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**IDAPA 08
TITLE 01
CHAPTER 12**

08.01.12 - IDAHO MINORITY AND "AT-RISK" STUDENT SCHOLARSHIP PROGRAM

000. LEGAL AUTHORITY.

These rules are promulgated pursuant to the authority of the State Board of Education (the Board) under Section 33-105, and Section 33-4606, Idaho Code. (3-15-02)

001. TITLE AND SCOPE.

01. Title. These rules shall be known as IDAPA 08.01.12, "Idaho Minority and 'At-Risk' Student Scholarship Program." (3-15-02)

02. Scope. These rules constitute the requirements for the Idaho Minority and "At-Risk" Student Scholarship Program. (3-15-02)

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv) Idaho Code any written interpretation of the rules of this chapter are available at the Board Office. (3-15-02)

003. ADMINISTRATIVE APPEAL.

Unless otherwise provided for in the rules of the State Board of Education or in the State Board of Education Governing Policies and Procedures, all administrative appeals allowed by law shall be conducted as provided herein. (3-15-02)

004. INCORPORATION BY REFERENCE.

There are no documents to incorporate by reference pursuant to, and in accordance with Section 67-5229, Idaho Code. (3-15-02)

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

The principal place of business of the Board is in Boise, Idaho. The mailing address is PO Box 83720, Boise, ID 83720-0037. The Board's street address is 650 West State Street, Room 307, Boise, Idaho, 83702. The office hours are from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. (3-15-02)

006. PUBLIC RECORDS ACT COMPLIANCE.

This rule has been promulgated in accordance with the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code, and is a public record. (3-15-02)

007. DEFINITIONS.

01. High School Record. An individual's rank in his secondary school class, cumulative grade point average (GPA) for grades nine (9) through twelve (12) and difficulty of course load taken as certified by an official of such secondary school. (3-15-02)

02. Financial Need. Financial need is the difference between the student's net financial assets available, including those available from a spouse, parents, parent, guardian, or other person to whom he looks for support or who stands in loco parentis, and the student's anticipated expenses while attending a postsecondary educational institution. (3-15-02)

03. Educational Costs. Student costs for tuition, fees, room and board, or expenses related to reasonable commuting, books and other such expenses reasonably related to attendance at a postsecondary educational institution. (3-15-02)

008. -- 099. (RESERVED).

100. OBJECTIVES OF THE IDAHO MINORITY AND “AT-RISK” STUDENT SCHOLARSHIP PROGRAM.

The legislature has recognized and declared that substantial economic and social benefits accrue to the State because of an educated citizenry. The legislature further recognizes that certain talented students, because of their social, cultural and economic circumstances are “at-risk” of failing to obtain the education necessary to realize their potential and that encouraging these at-risk students to enroll in Idaho postsecondary educational institutions is an important element for assuring the future prosperity of the state. (3-15-02)

101. PRIORITY FOR AWARDS.

Priority for initial awards shall be in accordance with Section 33-4605, Idaho Code. In the event the state of Idaho does not provide an appropriation sufficient to support the program, first priority is given to continuing recipients in an order beginning with the date of an initial award. (3-15-02)

01. Further Priority. In the event further priority must be established among continuing recipients, the recipient’s rank within his academic or professional-technical major and class will be used, with priority given to the recipient with a higher ranking within his academic or professional-technical major and class. (3-15-02)

02. Secondary Priority. Secondary priority is given to new scholarship recipients until the appropriation is exhausted, in accordance with Section 33-4605, Idaho Code. (3-15-02)

102. MONETARY VALUE OF THE SCHOLARSHIP.

01. Monetary Value. The monetary value of each scholarship shall be the same as that set annually by the Board for the Idaho Promise Category A Scholarship in accordance with Sections 33-4307 et seq., Idaho Code. (3-15-02)

02. Other Financial Assistance. A recipient is not precluded from receiving other financial aid, awards, or scholarships, provided that the total of the Idaho Minority and “At-Risk” Student Scholarship and such other financial aid, awards, or scholarships does not exceed the total educational costs for attendance at an eligible postsecondary institution. (3-15-02)

103. DISTRIBUTION OF FUNDS.

01. Allocation of Funds. Funds appropriated to the Board for the Idaho Minority and “At-Risk” Student Scholarship Program shall be allocated to participating institutions each fiscal year based on enrollment data submitted by each institution verifying the minority student headcount from the previous year for the participating institution. (3-15-02)

02. Notification of Allocation. Participating institutions will be notified each year of the amount of the allocation and the number of awards allocated to each institution. (3-15-02)

03. Distribution of Funds. Funds allocated to participating institutions for the fiscal year by the Office of the State Board of Education shall be distributed to the institutions prior to the start of the academic year. (3-15-02)

04. Enrollment Factor. The allocation for a participating institution in a specific fiscal year shall be equal to the portion of the appropriation for that fiscal year multiplied by an enrollment factor. That enrollment factor shall be calculated by dividing the headcount of full-time minority students at the participating institutions by the total headcount of full-time minority students for all participating institutions. (3-15-02)

05. Carry Forward of Funds. Unexpended funds allocated to participating institutions for this program shall not be carried forward from one fiscal year to the next. Such unexpended funds shall be returned to the Board for reallocation in the succeeding fiscal year. (3-15-02)

104. SELECTION OF SCHOLARSHIP RECIPIENTS.

Recipients of scholarships are selected by a committee appointed by the financial aid director of each participating eligible institution, in accordance with Chapter 46, Title 33, Idaho Code, as verified by the staff of the Board.

(3-15-02)

105. FINANCIAL NEED.

Financial need will be determined annually by the participating institutions in accordance with the criteria and standards for determining need promulgated by the Secretary of Education, U.S. Department of Education, under the Higher Education Act of 1965, as amended. Student financial aid directors may, on the basis of professional judgment, make necessary adjustments to the cost of attendance and expected family contribution computations to allow for treatment of individual students with special circumstances. Student financial aid directors may use supplementary information about the financial status of eligible applicants in considering applicants. (3-15-02)

106. CONTINUING ELIGIBILITY.

01. Academic Progress. To remain eligible for renewal of a scholarship, the recipient must enroll in and complete an average of twelve (12) credit hours per semester and maintain satisfactory academic progress as defined by the participating institution. (3-15-02)

02. Financial Need. If financial need is one of the eligibility criteria used in the scholarship selection, the recipient must continue to have financial need. (3-15-02)

03. Compliance. The recipient must continue to comply with all of the provisions of the Minority and "At-Risk" Scholarship Program and these rules. (3-15-02)

04. Transfer Students. A student who transfers from one eligible institution to another shall not be entitled to retain this scholarship award. (3-15-02)

05. Interruption. A recipient who discontinues his enrollment shall not be entitled to retain this scholarship. However, upon re-enrollment in an eligible institution the individual may re-apply for the scholarship. (3-15-02)

107. ADDITIONAL RESPONSIBILITIES OF ELIGIBLE POSTSECONDARY INSTITUTIONS.

01. Scholarship Recipient Report. Participating institutions shall provide to the Board an annual list of scholarship recipients prior to disbursement of scholarship funds which shall include ethnic origin, gender, grade point average, class standing, and number of college credits completed. (3-15-02)

02. Recruitment and Retention Report. Participating institutions shall provide to the Board an annual report on minority recruitment and retention. (3-15-02)

03. Withdrawal from Institution. In the event a scholarship recipient withdraws from the college, school, or university, the officials at the college, school, or university must certify to the Office of the State Board of Education that the recipient has withdrawn. Furthermore, in the event a recipient withdraws from all classes within the first sixty percent (60%) of any semester, quarter, term, or equivalent, the officials must remit to the Office of the State Board of Education a prorated share of any scholarship payments made to the institution, up to the full amount of the scholarship received for the current semester, quarter, term, or equivalent. (3-15-02)

04. Waiver. In the event of extreme hardship as determined by the professional judgement of the designated official at the educational institution, a student may request to the educational institution a waiver of remittance. Members of the National Guard or Reserves who have been ordered to active military duty are eligible for a waiver of remittance. Each institution shall provide to the Office of the State Board of Education an accounting of all waivers granted. (3-15-02)

108. APPEAL PROCEDURE.

Any applicant, recipient, or eligible postsecondary educational institution adversely affected by a decision made under procedures of this chapter may appeal using the institution's financial aid appeals process. Students or educational institutions that desire further consideration of an appeal after the institutional decision has been reached may appeal such decision to the Board. (3-15-02)

01. Requirements for Submitting Appeal. The applicant, recipient, or eligible postsecondary educational institution must submit the appeal in writing no later than thirty (30) days following notice of the decision, and the written statement must include a statement of the reason the applicant, recipient, or eligible postsecondary educational institution believes the decision should be changed (3-15-02)

02. Submission of Appeal to President of Board. The appeal must be submitted to the president of the State Board of Education in care of the Office of the State Board of Education, which must acknowledge receipt of the appeal within seven (7) days. The president of the Board may or may not agree to review the action, or may appoint a subcommittee of three (3) persons, including at least one (1) financial aid administrator at an eligible postsecondary educational institution in Idaho. (3-15-02)

03. Transmittal to Subcommittee. If the appeal is transmitted to the subcommittee, the subcommittee will review the appeal and submit a written recommendation to the president of the State Board of Education within fifteen (15) days from the time the subcommittee receives the appeal document. The applicant, recipient, or institution initiating the appeal will be notified by the chairperson of the subcommittee of the time and place when the subcommittee will consider the appeal and will be allowed to appear before the subcommittee to discuss the appeal. (3-15-02)

04. Subcommittee Recommendations. Following the subcommittee's decision, the president of the State Board of Education will present the subcommittee's recommendation to the State Board of Education at the next regularly scheduled meeting of the Board. The applicant, recipient, or eligible postsecondary educational institution initiating the appeal may, at the discretion of the president of the State Board of Education, be permitted to make a presentation to the Board. (3-15-02)

05. Board Decision. The decision of the State Board of Education is final, binding and end all administrative remedies unless otherwise specifically provided by the Board. The State Board of Education will inform the applicant, recipient, or eligible postsecondary educational institution in writing of the decision of the State Board of Education. (3-15-02)

109. AUTHORITY OF THE STATE BOARD OF EDUCATION.

With the sole exception of the ability to audit the Idaho Minority and "At-Risk" Student Scholarship Program as set forth in Section 110 of this chapter, these rules do not grant any authority to the State Board of Education and Board of Regents of the University of Idaho to control or influence the policies of any eligible, nonpublic postsecondary education institution or community college because those institutions accept as students recipients of the Idaho Minority and "At-Risk" Student Scholarship, nor do these rules require any institution to admit or, once admitted, retain a recipient of a Minority and "At-Risk" Student Scholarship. (3-15-02)

110. AUDIT.

Participating institutions shall agree in advance to submit to regular, periodic audits by the legislative auditor and/or an auditor designated by the Board to ensure compliance with the statutes, rules, and policies governing the Minority and "At-Risk" Student Scholarship Program. (3-15-02)

111. -- 999. (RESERVED).

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