

**BUSINESS AFFAIRS AND HUMAN RESOURCES  
FEBRUARY 27-28, 2024**

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| <b>TAB</b> | <b>DESCRIPTION</b>   | <b>ACTION</b> |
|------------|--|---------------|
| <b>1</b>   | <b>AMENDMENT TO BOARD POLICY SECTION V.T. FEE<br/>WAIVERS – 2<sup>ND</sup> READING</b> | Action Item   |
| <b>2</b>   | <b>UNIVERSITY OF IDAHO IPv4 LITIGATION</b>   | Action Item   |

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**SUBJECT**

Board Policy V.T. – Fee Waivers – Second Reading

**REFERENCE**

|               |   |
|---------------|---|
| April 2015    | Idaho State Board of Education (Board) approved the second reading to Policy V.T. - Fee Waivers |
| December 2023 | Board approved the first reading to Policy V.T. - Fee Waivers                                   |

**APPLICABLE STATUTES, RULE OR POLICY**

Idaho State Board of Education Governing Policies and Procedures, Section V.T. Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113-146)

**BACKGROUND/DISCUSSION**

At the April 2015 Board Meeting, the Board approved changes to Policy V.T. Fee Waivers to comply with federal legislation known as the Veterans Access, Choice, and Accountability Act of 2014 (“Choice Act”). Section 702 of the Choice Act requires the Department of Veterans Affairs (VA) to disapprove programs of education under the Post-9/11 GI Bill and Montgomery GI Bill–Active Duty (“MGIB-AD”) at public institutions of higher learning if the institution charges qualifying veterans and dependents tuition and fees in excess of the rate for resident students for terms beginning after July 1, 2015. In other words, the VA must disapprove programs of education for everyone training under the Post-9/11 GI Bill and MGIB–AD, if resident charges are not offered to all “covered individuals.”

Board approval of these necessary changes to Board Policy V.T covered individuals attending Boise State University, Idaho State University, University of Idaho, Lewis-Clark State College and the former Eastern Idaho Technical College. The change allowed for an additional waiver type which can be used for non-Idaho residents who qualify for VA educational benefits in compliance with Section 3679(c) of Title 38, United States Code.

Institutions currently covered under this policy have identified situations in which some students lose eligibility for this waiver prior to degree completion, or due to gaps in their education due to medical events or other emergency circumstances.

The proposed modifications to the waiver policy as it applies to individuals initially covered by the Section 3679 (c) waiver provide institutions the opportunity to extend the duration of the waiver through the duration of a student’s program of study for up to three years for degree completion. If a student receiving a waiver under this section has an institution-approved gap in education for a medical or other emergency, the institution may exercise discretion to reinstate the waiver.

At the December 2023 Board meeting the Board approved the first reading of this change to Board policy.

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**IMPACT**

Institutions have reported situations in which eligible service members or dependents have exhausted their federal benefit or have had emergencies that have caused a gap in their education. By extending this waiver, students will be able to complete their degree. This policy change also streamlines the process for students eligible for this waiver. It is estimated that the extension of this waiver may benefit up to 10 students per year.

**ATTACHMENTS**

Attachment 1 – Section V.T. – Second Reading

**STAFF COMMENTS AND RECOMMENDATIONS**

After close consultation with veteran coordinators from covered institutions, staff confirmed this policy modification would assist the veteran coordinators in working with veterans and their dependent students to continue their education through degree completion. There were no changes between the first and second readings of this policy.

Staff recommends approval.

**BOARD ACTION**

I move to approve the second reading of proposed amendments to Board Policy V.T. Fee Waivers, as presented.

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

## Idaho State Board of Education

**GOVERNING POLICIES AND PROCEDURES****SECTION: V. FINANCIAL AFFAIRS****SUBSECTION: T. Fee Waivers**~~April 2015~~ February 2024**1. Purpose and Authority for Fee/Tuition Waivers****a. Definition**

A fee/tuition waiver shall mean a reduction of some or all of the approved fees/tuition specified in Section V, Subsection R, attributable to a particular student as the cost for attending an Idaho institution of higher education.

**b. Purpose**

The purpose in authorizing fee/tuition waivers includes but is not limited to the achievement of the following strategic objectives:

- i. The enhancement of education opportunities for Idaho residents;
- ii. To promote mutually beneficial cooperation and development of Idaho communities and nearby communities in neighboring states;
- iii. To contribute to the quality of educational programs;
- iv. To assist in maintaining the cost effectiveness of auxiliary operations in Idaho institutions of higher education; and
- v. To comply with Section 3679(c) of Title 38, United States Code, effective July 1, 2015, ("Section 3679(c)") which states that the Secretary of Veterans Affairs shall disapprove courses of education provided by public institutions if certain veterans and their dependents are charged non-resident tuition.

**c. Authority**

An institution shall not waive any of the applicable fees/tuition specified in Section V, Subsection R., unless specifically authorized in this subsection. Employee/Spouse/Dependent, Senior Citizen, In-Service Teacher Education, and Workforce Training Credit fees as authorized pursuant to Board policy V.R. do not constitute waivers.

**2. Waiver of Nonresident Fees/Tuition**

Nonresident fees/tuition may be waived for the following categories:

**a. Graduate/Instructional Assistants**

Waivers are authorized for students employed as graduate assistants appointed pursuant to Section III, Subsection P.11.c.

**b. Students Participating in Intercollegiate Athletics**

For the purpose of improving competitiveness in intercollegiate athletics, the universities are authorized up to two hundred twenty-five (225) waivers per semester and, Lewis-Clark State College is authorized up to one hundred ten (110) waivers per semester. The institutions are authorized to grant additional waivers, not to exceed ten percent (10%) of the above waivers, to be used exclusively for post-eligibility students.

## Idaho State Board of Education

**GOVERNING POLICIES AND PROCEDURES**

## SECTION: V. FINANCIAL AFFAIRS

## SUBSECTION: T. Fee Waivers

~~April 2015~~February 2024

- c. Non-resident students who ~~can~~ prove to the institution that they meet the eligibility criteria set forth under Section 3679(c) of Title 38, United States Code.  
If a Section 3679(c) waiver is granted and eligibility for veteran benefits concludes prior to completion of the degree sought and a student has completed at least one semester at the institution, at the election of the institution, Section 3679(c) waiver eligibility may be extended through the duration of a student's program of study for up to three additional years to allow for degree completion--approved gap in education for a medical or other emergency, the institution may exercise discretion to reinstate the waiver.
- d. Waivers to Meet Other Strategic Objectives  
The chief executive officer of each institution is authorized to waive nonresident fees/tuition for students, not to exceed the equivalent of six percent (6%) of the institution's total full-time equivalent enrollment. The criteria to be followed in granting such nonresident waivers shall be as follows:
- i. A waiver may be granted to place a nonresident student in an institutional program only when there is sufficient capacity in the program to meet the needs of Idaho resident students; and
  - ii. A waiver may be granted only when its use is fiscally responsible to place a nonresident student in an institutional program in order to meet a strategic state and/or institutional need, as identified by the chief executive officer of the institution.
- e. National Student Exchange Program - Domestic  
Waivers are authorized for nonresident students participating in this program.
- f. Western Interstate Commission for Higher Education  
Waivers are authorized for nonresident students participating in the Western Interstate Commission for Higher Education Professional Student Exchange Program and the Graduate Student Exchange Program. An institution may include a participating nonresident student in its enrollment workload adjustment calculation, provided the figure does not exceed the maximum approved for an institution by the Board.
- g. Institution Agreements  
An institution may request Board approval of agreements with other entities resulting in special fees if it is shown to meet a strategic or workforce need (e.g. reaching an underserved or isolated population) or to help facilitate collaboration between the public institutions as it relates to enrollment and course/degree completion. The discounted dollar value of these special fees shall be reported to the Board, for inclusion in the annual discounts and waivers report, in a format and time to be determined by the Executive Director.

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**UNIVERSITY OF IDAHO**

**SUBJECT**

University of Idaho IPv4 Litigation

**APPLICABLE STATUTE, RULE, OR POLICY**

Idaho State Board of Education Governing Policies & Procedures, Section V.W.2.  
Initiation of Litigation.

**BACKGROUND/DISCUSSION**

This matter involves the Board's approval and authorization of initiation of litigation by the University of Idaho.

**IMPACT**

Approval of the proposed action will allow the University of Idaho to initiate litigation pursuant Idaho State Board of Education Governing Policies & Procedures, Section V.W.2.

**BOARD STAFF COMMENTS AND RECOMMENDATIONS**

The Board met in executive session to discuss resolution of litigation between University of Idaho and private entity. State Board policy V.W.2. requires prior approval and authorization of the Board for an institution to initiate legal action with respect to any matter in which the amount in controversy exceeds \$200,000.00.

**BOARD ACTION**

I move to approve the initiation of legal action and to authorize the President of the University of Idaho, or the President's designee, to initiate the legal action under the advice and guidance of the University's legal counsel and in substantial conformance with the terms presented to the Board, along with such other documents necessary to carry out the terms of the legal action.

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