1301 – Rules Governing Public Charter Schools and Docket 08-0301-1301 – Rules Governing the Public Charter School Commission

APPLICABLE STATUTE, RULE, OR POLICY

Idaho Administrative Code, IDAPA 08.02.04 and IDAPA 08.03.01, Sections 33-5201 to 5216, Idaho Code

BACKGROUND/DISCUSSION

During the 2013 legislative session, changes were made to statutes governing charter schools in the state of Idaho. Those changes consisted of eliminating the notices of defect, a requirement for periodic renewals of all charter schools, the creation of performance contracts for charter schools, a process that allows school-district authorized charter schools to become Local Educational Agencies (LEA's), procedures for when a charter school is closed, the addition of colleges and universities as eligible authorizers, the allowance for the Department of Education to reduce the front-loading of charter school funding, the creation of an Authorizer Fee, and changes to the make-up of the Public Charter School Commission. The proposed changes amend rule to coincide with the 2013 statutory changes.

No comments were received during the public comment period. No changes have been made between the Proposed and Pending rule stages.

IMPACT

The proposed changes will bring both rules into compliance with changes made during the 2013 legislative session and provide for administrative efficiencies.

ATTACHMENTS

Attachment 1 – Pending Rule Docket 08-0204-1301
Attachment 2 – Pending Rule Docket 08-0301-1301

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STAFF COMMENTS AND RECOMMENDATIONS

Pending rules approved by the Board will be posted in the next Administrative Bulletin and move forward to the legislature. Pending rules become effective at the end of the legislative session in which they are submitted if they are not rejected by concurrent resolution of the legislature.

Staff recommends approval.

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BOARD ACTION

I move to approve the Pending Rule changes to Docket 08-0204-1301 and Docket 08-0301-1301 as submitted.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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IDAPA 08
TITLE 02
CHAPTER 04

08.02.04 - RULES GOVERNING PUBLIC CHARTER SCHOOLS

000. LEGAL AUTHORITY.

In accordance with Sections 33-105, 33-5203, and 33-5210(4)(e), Idaho Code, the Board shall promulgate rules implementing the provisions of Title 33, Chapter 52, Idaho Code. (4-11-06)

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 08.02.04, "Rules Governing Public Charter Schools." (4-11-06)

02. Scope. These rules establish a consistent application and review process for the approval and maintenance of public charter schools in Idaho. (4-11-06)

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, written interpretations, if any, of the rules of this chapter are available at the offices of the Board. (4-11-06)

003. ADMINISTRATIVE APPEALS.

The provisions found in Sections 400 through 404, of these rules, shall govern administrative appeals of public charter schools. (4-11-06)

004. INCORPORATION BY REFERENCE.

There are no documents that have been incorporated by reference into these rules. (4-11-06)

005. OFFICE INFORMATION.

01. Office Hours. The offices of the Board are open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays. (4-11-06)

02. Street Address. The offices of the Board are located at 650 W. State Street, Boise, Idaho. (4-11-06)

03. Mailing Address. The mailing address of the Board is P.O. Box 83720, Boise, Idaho 83720-0037. (4-11-06)

04. Telephone Number. The telephone number of the Board is (208) 334-2270. (4-11-06)

05. Facsimile. The facsimile number of the Board is (208) 334-2632. (4-11-06)

06. Electronic Address. The electronic address of the State Board of Education website is www.boardofed.idaho.gov. (4-11-06)

006. PUBLIC RECORDS ACT COMPLIANCE.

These rules are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. (4-11-06)

007. -- 009. (RESERVED)

010. DEFINITIONS.

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~~01. **Authorized Chartering Entity.** Is defined in Section 33-5202A(1), Idaho Code, and means the local board of trustees of a school district in this state or the Idaho Public Charter School Commission. (4-11-06)~~

01. Authorizer Fee. Fee paid by each public charter school to its authorized chartering entity. (6-20-13)T

02. Board. Means the Idaho State Board of Education. (4-11-06)

~~03. **Charter.** Is defined in Section 33-5202A(2), Idaho Code, and means the grant of authority approved by the authorized chartering entity to the board of directors of the charter school. (4-11-06)~~

04. 03. Commission. Means the Idaho Public Charter School Commission, as provided by Section 33-5213, Idaho Code. (6-20-13)T(4-11-06)

05. 04. Department. Means the Idaho Department of Education. (6-20-13)T(4-11-06)

05. Institution. For the purpose of this section, Institution means an Idaho public college, university of community college, or a private, nonprofit Idaho-based, nonsectarian college or university that is accredited by the same organization that accredits Idaho public colleges and universities. (6-20-13)T

~~06. **Founder.** Is defined in Section 33-5202A(3), Idaho Code, and means a person, including employees or staff of a public charter school, who makes a material contribution toward the establishment of a public charter school in accordance with criteria determined by the board of directors of the public charter school, and who is designated as such at the time the board of directors acknowledges and accepts such contribution. The criteria for determining when a person is a founder shall not discriminate against any person on any basis prohibited by the federal or state constitutions or any federal, state, or local law. The designation of a person as a founder, and the admission preferences available to the children of a founder, shall not constitute pecuniary benefits. (4-11-06)~~

~~07. **Petition.** Is defined in Section 33-5202A(4), Idaho Code, and means the document submitted by a person or persons to the authorized chartering entity to request the creation of a public charter school. (4-11-06)~~

08. 06. Petitioners. Means the group of persons who submit a petition to establish a new public charter school, or to convert an existing traditional public school to a public charter school, as provided by Section 33-5205, Idaho Code, and the procedures described in Sections 200 through 205 of these rules. (6-20-13)T(4-11-06)

~~09. **Public Charter School.** Is defined in Section 33-5202A(5), Idaho Code, and means a school that is authorized under the Public Charter Schools Act, Title 33, Chapter 52, Idaho Code, to deliver public education in Idaho. (4-11-06)~~

~~10. **Public Virtual School.** Is defined in Section 33-5202A(8), Idaho Code, and means a school that delivers a full time, sequential program of synchronous and/or asynchronous instruction primarily through the use of technology via the internet in a distributed environment. Schools classified as virtual must have an online component to their school with online lessons and tools for student and data management. (4-4-13)~~

11. 07. School Year. Means the period beginning on July 1 and ending the next succeeding June 30 of each year. (6-20-13)T(4-11-06)

011. -- 099. (RESERVED)

100. LIMITATIONS ON NEW PUBLIC CHARTER SCHOOLS.

01. Responsibilities of Petitioners on Approval of Charter. Upon the approval of a new public charter school by an authorized chartering entity, the petitioners shall provide the Board with written notice of such approval. The authorized chartering entity of the public charter school shall provide the Board with copies of the charter and any charter revisions upon request. (4-4-13)

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02. Authorization to Begin Educational Instruction. The public charter schools authorized to begin educational instruction during a given school year shall be those public charter schools that have received approval from their authorized chartering entities to begin educational instruction ~~at some time~~ during such school year. A public charter school that is approved by an authorized chartering entity, but which does not begin educational instruction, must confirm with the Board, on or before March 1 preceding the next succeeding school year, that it is able to begin educational instruction during such school year. (6-20-13)T(4-4-13)

03. Notification. The Board shall, as soon as reasonably practicable after determining that a public charter school will be authorized to begin educational instruction during a given school year, provide written notification to the petitioners. The Board shall also send a copy of such notification to the authorized chartering entity that approved the charter. (4-11-06)

103. AUTHORIZED CHARTERING ENTITY. (6-20-13)T

01. Institution. An institution shall receive approval from their governing board prior to authorizing any charter schools. (6-20-13)T

a. Petitions shall be submitted to the president of the institution or his designee. (6-20-13)T

b. An institution may approve or deny a petition, but cannot refer the petition to another authorized chartering entity. (6-20-13)T

c. Notwithstanding Sections 400 through 404, of these rules, denial of a new petition by an institution is final. A petitioner may submit a petition that has been denied by an institution to any authorized chartering entity. (6-20-13)T

102. AUTHORIZER FEE. (6-20-13)T

01. Notification. It is the responsibility of each authorizer to notify the Department if the authorizer fee has not been received by the date specified in section 33-5208, Idaho code. (6-20-13)T

a. The authorizer must provide notification of the delinquent fee to the charter school prior to reporting to the Department. (6-20-13)T

b. The authorizer must provide the amount delinquent and proof of notification to the charter school within thirty (30) days of the non-payment of the authorizer fee. (6-20-13)T

c. The Department shall withhold the amount of the delinquent fee from the next scheduled release of funds to the charter school. The funds will be withheld until the Department has received notification from the authorizer that the authorizer Fee has been paid in full. (6-20-13)T

103. -- 199. (RESERVED)

200. PROCEDURE FOR FORMATION OF A NEW PUBLIC CHARTER SCHOOL.

01. Assistance With Petitions. The Department shall, in accordance with Section 33-5211, Idaho Code, provide technical assistance to public charter school petitioners. The Department shall undertake this statutory responsibility by conducting public charter school workshops, as discussed in Subsection 200.02 of this rule. (4-11-06)

02. Public Charter School Workshops. The purpose of the public charter school workshops shall be to provide public charter school petitioners with a brief overview of a variety of educational and operational issues relating to public charter schools, as well as to answer questions and to provide technical assistance, as may be necessary, to aid petitioners in the preparation of public charter school petitions. (4-11-06)

03. Petition Sufficiency Reviews. Prior to submitting a petition to an authorized chartering entity, petitioners shall submit one (1) copy of the proposed draft petition to the Department, which will review the proposed draft petition to determine whether it complies with statutory requirements. (4-4-13)

201. POLICIES AND PROCEDURES ADOPTED BY AN AUTHORIZED CHARTERING ENTITY.

01. Charter School Policies and Procedures. An authorized chartering entity may adopt its own charter school policies and procedures describing the charter school petition process and the procedures that

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petitioners must comply with in order to form a new public charter school, including a public virtual school. Petitioners must comply with the charter school policies and procedures adopted by the authorized chartering entity with which a petition is submitted. Such charter school policies and procedures must comply with Title 33, Chapter 52, Idaho Code, and the rules promulgated by the Board. If there is any conflict between the charter school policies and procedures adopted by an authorized chartering entity and rules promulgated by the Board, then the Board rules shall govern. (4-11-06)

~~02. **Application Deadline.** Petitioners must submit a new petition to an authorized chartering entity by September 1 in order to be eligible to begin educational instruction for the following school year as required by Section 33-5203, Idaho Code. A petition filed after such date that is approved and the charter granted shall not be eligible to begin operations until the next succeeding school year at the earliest. (4-11-06)~~

202. PETITION REQUIREMENTS.

A petition to form a new or conversion public charter school shall be submitted in accordance with instructions, and in such format, as may be required by the Board. Notwithstanding, the petition must include, at a minimum, the information described in Section 33-5205, Idaho Code. (4-11-06)

203. ADMISSION PROCEDURES.

01. Model Admission Procedures. In accordance with Section 33-5205(3)(i), Idaho Code, a petition to establish a new public charter school must describe the admission procedures to be utilized by the public charter school. All public charter schools must have an admission procedure approved by their authorized chartering entity, which complies with Section 203 of this rule. In order to ensure that public charter schools utilize a fair and equitable selection process for initial admission to and enrollment in a public charter school, as well as admission to and enrollment in a public charter school during subsequent school years, the Board has approved model admission procedures that may be utilized and adopted by petitioners. The approved model admission procedures are described in Subsections 203.03 through 203.12 of these rules. Petitioners are not required to adopt the Board's model admission procedures, but must demonstrate a reason for varying from the Board's approved procedures. (6-20-13)T(4-11-06)

02. Enrollment Opportunities. Section 33-5205(3)(s), Idaho Code, requires petitioners to describe the process by which the citizens in the area of attendance shall be made aware of the enrollment opportunities of the public charter school. Petitioners shall ensure that such process includes the dissemination of enrollment information, taking into consideration the language demographics of the attendance area, at least three (3) months in advance of the enrollment deadline established by the public charter school each year, to be posted in highly visible and prominent locations within the area of attendance of the public charter school. In addition, petitioners shall ensure that such process includes the dissemination of press release or public service announcements, to media outlets that broadcast within, or disseminate printed publications within, the area of attendance of the public charter school; petitioners must ensure that such announcements are broadcast or published by such media outlets on not less than three (3) occasions, beginning not later than fourteen (14) days prior to the enrollment deadline each year. Finally, such enrollment information shall advise that all prospective students will be given the opportunity to enroll in the public charter school, regardless of race, color, national or ethnic origin, religion, gender, social or economic status, or special needs. (4-11-06)

03. Enrollment Deadline. Each year a public charter school shall establish an enrollment admissions deadline, which shall be the date by which all written requests for admission to attend the public charter school for the next school year must be received. The enrollment deadline cannot be changed once the enrollment information is disseminated as required by Subsection 203.02. (4-11-06)

04. Requests for Admission. A parent, guardian, or other person with legal authority to make decisions regarding school attendance on behalf of a child in this state, may make a request in writing for such child to attend a public charter school. In the case of a family with more than one (1) child seeking to attend a public charter school, a single written request for admission must be submitted on behalf of all siblings. The written request for admission must be submitted to, and received by, the public charter school at which admission is sought on or before the enrollment deadline established by the public charter school. The written request for admission shall contain the name, grade level, address, and telephone number of each prospective student in a family. If the initial capacity of the public charter school is insufficient to enroll all prospective students, then an equitable selection

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process, such as a lottery or other random method, shall be utilized to determine which prospective students will be admitted to the public charter school, as described in Subsection 203.09 of this rule. Only those written requests for admission submitted on behalf of prospective students that are received prior to the enrollment deadline established by the public charter school shall be permitted in the equitable selection process. Only written requests for admission shall be considered by the public charter school. Written requests for admission received after the established enrollment deadline will be added to the bottom of the waiting list for the appropriate grade. If there is an opening in one grade, a sibling, if any, from a late submitted application must go to the bottom of the sibling list.

(4-11-06)

05. Admission Preferences. A public charter school shall establish an admission preference for students residing in the attendance area of the public charter school, as provided in Section 33-5206, Idaho Code. In addition, a public charter school may establish additional admission preferences, as authorized by Section 33-5205(3)(i), Idaho Code, ~~for students returning to the public charter school, for children of founders, and for siblings of students already selected to attend the public charter school. Such admission preferences must be approved by the authorized chartering entity and described in the final approved petition.~~

~~(6-20-13)T(4-11-06)~~

~~**06. Priority of Preferences for Initial Enrollment.** If a public charter school determines to establish admission preferences for initial enrollment of students in a public charter school, then the selection hierarchy with respect to such preferences shall be as follows:~~

~~(4-11-06)~~

~~**a.** First, to children of founders, provided that this admission preference shall be limited to not more than ten percent (10%) of the initial capacity of the public charter school. If so stated in its petition, a new public charter school may include within this priority group the children of full-time employees, subject to the provisions of Section 33-5205(3)(k), Idaho Code.~~

~~(4-4-13)~~

~~**b.** Second, to siblings of pupils already selected by the lottery or other random method.~~

~~(4-11-06)~~

~~**c.** Third, to prospective students residing in the attendance area of the public charter school.~~

~~(4-11-06)~~

~~**d.** Fourth, an equitable selection process, such as by lottery or other random method.~~

~~(4-11-06)~~

~~**07. Priority of Preferences for Subsequent Enrollment Periods.** If a public charter school determines to establish admission preferences for enrollment of students in a public charter school in subsequent school years, then the selection hierarchy with respect to such preferences shall be as follows:~~

~~(4-11-06)~~

~~**a.** First, to pupils returning to the public charter school in the second or any subsequent year of operation. Returning students are automatically enrolled in the appropriate grade and do not need to be selected by a random selection method.~~

~~(4-11-06)~~

~~**b.** Second, to children of founders, provided that this admission preference shall be limited to not more than ten percent (10%) of the capacity of the public charter school. If so stated in its petition, a public charter school may include within this priority group the children of full-time employees and/or children withdrawn from the public charter school within the previous three (3) years as a result of the relocation of a parent or guardian due to an academic sabbatical, employer or military transfer or reassignment, subject to the provisions of Section 33-5205(3)(k)(i-ii), Idaho Code.~~

~~(4-4-13)~~

~~**c.** Third, to siblings of pupils already enrolled in the public charter school.~~

~~(4-11-06)~~

~~**d.** Fourth, to prospective students residing in the attendance area of the public charter school.~~

~~(4-11-06)~~

~~**e.** Fifth, an equitable selection process, such as by lottery or other random method.~~

~~(4-11-06)~~

08.06. Proposed Attendance List for Lottery. Each year the public charter school shall create an attendance list containing the names of all prospective students on whose behalf a written request for admission was timely received by the public charter school, separated by grade level. In addition, the proposed attendance list shall contain columns next to the name of each student, in which the public charter school will designate admission

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preferences applicable to each prospective student. The columns shall be designated "A" for returning student preference; "B" for founders preference; "C" for sibling preference, with a corresponding cross-reference to each of the siblings of the prospective student; and "D" for attendance area preference. (6-20-13)T(4-11-06)

09.07. Equitable Selection Process. If the initial capacity of a public charter school is insufficient to enroll all prospective students, or if capacity is insufficient to enroll all prospective students in subsequent school years, then the public charter school shall determine the students who will be offered admission to the public charter school by conducting a fair and equitable selection process. The selection procedure shall be conducted as follows: (6-20-13)T(4-11-06)

a. The name of each prospective student on the proposed attendance list shall be individually affixed to or written on a three by five (3 x 5) inch index card. The index cards shall be separated by grade. The selection procedure shall be conducted one (1) grade level at a time, with the order for each grade level selected randomly. The index cards containing the names of the prospective students for the grade level being selected shall be placed into a single container. (4-11-06)

b. A neutral, third party shall draw the grade level to be completed first and then draw each index card from the container for that grade level, and such person shall write the selection number on each index card as drawn, beginning with the numeral "1" and continuing sequentially thereafter. In addition, after selecting each index card, the name of the person selected will be compared to the proposed attendance list to determine whether any preferences are applicable to such person. (4-11-06)

c. If the name of the person selected is a returning student, then the letter "A" shall be written on such index card. If the name of the person selected is the child of a founder, the letter "B" shall be written on such index card. If the name of the person selected is the sibling of another student that has already been selected for admission to the public charter school, then the letter "C" shall be written on such index card. If the name of the person selected resides in the attendance area of the public charter school, then the letter "D" shall be written on such index card. (4-11-06)

d. With regard to the sibling preference, if the name of the person selected has a sibling who has already been selected, but the person previously selected did not have the letter "C" written on his or her index card (because a sibling had not been selected for admission prior to the selection of the index card of that person), then the letter "C" shall now be written on that person's index card at this time. (4-4-13)

e. With regard to the founder's preference, a running tally shall be kept during the course of the selection procedure of the number of index cards, in the aggregate, that have been marked with the letter "B." When the number of index cards marked with the letter "B" equals ten percent (10%) of the proposed capacity of the public charter school for the school year at issue, then no additional index cards shall be marked with the letter "B," even if such person selected would otherwise be eligible for the founders preference. (4-11-06)

f. After all index cards have been selected for each grade, then the index cards shall be sorted for each grade level in accordance with the following procedure. All index cards with the letter "A" shall be sorted first, based on the chronological order of the selection number written on each index card; followed by all index cards with the letter "B," based on the chronological order of the selection number written on each index card; followed by all index cards with the letter "C," based on the chronological order of the selection number written on each index card; followed by all index cards with the letter "D," based on the chronological order of the selection number written on each index card; followed, finally, by all index cards containing no letters, based on the chronological order of the selection number written on each index card. (4-11-06)

g. After the index cards have been drawn and sorted for all grade levels, the names shall be transferred by grade level, and in such order as preferences apply, to the final selection list. (4-11-06)

10.08. Final Selection List. The names of the persons in highest order on the final selection list shall have the highest priority for admission to the public charter school in that grade, and shall be offered admission to the public charter school in such grade until all seats for that grade are filled. (6-20-13)T(4-11-06)

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11. 09. Notification and Acceptance Process.

~~(6-20-13)T(4-11-06)~~

a. With respect to students selected for admission to the public charter school, within seven (7) days after conducting the selection process, the public charter school shall send an offer letter to the parent, guardian, or other person who submitted a written request for admission on behalf of a student, advising such person that the student has been selected for admission to the public charter school. The offer letter must be signed by such student's parent, or guardian, and returned to the public charter school by the date designated in such offer letter by the public charter school. (4-11-06)

b. With respect to a prospective student not eligible for admission to the public charter school, within seven (7) days after conducting the selection process, the public charter school shall send a letter to the parent, guardian, or other person who submitted a request for admission on behalf of such student, advising such person that the prospective student is not eligible for admission, but will be placed on a waiting list and may be eligible for admission at a later date if a seat becomes available. (4-11-06)

c. If a parent, guardian, or other person receives an offer letter on behalf of a student and declines admission, or fails to timely sign and return such offer by the date designated in such offer letter by the public charter school, then the name of such student will be stricken from the final selection list, and the seat that opens in that grade will be made available to the next eligible student on the final selection list. (4-11-06)

d. If a student withdraws from the public charter school during the school year for any reason, then the seat that opens in that grade will be made available to the next eligible student on the final selection list. (4-11-06)

12. 10. Subsequent School Years. The final selection list for a given school year shall not roll over to the next subsequent school year. If the capacity of the public charter school is insufficient to enroll all prospective students during the next subsequent school year, then a new equitable selection process shall be conducted by the public charter school for such school year. (6-20-13)T(4-11-06)

~~**13. Admission Procedures for Approved Charter Schools.** All public charter schools must have an admission procedure approved by their authorized chartering entity, which complies with Section 203 of this rule. (4-11-06)~~

~~**204. SUBMISSION OF PETITION.** (4-11-06)~~

~~**01. New Public Charter School.** To institute the approval process for the formation of a new public charter school, the petitioners must submit the petition to the local board of trustees of the school district in which the proposed new public charter school will be located, as required by Section 33-5205(1)(a), Idaho Code. (4-11-06)~~

~~**02. New Public Virtual School.** The petitioners for a new public virtual school must submit the petition for approval with the Commission, as required by Section 33-5205(1)(b), Idaho Code. (4-11-06)~~

~~**03. Notification to the Board.** Petitioners shall promptly notify the Board that a petition has been submitted to an authorized chartering entity. (4-11-06)~~

205. REVIEW OF PETITIONS.

01. Initial Sufficiency Review of Petition. Prior to submitting a petition with an authorized chartering entity, petitioners shall submit one (1) copy of the proposed draft petition to the Department, which shall review the proposed draft petition for the purpose of determining whether it was prepared in accordance with the instructions furnished by, and in the format required by, the Board, and contains the information required by Section 33-5205, Idaho Code. (6-20-13)T(4-4-13)

02. Timeframe for Initial Sufficiency Review. The Department shall complete the initial sufficiency review of the proposed draft petition as soon as reasonably practicable after the date the proposed draft petition is received by the Department, but not later than thirty (30) days after receipt. (6-20-13)T(4-11-06)

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03. Notification of Findings After Initial Sufficiency Review. The Department shall notify the petitioners promptly in writing describing the results of the initial sufficiency review of the proposed draft petition, and, if applicable, identify any deficiencies in the proposed draft petition. (6-20-13)T(4-11-06)

04. Written Response to Initial Review. ~~Petitioners shall include a copy of the Department's final review of the proposed draft petition, and a written response to the findings of such review, with the petition upon submission to an authorized chartering entity. Deficiencies in the petition identified by the Department's initial review shall be addressed in the written response.~~ **Correction of Deficiencies in Proposed Draft Petition.** Petitioners shall address any deficiencies in the proposed draft petition and shall resubmit the petition to the Department for additional reviews until the Department determines that the petition is sufficient. (6-20-13)T(4-4-13)

05. Substantive Review of Petition. The substantive review of the merits of a petition by an authorized chartering entity shall be for the purpose of determining whether petitioners have demonstrated compliance with Title 33, Chapter 52, Idaho Code. (4-11-06)

~~**06. Timeframe for Substantive Review.** An authorized chartering entity must comply with the procedural requirements described in Section 33-5205, Idaho Code. (4-11-06)~~

~~**a.** Unless a petition is referred to the Commission as authorized by Section 33-5205(1)(c)(iii), Idaho Code, and as discussed in Subsection 206.01 of these rules, an authorized chartering entity must hold a public hearing not later than seventy-five (75) days after receipt of the petition, for the purpose of considering the merits of the petition, as well as the level of employee and parental support for the proposed public charter school. In the case of a petition being reviewed by the Commission, the public hearing must also include any oral or written comments, if any, from an authorized representative of the school district in which the proposed public charter school would be physically located regarding the merits of the petition and any potential impacts on the school district. (4-4-13)~~

~~**b.** An authorized chartering entity must make a decision on whether to approve the petition within seventy-five (75) days after the date of the public hearing on the merits of the petition. (4-4-13)~~

~~**c.** The authorized chartering entity may unilaterally determine to extend the date by which a decision is required to be made up to an additional seventy-five (75) days if it determines the petition is incomplete. (4-4-13)~~

~~**d.** The Commission and the petitioners may mutually agree to extend the date by which a decision is required to be made on the merits of the petition for an additional, specified period of time. (4-4-13)~~

07. If Approved, Charter Is Subject to Limitations on Number of New Charters

~~If a petition is approved, then the authorized chartering entity must promptly prepare for petitioners a written notice of its decision to approve the charter. It shall be the responsibility of the petitioners to provide the Board with this written notice of approval. (4-4-13)~~

08. 06. If Denied, Petitioners May Appeal. (6-20-13)T(4-11-06)

a. If a petition is denied, then the authorized chartering entity must promptly prepare for petitioners a written notice of its decision to deny the charter. The written decision shall include all of the reasons for the denial, and shall also include a reasoned statement that states or explains the criteria and standards considered relevant by the authorized chartering entity, the relevant contested facts relied upon, and the rationale for the decision based on the applicable statutory provisions and factual information presented to the authorized chartering entity. (4-11-06)

b. Petitions submitted to a local board of trustees of a school district or the public charter school commission may be appealed. The petitioners may appeal the decision of the authorized chartering entity, in accordance with the procedures described in Sections 401 through 402 of these rules. (6-20-13)T(4-11-06)

206. WITHDRAWAL OF PETITION; REFERRAL OF PETITION TO THE COMMISSION.

01. Referral of Petition by Local Board of Trustees. A board of trustees of a local school district may refer the petition for consideration to the Commission, as authorized by Section 33-5205(1)(c)(iii), Idaho Code.

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If a board of trustees of a local school district determines to refer a petition to the Commission, then it shall provide prompt written notice of such decision to the petitioners. In addition, the board of trustees of a local school district must promptly notify the Commission of the referral decision, including all the reasons for referral. (4-4-13)

02. Withdrawal by Charter Petitioners. Notwithstanding, if a board of trustees of a local school district does not refer a petition to the Commission, the charter petitioners may withdraw the petition from the local board of trustees and submit the petition to the Commission for consideration if, within seventy-five (75) days after the petition is received by the authorized chartering entity, the parties have not reached mutual agreement on the provisions of the petition, after a reasonable and good faith effort. (4-4-13)

03. Reasonable and Good Faith Effort. For purposes of Subsection 206.02 of these rules, the authorized chartering entity shall be considered to have established a reasonable and good faith effort to reach mutual agreement on the provisions of the petition if representatives of the authorized chartering entity take at least all of the following actions: (4-4-13)

a. The authorized chartering entity must send written notice to petitioners acknowledging receipt of the charter petition and the date of receipt. (4-11-06)

b. The authorized chartering entity posts public notice of a public hearing for the purpose of considering the petition, and such meeting is scheduled to occur not later than seventy-five (75) days after receipt of the petition and verification that there are thirty (30) signatures from qualified electors of the attendance area. (4-4-13)

c. Prior to the date the posted public hearing is scheduled, representatives of the authorized chartering entity must conduct a review of the petition and the State Department of Education sufficiency review of the petition, and if immediate concerns with the petition are identified, then written notice must be sent to petitioners identifying the concerns and requesting that said identified concerns be addressed. (4-4-13)

d. Either prior to or at the posted public hearing, representatives from both the authorized chartering entity and petitioners must meet and engage in face-to-face discussions regarding the charter petition. (4-4-13)

04. Failure of Authorized Chartering Entity to Make a Good Faith Effort. If the authorized chartering entity fails to make the good faith effort described in Subsection 206.03 of these rules, the petitioners may withdraw the petition from the local board of trustees and submit the petition to the Commission for consideration, provided the petitioner takes at least all of the following actions: (4-4-13)

a. The petitioners must provide the authorized chartering entity with a petition that is administratively complete and that has been reviewed by the Department in accordance with Section 205 of these rules. (4-4-13)

b. The petitioners must contact the authorized chartering entity, in writing, to ensure awareness of the timelines for petition review and the petitioners' request for a review of the petition and public hearing to consider the merits of the petition. (4-4-13)

c. In the event correspondence is sent to the petitioners identifying concerns with the petition, then the petitioners must respond in writing to the authorized chartering entity addressing the identified concerns. (4-4-13)

d. The petitioners must meet with the authorized chartering entity and engage in face-to-face discussions regarding the petition, if the authorized chartering entity provides an opportunity to do so. (4-4-13)

207. -- 299. (RESERVED)

300. PUBLIC CHARTER SCHOOL RESPONSIBILITIES.

01. General. The governing board of a public charter school shall be responsible for ensuring that the public charter school is adequately staffed, and that such staff provides sufficient oversight over all public charter

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school operational and educational activities. In addition, the governing board of a public charter school shall be responsible for ensuring ~~compliance with Title 33, Chapter 52, Idaho Code~~ that the school complies with all applicable federal and state education standards, as well as all applicable state and federal laws, rules and regulations, and policies. (6-20-13)T(4-11-06)

02. Compliance with Terms of Charter Performance Certificate. The governing board of a public charter school shall be responsible for ensuring that the school is in compliance with ~~all of the terms and conditions of the charter performance certificate approved executed in accordance with Section 33-5205B(1), Idaho Code, by representatives of the authorized chartering entity of the school, as reflected in the final approved petition filed with the Board. In addition, the governing board of the public charter school shall be responsible for ensuring that the school complies with all applicable federal and state education standards, as well as all applicable state and federal laws, rules and regulations, and policies.~~ (6-20-13)T(4-11-06)

03. Annual Reports. The governing board of a public charter school must submit an annual ~~report to the authorized chartering entity of the school, as required by Section 33-5206(7), Idaho Code. The report shall contain the audit of the fiscal and programmatic operations as required in Section 33-5205(3)(j), Idaho Code, a report on student progress based on the public charter school's student educational standards identified in Section 33-5205(3)(b), Idaho Code, and a copy of the public charter school's accreditation report. An authorized chartering entity may reasonably request that a public charter school provide additional information to ensure that the public charter school is meeting the terms of its charter performance certificate.~~ (6-20-13)T(4-11-06)

04. Operational Issues. The governing board of the public charter school shall be responsible for promptly notifying its authorized chartering entity if it becomes aware that the public charter school is not operating in compliance with the terms and conditions of its ~~charter performance certificate~~. Thereafter, the governing board of the public charter school shall also be responsible for advising its authorized chartering entity with follow-up information as to when, and how, such operational issues are finally resolved and corrected. (6-20-13)T(4-11-06)

301. AUTHORIZED CHARTERING ENTITY RESPONSIBILITIES.

01. Compliance Monitoring. Notwithstanding Section 300 of these rules, the authorized chartering entity of a public charter school shall be responsible for ~~ensuring that monitoring the public charter school's operates operations in accordance with all of the terms and conditions of the charter performance certificate approved by the authorized chartering entity, as reflected in the final approved petition filed with the Board, and as provided by Section 33-5209(1), Idaho Code. The authorized chartering entity also shall be responsible for ensuring that the public charter school program approved by the authorized chartering entity meets the terms of the charter, complies with the general education laws of the state, unless specifically directed otherwise in Title 33, Chapter 52, Idaho Code, and operates in accordance with the state educational standards of thoroughness as defined in Section 33-4612, Idaho Code, as provided in Section 33-5210(2), Idaho Code.~~ (6-20-13)T(4-11-06)

02. Written Notice of Defect. ~~If an authorized chartering entity has reason to believe that a public charter school has committed any defect identified in Subsections 33-5209(2)(a) through (e), Idaho Code, then the authorized chartering entity shall provide the public charter school with prompt written notice of such defect, and shall provide the public charter school a reasonable opportunity to cure such defect.~~ (4-11-06)

03. Corrective Action Plan. ~~The public charter school shall provide the authorized chartering entity with a corrective action plan describing the public charter school's plan to cure the defect. The corrective action plan shall describe in detail the terms and conditions by which the public charter school will cure the defect at issue, including a reasonable time frame for completion.~~ (4-4-13)

04. Failure to Cure. ~~If a public charter school fails to comply with the terms and conditions of the corrective action plan and to cure the defect at issue within a reasonable time, then the authorized chartering entity may provide notice to the public charter school of its intent to revoke the charter, as permitted by Section 33-5209(3), Idaho Code, and in accordance with Section 303 of these rules.~~ (4-11-06)

302. CHARTER REVISIONS.

The governing board of a public charter school entity may reasonably request revisions to an approved ~~that its~~

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~~authorized chartering entity revise its charter or performance certificate, as authorized by Section 33-52096(48), Idaho Code. (6-20-13)T(4-11-06)~~

01. Request for Revision of Charter. The governing board of a public charter school that desires to revise its charter must submit a written request describing the proposed revisions with the public charter school's authorized chartering entity. In addition, the governing board of the public charter school shall also submit one (1) copy of the proposed revisions to the Department, which shall review the proposed revisions in the same manner that it reviews a proposed draft petition, as described in Section 204 of these rules. The Department shall complete its review of the proposed charter revisions not later than thirty (30) days after receipt, and shall notify the governing board of the public charter school and the authorized chartering entity promptly in writing describing the results of such review. (6-20-13)T(4-4-13)

~~**02. Limited Review.** The authorized chartering entity shall only be permitted to review and consider the proposed revisions to the charter or performance certificate, and shall not have authority to make other charter revisions that are not requested by the public charter school. (4-11-06)~~

02. Request for Revision of Performance Certificate. The governing board of a public charter school that desires to revise its performance certificate must submit a written request and the proposed revisions to the public charter school's authorized chartering entity. (6-20-13)T

03. Procedure for Reviewing Request for Charter Revision. The authorized chartering entity shall have seventy-five (75) days from the date of receipt of the written notice from the Department in which to issue its decision on the request for charter revision. The authorized chartering entity shall consider the request for charter revision at its next regular meeting following the date of receipt of the written notice from the Department, provided that the request is submitted no fewer than thirty (30) days an advance of that meeting. If permitted by applicable policies and procedures adopted by the authorized chartering entity, the review of a request for a charter revision may be delegated to appropriate staff employed by the authorized chartering entity. An authorized chartering entity may, but is not required to, conduct a public hearing to consider the request for charter revision. (4-4-13)

04. Procedure for Reviewing Request for Performance Certificate Revision. The authorized chartering entity shall have seventy-five (75) days from the date of receipt of a request for performance certificate revision in which to issue its decision on the request for performance certificate revision. The authorized chartering entity shall consider the request for performance certificate revision at its next regular meeting following the date of receipt of the request for revision, provided that the request is submitted no fewer than thirty (30) days an advance of that meeting. If permitted by applicable policies and procedures adopted by the authorized chartering entity, the review of a request for a performance certificate revision may be delegated to appropriate staff employed by the authorized chartering entity. An authorized chartering entity may, but is not required to, conduct a public hearing to consider the request for performance certificate revision. (6-20-13)T

~~**04.05. Approval of Proposed Charter or Performance Certificate Revision.** If the authorized chartering entity approves the proposed charter or performance certificate revision, a copy of such revision shall be executed by each of the parties to the charter contract or performance certificate and shall be treated as either a supplement to, or amendment of, the final approved petition or performance certificate, whatever the case may be. (6-20-13)T(4-4-13)~~

~~**05.06. Denial of Proposed Charter or Performance Certificate Revision.** If the proposed revision is denied, then the authorized chartering entity must prepare a written notice of its decision denying the request for charter or performance certificate revision. The decision to deny a request for a charter or performance certificate revision shall contain all of the reasons for the decision. The public charter school may appeal the decision denying the request for charter or performance certificate revision to the Board. The provisions of Section 403 of these rules shall govern the appeal. (6-20-13)T(4-11-06)~~

303. REVOCATION.

An authorized chartering entity may revoke a charter in accordance with the procedure described in this Section 303 of this rule if a public charter school has failed to cure a defect with respect to the operation of the public charter school, as described in Subsection 301.04 of these rules, after receiving reasonable notice and a reasonable

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~~opportunity to cure the defect~~ meet any or the specific, written conditions for necessary improvements established pursuant to the provisions of Section 33-5209B(1), Idaho Code, by the dates specified. ~~(6-20-13)T(4-11-06)~~

01. Written Notice of Intention to Revoke Charter. The authorized chartering entity must provide the public charter school with reasonable notice of the authorized chartering entity's intent to revoke the charter, which shall be in writing and must include all of the reasons for such proposed action. In addition, such notice shall provide the public charter school with a reasonable opportunity to reply, which shall not be less than thirty (30) days after the date of such notice. (4-11-06)

02. Public Hearing. The authorized chartering entity shall conduct a public hearing with respect to its intent to revoke a charter. Such hearing shall be held no later than thirty (30) days after receipt of such written reply. If the public charter school does not reply by the date set in the notice, then such hearing shall be held no later than sixty (60) days after the date the notice was sent by the authorized chartering entity. (4-11-06)

a. Written notification of the hearing shall be sent to the public charter school at least ten (10) days in advance of the hearing. (4-11-06)

b. The public hearing shall be conducted by the authorized chartering entity, or such other person or persons appointed by the authorized chartering entity to conduct public hearings and receive evidence as a contested case in accordance with Section 67-5242, Idaho Code. (4-11-06)

03. Charter Revocation. If the authorized chartering entity determines that the public charter school has not complied with the corrective action plan and cured the defect at issue, then the authorized chartering entity may revoke the charter. Such decision may be appealed to the Board. The provisions of Section 403 of these rules shall govern the appeal. (4-11-06)

304. -- 399. (RESERVED)

400. APPEALS.

The following actions relating to public charter schools may be appealed to the Department or to the Board, as applicable, in accordance with the procedures described in Sections 401 through 403 of these rules: (4-11-06)

01. Denial of New Petition. The denial by an authorized chartering entity of a petition to form a new public charter school, as authorized by Section 33-5207, Idaho Code. (4-11-06)

02. Approval of Conversion Petition. The approval of a petition by an authorized chartering entity to convert a traditional public school to a public charter school over the objection of thirty (30) or more persons or employees of the local school district, as authorized by Section 33-5207, Idaho Code. (4-11-06)

03. Denial of Charter or Performance Certificate Revision. The denial by the authorized chartering entity of a public charter school of a request to revise a charter or performance certificate, as authorized by Section 33-52096(48), Idaho Code. ~~(6-20-13)T(4-11-06)~~

04. Revocation. A decision of an authorized chartering entity to revoke a charter, as authorized by Section 33-5209C(47), Idaho Code. ~~(6-20-13)T(4-11-06)~~

401. APPEAL TO THE DEPARTMENT OF A DECISION RELATING TO THE FORMATION OF A NEW OR CONVERSION PUBLIC CHARTER SCHOOL.

The denial of a petition to form a new public charter school, or the granting of a petition to form a conversion public charter school over the objection of thirty (30) or more persons or employees of the local school district, may be appealed to the Department, as provided by Section 33-5207(1), Idaho Code. The following procedures shall govern such appeals. (4-11-06)

01. Submission of Appeal. To institute an appeal, the petitioners/appellants shall submit a notice of appeal and request for public hearing in writing to the Department that describes, in detail, all of the grounds for the appeal, and the remedy requested, within thirty (30) days from the date of the decision of the authorized chartering

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entity that reviewed the petition. A copy of the notice of appeal shall be submitted to the authorized chartering entity, and with the Board. In addition, contemporaneous with the submission of the notice of appeal, the petitioners/appellants shall also submit to the Department two (2) copies of the complete record of all actions taken with respect to the consideration of the public charter school petition. The record must be in chronological order and must be appropriately tabbed and indexed. The record must contain, at a minimum, all of the following documents:

(4-11-06)

a. The name, address, and telephone number of the person or persons submitting the appeal on behalf of petitioners/appellants, as well as the authorized chartering entity that issued the decision being appealed. (4-11-06)

b. The complete petition that was submitted to the authorized chartering entity, including any amendments thereto or supplements thereof. (4-11-06)

c. Copies of audio or video recordings, if any, and the minutes from all meeting(s) where the petition was considered or discussed. (4-11-06)

d. All correspondence between the petitioners/appellants and the authorized chartering entity relating to the petition from the date the original petition was submitted until the date the authorized chartering entity issued the decision being appealed. (4-11-06)

e. The written decision provided by the authorized chartering entity to the petitioner. A copy of such notice of appeal shall be submitted to the authorized chartering entity whose decision is being appealed, and to the Board. (4-11-06)

02. Hearing Officer. The Department shall hire a hearing officer to review the action of the authorized chartering entity and to conduct a public hearing, pursuant to Section 67-5242, Idaho Code. The Department shall forward to the hearing officer one (1) copy of the record provided by petitioners/appellants and attached to the notice of appeal within ten (10) business days of receipt. (4-11-06)

03. Public Hearing. A public hearing to review the decision of the authorized chartering entity shall be conducted within thirty (30) days after the hearing officer receives the notice of appeal and request for a public hearing submitted to the Department. (4-11-06)

04. Notice of Hearing. All parties in an appeal shall be notified of a public hearing at least ten (10) days in advance, or within such time period as may be mandated by law. The notice shall identify the time, place, and nature of the hearing; a statement of the legal authority under which the hearing is to be held; the particular sections of the statutes and any rules involved; the issues involved; and the right to be represented. The notice shall identify how and when documents for the hearing will be provided to all parties. (4-11-06)

05. Prehearing Conference. The hearing officer may, upon written or other sufficient notice to all interested parties, hold a prehearing conference to formulate or simplify the issues; obtain admissions or stipulations of fact and documents; identify whether there is any additional information that had not been presented to the authorized chartering entity; arrange for exchange of any proposed exhibits or prepared expert testimony; limit the number of witnesses; determine the procedure at the hearing; and to determine any other matters which may expedite the orderly conduct and disposition of the proceeding. (4-11-06)

06. Hearing Record. The hearing shall be recorded unless a party requests a stenographic recording by a certified court reporter, in writing, at least seven (7) days prior to the date of the hearing. Any party requesting a stenographic recording by a certified court reporter shall be responsible for the costs of same. Any party may request that a transcript of the recorded hearing be prepared, at the expense of the party requesting such transcript, and prepayment or guarantee of payment may be required. Once a transcript is requested, any party may obtain a copy at the party's own expense. (4-11-06)

07. Hearing Officer's Recommendation. The hearing officer shall issue a recommendation within ten (10) days after the date of the hearing. The recommendation shall include specific findings on all major facts at issue; a reasoned statement in support of the recommendation; all other findings and recommendations of the

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hearing officer; and a recommendation affirming or reversing the decision of the authorized chartering entity. The hearing officer shall mail or deliver a copy of the recommendation to the Department, the petitioners/appellants, and the authorized chartering entity. (4-11-06)

08. Review of Recommendation by Authorized Chartering Entity. (4-11-06)

a. The authorized chartering entity shall hold a public hearing to review the recommendation of the hearing officer within thirty (30) days of receipt of the recommendation. (4-11-06)

b. Written notification of the scheduled public hearing shall be sent by the authorized chartering entity to the petitioners/appellants at least ten (10) days prior to the scheduled hearing date. (4-11-06)

c. The authorized chartering entity shall make a final decision to affirm or reverse its initial decision within ten (10) days after the date the public hearing is conducted. (4-11-06)

09. Reversal of Initial Decision. (4-11-06)

a. If the authorized chartering entity reverses its initial decision and denies the conversion of a traditional public school to a public charter school, then that decision is final and there shall be no further appeal. (4-11-06)

b. If the authorized chartering entity reverses its initial decision and approves the new public charter school, then the charter shall be granted and there shall be no further appeal. (4-11-06)

10. Affirmation of Initial Decision. (4-11-06)

a. If the authorized chartering entity affirms its initial decision to authorize the conversion of a traditional public school to a public charter school, then the charter shall be granted and there shall be no further appeal. (4-11-06)

b. If the authorized chartering entity affirms its initial decision and denies the grant of a new public charter school, then the petitioners/appellants may appeal such final decision further to the Board in accordance with the procedure described in Section 402 of these rules. (4-11-06)

402. APPEAL TO THE BOARD RELATING TO THE DENIAL OF A REQUEST TO FORM A NEW PUBLIC CHARTER SCHOOL.

The following procedures shall govern an appeal to the Board of the final decision of an authorized chartering entity relating to the denial of a petition to form a new public charter school. (4-11-06)

01. Submission of Appeal. The petitioners/appellants shall submit a notice of appeal in writing with the Board that describes, in detail, all of the grounds for the appeal, and the remedy requested, within twenty-one (21) days from the date the authorized chartering entity issues its final decision to deny a petition to form a new public charter school. A copy of the notice of appeal shall be submitted to the authorized chartering entity. In addition, contemporaneous with the submission of the notice of appeal, the petitioners/appellants shall also submit to the Board, two (2) copies of a complete record of all actions taken with respect to the consideration of the public charter school petition. The record must be in chronological order, must be tabbed and indexed, and must contain, at a minimum, the following documents: (4-11-06)

a. The complete record submitted to the Department, as provided in Subsection 401.01.a. through 401.01.e. of these rules. (4-11-06)

b. A transcript, prepared by a neutral person whose interests are not affiliated with a party to the appeal, of the recorded public hearing conducted by the hearing officer, as described in Subsection 401.06 of these rules. (4-11-06)

c. A copy of the hearing officer's recommendation. (4-11-06)

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d. Copies of audio or video recordings, if any, and the minutes of the public hearing conducted by the authorized chartering entity to consider the recommendation of the hearing officer, as described in Subsection 401.08.a. through 401.08.c. of these rules. (4-11-06)

e. Copies of any additional correspondence between the petitioners/appellants and the authorized chartering entity relating to the petition subsequent to the public hearing conducted by the Department. (4-11-06)

f. The final written decision provided by the authorized chartering entity to the petitioners/appellants. (4-11-06)

02. Public Hearing. A public hearing to review the final decision of the authorized chartering entity shall be conducted within a reasonable time from the date that the Board receives the notice of appeal, but not later than sixty (60) calendar days from such date. The public hearing shall be for the purpose of considering all of the materials in the record that were presented at prior proceedings. However, new evidence, testimony, documents, or materials that were not previously considered at prior hearings on the matter may be accepted or considered, in the sole reasonable discretion of the Board, or of the charter appeal committee or public hearing officer, as described in Subsection 402.04 of this rule. (4-11-06)

03. Notice of Hearing. All parties in an appeal shall be notified of a public hearing at least ten (10) days in advance, or within such time period as may be mandated by law. The notice shall identify the time and place of the hearing; a statement of the legal authority under which the hearing is to be held; the particular sections of the statutes and any rules involved; the issues involved; and the right to be represented. The notice shall identify how and when documents for the hearing will be provided to all parties. (4-11-06)

04. Appointment of Charter Appeal Committee or Public Hearing Officer. The Board may, in its reasonable discretion, determine to appoint a charter appeal committee, composed solely of Board members, or a combination of Board members and Board staff, or alternatively, to appoint a public hearing officer, for the purpose of conducting the public hearing. If the Board determines not to make such an appointment, then the Board shall conduct the public hearing. (4-11-06)

05. Recommended Findings. If the public hearing is conducted by a charter appeal committee or appointed public hearing officer, then such committee or appointed public hearing officer shall forward to the Board all materials relating to the hearing as soon as reasonably practicable after the date of the public hearing. If so requested by the Board, the entity conducting the public hearing may prepare recommended findings for the Board to consider. The recommended findings shall include specific findings on all major facts at issue; a reasoned statement in support of the recommendation; all other findings and recommendations of the charter appeal committee or public hearing officer; and a recommended decision affirming or reversing the decision of the authorized chartering entity, or such other action recommended by the charter appeal committee or public hearing officer, such as remanding the matter back to the authorized chartering entity, or redirecting the petition to another authorized chartering entity. A copy of the recommended findings shall be mailed or delivered to all the parties. (4-11-06)

06. Final Decision and Order by the Board. The Board shall consider the materials forwarded by the entity conducting the public hearing, including any recommended findings of the charter appeal committee or appointed public hearing officer, as may be applicable, in a meeting open to the public at the next regularly scheduled meeting of the Board that occurs after the public hearing. If the public hearing was not conducted by the Board, then the Board may allow representatives for both the petitioner/appellant and the authorized chartering entity an opportunity to deliver oral arguments to the Board advocating their respective positions, limited to thirty (30) minutes for each party. Whether the public hearing is conducted by the Board or by a charter appeal committee, the Board shall issue a final written decision on such appeal within sixty (60) days from the date of the public hearing. The final decision and order of the Board shall be sent to both the petitioners/appellants and the authorized chartering entity, and will not be subject to reconsideration. With respect to such written decision, the Board may take any of the following actions: (4-11-06)

a. Approve the charter, if the Board determines that the authorized chartering entity failed to appropriately consider the charter petition, or if it acted in an arbitrary manner in denying the request. In the event

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the Board approves the charter, the charter shall operate under the jurisdiction of the Commission, as provided by Section 33-5207(6), Idaho Code. (4-11-06)

b. Remand the petition back to the authorized chartering entity for further consideration with directions or instructions relating to such further review. If the authorized chartering entity further considers the matter and again denies the petition, then that decision is final and there shall be no further appeal. (4-4-13)

c. Redirect the petition for consideration by the Commission, if the appeal is regarding a denial decision made by the board of trustees of a local school district. (4-4-13)

d. Deny the appeal submitted by the petitioners/appellants. (4-11-06)

403. APPEAL RELATING TO THE DENIAL OF A REQUEST TO REVISE A CHARTER OR PERFORMANCE CERTIFICATE OR A CHARTER NON-RENEWAL OR REVOCATION DECISION. THE FOLLOWING PROCEDURES SHALL GOVERN AN APPEAL RELATING TO THE DENIAL OF A REQUEST TO REVISE A CHARTER OR A CHARTER NON-RENEWAL OR REVOCATION DECISION.~~(6-20-13)T(4-11-06)~~

01. Submission of Appeal. The public charter school shall submit a notice of appeal in writing to the Board that describes, in detail, all of the grounds for the appeal, and the remedy requested, within thirty (30) days from the date of the written decision of the authorized chartering entity to non-renew or revoke a charter or to deny a charter or performance certificate revision. A copy of the notice of appeal shall be submitted to the authorized chartering entity. In addition, contemporaneous with the submission of the notice of appeal, the appellant charter school shall also submit to the Board ~~eleven (11), three (3) hole punched, copies one hard copy and one electronic copy~~ of the complete record of all actions taken with respect to the matter being appealed. The record must be in chronological order and must be appropriately tabbed and indexed. The record must contain, at a minimum, all of the following documents: ~~(6-20-13)T(4-11-06)~~

a. The name, address, and telephone number of the appellant public charter school and the authorized chartering entity that issued the decision being appealed. (4-11-06)

b. Copies of all correspondence or other documents between the appellant public charter school and the authorized chartering entity relating to the matter being appealed. (4-11-06)

c. Copies of audio or video recordings, if any, and the minutes from all meeting(s) where the matter on appeal was considered or discussed. (4-11-06)

d. The written decision provided by the authorized chartering entity to the appellant public charter school. (4-11-06)

02. Public Hearing. A public hearing to review the decision of the authorized chartering entity shall be conducted within thirty (30) days after the date of the filing of the notice of appeal. (4-11-06)

03. Notice of Hearing. All parties in an appeal shall be notified of a public hearing at least ten (10) days in advance, or within such time period as may be mandated by law. The notice shall identify the time and place of the hearing; a statement of the legal authority under which the hearing is to be held; the particular sections of the statutes and any rules involved; the issues involved; and the right to be represented. The notice shall identify how and when documents for the hearing will be provided to all parties. (4-11-06)

04. Appointment of Charter Appeal Committee or Public Hearing Officer. The Board may, in its reasonable discretion, determine to appoint a charter appeal committee, composed solely of Board members, or a combination of Board members and Board staff, or alternatively, to appoint a public hearing officer, for the purpose of conducting the public hearing. If the Board determines not to make such an appointment, then the Board shall conduct the public hearing. (4-11-06)

05. Prehearing Conference. The entity conducting the public hearing may, upon written or other sufficient notice to all interested parties, hold a prehearing conference to formulate or simplify the issues; obtain

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admissions or stipulations of fact and documents; identify whether there is any additional information that had not been presented to the authorized chartering entity; arrange for exchange of any proposed exhibits or prepared expert testimony; limit the number of witnesses; determine the procedure at the hearing; and to determine any other matters which may expedite the orderly conduct and disposition of the proceeding. (4-11-06)

06. Hearing Record. The hearing shall be recorded unless a party requests a stenographic recording by a certified court reporter, in writing, at least seven (7) days prior to the date of the hearing. Any party requesting a stenographic recording by a certified court reporter shall be responsible for the costs of same. The record shall be transcribed at the expense of the party requesting a transcript, and prepayment or guarantee of payment may be required. Once a transcript is requested, any party may obtain a copy at the party's own expense. (4-11-06)

07. Recommended Findings. If the public hearing is conducted by a charter appeal committee or appointed public hearing officer, then such committee or public hearing officer shall forward to the Board all materials relating to the hearing as soon as reasonably practicable after the date of the public hearing. If so requested by the Board, the entity conducting the public hearing may prepare recommended findings for the Board to consider. The recommended findings shall include specific findings on all major facts at issue; a reasoned statement in support of the recommendation; all other findings and recommendations of the charter appeal committee or public hearing officer; and a recommended decision affirming, or reversing the action or decision of the authorized chartering entity. A copy of the recommended findings shall be mailed or delivered to all the parties. (4-11-06)

08. Final Decision and Order by the Board. The Board shall consider the materials forwarded by the entity conducting the public hearing, including any recommended findings of the charter appeal committee or appointed public hearing officer, as may be applicable, in a meeting open to the public at the next regularly scheduled meeting of the Board that occurs after the public hearing. If the public hearing was not conducted by the Board, then the Board may allow representatives for both the appellant public charter school and the authorized chartering entity an opportunity to deliver oral arguments to the Board advocating their respective positions, limited to thirty (30) minutes for each party. Whether the public hearing is conducted by the Board, or by a charter appeal committee or appointed public hearing officer, the Board shall issue a final written decision on such appeal within sixty (60) days from the date of the public hearing. The decision shall be sent to both the appellant public charter school and the authorized chartering entity. With respect to such written decision, the Board may take any of the following actions: (4-11-06)

a. Grant the appeal and reverse the decision of the authorized chartering entity if the Board determines that the authorized chartering entity failed to appropriately consider the non-renewal or revocation of the charter, or the request to revise the charter or performance certificate, or that the authorized chartering authority acted in an arbitrary manner in determining to non-renew or revoke the charter, or in denying the request to revise the charter or performance certificate. (6-20-13)T(4-11-06)

b. ~~Remand the matter back to the authorized chartering entity for further consideration with directions or instructions relating to such further review. If the authorized chartering entity further considers the matter and again denies the petition, then that decision is final and there shall be no further appeal. In the case of a denial by the board of a local school district, redirect the matter to the public charter school commission for further review.~~(6-20-13)T(4-11-06)

c. Deny the appeal filed by the appellants. (4-11-06)

404. EX PARTE COMMUNICATIONS.

Unless required for the disposition of a matter specifically authorized by statute to be done ex parte, no party to the appeal nor any representative of any such party to the appeal, nor any person or entity interested in such appeal, may communicate, directly or indirectly, regarding any substantive issue in the appeal with the Board or the charter appeal committee or any hearing officer appointed to hear or preside over the appeal hearing, except upon notice and opportunity for all parties to participate in the communication. (4-11-06)

405. -- 499. (RESERVED)

500. MISCELLANEOUS.

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01. Definition of LEA. As used in Section 500 of these rules, the term “local education agency” or “LEA” shall mean a public authority legally constituted within the state for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in the state, as such term is defined in the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001, and as such term is further defined in 34 CFR 300.18. (4-11-06)

02. LEA Designations. Section 33-5203(7), Idaho Code, provides that the ~~Board shall be responsible to designate those public charter schools that will be identified as an LEA; however, only public charter schools chartered by the board of trustees of a school district may be included in that district's LEA. A public charter school may request to be designated as an LEA. Such request shall be in writing and must be submitted to the executive director of the Board. In addition, such request shall state the reasons why the public charter school is requesting LEA status, and must include, at a minimum, the following:~~ board of trustees of a school district may designate a public charter school it authorizes as an LEA, with the concurrence of the public charter school board of directors. In order to designate a public charter school as an LEA, the board of trustees of the school district must submit to the Department the following no later than February 1 in order for any such designation to be effective for the following school year: (6-20-13)T(4-11-06)

~~a. Verification that the board of trustees is the authorized chartering entity of the public charter school it wishes to designate as an LEA. (6-20-13)T~~

~~b. Written documentation that the board of trustees of the school district and the board of trustees of the public charter school have agreed to the designation of the public charter school as an LEA. Such documentation shall be signed by representatives of both parties. (6-20-13)T~~

~~a. Verification that the public charter school is a public virtual school under Idaho law (if applicable). (4-11-06)~~

~~b. A description of the federal programs for which the public charter school will seek funding, and a detailed discussion of the projected financial impact (positive or negative) to the public charter school if it is designated an LEA. (4-11-06)~~

~~c. A discussion of how the public charter school will administer the ISAT tests to its students. (4-11-06)~~

~~**03. Criteria.** The executive director of the Board shall have the authority to designate a public charter school as an LEA, in accordance with the following criteria: (4-11-06)~~

~~a. A public charter school that is chartered by the board of trustees of a school district shall be included in that district's LEA, and the executive director of the Board shall not be permitted to designate such a school as an LEA. (4-4-13)~~

~~b. A public charter school that is chartered by the Commission must be designated by the executive director as an LEA, but will still be required to submit a written request pursuant to Subsection 500.02 of these rules. (4-11-06)~~

~~**04. Referral to the Board.** The executive director may determine to refer any request for LEA designation described in Section 500 of these rules to the Board for consideration, including any request submitted by a public charter school that is not eligible under the criteria contained herein. (4-11-06)~~

~~**05. Review.** A public charter school may appeal to the Board a decision made by the executive director of the Board to deny a request to be designated an LEA. (4-11-06)~~

~~**06. Timeframe for LEA Request.** A request for LEA status must be received no later than February 1 in order for any such designation to be effective for the following school year. (4-11-06)~~

501. -- 999. (RESERVED)

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IDAPA 08
TITLE 03
CHAPTER 01

08.03.01 - RULES OF THE PUBLIC CHARTER SCHOOL COMMISSION

000. LEGAL AUTHORITY.

The Public Charter School Commission, in accordance with Section 33-5213, Idaho Code, adopts these rules. (4-11-06)

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 08.03.01, "Rules of the Public Charter School Commission." (4-11-06)

02. Scope. These rules provide the requirements for the governance and administration of the Public Charter School Commission. (4-11-06)

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, written interpretations of the rules of this chapter, if any, are available at the offices of the Public Charter School Commission. (4-11-06)

003. ADMINISTRATIVE APPEALS.

The provisions of Title 33, Chapter 52, Idaho Code, and IDAPA 08.02.04, "Rules Governing Public Charter Schools," govern appeals from decisions of the Commission. (4-11-06)

004. INCORPORATION BY REFERENCE.

No documents have been incorporated by reference into these rules. (4-11-06)

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

The Public Charter School Commission is located in the offices of the Idaho State Board of Education. (4-11-06)

01. Office Hours. The Board offices are open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays. (4-11-06)

02. Street Address. The offices of the Board are located at 650 W. State Street, Boise, Idaho. (4-11-06)

03. Mailing Address. The mailing address of the Board is P.O. Box 83720, Boise, Idaho 83720-0037. (4-11-06)

04. Telephone Number. The telephone number of the Board is (208) 334-2270. (4-11-06)

05. Facsimile. The Board's FAX number is (208) 334-2632. (4-11-06)

06. Electronic Address. The Board of Education website at www.boardofed.idaho.gov. (4-11-06)

006. PUBLIC RECORDS ACT COMPLIANCE.

Commission records are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. (4-11-06)

007. -- 099. (RESERVED)

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100. DEFINITIONS.

01. Board. The Idaho State Board of Education or its designee. (4-11-06)

02. Commission. The Public Charter School Commission or its designee. (4-11-06)

101. -- 199. (RESERVED)

200. PROCEEDINGS BEFORE THE COMMISSION.

Proceedings or other matters before the Commission or its duly appointed hearing officer are governed by the provisions of Title 33, Chapter 52, Idaho Code, IDAPA 08.02.04, and these rules. (4-11-06)

201. COMMUNICATIONS WITH COMMISSION.

All written communications and documents intended to be part of an official record of decision in any proceeding before the Commission of any hearing officer appointed by the Commission must be filed with the individual designated by the agency. Unless otherwise provided by statute, rule, order, or notice, documents are considered filed when received by the officer designated to receive them, not when mailed or otherwise transmitted. (4-11-06)

202. COMPUTATIONS OF TIME.

Whenever statute, these or other rules, order, or notice requires an act be done within a certain number of days of a given day, the given day is not included in the count, but the last day of the period so computed is included in the count. If the day the act must be done is Saturday, Sunday, or a legal holiday, the act may be done on the first day following that is not a Saturday, Sunday, or legal holiday. (4-11-06)

203. BOARD MEETINGS -- MAJORITY -- CHAIRMAN.

01. Majority. A simple majority of members voting shall be sufficient to decide any matter pending before the Commission. (4-11-06)

02. Chairman Vote. The chairman shall vote only when necessary to break a tie. (4-11-06)

204. -- 299. (RESERVED)

300. PETITION -- SUBMISSION.

01. Number of Copies. Petitioners shall submit a petition consisting of an electronic copy of the petition in Microsoft® Word format. Appendices to the petition must be submitted as a single document and may be in Adobe® format (PDF). (4-4-13)

02. Case Number. The Commission will assign a case number to a petition. Any future documents or correspondence submitted to the Commission after original filing must reference the assigned case number. (4-11-06)

03. Administratively Complete. If the petition is not administratively complete when received, the Commission shall provide the petitioner notice of the deficiency, which identifies the missing documents and information. Administratively complete means the petition contains all of the information and documents required by Title 33, Chapter 52, Idaho Code, ~~and~~ IDAPA 08.02.04, "Rules Governing Public Charter Schools," and IDAPA 08.03.01, "Rules of the Public Charter School Commission." (06-20-13)~~T(4-11-06)~~

04. Considered Received. A petition is considered received by the Commission when it is presented to the Commission at the first scheduled meeting after the petition is filed and the petition is administratively complete. (4-11-06)

05. Supplemental Information. Submission of supplemental information to the Commission shall be accomplished by filing a complete, electronic copy of the petition, with the text to be removed stricken and the new language underlined, with the date of revision noted on the title page. (4-4-13)

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06. Sufficiency Review. Petitioners shall submit a copy of the State Department of Education's sufficiency review, which is required by IDAPA 08.02.04, "Rules Governing Public Charter Schools," Subsection 200.03, ~~and any related documents addressing the deficiencies, if any,~~ at the time the petition is filed with the Commission. (06-20-13)T(4-11-06)

~~**07. School District Comments.** If applicable, school districts may provide comments of the school district where the public charter school will be physically located.~~ (06-20-13)T(4-11-06)

301. COMPLIANCE MONITORING.

The Commission shall be responsible for ~~ensuring~~ monitoring the public charter school's ~~operates~~ operations in accordance with all of the terms and conditions of the ~~approved charter~~ performance certificate, including compliance with all applicable federal and state education standards and all applicable state and federal laws, rules and regulations, and policies. See IDAPA 08.02.04, "Rules Governing Public Charter Schools," Subsection 301.01. Commission staff will make a site visit and verify the existence of the following documents after the charter is granted: (06-20-13)T(4-11-06)

- 01. Certificate of Occupancy.** Certificate of Occupancy for the public charter school site; (4-4-13)
- 02. Building Inspection Reports.** A copy of the inspection report from the Idaho Division of Building Safety; (4-4-13)
- 03. Fire Marshal Report.** A fire marshal report for the public charter school site; (4-11-06)
- 04. Insurance Binders.** Copies of insurance binders from a company authorized to do business in Idaho for a liability policy, a property loss policy, worker's compensation insurance, unemployment insurance, and health insurance; (4-4-13)
- 05. Health District Inspection Certificate.** A copy of the health certificate issued by the health district for each site at which students will be taught; (4-11-06)
- 06. Criminal History Checks.** A copy of the criminal history checks for all employees as required by Sections 33-130 and 33-5210(4)(d), Idaho Code; (4-4-13)
- 07. Instructional Staff Certification.** Proof of certification for all instructional staff employed by the public charter school; and (4-4-13)
- 08. School Calendar.** The school's calendar for the school year, daily schedule, and documentation of the appropriate number of instructional hours for students at each grade level. (4-4-13)

302. REQUIRED DOCUMENTS PUBLIC CHARTER SCHOOLS AUTHORIZED BY THE COMMISSION MUST SUBMIT TO THE COMMISSION.

- 01. Lease Agreement.** If school structures are leased, a copy of the lease agreement for the building(s) at which students will be taught; (4-4-13)
- 02. Financial Statements.** Audited financial statements from an independent auditor must be submitted as required by Section 33-701, Idaho Code; (4-4-13)
- 03. Accreditation Reports.** A copy of the public charter school's accreditation report as required by Section 33-5206(7), Idaho code, must be submitted within five (5) business days of receipt; (4-4-13)
- 04. Complaints.** Copies of any complaints filed against the public charter school including, but not limited to, lawsuits and complaints filed with the Idaho Professional Standards Commission relating to school employees, within five (5) business days of receipt; (4-4-13)

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05. Board Members. A current list of all public charter school board members, including full name, address, telephone number, and resume must be on file with the Commission within five (5) business days of any changes; (4-4-13)

~~**06. Goals Attainment.** A report, as required by Section 33-5206(7), Idaho Code, by the close of the school year demonstrating the students' level of attainment of the established skills and knowledge specified as goals in the public charter school's educational program and measurable student educational standards in the approved charter; (06-20-13)T(4-4-13)~~

~~**07. Programmatic Operations Audit.** An audit of the programmatic operations of the public charter school as required by Section 33-5205(3)(1), Idaho Code, must be submitted no later than August 15th for the previous school year. (06-20-13)T(4-4-13)~~

~~**08.06. Proof of Compliance.** Additional proof of compliance as reasonably requested by the Commission. (06-20-13)T(4-4-13)~~

303. -- 399. (RESERVED)

400. PETITION -- PUBLIC HEARING.

A public hearing, as required by Section 33-5205(2), Idaho Code, for consideration of a petition on its merits shall be conducted by the Commission. ~~The Commission will:~~ (06-20-13)T(4-11-06)

~~**01. Charter Provisions.** Consider the provisions of the public school charter petition. (4-11-06)~~

~~**02. Petition Merits.** Consider the merits of the petition including, but not limited to, the presentation by authorized representatives for the petition. (4-11-06)~~

~~**03. Petition Support.** Consider the level of employee and parental support of the petition. (4-11-06)~~

~~**04. School District Comment.** Consider any oral or written comments of an authorized representative of the school district in which the proposed public charter school would be physically located. (4-11-06)~~

~~**05. Public Comment.** Citizens intending to testify must notify the Commission the day of the meeting. Public comment will be limited to ten (10) minutes, unless otherwise determined by the Commission chairman. (06-20-13)T(4-11-06)~~

401. PETITION -- FORMAT.

All petitions submitted to the Commission must be in the following format. Information will only be considered if it is located in the correct Section. (4-11-06)

01. Cover Page. The cover page must include the following information: (4-11-06)

a. Name of proposed charter school; (4-11-06)

b. School year petitioning to open the school; (4-11-06)

c. Name of the school district affected by the attendance area; (4-11-06)

i. Where the public charter school building will be physically located; or (4-11-06)

ii. If it is a virtual school and the physical location of the main office; and (4-11-06)

d. Name, address, telephone number, and e-mail address of the petitioner's authorized representative. (4-4-13)

02. Table of Contents. The second page shall be the beginning of the table of contents. (4-11-06)

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- 03. Tab 1.** Mission and vision statements. (4-4-13)
- 04. Tab 2.** The petitioner’s information regarding the proposed operation and potential effects of the public charter school including, but not limited to, the facilities to be utilized by the public charter school, the manner in which administrative services of the public charter school are to be provided, and the potential civil liability effects upon the public charter school and upon the authorized chartering entity. (4-4-13)
- 05. Tab 3.** (4-11-06)
- a.** A description of what it means to be an “educated person” in the twenty-first century, and how learning best occurs. (4-4-13)
- b.** A description of the public charter school’s educational program and goals, including how each of the educational thoroughness standards, as defined in Section 33-1612, Idaho Code, shall be fulfilled. (4-4-13)
- c.** The manner by which special education services will be provided to students with disabilities who are eligible pursuant to the federal Individuals with Disabilities Education Act. (4-4-13)
- d.** The plan for working with parents who have students who are dually enrolled pursuant to Section 33-203(7), Idaho Code. (4-4-13)
- 06. Tab 4.** (4-11-06)
- a.** The measurable student educational standards the public charter school will use. (4-4-13)
- b.** The method by which student progress in meeting the identified student educational standards is to be measured. (4-4-13)
- c.** A provision by which students of the public charter school will be tested with the same standardized tests as other Idaho public school students. (4-4-13)
- d.** A provision that ensures that the public charter school shall be state accredited as provided by rule of the Board. (4-4-13)
- e.** A provision describing the school’s plan if it is ever identified as an in need of improvement school as outlined in the No Child Left Behind Act. (4-11-06)
- 07. Tab 5.** (4-11-06)
- a.** A description of the governance structure of the public charter school including, but not limited to, the persons or entity who shall be legally accountable for the operation of the public charter school. (4-4-13)
- b.** A description of the ethical standards to which the governing board of the public charter school will adhere. (4-4-13)
- c.** A plan for the initial and ongoing training of the governing board of the public charter school. (4-4-13)
- d.** The process to be followed by the public charter school to ensure parental involvement. (4-4-13)
- e.** The manner in which an annual audit of the financial and programmatic operations of the public charter school will be conducted. (4-4-13)
- 08. Tab 6.** (4-11-06)

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a. The qualifications to be met by individuals employed by the public charter school. This should include a requirement for all staff members to submit to a criminal history check, as required by Section 33-130, Idaho Code, and that all instructional staff shall be certified teachers, as required by the Board. (4-4-13)

b. The procedures that the public charter school will follow to ensure the health and safety of students and staff. (4-4-13)

c. The procedures required by Section 33-210, Idaho Code, for students using or under the influence of alcohol or controlled substances. (4-4-13)

d. The disciplinary procedures that the public charter school will utilize, including the procedure by which students, including special education students, may be suspended, expelled, and re-enrolled. (4-4-13)

e. A provision which ensures that all staff members of the public charter school will be covered by the public employee retirement system, federal social security, unemployment insurance, worker's compensation insurance, and health insurance. (4-4-13)

f. A description of the transfer rights of any employee choosing to work in a public charter school authorized by the Commission and the rights of such employees to return to any public school in the school district after employment at such public charter school. (4-4-13)

g. A provision that ensures that the staff of the public charter school shall be considered a separate unit for purposes of collective bargaining. (4-4-13)

h. A statement that all teachers and administrators will be on written contract as required by Section 33-5206(4), Idaho Code. (4-11-06)

09. Tab 7. (4-11-06)

a. Admission procedures, including provision for over enrollment. (4-4-13)

b. The public school attendance alternative for students residing within the school district who choose not to attend the public charter school. (4-4-13)

c. The process by which the citizens in the area of attendance shall be made aware of the enrollment opportunities of the public charter school. (4-4-13)

d. A plan for the requirements of Section 33-205, Idaho Code, for the denial of school attendance. (4-4-13)

~~**e.** The student handbook that describes the school rules and the procedure ensuring a student's parent or guardian has access to this handbook. (4-11-06)~~

~~**fe.** A plan for the requirements of Section 33-205, Idaho Code, for the denial of school attendance. See Section 33-5205(3)(i), Idaho Code. (06-20-13)T(4-11-06)~~

~~**gf.** The student handbook that describes the school rules and the procedure ensuring a student's parent or guardian has access to this handbook. (06-20-13)T(4-11-06)~~

10. Tab 8. (4-11-06)

a. A detailed business plan including: (4-11-06)

i. Business description, (4-11-06)

ii. Marketing plan, (4-11-06)

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- iii. Management plan, (4-11-06)
- iv. The school's financial plan, and (4-4-13)
- v. A pre-opening plan and timeline. (4-4-13)
- b. A proposal for transportation services with an estimated first year cost as required by Section 33-5208(4), Idaho Code. (4-11-06)
- c. Plans for a school lunch program, including how a determination of eligibility for free and reduced price meals will be made. (4-11-06)
- 11. **Tab 9.** If this is a virtual public charter school, a brief description of how the school meets the definition of a public virtual school as defined by Section 33-5202A(69), Idaho Code. (06-20-13)T~~(4-11-06)~~
- 12. **Tab 10.** (4-11-06)
 - a. A description of any business arrangements or partnerships with other schools, educational programs, businesses, or nonprofit organizations. (4-4-13)
 - b. Additional information the petitioners want the authorizing chartering entity to consider as part of the petition. (4-11-06)
 - c. A plan for termination of the charter by the board of the public charter school. (4-11-06)
- 13. **Appendices.** (4-4-13)
 - a. Copies of articles of incorporation, file-stamped by the Idaho Secretary of State's Office; and of the signed bylaws adopted by the board of directors of the nonprofit corporation; (4-4-13)
 - b. Signatures of at least thirty (30) qualified electors of the proposed charter school's service area. Proof of qualification of electors must be attached. (4-4-13)
 - c. Resumes of the directors of the nonprofit corporation, including references; (4-4-13)
 - d. Copies of any contracts or lease agreements; (4-4-13)
 - e. Start-up budget with assumptions form and supporting documentation; (4-4-13)
 - f. Three-year operating budget form; and (4-4-13)
 - g. First year month-by-month cash flow form. (4-4-13)
 - h. The school's budget must be in the Idaho Financial Accounting Reporting Management System (IFARMS) format and any other such format as may be reasonably requested by the Commission. (4-4-13)
- 402. -- 999. **(RESERVED)**

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SUBJECT

Temporary Rule – IDAPA 08.02.03.113, Rewards

REFERENCE

August 2013 Board approved a proposed rule to this section of Administrative Rule amending the reward school criteria.

APPLICABLE STATUTE, RULE, OR POLICY

Idaho Administrative code, IDAPA 08.02.03 – Section 113

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, outlined the requirements for the Distinguished Schools and the Additional Yearly Growth awards. The Distinguished Schools Award was 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

The Additional Yearly Growth Award was 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

The proposed changes would limit the awards to a single category and align the requirements for the awards with the five star rating system. The award schools would be ranked on the following criteria:

- a. The school must have received a five star rating
- b. Be within the top 5% of schools based on overall proficiency
- c. Be within the top 10% of schools based on the gap between highest and lowest achievement subgroup as outlined in subsection 112.04.d.
- d. Be within the top 10% of schools based on the gap between at-risk and not at-risk students
- e. Be within the top 10% of schools based on proficiency of at-risk students
- f. Be within the top 10% of schools based on lowest achieving subgroup as outlined in subsection 112.04.d.

IMPACT

Approval of the temporary rule will bring IDAPA 08.02.03.113 into alignment with the five star rating system and allow for the Board to recognize these schools at this meeting in compliance with the rule.

ATTACHMENTS

Attachment 1 – Temporary Rule

Page 3

STAFF COMMENTS AND RECOMMENDATIONS

Temporary rules go into effect at the time of Board approval and are published in the next Administrative Bulletin. At the time the Proposed Rule was brought forward to the Board, there was some concern by the Department that the criteria were not actually in alignment with the criteria in the ESEA Waiver. Board staff has worked with the Department staff to verify that the criteria are in alignment. The changes in the temporary rule, if approved by the Board, will be incorporated into the proposed rule and will be brought back to the Board for approval as a Pending rule at the close of the public comment period.

Staff recommends approval.

BOARD ACTION

I move to approve the Temporary Rule changes to IDAPA 08.02.03.113 as submitted.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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IDAPA 08.02.03

113. REWARDS.

01. Distinguished Schools. Distinguished School Awards are designed to recognize the highest performing schools. A school ~~may~~shall be recognized as a "Distinguished School" if it is in the top five percent (5%) of schools exceeding the Idaho Adequate Yearly Progress (AYP) intermediate targets listed in Subsection 112.03, of this rule, and if it has significantly reduced the gaps between subgroups listed in Subsection 112.04.d. of this rule, based on the following criteria: ~~(3-30-07)~~(T10-17-13)

- a. Achieved a Five-Star Rating for at least two out of the last three years; ~~(T10-17-13)~~
- b. Received no less than a Four-Star Rating in the last three years; ~~(T10-17-13)~~
- c. Meet the Annual Measurable Objectives (AMOs) in all subjects for overall students and all subgroups as outlined in subsection 112.04.d.; ~~(T10-17-13)~~
- d. Be among the top five percent of schools in all students proficiency; and ~~(T10-17-13)~~
- e. Be among the top ten percent of schools in the proficiency gaps between the highest and lowest achieving subgroups and between the at-risk and not at-risk subgroups ~~(T10-17-13)~~

02. ~~Additional Yearly Growth (AYG) Award.~~ ~~A school demonstrating improved proficiency levels of subpopulations or in the aggregate by greater than ten percent (10%) shall be considered to have achieved AYG. Such school must have achieved Adequate Yearly Progress (AYP) to be eligible for this award.~~ ~~(3-30-07)~~

03. Determination by State Department of Education. The State Board of Education will determine the schools eligible for the Distinguished School ~~and AYG~~ awards each year based upon the criteria outlined in Subsections 113.01 ~~and 113.02.~~ The State Department of Education will provide the list of schools meeting the specified criteria to the State Board of Education no later than August 30 of each year. The State Board of Education will recognize the schools no later than the annual October Board Meeting. ~~(4-2-08)~~(T10-17-13)

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SUBJECT

Distinguished School Awards for 2013

REFERENCE

October 2010	Board presented with Distinguished Schools and Additional Yearly Growth Awards for 2010
October 2011	Board presented with Distinguished Schools and Additional Yearly Growth Awards for 2011
October 2012	Board presented with Distinguished Schools and Additional Yearly Growth Awards for 2012

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 performance requirements.

The Distinguished Schools Award is given to the highest performing public schools within the state. For a school to receive this award they must met the following criteria, according to the ESEA Flexibility Waiver and in accordance with the Temporary Rule amendment to IDAPA 08.02.03, subsection 113, previously approved by the Board.

- a. Achieved a Five-Star Rating for at least two out of the last three years;
- b. Received no less than a Four-Star Rating in the last three years;
- c. Meet the Annual Measurable Objectives (AMOs) in all subjects for overall students and all subgroups as outlined in subsection 112.04.d.;
- d. Be among the top five percent of schools in all students proficiency; and
- e. Be among the top ten percent of schools in the proficiency gaps between the highest and lowest achieving subgroups and between the at-risk and not at-risk subgroups

Note: With only two years of Star Rating data, the schools in this list were either a 5 or 4 Star School in the past two years, rather than a 5 Star School in two out of the last three years.

IMPACT

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

ATTACHMENTS

Attachment 1 – List of Distinguished Schools

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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 2013

- Thatcher Elementary School, Grace Joint District
- Ramsey Elementary School, Coeur d'Alene District
- Leadore School, South Lemhi District
- Kennedy Elementary School, Madison District
- Donnelly Elementary, McCall-Donnelly District
- Prairie Elementary School, Cottonwood Joint District
- Nez Perce School, Nez Perce Joint District

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STATE DIVISION OF PROFESSIONAL-TECHNICAL EDUCATION

SUBJECT

Certification Standards for Professional-Technical Educators – Postsecondary Certification Fee

APPLICABLE STATUTE, RULE, OR POLICY

Idaho State Board of Education Governing Policies & Procedures, Section IV.E.2
Section 33-2203, Idaho Code
Idaho Administrative code, IDAPA 08.02.02 – Section 34, Uniformity

BACKGROUND/DISCUSSION

Recently it was determined that it was not appropriate for the State Department of Education (SDE) to issue teaching and administrative credentials for postsecondary professional-technical educators. The process has been managed by the Division of Professional-Technical Education (PTE) according to IDAPA 08.02.02, with the fee being set by the State Board for Professional-Technical Education. The Division will take over the entire process, including the approval and issuing of certificates, resulting in a simpler process than is currently required. Due to the simplification in the process, the Division is asking that the Board eliminate the current \$35 fee.

IMPACT

There will be no financial impact to the Division of Professional-Technical Education and the process of certification will be streamlined and more affordable to postsecondary faculty and administrators. There is no additional work or Division staff time required to accomplish this change due to the current duplication of effort that the current process requires.

STAFF COMMENTS AND RECOMMENDATIONS

Currently, postsecondary professional-technical faculty and administrators must follow a two part process with the Department of Education and the Division of Professional-Technical Education. IDAPA 08.02.02, subsection 034., Certification Standards for Professional-Technical Educators, states that “for postsecondary instructors and administrators, certification fees are set by the State Board for Professional-Technical Education, and application processes are managed by the Division of Professional-Technical Education.” Currently, the State Department of Education is managing this process. Staff was unable to determine when or if the current fee was set by the Board, nor why the Department was managing the process. Board and PTE staff have discussed the change with the Department of Education and all interested parties believe it is appropriate for the Division to be managing the process. With this change, the Division feels the certification fee is unnecessary. Due to the timeline for rule changes, the Division was unable to bring a proposed rule forward this year eliminating the fee; therefore, the Division is requesting the Board set the fee at

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\$0 at this time. The Division will bring a proposed rule forward next year to eliminate the fee.

Staff recommends approval.

BOARD ACTION

I move to approve the request by the State Division of Professional-Technical Education to set the postsecondary certification fee at \$0.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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SUBJECT

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

REFERENCE

August 2010	Board directed staff to do a needs assessment that includes the technical, fiscal, and governance requirements for a P-20 and Workforce SLDS.
February 2011	Board accepted the recommendations from the SLDS needs assessment and authorized the Executive Director to determine the configuration and make initial appointments to the Data Management Council.
August 2011	Board approved the first reading of Board policy I.O. Data Management Council.
October 2011	Board approved the second reading of Board policy I.O. Data Management Council.
August 2013	Board approved the first reading of changes to Board policy I.O. Data Management Council incorporating language clarifying data protection requirements.

BACKGROUND/DISCUSSION

The Idaho Data Management Council (hereinafter referred to as “Council”) is a council established to make recommendations on the oversight and development of Idaho’s Statewide Longitudinal Data System (SLDS) and oversees the creation, maintenance, and usage of said system. As part of the Council’s responsibilities, they set the level of access, and process for being granted access, to the data captured by the SLDS. In light of the recent concern over the release of student identifiable data, additional language is being added to clearly state that, except in rare circumstances, student identifiable data is not released to the federal government and the privacy of all data is held to the highest standard.

No comments were received between the first and second reading, no changes have been made, other than the wording change that was approved at the August Board Meeting.

IMPACT

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

ATTACHMENTS

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

Page 3

STAFF COMMENTS AND RECOMMENDATIONS

Board staff recommends approval.

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BOARD ACTION

I move to approve the second reading of Board Policy, I.O Data Management Council as submitted.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

Idaho State Board of Education
GOVERNING POLICIES AND PROCEDURES

SECTION: I. General Policies

SUBSECTION: O. Data Management Council

October 2013

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

The purpose of the SLDS will be to allow longitudinal tracking of students from preschool through all levels of the public education system (elementary, middle and high schools, college and graduate school) and into the workforce. To reflect this scope, the SLDS will be referred to as a P-20W system. This system will collect data from a variety of disparate source systems, including the K-12 system developed by the State Department of Education, the systems in use at the various postsecondary institutions, the State Department of Labor, the National Student Clearinghouse, and others, and will transform that data into a single, coherent structure on which longitudinal reporting and analysis can be performed. The privacy of all student level data that is collected by the SLDS will be protected. A list of all data ~~elements~~ fields (but not the data within the field) collected by the SLDS will be publicly available. Only student identifiable data that is required by law will be shared with the federal government.

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

1. Roles and Responsibilities

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

a. Data Standards and Quality

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

b. Access and Security

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

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- iii. Establish guidelines for responding to requests for data access by various stakeholders, including school, district and college/university staff, education researchers, and the public.
- c. Change Management and Prioritization
 - i. Propose enhancements to the SLDS, review enhancements proposed by other groups, and set priorities for the development of those enhancements.
 - ii. Review and approve or deny any proposed changes to existing functionality, data definitions, access and security policies, etc.
- d. Training and Communication
 - i. Establish guidelines for training of SLDS users, and review and approve specific training plans.
 - ii. Ensure adequate communication concerning the SLDS.

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

2. Membership

The membership of the Council shall consist of:

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

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

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

3. Nominating Process

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

a. Incumbent Reappointment

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

b. Open Appointment

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

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

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PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
OCTOBER 17, 2013

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 2013 Board meeting. Since that meeting, Board staff has received seventeen (17) permits from Boise State University, eleven (11) permits from Idaho State University, nineteen (19) permits from the University of Idaho, and one (1) permit from Lewis-Clark State College.

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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PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
OCTOBER 17, 2013

APPROVED ALCOHOL SERVICE AT BOISE STATE UNIVERSITY August 2013 – October 2013				
EVENT	LOCATION	Institution Sponsor	Outside Sponsor	DATE (S)
Coach Pete Radio Show	Stueckle Sky Center (SSC)	X		08/28/13 10/02/13
American Society of Heating, Refrigerating & Air-Conditioning Engineers	SSC		X	08/02/13
Western Power Sports–Annual Awards Banquet	SSC		X	08/16/13
Andrus Award Reception	Student Union Building (SUB)		X	09/04/13
Transforming America: Women & Leadership in the 21 st Century	SUB		X	09/05/13
Disney Live	Taco Bell Arena		X	09/08/13
Lincoln: Friend or Foe of Freedom?	Morrison Center		X	09/10/13
PNW Mortgage Lender's Conference	SSC		X	09/10/13
Chicago–Broadway in Boise	Morrison Center		X	09/13/13 09/14/13 (2) 09/15/13 (2)
ID Golf-The First Tee of ID	SSC		X	09/14/13
Ronald McDonald House–Auction Banquet	SSC		X	09/17/13
Petso Financial Consultants-Client Appreciation Dinner	SSC		X	09/18/13
ID Business Review-Money Makers 2013	SSC		X	09/19/13
ID Assoc. of Counties-Annual Banquet	SSC		X	09/24/13
Make A Wish ID–Serving up Wishes	SSC		X	09/30/13
Simplot-IT Annual Conference	SSC		X	10/08/13
St. Luke's-President's Awards	SSC		X	10/17/13

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
OCTOBER 17, 2013**

APPROVED ALCOHOL SERVICE AT IDAHO STATE UNIVERSITY August 2013 – April 2014				
EVENT	LOCATION	Institution Sponsor	Outside Sponsor	DATE (S)
College of Arts & Letters-Welcome Assembly for Faculty & Staff	Student Union Building (SUB) – Wood River	X		08/28/13
School of Nursing – Wine & Cheese	Meridian Health Science Center	X		09/11/13
ISU Foundation-Ballam Reception	Bennion Promenade	X		09/13/13
Office of Alumni Relations-I Love ISU Business After	SUB – Lounge	X		09/19/13
ISU Foundation-Board Dinner	Marshall Rotunda	X		10/03/13
ISU Office of the President-Homecoming Brunch	SPAC – Rotunda	X		10/05/13
Dept. of P.A. Studies – Alumni Tailgate Party	Red Hill Building – Parking Lot R10	X		10/05/13
ISU Office of the President-State of the University Address	SPAC – Marshall Rotunda	X		10/22/13
Idaho National Laboratory – EES&T Summer BBQ	Bennion SUB Multi-Purpose Room & Patio		X	09/23/13
Batteile Energy Alliance-INL CAES Update for Legislators	CAES Gallery		X	09/24/13
ID State-Civic Symphony-Concert	Stephens Performing Arts Center (SPAC) – Rotunda		X	09/27/13 11/08/13 12/13/13 12/14/13 03/21/14 04/24/14 04/26/14

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
OCTOBER 17, 2013

APPROVED ALCOHOL SERVICE AT UNIVERSITY OF IDAHO July 2013 – November 2013				
EVENT	LOCATION	Institution Sponsor	Outside Sponsor	DATE (S)
Office of Admissions-Recruitment Retreat	Twin Larch	X		07/31/13
CBE Faculty-Retreat Reception	Albertson's Building Gallery	X		08/21/13
Faculty Gathering/ Interdisciplinary Research Reception	Commons/Summit Center	X		09/06/13
Soil Steward-Harvest Dinner	Plan Science Farm	X		09/06/13
Environmental Science-20 th Anniversary	Shattuck Arboretum	X		09/07/13
Golden I Reunion-Celebration Dinner	SUB – Ballroom	X		09/26/13
Homecoming-Reception	President's Residence	X		09/27/13
Chamber Music Series-Reception	Albertson's Building Gallery	X		10/01/13
Annual Forestry Football/Tailgate	Kibbie Dome-North Lawn	X		10/05/13
Faculty Club-Reception	Commons Clearwater/Whitewater	X		10/11/13
Alpha Phi-85 th Anniversary Celebration	Student Union Building (SUB) - Ballroom	X		10/19/13
UI Foundation Dinner	President's Residence	X		11/07/13
VIEW Elevator Pitch Competition	Albertson's Building Gallery	X		11/07/13
University Gala	SUB	X		11/08/13
Faculty Gathering/ Interdisciplinary Research Reception	Clearwater/Whitewater Rooms	X		11/15/13
Awards for Excellence	SUB – Ballroom	X		12/13/13
Delta Delta Delta-85 th Anniversary Celebration	SUB – Ballroom	X		04/26/14
IVSP Corporate Tent Village	Kibbie Sprint-Turf		X	09/14/13 09/28/13 10/05/13 11/02/13
Sandpoint Crosstoberfest Cyclocross Race-2 nd Annual	U of I – Sandpoint, 1904 N. Boyer		X	10/05/13

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
OCTOBER 17, 2013**

APPROVED ALCOHOL SERVICE AT Lewis-Clark State College October 2013				
EVENT	LOCATION	Institution Sponsor	Outside Sponsor	DATE (S)
LCSC Center for Arts & History – SBOE Dinner	LCSC – Ground & Second Levels	X		10/16/13