

Dear Senators THAYN, Lent, Ward-Engelking, and
Representatives CLOW, Kerby, McCrostie:

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

IDAPA 08.01.11 - Registration of Postsecondary Educational Institutions and Proprietary Schools
(ZBR Chapter Rewrite, Fee Rule) - Proposed Rule (Docket No. 08-0111-2201);

IDAPA 08.01.13 - Rules Governing the Opportunity Scholarship Program (ZBR Chapter Rewrite) -
Proposed Rule (Docket No. 08-0113-2201).

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 11/25/2022. 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 12/23/2022.

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 334-4854, or send a written request to the address on the
memorandum attached below.



Terri Kondeff
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: Legislative Drafting Attorney - Trevor Ahrens

DATE: October 19, 2022

SUBJECT: State Board of and State Department of Education - State Board of Education

IDAPA 08.01.11 - Registration of Postsecondary Educational Institutions and Proprietary Schools (ZBR Chapter Rewrite, Fee Rule) - Proposed Rule (Docket No. 08-0111-2201)

IDAPA 08.01.13 - Rules Governing the Opportunity Scholarship Program (ZBR Chapter Rewrite) - Proposed Rule (Docket No. 08-0113-2201)

IDAPA 08.01.11 - Registration of Postsecondary Educational Institutions and Proprietary Schools (ZBR Chapter Rewrite, Fee Rule) - Proposed Rule (Docket No. 08-0111-2201)

Summary and Stated Reasons for the Rule

The Idaho State Board of Education submits notice of proposed rulemaking relating to the registration of postsecondary educational institutions and proprietary schools. This proposed rule amends rule 8.01.11 to combine duplicative language that applies to postsecondary degree granting institutions and proprietary schools into a single section and removes duplicative statutory language.

Negotiated Rulemaking / Fiscal Impact

The Board states that negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 2022 Idaho Administrative Bulletin, Volume 22-7, page 87. No fiscal impact to the General Fund exceeding \$10,000 is expected.

Statutory Authority

The proposed rule appears to be within the agency's statutory authority pursuant to sections 33-105, 33-107, 33-2402, and 33-2403, Idaho Code.

Paul Headlee, Deputy Director Kristin Ford, Manager Keith Bybee, Manager April Renfro, Manager Glenn Harris, Manager
Legislative Services Office Research & Legislation Budget & Policy Analysis Legislative Audits Information Technology

Statehouse, P.O. Box 83720
Boise, Idaho 83720-0054

Tel: 208-334-2475
legislature.idaho.gov

IDAPA 08.01.13 - Rules Governing the Opportunity Scholarship Program (ZBR Chapter Rewrite) - Proposed Rule (Docket No. 08-0113-2201)

Summary and Stated Reasons for the Rule

The Idaho State Board of Education submits notice of proposed rulemaking relating to the governance of the opportunity scholarship program. This proposed rule amends rule 8.01.13 to simplify the language and remove any duplicative statutory language.

Negotiated Rulemaking / Fiscal Impact

The Board states that negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 2022 Idaho Administrative Bulletin, Volume 22-7, page 88. No fiscal impact to the General Fund exceeding \$10,000 is expected.

Statutory Authority

The proposed rule appears to be within the agency's statutory authority pursuant to sections 33-105, 33-107, 33-2402, and 33-2403, Idaho Code.

cc: State Board of and State Department of Education - State Board of Education
Tracie Bent

***** PLEASE NOTE *****

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

IDAPA 08 – STATE BOARD OF EDUCATION

08.01.11 – REGISTRATION OF POSTSECONDARY EDUCATIONAL INSTITUTIONS AND PROPRIETARY SCHOOLS

DOCKET NO. 08-0111-2201 (ZBR CHAPTER REWRITE, FEE RULE)

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 Sections 33-105, 33-107, 33-2402, and 33-2403, Idaho Code, to implement the provisions of Chapter 24, Title 33, 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 19, 2022.

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: In accordance with [Executive Order 2020-01](#), this rulemaking proposes amendments based on review of the chapter for evaluation on how it can be improved, simplified, and streamlined. Amendments include combining duplicative language that applies to postsecondary degree granting institutions and proprietary schools into a single section. Any provisions duplicative of statutory language will also be removed.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: NA

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: None

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 July 2022 Idaho Administrative Bulletin, [Volume 22-7, page 87](#).

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 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 26, 2022.

DATED this 2nd day of September, 2022.

Tracie Bent
Chief Planning and Policy Officer
State Board of Education
650 W State St.
PO Box 83720
Boise, Idaho 83720-0037
Phone: (208)332-1582
fax: (208)334-2632

THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 08-0111-2201
(Zero Based Regulation (ZBR) Chapter Rewrite)

**08.01.11 – REGISTRATION OF POSTSECONDARY EDUCATIONAL INSTITUTIONS
AND PROPRIETARY SCHOOLS**

000. LEGAL AUTHORITY.

The following rules are made under authority of Sections 33-105, 33-107, 33-2402, and 33-2403, Idaho Code, to implement the provisions of Chapter 24, Title 33, Idaho Code. ()

001. SCOPE.

This rule sets forth the registration requirements for postsecondary educational institutions that are required to register with the Idaho State Board of Education (“Board”) under Section 33-2402, Idaho Code, and for proprietary schools required to register with the Board under Section 33-2403, Idaho Code. In addition, this rule describes the standards and criteria for Board recognition of accreditation organizations, for registration purposes. ()

002. DELEGATION.

The Board delegates authority to its Executive Director and the Office of the State Board of Education to administer the registration of postsecondary educational institution and proprietary schools, in accordance with Title 33, Chapter 24, Idaho Code, and this rule. ()

003. -- 009. (RESERVED)

010. DEFINITIONS.

01. Nonprofit. Means an entity that is recognized under the Internal Revenue Code and applicable regulations as being tax exempt, or an entity such as a nonprofit or not-for-profit organization that possesses the following characteristics that distinguish it from a business enterprise: (a) contribution of significant amounts of resources from resource providers who do not expect commensurate or proportionate pecuniary return, (b) operating purposes other than to provide goods or services at a profit, and (c) absence of ownership interests like those of business enterprises. ()

02. Postsecondary Educational Institution. Sometimes referred to in this rule simply as an institution, is defined in Section 33-2401(8), Idaho Code, and means an individual, or educational, business or other entity, whether legally constituted or otherwise, which maintains a presence within, or which operates or purports to operate, from a location within, the state of Idaho, and which provides a course or courses of study that lead to a degree, or which provides, offers or sells degrees. ()

03. Proprietary School. Sometimes referred to in this rule simply as a school, is defined in Section 33-2401(9), Idaho Code, and means an individual, or educational, business or other entity, whether legally constituted or otherwise, which maintains a presence within, or which operates or purports to operate, from a location within the state of Idaho and which conducts, provides, offers or sells a course or courses of study, but which does not provide, offer or sell degrees. ()

011. -- 099. (RESERVED)

100. RECOGNITION OF ACCREDITATION ORGANIZATIONS.

For purposes of registration of postsecondary educational institutions, the Board recognizes the regional accreditation organizations that are recognized by and in good standing with the United States Department of Education, and which accredit entire colleges or universities, and which do not accredit only courses or courses of study (such as specialized accreditation organizations). Further, the Board may recognize other accreditation organizations on a case-by-case basis. A request for recognition of other accreditation organizations for purposes of registration should be made to the Board’s Chief Academic Officer, who will review and evaluate the request with the input and advice of the Board’s Committee on Academic Affairs and Programs (CAAP). The Board will make a final decision based on such evaluation and review. ()

101. REGISTRATION

01. Registration Requirement. Unless exempted by statute or this rule, as provided herein, an institution or school which maintains an Idaho presence, or that operates or purports to operate from a location within the state of Idaho, shall register annually and hold a valid certificate of registration issued by the Board. An institution shall not conduct, provide, offer, or sell a course or courses of study, or degree unless registered. A school shall not solicit students for or on behalf of such school, or advertise in the state unless registered. ()

a. Renewal of registration shall be for the period beginning on July 1 of any year, and continue through June 30 of the next succeeding year. Registration must be renewed annually. Renewal of registration is not automatic. ()

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

c. An institution or school that is required to register under this rule must submit to the Board office an application for registration (either an application for initial registration or renewal of registration, as applicable), on the form provided by the Board office. The application must include a list of each course, course of study, and degree the applicant institution intends to conduct, provide, offer, or sell in Idaho during the registration year. ()

d. The annual registration fee for initial registration or renewal of registration must accompany the application for registration, and shall be one-half of one percent (.5%) of the gross Idaho tuition revenue of the school during the previous tax reporting year (Jan 1 - Dec 31), but not less than one hundred dollars (\$100) and not to exceed five thousand dollars (\$5,000). The school shall provide documentation to substantiate the amount of revenue reported. Registration fees are nonrefundable. ()

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

102. THE BOARD MAY NOTIFY THE INSTITUTION OR SCHOOL OF ADDITIONAL INFORMATION REQUIRED.

If the Board is unable to determine the nature and activities of an institution or school on the basis of the information provided by the institution or school, then the Board may notify the institution or school of additional information that it will be required to provide in connection with the application for registration. ()

01. Verification of Information. The Board may verify the accuracy of submitted information by inspection, visitation, or any other means it considers necessary. The applicant institution shall be responsible for any costs the Board incurs, including travel, associated with this review. ()

02. Criteria for Approval of Registration. To be approved for registration, the institution or school must demonstrate that it is in compliance with Chapter 24, Title 33, Idaho Code and this rule. An institution or school must remain in compliance for the registration year. ()

03. Public Information. All information submitted to the Board in connection with the application is subject to disclosure as set forth in the Public Records Act, Chapter 1, Title 74, Idaho Code. ()

04. Certificate of Registration or Exemption. ()

a. A certificate of registration will be issued to an institution or school that has paid its registration fee and has been approved under this rule. A certificate evidencing initial registration will be effective the date it is issued, and continue through June 30 of the next succeeding year. A renewal certificate will be for the period July 1 through June 30 of the next succeeding year. No institution or school that is registered with the Board shall advertise or represent in any manner that it is accredited or endorsed by the Board. An institution or school may only represent that it is “Registered with the Idaho State Board of Education.” Registration is not an endorsement of the institution or school or any of its courses, courses of study, or degrees. ()

b. An institution or school exempt from registration under these rules may request a certificate of exemption. ()

c. If an institution or school wishes to offer additional courses, courses of study, or degrees during a registration year that were not included in its annual registration application to the Board, then the institution or school must submit a letter to the Board Office along with documentation of its accrediting agency or by the applicable professional or trade board, council, or commission’s approval of the specific changes. ()

05. Disapproval and Appeal. If an institution’s or school’s request for initial registration, or renewal of registration, is disapproved by the Board, then the institution or school may appeal such decision within thirty (30) days of the date the institution or school is notified of the disapproval. ()

06. Withdrawal of Approval. ()

a. The Board may refuse to renew, or may revoke or suspend approval of, an institution or school’s registration by giving written notice and the reasons therefore to the institution or school. The institution or school may request a hearing relating to such decision under IDAPA 04.11.01, “Idaho Rules of Administrative Procedure of the Attorney General.” ()

b. Withdrawal of approval may be for one (1) or more of the following reasons: ()

i. Violation of Chapter 24, Title 33, Idaho Code or this rule; ()

ii. Providing false, misleading, deceptive, or incomplete information to the Board; ()

iii. Presenting information to prospective or current students which is false, fraudulent, misleading, deceptive, or inaccurate in a material respect; ()

iv. Refusing to allow reasonable inspection or to supply reasonable information after a written request by the Board Office has been received; or ()

v. Loss of accreditation status. ()

c. If any information contained in the application submitted by the institution or school becomes incorrect or incomplete, then the registered institution or school shall notify the Board office of such change within thirty (30) days. An institution or school that ceases operation during the course of a registration year shall immediately inform the Board Office of this event. ()

103. -- 199. (RESERVED)

200. REGISTRATION OF POSTSECONDARY EDUCATIONAL INSTITUTIONS.

01. Registration Requirement. ()

a. A new or start-up entity that desires to operate as a postsecondary educational institution in Idaho but which is not yet accredited by an accreditation organization recognized by the Board must register and operate as a proprietary school until accreditation is obtained. A new or start-up entity that is accredited and authorized to operate in another state, and which desires to operate as a postsecondary educational institution in Idaho offering degrees for which specialized program accreditation is required, may be granted approval to operate subject to the

successful attainment of such program accreditation within the regular program accreditation cycle required by the accreditor. ()

b. There is no inherent or private right to grant degrees in Idaho. That authority belongs only to institutions properly authorized to operate in Idaho under these rules. ()

02. Idaho Presence. ()

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

b. Idaho presence shall not include: ()

i. Distance or online education delivered by an institution located outside of the state of Idaho to students in this state when the institution does not otherwise have physical presence in Idaho, as provided in Subsection 200.03.a. of this rule; ()

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

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

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

03. Institutions Exempt from Registration. ()

a. Provided that they remain lawfully organized in the state of Idaho with their principal place of business in Idaho, and remain accredited by an accreditation organization recognized by the Board, the following private, nonprofit, postsecondary educational institutions that were established and operational as of the date when this rule first went into effect, are exempt from registration: Brigham Young University - Idaho, College of Idaho, Northwest Nazarene University, New Saint Andrews College, Boise Bible College. An institution exempt under this subsection may voluntarily register by following the procedure for registration provided herein. ()

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

04. Institutions That Must Register. Unless exempt under Subsection 200.03 of this rule, any entity that desires to operate as a postsecondary educational institution in Idaho must register as provided herein. ()

05. Information Required. ()

a. An application must include all the information requested on the application form, as well as the following information: ()

i. Copy of most recent accreditation letter showing the period of approval; ()

ii. Current list of chief officers - e.g. president, board chair, chief academic officer, chief fiscal officer; ()

iii. Enrollment data for current and past two (2) years; ()

iv. Copy of annual audited financial statement, or other financial instrument as established by the executive director; ()

v. Any additional information that the Board may request. ()

vi. All advertising, pamphlets, and other literature used to solicit students and all contract forms must accurately represent the purpose of the school, its courses or courses of study, and other relevant information to assist students in making an informed decision to enroll. Institutions offering courses or courses of study which require clinical, practicum or internship components must provide students in writing information regarding the number of clinical, practicum or internship positions available and the location of said positions. Institutions with courses or courses of study that have not been fully accredited must disclose to prospective students in these courses or courses of study the accreditation status of the program and anticipated date for full accreditation. ()

b. The Board may, in connection with a renewal of registration, request that an institution only submit information that documents changes from the previous year, provided that the institution certifies that all information and/or documentation submitted in a previous registration year remains current. The annual registration fee, described in Subsection 101 of this rule, shall remain applicable. ()

201. -- 299. (RESERVED)

300. REGISTRATION OF PROPRIETARY SCHOOLS.

01. Registration Requirement. ()

a. For a school that has not previously registered with the Board, registration shall be for the period beginning on the date of issuance of a certificate of registration and continue through June 30 of the next succeeding year. ()

b. Renewal of registration shall be for the period beginning on July 1 of any year, and continue through June 30 of the next succeeding year. ()

02. Idaho Presence. ()

a. Idaho presence shall not include: ()

i. Distance or online education delivered by an institution located outside of the state of Idaho to students in this state when the institution does not otherwise have physical presence in Idaho, as provided in Subsection 101 of this rule; ()

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

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

03. Exemptions from Registration. In addition to those individuals or entities that are specifically exempt from registration pursuant to Section 33-2403, Idaho Code, the following individuals or entities are: ()

04. Application Information Required. In addition to providing the information requested on the application form, a school must attest by signature of the primary official that it is in compliance with Standards I through V set forth in Section 301 of this rule and must provide verification of compliance with Standards I through V set forth in Section 301 of this rule upon request. The Board may, in connection with a renewal of registration, request that a school only submit information that documents changes from the previous year, provided that the

school certifies that all information and/or documentation submitted in a previous registration year remains current. The annual registration fee shall remain applicable. ()

301. APPROVAL STANDARDS FOR REGISTRATION OF PROPRIETARY SCHOOLS.

The Board and its designee accepts the responsibility for setting and maintaining approval standards for proprietary schools that plan to offer courses or a set of related courses in or from Idaho in order to protect consumers and to ensure quality educational programs are provided throughout the state. A school must meet all of the standards prior to issuance of a certificate of registration and the school must provide required evidence to document compliance with the standards as identified in the application form. A certificate of registration may be denied if all of the standards are not met. ()

01. Standard I - Legal Status and Administrative Structure. The school must be in compliance with all local, state and federal laws, administrative rules, and other regulations applicable to proprietary schools. ()

a. The school must have a clearly stated educational purpose that is consistent with the courses or a set of related courses under consideration for approval. ()

b. The ownership of the school, its agents, and all school officials must be identified by name and title. ()

c. Each owner, agent, instructor and/or school official must be appropriately qualified by the trade board (as applicable) to ensure courses are of high quality and the rights of students are protected. ()

d. Written policies must be established to govern admissions and re-admission of dismissed students, hiring procedures, and working conditions; evaluation/assessment of all employees and instructional offerings; student and instructor rights and responsibilities; grievance procedures; approval of the curriculum and other academic procedures to ensure the quality of educational offerings. ()

e. Procedures for assessing/evaluating the effectiveness of instruction must be established. Evaluation and assessment results must be used to improve courses or courses of study. ()

f. All advertising, pamphlets, and other literature used to solicit students and all contract forms must accurately represent the purpose of the school, its courses or courses of study, anticipated job opportunities, and other relevant information to assist students in making an informed decision to enroll. Schools offering courses or courses of study which require clinical, practicum or internship components must provide students in writing information regarding the number of clinical, practicum or internship positions available and the location of said positions. The school must provide to each prospective student, newly-enrolled student, and returning student complete and clearly presented information indicating the school's current completion and job placement rate. ()

02. Standard II - Courses or Courses of Study. Instruction must be the primary focus of the school. All courses or courses of study must prepare students to enter employment upon completion of the program or prepare them for self-employment. ()

a. The requirements for each course or courses of study must be defined clearly including applicable completion requirements or other requirements such as practicums and clinicals. Courses or courses of study must follow applicable trade or occupational board training curriculum standards or be designed using effective learning strategies for students, identifying and organizing all instructional materials and specialized facilities, identifying instructional assessment methods, and evaluating the effectiveness of the course offerings. Applicants must include an attestation that courses or courses of study applicable to occupations, which are otherwise regulated, licensed, or registered with another state agency or state board, meet the regulating state agency or state board standards for licensure or certification at the time of application. The office of the state board of education does not review course or program curriculum. ()

b. Written course descriptions must be developed for all courses or courses of study. Written course descriptions must be provided to instructors. Instructors are expected to follow course descriptions. A syllabus must be developed for each course and distributed to students at the beginning of the course. ()

c. The school must assure that a course or courses of study will be offered with sufficient frequency to enable students to complete courses or courses of study within the minimum time for completion. ()

d. The school must clearly state the cost of each course or courses of study and identify the payment schedule. This information, and the refund policy, must be given to students in writing. ()

03. Standard III - Student Support Services. The school must have clearly defined written policies that are readily available to students. Policies must address students rights and responsibilities, grievance procedures, and define what services are available to support students. ()

a. The admission of students must be determined through an orderly process established in a written policy using published criteria which must be uniformly applied. Admissions decisions must take into account the capacity of the student to grasp and complete the instructional training program and the ability of the school to handle the unique needs of the students it accepts. ()

b. There must be a clearly defined policy to re-evaluate students dismissed from the school and, if appropriate, to readmit them. ()

c. The school must establish and adhere to a clear and fair policy regarding due process in disciplinary matters for all students, given to each student upon enrollment in the school. The school must provide the name and contact information for the individual who is responsible for dealing with student grievances and other complaints and for handling due process procedures. ()

d. Prior to enrollment, all prospective students must receive the following information in writing: ()

i. Information describing the purpose, length, and objectives of the courses or courses of study; ()

ii. Completion requirements for the courses or courses of study; ()

iii. The schedule of tuition, fees, and all other charges and all expenses necessary for completion of the courses or courses of study; ()

iv. Cancellation and refund policies; ()

v. An explanation of satisfactory progress, including an explanation of the grading/assessment system; ()

vi. The calendar of study including registration dates, beginning and ending dates for all courses, and holidays; ()

vii. A complete list of instructors and their qualifications; ()

viii. A listing of available student services; and ()

e. Accurate and secure records must be kept for all aspects of the student record including, at minimum, admissions information, and the courses each student completed. ()

04. Standard IV - Faculty/Instructor Qualifications and Compensation. ()

a. Instructor qualifications (training and experience) must be recorded and available to students. ()

b. There must be a sufficient number of full-time instructors to maintain the continuity and stability of courses. ()

- c. The ratio of instructors to students in each course must be sufficient to assure effective instruction. ()
- d. Commissions may not be used for any portion of the faculty compensation. ()
- e. Procedures for evaluating instructors must be established. Provisions for student evaluation are recommended. ()
- 05. Standard V - Resources, Finance, Facilities, and Instructional Resources. ()**
 - a. Adequate financial resources must be provided to accomplish instructional objectives and to effectively support the instructional program, including classroom and training facilities, instructional materials, supplies and equipment, instructors, staff, library, and the physical and instructional technology infrastructure. ()
 - b. The school must have sufficient instructional resource materials so that, together with tuition and fees, it is able to complete its educational obligations to currently enrolled students. If the school is unable to fulfill its obligations to students, the school must make arrangements for a comparable teach-out opportunity with another proprietary school or refund one hundred (100) percent of prepaid tuition. ()
 - c. School financial/business records and reports must be kept separate and distinct from those of any affiliated or sponsoring person or entity. Financial records and reports at a school shall be kept in accordance recognized financial accounting methods. ()
 - d. The school must have adequate instructional resource materials available to students, either on site or through electronic means. These materials must be housed in a designated area and be available for students and instructors with sufficient regularity and at appropriate hours to support achievement of course objectives or to promote effective teaching. ()
 - e. If the school relies on other schools or entities to provide library resources or instructional resources, the school must demonstrate how these arrangements effectively meet the needs of students and faculty. These arrangements must be documented through written agreements. Student and faculty use must be documented and frequently evaluated to ensure quality services are being provided. ()

302. ADDITIONAL REQUIREMENTS.

- 01. Agent's Certificate of Identification.** Each proprietary school shall ensure that its agents have a valid certificate of identification, and that all of its agents are in compliance with Section 33-2404, Idaho Code. The school shall complete a criminal history check that includes, at a minimum, the State Bureau of Identification, and statewide sex offender registry for each agent having unsupervised contact with minors in the minor's home or at secondary schools, prior to making application for the agent's certificate of identification. The criminal history check shall be valid for five (5) years and be kept on file by the school. When an employee returns to any proprietary school after a break in service of six (6) months or more a new criminal history check must be obtained. When an employee changes employment between proprietary schools, a new criminal history check must be obtained by the new employer. ()
 - a. The Board shall revoke any agent's certificate of identification issued or authorized under this Section and shall deny the application for issuance of a new certificate of identification of a person who pleads guilty to, or is found guilty of, notwithstanding the form of the judgment or withheld judgment, any of the following felony offenses against a child: ()
 - i. The aggravated assault of a child, Section 18-905, Idaho Code, or the assault with intent to commit a serious felony against a child, Section 18-909, Idaho Code. ()
 - ii. The aggravated battery of a child, Section 18-907, Idaho Code, or the battery with intent to commit a serious felony against a child, Section 18-911, Idaho Code. ()

- iii. The injury or death of a child, Section 18-1501, Idaho Code. ()
 - iv. The sexual abuse of a child under sixteen (16) years of age, Section 18-1506, Idaho Code. ()
 - v. The ritualized abuse of a child under eighteen (18) years of age, Section 18-1506A, Idaho Code. ()
 - vi. The sexual exploitation of a child, Section 18-1507, Idaho Code. ()
 - vii. Possession of photographic representations of sexual conduct involving a child, Section 18-1507A, Idaho Code. ()
 - viii. Lewd conduct with a child under the age of sixteen (16) years, Section 18-1508, Idaho Code. ()
 - ix. The sexual battery of a minor child sixteen (16) or seventeen (17) years of age, Section 18-1508A, Idaho Code. ()
 - x. The sale or barter of a child for adoption or other purposes, Section 18-1511, Idaho Code. ()
 - xi. The murder of a child, Section 18-4003, Idaho Code, or the voluntary manslaughter of a child, Section 18-4006 1., Idaho Code. ()
 - xii. The kidnapping of a child, Section 18-4502, Idaho Code. ()
 - xiii. The importation or exportation of a juvenile for immoral purposes, Section 18-5601, Idaho Code. ()
 - xiv. The abduction of a person under eighteen (18) years of age for prostitution, Section 18-5610, Idaho Code. ()
 - xv. The rape of a child, Section 18-6101 or 18-6108, Idaho Code. ()
- b.** The general classes of felonies listed in Section 302 shall include equivalent laws of federal or other state jurisdictions. For the purpose of Subsection 302.07, “child” means a minor or juvenile as defined by the applicable state or federal law. ()
- 02. Surety Bond.** Each proprietary school shall comply with the provisions in Section 33-2406, Idaho Code, relating to a surety bond. ()
- a.** The amount of the surety bond shall be not less than the total tuition and fees to be collected by the school from its students, currently engaged in instructional activities, that covers the period from the beginning through completion of the course of instruction the student has contracted and paid for. This amount shall be based upon the projected tuition and fee revenue for the coming registration year, subject to modification in the event a school experiences significant changes in tuition and fee revenue during the current year. The Executive Director shall determine the appropriate format and method by which this bond value is to be calculated and reported. ()
 - b.** Schools must keep a valid bond in force, via periodic renewal as needed, throughout the entire registration year with no lapse in coverage. Schools shall ensure that all bonds include “extended coverage” clauses to remain in effect for one hundred twenty (120) days after the date of a school’s closure. ()
 - c.** No party to the surety bond may cancel without one hundred twenty (120) day prior notice to all parties, including the Office of the State Board of Education. ()
 - d.** The Board shall be the beneficiary of the bond and shall oversee the distribution of funds to students who file claims. Schools shall provide proof of the required bond and submit said documentation with their registration applications. ()

303. -- 399. (RESERVED)

400. ENFORCEMENT.

The Board, acting by and through its Executive Director may initiate on its own initiative any investigation relating to a violation of the state laws or rules relating to the requirement that an institution or school register with the Board pursuant to Title 33, Chapter 24, Idaho Code. ()

401. -- 499. (RESERVED)

500. COMPLAINTS.

A complaint concerning an institution or school operating in the State of Idaho (maintaining an Idaho presence) that pertains to a matter described herein shall be reviewed and acted upon as appropriate in accordance with the specific procedures described below: ()

01. Violations of State Consumer Protection Laws. A complaint alleging a violation of Idaho consumer protection laws shall be instituted, reviewed, and acted upon in accordance with IDAPA 04.02.01, "Idaho Rules of Consumer Protection, Office of the Attorney General." ()

02. Violations of State Laws or Rules Related to the Registration of Postsecondary Educational Institutions and Proprietary Schools. A complaint alleging violations of state laws or rules related to the requirement that an institution or school register with the Board shall be submitted in writing to the Board's Executive Director for investigation and appropriate enforcement action, including the remedies specified in Section 33-2408, Idaho Code. ()

03. Complaints Related to Quality of Education, or Other Matters. ()

a. A complaint relating to the quality of education provided by an institution or school or accreditation matters, or any other matter related to the operations or practices of an institution or school other than a state consumer protection matter, shall be submitted on a form provided by the Board to the Executive Director for review and appropriate action. ()

b. If after initial review the Executive Director determines that the complaint relates to the quality of education or accreditation matters, the Executive Director may refer the matter to the accreditation organization of the institution or school at issue for review and recommendation. If a matter referred to an accreditation organization results in resolution of the complaint to the satisfaction of the complainant, then the matter shall be considered resolved and there shall be no further action on the matter. If the matter is not successfully resolved, then the Executive Director will review the recommendation of the accreditation organization and follow the procedures for investigations of complaints described in Subsection 500.03.c. of these rules. ()

c. If the complaint pertains to any other matter related to the operations or practices of an institution or school, other than a state consumer protection matter, then the Executive Director will review the complaint to determine whether such complaint falls within the regulatory authority of the Board. If it does not, then Board office will notify the complainant in writing of such determination, and may offer referral of such matter to an appropriate agency or entity. If after initial review the Executive Director determines that the complaint falls within the regulatory authority of the Board, then Board staff will notify both the complainant and the respondent institution or school of the complaint resolution process to be utilized and applicable timelines. The review and investigation of a complaint shall occur as expeditiously as possible. The parties may be asked to respond in writing to the complaint, to submit to interviews, and to provide additional records, documents, statements, or other collateral information as necessary. Any request by the investigator for additional information related to such complaint must be provided promptly. The Board's investigator will review the materials submitted by all parties and at the conclusion of the investigation prepare a summary of the allegations, the investigator's findings, and a recommendation for disposition to the Executive Director. If the Executive Director determines that the facts indicate a probable violation of law or rule over which the Board has regulatory authority, then the Executive Director shall issue a written decision on the disposition of such complaint. Within thirty (30) days after a decision is issued a party aggrieved by such decision may file with the Executive Director a request for a hearing. The provisions of the Idaho Administrative Procedure Act, Chapter 52, Title 67, Idaho Code, shall apply to such hearing and to judicial review of such decision. ()

d. If the Board office receives a complaint relating to an institution or school that is exempt from registration under Idaho law or these rules, and such institution or school has not elected to voluntarily register, then such institution or school shall be responsible for reimbursing the Board office for the actual costs incurred to process and act on such complaint. ()

501. -- 999. (RESERVED)

PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

Department or Agency: State Board of Education

Agency Contact: Tracie Bent **Phone:** (208)332-1582

Date: September 12, 2022

IDAPA, Chapter and Title Number and Chapter Name:

IDAPA 08.01.11 Registration of Postsecondary Educational Institutions and Proprietary Schools

Fee Rule Status: X **Proposed** _____ **Temporary**

Rulemaking Docket Number: 08-0111-2201

STATEMENT OF ECONOMIC IMPACT:

The proposed rule is being amended pursuant to the Zero Based Regulations initiative, in the process of streamlining the existing rule to identical sections regarding registration fees are being combined into a single section. No changes are being proposed in the fees. The existing fees have been in place since March of 2010.

The registration requirements are established through chapter 24, title 33 along with the authority to establish the prescribed fee. The fee is used to administer the program, including the funding of one full-time position, and any subsequent investigations required when a postsecondary institution or proprietary school does not comply with the law.

Pursuant to sections 33-2402 and 33-2403, Idaho Code, "The director shall assess an annual registration fee on each proprietary school required to be registered under this section as established in rule by the board. Such annual registration fee shall not exceed five thousand dollars (\$5,000) and shall be collected by the director, and shall be dedicated for use by the director in connection with his responsibilities under this chapter."

IDAPA 08 – STATE BOARD OF EDUCATION
08.01.13 – RULES GOVERNING THE OPPORTUNITY SCHOLARSHIP PROGRAM
DOCKET NO. 08-0113-2201 (ZBR CHAPTER REWRITE)
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 Sections 33-105, 33-107, 33-2402, and 33-2403, Idaho Code, to implement the provisions of Chapter 24, Title 33, 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 19, 2022.

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:

In accordance with [Executive Order 2020-01](#), this rulemaking will amend the chapter based on an evaluation of how it can be improved, simplified, and streamlined. Any provisions duplicative of statutory language will be removed.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: NA

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: None

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 July 2022 Idaho Administrative Bulletin, [Volume 22-7, page 88](#).

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 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 26, 2022.

DATED this 2nd day of September, 2022.

Tracie Bent
Chief Planning and Policy Officer
State Board of Education
650 W State St.
PO Box 83720
Boise, Idaho 83720-0037
Phone: (208)332-1582
fax: (208)334-2632

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 08-0113-2201
(Zero Based Regulation (ZBR) Chapter Rewrite)

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. ()

001. SCOPE.

These rules constitute the requirements for the Opportunity Scholarship Program. ()

002. -- 009. (RESERVED)

010. DEFINITIONS.

01. Adult Learner. An individual who: ()

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

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 ()

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. ()

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. ()

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. ()

011. -- 100. (RESERVED)

101. ELIGIBILITY.

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

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

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 ()

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 ()

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. ()

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. ()

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

03. Additional Eligibility Requirements. ()

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. ()

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: ()

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 ()

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. ()

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. ()

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. ()

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. ()

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: ()

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. ()

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. ()

02. Monetary Value of the Opportunity Scholarship. ()

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: ()

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

ii. The amount of federal grant aid, as identified by the Student Aid Report (SAR) that is known at the time of award determination; ()

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

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: ()

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

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

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

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. ()

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. ()

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. ()

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. ()

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. ()

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. A scholarship recipient attending a two (2) year eligible postsecondary institution 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. ()

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. ()

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. ()

303. -- 399. (RESERVED)

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 the spring semester or equivalent term. Such statements must include

verification that the scholarship recipient is still enrolled, attending part-time, if an Adult Learner, and full-time for all other scholarship recipients, maintaining satisfactory academic progress, and has not exceeded the award eligibility terms. ()

02. Other Requirements. An eligible Idaho postsecondary educational institution must: ()

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; ()

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; ()

c. Provide data on student enrollment and federal, state, and private financial aid for students to the Board within set timelines, and ()

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

03. Adult Learner Evaluation. Upon admission, scholarship recipients receiving an award as an Adult Learner will be administered prior learning assessments to determine eligibility for credit for prior learning, including credit for prior experiential learning. As part of this process an eligible institution will work with the student to develop a graduation plan for the program they are entering that includes estimated completion dates. ()

401. -- 500. (RESERVED)

501. APPEALS.

An opportunity scholarship applicant or recipient adversely affected by a decision made under provisions of these rules may file a written appeal detailing the basis of the appeal within thirty (30) days following notice of the decision. Decisions based on specific requirements established in Idaho Code or these rules may not be appealed. The appeal must be submitted to the executive director of the Board. The office of the board shall acknowledge receipt of the appeal within seven (7) days. The executive director of the Board 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) financial aid administrator at an eligible postsecondary educational institution in Idaho. ()

01. Board 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 opportunity scholarship applicant or recipient in writing of the decision of the Board. ()

502. -- 999. (RESERVED)