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Director

# Legislative Services Office

## Idaho State Legislature

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### 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.

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.