

Dear Senators GOEDDE, Fulcher & Burkett, and
Representatives NONINI, Shirley & Boe:

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

IDAPA 08.01.11 - Out-of-State Institutions, In-State Non-Accredited

Institutions & Correspondence or Private Courses -

Chapter Repeal (Docket #08-0111-0801) &

08.01.11 - Registration of Postsecondary Educational Institutions &

Proprietary Schools - Chapter Rewrite

(Docket #08-0111-0802).

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 6-2-08. 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 6-30-08.

_____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 334-2475, or send a written request to the address or FAX number indicated on the memorandum enclosed.

MEMORANDUM

TO: Senate Education Subcommittee on Administrative Rules and
House Education Subcommittee on Administrative Rules

FROM: Research & Legislation Staff, Maureen L. Ingram

SUBJECT: Rules of the State Board of Education

DATE: May 13, 2008

IDAPA 08.01.11 - Rules Governing Uniformity: Out-of-State Institutions, In-State Non-Accredited Institutions and Correspondence or Private Courses

Under Docket Number 08-0111-0801, this action has been submitted as a temporary rule effective April 17, 2008, and as a proposed rule. The temporary rule promulgation has been approved by the Governor pursuant to Section 67-5226(1)(b), *Idaho Code*, in "compliance with deadlines in amendments to governing law or federal programs." Authority for promulgation of the rule is authorized pursuant to Section 2, Article IX of the *Idaho Constitution* and Sections 33-105, 33-107 and Chapter 24, Title 33, *Idaho Code*.

During the 2006 legislative session, House Bill No. 712 was enacted (Chapter 240, Laws of 2006), effective July 1, 2006. The bill made extensive revisions to Chapter 24, Title 33, *Idaho Code*, on registration of postsecondary educational institutions and proprietary schools. The amendments to law rendered the current rule inappropriate and out-of-date. In September 2006, the rule was repealed effective August 10, 2006, under Docket Number 08-0111-0601. However, the State Board of Education did not submit the repeal to the 2007 Legislature for its review and approval, and notice of vacation of the rule promulgation was published in the June 2007 *Idaho Administrative Bulletin*.

After receiving and reviewing additional comments, the State Board is again submitting this rule for repeal, and a new rule to replace it is being promulgated under Docket Number 08-0111-0802.

IDAPA 08.01.11 - Registration of Postsecondary Educational Institutions and Proprietary Schools

Under Docket Number 08-0111-0802, this action has been submitted as a temporary rule effective April 17, 2008, and as a proposed rule. The temporary rule promulgation has been approved by the Governor pursuant to Section 67-5226(1)(b), *Idaho Code*, in “compliance with deadlines in amendments to governing law or federal programs.” Authority for promulgation of the rule is authorized pursuant to Section 2, Article IX of the *Idaho Constitution* and Sections 33-105, 33-107 and Chapter 24, Title 33, *Idaho Code*.

During the 2006 legislative session, House Bill No. 712 was enacted (Chapter 240, Laws of 2006), effective July 1, 2006. The bill made extensive revisions to Chapters 1 and 24, Title 33, *Idaho Code*, on registration of postsecondary educational institutions and proprietary schools. The amendments to law rendered the current rule inappropriate and out-of-date. In September 2006, the existing rule was repealed and a completely rewritten rule was promulgated effective August 10, 2006, under Docket Numbers 08-0111-0601 and 08-0111-0602. However, the State Board of Education did not submit the repeal or newly written rule to the 2007 Legislature for its review and approval, and notice of vacation of the rule promulgations were published in the June 2007 *Idaho Administrative Bulletin*. Having vacated the repeal and the proposed new rule, the rule in existence prior to enactment of the 2006 legislation continued in effect, as it has been since 1993.

After receiving and reviewing additional comments throughout this period, the State Board is again promulgating a rewritten rule based on current law. In general, the process remains the same. The approval standards for all institutions have been reorganized and restructured into six categories for registration of postsecondary educational institutions and into five categories for registration of proprietary schools.

Legislative Services staff discussed several issues with staff of the State Board regarding the proposed new rule. In all cases, the State Board staff expressed willingness to take the points under consideration for possible revision and incorporation into the pending rule:

1. Unlike the current rule, the proposed rule does not have a subsection clearly establishing a registry of schools and provision for maintaining the registry as stated in Section 33-107(6), *Idaho Code*, that requires the State Board to establish and maintain “a register of postsecondary educational institutions” and “a register of proprietary schools.”
2. The State Board’s spelling of the term “post secondary” as two words should be changed to the one-word spelling of the term as it appears in statute - “postsecondary.”

3. The controlling statutes refer to the authority of the State Board to “exempt a nonprofit postsecondary educational institution...” However, the terminology in the new rule uses “not for profit” throughout. Terminology in the rule should be the same as in the authorizing statutes.
4. As currently proposed in the new rule, the requirements for registration of postsecondary educational institutions are somewhat confusing with regard to accreditation. Beginning at Subsection 100., the recognition of accreditation organizations is introduced, immediately followed by language on registration, leaving the assumption that accreditation is required for registration. Several sections further into the rule at Subsection 200.09. a., the option of streamlined registration is introduced, and in Subsection 200.09.b. it finally becomes more clear that accreditation is not required for registration; only accredited institutions can use the streamlined registration process and all others must be in compliance with the approval standards. These requirements and options could be presented in a more user-friendly format.
5. Beginning at Subsection 200.01.b., the new rule refers to initial registration, presumably for schools that have never registered in Idaho, but also requires initial registration “even if an institution *has previously registered* with the Board.” This could be confusing as to what constitutes initial registration. In reality, it is the intent of the State Board that all schools required to register must do so in compliance with the new rule, as an initial registrant, including all those currently registered under the current rule. Staff suggests this be reworded to indicate that schools registered prior to April 17, 2008, need to reapply as an initial registrant as does any school that has not previously been registered in Idaho.
6. As currently proposed in the new rule, the registration process for initial registrations and renewal of registrations is described in the same subsection. However, because the requirements are different as to deadlines and effective dates, it is suggested that there should be one subsection providing for initial registrations and another separate one for renewal of registrations.
7. The statute at Section 33-2403 (1), *Idaho Code*, is clear that the State Board can issue a certificate of registration for proprietary schools or the certificate can be issued by a designee of the State Board, but no designee is allowed for issuance of certificates to postsecondary educational institutions according to the provisions of Section 33-2402, *Idaho Code*. It is therefore incorrect to refer to use of a designee in Subsection 200.06. with regard to applications of postsecondary educational institutions. For issuance of an agent’s permit, the document should be under the name of the State Board according to Section 33-2401(3), *Idaho Code*, but a designee of the State Board could process and issue such permits.
8. The catchline in Subsection 200.13 reads “Criteria for Approval or Denial of Registration” while the substance contained within that subsection does not deal with denials. Disapproval and Appeals are covered in Subsection 200.16. It is suggested that the reference to denials in the catchline be deleted.

cc: State Board of Education

IDAPA 08 – STATE BOARD OF EDUCATION

08.01.11 – OUT-OF-STATE INSTITUTIONS, IN-STATE NON-ACCREDITED INSTITUTIONS AND CORRESPONDENCE OR PRIVATE COURSES

DOCKET NO. 08-0111-0801

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is April 17, 2008

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 33-105, 33-2402, and 33-2403, 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 June 25, 2008.

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 the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This chapter is being repealed in its entirety and will be replaced by the chapter adopted in docket no. 08-0111-08??. That new chapter of rules is published immediately following this docket.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: To be in compliance with amendments to governing law or federal programs.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

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: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because these rules needed to be adopted in order to be in compliance with amendments to law.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Tracie Bent at 332-1582.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before June 25, 2008

DATED this 1st day of May, 2008.

Mike Rush
Interim Executive Director
State Board of Education
PO Box 83720-0037
Boise, ID 83720-0037
(208) 334-2270 phone
(208) 334-2632 FAX

IDAPA 08 - STATE BOARD OF EDUCATION

08.01.11 - REGISTRATION OF POSTSECONDARY EDUCATIONAL INSTITUTIONS AND PROPRIETARY SCHOOLS

DOCKET NO. 08-0111-0802 (CHAPTER REWRITE)

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is April 17, 2008.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 33-105, 33-2402, and 33-2403, 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 June 25, 2008.

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 the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Title 33, Chapter 1 and 24, Idaho Code were amended to clarify that postsecondary institutions need to register to ensure they are legitimate degree granting institutions and that proprietary schools are legitimate. Criteria for evaluating these institutions and schools are set forth in this rule. Criteria are essential for determining the legitimacy of the institution for degree granting purposes and the legitimacy of proprietary schools.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: To be in compliance with amendments to governing law or federal programs.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein:

Post secondary institutions will be charged \$100 per course with a \$2000 maximum. Proprietary schools will be charged \$100 per school. Fees will be used to investigate schools that have submitted an application to operate in Idaho under this portion of Idaho code. Institutions must be thoroughly investigated and evaluated to ensure they are legitimate degree granting institutions and not diploma mills.

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: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was conducted by working with representatives of degree-granting postsecondary institutions to establish qualified accreditation agencies that would be accepted by the State Board of Education.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Dana Kelly at 332-1574 or Stuart Tennent at 332-1563.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before June 25, 2008.

DATED this 1th day of May, 2008.

Mike Rush
Interim Executive Director
State Board of Education
PO Box 83720-0037
Boise, ID 83720-0037
(208) 332-1567 phone
(208) 334-2632 FAX

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0111-0802

**IDAPA 08
TITLE 01
CHAPTER 11**

08.01.11 - REGISTRATION OF POST SECONDARY 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. (4-17-08)T

001. TITLE AND SCOPE.

01. Title. This rule shall be cited as IDAPA 08.01.11, "Registration of Post Secondary Educational Institutions and Proprietary Schools." (4-17-08)T

02. Scope. This rule sets forth the registration requirements for post secondary 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.

(4-17-08)T

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of this rule.

(4-17-08)T

003. ADMINISTRATIVE APPEALS.

The Administrative Procedures Act, Chapter 52, title 67, Idaho Code, applies to any denial of registration of any post secondary educational institution or proprietary school. Hearings and appeals shall be governed according to the provisions of IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." (4-17-08)T

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference.

(4-17-08)T

005. OFFICE INFORMATION.

01. Office Hours. The offices of the Board are open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays.

(4-17-08)T

- 02. Mailing Address.** The mailing address of the Board is P.O. Box 83720, Boise, Idaho 83720-0037. (4-17-08)T
- 03. Street Address.** The offices of the Board are located at 650 W. State Street, Boise, Idaho. (4-17-08)T
- 04. Telephone.** The telephone number of the Board is (208) 334-2270. (4-17-08)T
- 05. Facsimile.** The facsimile number of the Board is (208) 334-2632. (4-17-08)T
- 06. Electronic Address.** The electronic address of the Board is boardofed.idaho.gov. (4-17-08)T

006. PUBLIC RECORDS ACT COMPLIANCE.

This rule is subject to the provisions of the Public Records Act, Title 9, chapter 3, Idaho Code. (4-17-08)T

007. -- 009. (RESERVED).

010. DEFINITIONS.

01. Accredited. Defined in Section 33-2401(1), Idaho Code, and means that a post secondary educational institution has been recognized or approved as meeting the standards established by an accrediting organization recognized by the Board. (4-17-08)T

02. Agent. Defined in Section 33-2401(2), Idaho Code, and means any individual within the state of Idaho who solicits students for or on behalf of a proprietary school. (4-17-08)T

03. Agent's Permit. Defined in section 33-2401(3), Idaho Code, and means a nontransferable written document issued to an agent by the Board or its designee. (4-17-08)T

04. Course. Defined in Section 33-2401(5), Idaho Code, and means instruction imparted in a series of lessons or class meetings to meet an educational objective. (4-17-08)T

05. Course or Courses of Study. Defined in Section 33-2401(6), Idaho Code, and means either a single course or a set of related courses for which a student enrolls, either for academic credit or otherwise. A course of study is sometimes also referred to in this rule as a program. (4-17-08)T

06. Degree. Defined in Section 33-2401(7), Idaho Code, and means any academic, vocational, professional-technical or honorary title or designation, mark, appellation, series of letters, numbers, or words such as, but not limited to, "bachelor's," "master's," "doctorate," or "fellow," which signifies, purports, or is generally taken to signify satisfactory completion of the requirements of an academic, vocational, professional-technical, educational or professional program of study beyond the secondary school level or for a recognized title conferred for meritorious recognition, and an associate of arts or associate of science degree awarded by a community college or other public or private post secondary educational institution or other entity which may be used for any purpose whatsoever. (4-17-08)T

07. Post Secondary 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 courses or programs that lead to a degree, or which provides, offers or sells degrees. (4-17-08)T

08. 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. (4-17-08)T

011. -- 099. (RESERVED).

100. RECOGNITION OF ACCREDITATION ORGANIZATIONS.

Registration of Post Secondary Educational Institutions. For purposes of registration of post secondary educational institutions, the Board recognizes the regional accreditation organizations listed in subsections 100.01. through 100.06., below. In addition, the Board recognizes institutional accreditation organizations which are also recognized by and in good standing with both the United States Department of Education and by the Council for Higher Education Accreditation, 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 Higher Education 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. (4-17-08)T

01. Middle States Association of Schools and Colleges (MSA), Commission on Higher Education - Accredits institutions of higher education in Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, and the U.S. Virgin Islands. (4-17-08)T

02. New England Association of Schools and Colleges, Commission on Institutions of Higher Education (NEASC-CIHE) - Accredits institutions of higher education in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. (4-17-08)T

03. North Central Association of Colleges and Schools, The Higher Learning Commission (NCA-HLC) - Accredits degree-granting institutions of higher education in Arizona, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, West Virginia, Wisconsin, and Wyoming, including schools of the Navaho Nation. (4-17-08)T

04. Northwest Commission on Colleges and Universities (NWCCU) - Accredits post secondary educational institutions in Alaska, Idaho, Montana, Nevada, Oregon, Utah, and Washington. (4-17-08)T

05. Southern Association of Colleges and Schools (SACS), Commission on Colleges - Accredits degree-granting institutions of higher education in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia. (4-17-08)T

06. Western Association of Schools and Colleges, Accrediting Commission for Senior Colleges and Universities (WASC-ACSCU) - Accredits senior colleges and universities in California, Hawaii, the United States territories of Guam and American Samoa, the Republic of Palau, the Federated States of Micronesia, the Commonwealth of the Northern Mariana Islands, and the Republic of the Marshall Islands. (4-17-08)T

101. -- 199. (RESERVED).

200. REGISTRATION OF POST SECONDARY EDUCATIONAL INSTITUTIONS.

01. Registration Requirement.

a. Unless exempted by statute or this rule, as provided herein, a post secondary educational institution which maintains a presence within the state of Idaho, or which operates or purports to operate from a location within the state of Idaho, shall register 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. An institution shall not solicit students on behalf of such institution, or advertise in this state, unless registered. (4-17-08)T

b. Initial registration shall be for the period beginning on the date of issue of a certificate of registration and continue through June 30 of the next succeeding year. Initial registration shall mean an institution's

initial registration under this rule, even if an institution has previously registered with the Board. A registered post secondary educational institution must renew its certificate of registration annually, and renewal of registration is not automatic. 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. (4-17-08)T

02. Idaho Presence. An institution 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. (4-17-08)T

03. Institutions Exempt from Registration.

a. Idaho public post secondary educational institutions. Section 33-2402(1), Idaho Code, provides that a public institution supported primarily by taxation from either the state of Idaho or a local source in Idaho shall not be required to register. (4-17-08)T

b. Certain Idaho private, not for profit, post secondary educational institutions. A private, not for profit, post secondary educational institution that is already established and operational as of the effective date of this rule and located within the state of Idaho, and that is accredited by an accreditation organization recognized by the Board, as set forth in Section 100 of this rule, shall not be required to register. A private, not for profit, institution is located within the state of Idaho only if it has been lawfully organized in the state of Idaho and its principal place of business is located within the state of Idaho. (4-17-08)T

04. Institutions That Must Register.

a. Out-of-state public post secondary educational institutions. A public institution that is supported primarily by taxation from another state, or from a local source not within the state of Idaho, must register as provided herein. (4-17-08)T

b. Out-of-state private, not for profit, post secondary educational institutions. An out-of-state private, not for profit, post secondary educational institution must register as provided herein. (4-17-08)T

c. Certain Idaho private, not for profit, post secondary educational institutions. A private, not for profit, post secondary educational institution that is located within the state of Idaho, but that is not exempt under Subsection 200.03.b. of this rule, must register as provided herein. (4-17-08)T

d. For-profit post secondary educational institutions. A post secondary educational institution that operates for profit, or which is an operating subsidiary of a publicly or privately held corporation that operates for profit, must register as provided herein. (4-17-08)T

05. Exception to Registration Requirement for Certain Post Secondary Institutions.

a. A post secondary educational institution that demonstrates to the satisfaction of the Board that its primary mission and objectives are to offer courses or courses of study that do not lead to the awarding of degrees, may instead register as a proprietary school, in accordance with Section 300 of this rule. (4-17-08)T

b. A request to register as a proprietary school must be submitted in writing to the Board by the first business day of December preceding a registration year. A decision on such request will be issued by the Board within thirty (30) days after it is received. A request to register as a proprietary school must be made on an annual basis. (4-17-08)T

06. Application. A post secondary educational institution 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 a form approved by the Board or its designee. 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. (4-17-08)T

07. Registration Fees. The Board shall assess an annual registration fee for initial registration, or renewal of registration, of a post secondary educational institution. The registration fee must accompany the application for registration, and shall be in the amount of one hundred dollars (\$100) for each course that the institution intends to conduct, provide, offer or sell during the registration year, as set forth in the registration application, not to exceed two thousand dollars (\$2,000). Registration fees are not refundable. (4-17-08)T

08. Deadline for Registration. An initial application for registration may be submitted to the Board at anytime. An institution should expect the Board's review process for an initial registration to 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 a registration year. (4-17-08)T

09. Information Required. Such application must include the information requested on the application form, as well as the following information: (4-17-08)T

a. If an institution that is required to register under this rule is accredited by an accreditation organization recognized by the Board in Section 100 of this rule, such institution must submit documentation demonstrating that it has received accreditation status, and that it will maintain its accreditation from such agency during the entire registration year. An institution that is so accredited qualifies for a streamlined registration process, and will not be required to submit information and/or documentation that documents compliance with Standards I through VI, set forth in Subsections 200.10.a. through 200.10.f. of this rule. Such institution must submit the following information and/or documentation with its application for registration: (4-17-08)T

- i. Copy of most recent accreditation report; (4-17-08)T
- ii. Current list of chief officers - e.g. president, board chair, chief academic officer, chief fiscal officer; (4-17-08)T
- iii. Most recent copy of strategic plan; (4-17-08)T
- iv. Enrollment data for current and past two (2) years; (4-17-08)T
- v. Copy of annual audited financial statement; (4-17-08)T
- vi. Any additional information that the Board may request. (4-17-08)T

b. All other institutions applying for registration must submit information and/or documentation with its application for registration that documents compliance with all of the Standards I through VI, set forth in Subsections 200.10.a. through 200.10.f. of this rule. (4-17-08)T

c. 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 200.07 of this rule, shall remain applicable. (4-17-08)T

10. Approval Standards for Post Secondary Educational Institutions. Except as provided in Subsection 200.09.a, an institution applying for registration must meet, or demonstrate that it will meet, all of the following standards: (4-17-08)T

a. Standard I - Legal Status and Administrative Structure. The institution must be in compliance with all local, state, and federal laws, administrative rules, and other regulations applicable to post secondary educational institutions. (4-17-08)T

i. The institution must have a clearly stated mission and objectives that are consistent with educational offerings under consideration for approval by the Board. The institution must demonstrate how its stated mission and objectives are being accomplished. (4-17-08)T

ii. The governing board or the board of directors must be comprised of at least five (5) members who are selected to represent students, faculty, and other constituents of the institution. Board members must be given the responsibility for assuring that the mission and objectives are achieved, for establishing policies and overseeing their implementation, and for providing oversight for the entire institution, including the financial stability of the institution. Board members should generally not be affiliated with the institution from an employment, contractual, familial, or financial standpoint. Any affiliation or financial interest in the institution must be fully disclosed, and provisions must be made to address any conflicts of interest. (4-17-08)T

iii. There must be sufficient distinction between roles and responsibilities of the institution's governing board and the administration, faculty, and staff to ensure appropriate separation and independence. (4-17-08)T

iv. Each of the administrative officers must be appropriately qualified with educational credentials to ensure programs are of high quality and that the rights of students are protected. In particular, the chief academic officer of the institution must be academically prepared at least at the Master's degree level, and have a minimum of five (5) years of post secondary educational experience at an accredited institution. (4-17-08)T

v. Administrators must be paid a fixed salary. Commissions may not be used for any portion of the compensation or to supplement an administrative salary. (4-17-08)T

vi. Policies must have been established to govern admissions, hiring procedures, and working conditions; evaluation/assessment of all employees and instructional offerings; awarding of credit and grades that are comparable to other institutions; academic freedom; student and faculty rights and responsibilities; grievance procedures; approval of the curriculum and other academic procedures, etc.; to ensure the quality of educational offerings. (4-17-08)T

vii. The administration must establish procedures for evaluating the effectiveness of the entire institution and for assessing the quality of instruction through established and recognized methods of instructional assessment. Evaluation and assessment results must be used to improve institutional programs and services. Evaluative/assessment processes must involve internal constituents from the institution and appropriate external representatives. (4-17-08)T

b. Standard II - Educational Program and Curriculum. Instruction must be the primary focus of the institution, and all instructional activities must be clearly related to the achievement of the institution's mission and objectives. (4-17-08)T

i. The requirements for all instructional programs must be defined clearly, including applicable completion requirements for courses, credits, clinicals, etc. Faculty must be given the responsibility for developing the curriculum for all courses or courses of study or degrees, designing 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. (4-17-08)T

ii. The institution must identify the number of credits required to earn a degree based on the following guidelines. Forty-five (45) clock-hours of student involvement are required for each semester credit, which includes a minimum of fifteen (15) student contact hours for each semester credit. Degrees are: (4-17-08)T

(1) Associate of Applied Science Degree: A credential awarded for completion of requirements entailing at least two (2) years, but less than four (4) years, of full-time professional-technical study with a minimum of sixty (60) semester credits (includes a minimum of sixteen (16) general education credits) and includes mastery of specific competencies drawn from requirements of business/industry; (4-17-08)T

(2) Associate Degree: A credential awarded for completion of requirements entailing at least two (2) years, but normally less than four (4) years, of full-time academic work;

(3) Baccalaureate Degree: A credential awarded for completion of requirements entailing at least four (4) years of full-time academic work; (4-17-08)T

(4) Master's Degree: A credential awarded for completion of requirements entailing at least one (1) year, but normally not more than two (2) years, of full-time academic work beyond the baccalaureate degree, including any required research; and (4-17-08)T

(5) Doctoral Degree: A credential awarded for completion of requirements entailing at least three (3) years of full-time academic work beyond the baccalaureate degree, including any required research. (4-17-08)T

iii. Written course descriptions must be developed for all courses and for all courses within a program or degree and include the following: course overview, learning objectives and outcomes, course content, assessment, and grading criteria. A written inventory must be maintained for all course descriptions, and course descriptions must be provided to the faculty. Faculty must be expected to follow course descriptions. A syllabus must be developed for each course and distributed to students at the beginning of the course. (4-17-08)T

iv. For each course or courses of study leading to a degree, the institution shall assure that such courses will be offered with sufficient frequency to enable students to complete the courses of study and degree within the minimum time for completion. (4-17-08)T

c. Standard III - Student Support Services. The institution must have clearly defined written policies that are distributed to students through a variety of print and electronic means. Policies must address students' rights and responsibilities, grievance procedures, and must define what services are available to support students and instructional programs. (4-17-08)T

i. The institution must develop a written admissions policy. The admission of students must be determined through an orderly process using published criteria which must be uniformly applied. Admissions must take into account the capacity of the student to undertake a course of study and the capacity of the institution to provide instructional and other support services the student needs to complete the program. (4-17-08)T

ii. There must be a clearly defined policy for the readmission of students dismissed from the institution for academic reasons. The readmission of students dismissed under this policy should be consistent with the recognized academic standards of admission to the institution. (4-17-08)T

iii. The institution must establish and adhere to a clear and fair policy regarding due process in disciplinary matters, and publish this policy in a handbook, which must include other rights and responsibilities of the students and the grievance procedure. This handbook must be supplied to each student upon enrollment in the institution. The institution 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. (4-17-08)T

iv. The institution must provide an effective program of academic advising for all students enrolled. The program must include orientation to the academic program, academic and personal counseling, career information and planning, placement assistance, and testing services. (4-17-08)T

v. The institution must provide students, prospective students prior to enrollment, and other interested persons with a catalog containing, at a minimum, the following information: the institution's mission; admissions policies; information describing the purpose, length, and objectives for the courses or courses of study or degrees offered by the institution; credit requirements for all courses or courses of study or degrees offered by the institution; procedures for awarding credit for work completed outside the collegiate setting; policies for acceptance of transfer credit; the schedule of tuition, fees, and all other charges and expenses necessary for completion of the courses or courses of study or degrees; cancellation and refund policies; a definition of the unit of credit as it applies at the institution; an explanation of satisfactory progress, including an explanation of the grading/assessment system; the institution's calendar, including the beginning and ending dates for each instructional term, holidays, and registration dates; a complete listing of each regularly employed faculty member showing name, area of assignment, rank, and each earned degree held, including degree level, degree designation, and institution that awarded the

degree; a complete listing of each administrator showing name, title, area of assignment, and each earned degree held, including degree level, degree designation, and institution that awarded the degree; a statement of legal control with the names of the trustees, directors, and officers of the institution or corporation or other entity; a complete listing of all scholarships offered, if any; a statement describing the nature and extent of available student services; complete and clearly stated information about the transferability of credit to other post secondary educational institutions, including two-year and four-year colleges and universities; and any such other material facts concerning the institution and the courses or courses of study as are reasonably likely to affect the decision of the student to enroll at the institution. (4-17-08)T

vi. Accurate and secure records must be kept for all aspects of the student academic record including, at a minimum, admissions information, transcripts, and financial transactions. Standards established by the American Association of Collegiate Registrars and Admissions Officers (AACRAO) must be used as a basis for establishing, maintaining, securing, and retaining student records. (4-17-08)T

vii. The institution must provide to each prospective student, newly-enrolled student, and returning student, complete and clearly presented information indicating the institution's current graduation rate by courses of study, and job placement rate by course of study. (4-17-08)T

d. Standard IV - Faculty Qualifications, Duties, and Compensation. Faculty qualifications must be clearly defined for each discipline and the assigned location for each faculty member must be identified. (4-17-08)T

i. Faculty must be qualified through academic preparation appropriate to their assigned classes and degree level; i.e., for bachelor degree programs, faculty must have a master's degree from an accredited institution; at the graduate level, a doctoral degree from an accredited institution. Relevant teaching experience or evidence to indicate they will be successful in the classroom must also be considered. Relevant work experience must also be considered. Transcripts for all faculty must be obtained, reviewed, and retained at the institution. Faculty must be recruited from a variety of institutions and backgrounds to enhance diversity and to avoid hiring a disproportionate number of individuals who are graduates of institutional programs. (4-17-08)T

ii. There shall be a sufficient number of full-time faculty members to maintain the continuity and stability of academic programs and policies. At least one full-time faculty must be located in Idaho for each course or courses of study or degree, unless the institution can demonstrate specifically why this is not feasible, and identify what provisions have been, or will be, made to serve students effectively. (4-17-08)T

iii. A group of faculty must be organized and given responsibility in conjunction with the institution's chief academic officer for reviewing and approving all courses and courses of study and degrees offered by the institution. This group must also be responsible for overseeing instructional assessment activities and setting standards for program review/evaluation. The group must be of sufficient size to effectively represent a variety of instructional disciplines and faculty perspectives. (4-17-08)T

iv. The ratio of faculty to students in each course must be sufficient to assure effective instruction. (4-17-08)T

v. Faculty must be paid a fixed salary. Commissions may not be used for any portion of the compensation, to supplement faculty salaries, or be connected to recruitment or retention of students. (4-17-08)T

vi. Procedures for evaluating faculty must be established, including provisions for promoting faculty and recognizing scholarly contributions to their academic discipline. (4-17-08)T

vii. A faculty development program must be established to encourage professional advancement and to enhance one's knowledge and instructional expertise. (4-17-08)T

e. Standard V - Resources, Financial Resources, and Facilities. The institution must have adequate financial resources to accomplish its educational mission and objective. (4-17-08)T

i. A financial officer in a managerial position must be designated for the institution and given responsibility for overseeing all of the financial aspects of the institution. (4-17-08)T

ii. Adequate financial resources must be provided to accomplish the institutional mission and to effectively support the instructional programs, including teaching facilities (i.e., classrooms, labs), instructional materials, supplies and equipment, faculty, staff, library, and the physical and instructional technology infrastructure. (4-17-08)T

iii. The institution must have sufficient reserves so that, together with tuition and fees, it is able to complete its educational obligations to currently enrolled students, even if it were unable to admit any new students. (4-17-08)T

iv. Financial records and reports of the institution must be kept and made separate and distinct from those of any affiliated or sponsoring person or entity. Financial records and reports at a public or not for profit institution must be kept in accordance with the most current guidelines from the National Association of College and University Business Officers. Financial records and reports of a for-profit institution must be kept in accordance with generally accepted accounting principles. A for-profit institution must organize its reports and records under categories or cost centers comparable to accounting funds identified in the most current guidelines from the National Association of College and University Business Officers. (4-17-08)T

v. An annual independent audit of all fiscal accounts of the educational institution must be authorized by the governing board, and must be performed by a properly authorized certified public accountant. (4-17-08)T

f. Standard VI - Library and Instructional Resources. The institution must obtain and properly catalog library and other learning resources and make these resources readily available to its students and faculty. These holdings must be of sufficient quality and depth to support its mission and achievement of student and faculty learning objectives. (4-17-08)T

i. The institution must have adequate library facilities for the library holdings, space for study, and workspace for the librarian and library staff. (4-17-08)T

ii. Library services and resources must be available for student and faculty use with sufficient regularity, and at appropriate hours, to support the mission of the institution and its instructional offerings. (4-17-08)T

iii. If the institution relies on other institutions or entities to provide library resources, or this is done through electronic means, the institution 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. (4-17-08)T

iv. The library must be administered by professionally trained staff supported by sufficient personnel. (4-17-08)T

11. Additional Information. If the Board is unable to determine the nature and activities of an institution on the basis of the information provided by the institution under this rule, then the Board may notify the institution of additional information that it will be required to provide in connection with the application for registration. (4-17-08)T

12. 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. (4-17-08)T

13. Criteria for Approval or Denial of Registration. To be approved for registration, the institution must demonstrate that it is in compliance with Chapter 24, Title 33, Idaho Code and this rule. An institution must remain in compliance for the registration year. (4-17-08)T

14. Public Information. All information submitted to the Board in connection with the application is public information, and is subject to disclosure as set forth in the Public Records Act, Title 9, Chapter 3, Idaho Code. (4-17-08)T

15. Certificate of Registration.

a. A certificate of registration will be issued to a post secondary educational institution 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 that is registered with the Board shall advertise or represent in any manner that it is accredited by the Board. An institution may only represent that it is: "Registered with the Idaho State Board of Education." Registration is not an endorsement of the institution. (4-17-08)T

b. If an institution wishes to offer additional courses, courses of study, or degrees during the course of a registration year that were not included in its application to the Board prior to issuance of the certificate of registration, then the institution may submit a supplemental application to the Board, on a form approved by the Board, and pay any additional registration fees that are applicable. If approved, the Board will issue a revised certificate of registration evidencing such approval. (4-17-08)T

16. Disapproval and Appeal. If a post secondary educational institution's request for initial registration, or renewal of registration, is disapproved by the Board, then the institution may appeal such decision in accordance with Chapter 52, Title 67, Idaho Code. The request must be in writing and made to the office within thirty (30) days of the date the institution is notified of the disapproval. (4-17-08)T

17. Withdrawal of Approval.

a. The Board may refuse to renew, or may revoke or suspend approval of, an institution's registration by giving written notice and the reasons therefore to the institution. The institution may request a hearing relating to such decision under IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." (4-17-08)T

b. Withdrawal of approval may be for one or more of the following reasons: (4-17-08)T

i. Violation of Chapter 24, Title 33, Idaho Code or this rule; (4-17-08)T

ii. Providing false, misleading, deceptive, or incomplete information to the Board; (4-17-08)T

iii. Presenting to prospective or current students information about the institution which is false, fraudulent, misleading, deceptive, or inaccurate in a material respect; or (4-17-08)T

iv. Refusing to allow reasonable inspection or to supply reasonable information after a written request by the Board has been received. (4-17-08)T

c. If any information contained in the application submitted by the institution becomes incorrect or incomplete, then the registered institution shall notify the Board of such change within thirty (30) days. An institution that ceases operation during the course of a registration year shall immediately inform the Board of this event. (4-17-08)T

201 -- 299. (RESERVED).

300. REGISTRATION OF PROPRIETARY SCHOOLS.

01. Delegation. Section 33-2403, Idaho Code, provides that a proprietary school must hold a valid certificate of registration issued by the Board or its designee. The Board delegates authority to the Idaho Division of Professional-Technical Education (PTE) to register proprietary schools, in accordance with this rule. (4-17-08)T

02. Registration Requirement.

a. Unless exempted by statute or this rule, as provided herein, a proprietary school which maintains a presence within the state of Idaho, or which 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 PTE. A school shall not conduct, provide, offer, or sell a course or courses of study unless registered. A school shall not solicit students for or on behalf of such school, or advertise in this state, unless registered. (4-17-08)T

b. Initial registration shall be for the period beginning on the date of issue of a certificate of registration and continue through June 30 of the next succeeding year. A registered proprietary school must renew its certificate of registration annually and renewal of registration is not automatic. 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. (4-17-08)T

03. Exemptions from Registration. The following individuals or entities are specifically exempt from the registration requirements of this rule: (4-17-08)T

a. An individual or entity that offers instruction or training solely a vocational or recreational in nature, as determined by the Board. (4-17-08)T

b. An individual or entity that offers courses recognized by the Board which comply in whole or in part with the compulsory education law. (4-17-08)T

c. An individual or entity that offers a course or courses of study sponsored by an employer for the training and preparation of its own employees, and for which no tuition fee is charged to the student. (4-17-08)T

d. An individual or entity which is otherwise regulated, licensed, or registered with another state agency pursuant to title 54, Idaho Code. (4-17-08)T

e. Aviation school or instructors approved by and under the supervision of the Federal Aviation Administration. (4-17-08)T

f. An individual or entity that offers intensive review courses designed to prepare students for certified public accountancy tests, public accountancy tests, law school aptitude tests, bar examinations or medical college admissions tests, or similar instruction for test preparation. (4-17-08)T

g. An individual or entity offering only workshops or seminars lasting no longer than three (3) calendar days. (4-17-08)T

h. A parochial or denominational institution providing instruction or training relating solely to religion and for which degrees are not granted. (4-17-08)T

i. An individual or entity that offers post secondary credit through a consortium of public and private colleges and universities under the auspices of the western governors. (4-17-08)T

04. Application. A proprietary school that is required to register under this rule must submit to PTE an application for registration (either an application for initial registration, or renewal of registration, as applicable), on a form approved by PTE. The application must include a list of each course or courses of study the applicant school intends to conduct, provide, offer or sell in Idaho during the registration year. (4-17-08)T

05. Registration Fees and Costs. A registration fee shall accompany each application for initial registration or renewal of registration. The fixed portion of such annual registration fee shall be in the amount of one hundred dollars (\$100) for each school. The variable portion of such annual registration fee shall be in the amount of one hundred dollars (\$100) for each course to be offered by the school during the registration year. Fees are not refundable. (4-17-08)T

06. Deadline for Registration. An initial application for registration may be submitted to PTE at anytime. A school should expect PTE's review process for an initial registration to take approximately three (3) to

five (5) months. An application for renewal of registration must be submitted to PTE on or before the first business day of May that precedes a registration year. (4-17-08)T

07. Information Required.

a. Such application must include the information requested on the application form. In addition, a school applying for registration must submit information and/or documentation with its application for registration that documents compliance with all of the Standards, I through V, set forth in Subsections 300.08.a. through 300.08.e. of this rule. (4-17-08)T

b. PTE 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, described in Subsection 300.05 of this rule, shall remain applicable. (4-17-08)T

08. 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. (4-17-08)T

a. 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. (4-17-08)T

i. 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 by PTE. (4-17-08)T

ii. The ownership of the school, its agents, and all school officials must be identified by name and title. (4-17-08)T

iii. Each owner, agent, and school official must be appropriately qualified to ensure courses are of high quality and the rights of students are protected. (4-17-08)T

iv. Policies must have been established to govern admissions, 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. (4-17-08)T

v. 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. (4-17-08)T

b. Standard II - Courses or Courses of Study. Instruction must be the primary focus of the school, and all instructional activities must be clearly related to the achievement of the stated instructional objectives. All courses or courses of study must prepare students to enter employment upon completion of the program or prepare them for self-employment. (4-17-08)T

i. The requirements for each course or courses of study must be defined clearly including applicable completion requirements or other requirements such as practicum's, clinicals, etc. Courses or courses of study will 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. (4-17-08)T

ii. Written course descriptions must be developed for all courses or courses of study including: course overview, learning objectives and outcomes, course content, assessment, and grading criteria. A written inventory must be maintained for all course descriptions and course descriptions must be provided to instructors.

Instructors must be expected to follow course descriptions. A syllabus must be developed for each course and distributed to students at the beginning of the course. (4-17-08)T

iii. 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. (4-17-08)T

iv. The school must clearly state the cost of each course or courses of study and identify the payment schedule. This information must be provided in written form to students, and the refund policy must also be given to students in writing. (4-17-08)T

v. 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, job opportunities, and other relevant information to assist students in making an informed decision to enroll. 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. (4-17-08)T

c. Standard III - Student Support Services. The school must have clearly defined written policies that are distributed to students through a variety of print and electronic means. Policies must address students rights and responsibilities, grievance procedures, and define what services are available to support students. (4-17-08)T

i. The school must develop a written admissions policy. The admission of students must be determined through an orderly process using published criteria which must be uniformly applied. Admissions must take into account the capacity of the student to undertake a course or courses of study and the capacity of the school to provide instructional and other support services the student needs to complete the program. (4-17-08)T

ii. There must be a clearly defined policy for the readmission of students dismissed from the school. The readmission of students dismissed under this policy must be consistent with the recognized standards of admission to the school. (4-17-08)T

iii. The school must establish and adhere to a clear and fair policy regarding due process in disciplinary matters, and publish this policy in a handbook, which must include other rights and responsibilities of the students and the grievance procedure. This handbook must be supplied 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. (4-17-08)T

iv. The school must provide written information to prospective students prior to enrollment to include the following: information describing the purpose, length, and objectives of the courses or courses of study; completion requirements for the courses or courses of study; the schedule of tuition, fees, and all other charges and all expenses necessary for completion of the courses or courses of study; cancellation and refund policies; an explanation of satisfactory progress, including an explanation of the grading/assessment system; the calendar of study including registration dates, beginning and ending dates for all courses, and holidays; a complete list of instructors and their qualifications; a listing of available student services; and other information about the courses or courses of study that are likely to affect the decision of the student to enroll in the school. (4-17-08)T

v. 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. (4-17-08)T

d. Standard IV - Faculty Qualifications and Compensation. (4-17-08)T

i. Instructor qualifications (training and experience) must be described and the assigned location for each instructor must be identified. (4-17-08)T

ii. There must be a sufficient number of full-time instructors to maintain the continuity and stability of courses. (4-17-08)T

- iii. The ratio of instructors to students in each course must be sufficient to assure effective instruction. (4-17-08)T
- iv. Commissions may not be used for any portion of the faculty compensation. (4-17-08)T
- v. Procedures for evaluating instructors must be established. Provisions for student evaluation are recommended. (4-17-08)T
- e. Standard V - Resources, Finance, Facilities, and Instructional Resources. (4-17-08)T
 - i. Adequate financial resources must be provided to accomplish instructional objectives and to effectively support the instructional program, including teaching facilities (i.e., classrooms, labs), instructional materials, supplies and equipment, instructors, staff, library, and the physical and instructional technology infrastructure. (4-17-08)T
 - ii. The school must have sufficient resources 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 with another proprietary school to have students complete a comparable course or courses of study (a teach-out provision). (4-17-08)T
 - iii. Financial records and reports of the school must be kept and made 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. (4-17-08)T
 - iv. 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. (4-17-08)T
 - v. 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. (4-17-08)T

09. Additional Information. If PTE is unable to determine the nature and activities of a school on the basis of the information provided by the school under this rule, then PTE may notify the school of additional information that it will be required to provide in connection with the application for registration. (4-17-08)T

10. Verification of Information. PTE may verify the accuracy of submitted information by inspection, visitation, or any other means it considers necessary. The applicant school shall be responsible for any costs PTE incurs including travel, associated with this review. (4-17-08)T

11. Criteria for Approval or Denial of Registration. To be approved for registration, the school must demonstrate that it is in compliance with Chapter 24, Title 33, Idaho Code and this rule, including all of the standards described in Subsections 300.08.a. through 300.08.e. of this rule. A school must remain in compliance for the registration year. (4-17-08)T

12. Public Information. All information submitted to PTE is public information, and is subject to disclosure as set forth in the Public Records Act, Title 9, Chapter 3, Idaho Code. (4-17-08)T

13. Certificate of Registration.

a. A certificate of registration will be issued to a proprietary school that has paid its registration fee and 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 school that is registered with PTE shall advertise or represent in any manner

that it is accredited by PTE. An institution may only represent that it is: "Registered with Idaho Division of Professional-Technical Education." Registration is not an endorsement of the school. (4-17-08)T

b. If a school wishes to offer additional courses or courses of study during the course of a registration year that were not included in its application to PTE prior to issuance of the certificate of registration, then the school may submit a supplemental application to PTE, on a form approved by PTE, and pay any additional registration fees that are applicable. If approved, PTE will issue a revised certificate of registration evidencing such approval. (4-17-08)T

14. Disapproval and Appeal. If a proprietary school's request for initial registration or a renewal of registration is disapproved by PTE, then the school may appeal such decision in accordance with Chapter 52, Title 67, Idaho Code. The request must be in writing and made to PTE within thirty (30) days of the date the school is notified of the disapproval. (4-17-08)T

15. Withdrawal of Approval.

a. PTE may refuse to renew, or may revoke or suspend approval of a school's registration by giving written notice and the reasons therefore to the school. The school may request a hearing under IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." (4-17-08)T

b. Withdrawal of approval may be for one or more of the following reasons: (4-17-08)T

i. Violation of Chapter 24, Title 33, Idaho Code or this rule. (4-17-08)T

ii. Providing false, misleading, deceptive, or incomplete information to PTE. (4-17-08)T

iii. Presenting to prospective or current students information about the school which is false, fraudulent, misleading, deceptive, or inaccurate in a material respect; or (4-17-08)T

iv. Refusing to allow reasonable inspection or to supply reasonable information after a written request by PTE has been received. (4-17-08)T

c. If any information contained in the application submitted by the school becomes incorrect or incomplete, then the registered school shall notify PTE of such change within thirty (30) days. A school that ceases operation during the course of a registration year shall immediately notify PTE of this event. (4-17-08)T

16. Agent's Permit. Each proprietary school shall ensure that its agents have a valid permit, 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 the State Bureau of Identification, Federal Bureau of Investigation and statewide sex offender registry for each agent having direct contact with minors in the minor's home or at secondary schools, prior to making application for the agent's permit. (4-17-08)T

17. Annual Agent's Permit Fee. The annual fee for the agent's permit shall be fifty dollars (\$50.00). The agent's permit must be renewed annually upon reapplication and proper qualifications, as required by Section 33-2404, Idaho Code. (4-17-08)T

18. Surety Bond. Each proprietary school shall comply with the provisions in Section 33-2406, Idaho Code, relating to a surety bond. (4-17-08)T

19. Student Tuition Recovery Account. Each proprietary school shall comply with the provisions of Section 33-2407, Idaho Code, relating to a student tuition recovery account. (4-17-08)T

301. -999. (RESERVED).