Dear Senators GOEDDE, Mortimer, Buckner-Webb, and Representatives DEMORDAUNT, Nielsen, Pence:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the Division of Professional-Technical Education:

IDAPA 55.01.04 - Rules Governing Idaho Quality Program Standards Incentive Grants and Agricultural Education Program Start-Up Grants (New Chapter) - Proposed Rule (Docket No. 55-0104-1401).

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 10/20/2014. 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 11/18/2014.

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 334-4834, or send a written request to the address on the memorandum attached below.



Legislative Services Office Idaho State Legislature

Eric Milstead Director Serving klaho's Citizen Legislature

MEMORANDUM

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

Committee

FROM: Principal Legislative Research Analyst - Brooke Brourman

DATE: September 30, 2014

SUBJECT: Division of Professional-Technical Education

IDAPA 55.01.04 - Rules Governing Idaho Quality Program Standards Incentive Grants and Agricultural Education Program Start-Up Grants (New Chapter) - Proposed Rule (Docket No. 55-0104-1401)

This rulemaking constitutes a new chapter that is prompted by Senate Bill 1275 that was passed by the 2014 Legislature. Senate Bill 1275 enacted Section 33-1629, Idaho Code, which requires the Board of Professional-Technical Education to adopt rules to implement the Idaho Quality Program Standards Incentive Grant and the Agricultural Education Program Start-Up Grant. The new chapter defines terms, sets out eligibility requirements, an application process, and a selection process for the two grant programs, provides for payment of grant funds using a reimbursement process and provides for an appeal process.

Negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 4, 2014 Idaho Administrative Bulletin. The Board states that there will be fiscal impact due to the proposed rule, but does not specify what the fiscal impact will be.

The Board's proposed rule appears to be authorized pursuant to Section 33-1629, Idaho Code.

cc: Division of Professional-Technical Education Tracie Bent

IDAPA 55 - DIVISION OF PROFESSIONAL-TECHNICAL EDUCATION

55.01.04 - RULES GOVERNING IDAHO QUALITY PROGRAM STANDARDS INCENTIVE GRANTS AND AGRICULTURAL EDUCATION PROGRAM START-UP GRANTS

DOCKET NO. 55-0104-1401 (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 Section(s) 33-105, 33-105, 33-2203, and 33-1629, 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 15, 2014.

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 2014 the Legislature enacted Section 33-1629, Idaho Code, Agricultural and Natural Resource Education Programs establishing the Idaho Quality Program Standards Incentive Grants, and Agricultural Education Program Start-Up Grants and requiring the Board adopt quality program standards and promulgate rules to administer the two grant programs. The proposed rule sets out the eligibility requirements, application process, and selection process for the two grant programs.

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 resulting from this rulemaking: There will be fiscal impact due to the proposed rule.

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 June 4, 2014 Idaho Administrative Bulletin, **Vol. 14-6**, page 102.

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 proposed rule, contact Tracie Bent, Chief Planning and Policy Officer, at (208)332-1582 or 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 22, 2014.

DATED this 29th Day of August, 2014

Tracie Bent Chief Planning and Policy Officer Office of the State Board of Education 650 W. State Street P.O. Box 83720 Boise, ID 83720-0037

Tel: (208) 332-1582 / Fax: (208) 334-2632

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 55-0104-1401

IDAPA 55 TITLE 01 CHAPTER 04

55.01.04 - RULES GOVERNING IDAHO QUALITY PROGRAM STANDARDS INCENTIVE GRANTS AND AGRICULTURAL EDUCATION PROGRAM START-UP GRANTS

000. This cha		AUTHORITY. lopted under authority of Section 33-1629, Idaho Code.	()
001.	TITLE .	AND SCOPE.		
Standard	01. ds Incenti	Title . The title of this chapter is IDAPA 55.01.04, "Rules Governing Idaho Quality P ve Grants and Agricultural Education Program Start-Up Grants."	rograi (m)
		Scope . These rules shall govern the standards and procedures for application to the Idaho of Incentive Grants and the Agricultural Education Program Start-up Grants as administered Professional-Technical Education.		
002. In accord be made	dance wit	EN INTERPRETATIONS. th Section 67-5201(19)(b)(iv), Idaho Code, any written interpretations of the rule of this chape at the Idaho Division of Professional-Technical Education.	ter wi	11
003. All appe		IISTRATIVE APPEALS. these rules shall be conducted pursuant to the procedures outlined herein.	()
004. There ar		PORATION BY REFERENCE. uments that have been incorporated by reference into these rules.	()
005.	OFFICI	E INFORMATION.		
a.m. to 5	01. 5 p.m., ex	Office Hours . The offices of the Division of Professional-Technical Education are open cept Saturday, Sunday, and legal holidays.	from (8
	02.	Street Address. The offices of the Division are located at 650 W. State Street, Boise, Idaho.	. ()
	03.	Mailing Address. The mailing address of the Division is P.O. Box 83720, Boise, ID 83720-	-0095. (
	04.	Telephone Number . The telephone number of the Division is (208) 334-3216.	()
	05.	Facsimile. The facsimile number of the Division is (208) 334-2365.	()
	06.	Website. The website of the Division is http://pte.idaho.gov/.	()
006. These ru		C RECORDS ACT COMPLIANCE. abject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code.	()
007 0	009.	(RESERVED)		
010.	DEFINI	TIONS AND ABBREVIATIONS.		

	01.	Administrator . The administrator for the Division of Professional-Technical Education.	()
systems	delivered	Agricultural and Natural Resources Program. A program approved by the Division that is a standards-based curriculum in agriculture, food and natural red through an integrated model that incorporates classroom and laboratory instruction, experient leadership and personal development.	sources
	03.	Board . The State Board for Professional-Technical Education.	()
	04.	Division . The Division of Professional-Technical Education.	()
	05.	FTE. Full Time Equivalent employee.	()
Charter	06. School C	School District or District. A public school district or a charter school authorized by the commission or school district.	Public ()
011 0	99.	(RESERVED)	
100.	INCEN	TIVE GRANT.	
	01. nents as a ous grant a	Eligibility Requirements . Eligible applicants must meet quality program and insapproved by the board. Applicants may re-apply each year regardless of whether they have reaward.	structor eceived ()
meet the	a. e minimu	An agricultural and natural resources program in any grade nine (9) through twelve (12) mum program-specific quality program standards as approved by the board.	ıst first
indicato "disting within e	rs at the uished" for each stand	Programs will be rated on a scale consisting of "non-existent," "below basic," "qua and "exemplary." Eligibility requires that the program must meet each of the program level of "basic" or higher. Programs must also have an overall average rating of no lest or all program-specific quality standards. This average will be calculated using the quality inclard. Programs that do not meet the minimum quality standards requirements in one (1) year subsequent year. Programs will be assessed by the division.	quality ss than licators
program	c. n standard	Instructors must teach in an agricultural and natural resources program that meets the is and must also meet the instructor-specific quality program standard as approved by the boards.	
quality "disting standard	indicators uished" f ls require	Instructors will be rated on a scale consisting of "non-existent," "below basic," "inguished," and "exemplary." Eligibility requires that the instructor must meet each of the ps at the level of "basic" or higher. Instructors must also have an average rating of no lefor all instructor-specific quality indicators. Instructors that do not meet the minimum ements in one (1) year may be found eligible in subsequent year. All instructors of agricultur programs in grades nine (9) through twelve (12) are eligible to apply for the grant.	rogram ss than quality
an appro	e. oved agric	Payments to districts will be adjusted according to the percent of time an instructor teaches cultural and natural resources program.	within ()
		Should the division request additional information from a school district regarding a ficts must respond to the request within the time period indicated. Failure to respond will result a application and/or the forfeiture of the grant.	
	02.	Application Process. The application process consists of a formal application and assessment	ent.
	9.	To be considered for the grant, a school district must first complete and submit a formal appl	lication

establis mailed	hed by the application	documentation on behalf of an instructor for an approved program according to the true administrator. Applications may be submitted electronically to the division. In the even, applications must be postmarked no later than the timeline specified by the division. Instructor of their own behalf.	ent of	a
standard in the e progran	ds. At the valuation. n. Distric	Following the receipt of an application, the division will conduct an assessment of the progresure they both meet the minimum eligibility requirements, as outlined in the quality per administrator's discretion, the division may partner with additional subject-matter experts to the Assessments will be conducted each school year the instructor and program participate in the task will only be eligible to apply for the grant during the academic year the program received assessments cannot be used for subsequent grant applications.	rogra o assi ne gra	m st nt
		Selection of Grant Recipients . Grants will be awarded annually based on the availability of mber of qualified applicants. Grants will be awarded to applicants based on ranking in according criteria:		
of:	a.	Applicants will be ranked according to their overall score. Scores will be calculated using t	he su	m)
	i.	The average score of the program quality indicators; and	()
	ii.	The average score of the instructor-specific program quality indicators.	()
	04.	Incentive Grant Award.	()
grant re	cipient co	Announcement of the grant award will be made following administrator approval through funding authorization letter. Prior to the distribution of the letter, the division will verify to ontinues to teach at the same school, in the same agricultural and natural resources program well as indicated on the formal application.	that th	ne
funds a	re exhaus	The total number of recipients will vary by year in accordance with the availability of funds the applicant pool. Awards will be in the amount of ten thousand dollars (\$10,000) until avoited or all qualified recipients have been awarded the grant. Grants may be less than ten the when certain conditions exist:	vailab	le
exceeds	i. the avail	Tied ranking. In the event of a tie, and in those instances where the number of qualified appliable funds, grants will be awarded evenly among those recipients with a tied score.	plican (ts)
progran	n. In the e	Less than full-time employment in an approved program. Grants will be awarded using cent of time an instructor spends teaching within an approved agricultural and natural revent an instructor teaches in an approved program in less than a full-time capacity, grantsing to the percent of time the instructor spends teaching in the approved program.	source	es
	c.	Grants are awarded on an annual basis and are not renewable or transferrable.	()
the agri	d. cultural a	The use of grant funds must be in accordance with division guidelines and must be clearly lind natural resources program identified on the formal application.	nked (to)
not limi	e. ited to:	Grant funds may be used to improve the agricultural and natural resources program, include	ling b	ut)
training	i. on behal	Offset travel and registration fees associated with educational workshops and/or profe f of the instructor;	ession (al)
	ii.	Purchase or repair equipment; or	()
	iii.	Purchase educational supplies/curricula.	()

	f.	Grant funds may not be used to:	()
	i.	Cover the costs of either salaries or benefits, including extended contracts;	()
	ii.	Offset expenses associated with the FFA organization or other student organizations; or	()
	iii.	Supplant other district funding sources, e.g. routine facility maintenance or improvements.	()
101	199.	(RESERVED)		
200.	START	-UP GRANT.		
grade n	ine (9) thi	Eligibility Requirements . A school district may apply for a start-up grant for a newly-appart resources program or to re-establish an agricultural and natural resources program rough twelve (12) when specific eligibility requirements are met. Districts are only eligible the fiscal year their program is approved or re-established.	in ar	ny
agricult Expans	tural and 1	To start a new program, districts are required to first complete a request for new secondary per a new agricultural and natural resources program in one (1) of the specified grades. To natural resources program must then be approved by the division prior to application for the disting programs, including the addition of new career pathways or additional staff, do not question to the distinguish programs.	he ne e grar	ew nt.
The reapplica	-establishe	To re-start a program, districts are required to first complete a Request for New Secondary Fre-establish an agricultural and natural resources program in any grade nine (9) through twelved agricultural and natural resources program must then be approved by the division particle grant. The re-established program must have been inactive for at least two (2) academic grant.	ve (12 prior	2). to
division	n accordii	Application Process . A school district may submit an application for a new or re-estageted applications, which must be authorized by the district superintendent, must be submitteng to the timeline established by the administrator. In the event of a mailed application be postmarked no later than the timeline specified.	d to th	he
specific	a. c documen	Applications must include all required information outlined in the grant application, in its detailing the district's proposed budget and long-term strategy for sustaining the program.		ng)
		Communication with state officials. Should the division request additional information a grant application, districts must respond to the request within the time period indicated. Falt in the cancellation of the application and/or the forfeiture of the grant.		
and pri	ority that	Selection of Grant Recipients . Grants will be awarded annually by the division based ant funds and the number of qualified programs. Grants will be awarded to districts based on considers factors including but not limited to: the strength of the budget proposal, sustai roposed program, and the history of prior grant awards.	rankir	ng
awards applica	annually, nt pool. <i>A</i>	Start-up Grant Award . Announcement of the grant award will be made following admir the distribution of a funding authorization letter. The total number of recipients will not exce and may vary by year in accordance with the availability of funds and the qualifications awards will be in the amount of twenty-five thousand dollars (\$25,000) until available furturalistic recipients have been awarded the grant.	eed for s of th	ur he
	a. d the gran re-establi	Grants are awarded on a one-time basis and are not renewable or transferrable. If a diet for a new program, the program is ineligible for future awards should the program terminished.		

b. agricultural and award amount, the	Use of grant funds must be in accordance with division guidelines and must be clearly linked natural resources program identified on the formal application. If a district fails to spend the nose funds may not be carried forward to the next fiscal year.		
c. not limited to:	Grant funds may be used to improve the agricultural and natural resources program, include	ding bu	ıt)
i. training on behal	Offset travel and registration fees associated with educational workshops and/or prof f of the instructor;	essiona (ıl)
ii.	Purchase or repair equipment;	()
iii.	Purchase educational supplies/curricula; or	()
iv. FFA or other rele	Start-up costs, up to one thousand dollars (\$1,000,) associated with establishing a new characteristic organization.	apter o	of)
d.	Grant funds may not be used to:	()
i.	Cover the costs of salaries and/or benefits, including extended contracts;	()
ii.	Offset ongoing expenses associated with the FFA organization or other student organization	ns; or ()
iii.	Supplant other district funding sources, e.g. routine facility maintenance or improvements.	()
201 299.	(RESERVED)		
100, funds will be school districts in but may request	t funds will be made to the district using a reimbursement process. For grants awarded under be made to the district on behalf of the instructor. To receive reimbursement for eligible expust submit a reimbursement request no later than July 15 each year for the preceding school reimbursement as costs are incurred.	penses	s,
301. APPEALS. Any grant applicant or recipient adversely affected by a decision made under provisions of these rules may appeal such adverse decision as follows. The grant applicant or recipient must appeal in writing no later than thirty (30) days following the announcement of the award, and the written statement must include the basis for the appeal. The appeal must be submitted to the administrator. The division shall acknowledge receipt of the appeal within seven (7) days. The administrator may or may not agree to review the action, or may appoint a subcommittee of three (3) persons to hear the appeal, including at least one (1) agricultural and natural resources professional.			
receives the appe	Review. If the appeal is transmitted to the subcommittee, the subcommittee will review the iten recommendation to the administrator within fifteen (15) days from the time the subcommittee of the time and place when the subcommittee will consider the appeal and will be all esubcommittee to discuss the appeal.	mmitte irperso	e n
02. subcommittee's applicant or recipthe board.	Presentation. Following the subcommittee's decision, the administrator will preserve recommendation to the board at the next regularly scheduled meeting of the board. The pient initiating the appeal may, at the discretion of the board, be permitted to make a present present initiating the appeal may.	ne gran tation to	ıt
03. unless otherwise in writing of the	Final Decision. The decision of the board is final, binding, and ends all administrative respecifically provided by the board. The board will inform the incentive grant applicant or a decision of the board.		
302 999.	(RESERVED)		