

Dear Senators MORTIMER, Thayn, Buckner-Webb, and
Representatives DEMORDAUNT, VanOrden, Pence:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of
the State Board of Education:

IDAPA 08.01.09 - Rules Governing the GEAR UP Idaho Scholarship Program - Proposed Rule
(Docket No. 08-0109-1501);

IDAPA 08.01.13 - Rules Governing the Opportunity Scholarship Program - Proposed Rule (Docket
No. 08-0113-1501).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 11/04/2015. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 12/07/2015.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4834, or send a written request to the address on the
memorandum attached below.



Eric Milstead
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Education Committee and the House Education Committee

FROM: Principal Legislative Research Analyst - Brooke Brouman

DATE: October 15, 2015

SUBJECT: State Board of Education

IDAPA 08.01.09 - Rules Governing the GEAR UP Idaho Scholarship Program - Proposed Rule (Docket No. 08-0109-1501)

IDAPA 08.01.13 - Rules Governing the Opportunity Scholarship Program - Proposed Rule (Docket No. 08-0113-1501)

(1) Rules Governing the GEAR UP Idaho Scholarship Program - Proposed Rule (Docket No. 08-0109-1501)

The State Board of Education submits Notice of Proposed Rulemaking relating to the GEAR UP Idaho Scholarship, which is a federal program subject to federal regulations. The proposed rule makes the following changes:

- (a) Clarifies that applicants must submit renewal applications and an updated FAFSA no later than March 1 to be eligible to receive a GEAR UP Idaho Scholarship award for the next academic year;
- (b) Provides that applications received after March 1 may be considered for awards for the next academic year contingent on the availability of funds, continued eligibility, and attending institution deadlines;
- (c) Requires scholarship recipients who transfer to another eligible institution to inform the administrator by the end of the next academic period following transfer, rather than March 1;
- (d) Expands the scholarship award maximum from eight to ten continuous semesters and expands the equivalent from four to five continuous academic years; and
- (e) Reduces the number of days before the first day of the academic term for students who have an interruption in enrollment to provide a required notice.

Negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 3, 2015, Idaho Administrative Bulletin, Volume 15-6, page 17.

The Board's proposed rule is authorized pursuant to Section 33-105, Idaho Code.

(2) Rules Governing the Opportunity Scholarship Program - Proposed Rule (Docket No. 08-0113-1501)

The State Board of Education submits Notice of Proposed Rulemaking relating to Rules Governing the Opportunity Scholarship Program, which was created by Section 33-4303, Idaho Code. The proposed rulemaking clarifies the definition of "Grade Point Average" and clarifies eligibility, continuing eligibility and application process requirements for scholarship applicants.

Negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 3, 2015, Idaho Administrative Bulletin, Volume 15-6, page 18.

The Board's proposed rule is authorized pursuant to Section 33-4303, Idaho Code.

cc: State Board of Education
Tracie Bent

IDAPA 08 - STATE BOARD OF EDUCATION

08.01.09 - RULES GOVERNING THE GEAR UP IDAHO SCHOLARSHIP PROGRAM

DOCKET NO. 08-0109-1501

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, and 33-107, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 21, 2015.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The proposed amendment to IDAPA 08.01.09 will allow applications to be submitted after March 1, and specify that applications received after that date may not receive an award until the following year, expand the scholarship award renewal period from eight continuous semester to 10, reduce the number of days prior to the first day of the academic term for students who have an interruption in their enrollment required for notification, and provide additional clarity to the initial application process, the selection of recipients, and continuing eligibility requirements and would make technical corrections. The GEAR UP Idaho Scholarship is a federal program and subject to the federal regulations for the program.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: NA

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 3, 2015 Idaho Administrative Bulletin, [Volume 15-6, page 17](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: NA

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Tracie Bent, Chief Planning and Policy Officer, at (208)332-1582 or tracie.bent@osbe.idaho.gov.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 28, 2015.

DATED the 4th Day of September, 2015.

Tracie Bent
Chief Planning and Policy Officer
Office of the State Board of Education
650 W State St.
PO Box 83720
Boise, ID 83720-0037
Tel: (208)332-1582 / Fax: (208)334-2632

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 08-0109-1501
(Only Those Sections With Amendments Are Shown.)

500. CONTINUING ELIGIBILITY.

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

01. Renewal Application. A scholarship recipient must complete and submit a renewal application in order to be considered for a continuing scholarship for each succeeding year. A completed application for the renewal of a GEAR UP Idaho scholarship must be submitted to the Board electronically by the date established on the application, but not later than March 1 ~~to be eligible to receive the award for the next academic year.~~ An applicant without electronic capabilities may submit an application on the form established by the GEAR UP Idaho Program administrator through the United States Postal Service, which must be postmarked no later than March 1. In addition, a scholarship recipient must update and submit the FAFSA on or prior to March 1 ~~to be eligible to receive the award for the next academic year. Applications received after this date may be considered for awards for the next academic year contingent on availability of funds, continued eligibility, and attending institution deadlines.~~ (3-20-14)()

02. Credit Hours. To remain eligible for renewal of a scholarship award, the scholarship recipient must be enrolled as a full-time student and have completed a minimum of twenty-four (24) credit hours or its equivalent for the academic year in which the student received a scholarship award. (3-20-14)

03. Satisfactory Academic Progress. To remain eligible for renewal of a scholarship, the scholarship recipient must have maintained a minimum cumulative grade point average of two point zero (2.0) on a scale of four point zero (4.0) during the time that the recipient received an award, and must be maintaining satisfactory academic progress, consistent within federal financial regulations as implemented at the eligible Idaho postsecondary educational institution at which the scholarship recipient was enrolled. (3-20-14)

04. Transfer Students. Scholarship recipients who transfer to another eligible institution remain eligible for scholarship renewal and must inform the administrator no later than ~~March 1~~ the end of the next academic period following the transfer. (3-20-14)()

05. Maximum Scholarship Award. The award of a GEAR UP Idaho scholarship shall not exceed the equivalent of ~~eight ten~~ (810) continuous semesters or the equivalent of ~~four five~~ (45) continuous academic years. (3-29-12)()

501.--- 599. (RESERVED)

600. MISCELLANEOUS PROVISIONS.

A scholarship recipient whose continuous enrollment is interrupted for more than four (4) months for any reason but who intends to re-enroll in an eligible Idaho postsecondary educational institution must file a letter of intent to interrupt continuous enrollment no later than ~~sixty thirty~~ (6030) days prior to the first day of the academic term of the discontinued attendance. Failure to do so may result in forfeiture of the scholarship. The Board will review each request for interruption and notify the individual of approval or denial of the request. In addition, the individual must file a statement with the Board declaring his intent to re-enroll as a full-time undergraduate student in an academic or professional-technical program in an eligible Idaho postsecondary educational institution for the succeeding academic year no later than thirty (30) days prior to the first day of the academic term in which the individual intends to re-enroll. An extension of interruption of continuous enrollment period may be granted for eligible students due to military service in the United States armed forces, medical circumstances, or other circumstances approved by the state board of education's executive director. All requests for extension must be made ~~sixty thirty~~ (6030) days prior to the start of the succeeding academic year. (3-20-14)()

IDAPA 08 - STATE BOARD OF EDUCATION

08.01.13 - RULES GOVERNING THE OPPORTUNITY SCHOLARSHIP PROGRAM

DOCKET NO. 08-0113-1501

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, and 33-4303 Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 21, 2015.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Proposed changes to IDAPA 08.01.13 would make technical corrections and clarify the eligibility and application requirements for the scholarship applicants. Technical corrections include: specifying the grade point average used is the cumulative, unweighted grade point average; authorization for the Board's Executive Director to establish the application form; and clarification that after the initial awards are made, if based on the student acceptance rate, there are additional funds available to be awarded, those awards may be made after the June 1 initial award date deadline.

Additional changes allow the executive director to approve extensions of the award for those students who have earned over one hundred (100) credits and will not be able to complete their program of study within two (2) semesters if there are extenuating circumstances. Further, the credit hour requirements have been amended to twenty-four (24) credits in an academic year rather than twelve (12) credits in each semester.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: NA

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 3, 2015 Idaho Administrative Bulletin, [Volume 15-6, page 18](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: NA

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Tracie Bent, Chief Planning and Policy Officer, at (208)332-1582 or tracie.bent@osbe.idaho.gov.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 28, 2015.

DATED the 4th Day of September, 2015.

Tracie Bent
Chief Planning and Policy Officer
Office of the State Board of Education
650 W State St.
PO Box 83720
Boise, ID 83720-0037
Tel: (208)332-1582 / Fax: (208)334-2632

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 08-0113-1501
(Only Those Sections With Amendments Are Shown.)

010. DEFINITIONS.

01. Grade Point Average (GPA). Means the cumulative, unweighted grade point average grade earned by a student, figured by dividing the grade points earned by the number of credits attempted. ~~(3-20-14)~~()

011. -- 100. (RESERVED)

101. ELIGIBILITY.

01. Undergraduate Student. An eligible student must be pursuing their first undergraduate certificate or degree. A student may have received multiple certificates or degrees as part of the natural progression towards a recognized baccalaureate degree program. A student who is enrolled in a graduate program, but who has not yet earned a baccalaureate degree, is not eligible for an opportunity scholarship. A student enrolled in an undergraduate program is eligible for consideration for an opportunity scholarship, even if some of the student's courses are at the graduate level. (3-20-14)

02. Academic Eligibility. (4-2-08)

a. Applicants for the opportunity scholarship are selected as recipients, in part, on the basis of their cumulative, unweighted GPA. ~~(3-20-14)~~()

b. To be eligible for an opportunity scholarship, an applicant must meet minimum academic eligibility criteria, as follows: (3-20-14)

i. A student who has not yet graduated from secondary school or its equivalent in the state of Idaho must have an un-weighted minimum cumulative grade point of average of three point zero (3.0) or better on a scale of four point zero (4.0) to be eligible to apply for an opportunity scholarship. Home schooled students must provide a transcript of subjects taught and grades received signed by the parent or guardian of the student; ~~or~~ ~~(3-20-14)~~()

ii. 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 nine hundred fifty (950) or better, to be academically eligible to apply for an opportunity scholarship; ~~or~~ ~~(3-20-14)~~()

iii. A student currently enrolled in an eligible Idaho postsecondary educational institution must have a minimum cumulative grade point average of three point zero (3.0) or better on a scale of four point zero (4.0) at such institution in order to be academically eligible to apply for an opportunity scholarship. (3-20-14)

03. Financial Eligibility. Applicants for the opportunity scholarship are selected as recipients, in part, on the basis of demonstrated financial need. The tool used to determine financial need will be the Free Application for Federal Student Aid (FAFSA), used by the United States Department of Education. The financial need of an applicant for an opportunity scholarship will be based upon the validated expected family contribution, as identified by the FAFSA Student Aid report. The Student Aid report used to calculate financial need will be the report generated on the March 1 application deadline. (3-20-14)

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

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. (3-20-14)

b. If a student has attempted or completed more than one hundred (100) postsecondary academic credits, then such student must identify his or her major, the required number of credits necessary for graduation in such major, and shall submit an academic transcript that contains all courses taken and all postsecondary academic credit received to the Board office. A student shall not be eligible for an opportunity scholarship if: (3-20-14)

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

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

iii. Upon review of the student's academic transcript(s), the student cannot complete their degree/certificate in the major they have identified within two (2) semesters based on normal academic course load unless a determination by the executive director has been made that there are extenuating circumstances and the student has a plan approved by the executive director outlining the courses that will be taken and the completion date of the degree or certificate. (3-20-14)()

102. -- 201. (RESERVED)

202. APPLICATION PROCESS.

01. **Initial 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 March 1. An applicant without electronic capabilities may submit an application on the form established by the Board through the United States Postal Service, which must be postmarked not later than March 1. All applicants must complete and submit the FAFSA on or prior to March 1 *of his last year of secondary school.* An applicant without electronic capabilities may submit an application on the form established by the *Board executive director* through the United States Postal Service, which must be postmarked by March 1. (3-20-14)()

02. **Announcement of Award.** Announcement of the award of initial scholarships will be made no later than June 1 of each year, with awards to be effective at the beginning of the first full term following July 1 of that year. Announcements must clearly state the award is part of the state's scholarship program and is funded through state appropriated funds. Additional award announcement may be made after this date based on the availability of funds and the acceptance rate of the initial awards. (3-20-14)()

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 application or forfeiture of the scholarship unless extenuating circumstances are involved and approved by the state board of education executive director or designee. (3-20-14)

(BREAK IN CONTINUITY OF SECTIONS)

302. CONTINUING ELIGIBILITY.

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

01. **Renewal Application.** A scholarship recipient must complete and submit a renewal application in order to be considered for a continuing scholarship for each succeeding year and update and submit the FAFSA on or prior to March 1. (3-20-14)

02. **Credit Hours.** To remain eligible for renewal of an opportunity scholarship, the scholarship recipient attending a four (4) year eligible postsecondary institution must have completed a minimum of ~~twelve~~ twenty-four (+24) credit hours or its equivalent each ~~semester~~ academic year that the student received an opportunity scholarship award. A scholarship recipient attending a two (2) year eligible postsecondary institution must have completed a minimum of ~~nine~~ eighteen (918) credit hours or its equivalent each ~~semester~~ academic year that the

student received an opportunity scholarship award.

(3-20-14)()

03. Satisfactory Academic Progress. To remain eligible for renewal of an opportunity scholarship, the scholarship recipient must have maintained a minimum cumulative grade point average of three point zero (3.0) on a scale of four point zero (4.0) during the time that the recipient received an opportunity scholarship award, and must be maintaining satisfactory academic progress, consistent within federal financial regulations as implemented at the eligible Idaho postsecondary educational institution at which the scholarship recipient was enrolled. (3-20-14)

04. Maximum Duration of Scholarship Award. The award of an opportunity scholarship shall not exceed the equivalent of eight (8) semesters or the equivalent of four (4) academic years. (3-20-14)

05. Eligibility Following Interruption of Continuous Enrollment. A scholarship recipient whose continuous enrollment is interrupted for more than four (4) months but less than two (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 sixty (60) days prior to the first day of the academic term of the discontinued attendance to the Office of the State Board of Education. Failure to do so may result in forfeiture of the scholarship. The Board's Executive Director 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 his intent to re-enroll as a full-time undergraduate student in an academic or professional-technical program in an eligible Idaho postsecondary educational institution for the succeeding academic year no later than thirty (30) days prior to the first day of the academic term in which the individual intends to re-enroll within two (2) years of the approval of the request to withdraw. Failure to do so will result in forfeiture of the scholarship unless an extension has been granted. An extension of interruption of continuous enrollment period may be granted for eligible students due to military service in the United States armed forces, medical circumstances, or other circumstances approved by the state board of education's executive director. All requests for extension must be made sixty (60) days prior to the start of the succeeding academic year. (3-20-14)()

(BREAK IN CONTINUITY OF SECTIONS)

400. RESPONSIBILITIES OF ELIGIBLE IDAHO POSTSECONDARY EDUCATIONAL INSTITUTIONS.

01. Statements of Continuing Eligibility. An eligible Idaho postsecondary educational institution participating in this Opportunity Scholarship Program must submit statements of continuing student eligibility to the Board by the 30th day after the end of each academic ~~term~~ year. Such statements must include verification that the scholarship recipient is still enrolled, attending full time, maintaining satisfactory academic progress, and has not exceeded the award eligibility terms. (3-20-14)()

02. Other Requirements. An eligible Idaho postsecondary educational institution must: (4-2-08)

a. Be eligible to participate in Federal Title IV financial aid programs, and must supply documentation to the Board verifying this eligibility, and prompt notification regarding any changes in this status; (4-2-08)

b. Have the necessary administrative computing capability to administer the Opportunity Scholarship Program on its campus, and electronically report student data records to the Board; (4-2-08)

c. Provide data on student enrollment and federal, state, and private financial aid for students to the Board, and (4-2-08)

d. Agree to permit periodic Opportunity Scholarship Program audits to verify compliance with Idaho law and these rules related to the program. (4-2-08)