

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS**  
**AUGUST 23, 2023**

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**SUBJECT**

Proposed Rule – Docket No. 55-0104-2301 Rules Governing Idaho Quality Program Standards Incentive Grants and Agricultural Education Program Start-up Grants

**REFERENCE**

June 2021	Board approved omnibus temporary rule, Docket 55-0000-2100 reauthorizing all non-fee administrative rules in IDAPA 55.
October 2021	Board approved proposed Omnibus rule, Docket 55-0000-2100, incorporating proposed rules approved in August 2021.
November 2021	Board approved pending Omnibus rule, Docket 55-0000-2100.

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho Administrative Code, IDAPA 55.01.04, Rules Governing Idaho Quality Program Standards Incentive Grants and Agricultural Education Program Start-up Grants  
Idaho Code Title 67, Chapter 52, Idaho Administrative Procedures Act  
Section 33-1629, Idaho Code  
Sections 33-2202 through 33-2205, Idaho Code

**BACKGROUND/DISCUSSION**

Executive Order 2020-01, Zero Based Regulations, created an ongoing review process for all existing rules as of June 30, 2020. Each rule chapter is required to be reviewed by the agency that promulgated the rule according to a schedule established by the Division of Financial Management (DFM) no later than legislative adjournment *sine die* in 2026. The agency review schedule is required to be staggered across agencies and within agencies with five or more rule chapters. Administrative rules promulgated under the Board's authority include IDAPA 08, IDAPA 55, and IDAPA 47. The Board's administrative rules review schedule may be found at [www.dfm.idaho.gov](http://www.dfm.idaho.gov)

The Zero Based Regulations review process requires each agency and board to remove any unnecessary language that duplicates language or provisions in Idaho Code; remove any unnecessary language (e.g. orphaned definitions, redundant language, etc.); remove any agency procedures or provisions that can be established through the agencies' policies and procedures; and to simplify and streamline where possible.

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Notice of Intent to Promulgate Rules was published in the June 7, 2023 (Vol 23-6) Idaho Administrative Rules Bulletin for the following Rule Docket Numbers:

- Docket No. 08-0102-2301 – IDAPA 08.01.02 Rules Governing the Postsecondary Credit Scholarship Program – Rule Repeal
- Docket No. 08-0201-2301 – IDAPA 08.02.01 Rules Governing Administration – Temporary Rule to expire 6/30/23
- Docket No. 08-0203-2301-IDAPA 08.02.03 Rules Governing Thoroughness – Negotiated Rulemaking
- Docket No. 08-0401.2301 – IDAPA 08.04.01 Rules of the Idaho Digital Learning Academy – Zero-Based Regulation Chapter Rewrite
- Docket No. 55-0103-2301 – IDAPA 55.01.03 – Rules of Career Technical Schools – Zero-Based Regulation Chapter Rewrite
- Docket No. 55-0104-2301 - IDAPA 55.01.04 – Rules Governing Idaho Quality Program Standards Incentive Grants and Agricultural Education Program Start-up Grants

Notice of Intent to Promulgate Rules was published in the July 7, 2023 (Vol 23-7) Idaho Administrative Rules Bulletin for the Following Rule Docket Numbers:

- Docket No. 08.0113.2301 – IDAPA 08.01.13 Rules Governing the Opportunity Scholarship – Temporary Rule effective 7/1/23
- Docket No. 08.0113.2302 – IDAPA 08.01.13 Rules Governing the Opportunity Scholarship – Negotiated Rulemaking

Two meetings for the purpose of gathering initial public feedback were held at the OSBE office on June 22, 2023 and June 23, 2023. The Division of Career Technical Education (DCTE) provided recommended revisions. No additional feedback or requests to participate in the negotiated rulemaking process was received by either the DCTE or OSBE staff.

Proposed revisions are submitted for Board approval as Attachment 2.

**IMPACT**

If the State Board of Education approves the proposed rule, it will be submitted to the Division of Financial Management Office of the Administrative Rules Coordinator and will be published as a proposed rule.

A 21-day public feedback period follows the publication of proposed rules. During this time stakeholders and members of the public may provide additional feedback on the drafted text. Based on comments received during the feedback window and Board direction, changes may be made to proposed rules prior to entering the pending stage. Pending rules are then brought back to the Board for consideration. Once approved, pending rules will be submitted for final publication and are then forwarded to the legislature for consideration. Pending rules become effective at

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the end of the legislative session in which they are submitted if they are not rejected by the Legislature.

If the State Board of Education does not approve the proposed rule, the existing rule will remain in effect.

**ATTACHMENTS**

Attachment 1 – Notice of Intent to Promulgate Rules

Attachment 2 – Proposed Rule Docket No. 55-0104-2301- Rules Governing Idaho Quality Program Standards Incentive Grants and Agricultural Education Program Start-up Grants

**BOARD STAFF COMMENTS AND RECOMMENDATIONS**

IDAPA 55-01. 04Rules Governing Idaho Quality Program Standards Incentive Grants and Agricultural Education Program Start-up Grants is due for review under the Zero-Based Regulation initiative. These rules have been thoroughly reviewed for simplification and streamlining.

The Board is required to maintain rules regarding the implementation of the program. However, the proposed revisions seek to remove specific procedural instructions from rule to allow the DCTE’s administrative team to manage these procedures at a more local level.

Staff recommends approval.

**BOARD ACTION**

I move to approve proposed rule – Docket Number 55-0104-2301, as submitted in Attachment 2.

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

**IDAPA 55 – STATE BOARD OF CAREER TECHNICAL EDUCATION**

**55.01.04 – RULES GOVERNING IDAHO QUALITY PROGRAM STANDARDS INCENTIVE GRANTS  
AND AGRICULTURAL EDUCATION PROGRAM START-UP GRANTS**

**DOCKET NO. 55-0104-2301**

**NOTICE OF INTENT TO PROMULGATE RULES –  
ZERO-BASED REGULATION (ZBR) NEGOTIATED RULEMAKING**

**AUTHORITY:** In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 33-1629, Idaho Code.

**MEETING SCHEDULE:** Public meetings on the negotiated rulemaking will be held no later than June 23, 2023.

Specific meeting dates, times, and locations of scheduled meetings, details are forthcoming and will be provided on the agency website and on [Townhall.Idaho.gov](http://Townhall.Idaho.gov).

The meeting site(s) will be accessible to persons with disabilities, if needed. Requests for accommodation must be made at least one (1) day prior to the meeting to the agency address below.

**METHOD OF PARTICIPATION:** Persons wishing to participate in the negotiated rulemaking must do the following:

Interested persons wishing to participate in the negotiated rulemaking may do so by contacting the undersigned either in writing, by email, or by calling the phone number listed below. Responses must be received by June 23, 2023.

Should a sufficient number of persons respond to this notice, negotiated meetings will be scheduled, All scheduled meetings shall be posted and made accessible on the agency website at the address listed below and via [Townhall.Idaho.gov](http://Townhall.Idaho.gov) at least 48 hours before the meeting.

Failure of interested persons to respond to this notice of intent or the lack of a sufficient number of responses to this notice of intent may result in the discontinuation of further informal proceedings. In either event, the agency shall have sole discretion in determining the feasibility of scheduling and conducting informal negotiated rulemaking and may proceed directly to formal rulemaking if proceeding with negotiated rulemaking is deemed infeasible.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion reached during the negotiated rulemaking will be addressed in a written summary. The summary will be made available to interested persons who contact the agency or, if the agency chooses, the summary may be posted on the agency website.

**DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE:** The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

In accordance with [Executive Order 2020-01](#), this rulemaking will be a review of the chapter for evaluation on how it can be improved, simplified, and streamlined.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES:** For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text contact Nicholas Wagner at [rules@osbe.idaho.gov](mailto:rules@osbe.idaho.gov) or (208)-488-7586. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Idaho State Board of Education website at the following web address: <https://boardofed.idaho.gov/board-policies-rules/board-rules/education-rules/>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before June 23, 2023.

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ATTACHMENT 1

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**STATE BOARD OF CAREER TECHNICAL EDUCATION**  
**Quality Program Standards / Agricultural Education Grants**

*Docket No. 55-0104-2301*  
*ZBR Negotiated Rulemaking*

DATED this 5th day of May 2023.

Nicholas Wagner  
Administrative Rules Coordinator  
Idaho State Board of Education  
650 W State St.  
PO Box 83720  
Boise, Idaho 83720-0037  
Phone: (208) 488-7586  
fax: (208) 334-2632

**55.01.04 – RULES GOVERNING 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. (3-31-22)

**001. SCOPE**

These rules 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 Career Technical Education. (3-31-22)

**002. -- 009. (RESERVED)**

**010. DEFINITIONS AND ABBREVIATIONS.**

**01. Administrator.** The administrator for the Division of Career Technical Education. (3-31-22)

**02. Agricultural and Natural Resources Program.** A program approved by the Division of Career Technical Education that is a standards-based ~~curriculum program~~ 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. (3-31-22)

**03. Board.** The State Board for Career Technical Education. (3-31-22)

**04. Division.** The Division of Career Technical Education. (3-31-22)

**05. FTE.** Full Time Equivalent employee. (3-31-22)

**06. School District or District.** A public school district or a charter school authorized by the Public Charter School Commission or school district. (3-31-22)

**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 annually.~~ (3-31-22)

~~a. An agricultural and natural resources program in any grade, nine (9) through twelve (12), must first meet the minimum program specific quality program standards as approved by the board. (3-31-22)~~

~~ba. 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 (1) year may be found eligible in subsequent year. Programs and instructors will be assessed by the division. (3-31-22)~~

~~ed. Instructors must teach in an approved agricultural and natural resources program in grades nine (9)~~

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~~through twelve (12) program that meets the quality program standards and must also meet the instructor specific quality program standard as approved by the board.~~

~~(3-31-22)~~

~~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 instructor specific quality indicators. Instructors that do not meet the minimum quality standards requirements in one (1) year may be found eligible in a subsequent year. All instructors of agricultural and natural resources programs in grades nine (9) through twelve (12) are eligible to apply for the grant. (3-31-22)~~

~~e. Payments to districts will be adjusted according to the percent of time an instructor teaches within an approved agricultural and natural resources program. (3-31-22)~~

~~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. (3-31-22)~~

**02. Application Process.** The application process consists of a formal application and assessment. (3-31-22)

~~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 must 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. (3-31-22)~~

~~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 and complete a full evaluation. 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. (3-31-22)~~

**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: (3-31-22)

**a.** Applicants will be ranked according to their overall score. Scores will be calculated using the sum of: (3-31-22)

**i.** The average score of the program quality indicators; and (3-31-22)

**ii.** The average score of the instructor-specific program quality indicators. (3-31-22)

**04. Incentive Grant Award.** (3-31-22)

~~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. (3-31-22)~~

~~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 ten thousand dollars (\$10,000) until available funds are exhausted or all qualified recipients have been awarded the grant. In the event that funds are~~

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~~exhausted and a qualified teacher does not receive the grant in the year he or she applies, that teacher will receive priority consideration for the grant the following year. If the teacher(s) reappplies and continues to meet the minimum qualifications the following year, he or she will be eligible to receive the grant regardless of where he or she ranks. Once the prioritized teacher(s) has been awarded funds, the remaining teachers will be ranked and funds will be awarded until the remaining funds have been exhausted. This cycle of prioritization may continue for multiple years; once a qualified teacher receives funds, he or she automatically moves back into the pool of teachers whose applications will be ranked in the following application cycle. Grants may be less than ten thousand dollars (\$10,000) when certain conditions exist: (3-31-22)~~

~~i. In the event of a tie, and in those instances where the number of qualified applicants exceeds the available funds, grants will be awarded equally among those recipients with a tied score. (3-31-22)~~

ii. Grants awarded will be awarded using based on 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. (3-31-22)

c. Grants are awarded on an annual basis and are not transferable. (3-31-22)

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. (3-31-22)

e. Grant funds may be used to improve the agricultural and natural resources program, including but not limited to: (3-31-22)

i. Offset travel and registration fees associated with educational workshops and/or professional training on behalf of the instructor and on behalf of the students participating in the eligible program for travel related to field trips and student organization activities; (3-31-22)

ii. Purchase or repair equipment; or (3-31-22)

iii. Purchase educational supplies/curricula. (3-31-22)

f. Grant funds may not be used to: (3-31-22)

i. Cover the costs of either salaries or benefits, including extended contracts; (3-31-22)

ii. Offset expenses associated with the FFA organization or other student organizations; or (3-31-22)

iii. Supplant other district funding sources, e.g. routine facility maintenance or improvements. (3-31-22)

**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, nine (9) through twelve (12), when specific eligibility requirements are met. Districts are eligible to apply for the grant within the first three (3) fiscal years their program is approved or re-established. If a district applies for the grant but does not receive it, the district may reapply the following year(s). However, the district may only receive the grant once and may not apply beyond the three-year window. (3-31-22)

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 (1) of the specified grades. The~~



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~~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.~~

(3-31-22)

~~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 nine (9) through twelve (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 (2) academic years to qualify for the grant.~~

(3-31-22)

**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 or district administrator, 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 in the request.~~

(3-31-22)

**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.

(3-31-22)

~~b. 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.~~

(3-31-22)

**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.

(3-31-22)

**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 twenty-five thousand dollars (\$25,000) until available funds are exhausted or all qualified recipients have been awarded the grant.

(3-31-22)

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

(3-31-22)

**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.

(3-31-22)

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

(3-31-22)

**i.** Offset travel and registration fees associated with educational workshops and/or professional training on behalf of the instructor;

(3-31-22)

**ii.** Purchase or repair equipment;

(3-31-22)

**iii.** Purchase educational supplies/curricula; or

(3-31-22)

**iv.** Start-up costs, up to one thousand dollars (\$1,000,) associated with establishing a new chapter of FFA ~~or other relevant student organization.~~

(3-31-22)

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- d. Grant funds may not be used to: (3-31-22)
- i. Cover the costs of salaries and/or benefits, including extended contracts; (3-31-22)
- ii. Offset ongoing expenses associated with the FFA organization or other student organizations; or (3-31-22)
- iii. Supplant other district funding sources, e.g. routine facility maintenance or improvements. (3-31-22)

**201. -- 299. (RESERVED)**

**300. PAYMENTS.**

Payment of grant funds will be made to the district once the final award determinations are made. For grants awarded under Section 100, funds will be made to the district on behalf of the instructor. No later than June 30 of the fiscal year the grant was received, the district must submit a detailed expenditure report to the Division. ~~Each report is subject to review and verification by the Division and must detail that all expenditures were allowable under the grant and that all funds were spent within the fiscal year. Any unspent grant funds must be returned to the Division.~~ (3-31-22)

~~**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. (3-31-22)~~

~~**01. Review.** 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. (3-31-22)~~

~~**02. Presentation.** 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. (3-31-22)~~

~~**03. Final 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 incentive grant applicant or recipient in writing of the decision of the board. (3-31-22)~~

**302. -- 999. (RESERVED)**