

Dear Senators MORTIMER, Thayn, Buckner-Webb, and  
Representatives VANORDEN, McDonald, Kloc:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the State Board of and State Department of Education - State Department of Education:  
IDAPA 08.01.04 - Residency - Proposed Rule (Docket No. 08-0104-1801);  
IDAPA 08.01.13 - Rules Governing the Opportunity Scholarship Program - Proposed Rule (Docket No. 08-0113-1802);  
IDAPA 08.02.03 - Rules Governing Thoroughness - Proposed Rule (Docket No. 08-0203-1803).

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 12/06/2018. 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 01/07/2019.

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

To notify Research and Legislation, call 334-4854, or send a written request to the address on the memorandum attached below.



Eric Milstead  
Director

# Legislative Services Office

## Idaho State Legislature

*Serving Idaho's Citizen Legislature*

### MEMORANDUM

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

**FROM:** Principal Legislative Drafting Attorney - Elizabeth Bowen

**DATE:** November 16, 2018

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

IDAPA 08.01.04 - Residency - Proposed Rule (Docket No. 08-0104-1801)

IDAPA 08.01.13 - Rules Governing the Opportunity Scholarship Program - Proposed Rule (Docket No. 08-0113-1802)

IDAPA 08.02.03 - Rules Governing Thoroughness - Proposed Rule (Docket No. 08-0203-1803)

#### Summary and Stated Reasons for the Rule

Docket No. 08-0104-1801: This rule makes technical corrections to existing language relating to residency requirements for in-state tuition. Specifically, obsolete language is being removed, and the definition of "support" is being revised for clarity.

Docket No. 08-0113-1802: This rule, relating to the Opportunity Scholarship Program, revises application and eligibility requirements to make scholarships available to adult learners (individuals who, though not currently enrolled at a postsecondary institution, have previously earned at least 24 postsecondary credits).

Docket No. 08-0203-1803: This rule exempts high school students who have completed 8 or more credits in mathematics, and who have completed Algebra II or a higher-level mathematics class, from having to take a mathematics class during their senior year. Technical corrections and clarifying language are added to existing rules as well.

#### Negotiated Rulemaking / Fiscal Impact

Negotiated rulemaking was conducted for all three rules, and none is anticipated to have a negative fiscal impact on the state general fund.

#### Statutory Authority

Docket No. 08-0104-1801 (residency): I.C. 33-3717B.

Docket No. 08-0113-1802 (Opportunity Scholarship): I.C. 33-105, 33-107, and 33-4303.

Docket No. 08-0203-1803 (mathematics): I.C. 33-105, 33-107, 33-116, 33-118, and 33-1612.

Kristin Ford, Manager  
Research & Legislation

Paul Headlee, Manager  
Budget & Policy Analysis

April Renfro, Manager  
Legislative Audits

Glenn Harris, Manager  
Information Technology

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

**\*\*\* PLEASE NOTE \*\*\***

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

**IDAPA 08 – STATE BOARD OF EDUCATION**

**08.01.04 – RESIDENCY**

**DOCKET NO. 08-0104-1801**

**NOTICE OF RULEMAKING – PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under Section 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 17, 2018.

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 amendments make technical corrections to the existing residency requirement used for determining eligibility for “in-state” tuition. These amendments include: removing the reference to Eastern Idaho Technical College; simplifying the definition of “support” for determining if a student is a dependent of a parent or guardian; and removing a reference to hourly equivalent in reference to full-time employment.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: None.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the July 4, 2018, Idaho Administrative Bulletin, [Vol. 18-7, page 48](#).

**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 concerning the proposed rule, contact Tracie Bent at (208) 332-1582 or [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov).

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2018.

Dated this 31st day of August, 2018.

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

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 08-0104-1801  
(Only Those Sections With Amendments Are Shown.)

001. TITLE AND SCOPE.

01. **Title.** The title of this chapter is Residency. (3-29-17)

02. **Scope.** This chapter governs residency classification for tuition purposes for the four-year institutions ~~and Eastern Idaho Technical College~~ under the governance of the State Board of Education and the Regents of the University of Idaho pursuant to Section 33-3717B, Idaho Code. ~~(3-29-17)~~( )

(BREAK IN CONTINUITY OF SECTIONS)

010. DEFINITIONS.

01. **Accredited Secondary School.** An Idaho secondary school accredited by a body recognized by the State Board of Education. (3-29-17)

02. **Armed Forces.** The United States Army, Navy, Air Force, Marine Corps, Coast Guard, and their reserve forces. It does not include the National Guard or any other reserve force. (3-29-17)

03. **Continuously Resided.** Physical presence in the state for twelve (12) consecutive months. Absence from the state for normal vacations, family travel, work assignments, short-term military training, and similar occasions during the twelve-month (12) qualifying period, in and of itself, will not be regarded as negating the continuous residence of the individual. (3-29-17)

04. **Full-time Employment.** Employment consisting on average of at least thirty (30) hours of service per week, or one hundred twenty (120) hours of service per month. (3-29-17)

05. **Full-time Student.** A student taking the number of credits set by the State Board of Education to constitute a full course load. (3-29-17)

06. **Support.** "Support" means financial support given to the student during the twelve (12) months preceding the opening date of the term for which resident status is requested, but shall not include educational scholarships or grants provided to the student to attend a postsecondary educational institution. Any student who receives less than fifty percent (50%) support may demonstrate this by showing that ~~the student~~ is not claimed as a dependent by a parent or guardian for income tax purposes ~~or that a parent or guardian provides less than fifty percent (50%) of the cost of attending an institution according to the financial aid office of that institution or that other similar evidence exists of parental support such as dental bills, medical bills, etc.~~ ~~(5-8-09)~~( )

011. -- 099. (RESERVED)

100. RESIDENT CLASSIFICATION BY ALL INSTITUTIONS.

Any student classified as a resident student for purposes of tuition by one (1) of the institutions ~~or Eastern Idaho Technical College~~ shall be considered a resident by all other institutions. ~~(3-29-17)~~( )

(BREAK IN CONTINUITY OF SECTIONS)

102. FACTORS FOR DETERMINING DOMICILE.

The following, if supported by documentation, support a claim of domicile in Idaho. (3-29-17)

**01. Tax Returns and Employment.** Both of the following, if done for at least twelve (12) months before the term in which the student proposes to enroll, proves the establishment and maintenance of domicile in Idaho for purposes other than educational: (3-29-17)

**a.** Filing of Idaho state income tax returns covering a period of at least twelve (12) months before the term in which the student proposes to enroll as a resident student; and (3-29-17)

**b.** Full-time employment ~~or the hourly equivalent~~ in Idaho. (~~3-29-17~~)(    )

**02. Multiple Factors.** Five (5) of the following factors, if done for at least twelve (12) months before the term in which the student proposes to enroll, proves the establishment and maintenance of domicile in Idaho for purposes other than educational: (3-29-17)

**a.** Ownership or leasing of a residence in Idaho. (3-29-17)

**b.** Registration and payment of Idaho taxes or fees, other than sales ~~or income tax~~, including registration and payment of Idaho taxes or fees on a motor vehicle, mobile home, travel trailer, or other item of personal property for which state registration and the payment of state tax or fee is required. (~~3-29-17~~)(    )

**c.** Registration to vote for state elected officials in Idaho at a general election. (1-1-94)

**d.** Holding of an Idaho driver's license or state-issued identification card. (3-29-17)

**e.** Evidence of the abandonment of a previous domicile. (1-1-94)

**f.** The establishment of accounts with financial institutions in Idaho. (3-29-17)

**g.** Other similar factors indicating intent to be domiciled in Idaho and the maintenance of such domicile. Factors may include, but are not limited to, enrollment of dependent children in Idaho elementary or secondary schools, establishment of acceptance of an offer of permanent employment for self in Idaho, documented need to care for a relative in Idaho, utility statements, or employment documentation. Multiple factors under this category may be used. (3-29-17)

**04. Idaho Elementary and Secondary Students.** If a student meets the requirements set forth under Idaho Code, Section 33-3717B(1)(c), that student shall not be required to meet the twelve (12) month requirement for establishing domicile. (3-29-17)

## IDAPA 08 – STATE BOARD OF EDUCATION

### 08.01.13 – RULES GOVERNING THE OPPORTUNITY SCHOLARSHIP PROGRAM

DOCKET NO. 08-0113-1802

#### NOTICE OF RULEMAKING – PROPOSED RULE

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

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2018.

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 rule would make amendments to the student eligibility and application requirements to allow for a portion of the Opportunity Scholarship awards to be used for individuals who have earned 24 or more postsecondary credits. Proposed amendments would include: lowering the minimum GPA to 2.7; allowing students who have earned 24 or more credits to apply up to three-weeks prior to the start of the term; requiring these students to have “stopped out” for 24 or more months; allowing students to attend part-time; pro-rate the amount of the award based on the number of credits attempted down to a minimum of six (6) credits; requiring institutions to discuss opportunities for receiving credits through prior learning assessments; and requiring students to show progress on their educational plan to maintain scholarship eligibility.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: None.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the July 4, 2018, Idaho Administrative Bulletin, [Vol. 18-7, page 49](#).

**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 concerning the proposed rule, contact Tracie Bent at (208) 332-1582 or [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov).

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2018.

Dated this 31st day of August, 2018.

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

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 08-0113-1802  
(Only Those Sections With Amendments Are Shown.)

010. DEFINITIONS.

**01. Adult Learner.** Means an individual who: ( )

**a.** Is not currently enrolled in a postsecondary institution accredited by a body recognized by the State Board of Education, or is enrolled pursuant to receiving the Opportunity Scholarship as an adult learner: ( )

**b.** Has not attended a postsecondary institution at any time during the twenty-four (24) month period immediately prior to application for the Opportunity Scholarship; and ( )

**c.** Has earned twenty-four (24) or more transferable credits from a postsecondary institution accredited by a body recognized by the State Board of Education. ( )

**02. Grade Point Average (GPA).** Means the average grade earned by a student, figured by dividing the grade points earned by the number of credits attempted. (3-20-14)

**03. Graduation Plan.** Means a plan developed by the postsecondary student in consultation with the postsecondary institution that identifies the certificate or degree the student is pursuing; the course and credit requirements necessary for earning the certificate or degree; how the application of previously earned credits and credits granted through prior learning assessments will be applied to the certificate or degree; the estimated number of terms remaining to complete the certificate or degree; and the proposed courses to be taken during each term. ( )

011. -- 100. (RESERVED)

101. ELIGIBILITY.

Applicants must meet all of the eligibility requirements to be considered for the scholarship award. (3-28-18)

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

**02. Academic Eligibility.** To be eligible for an opportunity scholarship, an applicant must meet minimum academic eligibility criteria, as follows: (3-28-18)

**a.** A student who has not yet graduated from secondary school or its equivalent in the state of Idaho must have an un-weighted minimum cumulative grade point of average of ~~three two~~ point ~~zero seven~~ (3.07) or better on a scale of four point zero (4.0) to be eligible to apply for an opportunity scholarship. Cumulative grade point averages of more than one (1) decimal place shall be rounded to one (1) place. Home schooled students must provide a transcript of subjects taught and grades received signed by the parent or guardian of the student; or (3-28-18)( )

**b.** A student who has obtained a general equivalency diploma must have taken the ACT assessment and received a minimum composite score of twenty (20) or better, or the equivalent SAT assessment and received a one thousand ten (1,010) or better, to be academically eligible to apply for an opportunity scholarship; or (3-28-18)



c. A student currently enrolled in an eligible Idaho postsecondary educational institution must have a minimum cumulative grade point average of ~~three two~~ point ~~zero seven~~ (~~3.07~~) or better on a scale of four point zero (4.0) at such institution in order to be academically eligible to apply for an opportunity scholarship. Cumulative grade point averages of more than one (1) decimal place shall be rounded to one (1) place. (~~3-28-18~~)(    )

d. An Adult Learner must have a minimum cumulative grade point average of two point seven (2.7) or higher on a scale of four point zero (4.0). Cumulative grade point averages of more than one (1) decimal place shall be rounded to one (1) decimal place. (    )

**03. Financial Eligibility.** Applicants for the opportunity scholarship are selected as recipients, in part, based on of demonstrated financial need. The tool used to determine financial need is the Free Application for Federal Student Aid (FAFSA), used by the United States Department of Education. The financial need of an applicant for an opportunity scholarship will be based upon the verified expected family contribution, as identified by the FAFSA Student Aid report. The Student Aid report used to calculate financial need will be the report generated on the ~~March 1~~ application deadline. (~~3-28-18~~)(    )

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

a. A student must not be in default on a student educational loan, or owe a repayment on a federal grant, and must be in good financial standing with the opportunity scholarship program. (3-20-14)

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

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

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

iii. Upon review of the student's academic transcript(s), the student cannot complete their degree/certificate in the major they have identified within two (2) semesters based on normal academic course load unless a determination by the executive director or designee has been made that there are extenuating circumstances and the student has a plan approved by the executive director or designee outlining the courses that will be taken and the completion date of the degree or certificate. (3-28-18)

**102. -- 201. (RESERVED)**

**202. APPLICATION PROCESS.**

**01. Initial Applications.** An eligible student must complete and submit the opportunity scholarship program application to the Board electronically on or before the date specified in the application, but not later than three (3) weeks prior to the term in which they plan to enroll if an Adult Learner and not later than March 1 for all other students. An applicant without electronic capabilities may request a waiver of this requirement and if granted submit an application on the form established by the Board through the United States Postal Service, which must be postmarked not later than ~~March 1~~ the applicable application deadline. All applicants must complete and submit the FAFSA on or prior to ~~March 1~~ the applicable application deadline. (~~3-28-18~~)(    )

**02. Announcement of Award.** Announcement of the award of initial scholarships will be made no later than June 1 of each year, with awards to be effective at the beginning of the first full term following July 1 of that year. Announcements must clearly state the award is part of the state's scholarship program and is funded through state appropriated funds. Additional award announcement may be made after this date based on the availability of funds and the acceptance rate of the initial awards. (3-9-16)

**03. Communication with State Officials.** Applicants must respond by the date specified to any communication from officials of the opportunity scholarship program. Failure to respond within the time period specified will result in cancellation of the application or forfeiture of the scholarship unless extenuating circumstances are involved and approved by the executive director or designee. (3-28-18)

203. -- 299. (RESERVED)

**300. SELECTION OF SCHOLARSHIP RECIPIENTS.**

**01. Selection Process.** Scholarship awards will be based on the availability of scholarship program funds. Opportunity scholarships will be awarded to applicants, based on ranking and priority, in accordance with the following criteria: (3-28-18)

**a.** Eligible students shall be selected based on ranking criteria that assigns seventy percent (70%) to financial eligibility, and thirty percent (30%) to academic eligibility. In the event that this weighted score results in a tie, an eligible student who submitted his application to the Board earliest in time will be assigned a higher rank. (3-28-18)

**b.** Notwithstanding Subsection 300.01.a. of these rules, the priority for the selection of recipients of opportunity scholarship awards shall be to scholarship recipients who received an opportunity scholarship award during the previous fiscal year, and have met all of the continuing eligibility requirements provided in these rules. (3-28-18)

**02. Monetary Value of the Opportunity Scholarship.** (4-2-08)

**a.** The Board will establish annually the educational costs for attending an eligible Idaho postsecondary educational institution for purposes of the opportunity scholarship program. (3-28-18)

**b.** The monetary value of the opportunity scholarship award to a student shall be based on the educational costs for attending an eligible Idaho postsecondary educational institution, less the following: (4-2-08)

**i.** The amount of the assigned student responsibility, established by the Board annually; (4-2-08)

**ii.** The amount of federal grant aid, as identified by the Student Aid Report (SAR) that is known at the time of award determination; (3-20-14)

**iii.** The amount of other financial aid awarded the student, from private or other sources that is known at the time of award determination. (3-20-14)

**iv.** The eligible maximum award amount for Adult Learners enrolled in less than twenty-four (24) credit hours or its equivalent in an academic year attending an eligible four-year postsecondary institution or less than eighteen (18) credit hours or its equivalent in an academic year attending an eligible two-year institution will be prorated as follows: ( )

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

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

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

**c.** The amount of an opportunity scholarship award to an individual student shall not exceed the educational cost established by the Board annually, and shall not exceed the actual cost of tuition and fees at ~~the~~ the Idaho public postsecondary educational institution the student attends or will attend, or if the student attends or will attend an Idaho private postsecondary educational institution, the average tuition at Idaho's public four (4) year

postsecondary educational institutions.

(3-28-18)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**302. CONTINUING ELIGIBILITY.**

To remain eligible for renewal of an opportunity scholarship, the recipient must comply with all of the provisions of the Opportunity Scholarship Program and these rules: (3-28-18)

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

**02. Credit Hours.** To remain eligible for renewal of an opportunity scholarship, the scholarship recipient attending a four-year eligible postsecondary institution must have completed a minimum of twenty-four (24) credit hours or its equivalent each academic year that the student received an opportunity scholarship award. A scholarship recipient attending a two-year eligible postsecondary institution must have completed a minimum of eighteen (18) credit hours or its equivalent each academic year that the student received an opportunity scholarship award. Notwithstanding these provisions, a scholarship recipient that has received the Opportunity Scholarship as an Adult Learner may retain eligibility through the completion of twelve (12) or more credit hours or its equivalent each academic year the student received the Opportunity Scholarship award. All students may use the summer term to meet the annual credit accumulation requirements. (3-9-16)( )

**03. Satisfactory Academic Progress.** To remain eligible for renewal of an opportunity scholarship, the scholarship recipient must have maintained a minimum cumulative grade point average of ~~three~~ two point ~~zero~~ seven (~~3.07~~) on a scale of four point zero (4.0) during the time that the recipient received an opportunity scholarship award, and must be maintaining satisfactory academic progress, consistent within federal financial aid regulations as implemented at the eligible Idaho postsecondary educational institution at which the scholarship recipient was enrolled. Students receiving an Opportunity Scholarship award must make satisfactory progress on the student's graduation plan established with the eligible institution at the time of admission. (3-28-18)( )

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

**05. Eligibility Following Interruption of Continuous Enrollment.** A scholarship recipient whose continuous enrollment is interrupted for more than four (4) months but less than two (2) years for any reason but who intends to re-enroll in an eligible Idaho postsecondary educational institution must file a letter of intent to withdraw no later than sixty (60) days prior to the first day of the academic term of the discontinued attendance to the Office of the State Board of Education. Failure to do so may result in forfeiture of the scholarship. The Board's Executive Director or designee will review each request for interruption and notify the individual of approval or denial of the request. In addition, the individual must file a statement with the Board declaring his intent to re-enroll as a full-time undergraduate student in an academic or career technical program in an eligible Idaho postsecondary educational institution for the succeeding academic year no later than thirty (30) days prior to the first day of the academic term in which the individual intends to re-enroll within two (2) years of the approval of the request to withdraw. Failure to do so will result in forfeiture of the scholarship unless an extension has been granted. An extension of interruption of continuous enrollment period may be granted for eligible students due to military service in the United States armed forces, medical circumstances, or other circumstances approved by the executive director. All requests for extension must be made sixty (60) days prior to the start of the succeeding academic year. (3-28-18)

**303. -- 399. (RESERVED)**

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

**01. Statements of Continuing Eligibility.** An eligible Idaho postsecondary educational institution participating in this Opportunity Scholarship Program must submit statements of continuing student eligibility to the

Board by the 30th day after the end of each academic year. Such statements must include verification that the scholarship recipient is still enrolled, attending part-time if an Adult Learner and full-time for all other scholarship recipients, maintaining satisfactory academic progress, and has not exceeded the award eligibility terms.

~~(3-9-16)~~( )

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

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

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

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

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

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

**IDAPA 08 – STATE BOARD OF EDUCATION**

**08.02.03 – RULES GOVERNING THOROUGHNESS**

**DOCKET NO. 08-0203-1803**

**NOTICE OF RULEMAKING – PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, 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 17, 2018.

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 amendments will incorporate changes required by Section 33-523, Idaho Code, exempting students who complete eight (8) or more credits in mathematics and have completed Algebra II or higher-level mathematics prior to the student's senior year from taking a mathematics class during the student's senior year. Amendments additionally include: updating the reference to Algebra and to add integrated math to be consistent with integrated math offerings by school districts and charter schools; removing restrictions on computer science courses to also allow for computer science courses aligned to the Idaho Computer Science Content Standards at the high school level; and expanding on the senior project to provide clarity on the intent of the senior project. In addition to these amendments the Board seeks feedback on providing further clarification to the senior project options for internships, and school to work internships.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: None.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the July 4, 2018, Idaho Administrative Bulletin, [Vol. 18-7, page 54](#).

**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 concerning the proposed rule, contact Tracie Bent at (208) 332-1582 or [tracie.bent@osbe.idaho.gov](mailto:tracie.bent@osbe.idaho.gov).

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2018.

Dated this 31st day of August, 2018.

Tracie Bent, Chief Planning and Policy Officer  
State Board of Education  
Phone: (208) 332-1582  
Fax: (208)334-2632

650 W. State Street  
P.O. Box 83720  
Boise, Idaho 83720-0037

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 08-0203-1803  
(Only Those Sections With Amendments Are Shown.)

**104. OTHER REQUIRED INSTRUCTION.**

Other required instruction for all students and other required offerings of the school are: (4-1-97)

**01. Elementary Schools.** (4-11-06)

**a.** The following section outlines other information required for all elementary students, as well as other required offerings of the school:

Fine Arts (art and music)  
Health (wellness)  
Physical Education (fitness) (4-11-06)

**b.** Additional instructional options as determined by the local school district. For example:

Languages other than English  
Career Awareness (4-1-97)

**02. Middle Schools/Junior High Schools.** (4-11-06)

**a.** No later than the end of Grade eight (8) each student shall develop parent-approved student learning plans for their high school and post-high school options. The learning plan shall be developed by students with the assistance of parents or guardians, and with advice and recommendation from school personnel. It shall be reviewed annually and may be revised at any time. The purpose of a parent-approved student learning plan is to outline a course of study and learning activities for students to become contributing members of society. A student learning plan describes, at a minimum, the list of courses and learning activities in which the student will engage while working toward meeting the state and school district's or LEA's graduation standards in preparation for postsecondary goals. The school district or LEA will have met its obligation for parental involvement if it makes a good faith effort to notify the parent or guardian of the responsibility for the development and approval of the learning plan. A learning plan will not be required if the parent or guardian requests, in writing, that no learning plan be developed. (3-28-18)

**b.** A student must have ~~taken pre-algebra~~ met the grade eight (8) mathematics standards before the student will be permitted to enter grade nine (9). (~~3-12-14~~)(    )

**c.** Other required instruction for all middle school students:

Health (wellness)  
Physical Education (fitness) (4-11-06)

**d.** Other required offerings of the school:

Family and Consumer Science  
Fine and Performing Arts  
Career Technical Education  
Advisory Period (middle school only, encouraged in junior high school) (4-11-06)

**03. High Schools.** (4-11-15)

a. High schools must offer a wide variety of courses to satisfy state and local graduation requirements. High schools are required to provide instructional offerings in Physical Education (fitness) and Career Technical Education and the instruction necessary to assure students are college and career ready at the time of graduation. (3-28-18)

b. High schools will annually review and update with the student the parent-approved student learning plans outlined in Subsection 104.02.a.. (4-11-15)

### 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-six (46) credits and must include twenty-nine (29) credits in core subjects as identified in Paragraphs 105.01.c. through 105.01.i. (3-12-14)

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. Notwithstanding the credit definition of Subsection 105.01.a., a student may also achieve credits by demonstrating mastery of a subject's content standards as defined and approved by the local school district or LEA. (3-29-17)

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. Six (6) credits are required. Secondary mathematics includes Integrated Mathematics, Applied Mathematics, Business Mathematics, Algebra, Geometry, Trigonometry, Fundamentals of Calculus, Probability and Statistics, Discrete Mathematics, and courses in mathematical problem solving and quantitative reasoning. Dual credit engineering and computer science courses aligned to the state standards for grades nine (9) through (12), including AP Computer Science, and Dual Credit Computer Science courses may also be counted as a mathematics credit if the student has completed Algebra II (or equivalent integrated mathematics) standards. Students who choose to take AP Computer Science, Dual Credit Computer Science, and Dual Credit Engineering courses may not concurrently count such courses as both a mathematics and science credit. (3-12-14)(    )

i. Students must complete secondary mathematics in the following areas: (3-12-14)

(1) Two (2) credits of Algebra I, Algebra I level equivalent Integrated Mathematics or courses that meet the Idaho High School Algebra I Content Standards as approved by the State Department of Education; (3-29-10)(    )

(2) 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)(    )

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

ii. Two (2) credits of the required six (6) credits of mathematics must be taken in the last year of high



school in which the student intends to graduate. For the purposes of this subsection, the last year of high school shall include the summer preceding the fall start of classes. Students who return to school during the summer or the following fall of the next year for less than a full schedule of courses due to failing to pass a course other than mathematics are not required to retake a mathematics course as long as they have earned six (6) credits of high school level mathematics. (3-12-14)( )

iii. Students who have completed six (6) or more high school credits of mathematics prior to the fall of their last year of high school, including at least two (2) semesters of an Advanced Placement or dual credit calculus or higher level course, are exempt from taking mathematics during their last year of high school. High School mathematics credits completed in middle school shall count for the purposes of this section. (3-12-14)( )

iv. Students who earn eight (8) or more high school credits of mathematics that include Algebra II or higher level of mathematics class before the student's senior year are not required to take mathematics during their last year of high school. High school mathematics credits earned in middle school shall count for the purposes of this section. ( )

e. Science. Six (6) credits are required, four (4) of which will be laboratory based. Secondary sciences include instruction in applied sciences, earth and space sciences, physical sciences, and life sciences. ( )

i. Up to two (2) credits in Dual credit engineering and computer science courses aligned to the state standards for grades nine (9) through (12), including AP Computer Science, Dual Credit Computer Science, ~~and Dual Credit Engineering~~ may be used as science credits. Students who choose to take ~~AP Computer Science, Dual Credit Computer Science, and Dual Credit Engineering~~ may not concurrently count such courses as both a mathematics and science credit. (3-12-14)( )

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 Interdisciplinary Humanities Content Standards. (3-28-18)

h. Health/Wellness. One (1) credit is required. Course must be aligned to the Idaho Health Content Standards. Effective for all public school students who enter grade nine (9) in Fall 2015 or later, each student shall receive a minimum of one (1) class period on psychomotor cardiopulmonary resuscitation (CPR) training as outlined in the American Heart Association (AHA) Guidelines for CPR to include the proper utilization of an automatic external defibrillator (AED) as part of the Health/Wellness course. (3-12-14)

i. Students participating in one (1) season in any sport recognized by the Idaho High School Activities Association or club sport recognized by the local school district, or eighteen (18) weeks of a sport recognized by the local school district may choose to substitute participation up to one (1) credit of physical education. Students must show mastery of the Physical Education Content Standards in a format provided by the school district. (3-28-18)

**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 grade nine (9) in Fall 2012 or later.) (3-12-14)



**a.** A student must take one (1) of the following college entrance examinations before the end of the student's eleventh grade year: SAT or ACT. Students who participated in the Compass assessment prior to its final administration may also use the Compass to meet this requirement. Students receiving special education services through a current Individualized Education Plan (IEP) may utilize the ACCUPLACER placement exam in lieu of the SAT or ACT. (3-28-18)

**b.** A student who misses the statewide administration of the college exam during the student's grade eleven (11) for one (1) of the following reasons, may take the examination during their grade twelve (12) to meet this requirement: (3-25-16)

i. Transferred to an Idaho school district during grade eleven (11) and has not previously participated in one of the allowed college entrance exams outlined in Subsection 03.a; (3-28-18)

ii. Was homeschooled during grade eleven (11) and is enrolled in an Idaho high school as a diploma seeking student; or (3-28-18)

iii. Missed the spring statewide administration of the college entrance exam dates for documented medical reasons. (3-12-14)

**c.** A student may elect an exemption in from the college entrance exam requirement if the student is: (3-28-18)

i. Receiving special education services through a current Individual Education Plan (IEP) that specifies the student meets the alternate assessment eligibility criteria; (3-28-18)

ii. Enrolled in a Limited English Proficient (LEP) program for three (3) academic years or less; or (3-12-14)

iii. Transferring from out of state to an Idaho high school in grade twelve (12). (3-28-18)

**d.** A school district, on behalf of a student, on a form established by the State Department of Education, may submit an appeal application requesting the Superintendent of Public Instruction or their designee consider another college entrance exam or college placement exam to fulfill this requirement, or exempt the student due to extenuating circumstances. (3-28-18)

**04. Senior Project.** The senior project is a culminating project to show a student's ability to analyze, synthesize and evaluate information and communicate that knowledge and understanding. A student must complete a senior project by the end of grade twelve (12). Senior projects may be multi-year projects and may be group or individual projects. The project must include ~~a written report and an oral presentation~~ elements of research, development of a thesis using experiential learning or integrated project based learning experiences and presentation of the project outcome. Additional requirements for a senior project are at the discretion of the local school district or LEA. Completion of a postsecondary certificate or degree at the time of high school graduation or an approved pre-internship or internship program may be used to meet this requirement. (~~3-28-18~~)(    )

**05. Civics and Government Proficiency.** Pursuant to Section 33-1602, Idaho Code, each LEA may establish an alternate path for determining if a student has met the state civics and government content standards. Alternate paths are open to all students in grades seven (7) through twelve (12.) Any student who has been determined proficient in the state civics and government content standards either through the completion of the civics test or an alternate path shall have it noted on the student's high school transcript. (3-29-17)

**06. Middle School.** A student will have met the high school content and credit area requirement for any high school course if the requirements outlined in Subsections 105.06.a. through 105.06.c. of this rule are met. (3-25-16)

**a.** The student completes such course with a grade of C or higher before entering grade nine (9); (3-12-14)

**b.** The course meets the same content standards that are required in high school for the same course;  
and (3-25-16)

**c.** The course is taught by a teacher properly certified to teach high school content and who meets the federal definition of highly qualified for the course being taught. (3-25-16)

**d.** The student shall be given a grade for the successful completion of that course and such grade and the number of credit hours assigned to the course shall be transferred to the student's high school transcript. Notwithstanding this requirement, the student's parent or guardian shall be notified in advance when credits are going to be transcribed and may elect to not have the credits and grade transferred to the student's high school transcript. Courses taken in middle school appearing in the student's high school transcript, pursuant to this subsection, shall count for the purpose of high school graduation. However, the student must complete the required number of credits in all high school core subjects as identified in Subsections 105.01.c. through 105.01.h. except as provided in 105.01.d.iii. The transcribing high school is required to verify the course meets the requirements specified in Subsections 105.06.a. through 105.06.b. of this rule. (3-25-16)

**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.** A foreign exchange student may be eligible for graduation by completing a comparable program as approved by the school district or LEA. (4-11-06)