

Dear Senators GOEDDE, Mortimer, Malepeai, and  
Representatives NONINI, Shirley, Pence:

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

IDAPA 08.01.04 - Rules Pertaining To The Residency Classification (Docket No. 08-0104-1101);

IDAPA 08.01.09 - Rules Pertaining To The Rules Governing the Gear Up Idaho Scholarship Program  
(New Chapter) (Docket No. 08-0109-1101);

IDAPA 08.01.11 - Rules Pertaining To The Registration of Post-Secondary Educational Institutions  
and Proprietary Schools (Docket No. 08-0111-1101);

IDAPA 08.01.11 - Rules Pertaining To The Registration of Post-Secondary Educational Institutions  
and Proprietary Schools (Docket No. 08-0111-1102);

IDAPA 08.01.14 - Rules Pertaining To The Idaho Rural Physician Incentive Program (Docket No.  
08-0114-1101);

IDAPA 08.02.03 - Rules Pertaining To The Rules Governing Thoroughness (Docket No.  
08-0203-1102).

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 11/08/2011. 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 12/08/2011.

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 334-4845, or send a written request to the address or FAX  
number indicated on the memorandum enclosed.



Jeff Youtz  
Director

# Legislative Services Office Idaho State Legislature

*Serving Idaho's Citizen Legislature*

## MEMORANDUM

**TO:** Rules Review Subcommittee of the Senate Education Committee and the House Education Committee  
**FROM:** Principal Legislative Research Analyst - Eric Milstead  
**DATE:** October 20, 2011  
**SUBJECT:** State Board of and State Department of Education

IDAPA 08.01.04 - Rules Pertaining To The Residency Classification (Docket No. 08-0104-1101)

IDAPA 08.01.09 - Rules Pertaining To The Rules Governing the Gear Up Idaho Scholarship Program (New Chapter) (Docket No. 08-0109-1101)

IDAPA 08.01.11 - Rules Pertaining To The Registration of Post-Secondary Educational Institutions and Proprietary Schools (Docket No. 08-0111-1101)

IDAPA 08.01.11 - Rules Pertaining To The Registration of Post-Secondary Educational Institutions and Proprietary Schools (Docket No. 08-0111-1102)

IDAPA 08.01.14 - Rules Pertaining To The Idaho Rural Physician Incentive Program (Docket No. 08-0114-1101)

IDAPA 08.02.03 - Rules Pertaining To The Rules Governing Thoroughness (Docket No. 08-0203-1102)

1. IDAPA 08.01.04 - Rules Pertaining To The Residency Classification (Docket No. 08-0104-1101)  
The State Board of Education submits notice of proposed rulemaking at IDAPA 08.01.04 -- Rules Pertaining to the Residency Classification. The proposed rule deletes the delegation of determining residency to certain special graduate and professional programs. The proposed rule allows the Board of Education to determine which institution should make the certification. The agency notes that this change will eliminate a duplication of effort when an applicant applies to more than one special graduate or professional program.

The agency states that negotiated rulemaking was not conducted because the proposed rule is administrative in nature and noncontroversial.

The proposed rule appears to be authorized pursuant to sections 33-105 and 33-107, Idaho Code.

2. IDAPA 08.01.09 - Rules Governing the Gear Up Idaho Scholarship Program (New Chapter) (Docket No. 08-0109-1101)  
The State Board of Education submits notice of temporary and proposed rulemaking at IDAPA 08.01.09 -- Rules Governing the Gear Up Idaho Scholarship Program. The temporary and proposed rule governs the GEAR UP Scholarship Program (Gaining Early Awareness and Readiness for Undergraduate Programs). The Board notes that the temporary and proposed rule is modeled after the processes governing

the Idaho Opportunity Scholarship program. This fall will see the first students eligible to apply for GEAR UP scholarships.

The temporary and proposed rule includes, among other matters, provisions governing: definitions (Section 010); objectives of the program (Section 100); program eligibility (Section 101); scholarship application and selection processes (Sections 200 and 300); scholarship awards (Section 400); responsibilities of eligible postsecondary educational institutions (Section 700); and applicant appeals (Section 800).

The Board states that negotiated rulemaking was not conducted because the rules are not controversial.

The effective date of the temporary rule was June 24, 2011. The temporary and proposed rule appears to be authorized pursuant to sections 33-105 and 33-107, Idaho Code.

3. IDAPA 08.01.11 - Registration of Post-Secondary Educational Institutions and Proprietary Schools (Docket No. 08-0111-1102) The State Board of Education submits notice of proposed rulemaking at IDAPA 08.01.11 -- Registration of Post-Secondary Educational Institutions and Proprietary Schools. The proposed rule revises a number of provisions relating to the registration of certain educational institutions. The new rule revises provisions relating to post-secondary institutions, including new provisions relating to registration requirements (Section 200.02.d and 200.02.e.); new rules clarifying the term "Idaho Presence" (Section 200.03.b and 200.03.c); revises and deletes language relating to exemptions from registration requirements, provides new language specifically exempting certain institutions and revises language governing those institutions that must register (Section 200.04 and 200.05). The proposed rule deletes all of Section 201 which provided approval standards for unaccredited post-secondary educational institutions. The proposed rule clarifies that all post-secondary institutions must be accredited by an accreditation organization recognized by both the U.S. Department of Education and by the council for Higher Education Accreditation.

The proposed rule also includes new provisions relating to the registration of proprietary schools and provides new language governing their presence in the state (Section 300.03). Other revisions include changes to Approval Standards for Registration of Proprietary Schools (Section 300) which include revision to language governing courses or courses of study; student support services; faculty/instructor qualifications and compensation; and resources, finance, facilities and instructional resources.

Finally, new sections to the rule govern "Enforcement" which provide that the state Board may initiate its own investigation relating to violations of law or rule (Section 400). The new sections also govern Complaints (Section 500) which provide process and protocol relating to violations of state consumer protection laws; violations of law or rule related to registration of postsecondary institutions and proprietary schools and complaints related to quality of education and other matters.

The agency states that negotiated rulemaking was not conducted because the Office of the State Board of Education solicited input on an informal basis from entities affected by the proposed rule.

The proposed rule appears to be authorized pursuant to sections 33-105 and 33-107, Idaho Code and sections 33-2402 and 33-2403, Idaho Code.

4. IDAPA 08.01.14 - Rules Pertaining To The Idaho Rural Physician Incentive Program (Docket No. 08-0114-1101) The State Board of Education submits notice of temporary and proposed rulemaking at IDAPA 08.01.14 -- Rules Pertaining to the Idaho Rural Physician Incentive Program. The temporary and proposed rule includes two changes of note: first, in terms of physician eligibility, the temporary and proposed rule provides that the physician must be board certified and be eligible for an unrestricted Idaho medical license (the prior version of the rule required that the physician hold such an unrestricted license); and second, the rule revises provisions governing who receives the medical education debt repayments. The temporary and proposed rule

provides that such debt repayments be paid directly to the award-recipient physician. The award-recipient is required to sign an affidavit affirming that he will then pay an equal amount to the financial institution holding the debt.

The agency states that negotiated rulemaking was not conducted because the proposed changes were noncontroversial.

The effective date of the temporary rule was June 24, 2011. The temporary and proposed rule appears to be authorized pursuant to sections 33-105, Idaho Code.

5. IDAPA 08.02.03 - Rules Governing Thoroughness (Docket No. 08-0203-1102) The State Board of Education submits notice of proposed rulemaking at IDAPA 08.02.03 -- Rules Governing Thoroughness. The proposed rule provides a number of provisions relating to online courses. The proposed rule provides definitions of "asynchronous course"; "blended course" (Section 007.08 and 007.11) and "online course"; "online learning"; "online teacher"; and "synchronous course" (Sections 008.08; 008.09; 008.10; and 008.27). Finally, the rule provides a new subsection governing online learning requirements as part of high school graduation requirements (Section 105.01.i). These new requirements are effective for all students who enter the 9th grade in the fall of 2012 or later. The rule requires 2 credits of online learning--one from an asynchronous online course and one may be an online course or blended course, either asynchronous or synchronous. The rule also provides for locally-established alternate plans.

The agency states that negotiated rulemaking was conducted. The Board also notes that seven public hearing were held and that an eleven member subcommittee made up of stakeholder representatives reviewed comments and made final language recommendations to the Board.

The proposed rule appears to be authorized pursuant to sections 33-1612, Idaho Code.

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

# **IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION**

## **08.01.04 - RESIDENCY CLASSIFICATION**

**DOCKET NO. 08-0104-1101**

### **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 and 33-3717B, 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, 2011.

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:

Changes eliminate the language delegating certification of determination of residency for the special graduate and professional programs administered by the Board. Current language results in a duplication of effort for those instances where an applicant may apply to more than one program. Striking this language will allow the Board to determine which institution should make the certification based on the program.

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because changes were of an administrative and non controversial nature.

**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 temporary and proposed rule, contact Tracie Bent, Chief Planning and Policy Officer at (208)332-1582 or [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov).

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 October 26, 2011.

DATED this 31st day of August, 2011.

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

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 08-0104-1101

105. RESIDENCY REQUIREMENTS FOR SPECIAL GRADUATE OR PROFESSIONAL PROGRAMS.

**01. Residency Requirement.** As provided in Section 33-3717B, Idaho Code, a residency requirement of at least one (1) calendar year is in effect for certain special graduate and professional programs. ( )

**a.** Those programs include, but are not limited to, the WAMI Regional Medical Program, the WICHE Professional Student Exchange Program, the Idaho Dental Education Program, the Creighton Dental Education Program, the WOI Regional Veterinary Program, and the University of Utah Medical Program. ( )

**b.** For purposes of this section, the requirement of “at least one (1) calendar year” means a period of twelve (12) consecutive months of continuous residency consistent with the requirements of Section 33-3717B, Idaho Code, immediately prior to the date of application. (5-8-09)( )

~~**01. Delegation of Certification Administration.** The following office or institutions are delegated the responsibility for the evaluation of applicants and determination of residency for the special graduate and professional programs for purposes of certification. (7-1-93)~~

~~**a.** The University of Idaho—WAMI Regional Medical Program, WOI Regional Veterinary Program. (7-1-93)~~

~~**b.** Idaho State University—Idaho Dental Education Program and the University of Utah Medical Program. (6-30-95)~~

~~**c.** Office of the State Board of Education—WICHE Professional Student Exchange Program. (6-30-95)~~

**02. Appeal to the State Board of Education.** Applicants for the special graduate and professional programs, upon institutional denial of residency status, may petition the Board for a hearing on the denial. The decision to grant such a hearing is discretionary with the Board and will be granted for errors in determination of residency pursuant to Section 33-3717B, Idaho Code. (5-8-09)

**IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION**

**08.01.09 - RULES GOVERNING THE GEAR UP IDAHO SCHOLARSHIP PROGRAM**

**DOCKET NO. 08-0109-1101 (NEW CHAPTER)**

**NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is June 24, 2011.

**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 Section(s) 33-105, and 33-107.

**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, 2011.

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:

IDAPA 08.01.09 is a new rule that outlines the eligibility requirement and application process for students who have participated in the GEAR UP Idaho program to apply for the GEAR UP Idaho Scholarship. The language has been patterned after the process currently used in applying for the existing Idaho Opportunity Scholarship.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The first cohort of students will be eligible to apply for the GEARUP Idaho Scholarship in the fall. The Proposed rules is a new sections of rule and sets out the eligibility criteria and application process for those students.

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the changes were of a non controversial nature.

**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 temporary and proposed rule, contact Tracie Bent, Chief Planning and Policy Officer at (208)332-1582 or [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov).

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 October 26, 2011.

DATED this 31st day of August, 2011.

Tracie Bent  
Chief Planning and Policy Officer  
Office of the State Board of Education

650 W. State St., Boise, ID  
PO Box 83720, Boise, ID 83720-0037  
Phone: (208)332-1582 / Fax: (208)3342632

THE FOLLOWING IS THE TEMPORARY RULE & PROPOSED TEXT OF DOCKET NO. 08-0109-1101

IDAPA 08, TITLE 01, CHAPTER 09

08.01.09 - RULES GOVERNING THE GEAR UP IDAHO SCHOLARSHIP PROGRAM

**000. LEGAL AUTHORITY.**

These rules are promulgated pursuant to the authority of the State Board of Education (Board) under Section 33-105, Idaho Code. (6-24-11)T

**001. TITLE AND SCOPE.**

**01. Title.** These rules shall be cited as IDAPA 08.01.09, "Rules Governing the GEAR UP Idaho Scholarship Program." (6-24-11)T

**02. Scope.** These rules constitute the requirements for the GEAR UP Idaho Scholarship Program. (6-24-11)T

**002. WRITTEN INTERPRETATIONS.**

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, written interpretations, if any, of the rules of this chapter are available at the Board. (6-24-11)T

**003. ADMINISTRATIVE APPEALS.**

Unless otherwise provided for in the rules of the Board or in the Board Governing Policies and Procedures, all administrative appeals allowed by law shall be conducted as provided herein. (6-24-11)T

**004. INCORPORATION BY REFERENCE.**

There are no documents that have been incorporated by reference into these rules. (6-24-11)T

**005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.**

The principal place of business of the State Board of Education is in Boise, Idaho. (6-24-11)T

**01. Mailing Address.** The mailing address is PO Box 83720, Boise, Idaho 83720-0037. (6-24-11)T

**02. Street Address.** The State Board of Education's street address is 650 West State Street, Room 307, Boise, Idaho 83702. (6-24-11)T

**03. Office Hours.** The office hours are from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. (6-24-11)T

**006. PUBLIC RECORDS ACT COMPLIANCE.**

These rules are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. (6-24-11)T

**007. -- 009. (RESERVED)**

**010. DEFINITIONS.**

**01. Dependable Strengths Report.** A tool available on the Idaho Career Information System that assists students in assessing skills and abilities as they relate to career choices and options. Dependable Strengths is accessed via My CIS Portfolio. (6-24-11)T



**02. Educational Costs.** Student costs for tuition, fees, room and board, or expenses related to reasonable commuting, books and other expenses reasonably related to attendance a postsecondary educational institution. This cost is determined by the postsecondary institution the student attends. (6-24-11)T

**03. Eligible Institution.** (6-24-11)T

**a.** A public postsecondary educational institution governed or supervised by the Board, or a board of trustees of a community college established pursuant to the provisions of Chapter 21, Title 33, Idaho Code; or (6-24-11)T

**b.** Any educational organization located in Idaho that is: (6-24-11)T

**i.** Operated privately; (6-24-11)T

**ii.** Classified as not-for-profit under the Idaho Code; (6-24-11)T

**iii.** Under the control of an independent board and not directly controlled or administered by a public or political subdivision; and (6-24-11)T

**iv.** Accredited by an organization recognized by the Board, as provided in section 33-2402, Idaho Code. (6-24-11)T

**v.** Eligible for receipt of federal financial aid funding. (6-24-11)T

**04. Eligible Student.** A student who: (6-24-11)T

**a.** Is an Idaho resident and who has participated in the early intervention component (7th through 10th grade) of the GEAR UP Idaho program and who has or will graduate from an accredited high school or equivalent in Idaho as determined by the Board in 2012, 2013, or 2014; (6-24-11)T

**b.** Has enrolled or applied as a full-time student in an eligible institution for a minimum of twenty-four (24) credit hours in an academic year. (6-24-11)T

**05. Administration.** The Executive Director of the Idaho State Board of Education or his designee. (6-24-11)T

**011. -- 099. (RESERVED)**

**100. OBJECTIVES OF THE GEAR UP IDAHO SCHOLARSHIP PROGRAM.**  
The objectives of the GEAR UP Idaho scholarship program are as follows: (6-24-11)T

**01. Continuation of Education.** To support the continuation of education at the postsecondary level by providing qualified students with a scholarship; and (6-24-11)T

**02. Successful Completion of Program Activities.** To recognize the successful completion of GEAR UP program activities by student participants. (6-24-11)T

**101. ELIGIBILITY.**

**01. Eligible Student.** An applicant must be an eligible student and less than twenty-two (22) years of age at the time the student first receives a scholarship award. (6-24-11)T

**02. Undergraduate Student.** An eligible student must be enrolled full-time in an undergraduate program at an eligible institution. A student enrolled in an undergraduate program is eligible for consideration for a scholarship award, even if some of the student's courses are at the graduate level. (6-24-11)T

**102. -- 199. (RESERVED)**

**200. APPLICATION PROCESS.**

**01. Initial Applications.** (6-24-11)T

**a.** An eligible student who has not yet graduated from an accredited high school or its equivalent in the state of Idaho must complete and submit the GEAR UP Idaho Scholarship Application to the Board electronically on or before the date specified in the application, but not later than January 15th. An applicant without electronic capabilities may receive assistance in completing the electronic application from your high school counselor or from State Board of Education scholarship staff. Gear Up Idaho Scholarship Administrator through the United States Postal Service, which must be postmarked not later than January 15th. (6-24-11)T

**b.** An applicant must complete and submit the Free Application for Federal Student Aid (FAFSA) on or before February 15th of the year student will graduate from secondary school or its equivalent. (6-24-11)T

**c.** An applicant must submit with his or her application a copy of the applicant's Dependable Strengths Report or in lieu of submitting the applicant's Dependable Strengths Report an applicant may submit a one-page essay on the topic "My Unique Dependable Strengths." (6-24-11)T

**02. Announcement of Award.** Announcement of the award of initial scholarships for the 2012 - 2013 academic years will be made no later than May 15, 2012, with awards to be effective at the beginning of that academic year. The announcement of award recipients in future academic years will be made no later than May 1. (6-24-11)T

**03. Communication with State Officials.** Applicants for initial scholarships must respond by the date specified to any communication from officials of the GEAR UP Idaho Program. Failure to respond within the time period specified will result in cancellation of the application or forfeiture of the scholarship unless extenuating circumstances are involved. (6-24-11)T

**201. -- 299. (RESERVED)**

**300. SELECTION OF SCHOLARSHIP RECIPIENTS.**

Applications will be reviewed and awards selected based on financial need, hours of participation in the GEAR UP program and academic preparation based on a combination of the ACT score and cumulative HS GPA. Priority will be given to applicants who are eligible to receive Pell grant funding, as determined by the Free Application for Federal Student Aid. (6-24-11)T

**01. Academic Eligibility.** (6-24-11)T

**a.** Applicants for the GEAR UP Idaho scholarship are selected as recipients, in part, on the basis of their academic performance. The student applicant's high school grade point average (GPA) and ACT composite score are weighed equally to determine an applicant's academic rank. (6-24-11)T

**b.** The academic ranking constitutes twenty percent (20%) of the selection ranking. (6-24-11)T

**c.** Grade point average (GPA). An eligible student's unweighted GPA will be used to determine the GPA value. (6-24-11)T

**d.** ACT Composite Score. Academic applicants must take the ACT exam. The highest composite score from any single test administration taken prior to the application deadline of January 15 will be considered. Applicants will be ranked against other applicants based upon the ACT composite score. (6-24-11)T

**02. Financial Eligibility.** (6-24-11)T

**a.** Applicants for GEAR UP Idaho scholarship are selected as recipients, in part, on the basis of demonstrated financial need. The primary tool that will be used by the GEAR UP Scholarship Program officials to determine financial need will be the federal Free Application for Federal Student Aid (FAFSA), used by the United

States Department of Education to determine eligibility for financial aid and a expected family's contribution (EFC) to a student's postsecondary education. The financial need of an applicant for a GEAR UP scholarship will be based up the validated expected family contribution, as identified by the FAFSA report. (6-24-11)T

**b.** The financial need factor, as determined by FAFSA, will constitute sixty percent (60%) of the weighting for the selection of recipients of GEAR UP scholarships. (6-24-11)T

**03. Participation Eligibility.** (6-24-11)T

**a.** Applicants for GEAR UP Idaho scholarships are selected in part on the basis of their participation in GEAR UP activities. (6-24-11)T

**b.** The participation factor will constitute twenty percent (20%) of the selection ranking. (6-24-11)T

**c.** Participation is reported in hours. Participation is determined based upon the hours a GEAR UP applicant participated in available GEAR UP activities offered at their school. Applicants will be compared to other applicants from the same school. (6-24-11)T

**301. -- 399. (RESERVED)**

**400. GEAR UP IDAHO SCHOLARSHIP AWARD.**

**01. Distribution.** GEAR UP Idaho scholarships will be awarded at each GEAR UP school with distribution based on school population in relation to the over-all state GEAR UP population. (6-24-11)T

**02. Monetary Value of the Gear Up Idaho Scholarship.** (6-24-11)T

**a.** The monetary value of the GEAR UP Idaho scholarship award to a student is set at the maximum amount of the Federal Pell Grant as established by the Federal government for the given year. (6-24-11)T

**b.** The total amount of financial aid from all sources shall not exceed the student's total educational costs. (6-24-11)T

**03. Payment.** Payment of scholarship awards will be made in the name of the recipient and will be sent to a designated official at the eligible 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. (6-24-11)T

**04. 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 covers up to one (1) educational year or equivalent for attendance at an eligible institution. Request for part-time study must have prior authorization by the GEAR UP Idaho administrator, and if granted, scholarship awards will be reduced proportionally. (6-24-11)T

**05. Eligibility.** If a student receives a scholarship payment and it is later determined that the student did not meet all of the eligibility requirements, then the student is considered in overpayment status, and must return program funds in accordance with the eligible institution's refund policy. (6-24-11)T

**401. -- 499. (RESERVED)**

**500. CONTINUING ELIGIBILITY.**

To remain eligible for renewal of a GEAR UP Idaho scholarship, the recipient must comply with all of the provisions of the GEAR UP Idaho Program and these rules, in addition to the following requirements: (6-24-11)T

**01. Renewal Application.** A scholarship recipient must complete and submit a renewal application in order to be considered for a continuing scholarship for each succeeding year. A completed application for the renewal of an GEAR UP Idaho scholarship must be submitted to the Board electronically by the date established on the application, but not later than January 30. An applicant without electronic capabilities may submit an application on

the form established by the GEAR UP Idaho Program administrator through the United States Postal Service, which must be postmarked no later than January 30. In addition, a scholarship recipient must update and submit the FAFSA on or prior to February 15. (6-24-11)T

**02. Credit Hours.** To remain eligible for renewal of a scholarship award, the scholarship recipient must have completed a minimum of twenty-four (24) credit hours or its equivalent for the academic year in which the student received a scholarship award. A student must be enrolled in full-time study each term unless prior approval is granted to attend part-time. If a student does not receive a minimum of twelve (12) credit hours in a term, they may not receive the second semester award without seeking approval from the scholarship administrator. (6-24-11)T

**03. Satisfactory Academic Progress.** To remain eligible for renewal of a scholarship, the scholarship recipient must have maintained a minimum grade point average of two point zero (2.0) on a scale of four point zero (4.0) during the time that the recipient received an award, and must be maintaining satisfactory academic progress, consistent within federal financial regulations as implemented at the eligible Idaho postsecondary educational institution at which the scholarship recipient was enrolled. (6-24-11)T

**04. Transfer Students.** Scholarship recipients who transfer to another eligible institution remain eligible for scholarship renewal. (6-24-11)T

**05. Maximum Scholarship Award.** The award of a GEAR UP Idaho scholarship shall not exceed the equivalent of eight (8) continuous semesters or the equivalent of four (4) continuous academic years. (6-24-11)T

**501.-- 599. (RESERVED)**

**600. MISCELLANEOUS PROVISIONS.**

**01. Interruption of Enrollment.** A scholarship recipient who requests to take leave from and interrupt enrollment at an eligible institution must submit a letter of intent to interrupt continuous enrollment to the GEAR UP Idaho administrator no later than sixty (60) days prior to the first day of the academic term of the discontinued attendance. Requests can only be made only after the completion of one (1) full academic year. Failure to do so may result in forfeiture of any continuing scholarship eligibility. The administrator 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 administrator declaring his intent to re-enroll as a full-time undergraduate student at an eligible 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. If a leave request is granted, the total time that the scholarship will be available to the student shall not exceed the four (4) academic years immediately following the student's graduation from secondary school or its equivalent. (6-24-11)T

**02. Reassignment of Scholarships in Case of Discontinuance or Termination.** If a scholarship recipient enrolled in an eligible institution permanently withdraws or is dismissed prior to completion of his or her four (4) academic year scholarship eligibility term, then the GEAR UP Idaho administrator may award the scholarship to another eligible GEAR UP applicant (an alternate recipient) in the same application year. If there are no other alternates from that year, then the administrator may award the scholarship to another qualifying GEAR UP applicant. In the event that an award is made to an alternate recipient, then this new student shall assume the vacant scholarship of the Idaho GEAR UP student who has withdrawn or was dismissed. However, such student shall only receive the benefits of this scholarship for the remaining years of eligibility for the GEAR UP scholarship recipient who withdrew or was dismissed prior to completion of the scholarship eligibility term. (6-24-11)T

**03. Reassignment in Case of Leave of Absence.** If a GEAR UP scholarship recipient enrolled in an eligible institution requests and is granted a leave of absence during his or her four (4) academic year scholarship eligibility term, then the GEAR UP Idaho administrator may award the scholarship to another eligible GEAR UP applicant (an alternate recipient) from the same application year for the duration of the leave period. If there are no other alternates from that year, then the administrator may award the scholarship to another qualifying GEAR UP applicant. In the event that an award is made to an alternate recipient, then this new student shall assume the vacant scholarship of the Idaho GEAR UP student who is on an approved leave. However, such student shall only receive the benefits of this scholarship for the term of the leave. (6-24-11)T

601. -- 699. (RESERVED)

**700. RESPONSIBILITIES OF ELIGIBLE IDAHO POSTSECONDARY EDUCATIONAL INSTITUTIONS.**

**01. Statements of Continuing Eligibility.** An eligible institution participating in this GEAR UP Idaho Scholarship Program must submit statements of continuing student eligibility to the GEAR UP Idaho administrator by the 30th day of each academic term. Such statements must include verification that the scholarship recipient is still enrolled, attending full time, maintaining satisfactory academic progress, and has not exceeded the award eligibility terms. (6-24-11)T

**02. Other Requirements.** An eligible institution must: (6-24-11)T

**a.** Be eligible to participate in Federal Title IV financial aid programs, and must provide prompt notification regarding any changes in this status to the State Board of Education; (6-24-11)T

**b.** Provide data on student enrollment and federal, state, and private financial aid for students to the GEAR UP Idaho administrator; and (6-24-11)T

**c.** Agree to permit periodic GEAR UP Idaho Scholarship Program audits to verify compliance with these rules. (6-24-11)T

**701. ADMINISTRATION.**

The GEAR UP Idaho administrator is responsible for: (6-24-11)T

**01. Information.** Releasing any public information regarding the GEAR UP Idaho Scholarship Program; (6-24-11)T

**02. Recipient Determination.** Determination of scholarship recipients; (6-24-11)T

**03. Payment Procedures.** Determination of procedures for payment of scholarships to recipients; (6-24-11)T

**04. Accounting.** Maintaining fiscal controls and accounting procedures; (6-24-11)T

**05. Program Management.** Authorizing release of all forms, affidavits, and certification necessary for the operation of the program. (6-24-11)T

703. -- 799. (RESERVED)

**800. APPEALS.**

Any scholarship applicant or recipient adversely affected by a decision made under provisions of these rules may appeal such adverse decision as follows. The opportunity scholarship applicant or recipient must appeal no later than thirty (30) days following notice of the decision, and the written statement must include a statement of the reason the scholarship applicant or recipient believes the decision should be changed. The appeal must be submitted to the GEAR UP Idaho administrator, who must acknowledge receipt of the appeal within seven (7) days. The GEAR UP Idaho administrator shall forward the appeal to the he President of the Board. The Board may or may not agree to review the action, or may appoint a subcommittee of three (3) persons, including at least one (1) financial aid administrator at an eligible postsecondary educational institution in Idaho. (6-24-11)T

**01. Transmittal to Subcommittee.** If the appeal is transmitted to the subcommittee, the subcommittee will review the appeal and submit a written recommendation to the President of the Board within fifteen (15) days from the time the subcommittee receives the appeal document. The opportunity scholarship applicant or recipient initiating the appeal will be notified by the chairperson of the subcommittee of the time and place when the subcommittee will consider the appeal and will be allowed to appear before the subcommittee to discuss the appeal. (6-24-11)T

**02. Subcommittee Recommendations.** Following the subcommittee's decision, the President of the Board will present the subcommittee's recommendation to the full Board at the next regularly scheduled meeting of the Board. The opportunity scholarship applicant or recipient initiating the appeal may, at the discretion of the President of the Board, be permitted to make a presentation to the Board. (6-24-11)T

**03. 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. (6-24-11)T

**801. -- 999. (RESERVED)**

**IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION**

**08.01.11 - REGISTRATION OF POST-SECONDARY EDUCATIONAL INSTITUTIONS  
AND PROPRIETARY SCHOOLS**

**DOCKET NO. 08-0111-1101**

**NOTICE OF RULEMAKING - ADOPTION OF TEMPORARY RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is June 24, 2011.

**AUTHORITY:** In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Sections 33-105, 33-107, 33-2402, and 33-2403, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of the supporting reasons for adopting a temporary:

The temporary changes to IDAPA 08.01.11 adds language referencing the new enforcement section in Section 33-2400, Idaho Code, and adds a student complaint process.

Changes to the Federal regulations regarding student federal aid require private postsecondary institutions to be authorized by each state they serve students in and that the authorizing state have a student complaint process. If the state were to not have a complaint process then the institution could be in jeopardy of their students not being eligible for federal student aid.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Sections) 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 deadlines in amendments to governing law and federal programs. New federal regulations require authorizing state agencies have a student complaint process for those institutions authorized by them to be eligible for federal student aid.

**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: None.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the temporary rule, contact Tracie Bent at [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov) or (208)332-1582.

DATED this 15th day of August, 2011.

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

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**THE FOLLOWING IS THE TEMPORARY RULE TEXT OF DOCKET NO. 08-0111-1101**

303. -- ~~4399~~. (RESERVED)

**400. ENFORCEMENT.**

The Board, acting by and through its Executive Director, or his designee, 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. (6-24-11)T

**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: (6-24-11)T

**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, "Rules of Consumer Protection," Office of the Attorney General. (6-24-11)T

**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, or his designee, for investigation and appropriate enforcement action, including the remedies specified in Section 33-2408, Idaho Code. (6-24-11)T

**03. Complaints Related to Quality of Education, or Other Matters.** (6-24-11)T

**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, or his designee, for review and appropriate action. (6-24-11)T

**b.** If after initial review the Executive Director, or his designee, determines that the complaint relates to the quality of education or accreditation matters, the Executive Director, or his designee, 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, or his designee, will review the recommendation of the accreditation organization and follow the procedures for investigations of complaints described in Subsection 500.03.c. of this rule. (6-24-11)T

**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, or his designee, will review the complaint to determine whether such complaint falls within the regulatory authority of the Board. If it does not, then Board staff 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, or his designee, 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, or his designee. If the Executive Director, or his designee, determines that the facts indicate a probable violation of law or rule over which the Board has regulatory authority, then the Executive Director, or his designee, 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, or his designee, a request for a hearing. The provisions of the Idaho Administrative Procedure Act, Title 67, Chapter 52, Idaho Code, shall apply to such hearing and to judicial review of such decision. (6-24-11)T

**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. (6-24-11)T

**501. -- 999. (RESERVED)**

# IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

## 08.01.11 - REGISTRATION OF POST-SECONDARY EDUCATIONAL INSTITUTIONS AND PROPRIETARY SCHOOLS

DOCKET NO. 08-0111-1102

### 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 Section(s) 33-105, 33-107, 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 October 19, 2011.

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

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

The proposed changes to IDAPA 08.01.11 incorporate the language previously approved by the Board as a temporary rule referencing the new enforcement section in section 33-2400, Idaho Code, and student complaint processes required by the Federal Government. Additional language has been added to clarify the registration requirement for start-up entities, more clearly define "Idaho presence," to define "Executive Director," and to clarify approval standards for proprietary schools. It also eliminates language that allowed for an approval process for postsecondary institutions that were not accredited and clarifies that all postsecondary institutions must be accredited by a national accreditation organization that is recognized by and in good standing with both the United States Department of Education and by the Council for Higher Education Accreditation.

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the Office of the State Board of Education solicited input from entities affected by the rule on an informal basis.

**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 temporary and proposed rule, contact Tracie Bent, Chief Planning and Policy Officer at (208)332-1582 or [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov).

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 October 26, 2011.

DATED this 31st day of August, 2011

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

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 08-0111-1102

**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. (4-9-09)

**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. (4-9-09)

**03. Agent's Certificate of Identification.** Defined in Section 33-2401(3), Idaho Code, and means a nontransferable written document issued to an agent by the proprietary school that the agent represents. (3-29-10)

**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. (4-9-09)

**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. (4-9-09)

**06. Degree.** Defined in Section 33-2401(7), Idaho Code, and means any written or any academic title that contains, in any language, the word "associate," "bachelor," "baccalaureate," "masters," "doctor," or any abbreviation thereof, and that indicates or represents, or is intended to indicate or represent, that the person named thereon, in the case of any writing, or the person it is awarded thereto, in the case of any academic title, is learned in or has satisfactorily completed a prescribed course of study in a particular field or that the person has demonstrated proficiency in any field of endeavor as a result of formal preparation or training. (3-29-10)

**07. Executive Director.** Defined in Section 33-102A, shall mean the Executive Officer of the Office of the State Board of Education, or his designee. ( )

**078. 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. (4-9-09)

**089. 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 a course or courses of study that lead to a degree, or which provides, offers or sells degrees. (4-9-09)

**0910. 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. (4-9-09)

**011. -- 099. (RESERVED)**

**100. RECOGNITION OF ACCREDITATION ORGANIZATIONS.**

For purposes of registration of post-secondary educational institutions, the Board recognizes the regional and

~~institutional~~ national accreditation organizations that are 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 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. (4-7-11)( )

101. -- 199. (RESERVED)

200. REGISTRATION OF POST-SECONDARY EDUCATIONAL INSTITUTIONS.

01. **Delegation.** Section 33-2403, Idaho Code, provides that a post-secondary educational institution must hold a valid certificate of registration issued by the Board. The Board delegates authority to its Executive Director, ~~or his designee,~~ and the Office of the State Board of Education to administer the registration of post-secondary educational institution, in accordance with Title 33, Chapter 24, Idaho Code, and this rule. (4-7-11)( )

02. **Registration Requirement.** (4-9-09)

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 that 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.~~ (3-29-10)( )

b. Registration shall be for the period beginning on the date a certificate of registration is issued and continue through June 30 of the next succeeding year. A registered post-secondary educational institution must renew its certificate of registration annually, and renewal of registration is not automatic. (3-29-10)

c. 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. (4-9-09)

d. 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. ( )

e. 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. ( )

03. **Idaho Presence.** ( )

a. 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, for purposes of conducting, providing, offering or selling a course or courses of study or degrees. (4-9-09)( )

b. 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 arrangement or agreement between such clinic and an institution providing medical/osteopathic education instruction. ( )

c. 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. ( )

**04. Institutions Exempt from Registration.** (4-9-09)

**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. (4-9-09)

**b.** Certain Idaho private, ~~not for~~ nonprofit, post-secondary educational institutions. A private, nonprofit, post-secondary educational institution that is already established and operational as of the effective date of when this rule first went into effect (Brigham Young University - Idaho, College of Idaho, Northwest Nazarene University, New Saint Andrews College, Boise Bible College), 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, nonprofit, 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. An institution exempt under this subsection may voluntarily register by following the procedure for registration provided herein. (4-9-09)( )

**c.** 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. ( )

**05. Institutions That Must Register.** Unless exempt under Subsection 200.04 of this rule, any entity that desires to operate as a postsecondary educational institution in Idaho must register as provided herein. (4-9-09)( )

~~**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.~~ (4-9-09)

~~**b.** Out of state private, nonprofit, post secondary educational institutions. An out of state private, nonprofit, post secondary educational institution must register as provided herein.~~ (4-9-09)

~~**c.** Certain Idaho private, nonprofit, post secondary educational institutions. A private, nonprofit, post secondary educational institution that is located within the state of Idaho, but that is not exempt under Subsection 200.04.b. of this rule, must register as provided herein.~~ (4-9-09)

~~**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.~~ (4-9-09)

~~**06. Alternative to Registration Requirement for Certain Post Secondary Institutions.**~~ (3-29-10)

~~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. (4-9-09)~~

~~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. (4-9-09)~~

**076. 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 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. (3-29-10)

**087. 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-half of one percent (.5%) of the gross Idaho tuition revenue of the institution during the previous registration year, but not less than one hundred dollars (\$100) and not to exceed five thousand dollars (\$5,000). The institution must provide financial documentation to substantiate the amount of revenue reported. Registration fees are ~~not~~ nonrefundable. (4-7-11)( )

**098. 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~~ the registration year. The renewal will be processed within thirty (30) days. Institutions 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. (4-9-09)( )

~~109.~~ **Information Required.** ( )

**a.** ~~Such~~ An application must include all the information requested on the application form, as well as the following information: (4-9-09)( )

~~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 V, set forth in Section 201 of this rule. Such institution must submit the following information or documentation, or both, with its application for registration: (3-29-10)~~

- i. Copy of most recent accreditation letter showing the period of approval; (4-7-11)
- ii. Current list of chief officers - e.g. president, board chair, chief academic officer, chief fiscal officer; (4-9-09)
- iii. Enrollment data for current and past two (2) years; (4-9-09)
- iv. Copy of annual audited financial statement; (4-9-09)
- v. Any additional information that the Board may request. (4-9-09)

~~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 V, set forth in Section 201 of this rule. (3-29-10)~~

~~eb.~~ 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 200.087 of this rule, shall remain applicable. ~~(3-29-10)( )~~

~~201. APPROVAL STANDARDS FOR POST-SECONDARY EDUCATIONAL INSTITUTIONS.~~

~~Except as provided in Subsection 200.10.a. of this rule, an institution applying for registration must meet, or demonstrate that it will meet, all of the following standards: (4-9-09)~~

~~01. 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. (4-9-09)~~

~~a. 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. (4-9-09)~~

~~b. 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. (4-9-09)~~

~~c. 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. (4-9-09)~~

~~d. 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. (4-9-09)~~

~~e. Administrators must be paid a fixed salary. Commissions may not be used for any portion of the compensation or to supplement an administrative salary. (4-9-09)~~

~~f. 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. (4-9-09)~~

~~g. 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. (4-9-09)~~

~~02. 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. (4-9-09)~~

~~a. The requirements for all instructional programs must be defined clearly, including applicable completion requirements for courses, credits, and clinicals. 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. (4-9-09)~~



~~b. 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: (4-9-09)~~

~~i. 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; (4-9-09)~~

~~ii. 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; (4-9-09)~~

~~iii. Baccalaureate Degree. A credential awarded for completion of requirements entailing at least four (4) years of full-time academic work; (4-9-09)~~

~~iv. 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 (4-9-09)~~

~~v. 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. (4-9-09)~~

~~vi. 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. (4-9-09)~~

~~vii. 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. (4-9-09)~~

~~03. 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. (4-9-09)~~

~~a. 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. (4-9-09)~~

~~b. 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. (4-9-09)~~

~~c. 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. (4-9-09)~~

~~d. 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. (4-9-09)~~



- ~~e. The institution must provide students, prospective students prior to enrollment, and other interested persons with a catalog containing, at a minimum, the following information: (4-9-09)~~
- ~~i. The institution's mission; (4-9-09)~~
- ~~ii. Admissions policies; (4-9-09)~~
- ~~iii. Information describing the purpose, length, and objectives for the courses or courses of study or degrees offered by the institution; (4-9-09)~~
- ~~iv. Credit requirements for all courses or courses of study or degrees offered by the institution; (4-9-09)~~
- ~~v. Procedures for awarding credit for work completed outside the collegiate setting; (4-9-09)~~
- ~~vi. Policies for acceptance of transfer credit; (4-9-09)~~
- ~~vii. The schedule of tuition, fees, and all other charges and expenses necessary for completion of the courses or courses of study or degrees; (4-9-09)~~
- ~~viii. Cancellation and refund policies; (4-9-09)~~
- ~~ix. A definition of the unit of credit as it applies at the institution; (4-9-09)~~
- ~~x. An explanation of satisfactory progress, including an explanation of the grading/assessment system; (4-9-09)~~
- ~~xi. The institution's calendar, including the beginning and ending dates for each instructional term, holidays, and registration dates; (4-9-09)~~
- ~~xii. 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; (4-9-09)~~
- ~~xiii. 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; (4-9-09)~~
- ~~xiv. A statement of legal control with the names of the trustees, directors, and officers of the institution or corporation or other entity; (4-9-09)~~
- ~~xv. A complete listing of all scholarships offered, if any; (4-9-09)~~
- ~~xvi. A statement describing the nature and extent of available student services; (4-9-09)~~
- ~~xvii. Complete and clearly stated information about the transferability of credit to other post-secondary educational institutions, including two (2) year and four (4) year colleges and universities; and (4-9-09)~~
- ~~xviii. 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. (4-9-09)~~
- ~~f. 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. (4-9-09)~~
- ~~g. 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. (4-9-09)~~

~~**04. 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. (4-9-09)~~

~~**a.** Faculty must be qualified through academic preparation appropriate to their assigned classes and degree level. For bachelor degree programs, faculty must have a master's degree from an accredited institution. At the graduate level, faculty must have 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. (4-9-09)~~

~~**b.** 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 (1) 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. (4-9-09)~~

~~**c.** 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. (4-9-09)~~

~~**d.** The ratio of faculty to students in each course must be sufficient to assure effective instruction. (4-9-09)~~

~~**e.** 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. (4-9-09)~~

~~**f.** Procedures for evaluating faculty must be established, including provisions for promoting faculty and recognizing scholarly contributions to their academic discipline. (4-9-09)~~

~~**g.** A faculty development program must be established to encourage professional advancement and to enhance one's knowledge and instructional expertise. (4-9-09)~~

~~**05. Standard V—Resources, Financial Resources, and Facilities.** The institution must have adequate financial resources to accomplish its educational mission and objective. (4-9-09)~~

~~**a.** 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. (4-9-09)~~

~~**b.** 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. (4-9-09)~~

~~**c.** 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. (4-9-09)~~

~~**d.** 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. (4-9-09)~~

~~e. 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. (4-9-09)~~

~~06. 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. (4-9-09)~~

~~a. The institution must have adequate library facilities for the library holdings, space for study, and workspace for the librarian and library staff. (4-9-09)~~

~~b. 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. (4-9-09)~~

~~c. 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. (4-9-09)~~

~~d. The library must be administered by professionally trained staff supported by sufficient personnel. (4-9-09)~~

**2021. THE BOARD MAY NOTIFY THE POST-SECONDARY EDUCATIONAL INSTITUTION OF ADDITIONAL INFORMATION REQUIRED.**

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. (4-9-09)

**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. (4-9-09)

**02. Criteria for Approval 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. (4-9-09)

**03. 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. (4-9-09)( )

**04. Certificate of Registration or Exemption.** (4-7-11)( )

**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 or any of its courses, courses of study, or degrees. (4-7-11)

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

**bc.** If a post-secondary educational institution 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 must submit a letter to the Board Office along with documentation of its accrediting agency's approval of those specific curriculum changes. (4-7-11)

**05. 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 Board office within thirty (30) days of the date the institution is notified of the disapproval. ~~(4-9-09)~~( )

**06. Withdrawal of Approval.** (4-9-09)

**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." (4-9-09)

**b.** Withdrawal of approval may be for one (1) or more of the following reasons: (4-9-09)

**i.** Violation of Chapter 24, Title 33, Idaho Code or this rule; (4-9-09)

**ii.** Providing false, misleading, deceptive, or incomplete information to the Board; (4-9-09)

**iii.** Presenting to prospective or current students information about the institution which is false, fraudulent, misleading, deceptive, or inaccurate in a material respect; ~~or~~ ~~(4-9-09)~~( )

**iv.** Refusing to allow reasonable inspection or to supply reasonable information after a written request by the Board Office has been received; ~~or~~ ~~(4-9-09)~~( )

**v.** Loss of accreditation status. ( )

**c.** If any information contained in the application submitted by the institution becomes incorrect or incomplete, then the registered institution shall notify the Board office of such change within thirty (30) days. An institution that ceases operation during the course of a registration year shall immediately inform the Board Office of this event. ~~(4-9-09)~~( )

~~2032.~~ -- 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. The Board delegates authority to its Executive Director, ~~or his designee,~~ and the Office of the State Board of Education to administer the registration of proprietary schools, in accordance with Title 33, Chapter 24, Idaho Code, and this rule. ~~(3-29-10)~~( )

**02. Registration Requirement.** (4-9-09)

**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 the Board. 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. (3-29-10)

**b.** Registration shall be for the period beginning July 1 of any year and continue through June 30 of the next succeeding year. 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. A registered proprietary school must renew its certificate of registration annually and renewal of registration is not automatic. ~~(3-29-10)~~( )

**c.** 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. (4-9-09)

**03. Idaho Presence.** ( )

**a.** A 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, or 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. (4-9-09)( )

**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 300.03.a. 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. ( )

**04. Exemptions from Registration.** The following individuals or entities are specifically exempt from the registration requirements of this rule: (4-9-09)

**a.** An individual or entity that offers instruction or training solely a-vocational or recreational in nature, as determined by the Board. (4-9-09)( )

**b.** An individual or entity that offers courses recognized by the Board which comply in whole or in part with the compulsory education law. (4-9-09)

**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. (4-9-09)

**d.** An individual or entity which is otherwise regulated, licensed, or registered with another state agency pursuant to Title 54, Idaho Code. (4-9-09)

**e.** 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. (4-9-09)

**f.** An individual or entity offering only workshops or seminars lasting no longer than three (3) calendar days and offered no more than four (4) times per year. (4-9-09)( )

**g.** A parochial or denominational institution providing instruction or training relating solely to religion and for which degrees are not granted. (4-9-09)

**h.** An individual or entity that offers post-secondary credit through a consortium of public and private colleges and universities under the auspices of the ~~W~~Western ~~G~~Governors University. (4-9-09)( )

**i.** An individual or entity that offers flight instruction and that accepts payment for services for such training on a per-flight basis after the training occurs, or that accepts advance payment or a deposit for such training in a de minimus amount equal to or less than fifteen (15) percent of the total course or program cost. ( )

**05. Application.** A proprietary 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 a form provided by the Board office. 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. (3-29-10)

**06. Registration Fees.** The Board shall assess an annual registration fee for initial registration or renewal of registration. The registration fee 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 registration year, 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 ~~not~~ nonrefundable. (3-29-10)( )

**07. Deadline for Registration.** An initial application for registration may be submitted to the Board at anytime. A school should expect the Board 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 ~~the~~ registration year. The renewal will be processed within thirty (30) days. Schools that have not completed annual renewal of registration Institutions 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. (3-29-10)( )

**08. Information Required.** Such application must include all 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~~ must attest by signature of the primary official on the application form 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, described in Subsection 300.06 of this rule, shall remain applicable. (3-29-10)( )

**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. (4-9-09)

**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. (4-9-09)

**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. (4-7-11)

**b.** The ownership of the school, its agents, and all school officials must be identified by name and title. (4-9-09)

**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. (4-9-09)( )

**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. (4-7-11)

**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. (4-9-09)



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. 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. (4-7-11)( )

**02. 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. (4-9-09)( )

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 will follow applicable trade 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. (4-9-09)( )

b. 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~~ Written course descriptions must be provided to instructors. Instructors ~~must be~~ are expected to follow course descriptions. A syllabus must be developed for each course and distributed to students at the beginning of the course. (4-9-09)( )

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. (4-9-09)

d. 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. (4-9-09)( )

~~e. 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.~~ (4-9-09)

**03. Standard III - Student Support Services.** The school must have clearly defined written policies that are ~~distributed~~ readily available 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. (4-9-09)( )

a. ~~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. 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.~~ (4-9-09)( )

b. There must be a clearly defined policy ~~for the readmission of~~ to re-evaluate students dismissed from the school ~~and, if appropriate, to readmit them.~~ ~~The readmission of students dismissed under this policy must be consistent with the recognized standards of admission to the school.~~ (4-9-09)( )

c. The school must establish and adhere to a clear and fair policy regarding due process in disciplinary matters for all students, ~~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~~ 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. (4-9-09)( )

~~d. The school must provide written information to prospective students p~~Prior to enrollment, ~~to include the following~~ **all prospective students must receive the following information in writing:** (4-9-09)( )

- i. Information describing the purpose, length, and objectives of the courses or courses of study; (4-9-09)
- ii. Completion requirements for the courses or courses of study; (4-9-09)
- iii. The schedule of tuition, fees, and all other charges and all expenses necessary for completion of the courses or courses of study; (4-9-09)
- iv. Cancellation and refund policies; (4-9-09)
- v. An explanation of satisfactory progress, including an explanation of the grading/assessment system; (4-9-09)
- vi. The calendar of study including registration dates, beginning and ending dates for all courses, and holidays; (4-9-09)
- vii. A complete list of instructors and their qualifications; (4-9-09)
- viii. A listing of available student services; and (4-9-09)

~~ix. Other information about the courses or courses of study that are likely to affect the decision of the student to enroll in the school.~~ (4-9-09)

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. (4-9-09)

**04. Standard IV - Faculty/Instructor Qualifications and Compensation.** (4-9-09)( )

a. Instructor qualifications (training and experience) must be ~~described and the assigned location for each instructor must be identified~~ **recorded and available to students.** (4-9-09)( )

b. There must be a sufficient number of full-time instructors to maintain the continuity and stability of courses. (4-9-09)

c. The ratio of instructors to students in each course must be sufficient to assure effective instruction. (4-9-09)

d. Commissions may not be used for any portion of the faculty compensation. (4-9-09)

e. Procedures for evaluating instructors must be established. Provisions for student evaluation are recommended. (4-9-09)

**05. Standard V - Resources, Finance, Facilities, and Instructional Resources.** (4-9-09)

a. Adequate financial resources must be provided to accomplish instructional objectives and to effectively support the instructional program, including ~~teaching classroom and training~~ facilities, instructional materials, supplies and equipment, instructors, staff, library, and the physical and instructional technology infrastructure. (4-9-09)( )

b. The school must have sufficient **instructional** resources ~~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 ~~to have students complete a comparable course or courses of study (a teach out provision)~~ or refund one hundred (100) percent of prepaid tuition. (4-9-09)( )

c. School ~~financial/business~~ 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. (4-9-09)( )

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. (4-9-09)

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. (4-9-09)

**302. THE BOARD MAY NOTIFY THE PROPRIETARY SCHOOL OF ADDITIONAL INFORMATION REQUIRED.**

If the Board 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 the Board may notify the school of additional information that it will be required to provide in connection with the application for registration. (3-29-10)

**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 school shall be responsible for any costs ~~PTE the Board~~ incurs including travel, associated with this review. (3-29-10)( )

**02. 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 Section 301 of this rule. A school must remain in compliance for the registration year. (3-29-10)

**03. Public Information.** All information submitted to the Board is ~~public information, and is~~ subject to disclosure as set forth in the Public Records Act, Title 9, Chapter 3, Idaho Code. (3-29-10)( )

**04. Certificate of Registration or Exemption.** (4-9-09)( )

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 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 Idaho State Board of Education." Registration is not an endorsement of the school. (4-7-11)

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

~~b.c.~~ 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 the Board prior to issuance of the certificate of registration, then the school must submit a letter to the Board Office along with appropriate approval documentation by the applicable professional or trade board, council, or commission. This letter will be added to the school's registration file.(4-7-11)

**05. Disapproval and Appeal.** If a proprietary school's request for initial registration or a renewal of registration is disapproved by the Board, 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 the Board within thirty (30) days of the date the school is notified of the disapproval. (3-29-10)

- 06. Withdrawal of Approval.** (4-9-09)
- a.** The Board 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." (3-29-10)
- b.** Withdrawal of approval may be for one (1) or more of the following reasons: (4-9-09)
- i.** Violation of Chapter 24, Title 33, Idaho Code or this rule. (4-9-09)
- ii.** Providing false, misleading, deceptive, or incomplete information to the Board. (3-29-10)
- iii.** Presenting to prospective or current students information about the school which is false, fraudulent, misleading, deceptive, or inaccurate in a material respect; or (4-9-09)
- iv.** Refusing to allow reasonable inspection or to supply reasonable information after a written request by the Board has been received. (3-29-10)
- c.** If any information contained in the application submitted by the school becomes incorrect or incomplete, then the registered school shall notify the Board of such change within thirty (30) days. A school that ceases operation during the course of a registration year shall immediately provide written notice to the Board of this event. (4-7-11)
- 07. 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. (4-7-11)
- 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: (3-29-10)
- 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. (3-29-10)
- 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. (3-29-10)
- iii.** The injury or death of a child, Section 18-1501, Idaho Code. (3-29-10)
- iv.** The sexual abuse of a child under sixteen (16) years of age, Section 18-1506, Idaho Code. (3-29-10)
- v.** The ritualized abuse of a child under eighteen (18) years of age, Section 18-1506A, Idaho Code. (3-29-10)
- vi.** The sexual exploitation of a child, Section 18-1507, Idaho Code. (3-29-10)
- vii.** Possession of photographic representations of sexual conduct involving a child, Section 18-1507A, Idaho Code. (3-29-10)

- viii. Lewd conduct with a child under the age of sixteen (16) years, Section 18-1508, Idaho Code. (3-29-10)
- ix. The sexual battery of a minor child sixteen (16) or seventeen (17) years of age, Section 18-1508A, Idaho Code. (3-29-10)
- x. The sale or barter of a child for adoption or other purposes, Section 18-1511, Idaho Code. (3-29-10)
- xi. The murder of a child, Section 18-4003, Idaho Code, or the voluntary manslaughter of a child, Section 18-4006 1., Idaho Code. (3-29-10)
- xii. The kidnapping of a child, Section 18-4502, Idaho Code. (3-29-10)
- xiii. The importation or exportation of a juvenile for immoral purposes, Section 18-5601, Idaho Code. (3-29-10)
- xiv. The abduction of a person under eighteen (18) years of age for prostitution, Section 18-5610, Idaho Code. (3-29-10)
- xv. The rape of a child, Section 18-6101 or 18-6108, Idaho Code. (3-29-10)
- 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. (3-29-10)

**08. Surety Bond.** Each proprietary school shall comply with the provisions in Section 33-2406, Idaho Code, relating to a surety bond. (4-9-09)

**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 such students’ instructional program at the school during the upcoming registration year the course of instruction the student has contracted and paid for. This amount shall be based upon the projected tuition and fees collected by the school from its students covering such period during the previous registration year revenue for the coming registration year, subject to modification in the event a school is beginning operations and has no previous revenue or satisfactorily demonstrates that it expects experiences significant changes in tuition and fee revenue during the upcoming current year. The Executive Director shall determine the appropriate format and method by which this bond value is to be calculated and reported. (~~3-29-10~~)(    )

**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. (~~3-29-10~~)(    )

**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. (3-29-10)

**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. (3-29-10)

**303. -- ~~9399~~. (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 Idaho Code §33-2408. ( )

**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)**

**IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION**

**08.01.14 - IDAHO RURAL PHYSICIAN INCENTIVE PROGRAM**

**DOCKET NO. 08-0114-1101**

**NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is June 24, 2011.

**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, and 33-3723 through 33-3725.

**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, 2011.

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:

Current language contained in the rule requires the Rural Physician Incentive Fund award distribution to be made directly to the lender. Changes would allow for the award to be made directly to the physician who would then be required to make the payment to the lender for qualified education debt as outlined in Section 33-3725, Idaho Code. Additional changes in the rule further clarify the definition of a health professional shortage area.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

Current language contained in the rule requires the award distribution to be made to the lender. During the last award cycle some lenders have not provided the necessary information required to disperse the award resulting in the physician not being able to receive the award they were granted in a timely manner.

**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: NA

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the changes were of a non controversial nature.

**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 temporary and proposed rule, contact Tracie Bent, Chief Planning and Policy Officer at (208)332-1582 or [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov).

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 October 26, 2011.

DATED this 31st day of August, 2011.

Tracie Bent  
Chief Planning and Policy Officer  
Office of the State Board of Education  
650 W. State St  
PO Box 83720  
Boise, ID 83720-0037  
(208)332-1582, Fax: (208)3342632

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**THE FOLLOWING IS THE TEMPORARY RULE & PROPOSED TEXT OF DOCKET NO. 08-0114-1101**

**010. DEFINITIONS.**

These definitions are applicable to this chapter only. (3-29-10)

**01. Community Sponsoring Organization.** A hospital, medical clinic or other medical organization which is located in an eligible area and that employs physicians for purposes of providing primary care medical services to patients. (3-29-10)

**02. Eligible Area.** A medically underserved area of Idaho, further defined to mean an area designated by the U.S. Secretary of Health and Human Services as a ~~Health~~ ~~Professional~~ ~~Shortage~~ area in the category of Primary Care or Mental Health. ~~(3-29-10)~~ (6-24-11)T

**03. Oversight Committee.** The committee constituted pursuant to Section 33-3724, Idaho Code, composed of knowledgeable individuals or organizations to assist in the administration of the rural physician incentive program. (3-29-10)

**04. Primary Care Medicine.** Family medicine, general internal medicine, and general pediatrics, but if there is a demonstrated high level of need in an eligible area, as determined by the oversight committee, may also include obstetrics and gynecology, general psychiatry, general surgery and emergency medicine. (3-29-10)

**05. Qualified Medical Education Debt.** Debt with a financial aid program or financial institution incurred to meet the educational costs of attending a medical school. (3-29-10)

**06. Rural Physician.** A licensed Idaho physician, MD or DO, who spends a minimum of twenty-eight (28) hours per week, on average, providing primary care medicine services to patients in an eligible area. (3-29-10)

**07. Rural Physician Incentive Fee.** The fee assessed by the State to students preparing to be physicians in the fields of medicine or osteopathic medicine who are supported by the state pursuant to an interstate compact for professional education in those fields, as those fields are defined by the compact. (3-29-10)

**08. Rural Physician Incentive Fund.** The special revenue account in the state treasury created pursuant to Section 33-3724, Idaho Code, relating to the Rural Physician Incentive Program. (3-29-10)

**(BREAK IN CONTINUITY OF SECTIONS)**

**014. ELIGIBILITY FOR A RURAL PHYSICIAN INCENTIVE PROGRAM AWARD.**

**01. Eligibility Requirements.** A physician who meets the following requirements is eligible to apply

for a Rural Physician Incentive Program award: (3-29-10)

**a.** During the period covered by the award, the physician must be a rural physician providing primary care medicine in an eligible area. A physician may provide patient care services in primary care medicine in more than one (1) eligible area; (3-29-10)

**b.** The physician must be a Doctor of Medicine (M.D.) or Doctor of Osteopathic Medicine (D.O.) and have completed an Accreditation Council of Graduate Medical Education or American Osteopathic Association residency; (3-29-10)

**c.** The physician must be Idaho Medical Board certified/Board eligible, ~~hold~~ be eligible for an unrestricted Idaho medical license, and be able to meet the medical staffing requirements of the sponsoring organization when applicable; and ~~(3-29-10)~~(6-24-11)T

**d.** The physician must be eligible to care for Medicare and Medicaid patients within the scope of the physician's primary care medicine practice. (3-29-10)

**02. Ineligibility.** Notwithstanding Subsection 014.01 of these rules, a physician shall not be entitled to receive an award under this program if the physician is receiving payments for purposes of repaying qualified medical education debt from another state or from a federal debt repayment program. (3-29-10)

**(BREAK IN CONTINUITY OF SECTIONS)**

**017. MONETARY VALUE OF THE AWARD.**

**01. Award Amounts.** A physician selected to receive a Rural Physician Incentive Program award shall be entitled to receive qualified medical education debt repayments for a period not to exceed five (5) years in such amount as is determined annually. The award shall not exceed the qualified medical education debt incurred by the recipient, and the maximum amount of educational debt repayments that a rural physician may receive shall be fifty thousand dollars (\$50,000) over such five (5) year period. Payments shall be limited to a maximum of ten thousand dollars (\$10,000) in a single year. (3-29-10)

**02. Establishing Award Amounts.** Award amounts shall be established annually based on recommendations of the oversight committee utilizing such factors as availability of funding, the number of new applicants, and the hours an award recipient will devote to providing primary care services in an eligible area. (3-29-10)

**03. Repayment of Qualified Medical Education Debt.** All qualified medical education debt repayments shall be paid directly to the ~~financial organization~~ award-recipient physician who shall direct payment of an equal amount to the financial institution holding such debt. An award-recipient physician shall sign an affidavit provided by the Office of the State Board of Education affirming that payment will be made to the financial institution. ~~(3-29-10)~~(6-24-11)T

**04. Incentive Fund.** Pursuant to Section 33-3725, Idaho Code, the total of all awards from the rural physician incentive fund contractually committed in a year shall not exceed the annual amount deposited in the rural physician incentive fund that same year. (3-29-10)

**05. Annual Adjustments.** An award payment to a recipient in a single year is not guaranteed or assured in subsequent years and may be increased or reduced. Annual award payments for new and existing award recipients will be announced no later than April 30th of each year. (3-29-10)



# IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

## 08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1102

### 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 33-116, 33-118 and 33-1612, 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, 2011.

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:

Section 33-1627, Idaho Code, mandates the State Board of Education promulgate rules to implement the provisions of said section, including the requirement for online course graduation requirements for the class of 2016.

These rules will clarify the definition of "online course" contained in Section 33-1002A, Idaho Code, set the number of required "online learning" credits for graduation at two (2) credits, and identify an alternate measure for those students who may not be successful in an online learning environment. Of the two (2) credits required, one (1) shall be from an asynchronous online course. The second credit may be an online course or blended course credit, either asynchronous or synchronous. These requirements will be effective for all students who enter the ninth grade in the fall of 2012 or later.

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was conducted. The Board of Education conducted seven public hearings throughout the state to gather public and stakeholder input regarding the proposed rule and to answer questions and discuss options. An eleven member subcommittee made up of stakeholder representatives reviewed the comments and made final language recommendations to the State Board of Education.

**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: N/A

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

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 October 26, 2011.

DATED this 9th day of September, 2011

Tracie Bent  
Chief Planning and Policy Officer  
Office of the State Board of Education

650 W. State St.  
PO Box 83720, Boise, ID 83720-0037  
(208)332-1582, Fax: (208)334-2632



THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 08-0203-1102

007. DEFINITIONS A - G.

**01. Achievement Standards.** Define “below basic,” “basic,” “proficient,” and “advanced” achievement levels on the Idaho Standards Achievement Tests (ISAT) and “beginning,” “advanced beginning,” “intermediate,” “early fluent” and “fluent” on the Idaho English Language Assessment (IELA) by setting scale score cut points. These cut scores are paired with descriptions of how well students are mastering the material in the content standards. These descriptions are called performance level descriptors or PLDs, and are provided by performance level, by content area, and by grade. (4-2-08)

**02. Advanced Opportunities.** Are defined as Advanced Placement courses, Dual Credit courses, Tech Prep, or International Baccalaureate programs. (4-11-06)

**03. Advanced Placement® (AP) - College Board.** The Advanced Placement Program is administered by the College Board at <http://www.collegeboard.com>. AP students may take one (1) or more college level courses in a variety of subjects. AP courses are not tied to a specific college curriculum, but rather follow national College Board curricula. While taking the AP exam is optional, students can earn college credit by scoring well on the national exams. It is up to the discretion of the receiving college to accept the scores from the AP exams to award college credit or advanced standing. (4-11-06)

**04. All Students.** All students means all public school students, grades K-12. (4-11-06)

**05. Alternative Assessment (Other Ways of Testing).** Any type of assessment in which students create a response to a question rather than choose a response from a given list, as with multiple-choice or true/false. Alternative assessments can include short-answer questions, essays, oral presentations, exhibitions, and portfolios. (4-5-00)

**06. Assessment.** The process of quantifying, describing, or gathering information about skills, knowledge or performance. (4-5-00)

**07. Assessment Standards.** Statements setting forth guidelines for evaluating student work, as in the “Standards for the Assessment of Reading and Writing.” (4-5-00)

**08. Asynchronous Course.** An online course in which an online platform is used to deliver all curricula. The majority of communication exchanges occur in elapsed time and allow students and teachers to participate according to their schedule. Asynchronous courses do not prohibit the use of a paraprofessional, certificated staff or other staff member being present at the physical location during instructional periods where instruction takes place, such as a school’s computer lab. ( )

**089. Authentic.** Something that is meaningful because it reflects or engages the real world. An “authentic task” asks students to do something they might really have to do in the course of their lives, or to apply certain knowledge or skills to situations they might really encounter. (4-5-00)

**0910. Basic Educational Skills Training.** Instruction in basic skills toward the completion/attainment of a certificate of mastery, high school diploma, or GED. (4-5-00)

**11. Blended Course.** A blended course, sometimes called hybrid course, consists of a course having between fifty-one percent (51%) and seventy-nine percent (79%) of the course content delivered through the use of technology, and may include the following models: ( )

**a. Flex Model.** Features an online platform that delivers most of the curricula. Teachers provide on-site support on a flexible and adaptive, as-needed basis through in-person tutoring sessions and small group sessions. ( )

**b.** Online Lab Model. Programs rely on an online platform to deliver the entire course but in a brick-and-mortar lab environment. Paraprofessionals or other staff supervise but offer little content expertise. ( )

**c.** Rotation Model. Students rotate on a fixed schedule between learning online in a self-paced environment and sitting in a classroom with a traditional face-to-face teacher. ( )

**102.** **Classic Texts.** Literary or other works (e.g., films, speeches) that have been canonized, either continuously or intermittently, over a period of time beyond that of their initial publication and reception. (4-5-00)

**113.** **Content Standards.** Describe the knowledge, concepts, and skills that students are expected to acquire at each grade level in each content area. (4-2-08)

**124.** **Context (of a Performance Assessment).** The surrounding circumstances within which the performance is embedded. For example, problem solving can be assessed in the context of a specific subject (such as mathematics) or in the context of a real-life laboratory problem requiring the use of mathematics, scientific, and communication skills. (4-5-00)

**135.** **Cooperative Work Experience.** Classroom learning is integrated with a productive, structured work experience directly related to the goals and objectives of the educational program. Schools and participating businesses cooperatively develop training and evaluation plans to guide and measure the progress of the student. School credit is earned for successful completion, and the work may be paid or unpaid. Cooperative work experiences are also known as co-operative education or co-op. (4-5-00)

**146.** **Criteria.** Guidelines, rules or principles by which student responses, products, or performances, are judged. What is valued and expected in the student performance, when written down and used in assessment, become rubrics or scoring guides. (4-5-00)

**157.** **Cues.** Various sources of information used by readers to construct meaning. The language cueing systems include the graphophonic (also referred to as graphophonemic) system, which is the relationship between oral and written language (phonics); the syntactic system, which is the relationship among linguistic units such as prefixes, suffixes, words, phrases, and clauses (grammar); and semantic system, which is the study of meaning in language. Reading strategies and language cueing systems are also influenced by pragmatics-the knowledge readers have about the ways in which language is understood by others in their culture. (4-5-00)

**168.** **“C” Average.** A combined average of courses taken on a four (4) point scale with “C” equal to two (2) points. (4-11-06)

**179.** **Decode.** (4-5-00)

**a.** To analyze spoken or graphic symbols of a familiar language to ascertain their intended meaning. (4-5-00)

**b.** To change communication signals into messages, as to decode body language. (4-5-00)

**1820.** **Dual Credit.** Dual credit allows high school students to simultaneously earn credit toward a high school diploma and a postsecondary degree or certificate. Postsecondary institutions work closely with high schools to deliver college courses that are identical to those offered on the college campus. Credits earned in a dual credit class become part of the student’s permanent college record. Students may enroll in dual credit programs taught at the high school or on the college campus. (4-11-06)

**1921.** **Emergent Literacy.** Development of the association of print with meaning that begins early in a child’s life and continues until the child reaches the stage of conventional reading and writing. (4-5-00)

**2022.** **Employability Skills.** Work habits and social skills desirable to employers, such as responsibility, communication, cooperation, timeliness, organization, and flexibility. (4-5-00)

**243.** **Entry-Level Skills.** The minimum education and skill qualifications necessary for obtaining and keeping a specific job; the starting point in a particular occupation or with a certain employer. (4-5-00)

**244.** **Evaluation (Student).** Judgment regarding the quality, value, or worth of a response, product, or performance based on established criteria, derived from multiple sources of information. Student evaluation and student assessment are often used interchangeably. (4-5-00)

**245.** **Experiential Education (Application).** Experiential education is a process through which a learner constructs knowledge, skill, and value from direct experiences. (4-5-00)

**246.** **Exploratory Experience (Similar to a Job Shadow).** An opportunity for a student to observe and participate in a variety of worksite activities to assist in defining career goals. An in-school exploratory experience is a school-based activity that simulates the workplace. (4-5-00)

**247.** **Fluency.** The clear, rapid, and easy expression of ideas in writing or speaking; movements that flow smoothly, easily, and readily. (4-5-00)

**248.** **Genre (Types of Literature).** A category used to classify literary and other works, usually by form, technique, or content. Categories of fiction such as mystery, science fiction, romance, or adventure are considered genres. (4-5-00)

**249.** **Graphophonic/Graphophonemic.** One (1) of three (3) cueing systems readers use to construct texts; the relationships between oral and written language (phonics). (4-5-00)

#### 008. DEFINITIONS H - S.

**01. Interdisciplinary or Integrated Assessment.** Assessment based on tasks that measures a student's ability to apply concepts, principles, and processes from two (2) or more subject disciplines to a project, issue, or problem. (4-5-00)

**02. International Baccalaureate (IB) -** Administered by the International Baccalaureate Organization, the IB program provides a comprehensive liberal arts course of study for students in their junior and senior years of high school. IB students take end-of-course exams that may qualify for college credit. Successful completion of the full course of study leads to an IB diploma. (4-11-06)

**03. Laboratory.** A laboratory science course is defined as one in which at least one (1) class period each week is devoted to providing students with the opportunity to manipulate equipment, materials, specimens or develop skills in observation and analysis and discover, demonstrate, illustrate or test scientific principles or concepts. (4-11-06)

**04. Learning Plan.** The plan that outlines a student's program of study, which should include a rigorous academic core and a related sequence of electives in academic, professional-technical education (PTE), or humanities aligned with the student's post graduation goals. (4-11-06)

**05. Narrative.** Text in any form (print, oral, or visual) that recounts events or tells a story. (4-5-00)

**06. Norm-Referenced Assessment.** Comparing a student's performance or test result to performance of other similar groups of students; (e.g., he typed better than eighty percent (80%) of his classmates.) (4-5-00)

**07. On-Demand Assessment.** Assessment that takes place at a predetermined time and place. Quizzes, state tests, SATs, and most final exams are examples of on-demand assessment. (4-5-00)

**08. Online Course.** A course in which at least eighty percent (80%) of the course content is delivered over the Internet or through the use of technology. An online course may be asynchronous or synchronous. Online teachers may perform the course work from an alternate location while a paraprofessional or other school staff member supervises students in a computer lab environment. ( )

**09. Online Learning.** Education in which the majority of course content is delivered online or through the use of technology. Courses may be delivered in an asynchronous or synchronous course format and may include blended or hybrid course models or fully online course models. ( )

**a.** Online learning does not include printed-based correspondence education, broadcast television or radio, videocassettes, and stand-alone education software programs that do not have a significant internet-based instructional component. ( )

**b.** Online learning is not simply computer based instruction, but rather requires that the online teacher and the student have ongoing access to one another for purposes of teaching, evaluating, and providing assistance to the student throughout the duration of the course. ( )

**d.** All online learning must meet the Idaho content standards. ( )

**10. Online Teacher (Instructor).** The teacher of record who holds an appropriate Idaho certification and provides the primary instruction for an online course. ( )

~~08~~**11. Performance Assessment.** Direct observation of student performance or student work and professional judgment of the quality of that performance. Good quality performance assessment has pre-established performance criteria. (4-5-00)

~~09~~**12. Performance-Based Assessment.** The measurement of educational achievement by tasks that are similar or identical to those that are required in the instructional environment, as in performance assessment tasks, exhibitions, or projects, or in work that is assembled over time into portfolio collections. (4-5-00)

~~10~~**3. Performance Criteria.** A description of the characteristics that will be judged for a task. Performance criteria may be holistic, analytic trait, general or specific. Performance criteria are expressed as a rubric or scoring guide. Anchor points or benchmark performances may be used to identify each level of competency in the rubric or scoring guide. (4-5-00)

~~11~~**4. Phonics.** Generally used to refer to the system of sound-letter relationships used in reading and writing. Phonics begins with the understanding that each letter (or grapheme) of the English alphabet stands for one (1) or more sounds (or phonemes). (4-5-00)

~~12~~**5. Portfolio.** A collection of materials that documents and demonstrates a student's academic and work-based learning. Although there is no standard format for a portfolio, it typically includes many forms of information that exhibit the student's knowledge, skills, and interests. By building a portfolio, students can recognize their own growth and learn to take increased responsibility for their education. Teachers, mentors, and employers can use portfolios for assessment purposes and to record educational outcomes. (4-5-00)

~~13~~**6. Print Awareness.** In emergent literacy, a learner's growing awareness of print as a system of meaning, distinct from speech and visual modes of representation. (4-5-00)

~~14~~**7. Professional-Technical Education.** Formal preparation for semi-skilled, skilled, technical, or paraprofessional occupations, usually below the baccalaureate level. (4-11-06)

~~15~~**8. Proficiency.** Having or demonstrating a high degree of knowledge or skill in a particular area. (4-5-00)

~~16~~**9. School-to-Work Transition.** A restructuring effort that provides multiple learning options and seamless integrated pathways to increase all students' opportunities to pursue their career and educational interests. (4-5-00)

~~17~~**20. Service Learning.** Combining service with learning activities to allow students to participate in experiences in the community that meet actual human needs. Service learning activities are integrated into the academic curriculum and provide structured time for a student to think, talk, or write about what was done or seen during the actual service activity. Service learning provides students with opportunities to use newly acquired skills

and knowledge in real-life situations in their communities, and helps foster the development of a sense of caring for others. (4-5-00)

**1921. Skill Certificate.** Portable, industry-recognized credential that certifies the holder has demonstrated competency on a core set of performance standards related to an occupational cluster area. Serving as a signal of skill mastery at benchmark levels, skill certificates may assist students in finding work within their community, state, or elsewhere. A National Skills Standards Board is presently charged with issuing skill voluntary standards in selected occupations based on the result of research and development work completed by twenty-two (2) contractors. (4-5-00)

**1922. Standards.** Statements about what is valued in a given field, such as English language arts, and/or descriptions of what is considered quality work. See content standards, assessment standards, and achievement standards. (4-2-08)

**203. Standardization.** A set of consistent procedures for constructing, administering and scoring an assessment. The goal of standardization is to ensure that all students are assessed under uniform conditions so the interpretation of performance is comparable and not influenced by differing conditions. Standardization is an important consideration if comparisons are to be made between scores of different individuals or groups. (4-5-00)

**214. Standards-Based Education.** Schooling based on defined knowledge and skills that students must attain in different subjects, coupled with an assessment system that measures their progress. (4-5-00)

**225. Structured Work Experience.** A competency-based educational experience that occurs at the worksite but is tied to the classroom by curriculum through the integration of school-based instruction with worksite experiences. Structured work experience involves written training agreements between school and the worksite, and individual learning plans that link the student's worksite learning with classroom course work. Student progress is supervised and evaluated collaboratively by school and worksite personnel. Structured work experience may be paid or unpaid; may occur in a public, private, or non-profit organization; and may or may not result in academic credit and/or outcome verification. It involves no obligation on the part of the worksite employer to offer regular employment to the student subsequent to the experience. (4-5-00)

**236. Student Learning Goals (Outcomes).** Statements describing the general areas in which students will learn and achieve. Student learning goals typically reflect what students are expected to know by the time they leave high school, such as to read and communicate effectively; think critically and solve problems; develop positive self-concept, respect for others and healthy patterns of behavior; work effectively in groups as well as individually; show appreciation for the arts and creativity; demonstrate civic, global and environmental responsibility; recognize and celebrate multicultural diversity; exhibit technological literacy; have a well developed knowledge base which enhances understanding and decision making, and demonstrate positive problem solving and thinking skills. (4-5-00)

**27. Synchronous Course.** A course in which the teacher and students interact at the same time. May be applied to both traditional and technology based courses. ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**105. HIGH SCHOOL GRADUATION REQUIREMENTS.**

A student must meet all of the requirements identified in this section before the student will be eligible to graduate from an Idaho high school. The local school district or LEA may establish graduation requirements beyond the state minimum. (5-8-09)

**01. Credit Requirements.** The State minimum graduation requirement for all Idaho public high schools is forty-two (42) credits. The forty-two (42) credits must include twenty-five (25) credits in core subjects as identified in Paragraphs 105.01.c. through 105.01.h. All credit-bearing classes must be aligned with state high school standards in the content areas for which standards exist. For all public school students who enter high school at the 9th grade level in Fall 2009 or later, the minimum graduation requirement will be forty-six (46) credits and must

include twenty-nine (29) credits in core subjects as identified in Paragraphs 105.01.b. through 105.01.g. (3-29-10)

**a.** Credits. (Effective for all students who enter the ninth grade in the fall of 2010 or later.) One (1) credit shall equal sixty (60) hours of total instruction. School districts or LEA's may request a waiver from this provision by submitting a letter to the State Department of Education for approval, signed by the superintendent and chair of the board of trustees of the district or LEA. The waiver request shall provide information and documentation that substantiates the school district or LEA's reason for not requiring sixty (60) hours of total instruction per credit. (3-29-10)

**b.** Mastery. Students may also achieve credits by demonstrating mastery of a subject's content standards as defined and approved by the local school district or LEA. (3-29-10)

**c.** Secondary Language Arts and Communication. Nine (9) credits are required. Eight (8) credits of instruction in Language Arts. Each year of Language Arts shall consist of language study, composition, and literature and be aligned to the Idaho Content Standards for the appropriate grade level. One (1) credit of instruction in communications consisting of oral communication and technological applications that includes a course in speech, a course in debate, or a sequence of instructional activities that meet the Idaho Speech Content Standards requirements. (3-29-10)

**d.** Mathematics. Four (4) credits are required. Secondary mathematics includes Applied Mathematics, Business Mathematics, Algebra, Geometry, Trigonometry, Fundamentals of Calculus, Probability and Statistics, Discrete Mathematics, and courses in mathematical problem solving and reasoning. For all public school students who enter high school at the 9th grade level in Fall 2009 or later, six (6) semester credits are required. For such students, secondary mathematics includes instruction in the following areas: (3-29-10)

i. Two (2) credits of Algebra I or courses that meet the Idaho Algebra I Content Standards as approved by the State Department of Education; (3-29-10)

ii. Two (2) credits of Geometry or courses that meet the Idaho Geometry Content Standards as approved by the State Department of Education; and (3-29-10)

iii. Two (2) credits of mathematics of the student's choice. (3-29-10)

iv. Two (2) credits of the required six (6) credits of mathematics must be taken in the last year of high school. (3-29-10)

**e.** Science. Four (4) credits are required, two (2) of which will be laboratory based. Secondary sciences include instruction in applied sciences, earth and space sciences, physical sciences, and life sciences. (3-29-10)

i. Effective for all public school students who enter high school at the 9th grade level in Fall 2009 or later, six (6) credits will be required. (3-29-10)

ii. Secondary sciences include instruction in the following areas: biology, physical science or chemistry, and earth, space, environment, or approved applied science. Four (4) credits of these courses must be laboratory based. (3-29-10)

**f.** Social Studies. Five (5) credits are required, including government (two (2) credits), United States history (two (2) credits), and economics (one (1) credit). Courses such as geography, sociology, psychology, and world history may be offered as electives, but are not to be counted as a social studies requirement. (3-29-10)

**g.** Humanities. Two (2) credits are required. Humanities courses include instruction in visual arts, music, theatre, dance, or world language aligned to the Idaho content standards for those subjects. Other courses such as literature, history, philosophy, architecture, or comparative world religions may satisfy the humanities standards if the course is aligned to the Idaho Interdisciplinary Humanities Content Standards. (3-29-10)

**h.** Health/Wellness. One (1) credit is required. Course must be aligned to the Idaho Health Content



Standards. (3-29-10)

i. Online Learning Requirement. (Effective for all students who enter the ninth grade in the fall of 2012 or later.) Two (2) credits are required: one credit shall be from an asynchronous online course and the second credit may be an online course or blended course credit, either asynchronous or synchronous. ( )

i. A student who has taken a one (1) credit asynchronous online course and failed to earn the credit may appeal to the school district or LEA and will be given an opportunity to demonstrate proficiency of the technology content standards through some other locally-established plan. School districts or LEAs shall adopt an alternate plan and provide notice of that plan to all students who have not earned the credits to meet the online learning requirement prior to the fall semester of the student's junior year. All locally-established alternate plans used to demonstrate proficiency shall be forwarded to the Board for review and information. Alternate plans must be promptly re-submitted to the Board whenever changes are made in such plans. ( )

(1) Before entering an alternate measure, the student must be: ( )

(a) Enrolled in a special education program and have an Individual Education Plan (IEP); or ( )

(b) Has been identified as eligible to receive services under Section 504 of the Federal Rehabilitation Act of 1973; or ( )

(c) Enrolled in an Limited English Proficient (LEP) program for three (3) academic years or less. ( )

(2) The alternate plan must: ( )

(a) Contain multiple measures of student achievement; ( )

(b) Be aligned at a minimum to Idaho technology content standards; and ( )

(c) Be valid and reliable. ( )

**02. Content Standards.** Each student shall meet locally established subject area standards (using state content standards as minimum requirements) demonstrated through various measures of accountability including examinations or other measures. (3-29-10)

**03. College Entrance Examination.** (Effective for all public school students who enter high school at the 9th grade level in Fall 2009 or later.) A student must take one (1) of the following college entrance examinations before the end of the student's eleventh grade year: COMPASS, ACT or SAT. Scores must be included in the Learning Plan. (5-8-09)

**04. Senior Project.** (Effective for all public school students who enter high school at the 9th grade level in Fall 2009 or later.) A student must complete a senior project by the end of grade twelve (12). The project must include a written report and an oral presentation. Additional requirements for a senior project are at the discretion of the local school district or LEA. (3-29-10)

**05. Middle School.** If a student completes any required high school course with a grade of C or higher before entering grade nine (9), and if that course meets the same standards that are required in high school, then the student has met the high school content area requirement for such course. However, the student must complete the required number of credits in all high school core subjects as identified in Subsections 105.01.b. through 105.01.g. in addition to the courses completed in middle school. (3-29-10)

**06. Proficiency.** Each student must achieve a proficient or advanced score on the Grade 10 Idaho Standards Achievement Test (ISAT) in math, reading and language usage in order to graduate. A student who does not attain at least a proficient score prior to graduation may appeal to the school district or LEA, and will be given an opportunity to demonstrate proficiency of the content standards through some other locally established plan. School districts or LEAs shall adopt an alternate plan and provide notice of that plan to all students who have not achieved a

proficient or advanced score on the Grade 10 Idaho Standards Achievement Test by the fall semester of the student's junior year. All locally established alternate plans used to demonstrate proficiency shall be forwarded to the State Board of Education for review and information. Alternate plans must be promptly re-submitted to the Board whenever changes are made in such plans. (4-7-11)

- a. Before entering an alternate measure, the student must be: (4-2-08)
  - i. Enrolled in a special education program and have an Individual Education Plan (IEP); or (3-20-04)
  - ii. Enrolled in an Limited English Proficient (LEP) program for three (3) academic years or less; or (3-20-04)
  - iii. Enrolled in the fall semester of the senior year. (3-20-04)
- b. The alternate plan must: (4-7-11)
  - i. Contain multiple measures of student achievement; (4-7-11)
  - ii. Be aligned at a minimum to tenth grade state content standards; (4-7-11)
  - iii. Be aligned to the state content standards for the subject matter in question; (4-7-11)
  - iv. Be valid and reliable; and (4-7-11)
  - v. Ninety percent (90%) of the alternate plan criteria must be based on academic proficiency and performance. (4-7-11)
- c. A student is not required to achieve a proficient or advanced score on the ISAT if: (5-8-09)
  - i. The student received a proficient or advanced score on an exit exam from another state that requires a standards-based exam for graduation. The state's exit exam must approved by the State Board of Education and must measure skills at the tenth grade level and be in comparable subject areas to the ISAT; (5-8-09)
  - ii. The student completes another measure established by a school district or LEA and received by the Board as outlined in Subsection 105.06; or (3-29-10)
  - iii. The student has an IEP that outlines alternate requirements for graduation or adaptations are recommended on the test; (5-8-09)
  - iv. The student is considered an LEP student through a score determined on a language proficiency test and has been in an LEP program for three (3) academic years or less; (5-8-09)

**07. Special Education Students.** A student who is eligible for special education services under the Individuals With Disabilities Education Improvement Act must, with the assistance of the student's Individualized Education Program (IEP) team, refer to the current Idaho Special Education Manual for guidance in addressing graduation requirements. (4-11-06)

**08. Foreign Exchange Students.** Foreign exchange students may be eligible for graduation by completing a comparable program as approved by the school district or LEA. (4-11-06)