



Eric Milstead  
Director

# Legislative Services Office Idaho State Legislature

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## MEMORANDUM

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

**FROM:** Elizabeth Bowen - Principal Legislative Research Analyst

**DATE:** June 08, 2018

**SUBJECT:** Temporary Rule

IDAPA 08.01.13 - Rules Governing the Opportunity Scholarship Program - Adoption of Temporary Rule - Docket No. 08-0113-1801

We are forwarding this temporary rule to you for your information only. No analysis was done by LSO. This rule is posted on our web site. If you have any questions, please call Elizabeth Bowen at the Legislative Services Office at (208) 334-4834. Thank you.

Attachment: Temporary Rule

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## IDAPA 08 – STATE BOARD OF EDUCATION

### 08.01.13 – RULES GOVERNING THE OPPORTUNITY SCHOLARSHIP PROGRAM

DOCKET NO. 08-0113-1801

#### NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE

**EFFECTIVE DATE:** The effective date of the temporary rule is April 19, 2018.

**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 Section 33-4303, Idaho Code.

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

SB1279 (2018) amended Section 33-4303, Idaho Code, allowing the Board to award up to 20% of the funds appropriated for the Idaho Opportunity Scholarship to students with 24 or more postsecondary credits. In order to make awards to this population of students for the 2018-2019 school year (in FY 2019), amendments need to be made to the existing student eligibility requirements and deadlines for the Opportunity Scholarship. Identified changes necessary for making awards during this first academic year include amendments to the application deadline and FAFSA completion deadline, minimum grade point average, and establishing the amount of time this population of students needs to be out of school prior to being eligible for the scholarship.

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

This temporary rule will convey a benefit by allowing scholarship funds to be awarded to “Adult Learners” during FY 2019 and will bring the rule into conformance with the new scholarship provisions created in SB1279 (2018).

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

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

DATED this 4th day of May, 2018.

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THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 08-0113-1801  
(Only Those Sections With Amendments Are Shown.)

010. DEFINITIONS.

- 01.** Adult Learner. Means an individual who: (4-19-18)T
- a.** Is not currently enrolled in a postsecondary institution accredited by a body recognized by the State Board of Education; (4-19-18)T
- 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 (4-19-18)T
- 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. (4-19-18)T
- 012.** **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. (4-19-18)T

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. 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. (3-20-14)(4-19-18)T

**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~~ three two point zero seven (3-28-18) 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)(4-19-18)T

**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~~ (~~32.07~~) 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~~)(4-19-18)T

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. (4-19-18)T

**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~~)(4-19-18)T

**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~~)(4-19-18)T

**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: (4-19-18)T

(1) Enrolled in six (6) to eight (8) credits or its equivalent per term, fifty percent (50%) of the maximum award amount; (4-19-18)T

(2) Enrolled in nine (9) to eleven (11) credits or its equivalent per term, seventy-five percent (75%) of the maximum award amount; and (4-19-18)T

(3) Enrolled in twelve (12) or more credits or its equivalent per term, one-hundred percent (100%) of the maximum award amount. (4-19-18)T

**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 ~~an~~ 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)~~(4-19-18)T

(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 (4) year eligible postsecondary institution must have completed a minimum of twenty-four (24) credit hours or its equivalent each academic year that the student received an opportunity scholarship award. A scholarship recipient attending a two (2) year eligible postsecondary institution must have completed a minimum of eighteen (18) credit hours or its equivalent each academic year that the student received an opportunity scholarship award. Notwithstanding these provisions, a scholarship recipient 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~~)(4-19-18)T

**03. Satisfactory Academic Progress.** To remain eligible for renewal of an opportunity scholarship, the scholarship recipient must have maintained a minimum cumulative grade point average of three point zero (3.0) on a scale of four point zero (4.0) during the time that the recipient received an opportunity scholarship award, and must be maintaining satisfactory academic progress, consistent within federal financial 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~~)(4-19-18)T

**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)~~(4-19-18)T

**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.

(4-19-18)T