



**Terri Kondeff**  
**Director**

# Legislative Services Office

## Idaho State Legislature

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### MEMORANDUM

**TO:** Senators LENT, Toews, Ward-Engelking and,  
Representatives YAMAMOTO, McCann, Berch

**FROM:** Trevor Ahrens - Legislative Drafting Attorney

**DATE:** November 02, 2023

**SUBJECT:** Temporary Rule

IDAPA 08.01.13 - Rules Governing the Opportunity Scholarship Program - Adoption of Temporary Rule - Docket No. 08-0113-2303

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 Trevor Ahrens at the Legislative Services Office at (208) 334-4845. 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. 08-0113-2303

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

**EFFECTIVE DATE:** The effective date of the temporary rule is November 1, 2023.

**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 Article IX, Section 2, Idaho Constitution and under Sections 33-105, 33-4303, and 33-4304, Idaho Code.

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

The temporary rule removes a reference to a four-year institution as this reference is unnecessary. The monetary value described in subsection 300.02.iv. is a prorated calculated based on ranges of credits earned if the credits earned in an academic year are less than twenty-four (24) credits. This recognizes the organizations prorated maximum award for adult learners.

The temporary rule also clarifies that scholarship recipients attending a two (2) year public postsecondary institution are eligible to renew a scholarship award only if the initial award was offered and accepted prior to July 1, 2023 and the student has completed a minimum of 18 credit hours for each academic year that the student received the award.

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

Addressing the continuing eligibility requirements for student recipients attending two (2) year public postsecondary institutions, clarifies that grant awards offered and accepted prior to the statutory change (effective July 1, 2023) will be administered as per the law in effect when the award was offered and accepted. This change holds students harmless. As the current law requires and the rule reflects, no new awards may be granted to students for the purpose of attending a community college on or after July 1, 2023.

**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

**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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the temporary rule, contact Nicholas Wagner at (208) 488-7586 or [Nicholas.Wagner@osbe.idaho.gov](mailto:Nicholas.Wagner@osbe.idaho.gov).

DATED this 19th day of September, 2023.

Nicholas Wagner  
Administrative Rules Coordinator  
Idaho State Board of Education  
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Boise, Idaho 83720-0037  
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**THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 08-0113-2303**  
**(Only Those Sections With Amendments Are Shown.)**

**000. LEGAL AUTHORITY.**

~~In accordance with Sections 33-105, and 33-4303, Idaho Code, the State Board of Education (Board) shall promulgate rules implementing the provisions of Title 33, Chapter 56, Idaho Code.~~ (4-6-23)(11-1-23)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**101. ELIGIBILITY.**

~~Applicants must meet all of the eligibility requirements to be considered for the scholarship award.~~ (4-6-23)

**01. Academic Eligibility.** To be eligible for an opportunity scholarship, an applicant must meet minimum academic eligibility criteria, as follows: (4-6-23)

**a.** A student who has not yet graduated from an eligible secondary school or its equivalent in the state of Idaho must have an un-weighted minimum cumulative grade point of average of two point seven (2.7) 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 (4-6-23)

**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 (4-6-23)

**c.** A student currently enrolled in an eligible Idaho postsecondary educational institution must have a minimum cumulative grade point average of two point seven (2.7) 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. (4-6-23)

**d.** An Adult Learner must have a minimum cumulative grade point average of two point five (2.5) 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. (4-6-23)

**02. Financial Eligibility.** The financial need of an applicant for an opportunity scholarship will be based upon the Student Aid Index (SAI), as identified by the free application for federal student aid (FAFSA) Submission Summary. (7-1-23)T

**03. Additional Eligibility Requirements.** (4-6-23)

**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. (4-6-23)

**b.** If a student has attempted or completed more than one hundred and twenty (120) postsecondary credits, then such student must identify a 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 credit received to the Board office. A student shall not be eligible for an opportunity scholarship if: (4-6-23)

**i.** The student has completed more than one hundred fifty percent (150%) of the courses and academic credit necessary to graduate in such major; or (4-6-23)

**ii.** Upon review of the student's academic transcript(s), the student cannot complete a degree/

certificate in the major 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. (4-6-23)

**(BREAK IN CONTINUITY OF SECTIONS)**

**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: (4-6-23)

**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 an application to the Board earlier in time will be assigned a higher rank. (4-6-23)

**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. (4-6-23)

**02. Monetary Value of the Opportunity Scholarship.** (4-6-23)

**a.** 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: (4-6-23)

**i.** The amount of the assigned student responsibility, established by the Board annually; (4-6-23)

**ii.** The amount of federal grant aid, as identified by the FAFSA Submission Summary if known at the time of award determination; (7-1-23)T

**iii.** The amount of other financial aid awarded the student, from private or other sources that is known at the time of award determination. (4-6-23)

**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~~, will be prorated as follows: (7-1-23)T(11-1-23)T

(1) Enrolled in six (6) to eight (8) credits or its equivalent per term - fifty percent (50%) of the maximum; (4-6-23)

(2) Enrolled in nine (9) to eleven (11) credits or its equivalent per term - seventy-five percent (75%) of the maximum; and (4-6-23)

(3) Enrolled in twelve (12) or more credits or its equivalent per term - one hundred percent (100%) of the maximum. (4-6-23)

**b.** The amount of an opportunity scholarship award to an individual student shall not exceed the actual cost of tuition and fees at the 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. (4-6-23)

**c.** Due to federal delays in FAFSA applications for the 2024-25 academic year, the Board may

determine monetary value of the scholarship without the FAFSA Submission Summary and may adjust the final award and payment upon receipt of the FAFSA Submission Summary. (7-1-23)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. (4-6-23)~~

**01. 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, and the scholarship recipient attending a two (2) year public postsecondary institution who accepted an award offer or renewed an award offer on or before June 30, 2023 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 who has received the Opportunity Scholarship as an Adult Learner may retain eligibility by completing 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. (7-1-23)T(11-1-23)T

**02. Academic Progress.** To remain eligible for renewal of an opportunity scholarship, the scholarship recipient must have maintained a minimum cumulative grade point average of two point seven (2.7) on a scale of four point zero (4.0), and must be maintaining satisfactory academic progress toward their identified postsecondary credential as determined by the institution they are enrolled in. Students receiving an Opportunity Scholarship award as an Adult Learner must make satisfactory progress on their graduation plan established with the eligible institution at the time of admission. (4-6-23)

**03. 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 thirty (30) 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 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 thirty (30) days prior to the start of the succeeding academic year. (4-6-23)