

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

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

IDAPA 08.01.02 - Rules Governing the Postsecondary Credit Scholarship Program (New Chapter) -
Proposed Rule (Docket No. 08-0102-2101);

IDAPA 08.01.10 - Idaho College Work Study Program (New Chapter) - Proposed Rule (Docket
No. 08-0110-2101).

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 01/03/2022. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 01/31/2022.

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

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



Terri Kondoff
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: December 15, 2021
SUBJECT: State Board of and State Department of Education - State Board of Education

IDAPA 08.01.02 - Rules Governing the Postsecondary Credit Scholarship Program (New Chapter) - Proposed Rule (Docket No. 08-0102-2101)

IDAPA 08.01.10 - Idaho College Work Study Program (New Chapter) - Proposed Rule (Docket No. 08-0110-2101)

Summary and Stated Reasons for the Rule

Docket No. 08-0102-2101: This new chapter of rules, relating to the Postsecondary Credit Scholarship Program, defines terms and describes the application and selection process for scholarships.

Docket No. 08-0110-2101: This new chapter of rules, relating to the Idaho College Work Study Program, implements administrative procedures.

Negotiated Rulemaking / Fiscal Impact

Docket No. 08-0102-2101: Negotiated rulemaking was conducted. There is no anticipated negative fiscal impact on the state general fund.

Docket No. 08-0110-2101: Negotiated rulemaking was conducted. There is no anticipated negative fiscal impact on the state general fund.

Statutory Authority

Docket No. 08-0102-2101: The Board appears to have statutory authority for this rulemaking.

Docket No. 08-0110-2101: The Board appears to have statutory authority for this rulemaking.

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

*** PLEASE NOTE ***

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

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

Tel: 208-334-2475
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Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

IDAPA 08 – STATE BOARD OF EDUCATION

08.01.02 – RULES GOVERNING THE POSTSECONDARY CREDIT SCHOLARSHIP PROGRAM

DOCKET NO. 08-0102-2101 (NEW CHAPTER)

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, 33-4601A, 33-4605, and Chapter 46, Title 33, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 20, 2021.

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

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

In accordance with [Executive Order No. 2020-01](#), this rulemaking will remove language that is duplicative of the statutory language authorizing the Postsecondary Credit Scholarship Program in Section 33-4605, Idaho Code, and simplify administrative functions.

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(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the July 7, 2021 Idaho Administrative Bulletin, [Vol. 21-7, page 16](#).

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: None.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Tracie Bent at tracie.bent@osbe.idaho.gov or (208)332-1582.

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 27, 2021.

DATED this 6th day of October, 2021.

Tracie Bent
Chief Planning and Policy Officer
State Board of Education
650 W State ST.
PO Box 83720
Boise, Idaho 83720-0037
Phone: (208)332-1582
Fax: (208)334-2632
Email: tracie.bent@osbe.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 08-0102-2101
(New Chapter – Zero-Based Regulation Rulemaking)

08.01.02 – RULES GOVERNING THE POSTSECONDARY CREDIT SCHOLARSHIP PROGRAM

000. LEGAL AUTHORITY.

In accordance with Sections 33-105, 33-4601A, and 33-4605, Idaho Code the Board is authorized to promulgate rules implementing the provisions of Title 33, Chapter 46, Idaho Code. ()

001. SCOPE.

These rules constitute the requirements for the Postsecondary Credit Scholarship Program. ()

002. -- 009. (RESERVED)

010. DEFINITIONS.

For the purposes of this rule the following definitions apply: ()

01. Board. Idaho State Board of Education. ()

02. Business Scholarship. A competitive scholarship awarded from a business entity registered with the Idaho Secretary of State or other state or federal entity that registers businesses and whose purpose is not postsecondary education nor is the entity affiliated with a postsecondary educational institution; or an association representing businesses as described herein. ()

03. Executive Director. Executive Director for the Idaho State Board of Education. ()

04. Grade Point Average (GPA). Average secondary grade earned by a student, figured by dividing the grade points earned by the number of credits attempted. ()

05. Industry Scholarship. A competitive scholarship in which the recipient must enter into a program of study for a specific occupational area. ()

011. -- 100. (RESERVED)

101. APPLICATION PROCESS.

Applications must be made on a form and in the timelines set by the Executive Director. Failure to respond within the specified time period 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. ()

102. -- 299. (RESERVED)

300. SCHOLARSHIP AWARDS.

01. Selection Process. Scholarship awards will be based on the availability of scholarship program funds. In the event more eligible applications are received than funds are available, awards will be based upon GPA ranking. ()

02. Payment. Payment of scholarship award will be made in the name of the recipient and will be sent to the designated official at the eligible Idaho postsecondary educational institution in which the recipient is enrolled. The official must transmit the payment to the recipient student's account within a reasonable time following receipt of the payment. ()

301. -- 999. (RESERVED)

IDAPA 08 – STATE BOARD OF EDUCATION
08.01.10 – IDAHO COLLEGE WORK STUDY PROGRAM
DOCKET NO. 08-0110-2101 (NEW CHAPTER)
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 Chapter 44, Title 33, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 20, 2021.

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

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

In accordance with [Executive Order No. 2020-01](#), this rulemaking will remove language that is duplicative of the statutory language authorizing the state work study program contained in chapter 44, title 33.

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(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the July 7, 2021 Idaho Administrative Bulletin, [Vol. 21-7, page 17](#).

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: None.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Tracie Bent at tracie.bent@osbe.idaho.gov or (208)332-1582.

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 27, 2021.

DATED this 6th day, October 2021.

Tracie Bent
Chief Planning and Policy Officer
State Board of Education
650 W State ST.
PO Box 83720
Boise, Idaho 83720-0037
Phone: (208)332-1582
Fax: (208)334-2632
Email: tracie.bent@osbe.idaho.gov

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 08-0110-2101
(New Chapter – Zero-Based Regulation Rulemaking)**

08.01.10 – IDAHO COLLEGE WORK STUDY PROGRAM

000. LEGAL AUTHORITY.

The following rules are made under authority of Sections 33-105, 33-107, and 33-4402, Idaho Code. ()

001. SCOPE.

This rule establishes the administrative procedures necessary to implement a student financial and educational aid program as called for by Chapter 44, Title 33, Idaho Code. ()

002. -- 101. (RESERVED)

102. ALLOCATION OF FUNDS.

Funds appropriated to the Office of the State Board of Education (Board) for the Idaho College Work Study Program shall be allocated to participating institutions based on enrollment data submitted by each institution on the Student Enrollment Form (PSR-1) for the fall semester prior to the previous fiscal year of participation that is based on the appropriation for that fiscal year multiplied by an enrollment factor. The enrollment factor shall be calculated by dividing the headcount of resident degree-seeking students at the participating institutions by the total headcount of resident degree-seeking students for all participating institutions. ()

103. (RESERVED)

104. AUDIT.

Participating institutions shall agree in advance to submit to regular, periodic audits by the legislative auditor or the auditor for the Board to ensure compliance with the statutes, rules, and policies governing the Idaho College Work Study Program, including provision of accurate enrollment information. ()

105. CARRYOVER FUNDS.

Participating institutions may carry over up to ten percent (10%) of the work study program funds received in one (1) fiscal year to the next fiscal year, provided however, that any carryover funds shall be used exclusively in the work study program. Any unexpended funds in excess of the ten percent (10%) provided herein shall be returned to and redistributed by the Board. ()

106. -- 999. (RESERVED)