

**STATE DEPARTMENT OF EDUCATION  
NOVEMBER 24, 2014**

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<b>TAB</b>	<b>DESCRIPTION</b>	<b>ACTION</b>
<b>1</b>	<b>PENDING RULE – DOCKET NO. 08-0111-1401- POSTSECONDARY INSTITUTION REGISTRATION</b>	Motion to Approve
<b>2</b>	<b>PENDING RULE - DOCKET NO. 08-0201-1401- STRATEGIC PLANNING</b>	Motion to Approve
<b>3</b>	<b>PENDING RULE - DOCKET NO. 08-0501-1401- SEED CERTIFICATION</b>	Motion to Approve
<b>4</b>	<b>PENDING RULE - DOCKET NO. 55-0104-1401- AGRICULTUR EDUCATION QUALITY PROGRAM STANDARDS</b>	Motion to Approve

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**SUBJECT**

Pending Rule Docket 08-0111-1401 – Registration of Post-Secondary Education Institutions and Proprietary Schools

**REFERENCE**

August 2014

Board approved the proposed amendments to IDAPA 08.01.11.

**APPLICABLE STATUTE, RULE, OR POLICY**

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

**BACKGROUND/DISCUSSION**

The proposed changes to IDAPA 08.01.11 will amend the definition of what constitutes having an “Idaho presence.” Institutions, unless otherwise exempted, who have a physical presence within the state of Idaho are required to register with the State Board of Education. Idaho’s definition of physical presence includes all students participating in a clinical experience within the state even if the institution itself does not meet the other requirements for a physical presence. The State Authorization Reciprocity Agreement has a slightly broader definition in regards to a clinical experience and allows that if there are fewer than ten (10) students simultaneously present at the site and the institution does not have a multi-year agreement with the site then that institution still does not have a physical presence within the state.

An additional change is also being proposed to subsection 200.09 that would allow for the office to use financial instruments other than an institution’s audited financial statements as part of the registration process. Due to timing and varying differences in an institution’s operations, the audited financial statements may not be the best instrument for staff to use to calculate the registration fee of a specific institution.

**IMPACT**

If the language within the Administrative Rule were not amended the Board would have to waive that section of the rule for institutions that were participating in the State Authorization Reciprocity Agreement or choose not to participate.

**ATTACHMENTS**

Attachment 1 – Proposed Docket 08-0111-1401

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**STAFF COMMENTS AND RECOMMENDATIONS**

No comments were received during the public comment period. No changes are being made between the proposed and pending stages of the rule.

All Pending rules will be brought back to the Board for approval prior to submittal to the Department of Administration for publication in the Idaho Administrative

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Rules Bulletin as a Pending Rule. Pending rules are forwarded to the legislature and become effective at the end of the legislative session in which they are submitted unless rejected by the legislature.

Staff recommends approval.

**BOARD ACTION**

I move to approve the Pending Rule Docket 08.-0111-1401 as submitted.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_

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**IDAPA 08**  
**TITLE 01**  
**CHAPTER 11**

**08.01.11 - REGISTRATION OF POST-SECONDARY EDUCATIONAL INSTITUTIONS  
AND PROPRIETARY SCHOOLS**

**200. REGISTRATION OF POST-SECONDARY EDUCATIONAL INSTITUTIONS.**

**01. Delegation.** Section 33-2403, Idaho Code, provides that a post-secondary educational institution must hold a valid certificate of registration issued by the Board. The Board delegates authority to its Executive Director and the Office of the State Board of Education to administer the registration of post-secondary educational institution, in accordance with Title 33, Chapter 24, Idaho Code, and this rule. (3-29-12)

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

**a.** Unless exempted by statute or this rule, as provided herein, a post-secondary educational institution which maintains a presence within the state of Idaho, or that operates or purports to operate from a location within the state of Idaho, shall register and hold a valid certificate of registration issued by the Board. An institution shall not conduct, provide, offer, or sell a course or courses of study, or degree unless registered. (3-29-12)

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

**c.** Renewal of registration shall be for the period beginning on July 1 of any year, and continue through June 30 of the next succeeding year. (4-9-09)

**d.** A new or start-up entity that desires to operate as a postsecondary educational institution in Idaho but which is not yet accredited by an accreditation organization recognized by the Board must register and operate as a proprietary school until accreditation is obtained. A new or start-up entity that is accredited and authorized to operate in another state, and which desires to operate as a postsecondary educational institution in Idaho offering degrees for which specialized program accreditation is required, may be granted approval to operate subject to the successful attainment of such program accreditation within the regular program accreditation cycle required by the accreditor. (3-29-12)

**e.** There is no inherent or private right to grant degrees in Idaho. That authority belongs only to institutions properly authorized to operate in Idaho under these rules. (3-29-12)

**03. Idaho Presence.** (3-29-12)

**a.** An institution shall be deemed to have a presence in Idaho, or to be operating or purporting to be operating from a location within the state of Idaho, if it owns, rents, leases, or uses any office or other type of physical location in Idaho, including a mailing or shipping center, or if it represents in any way, such as on an electronic or Internet website, to have an Idaho street or mailing address, including a post office box in Idaho, for purposes of conducting, providing, offering or selling a course or courses of study or degrees. (3-29-12)

**b.** Idaho presence shall include medical/osteopathic education clinical instruction occurring in the state of Idaho as part of a course of study leading to a degree pursuant to a formal multiyear arrangement or agreement between such clinic and an institution providing medical/osteopathic education instruction where 11 or more students of the institution are physically present simultaneously at a single field site. (3-29-12)( )

**c.** Idaho presence shall not include: (3-29-12)

**i.** Distance or online education delivered by an institution located outside of the state of Idaho to

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students in this state when the institution does not otherwise have physical presence in Idaho, as provided in Subsection 200.03.a. of this rule; (3-29-12)

ii. Medical education instruction occurring in the state of Idaho by an institution pursuant to a medical education program funded by the state of Idaho; (3-29-12)

iii. Internship or cooperative training programs occurring in the state of Idaho where students are employed by or provide services to a business or company in this state and receive course credit from an institution related to such activities; or (3-29-12)

iv. Activities limited to the recruiting or interviewing of applicants or potential students in the state of Idaho, whether conducted by a compensated employee, agent, or representative of an institution, or by volunteer alumnus of an institution, even if such individual is physically located in this state. (3-29-12)

**04. Institutions Exempt from Registration.** (4-9-09)

a. Idaho public post-secondary educational institutions. Section 33-2402(1), Idaho Code, provides that a public institution supported primarily by taxation from either the state of Idaho or a local source in Idaho shall not be required to register. (4-9-09)

b. Certain Idaho private, nonprofit, post-secondary educational institutions. A private, nonprofit, post-secondary educational institution that is already established and operational as of the date when this rule first went into effect (Brigham Young University - Idaho, College of Idaho, Northwest Nazarene University, New Saint Andrews College, Boise Bible College), and located within the state of Idaho, and that is accredited by an accreditation organization recognized by the Board, as set forth in Section 100 of this rule, shall not be required to register. A private, nonprofit, institution is located within the state of Idaho only if it has been lawfully organized in the state of Idaho and its principal place of business is located within the state of Idaho. An institution exempt under this subsection may voluntarily register by following the procedure for registration provided herein. (3-29-12)

c. Idaho religious institutions. A religious institution located within the state of Idaho that is owned, controlled, operated, and maintained by a religious organization lawfully operating as a nonprofit religious corporation and that grants only religious degrees shall not be required to register. (3-29-12)

**05. Institutions That Must Register.** Unless exempt under Subsection 200.04 of this rule, any entity that desires to operate as a postsecondary educational institution in Idaho must register as provided herein. (3-29-12)

**06. Application.** A post-secondary educational institution that is required to register under this rule must submit to the Board office an application for registration (either an application for initial registration or renewal of registration, as applicable), on the form provided by the Board office. The application must include a list of each course, course of study, and degree the applicant institution intends to conduct, provide, offer, or sell in Idaho during the registration year. (3-29-10)

**07. Registration Fees.** The Board shall assess an annual registration fee for initial registration or renewal of registration of a post-secondary educational institution. The registration fee must accompany the application for registration, and shall be in the amount of one-half of one percent (.5%) of the gross Idaho tuition revenue of the institution during the previous tax reporting year (Jan 1 - Dec 31), but not less than one hundred dollars (\$100) and not to exceed five thousand dollars (\$5,000). The institution must provide financial documentation to substantiate the amount of revenue reported. Registration fees are nonrefundable. (4-4-13)

**08. Deadline for Registration.** An initial application for registration may be submitted to the Board at any time. An institution should expect the Board's review process for an initial registration to take approximately three (3) to five (5) months. An application for renewal of registration must be submitted to the Board on or before the first business day of May that precedes the registration year. The renewal will be processed within thirty (30) days. Institutions that do not adhere to this schedule and whose renewals are not processed by July 1st must cease all active operations until approval of registration is received. (3-29-12)

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- 09. Information Required.** (3-29-12)
- a.** An application must include all the information requested on the application form, as well as the following information: (3-29-12)
- i. Copy of most recent accreditation letter showing the period of approval; (4-7-11)
  - ii. Current list of chief officers - e.g. president, board chair, chief academic officer, chief fiscal officer; (4-9-09)
  - iii. Enrollment data for current and past two (2) years; (4-9-09)
  - iv. Copy of annual audited financial statement, or other financial instrument as established by the executive director; (4-9-09)( )
  - v. Any additional information that the Board may request. (4-9-09)
  - vi. All advertising, pamphlets, and other literature used to solicit students and all contract forms must accurately represent the purpose of the school, its courses or courses of study, and other relevant information to assist students in making an informed decision to enroll. Institutions offering courses or courses of study which require clinical, practicum or internship components must provide students in writing information regarding the number of clinical, practicum or internship positions available and the location of said positions. Institutions with courses or courses of study that have not been fully accredited must disclose to prospective students in these courses or courses of study the accreditation status of the program and anticipated date for full accreditation. (4-4-13)
- b.** The Board may, in connection with a renewal of registration, request that an institution only submit information that documents changes from the previous year, provided that the institution certifies that all information and/or documentation submitted in a previous registration year remains current. The annual registration fee, described in Subsection 200.07 of this rule, shall remain applicable. (3-29-12)

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**SUBJECT**

Pending Rule Docket 08-0201-1401, Rules Governing Administration – Strategic Planning

**REFERENCE**

June 2014

Board approved Temporary and Proposed Rule Docket 08-0201-1401.

**APPLICABLE STATUTE, RULE, OR POLICY**

Sections 33-5201 to 5216, Idaho Code

**BACKGROUND/DISCUSSION**

During the June 2014 Board meeting the Board approved a Temporary and Proposed Rule establishing the qualification requirements for trainers and the procedures for school districts and charter schools to request reimbursement for qualified training in compliance with Section 33-320, Idaho code.

**IMPACT**

Approval of the Temporary and Proposed Rule will provide school districts and charter schools with the information they need to hire eligible trainers to conduct their professional development and develop their strategic plans in an attempt to meet the September deadline.

**ATTACHMENTS**

Attachment 1 – Pending Rule Docket 08-0201-1401

Page 3

**STAFF COMMENTS AND RECOMMENDATIONS**

No comments were received during the public comment period. No changes have been made between the proposed and pending rule stages.

Pending rules become effective at the end of the legislative session in which they are submitted.

Staff recommends approval.

**BOARD ACTION**

I move to approve Pending Rule Docket 08-0201-1401 as submitted.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_

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**IDAPA 08**  
**TITLE 01**  
**CHAPTER 09**

**08.02.01 - RULES GOVERNING ADMINISTRATION**

**801. STRATEGIC PLANNING AND TRAINING.** In accordance with Section 33-320, Idaho Code, every local education agency (LEA) shall develop and maintain a strategic plan that focusses on improving the student performance of the LEA. ( )

**01 DEFINITIONS** ( )

**a. Administrator.** As used in this section administrator mean the superintendent of the school district or administrator of a charter school. ( )

**b. Board.** Board shall mean the Idaho State Board of Education. ( )

**c. Executive Director.** Executive Director shall mean the Executive Director of the Idaho State Board of Education. ( )

**d. Local Education Agency Board.** As used in this section local education agency or LEA Board means the board of trustees of a school district or board of directors of a charter school. ( )

**e. Local Education Agency.** As used in this section local education agency (LEA) means public school district or charter school. ( )

**f. Strategic Plan.** As used in this section, a strategic plan is one that focuses on continuous process improvement and the analysis of data to assess and prioritize needs and measure outcomes. ( )

**02. REIMBURSEMENT ELIGIBILITY.** LEA's may request reimbursement for training conducted pursuant to section 33-320, Idaho code. To be eligible for reimbursement the training and trainer must meet the following criteria: ( )

**a. Training.** The training must cover one or more the follow subjects: ( )

**i.** Strategic planning, strategic planning training shall include, but is not limited to, training on continuous process improvement, use and analysis of data, and methods for setting measurable targets based on student outcomes. ( )

**ii.** School finance ( )

**iii.** Administrator evaluations, including but not limited to specifics on the Idaho state evaluation requirements and framework. ( )

**iv.** Ethics ( )

**v.** Governance ( )

**b. Documentation of Training.** Training records shall be kept by the LEA showing: ( )

**i.** the length of the training in hours, ( )

**ii.** the subject(s) covered by the training, ( )

**iii.** the participants included in the training or validation of attendance of specific participants as applicable, ( )

**iv.** the curriculum, agenda, or other documentation detailing the content of the training( )

**c. Format.** Strategic planning training sessions must include a majority of the LEA board and the administrator. All training shall include students, parents, educators and the community as applicable to the training subject and format. The training facilitator must be physically present or have the ability to interact directly with all training participants. Time must be included that gives the participants the opportunity to discuss issues specific to the LEA. ( )

**d. Trainer Qualifications.** ( )

**i.** May not be a current employee of the LEA ( )

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**ii.** Shall have two (2) years of documented experience providing training in the area of training they are conducting for the LEA ( )

**iii.** Provide at least three (3) recommendations from participants of past training conducted. Recommendations must be included with the application for determining qualifications. ( )

**e. Qualified Trainers.** Qualifications of all trainers must be determined prior to the submittal by the LEA for the reimbursement of costs. Qualifications will be determined by the Office of the State Board of Education. The State Board of Education will maintain a list of qualified trainers and the subject areas in which they are qualified. Individuals or companies may submit an application for consideration to be placed on the list of qualified trainers or LEA's may submit the application on behalf of the individual or company. Applications must be submitted to and in a format established by the Executive Director. ( )

**03. REIMBURSEMENT.** Reimbursement to the LEA shall be based on actual expenditures related to the training delivered up to \$2,000 per state fiscal year. ( )

**04. AUDIT.** If requested LEA's shall provide training documentation or other information to verify eligibility prior to reimbursement. ( )

**8012. -- 999. (Reserved)** ( )

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**UNIVERSITY OF IDAHO**

**SUBJECT**

Amendment to Temporary and Pending Rule Docket 08-0501-1401 – Rules Governing Seed and Plant Certification.

**REFERENCE**

May 14, 2014	Board approval of Temporary and Proposed Rule, IDAPA 08.05301, Rules Governing Seed and Plan Certification - as presented.
August 14, 2014	Board approval of Pending Rule, IDAPA 08.05301, Rules Governing Seed and Plan Certification with no changes.

**APPLICABLE STATUTE, RULE, OR POLICY**

Title 22 Chapter 15, specifically Sections 22-1504 & 22-1505, Idaho Code

**BACKGROUND/DISCUSSION**

At the May, 2014 meeting, the Board approved a temporary and proposed rule incorporating by reference the Seed Certification Standards of the Idaho Crop Improvement Association, Inc. as the first step in a process to come into compliance with Idaho Code Sections 22-1504 and 22-1505 and the Idaho Administrative Procedures Act (IDAPA).

Notice of the temporary and proposed rule was published and the comment period passed without comment or request for a public hearing. The Board approved the pending rule at the August meeting with no changes from the proposed rule.

The Idaho Crop Improvement Association, Inc. (ICIA) has since requested an amendment to the temporary and pending rule to incorporate updated certification fees for the 2015 calendar year. The 2015 certification fees were approved through the ICIA approval process July 11, 2014. In future years, this approval process will be dovetailed with the IDAPA rule-making process. The 2015 fees are as set out in Attachment 2.

**IMPACT**

The approval of the amendment would update the fee schedule that is incorporated by reference into the rule with ICIA's newly adopted fee schedule.

**ATTACHMENTS**

Attachment 1 – Amended Temporary and Pending Rule – Docket 08-0501-1401	Page 3
Attachment 2 – Certification Fees (2015)	Page 8

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**STAFF COMMENTS AND RECOMMENDATIONS**

No comments were received during the open comment period. Following Board approval of the Pending Rule, the Idaho Crop Improvement Association requested the Board reconsider the rule. The ICIA had concerns regarding the fee schedule that was incorporated in the rules, as well as, some potential changes to their standards. The ICIA has worked with the University of Idaho staff to better define their concerns. As a result the University of Idaho is requesting the Board re-approve the pending rule with an updated fee schedule. The University of the ICIA will come back to the Board next year for adoption and incorporation of updated standards.

Staff recommends approval.

**BOARD ACTION**

I move to approve the Temporary and Pending Rule Docket 08-0501-1401 as presented in Attachment 1.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_

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**08.05.01 - RULES GOVERNING SEED AND PLANT CERTIFICATION**

**000. LEGAL AUTHORITY.**

This chapter is adopted under the authority of Title 22, Chapter 15, Idaho Code. (11-24-14)T

**001. TITLE AND SCOPE.**

**01. Title.** The title of this chapter is IDAPA 08.05.01, "Rules Governing Seed and Plant Certification," by Idaho Crop Improvement Association, Inc. (11-24-14)T

**02. Scope.** These rules shall govern the standards and procedures for the certification of seeds, tubers, plants, or plant parts in the state of Idaho by the Regents of the University of Idaho through the Idaho Agricultural Experiment Station in the College of Agricultural and Life Sciences and its duly authorized agent, Idaho Crop Improvement Association, Inc., as an agent and instrumentality and servant of the State. (11-24-14)T

**002. WRITTEN INTERPRETATIONS.**

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, any written interpretations of the rule of this chapter will be made available at the Idaho State Board of Education office. (11-24-14)T

**003. ADMINISTRATIVE APPEAL.**

There is no provision for administrative appeals before the Board under this chapter. Hearing and appeal rights are set forth in Title 67, Chapter 52, Idaho Code. (11-24-14)T

**004. INCORPORATION BY REFERENCE.**

The following documents are incorporated by reference into this rule. The Idaho Seed and Plant Certification Standards are adopted by the Idaho Crop Improvement Association. Copies of the following documents may be obtained from the Idaho Crop Improvement Association, Inc. website at <http://www.idahocrop.com/index.aspx>, or from the Idaho Crop Improvement Association, Inc. office. (11-24-14)T

**01. General Seed Certification Standards.** The General Seed Certification Standards of the Idaho Crop Improvement Association, Inc., as last modified and approved on February 25, 2014. (11-24-14)T

**02. Seed Certification Fee & Application Schedule.** The Seed Certification Fee and Application Schedule of the Idaho Crop Improvement Association, Inc., as last modified and approved on ~~August 8, 2013~~ July 11, 2014. (11-24-14)T

**03. Interagency Certification Regulations and Procedures.** The Interagency Certification Regulations and Procedures of the Idaho Crop Improvement Association, Inc., as last modified and approved on April 6, 2006. (11-24-14)T

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**04. Alfalfa Certification Regulations in Idaho.** The Alfalfa Certification Regulations adopted by the Idaho Crop Improvement Association, Inc., as last modified and approved on April 6, 2006. (11-24-14)T

**05. Beans Certification Regulations in Idaho.** The Beans Certification Regulations adopted by the Idaho Crop Improvement Association, Inc., as last modified and approved on December 12, 2009. (11-24-14)T

**06. Red Clover Certification Regulations in Idaho.** The Red Clover Certification Regulations adopted by the Idaho Crop Improvement Association, Inc., as amended and approved on April 6, 2006. (11-24-14)T

**07. Chickpea (Garbanzo Beans) Certification Regulations in Idaho.** The Chickpea (Garbanzo Beans) Certification Regulations adopted by the Idaho Crop Improvement Association, Inc., as amended and approved on April 6, 2006. (11-24-14)T

**08. Grain Certification Regulations in Idaho.** The Grain Certification Regulations adopted by the Idaho Crop Improvement Association, Inc., as amended and approved on March 10, 2014. (11-24-14)T

**09. Grass Seed Certification Regulations in Idaho.** The Grass Seed Certification Regulations adopted by the Idaho Crop Improvement Association, Inc., as amended and approved on March 10, 2014. (11-24-14)T

**10. Canola, Mustard and Rapeseed Certification Regulations in Idaho.** The Canola, Mustard and Rapeseed Certification Regulations adopted by the Idaho Crop Improvement Association, Inc., as amended and approved on January 29, 2014. (11-24-14)T

**11. Rules of Certification for Seed Potatoes in Idaho.** The Rules of Certification for Seed Potatoes adopted by the Idaho Crop Improvement Association, Inc., as amended and approved on April 21, 2014. (11-24-14)T

**12. Pre-Variety Germplasm Certification Regulations in Idaho.** The Pre-variety Germplasm Certification Regulations adopted by the Idaho Crop Improvement Association, Inc., as amended and approved April 11, 2014. (11-24-14)T

**13. Miscellaneous Crop Certification Regulations in Idaho.** The Miscellaneous Crop Certification Regulations adopted by the Idaho Crop Improvement Association, Inc., as amended and approved April 6, 2006. (11-24-14)T

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

**01. Physical Addresses.** The main office of the Idaho Crop Improvement Association, Inc. is located at 429 SW 5th Avenue, Suite 105, Meridian, ID 83642. The



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branch offices are located at: 1680 Foote Drive, Idaho Falls, ID 83402; 5920 N Government Way, Suite 10, Dalton Gardens, ID 83815; 2283 Wright Avenue, Suite C, Twin Falls, ID 83303 (11-24-14)T

**02. Office Hours.** Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays. These office hours apply to each branch. (11-24-14)T

**03. Mailing Addresses.** The mailing address for the Idaho Crop Improvement Association, Inc. main office is 429 SW 5th Avenue, Suite 105, Meridian, ID 83642. The branch offices mailing addresses are: 1680 Foote Drive, Idaho Falls, ID 83402; 5920 N Government Way, Suite 10, Dalton Gardens, ID 83815; 2283 Wright Avenue, Suite C, Twin Falls, ID 83303. (11-24-14)T

**04. Telephone Numbers.** The telephone number for the Idaho Crop Improvement Association, Inc. main office is (208) 884-8225. The telephone numbers for the branches are: Idaho Falls (208) 522-9198; Dalton Gardens (208) 762-5300; Twin Falls (208) 733-2468. (11-24-14)T

**05. Fax Numbers.** The fax number for the Idaho Crop Improvement Association Inc. main office is (208) 884-4201. The fax numbers for the branches are: Idaho Falls (208) 529-4358; Dalton Gardens (208) 762-5335; Twin Falls (208) 733-4803. (11-24-14)T

**006. PUBLIC RECORDS ACT COMPLIANCE.**

These rules are public records available for inspection and copying at the Idaho Crop Improvement Association Inc., and the State Law Library. (11-24-14)T

**007. -- 009. (RESERVED)**

**010. DEFINITIONS.**

In addition to the definitions set forth in Title 22, Chapter 15, Idaho Code, the definitions found in the standards of the Idaho Crop Improvement Association, Inc., incorporated by reference in Section 004 of these rules, shall apply to these rules. (11-24-14)T

**011. (RESERVED)**

**012. APPLICABILITY.**

These rules shall apply to all seeds, tubers, plants, or plant parts located in, imported into, or exported from the state of Idaho that have an application for certification properly filed with a seed certification agency. (11-24-14)T

**013. OFFICIAL IN CHARGE OF CERTIFIED SEED.**

The Idaho Legislature, at its 35th Session, enacted Senate Bill No. 107, the "Seed and Plant Certification Act of 1959". This Act designated the Regents of the University of Idaho, through the Agricultural Experiment Station of the College of Agriculture, as the seed certifying agency for the State. This Act further gives the Regents of the University

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of Idaho the authority to designate an agent to administer and conduct the certification program. The Regents of the University of Idaho on April 27, 1959, appointed the Idaho Crop Improvement Association, Inc., as its duly authorized agent to administer and conduct seed certification in Idaho as provided by the Seed and Plant Certification Act of 1959. (11-24-14)T

**014. SEED CERTIFICATION FEE AND APPLICATION SCHEDULE.**

The Idaho Crop Improvement Association may assess a fee to defray the costs of seed testing and administration of the seed certification program. Fees are established through the Idaho Crop Improvement Association, Inc. (11-24-14)T

**015. -- 999. (RESERVED)**

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IDAHO CROP IMPROVEMENT ASSOCIATION, INC.				SEED CERTIFICATION FEE & APPLICATION SCHEDULE								
ALL FEES DUE WITH APPLICATIONS & RENEWALS												
2015										Application due dates		
CROP	Acreage Fee	Minimum Acreage Fee	Membership Fee	Cancel Fee	Reinslate. Fee	Reinspection Fee	Production Fee (\$/cwt)	Interagency Production Fee	OECD Fee (\$/cwt)	New Seedings		Renewals
ALFALFA	\$7.80	\$51.00	included	\$15.00	\$45.00	\$82.00	\$0.00	\$0.56	\$0.32	Fall 3/1	Spring 4/20	April 1st
BEANS	\$5.00	\$51.00	included	\$15.00	n/a	\$82.00	\$0.22	\$0.22	\$0.32	S.West June 15 - S.Central July 1		
BEANS - PHYTOSANITARY	\$8.90	\$51.00		\$15.00	n/a	\$82.00	\$0.11	n/a	n/a	S.West June 15 - S.Central July 1		
CLOVER	\$7.80	\$51.00	included	\$15.00	\$45.00	\$82.00	\$0.00	\$0.56	\$0.32	Fall 3/1	Spring 4/20	April 1st
CORN & SORGHUM	\$31.00	\$153.00	included	\$15.00	n/a	\$82.00	\$0.00	\$0.15	\$0.32	July 1st		
GRAIN	\$10.55	\$51.00	included	\$15.00	n/a	\$82.00	\$0.00	\$0.14	\$0.32	June 1st		n/a
GRASS - stock fields & new seed	\$2.05	\$102.00	included	\$15.00	n/a	\$82.00				60 days post plant		n/a
GRASS - renewals	\$6.90	\$51.00	included	\$15.00	\$45.00	\$82.00	\$0.00	\$0.76	\$0.32	n/a	n/a	May 1st
MISC. CROPS - ANNUAL	\$5.55	\$51.00	included	\$15.00	n/a	\$82.00	\$0.22	\$0.22	\$0.40	May 1st		n/a
MISC. CROPS - PERENNIAL	\$7.80	\$51.00	included	\$15.00	\$45.00	\$82.00	\$0.00	\$0.56	\$0.40	May 1st		April 1st
POTATOES	\$29.25	\$51.00	included	\$15.00	n/a	\$82.00	\$0.00	\$0.00		June 10th		n/a
PRE-VARIETY GERMLASM SEED				\$/Species								
COLLECTED : SOURCE IDENTIFIED SEED	\$61.00	n/a	included	n/a			\$10.00 (\$25 min)	\$10.00 (\$25 min)	n/a	10 days prior to collection		
FIELD INCREASE OF SOURCE IDENTIFIED; SELECTED; & TESTED CLASS SEED	\$6.90	\$51.00	included	\$15.00	\$45.00	\$82.00	\$0.00	\$0.76	n/a	60 days	post plant	April 1st
Grain: Seedling inspections \$5.10 / acre. Applications due within 15 days of planting.									Official Sampling		\$25.00	
Grain: Late fee = \$ 100.00 per field prior to July 1st. After July 1st the fee = \$100.00 plus 100% of the acreage fees									Purity Testing			
All other crops: Late fees = 10% of the acreage fee with a minimum late fee of \$31.00									Grain Purity		\$25.00	
Grass: Applications not accepted more than 120 days after planting				Grass: second reinspection fee = \$82.00 plus \$1.00 per acre					Bean Purity		\$18.00	
No seed potato applications postmarked after June 25 will be accepted									Mill Check			
Reinstatement fees are to be charged for each delinquent year.									Grain Check		\$15.00	
It is the growers responsibility that all fees are paid.									Bean Check		\$15.00	

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**DIVISION OF PROFESSIONAL-TECHNICAL EDUCATION**

**SUBJECT**

Pending Rule – Docket 55-0104-1401 - Rules Governing the Idaho Quality Program Standards Incentive Grants and Agricultural Education Program Start-Up Grants

**REFERENCE**

August 2014

Board approved the proposed amendments to IDAPA 55.01.14., the program quality standards, and the first reading of amendments to Board Policy IV.E. incorporating the standards into Board Policy.

October 2014

Board approved second reading of amendments to Board Policy IV.E. incorporating the Agriculture Education Program standards.

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho State Board of Education Governing Policies & Procedures, Section IV.E.2. Section 33-1629, Idaho Code

**BACKGROUND/DISCUSSION**

The Idaho Legislature enacted Section 33-1629, Idaho code, Agricultural and Natural Resource Education Programs during the 2014 session. The purpose of this section is to establish (1) Idaho Quality Program Standards Incentive Grants, and (2) Agricultural Education Program Start-Up Grants.

Section 33-1629, Idaho Code requires the State Board for Professional-Technical Education to adopt rules to implement the Idaho Quality Program Standards Incentive Grants and Agricultural Education Program Start-Up Grants.

The Division of Professional-Technical Education entered into negotiated rulemaking that included formal and informal meetings with agricultural and natural resources stakeholders from education, industry, and agricultural-related agencies. Consensus was built on key elements of the attached rules, including award amounts, eligibility, and use of funds.

**IMPACT**

Implementation of the Idaho Quality Programs Standards Incentive Grants and Agricultural Education Program Start-Up Grants

**ATTACHMENTS**

Attachment 1 – Pending Rule Docket 55-0104-1401

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**STAFF COMMENTS AND RECOMMENDATIONS**

No comments were received during the public comment period for the Proposed Rule. No changes have been made to the rule between the proposed and pending rule stages.

Pending rules will be brought back to the board for approval prior to submittal to the Department of Administration for publication in the Idaho Administrative Rules Bulletin as a Pending Rule. Pending rules become effective at the end of the legislative session in which they are submitted if they are not rejected by the Legislature.

Staff recommends approval.

**BOARD ACTION**

I move to approve the Pending Rule Docket 55-0104-1401, Rules Governing Idaho Quality Program Standards Incentive Grants and Agricultural Education Program Start-up Grants as submitted in Attachment 1.

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_ Carried Yes \_\_\_\_\_ No \_\_\_\_\_

**55.01.04 - Rules Governing the Idaho Quality Program Standards Incentive Grants  
and Agricultural Education Program Start-Up Grants**

**000. LEGAL AUTHORITY**

This chapter is adopted under authority of Section 33-1629, Idaho Code.

**001. TITLE AND SCOPE**

**01. Title.** The title of this chapter is IDAPA 55.01.04, "Rules Governing Idaho Quality Program Standards Incentive Grants and the Rules Agricultural Education Program Start-Up Grants."

**02. Scope.** These rules shall govern the standards and procedures for application to the Idaho Quality Program Standards Incentive Grants and the Agricultural Education Program Start-up Grants as administered by the Idaho Division of Professional-Technical Education.

**002. WRITTEN INTERPRETATIONS**

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, any written interpretations of the rule of this chapter will be made available at the Idaho Division of Professional-Technical Education.

**003. ADMINISTRATIVE APPEALS**

All appeals under these rules shall be conducted pursuant to the procedures outlined herein.

**004. INCORPORATION BY REFERENCE.**

There are no documents that have been incorporated by reference into these rules.

**005. OFFICE INFORMATION**

**01. Office Hours.** The offices of the Division of Professional-Technical Education are open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays.

**02. Street Address.** The offices of the Division are located at 650 W. State Street, Boise, Idaho.

**03. Mailing Address.** The mailing address of the Division is P.O. Box 83720, Boise, ID 83720-0095

**04. Telephone Number.** The telephone number of the Division is (208) 334-3216

**05. Facsimile.** The facsimile number of the Division is (208) 334-2365

**06. Website.** The website of the Division is <http://pte.idaho.gov/>

**006. PUBLIC RECORDS ACT COMPLIANCE**

These rules are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code.

**007-009. RESERVED**

**010. DEFINITIONS**

**01. Administrator** means the administrator for the Division of Professional-Technical Education.

**02. Agricultural and Natural Resources Program** means a program approved by the Division of Professional-Technical Education that is a standards-based curriculum in agriculture, food and natural resources systems delivered through an integrated model that incorporates classroom and laboratory instruction, experiential learning and student leadership and personal development.

**02. Board** means the State Board for Professional-Technical Education.

**03. Division** means the Division of Professional-Technical Education.

**04. FTE** means a Full Time Equivalent employee.

**05. School District or District** means public school district or a charter school authorized by the Public Charter School Commission or school district.

**011. – 099. (RESERVED)**

**100. INCENTIVE GRANT**

**01. Eligibility Requirements.** Eligible applicants must meet quality program and instructor requirements as approved by the board. Applicants may re-apply each year regardless of whether they have received a previous grant award.

**a.** An agricultural and natural resources program in any grade 9 through 12 must first meet the minimum program-specific quality program standards as approved by the board.

**b.** Programs will be rated on a scale consisting of “non-existent,” “below basic,” “basic,” “qualified,” “distinguished,” and “exemplary.” Eligibility requires that the program must meet each of the program quality indicators at the level of “basic” or higher. Programs must also have an overall average rating of no less than “distinguished” for all program-specific quality standards. This average will be calculated using the quality indicators within each standard. Programs that do not meet the minimum quality standards requirements in one year may be found eligible in subsequent year. Programs will be assessed by the division.

**c.** Instructors must teach in an agricultural and natural resources program that meets the quality program standards and must also meet the instructor-specific quality program standard as approved by the board.

**d.** Instructors will be rated on a scale consisting of “non-existent,” “below basic,” “basic,” “qualified,” “distinguished,” and “exemplary.” Eligibility requires that the instructor must meet each of the program quality indicators at the level of “basic” or higher. Instructors must also have an average rating of no less than “distinguished” for all



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instructor-specific quality indicators. Instructors that do not meet the minimum quality standards requirements in one year may be found eligible in subsequent year. All instructors of agricultural and natural resources programs in grades 9 through 12 are eligible to apply for the grant.

e. Payments to districts will be adjusted according to the percent of time an instructor teaches within an approved agricultural and natural resources program.

f. Should the division request additional information from a school district regarding a grant application, districts must respond to the request within the time period indicated. Failure to respond will result in the cancellation of the application and/or the forfeiture of the grant.

**02. Application Process.** The application process consists of a formal application and assessment.

a. To be considered for the grant, a school district must first complete and submit a formal application and supporting documentation on behalf of an instructor for an approved program according to the timeline established by the administrator. Applications may be submitted electronically to the division. In the event of a mailed application, applications must be postmarked no later than the timeline specified by the division. Instructors may not apply on their own behalf.

b. Following the receipt of an application, the division will conduct an assessment of the program and instructor to ensure they both meet the minimum eligibility requirements, as outlined in the quality program standards. At the administrator's discretion, the division may partner with additional subject-matter experts to assist in the evaluation. Assessments will be conducted each school year the instructor and program participate in the grant program. Districts will only be eligible to apply for the grant during the academic year the program received an assessment. Prior assessments cannot be used for subsequent grant applications.

**03. Selection of Grant Recipients.** Grants will be awarded annually based on the availability of grant funds and the number of qualified applicants. Grants will be awarded to applicants based on ranking in accordance with the following criteria:

a. Applicants will be ranked according to their overall score. Scores will be calculated using the sum of:

- i. the average score of the program quality indicators, and;
- ii. the average score of the instructor-specific program quality indicators.

**04. Incentive Grant Award.**

a. Announcement of the grant award will be made following administrator approval through the distribution of a funding authorization letter. Prior to the distribution of the letter, the division will verify that the grant recipient continues to teach at the same school, in the same agricultural and natural resources program, and at the same FTE level as indicated on the formal application.

b. The total number of recipients will vary by year in accordance with the availability of funds and the qualifications of the applicant pool. Awards will be in the amount of \$10,000 until available funds are exhausted or all qualified recipients have been awarded the grant. Grants may be less than \$10,000 when certain conditions exist:

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- i. Tied ranking. In the event of a tie, and in those instances where the number of qualified applicants exceeds the available funds, grants will be awarded evenly among those recipients with a tied score.
  - ii. Less than full-time employment in an approved program. Grants will be awarded using FTE to calculate the percent of time an instructor spends teaching within an approved agricultural and natural resources program. In the event an instructor teaches in an approved program in less than a full-time capacity, grants will be pro-rated according to the percent of time the instructor spends teaching in the approved program.
- c.** Grants are awarded on an annual basis and are not renewable or transferrable.
- d.** The use of grant funds must be in accordance with division guidelines and must be clearly linked to the agricultural and natural resources program identified on the formal application.
- e.** Grant funds may be used to improve the agricultural and natural resources program, including but not limited to:
- i. offset travel and registration fees associated with educational workshops and/or professional training on behalf of the instructor;
  - ii. purchase or repair equipment; or
  - iii. purchase educational supplies/curricula
- f.** Grant funds may not be used to:
- i. cover the costs of salaries and/or benefits, including extended contracts;
  - ii. offset expenses associated with the FFA organization or other student organizations; or
  - iii. supplant other district funding sources, e.g. routine facility maintenance or improvements

**101—199. (RESERVED)**

**200. START-UP GRANT**

**01. Eligibility Requirements.** A school district may apply for a start-up grant for a newly-approved agricultural and natural resources program or to re-establish an agricultural and natural resources program in any grade 9 through 12 when specific eligibility requirements are met. Districts are only eligible to apply for the grant in the fiscal year their program is approved or re-established.

**a.** To start a new program, districts are required to first complete a request for new secondary program of study form for a new agricultural and natural resources program in one of the specified grades. The new agricultural and natural resources program must then be approved by the division prior to application for the grant. Expansions of existing programs, including the addition of new career pathways or additional staff, do not qualify as a new program.

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**b.** To re-start a program, districts are required to first complete a Request for New Secondary Program of Study form to re-establish an agricultural and natural resources program in any grade 9 through 12. The re-established agricultural and natural resources program must then be approved by the division prior to application for the grant. The re-established program must have been inactive for at least two academic years to qualify for the grant.

**02. Application Process.** A school district may submit an application for a new or re-established program. Completed applications, which must be authorized by the district superintendent, must be submitted to the division according to the timeline established by the administrator. In the event of a mailed application, the application must be postmarked no later than the timeline specified.

**a.** Applications must include all required information outlined in the grant application, including specific documents detailing the district's proposed budget and long-term strategy for sustaining the program.

**b.** Communication with state officials. Should the division request additional information from a district regarding a grant application, districts must respond to the request within the time period indicated. Failure to respond will result in the cancellation of the application and/or the forfeiture of the grant.

**03. Selection of Grant Recipients.** Grants will be awarded annually by the division based on the availability of grant funds and the number of qualified programs. Grants will be awarded to districts based on ranking and priority that considers factors including but not limited to: the strength of the budget proposal, sustainability potential of the proposed program, and the history of prior grant awards.

**04. Start-up Grant Award.** Announcement of the grant award will be made following administrator approval through the distribution of a funding authorization letter. The total number of recipients will not exceed four awards annually, and may vary by year in accordance with the availability of funds and the qualifications of the applicant pool. Awards will be in the amount of \$25,000 until available funds are exhausted or all qualified recipients have been awarded the grant.

**a.** Grants are awarded on a one-time basis and are not renewable or transferrable. If a district is awarded the grant for a new program, the program is ineligible for future awards should the program terminate and then be re-established.

**b.** Use of grant funds must be in accordance with division guidelines and must be clearly linked to the agricultural and natural resources program identified on the formal application. If a district fails to spend the entire award amount, those funds may not be carried forward to the next fiscal year.

**c.** Grant funds may be used to improve the agricultural and natural resources program, including but not limited to:

- i.** offset travel and registration fees associated with educational workshops and/or professional training on behalf of the instructor;
- ii.** purchase or repair equipment; or
- iii.** purchase educational supplies/curricula

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iv. start-up costs, up to \$1,000, associated with establishing a new chapter of FFA or other relevant student organization

d. Grant funds may not be used to:

- i. cover the costs of salaries and/or benefits, including extended contracts;
- ii. offset ongoing expenses associated with the FFA organization or other student organizations; or
- iii. supplant other district funding sources, e.g. routine facility maintenance or improvements

**201-299 (RESERVED)**

**300. Payments.** Payment of grant funds will be made to the district using a reimbursement process. For grants awarded under section 100, funds will be made to the district on behalf of the instructor. To receive reimbursement for eligible expenses, school districts must submit a reimbursement request no later than July 15 each year for the preceding school year, but may request reimbursement as costs are incurred.

**301. Appeals.** Any grant applicant or recipient adversely affected by a decision made under provisions of these rules may appeal such adverse decision as follows. The grant applicant or recipient must appeal in writing no later than thirty (30) days following the announcement of the award, and the written statement must include the basis for the appeal. The appeal must be submitted to the administrator. The division shall acknowledge receipt of the appeal within seven (7) days. The administrator 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) agricultural and natural resources professional.

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

**02.** Following the subcommittee's decision, the administrator will present the subcommittee's recommendation to the board at the next regularly scheduled meeting of the board. The grant applicant or recipient initiating the appeal may, at the discretion of the board, be permitted to make a presentation to the board.

**03.** 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 incentive grant applicant or recipient in writing of the decision of the board.