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**IDAPA 55
TITLE 01
Chapter 02**

55.01.02 - POSTSECONDARY VOCATIONAL TECHNICAL EDUCATION RULES

000. LEGAL AUTHORITY.

This rule is adopted under the authority of Chapter 22, Title 33, Idaho Code and the Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990 (P.L. 101-392), Title IIC. (7-1-93)

001. TITLE AND SCOPE.

This rule establishes the formula to distribute federal vocational education funds to public postsecondary vocational-technical institutions. (10-25-94)

002. WRITTEN INTERPRETATIONS.

003. ADMINISTRATIVE APPEALS.

004. DEFINITIONS.

01. BIA Recipient. A recipient of financial assistance through the Bureau of Indian Affairs. (7-1-93)
02. Identified Target Group. Any one of the following: (7-1-93)
 - a. PELI, BIA, JTPA and JOBS recipients enrolled in preparatory programs at the postsecondary vocational-technical institutions. (6-27-91)
 - b. Minority students enrolled in preparatory programs at the postsecondary vocational-technical institutions receiving financial aid from the Idaho Minority and "At-Risk" Student Scholarship Act (IMARSSA). (6-27-91)
 - c. Other JTPA eligible students who meet the JTPA requirement for economically disadvantaged, but who are not enrolled in JTPA. This count would include students enrolled in preparatory programs at postsecondary vocational-technical institutions. (10-25-94)
03. JTPA Recipient. A recipient of financial assistance under the Job Training Partnership Act of 1982. (6-27-91)
04. JOBS Recipient. An individual who has been identified by the Department of Health and Welfare as being enrolled in the JOBS program authorized under the Family Support Act of 1988. (6-27-91)
05. Minority Student. An individual who is receiving financial aid under the Idaho Minority and "At-Risk" Student Scholarship Act, Chapter 46, Title 33, Idaho Code. (6-27-91)
06. Other JTPA Eligible. An individual who is determined to be economically disadvantaged as defined by the Job Training Partnership Act of 1982, but who is not enrolled in the JTPA program. To determine economically disadvantaged status under this section, the following definitions will apply. (7-1-93)
 - a. Economically disadvantaged - An individual who meets one or more of the following criteria: (7-1-93)
 - i. Receives, or is listed on a welfare grant as a member of a family which receives cash welfare payments under a Federal, State, or local welfare program; (7-1-93)
 - ii. Has, or is a member of a family which has, received a total family income for the six (6) month period prior to application for the program involved (exclusive of unemployment compensation, child support payments, and welfare payment) which, in relation to family size, was not in excess of the higher of (1) the poverty level determined in accordance with criteria established by the Director of the Office of Management and Budget, or

- (2) seventy (70%) percent of the lower living standard income level. (7-1-93)
- iii. Is receiving food stamps pursuant to the Food Stamp Act of 1977; (7-1-93)
 - iv. Is a foster child on behalf of whom state or local government payments are made; (7-1-93)
 - v. Is a handicapped individual whose own income meets the requirements of Subsection 004.06.a.i. and 004.06.a.ii., but who is a member of a family whose income does not meet such requirements; (7-1-93)
 - vi. Is a member of a family which receives disability insurance payment under the Social Security Act. (7-1-93)
 - b. Emancipated youth - An individual under the age of eighteen (18) years who has had all legal parental rights, duties, and control terminated by, (a) marriage, (b) voluntary emancipation by parents, (c) judicial proceedings, or (d) by circumstance when satisfactory evidence exists that the applicant is providing his/her own support independent of the parental household. (7-1-93)
 - c. Family is defined by any one of the following: (7-1-93)
 - i. One (1) or more persons living in a single residence who are related to each other by blood, marriage, or adoption. A stepchild or a stepparent shall be considered to be related by marriage. (6-27-91)
 - ii. One (1) or more persons living in a single residence but who were claimed as a dependent on another person's federal income tax return for the previous year shall be presumed, unless otherwise demonstrated, part of the other person's family. (7-1-93)
 - iii. A displaced homemaker may be considered as a family of one (1) when determining economically disadvantaged status. (7-1-93)
 - iv. A handicapped person, whether living in the residence or not, may be considered a family of one (1) when determining economically disadvantaged status. (7-1-93)
 - v. An individual eighteen (18) or older who is not the principal earner nor the spouse of the principal earner, who has lived with other family members for any time during the twenty-six (26) week period used to determine economically disadvantaged status, shall not be considered a member of the family as defined in Subsection 004.06.c.i., provided that the individual was not and/or will not be claimed as a dependent on the other person's federal income tax return for the period used to determine family income. Such an individual shall be considered as a family of one (1). Individuals who were claimed as a dependent on another person's federal income tax return shall be presumed, unless otherwise demonstrated, part of the other person's family. Individuals eighteen (18) to twenty-five (25) years old will be required to establish that they were not and/or will not be claimed as a dependent on another person's federal income tax return for the period used to determine family income. (7-1-93)
 - vi. Wards of the court or state, and youth offenders who can be determined to have left the family unit, shall be treated as a family of one (1) in determining family income when determining economically disadvantaged status. (7-1-93)
 - vii. Minors emancipated by marriage, court proceeding, parental consent or circumstance shall not be considered as members of their parents' families in determining family income when determining economically disadvantaged status. (7-1-93)
 - viii. Individuals who reside in an institution providing twenty-four (24) hour support shall be considered a family of one (1) when determining economically disadvantaged status. (7-1-93)
 - d. Family income - All income actually received from all sources (except specific exclusions) by all members of the family, during the income determination period. Family income includes: (7-1-93)
 - i. Gross Wages or Salary (before deductions). The amount paid before deductions for income taxes,

social security taxes, bond purchases, union dues, etc. Wages and salary received as a participant in on-the-job training (OJT) under the Job Training Partnership Act (JTPA) are included in the computation of income. All other manpower payments (e.g., under work experience, classroom training, services, etc.) will be excluded. If a family's only source of income was from wages and salary payments, family income would be equal to gross wages or salary received. (7-1-93)

- ii. Earnings and food or housing allowances for persons who are currently on active duty in the military. (7-1-93)
- iii. Net Self-Employment Income. Net money income (gross receipts minus operating expense) from a business firm, farm or other enterprises in which a person is engaged on his/her account. (7-1-93)
- iv. Other Income. Money received from such sources as net rents, pensions, alimony, and periodic income from insurance policy annuities. (7-1-93)
- e. Family income excludes: (7-1-93)
 - i. Noncash income, such as food stamps, or wages received in the form of food or housing. (7-1-93)
 - ii. Imputed value of owner-occupied property (i.e., rental value). (7-1-93)
 - iii. Cash welfare payments, including AFDC and SSI. (7-1-93)
 - iv. Payments received on behalf of foster children. (7-1-93)
 - v. Capital gains and losses. (7-1-93)
 - vi. Unemployment compensation. (7-1-93)
 - vii. Payments made to participants of employment and training programs, except wages and salaries earned in on-the-job training. NOTE: Income derived from Summer Youth Employment Training Program and Job Corps is excluded. (7-1-93)
 - viii. One-time unearned income, such as the following examples (not intended to be all-inclusive list, but designed to illustrate the conceptual framework of one-time unearned income); (7-1-93)
 - (a) Payments received for limited fixed term under income maintenance programs and supplemental unemployment benefits plan. (7-1-93)
 - (b) One-time (or fixed-term) scholarship and fellowship grants. (7-1-93)
 - (c) Accident, health and casualty insurance proceeds. (7-1-93)
 - (d) Disability and death payments, including fixed-term (but not lifetime) life insurance annuities death benefits. (7-1-93)
 - (e) One-time awards and gifts. (7-1-93)
 - (f) Inheritances, including fixed-term annuities. (7-1-93)
 - (g) Fixed-term workmen's compensation awards. (7-1-93)
 - (h) Terminal leave pay. (7-1-93)
 - (i) Soil bank payments. (7-1-93)
 - (j) Agriculture crop stabilization payments. (7-1-93)

- (k) Payments received under the Trade Act of 1974 (P.L.93-618 as amended). (7-1-93)
- (l) Black lung payments received under the Benefits Reform Act of 1977 (P.L.92-303 as amended). (7-1-93)
- ix. Payments received as child support. (7-1-93)
- x. Wages earned though work study. (7-1-93)
- xi. Veterans Benefits. (7-1-93)
- (a) Amounts received as pay and allowances by any veteran while serving on active duty in the armed forces. Special Note: Persons currently on active duty in the military, National Guard or Reserve duty are not eligible for income exclusions that apply to veterans. (7-1-93)
- (b) Educational assistance and compensation payments under Chapters 11, 13, 31, 34, 35 and 36 of Title 38, United States Code. (7-1-93)
- xii. Cash payments received pursuant to a state plan approved under Titles I, IV, or XVI of the Social Security Act, or disability insurance payments received under Title H of the Social Security Act. (7-1-93)
- xiii. Other Social Security Benefits. (7-1-93)
- f. Food stamp recipient. An individual who is receiving food stamps pursuant to the Food Stamp Act of 1977 (P.L. 88-525 as amended). (7-1-93)
- g. Handicapped individual. Any individual who has a physical or mental disability including learning disabilities, which for such individual constitutes or results in a substantial handicap to employment. Such disability must have been medically and/or professionally diagnosed, and must be documented by an appropriate agency or official. Documentation must include a description of the handicap and the specific functional barrier(s) to the employment and training goal of the participant. (7-1-93)
- 07. Compensation for Service-Connected Disability or Death. Note: Title 38 U.S.C. Chapter references are as follows: (7-1-93)
- 08. Dependency and Indemnity Compensation for Service-Connected Death. (7-1-93)
- 09. Vocational Rehabilitation. (7-1-93)
- 10. Veteran's Educational Assistance. (7-1-93)
- 11. War Orphan's and Widow's Educational Assistance. (7-1-93)
- 12. Administration of Education Benefits. (7-1-93)

005. -- 099. (RESERVED).

100. FUND DISTRIBUTION FORMULA.

Federal vocational education funds will be distributed to the public postsecondary vocational-technical institutions by formula. The formula is based on the unduplicated number of individuals who are members of the identified target groups in relation to the number of those individuals served in the state in the fiscal year preceding the funding period. Example: Institution A served two hundred (200) individuals who meet the identified categories. Statewide, one thousand (1,000) individuals were served who meet the identified categories. Institution A served twenty percent (20%) of the total number served, and therefore would receive twenty percent (20%) of the funds. (10-25-94)

101. -- 199. (RESERVED).

200. VERIFICATION OF ECONOMICALLY DISADVANTAGED STATUS.

Verification of the accuracy of the data used to determine economically disadvantaged status as defined under Subsection 004.06 of this rule shall be limited to no more than thirty percent (30%) of the number of 'Other JTPA Eligible' reported for any year. (7-1-93)

201. -- 299. (RESERVED).

300. REPORTING REQUIREMENTS.

- 01. Report Period. (7-1-93)
 - a. Public postsecondary vocational-technical institutions shall report students enrolled in the first four (4) sessions of the school year from July 1 to April 1. (10-25-94)
- 02. Reporting Form. (7-1-93)
 - a. Public postsecondary, vocational-technical institutions shall submit student counts on the regular session enrollment reports. (7-1-93)
- 03. Report Elements. (7-1-93)
 - a. Public postsecondary vocational-technical institutions shall include students enrolled in programs reported to the State Division of Vocational Education on the fall and spring headcount reports. (7-1-93)

301. --399. (RESERVED).

400. RECORDS RETENTION.

Enrollment shall be maintained for three (3) years after the annual close-out of the year the funds were expended. (7-1-93)

- 01. Documentation. The postsecondary vocational-technical institutions shall maintain documentation for each student counted in the formula. The documentation shall include the student name, program of enrollment and record of expenditure from the source of financial assistance. (6-7-91)

401. -- 999. (RESERVED).