

**PLANNING, POLICY AND GOVERNMENTAL AFFAIRS
NOVEMBER 13, 2023**

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SUBJECT

Pending Rule, Docket 08-0102-2301 – Rules Governing Postsecondary Credit Scholarship Program

REFERENCE

August 2016	Board approved a temporary and proposed rule setting out the application requirements for the Postsecondary Credit Scholarship.
November 2016	Board approved pending rule, Docket 08-0102-1601.
November 2019	Board approved omnibus pending rule, Docket 08-0000-1900 reauthorizing all non-fee administrative rules in IDAPA 08.
June 2021	Board approved omnibus temporary rule, Docket 08-0000-2100 reauthorizing all non-fee administrative rules in IDAPA 08.
August 2021	Board approved proposed rule, Docket 08-0102-2101.
November 2021	Board approved pending rule, Docket 08-0102-2101.
August 2023	Board reviewed proposed rule, Docket 08-0102-2301, to repeal this chapter of administrative rule.

APPLICABLE STATUTES, RULE OR POLICY

IDAPA 08.01.02
Idaho Code Title 67, Chapter 52, Idaho Administrative Procedures Act
Idaho Code § 33-4601A
Idaho Code § 33-4605
Executive Order 2020-01

BACKGROUND/DISCUSSION

The State Board of Education is granted permissive authority to promulgate rules regarding the Postsecondary Credit Scholarship Program. The Postsecondary Credit Scholarship is a state-funded scholarship available to students who earn dual credits or graduate high school with an associate degree and have earned an industry or business provided scholarship.

Recently enacted legislative amendments sunset Idaho Code § 33-4605 on July 1, 2027 and eliminate new awards of the scholarship after July 1, 2023. As IDAPA 08.01.02 addresses only the application process and the initial scholarship award, the rule is no longer necessary. The intent of this rulemaking is to repeal this chapter of administrative rules as recent changes in governing law have rendered the existing rule null and void effective July 1, 2023.

If the proposed repeal of the rule (Attachment 1) is approved by the Board, it will be submitted to the Division of Financial Management (DFM) as a pending rule. If the pending rule is approved by the legislature, the repeal will be effective at the end of the 2024 legislative session.

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IMPACT

As no new scholarships can be awarded after July 1, 2023, the rule is no longer applicable. Repealing the rule is a matter of housekeeping.

ATTACHMENTS

Attachment 1 – Pending Rule, Docket Number 08-0102-2301.

BOARD STAFF COMMENTS AND RECOMMENDATIONS

As no new scholarships can be awarded after July 1, 2023, the rule is no longer applicable. Staff recommends approval of the proposed repeal.

BOARD ACTION

I move to approve pending rule docket number 08-0102-2301, as submitted in Attachment 1.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

~~08.01.02 – RULES GOVERNING THE POSTSECONDARY CREDIT SCHOLARSHIP PROGRAM~~

~~000. — LEGAL AUTHORITY.~~

~~In accordance with Sections 33-105, 33-4601A, and 33-4605, Idaho Code the Board is authorized to promulgate rules implementing the provisions of Title 33, Chapter 46, Idaho Code. (3-31-22)~~

~~001. — SCOPE.~~

~~These rules constitute the requirements for the Postsecondary Credit Scholarship Program. (3-31-22)~~

~~002. -- 009. — (RESERVED)~~

~~010. — DEFINITIONS.~~

~~For the purposes of this rule the following definitions apply: (3-31-22)~~

~~01. — Board. Idaho State Board of Education. (3-31-22)~~

~~02. — Business Scholarship. A competitive scholarship awarded from a business entity registered with the Idaho Secretary of State or other state or federal entity that registers businesses and whose purpose is not postsecondary education nor is the entity affiliated with a postsecondary educational institution; or an association representing businesses as described herein. (3-31-22)~~

~~03. — Executive Director. Executive Director for the Idaho State Board of Education. (3-31-22)~~

~~04. — Grade Point Average (GPA). Average secondary grade earned by a student, figured by dividing the grade points earned by the number of credits attempted. (3-31-22)~~

~~05. — Industry Scholarship. A competitive scholarship in which the recipient must enter into a program of study for a specific occupational area. (3-31-22)~~

~~011. -- 100. — (RESERVED)~~

~~101. — APPLICATION PROCESS.~~

~~Applications must be made on a form and in the timelines set by the Executive Director. Failure to respond within the specified time period will result in cancellation of the application or forfeiture of the scholarship unless extenuating circumstances are involved and approved by the Executive Director or designee. (3-31-22)~~

~~102. -- 299. — (RESERVED)~~

~~300. — SCHOLARSHIP AWARDS.~~

~~01. — Selection Process. Scholarship awards will be based on the availability of scholarship program funds. In the event more eligible applications are received than funds are available, awards will be based upon GPA ranking. (3-31-22)~~

~~02. — Payment. Payment of scholarship award will be made in the name of the recipient and will be sent to the designated official at the eligible Idaho postsecondary educational institution in which the recipient is enrolled. The official must transmit the payment to the recipient student's account within a reasonable time following receipt of the payment. (3-31-22)~~

~~301. -- 999. — (RESERVED)~~

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SUBJECT

Pending Rule – Docket No. 08-0113-2302, Rules Governing the Opportunity Scholarship Program

REFERENCE

June 2021	Board approved omnibus temporary rule, Docket 08-0000-2100 reauthorizing all non-fee administrative rules in IDAPA 08.
October 2021	Board approved proposed Omnibus rule, Docket 08-0000-2100, incorporating proposed rules approved in August 2021.
November 2021	Board approved pending Omnibus rule, Docket 08-0000-2100.
August 2022	Board approved proposed rule Docket 08-0113-2201 in compliance with the Zero-Based Regulations requirements.
November 2022	Board approved pending rule Docket 08-0113-2201 in compliance with the Zero-Based Regulations requirements.
June 2023	Board approved temporary rule Docket 08-0113-2301, to update award deadlines to align with other scholarship programs.
August 2023	Board approved proposed rule Docket 08-0113-2302, accounting for future delays in FAFSA application and aligning dates to match awards with other statewide scholarships.

APPLICABLE STATUTE, RULE, OR POLICY

Idaho Code § 33-4303
Idaho Administrative Code, IDAPA 08.01.13, Rules Governing the Opportunity Scholarship
Idaho Code Title 67, Chapter 52, Idaho Administrative Procedures Act

BACKGROUND/DISCUSSION

Idaho Code § 33-4303 grants the State Board of Education authority to promulgate rules for the administration of the Opportunity Scholarship. Guidance for the negotiated rulemaking process is provided by the Office of Administrative Rules Coordinator, Division of Financial Management (DFM) through the Idaho Rule Writer's Manual.

IDAPA 08.01.13, Rules Governing the Opportunity Scholarship Program sets out the eligibility and application requirements for the Opportunity Scholarship, as authorized by Section 33-4303, Idaho Code.

The negotiated rulemaking process requires multiple opportunities for stakeholders and members of the public to provide feedback on the proposed rule.

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Two meetings for the purpose of gathering initial public feedback were held on June 22, 2023, and June 23, 2023. Additional meetings were held with key stakeholders. Feedback gathered at these meetings informed the proposed revisions.

The Board approved the proposed rule in August of 2023. Subsequently, the proposed rule was published in the October 4, 2023, Administrative Bulletin of Negotiated Rulemaking, Vol. 23-10. This publication marks the opening of a formal 21-day public comment period. The public comment period closed on October 25, 2023. Additional feedback from stakeholders informed both the final edits to the pending permanent rule (Attachment 1) as well as the temporary rule the Board approved in October of 2023.

Final revisions of the rule are presented to the Board for approval. If approved, the rule will be submitted to DFM as pending. Pending rules approved by the legislature go into effect at the end of the legislative session.

The final proposed rule language is presented as Attachment 1 – Pending Rule.

IMPACT

If the Board approves the final proposed rule language, it will be submitted to DFM as a pending rule and will then move forward for legislative consideration.

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

If the Board does not approve the final proposed rule language, the proposed rule will not be submitted, the related temporary rule will expire when the legislature adjourns sine die, and the rule will revert to the version in effect in June of 2023, prior to the Board’s approval of Temporary Rule Docket No. 08-0113-2301.

ATTACHMENTS

Attachment 1 – Pending Rule Docket No. 08-0113-2302

BOARD STAFF COMMENTS AND RECOMMENDATIONS

Proposed revisions to IDAPA 08.01.13 address various edits to aid in the streamlined implementation of the statewide scholarship, to accommodate for the impact of recent legislation, and to account for any future delays for when the Free Application for Federal Student Aid (FAFSA) can be submitted.

Revisions include adjusting terminology in Subsection 101.02 to align with federal revisions; adjusting the deadline for the announcement of initial awards to align with other statewide scholarships (Subsection 202.02); providing flexibility to the administration team to adjust award amounts if necessary after verification of need status through FAFSA reporting (Subsection 300.02.c); and clarifying that students who were initially awarded the scholarship prior to July 1, 2023 and who intend to attend a community college are still eligible to receive the scholarship (Subsection

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301.04).

Other proposed amendments to the pending rule will streamline the language through the removal of any unnecessary language that duplicates language or provisions established through the agency's policies and procedures.

The Board approved this rule as a proposed rule in August of 2023. Subsequently, the rule was published in the October 4, 2023, Administrative Bulletin of Negotiated Rulemaking, Vol. 23-10, and the 21-day public comment period closed on October 25th, 2023.

Additional feedback was received from stakeholders after the Board approval of the proposed rule language. As a logical outgrowth of the review process and in alignment with the feedback received, final amendments to the proposed rule have been made to include language in subsection 302.01 regarding the number of credit hours an awardee must complete in a given year in order to be eligible to renew the scholarship in the next year. These changes are identified by yellow highlighting in Attachment 1.

Specifically, scholarship recipients attending a community college who accepted or renewed an award offer on or before June 30, 2023, are eligible to renew their scholarship if the awardee has completed a minimum of 18 credit hours or its equivalent for each of the academic years the student received an opportunity scholarship. This change ensures that grant awards offered and accepted prior to the statutory change (effective July 1, 2023) will be administered as per the law in effect when the award was offered and accepted. This change holds students harmless. As the current law requires, and the rule reflects, no new awards may be granted to students for the purpose of attending a community college on or after July 1, 2023.

Staff recommends approval.

BOARD ACTION

I move to approve pending rule – Docket 08-0113-2302, as submitted in Attachment 1.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

08.01.13 – RULES GOVERNING THE OPPORTUNITY SCHOLARSHIP PROGRAM

000. LEGAL AUTHORITY.

In accordance with Sections 33-105, and 33-4303, Idaho Code, the State Board of Education (Board) shall promulgate rules implementing the provisions of Title 33, Chapter 56, Idaho Code. (4-6-23)

001. SCOPE.

These rules constitute the requirements for the Opportunity Scholarship Program. (4-6-23)

002. -- 009. (RESERVED)

010. DEFINITIONS.

01. Adult Learner. An individual who: (4-6-23)

a. Is not currently enrolled in a postsecondary institution accredited by a body recognized by the State Board of Education; (4-6-23)

b. Has not attended more than two (2) courses at a postsecondary institution at any time during the twenty-four (24) month period immediately prior to application for the Opportunity Scholarship; and (4-6-23)

c. Has earned twenty-four (24) or more transferable credits from a postsecondary institution accredited by a body recognized by the State Board of Education. (4-6-23)

02. Grade Point Average (GPA). The average grade earned by a student, figured by dividing the grade points earned by the number of credits attempted. (4-6-23)

03. Graduation Plan. A plan developed by the postsecondary student in consultation with the postsecondary institution that identifies the certificate or degree the student is pursuing, the course and credit requirements necessary for earning the certificate or degree, the application of previously earned credits and credits granted through prior learning assessments, the estimated number of terms remaining to complete the certificate or degree and the proposed courses to be taken during each term. (4-6-23)

011. -- 100. (RESERVED)

101. ELIGIBILITY.

Applicants must meet all of the eligibility requirements to be considered for the scholarship award. (4-6-23)

01. Academic Eligibility. To be eligible for an opportunity scholarship, an applicant must meet minimum academic eligibility criteria, as follows: (4-6-23)

a. A student who has not yet graduated from an eligible secondary school or its equivalent in the state of Idaho must have an un-weighted minimum cumulative grade point of average of two point seven (2.7) or better on a scale of four point zero (4.0) to be eligible to apply for an opportunity scholarship. Cumulative grade point averages of more than one (1) decimal place shall be rounded to one (1) place. Home schooled students must provide a transcript of subjects taught and grades received signed by the parent or guardian of the student; or (4-6-23)

b. A student who has obtained a general equivalency diploma must have taken the ACT assessment and received a minimum composite score of twenty (20) or better, or the equivalent SAT assessment and received a one thousand ten (1,010) or better, to be academically eligible to apply for an opportunity scholarship; or (4-6-23)

c. A student currently enrolled in an eligible Idaho postsecondary educational institution must have a minimum cumulative grade point average of two point seven (2.7) 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. Cumulative grade point

averages of more than one (1) decimal place shall be rounded to one (1) place. (4-6-23)

d. An Adult Learner must have a minimum cumulative grade point average of two point five (2.5) or higher on a scale of four point zero (4.0). Cumulative grade point averages of more than one (1) decimal place shall be rounded to one (1) decimal place. (4-6-23)

02. Financial Eligibility. The financial need of an applicant for an opportunity scholarship will be based upon Student Aid Index~~the verified expected family contribution~~, as identified by the free application for federal student aid (FAFSA) Submission Summary~~Student Aid report~~. ~~The Student Aid report used to calculate financial need will be the report generated on the scholarship application deadline.~~ () (4-6-23)

03. Additional Eligibility Requirements. (4-6-23)

a. 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 opportunity scholarship program. (4-6-23)

b. If a student has attempted or completed more than one hundred and twenty (120) postsecondary credits, then such student must identify a 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 credit received to the Board office. A student shall not be eligible for an opportunity scholarship if: (4-6-23)

i. The student has completed more than one hundred fifty percent (150%) of the courses and academic credit necessary to graduate in such major; or (4-6-23)

ii. Upon review of the student's academic transcript(s), the student cannot complete a degree/certificate in the major identified within two (2) semesters based on normal academic course load unless a determination by the executive director or designee has been made that there are extenuating circumstances and the student has a plan approved by the executive director or designee outlining the courses that will be taken and the completion date of the degree or certificate. (4-6-23)

102. -- 201. (RESERVED)

202. APPLICATION PROCESS.

01. Applications. An eligible student 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 the~~ deadline set by the executive director each year. Adult Learner applications will be processed and awarded on a monthly basis up to the application deadline. An applicant without electronic capabilities may request a waiver of this requirement and, if granted, submit an application on the form established by the Board through the United States Postal Service that must be postmarked not later than the applicable application deadline. The FAFSA must be completed on or prior to the application deadline unless federal delays prohibit an applicant from completing the FAFSA prior to the deadline. () (4-6-23)

02. Announcement of Award. Announcement of the award of initial scholarships will be made no later than December 31~~June 1~~ of each year, with awards to be effective at the beginning of the first full term ~~of the next fiscal year~~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. Additional award announcements may be made after this date based on the availability of funds ~~and the acceptance rate of the initial awards.~~ () (4-6-23)

03. Communication with State Officials. Applicants 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 scholarship unless extenuating circumstances are involved and approved by the executive director or designee. (4-6-23)

203. -- 299. (RESERVED)

300. SELECTION OF SCHOLARSHIP RECIPIENTS.

01. Selection Process. Scholarship awards will be based on the availability of scholarship program funds. Opportunity scholarships will be awarded to applicants, based on ranking and priority, in accordance with the following criteria: (4-6-23)

a. Eligible students shall be selected based on ranking 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 an application to the Board earlier in time will be assigned a higher rank. (4-6-23)

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 an opportunity scholarship award during the previous fiscal year, and have met all of the continuing eligibility requirements provided in these rules. (4-6-23)

02. Monetary Value of the Opportunity Scholarship. (4-6-23)

a. 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: (4-6-23)

i. The amount of the assigned student responsibility, established by the Board annually; (4-6-23)

ii. The amount of federal grant aid, as identified by the FAFSA Submission Summary if Student Aid Report (SAR) that is known at the time of award determination; () (4-6-23)

iii. The amount of other financial aid awarded the student, from private or other sources that is known at the time of award determination. (4-6-23)

iv. The eligible maximum award amount for Adult Learners enrolled in less than twenty-four (24) credit hours **or its equivalent in an academic year** ~~attending an eligible four year postsecondary institution, or less than eighteen (18) credit hours or its equivalent in an academic year attending an eligible two year institution,~~ will be prorated as follows: (4-6-23) ()

(1) Enrolled in six (6) to eight (8) credits or its equivalent per term - fifty percent (50%) of the maximum; (4-6-23)

(2) Enrolled in nine (9) to eleven (11) credits or its equivalent per term - seventy-five percent (75%) of the maximum; and (4-6-23)

(3) Enrolled in twelve (12) or more credits or its equivalent per term - one hundred percent (100%) of the maximum. (4-6-23)

b. The amount of an opportunity scholarship award to an individual student shall not exceed the actual cost of tuition and fees at the institution the student attends or will attend, or if the student attends or will attend an Idaho private postsecondary educational institution, the average tuition at Idaho’s public four (4) year postsecondary educational institutions. (4-6-23)

c. The Board may determine monetary value without the FAFSA Submission Summary if the delay is due only to federal delay and may modify any final award or payment upon receipt of the FAFSA Submission Summary. ()

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 the payment to the recipient within a reasonable time following receipt of the payment. (4-6-23)

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 may cover up to 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 of the student. (4-6-23)

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. (4-6-23)

04. New Scholarships for Community College. The Board may not award any new scholarship, excluding renewals, to any student attending community college on or after July 1, 2023. ()

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. (4-6-23)~~

01. 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 twenty-four (24) credit hours or its equivalent each academic year that the student received an opportunity scholarship award. ~~And~~ and the scholarship recipient attending a two (2) year public eligible postsecondary institution who accepted an award offer or renewed an award offer on or before June 30, 2023 must have completed a minimum of eighteen (18) credit hours or its equivalent each academic year that the student received an opportunity scholarship award. Notwithstanding these provisions, a scholarship recipient who has received the Opportunity Scholarship as an Adult Learner may retain eligibility by completing twelve (12) or more credit hours or its equivalent each academic year the student received the Opportunity Scholarship award. All students may use the summer term to meet the annual credit accumulation requirements. (4-6-23)()

02. 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 point seven (2.7) on a scale of four point zero (4.0), and must be maintaining satisfactory academic progress toward their identified postsecondary credential as determined by the institution they are enrolled in. Students receiving an Opportunity Scholarship award as an Adult Learner must make satisfactory progress on their graduation plan established with the eligible institution at the time of admission. (4-6-23)

03. Eligibility Following Interruption of Continuous Enrollment. A scholarship recipient whose continuous enrollment is interrupted for more than four (4) months but less than two (2) years for any reason but who intends to re-enroll in an eligible Idaho postsecondary educational institution must file a letter of intent to withdraw no later than thirty (30) 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 or designee 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 intent to re-enroll as a full-time undergraduate student in an academic or career 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 executive director. All requests for extension must be made thirty (30) days prior to the start of the succeeding academic year. (4-6-23)

(BREAK IN CONTINUITY OF SECTIONS)

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SUBJECT

Pending Rule – Docket No. 08-0203-2301, Rules Governing Thoroughness

REFERENCE

August 2021	Board approved proposed rules Dockets 08-0201-2101, 08-0202-2102, and 08-0203-2101.
October 2021	Board approved proposed Omnibus rule, Docket 08-0000-2100, incorporating proposed rules approved in August 2021.
November 2021	Board approved pending Omnibus rule, Docket 08-0000-2100.
June 2022	Board approved temporary rule, Docket 08-0203-2202, amending the assessment section to account for administering assessments at the high school level using a modified cohort model.
August 2022	Board approved Proposed rule, Docket 08-0203-2201, incorporating amendments required through zero-based rulemaking.
November 2022	Board approved Pending rule, Docket 08-0203-2201, incorporating amendments required through zero-based rulemaking.
August 2023	Board Approved Proposed rule, Docket 08-0203-2301, removing duplicative language.

APPLICABLE STATUTE, RULE, OR POLICY

Idaho Administrative Code, IDAPA 08.02.03, Rules Governing Thoroughness
Idaho Code Title 67, Chapter 52, Idaho Administrative Procedures Act
Sections 33-105 and 33-107, Idaho Code
Sections 33 -118, 33-133, 33-1602, 33-1612, 33-1616, 33-203, 33-1002, 33-1212,
and 33-1280, Idaho Code

BACKGROUND/DISCUSSION

The State Board of Education is granted authority to promulgate rules regarding thoroughness. Guidance for the rulemaking process is provided by the Office of Administrative Rules Coordinator, Division of Financial Management through the Idaho Rule Writer's Manual.

IDAPA 08.02.03, Rules Governing Thoroughness, sets out provisions to help ensure a thorough system of public education. These minimum requirements include, but are not limited to, content standards, high school graduation requirements, comprehensive statewide assessment system, and Idaho's state and federal accountability framework.

The negotiated rulemaking process requires multiple opportunities for stakeholders and members of the public to provide feedback on the proposed rule. Two meetings for the purpose of gathering initial public feedback were held on

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June 22, 2023, and June 23, 2023. Additional meetings were held with key stakeholders. Feedback gathered at these meetings informed the proposed revisions.

The Board approved the proposed rule in August 2023. Subsequently, the rule was published in the October 4, 2023, Administrative Bulletin of Negotiated Rulemaking, Vol. 23-10. This publication marks the opening of a formal 21-day public comment period. The public comment period closed on October 25, 2023. No additional feedback was received.

Final revisions of the rule are presented to the Board for approval. If approved, the rule is submitted to the Division of Financial Management as pending. Pending rules approved by the legislature go into effect at the end of the legislative session.

The final proposed rule language is presented as Attachment 1 – Pending Rule.

IMPACT

If the Board approves the final proposed rule language, it will be submitted to DFM as a pending rule and will then move forward for legislative consideration.

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

If the Board does not approve the final proposed rule language, the existing rule will remain in effect, and no pending rule will move forward for legislative consideration.

ATTACHMENTS

Attachment 1 – Pending Rule Docket No. 08-0203-2301

BOARD STAFF COMMENTS AND RECOMMENDATIONS

Amendments to the chapter are minimal and seek to remove duplicative language surrounding the satisfaction and engagement survey for alternative high schools. The duplicated language was identified by impacted stakeholders as having caused confusion. Survey requirements are outlined in the primary paragraph of section 112 of this rule. Reference to the same survey is not necessary to repeat in subsection 112.03.d., therefore it is proposed that the duplicative reference to the survey be removed.

Staff recommends approval.

BOARD ACTION

I move to approve pending rule – Docket 08-0203-2301, as submitted in Attachment 1.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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08.02.03 – RULES GOVERNING THOROUGHNESS

(BREAK IN CONTINUITY OF SECTIONS)

112. ACCOUNTABILITY.

School district, charter district and public charter school accountability will be based on multiple measures aimed at providing meaningful data showing progress toward interim and long-term goals set by the State Board of Education for student achievement and school improvement. The state accountability framework will be used to meet both state and federal school accountability requirements and will be broken up by school category and include measures of student academic achievement and school quality as determined by the State Board of Education. In addition to those measures identified in the state accountability framework, all school categories will administer an annual satisfaction and engagement survey to parents, students, and teachers. (4-6-23)

01. School Category. (3-15-22)

a. Kindergarten through grade eight (K-8): Schools in this category include elementary and middle schools as defined in Subsection 112.05.f. (3-15-22)

b. High Schools, not designated as alternative high schools, as defined in Subsection 112.05.f. (3-15-22)

c. Alternative High Schools. (3-15-22)

02. Academic Measures. (4-6-23)

a. K-8, High School, and Alternative High School: (4-6-23)

i. Idaho Standards Achievement Tests (ISAT) Proficiency. (3-15-22)

ii. ISAT growth toward proficiency based on a trajectory model approved by the State Board of Education. At the high school and alternative high school level growth will be measured for students who remain in the testing cohort in both grade 8 and high school. (4-6-23)

iii. ISAT proficiency gap closure. (3-15-22)

iv. English Learners achieving English language proficiency. (3-15-22)

v. English Learners achieving English language growth toward proficiency. (3-15-22)

b. K-8 only: (4-6-23)

i. Idaho statewide reading assessment proficiency as applicable to the grades served. (4-6-23)

c. High School and Alternative High School specific: (4-6-23)

i. Four (4) year cohort graduation rate, including students who complete graduation requirements prior to the start of the school district or charter schools next fall term. (3-15-22)

ii. Five (5) year cohort graduation rate, including students who complete graduation requirements prior to the start of the school district or charter schools next fall term. (3-15-22)

03. School Quality Measures by School Category. (3-15-22)

a. K-8, High School, and Alternative High School: (4-6-23)

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- i. Communication with parents on student achievement (4-6-23)
 - ii. Chronic absenteeism (4-6-23)
 - b.** K-8 Only (4-6-23)
 - i. Students in grade 8 enrolled in pre-algebra or higher. (3-15-22)
 - c.** High School and Alternative High School: (4-6-23)
 - i. College and career readiness determined through a combination of students participating in advanced opportunities, earning industry recognized certification, and/or participation in recognized high school apprenticeship programs. (3-15-22)
 - ii. Credit recovery and accumulation. (4-6-23)
 - d.** High School only: (4-6-23)
 - i. Students in grade 9 enrolled in algebra I or higher. (3-15-22)
 - ~~e. Alternative High School only: (4-6-23)~~
 - ~~i. State satisfaction and engagement survey administered to parents, students, and teachers. (4-6-23)~~
- 04. Reporting.** Methodologies for reporting measures and determining performance will be set by the State Board of Education. (3-15-22)
- 05. Annual Measurable Progress Definitions.** For purposes of calculating and reporting progress, the following definitions shall be applied. (3-15-22)
- a.** Annual Measurable Progress. (3-15-22)
 - i. The State Department of Education will make determinations for schools and districts each year. Results will be given to the districts at least one (1) month prior to the first day of school. (3-15-22)
 - ii. The State Board of Education will set long-term goals and measurements of interim progress targets toward those goals. The baseline for determining measurable student progress will be set by the State Board of Education and shall identify the amount of growth (percentage of students reaching proficiency) required for each intermediate period. (3-15-22)
 - b.** Full Academic Year (continuous enrollment). (3-15-22)
 - i. A student who is enrolled continuously in the same public school from the end of the first eight (8) weeks or fifty-six (56) calendar days of the school year through the state approved spring testing administration period, not including the make-up portion of the test window, will be included in the calculation to determine if the school achieved progress in any statewide assessment used for determining proficiency. A student is continuously enrolled if the student has not transferred or dropped-out of the public school. Students who are serving suspensions are still considered to be enrolled students. (3-15-22)
 - ii. A student who is enrolled continuously in the school district from the first eight (8) weeks or fifty-six (56) calendar days of the school year through the state approved spring testing administration period, not including the make-up portion of the test window, will be included when determining if the school district has achieved AYP. (3-15-22)

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iii. A student who is enrolled continuously in a public school within Idaho from the end of the first eight (8) weeks or fifty-six (56) calendar days of the school year through the state approved spring testing administration period, not including the make-up portion of the test window, will be included when determining if the state has achieved progress in any statewide assessment used for determining proficiency. (3-15-22)

c. Participation Rate. (3-15-22)

i. Failure to include ninety-five percent (95%) of all students and ninety-five percent (95%) of students in designated subgroups automatically identifies the school as not having achieved measurable progress in ISAT proficiency. The ninety-five percent (95%) determination is made by dividing the number of students assessed on the Spring ISAT by the number of students reported on the class roster file for the Spring ISAT. (3-15-22)

(1) If a school district does not meet the ninety-five percent (95%) participation target for the current year, the participation rate can be calculated by the most current three (3) year average of participation. (3-15-22)

(2) Students who are absent for the entire state-approved testing window because of medical reasons or are homebound are exempt from taking the ISAT if such circumstances prohibit them from participating. Students who drop out, withdraw, or are expelled prior to the beginning of the final makeup portion of the test window are considered exited from the school. (3-15-22)

ii. For groups of ten (10) or more students, absences for the state assessment may not exceed five percent (5%) of the current enrollment or two (2) students, whichever is greater. Groups of less than ten (10) students will not have a participation determination. (3-15-22)

d. Schools. As used in this section, schools refers to any school within a school district or charter district and public charter schools. (3-15-22)

i. An elementary school includes a grade configuration of grades Kindergarten (K) through six (6) inclusive, or any combination thereof. (3-15-22)

ii. A middle school is a school that does not meet the definition of an elementary school and contains grade eight (8) but does not contain grade twelve (12). (3-15-22)

iii. A high school is any school that contains grade twelve (12). (3-15-22)

iv. An alternative high school is any school that contains grade twelve (12) and meets the requirements of Section 110 of these rules. (3-15-22)

v. The accountability of public schools without grades assessed by this system (i.e., K-2 schools) will be based on the third grade test scores of the students who previously attended that feeder school. (3-15-22)

vi. A “new school” for purposes of accountability is a wholly new entity receiving annual measurable progress determinations for the first time, or a school with a significant student population change as a result of schools being combined or geographic boundaries changing, or a result of successful school restructuring sanctioned by the Office of the State Board of Education. (3-15-22)

e. Subgroups. Scores on the ISAT must be disaggregated and reported by the following subgroups: (3-15-22)

i. Race/Ethnicity - Black/African American, Asian, Native Hawaiian/Pacific Islander, White, Hispanic/Latino Ethnicity, American Indian/Alaska Native. (3-15-22)

ii. Economically disadvantaged - identified through the free and reduced lunch program. (3-15-22)

iii. Students with disabilities - individuals who are eligible to receive special education services through

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the Individuals with Disabilities Education Act (IDEA). (3-15-22)

iv. Limited English Proficient - individuals who do not score proficient on the state-approved language proficiency test and meet one (1) of the following criteria: (3-15-22)

(1) Individuals whose native language is a language other than English; or (3-15-22)

(2) Individuals who come from environments where a language other than English is dominant; or (3-15-22)

(3) Individuals who are American Indian and Alaskan natives and who come from environments where a language other than English has had a significant impact on their level of English language proficiency, and who, by reason thereof, have sufficient difficulty speaking, reading, writing, or understanding the English language to deny such individuals the opportunity to learn successfully in classrooms, where the language of instruction is English. (3-15-22)

f. Graduation Rate. The graduation rate will be based on the rate of the cohort of students entering grade nine (9) during the same academic year and attending or exiting the school within a four (4) year or five (5) year period as applicable to the measure being determined. In determining the graduation cohort the school year shall include the students who complete graduation requirements prior to the start of the school district or charter schools next fall term. School districts may only report students as having graduated if the student has met, at a minimum, the state graduation requirements, pursuant to Section 105, and will not be returning to the school in following years to complete required academic course work. The State Board of Education will establish a target for graduation. All high schools must meet the target or make sufficient progress toward the target each year, as determined by the State Board of Education. The graduation rate will be disaggregated by the subgroups listed in Subsection 112.05.g. (3-15-22)

g. Additional Academic Indicator. The State Board of Education will establish a target for all additional academic and school quality measures. All schools must maintain or make progress toward the additional academic and school quality measure target each year. The additional academic and school quality measure targets will be disaggregated by the subpopulations listed in Subsection 112.05.g. (3-15-22)

(BREAK IN CONTINUITY OF SECTIONS)

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SUBJECT

Pending Rule – Docket No. 08-0401-2301 Rules of the Idaho Digital Learning Academy

REFERENCE

April 20, 2006	Board approved proposed rule amendment to IDAPA 08.04.01. Rules of the Idaho Digital Learning Academy.
November 1, 2006	Board approved Pending Rule – Docket No. 08-0401- 0601, Idaho Digital Learning Academy
August 10, 2017	Board proposed approved amendments to 08-0401-1701, including physical address, technical corrections, and updating provisions related to student work and ethical conduct.
November 15, 2017	Board approved Pending Rule Docket No. 08-0401-1701, Idaho Digital Learning Academy.
August 23, 2023	Board approved proposed rule amendments to include streamlining and simplification as necessitated by Executive Order 2020-01, Zero Based Regulation.

APPLICABLE STATUTE, RULE, OR POLICY

Idaho Code §§ 33-5504, 33-5507, Idaho Digital Learning Academy Act
Idaho Administrative Code, IDAPA 08.04.01 Rules of the Idaho Digital Learning Academy
Idaho Code Title 67, Chapter 52, Idaho Administrative Procedures Act
Executive order 2020-01, Zero Based Regulation

BACKGROUND/DISCUSSION

The State Board of Education is granted authority to promulgate rules regarding the administration of the Idaho Digital Learning Academy (IDLA). Guidance for the rulemaking process is provided by the Office of Administrative Rules Coordinator, Division of Financial Management (DFM) through the Idaho Rule Writer’s Manual.

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 Zero-Based Regulations review process requires each agency with the authority to promulgate administrative rules to remove any unnecessary language (e.g., orphaned definitions, redundant language, etc.), move any agency procedures or provisions that can be established through agency policies and

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procedures, and to simplify and streamline language and procedures where possible.

The negotiated rulemaking process requires multiple opportunities for stakeholders and members of the public to provide feedback on the proposed rule. Two meetings for the purpose of gathering initial public feedback were held on June 22, 2023, and June 23, 2023. Additional meetings were held with key stakeholders. Feedback gathered at these meetings informed the proposed revisions.

The Board approved the proposed rule in August 2023. Subsequently, the rule was published in the October 4, 2023, Administrative Bulletin of Negotiated Rulemaking, Vol. 23-10. That publication marked the opening of a formal 21-day public comment period. The public comment period closed on October 25, 2023. No additional feedback was received.

Final revisions of the rule are presented to the Board for approval. If approved, the rule is submitted to the Division of Financial Management as pending. Pending rules approved by the legislature go into effect at the end of the legislative session.

The final proposed rule language is presented as Attachment 1 – Pending Rule.

IMPACT

If the Board approves the final proposed rule language, it will be submitted to DFM as a pending rule and will then move forward for legislative consideration.

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

If the Board does not approve the final proposed rule language, the existing rule will remain in effect, and no pending rule will move forward for legislative consideration.

ATTACHMENTS

Attachment 1 – Pending Rule Docket No. 08-0401-2301- Rules of the Idaho Digital Learning Academy

BOARD STAFF COMMENTS AND RECOMMENDATIONS

The proposed revisions include primarily the removal of procedures from IDAPA that are more appropriately managed by the IDLA governing board and already exist in IDLA policy. Recommended deletions include items such as removal of the specific consequences for plagiarism (Subsection 102.02.b) and of the specific requirements for teacher interaction with students (Subsection 102.02.d). These requirements exist in policy established by the IDLA governing board. Removing these provisions from IDAPA places their governance at the local level but does not require any change to current practices.

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In reviewing this section of rule with the impacted stakeholders, the IDLA Superintendent requested a change to Subsection 102.01, regarding the requirement of proctored exams. The current text requires a proctored exam for all courses. The proposed language is broader and would allow for proctored exams as well as comprehensive final projects as determined by the Local Education Agency. This would allow for final assessments to include portfolios, projects, or other demonstrations of mastery in cases where a formal exam may not be the most appropriate assessment method, such as in a physical education course.

The agency did not receive feedback during the final public comment period. No changes were made during the proposed and pending rule stages.

Staff recommends approval.

BOARD ACTION

I move to approve pending rule – Docket Number 08-0401-2301, as submitted in Attachment 1.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

08.04.01 – RULES OF THE IDAHO DIGITAL LEARNING ACADEMY

000. LEGAL AUTHORITY.

~~In accordance with Sections 33-5504, 33-5505, and 33-5507, Idaho Code, the Board is authorized to promulgate rules implementing the provisions of Title 33, Chapter 55, Idaho Code.~~ (3-15-22)()

001. SCOPE.

These rules provide the requirements for the governance and administration of the Idaho Digital Learning Academy's Board of Directors. (3-15-22)

002. -- 009. (RESERVED)

010. DEFINITIONS.

01. Acceptable Use Policy (AUP). An Acceptable Use Policy ~~is a policy that~~ governs behavior in a ~~computer or online~~ virtual environment. ~~An Acceptable Use Policy by outlines establishing guidelines for~~ appropriate and inappropriate behavior, ~~including specific examples of inappropriate behavior as well as the and establishing~~ consequences of ~~policy violating violation~~ the policy. Acceptable use AUP guidelines include, ~~but are not limited to, guidelines those~~ pertaining to the use of profanity or threatening language, copyright violations, revealing personal information (~~either their one's~~ own or someone else's), disrupting the ~~use of a~~ school network, or importation of sexually explicit, drug-related, ~~or~~ and other offensive materials into the ~~course~~ virtual environment. (3-15-22)()

011. -- 100. (RESERVED)

101. ACCREDITATION.

IDLA must maintain accreditation by an organization recognized by the State Board of Education. (3-15-22)

102. ACCOUNTABILITY.

01. Exams. Each IDLA course will require the student to ~~take complete, at the discretion of the LEA,~~ either a comprehensive final exam at an approved site under proctored conditions ~~or a comprehensive final project.~~ (3-15-22)()

02. Student Work and Ethical Conduct. (3-15-22)

a. IDLAs board of directors will adopt an acceptable use policy. ()

ba. IDLA will ~~inform provide~~ students and parents a copy of the IDLA AUP ~~in writing of the consequences of plagiarism prior to beginning each class. The consequences for plagiarism are set out in the IDLA student handbook which is made available online at all times and is communicated to each student and parent prior to the beginning of each class.~~ IDLA will investigate suspected ~~cases of plagiarism~~ policy violations and inform parents, students, and the local school district when a suspected case arises. (3-15-22)()

cb. Acceptable use and behavior in a ~~distance learning~~ virtual environment is determined by local school district's policies and supplemented by the IDLA AUP. ~~IDLA students and parents will be informed by the IDLA AUP specifically governing behavior in an online school.~~ IDLA will provide a copy of the IDLA AUP to the Idaho State Board of Education in the IDLA Annual Report. (3-15-22)()

de. In a case of violation of the ~~acceptable use policy~~ AUP or other disciplinary issues, IDLA will notify the local school district. The local school district is responsible for the appropriate disciplinary action. IDLA should be notified by the local school district of any disciplinary action resulting from a student's participation in an IDLA course. (3-15-22)()

d. ~~The IDLA Director or designee reserves the right to deny disruptive students access to IDLA courses in the future or remove them from participating in an existing course. Appeals to the denial or removal from~~

~~a course may be made in writing to the IDLA Board of Directors discussing the circumstances for removal or denial. The IDLA Board of Directors will review the appeal and hold a special board meeting to allow the student an opportunity to speak to the issue. The IDLA Board of Directors will issue a final decision within ten (10) days of the board meeting. (3-15-22)~~

03. Academic ReportingTeacher Interaction. ~~IDLA faculty are required to contact students within the first twenty four (24) hours of class. Contact includes phone, e mail, web conferencing, or other technological means. IDLA is required to submit periodic progress reports and final course percentages for individual students' grades for each student which are then reported to the local school district for transcription to the student's academic record. (3-15-22)()~~

103. FEES.

The IDLA fee schedule will be provided to the Idaho State Board of Education in the IDLA Annual Report to the State Board of Education. (3-15-22)

104. -- 999. (RESERVED)

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SUBJECT

Pending Rule – Docket 55-0103-2301 Rules of Career Technical Schools

REFERENCE

May 2019	Board approved temporary and proposed rules extending all rules codified June 30, 2019.
February 2020	Board approved temporary omnibus fee rule.
August 26, 2020	Board approved Proposed omnibus fee rule, Docket 08-0000-1900F.
November 2, 2020	Board approved pending omnibus fee rule.
June 2021	Board approved temporary omnibus rules, Dockets 08-0000-2100 and 55-0000-2100.
October 2021	Board approved proposed omnibus rule, Docket 55-0000-2100.
November 2021	Board approved pending omnibus rule, Docket 55-0000-2100.
August 2023	Board approved proposed rule, Docket 55-0103-2301.

APPLICABLE STATUTE, RULE, OR POLICY

Idaho Administrative Code, IDAPA 55.01.03, Rules of Career Technical Schools
Idaho Code Title 67, Chapter 52, Idaho Administrative Procedures Act
Section 33-1002G, Idaho Code and Sections 33-2202 through 33-2205, Idaho Code
Executive Order 2020-01

BACKGROUND/DISCUSSION

Section 33-2205, Idaho Code grants the State Board of Education (Board) permissive authority to promulgate rules regarding the administration of Career Technical Schools. Guidance for the rulemaking process is provided by the Office of Administrative Rules Coordinator, Division of Financial Management (DFM) through the Idaho Rule Writer’s Manual.

Section 33-1002G, Idaho Code, establishes eligibility for career technical education programs to be identified as career technical centers and receive career technical center added cost funding through the Division of Career Technical Education (Division). The availability of such funding is based on an annual appropriation to the Division. Idaho Administrative Code, IDAPA 55.01.03, establishes the methodology used to determine the allocation amounts for each eligible center as authorized by Section 33-1002G, Idaho Code.

Pursuant to Sections 33-2202 and 33-2205, Idaho Code, as the State Board for Career Technical Education, the Board is responsible for executing the laws of the state relative to career technical education through the State Division of Career Technical Education. The Division is responsible for “[to] carry into effect such rules as the state board for career technical education may adopt ...” As the

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Board for Career Technical Education the Board is responsible for approval of the Divisions administrative rules.

IDAPA 55.01.03 is scheduled for Zero Based Regulation review in fiscal year 2024. Executive Order 2020-01, Zero Based Regulations, creates 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 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.); move any agency procedures or provisions that can be established through the agencies' policies and procedures; and to simplify and streamline where possible.

The negotiated rulemaking process requires multiple opportunities for stakeholders and members of the public to provide feedback on the proposed rule. Two meetings for the purpose of gathering initial public feedback were held on June 22, 2023, and June 23, 2023. Additionally, Division staff notified current Career Technical Center administrators of the opportunity to participate in negotiated rulemaking at an April 27, 2023 administrator meeting and asked for feedback on any needed changes at that time. Feedback gathered at these meetings informed the proposed revisions.

The Board approved the proposed rule in August 2023. Subsequently, the proposed rule was published in the October 4, 2023, Administrative Bulletin of Negotiated Rulemaking, Vol. 23-10. That publication marked the opening of a formal 21-day public comment period. The public comment period closed on October 25, 2023. Additional feedback from stakeholders informed the final edits which are highlighted in yellow in Attachment 1.

Informal feedback was also received by the Division of Career Technical Education expressing concern that the proposed amendments may change the current funding formula for distributing these funds. Please note that the Career Technical Center Funding Calculation is established in IDAPA 55.01.03.105 and is not being amended.

Final revisions of the rule are presented to the Board for approval. If approved, the rule will be submitted to DFM as pending. Pending rules approved by the legislature go into effect at the end of the legislative session.

The final proposed rule language is presented as Attachment 1.

IMPACT

If the Board approves the final proposed rule language, it will be submitted to DFM as a pending rule and will then move forward for legislative consideration.

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

If the Board does not approve the final proposed rule language, the existing rule will remain in effect, and no pending rule will move forward for legislative consideration.

ATTACHMENTS

Attachment 1 – Pending Rule Docket 55-0103-2301

BOARD STAFF COMMENTS AND RECOMMENDATIONS

The specific amendments to IDAPA 55.01.03 include technical changes such as updating the references from Career Technical Schools to Career Technical Centers and removing eligibility requirements that are already identified in Section 33-1002G, Idaho Code. More substantive changes include adding clarifying language identifying the process used for identifying student enrollment for reporting purposes those who attend a career technical center charter school based on their residency within overlapping secondary school boundaries with the charter school attendance area, removing language around current career technical program requirements that apply to all approved career technical education programs and are therefore redundant in this rule, and removing specific funding distribution dates to allow for additional flexibility should all data be verified earlier allow for funds to be distributed earlier.

As a logical outgrowth of the review process, the following changes have been made since the Board’s approval of the proposed rule in August: in section 104, the word “high school” was added for clarification. Additionally, in alignment with the Zero-Based Regulation initiative, it is proposed that subsection 108.02, be completely removed as unnecessary language. These amendments are identified by yellow highlighting in Attachment 1.

Staff recommends approval.

BOARD ACTION

I move to approve pending rule Docket 55-0103-2301 as provided in Attachment 1.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

55.01.03 – RULES OF CAREER TECHNICAL ~~SCHOOLS~~CENTERS

000. LEGAL AUTHORITY.

~~The State Board of Education is designated as the State Board for Career Technical Education and is responsible to execute the laws of the state of Idaho relative to career technical education, administer state and federal funds, and through the administrator of the State Division of Career Technical Education, coordinate all efforts in career technical education~~ (Sections 33-1002G and 33-2202 through 33-2212, Idaho Code). (3-31-22) ()

001. SCOPE.

These rules serve the administration of Career Technical schools-centers in Idaho and define the duties of the State Division of Career Technical Education. (3-31-22) ()

002. -- 004. (RESERVED)

005. DEFINITIONS.

01. Administrator. A designated school administrator, holding a career technical education program administrator certificate pursuant to IDAPA 08.02.02, “Rules Governing Uniformity,” Section 015.04.b, and who oversees and monitors the career technical school-center programs and is responsible for ensuring the school meets all applicable federal, state, and local school district regulations, rules, and policies. (3-31-22) ()

02. Capstone Course. A culminating course that requires students to demonstrate the knowledge and skills learned throughout their program of study. (3-31-22)

~~**03. Career Technical Schools.** Schools meeting the requirements of Section 33-1002G, Idaho Code, designed to provide high end, state-of-the-art technical programs that foster quality technical education through intermediate and capstone courses. Programs and services are directly related to the preparation of high school students for employment in current or emerging occupations that require other than a baccalaureate or advanced degree. These schools are closely linked to postsecondary education, thereby avoiding redundancy and maintaining rigor. They are also closely linked to current business and industry standards to ensure relevance and quality.~~ (3-31-22) ()

~~**043. Concentrator Student.** A junior or senior student enrolled in the career technical education program capstone course.~~ (3-31-22) ()

~~**05. Credit Hours.** The total number of earned credit hours reported to the state longitudinal data system for qualifying intermediate, capstone, and work-based learning courses.~~ (3-31-22)

~~**064. EDUID.** Education Unique Identifier. Division. The Division of Career Technical Education.~~ (3-31-22) ()

~~**075. Enrollment Units.** The total number of individual EDUIDs that are reported as enrolled during the previous academic year in a qualifying capstone course, as determined by the division.~~ (3-31-22)

~~**086. Intermediate Course.** A course beyond the introductory level that adds to the technical competencies of pathway students, is intended to serve as a prerequisite for a capstone course and is offered in grades 9 through 12.~~ (3-31-22)

~~**097. Participation TotalData.** The total number of technical skills assessments taken by enrolled concentrator students as part of each required capstone course during the previous academic year.~~ (3-31-22) ()

~~**1008. Technical Skills Assessment.** An assessment given at the culmination of a pathway program during the capstone course and measures a student’s understanding of the technical requirements of the occupational pathway.~~ (3-31-22)

~~1109.~~ **Work-based Learning Course.** A paid or unpaid, internship, clinical, or apprenticeship that is delivered as part of a Career Technical ~~School-Center~~ program of study. This course must be delivered in conjunction with or after completion of a capstone course. Work-based learning courses must be tied to the program of study, and must be formalized through a written agreement between the school, industry partner, parent, and student. ~~(3-31-22)~~(____)

006. -- 101. (RESERVED)

102. CAREER TECHNICAL COMPONENT CRITERIA.

01. Program Criteria. Career technical ~~schools-centers~~ are intended to deliver high-end career technical education programs that go beyond the scope of traditional career technical education. Labs are appropriately designed for the type of program and the number of students enrolled. The program has state-of-the-art equipment, current technology and strong links to business and industry. ~~(3-31-22)~~(____)

02. Career Technical ~~School-Center~~ Program. Each program of a career technical ~~school-center~~ shall: ~~(3-31-22)~~(____)

a. Deliver a sequence of career technical education courses that culminate in a capstone course. (3-31-22)

~~**b.** Meet all of the required technical competency credit standards established by the state board of education. (3-31-22)~~

eb. Develop and maintain business and industry partnerships in addition to the technical advisory committee. (3-31-22)

dc. Integrate industry-specific, state-of-the-art equipment and technologies into classroom instruction and applied learning opportunities for students. (3-31-22)

ed. Employ instructors who hold career technical certification to teach the occupation and who also hold a related industry-based credential, or equivalent credential, as approved by the ~~Division of Career Technical Education~~Division. ~~(3-31-22)~~(____)

~~**f.** Be delivered over a term of not less than five (5) semesters, or the equivalent instructional hours. Semester and trimester equivalencies will be approved by the Division of Career Technical Education. (3-31-22)~~

~~**g.** Enroll students from at least two (2) high schools. No single high school will comprise more than eighty five percent (85%) of the total enrolled career technical school students. In the event a student enrolled in the career technical school is not enrolled in a high school, that student will be reported separately, based on the high school attendance zone where the student resides. (3-31-22)~~

he. Promote the development of leadership. (3-31-22)

103. APPLICATION PROCESS.

New and renewal applications for career technical ~~school-center~~ funding must be received by the ~~Division of Career Technical Education~~Division on or before the fifteenth of April for the following fiscal year. (3-31-22)

104. CAREER TECHNICAL ~~SCHOOL-CENTER~~ ADDED COST UNIT FUNDING AND ELIGIBILITY.

~~Section 33-1002G, Idaho Code, provides school districts an opportunity to establish career technical schools that qualify for funding appropriated for the specific purpose of supporting the added cost of career technical schools. The funds are appropriated to the State Board for Career Technical Education to be expended by the Division of Career Technical Education.~~ Funding is distributed based on the number of students enrolled in a capstone course during the previous academic year, the aggregate total of the students who completed the technical skills assessment for the program the student was enrolled in, and the total earned credit hours reported by each school for

intermediate, capstone, and work-based learning courses. ~~If any approved program within a career technical school does not enroll students from more than one (1) high school during the previous academic year, the program will not be included in the current year funding calculation. If the overall school enrollment exceeds more than eighty five percent (85%) of students from any single high school during the previous school year, the Division of Career Technical Education may withhold all or part of the career technical school's funding.~~ Eligibility requirements based on student enrollment numbers are determined at the program level. Charter schools who have an established attendance area that overlaps with more than one school district high school boundary may report students as coming from the high school whose attendance zone they reside in for establishing the enrollment eligibility criteria. (3-31-22)()

105. CAREER TECHNICAL SCHOOL-CENTER FUNDING CALCULATION.

The distribution of individual career technical ~~school-center~~ funding will be calculated as a portion of the annual appropriation based on the following criteria: 50 percent (50%) of the annual appropriation will be divided among the total enrollment units, 25 percent (25%) will be divided by the total participation, and 25 percent (25%) will be divided among the total cumulative earned credit hours. Qualifying pathway enrollment will be reported to the State. The Division of ~~Career Technical Education~~ will gather participation data from the independent technical skill assessment providers annually. (3-31-22)()

106. (RESERVED)

107. CAREER TECHNICAL SCHOOL-CENTER UNIT FUND DISTRIBUTION.

~~Once the career technical appropriation is made, the per unit value will be determined by dividing the total units into the appropriation. The value of each unit may vary from year to year, depending on the total appropriation and the total number of units in each of the enrollment categories.~~ (3-31-22)

01. Payment Distribution. ~~Added cost support unit f~~ Funds shall be distributed by the Division of ~~Career Technical Education~~ in two (2) payments on a timeline established by the Division. (3-31-22)

~~a. Seventy percent (70%) of the total appropriated funds for which career technical schools are eligible shall be distributed no later than September 30th each year. Funding will may not be distributed to a center until prior to the previous year enrollment units are being reported and the Division of Career Technical Education has verified aggregate participation data being verified.~~ (3-31-22)

~~b. The remaining funds shall be distributed no later than June 30th.~~ (3-31-22)

108. ACCOUNTABILITY.

01. Assessment Process. The Division of ~~Career Technical Education~~ shall develop an assessment process that includes measures and standards for career technical ~~school-center~~ programs. (3-31-22)

~~02. Reporting. No later than October 15 of each year, career technical schools centers will submit a report to the Division of Career Technical Education, detailing their enrollment at the program level by high school. Centers that fail to report the required data by the established timelines may not be eligible for funding until the subsequent fiscal year.~~ (3-31-22)()

03. Administrator Responsibility. The administrator of each career technical ~~school-center~~ shall be responsible to provide onsite administration of the career technical ~~school-center~~. The administrator will submit all required career technical school reports requested by is responsible for all career technical center reports submitted the to the Division of Career Technical Education. (3-31-22)()

~~04. Accreditation. Each career technical school shall be accredited following Board of Education requirements. This accreditation shall be appropriate for the individual type of career technical school that is developed.~~ (3-31-22)

~~05. School Improvement Plan. The administration, faculty and staff at each career technical school is responsible to develop and implement a local school improvement plan based on the assessment process developed by the Division of Career Technical Education.~~ (3-31-22)

109. -- 999. (RESERVED)

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SUBJECT

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

REFERENCE

May 2019	Board approved temporary and proposed rules extending all rules codified June 30, 2019.
February 2020	Board approved temporary omnibus fee rule.
August 26, 2020	Board approved Proposed omnibus fee rule, Docket 08-0000-1900F.
November 2, 2020	Board approved pending omnibus fee rule.
June 2021	Board approved temporary omnibus rules, Dockets 08-0000-2100 and 55-0000-2100.
October 2021	Board approved proposed omnibus rule, Docket 55-0000-2100.
November 2021	Board approved pending omnibus rule, Docket 55-0000-2100.
August 2023	Board approved Proposed rule, Docket 55-0104-2301.

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 33-1002G, and 33-2202 through 33-2205, Idaho Code
Executive Order 2020-01

BACKGROUND/DISCUSSION

Section 33-1629, Idaho Code, requires the State Board of Education (Board) to promulgate rules regarding the administration of Idaho Quality Program Standards Incentive Grants and Agricultural Education Program Start-Up Grants. Guidance for the rulemaking process is provided by the Office of Administrative Rules Coordinator, Division of Financial Management (DFM) through the Idaho Rule Writer's Manual.

Pursuant to Sections 33-2202 and 33-2205, Idaho Code, as the State Board for Career Technical Education, the Board is responsible for executing the laws of the state relative to career technical education through the State Division of Career Technical Education. The Division is responsible for "[to] carry into effect such rules as the state board for career technical education may adopt ..." As the Board for Career Technical Education the Board is responsible for approval of the Divisions administrative rules.

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Section 33-1629, Idaho Code, establishes the Idaho Quality Program Standards Incentive Grants and the Agricultural Education Program Start-up Grants programs. In addition to establishing the two grant programs and setting minimum requirements for the programs, Section 33-1629, Idaho Code, requires the Board for Career Technical Education to include requests for funding for the two programs in the annual budget request and requires the Board for Career Technical Education to adopt rules to implement the two grant programs. These grant programs were established by the legislature with input from the agricultural education communities in 2014.

IDAPA 55.01.04 is scheduled for Zero Based Regulation review in fiscal year 2024. Executive Order 2020-01, Zero Based Regulations, creates 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 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.); move any agency procedures or provisions that can be established through the agencies' policies and procedures; and to simplify and streamline where possible.

The negotiated rulemaking process requires multiple opportunities for stakeholders and members of the public to provide feedback on the proposed rule. Two meetings for the purpose of gathering initial public feedback were held on June 22, 2023 and June 23, 2023. An additional meeting was held with the Division of Career Technical Education in June.

Stakeholders were heavily involved in the development of the current administrative rules implementing these programs, and as part of the Zero-Based Regulation Process, Division staff invited these stakeholder groups, including current recipients of the grants and agricultural education programs that are eligible to receive the grants to work through the current rule language and propose amendments to streamline and simplify the process. These meetings took place throughout the summer. A consensus was reached on the proposed rule amendments. Following these meetings, drafts of the proposed language were shared more broadly with stakeholders and opportunities were provided for additional input. A final draft of the proposed language was then shared with career technical educators during the Division's Region 1 Connect conference, held at North Idaho College in July.

The Board approved the proposed rule in August 2023. Subsequently, the rule was published in the October 4, 2023 Administrative Bulletin of Negotiated Rulemaking, Vol. 23-10 for the purpose of soliciting additional feedback. The 21-day

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public comment period closed on October 25th, 2023. No additional feedback was received.

The final proposed rule language is presented as Attachment 1.

IMPACT

If the Board approves the final proposed rule language, it will be submitted to DFM as a pending rule and will then move forward for legislative consideration.

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

If the Board does not approve the final proposed rule language, the existing rule will remain in effect, and no pending rule will move forward for legislative consideration.

ATTACHMENTS

Attachment 1 – Pending Rule Docket 55-0104-2301

BOARD STAFF COMMENTS AND RECOMMENDATIONS

The proposed rule amendments will streamline the language currently established in IDAPA 55.01.04, remove duplicative language within the rule and remove provisions that are established in Section 33-1629, Idaho Code.

Specific amendments include, removing duplicative language and streamlining the application process; the uses of funds were expanded to include student travel cost for field trips and required student organization activities; and additional technical changes removing unnecessary definitions and updating terms. Additionally, the appeals section was removed, as it was determined to be unnecessary. Procedures for contested cases are established in the Administrative Procedures Act (chapter 52, title 67, Idaho Code) or governed through Board Policy I.L. Appeals Procedures.

The agency did not receive feedback during the final public comment period.

No changes were made during the proposed and pending rule stages.

Staff recommends approval.

BOARD ACTION

I move to approve pending rule Docket 55-0104-2301 as provided in Attachment 1.

Moved by _____ Seconded by _____ Carried Yes _____ No _____

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) 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)~~

~~**ba.** 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 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) reapplies 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 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) ()

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)