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**IDAPA 08
TITLE 01
CHAPTER 13**

08.01.13 - RULES GOVERNING THE OPPORTUNITY SCHOLARSHIP PROGRAM

000. LEGAL AUTHORITY.

In accordance with Sections 33-105, 33-5605, and 33-5606(2)(c), Idaho Code the State Board of Education (Board) shall promulgate rules implementing the provisions of Title 33, Chapter 56, Idaho Code. (4-2-08)

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 08.01.13, "Rules Governing the Opportunity Scholarship Program." (4-2-08)

02. Scope. These rules constitute the requirements for the Opportunity Scholarship Program. (4-2-08)

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, written interpretations, if any, of the rules of this chapter are available at the Board. (4-2-08)

003. ADMINISTRATIVE APPEALS.

Unless otherwise provided for in the rules of the Board or in the Board Governing Policies and Procedures, all administrative appeals allowed by law shall be conducted as provided herein. (4-2-08)

004. INCORPORATION BY REFERENCE.

There are no documents that have been incorporated by reference into these rules. (4-2-08)

005. OFFICE INFORMATION.

01. Office Hours. The offices of the Board are open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays. (4-2-08)

02. Street Address. The offices of the Board are located at 650 W. State Street, Boise, Idaho. (4-2-08)

03. Mailing Address. The mailing address of the Board is P.O. Box 83720, Boise, Idaho 83720-0037. (4-2-08)

04. Telephone Number. The telephone number of the Board is (208) 334-2270. (4-2-08)

05. Facsimile. The facsimile number of the Board is (208) 334-2632. (4-2-08)

06. Electronic Address. The electronic address of the Board is www.boardofed.idaho.gov. (4-2-08)

006. PUBLIC RECORDS ACT COMPLIANCE.

These rules are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. (4-2-08)

007. -- 009. (RESERVED).

010. DEFINITIONS.

01. Educational Costs. Is defined in Section 33-5604(1), Idaho Code and means the dollar amount determined annually by the state board of education as necessary for student tuition, fees, room and board, books and such other expenses reasonably related to attendance at an eligible Idaho postsecondary educational institution. (4-2-08)

02. Eligible Idaho Postsecondary Educational Institution. Is defined in Section 33-5604(2), Idaho Code, and means: (4-2-08)

a. A public postsecondary organization governed or supervised by the state board, the board of regents of the university of Idaho, a board of trustees of a community college established pursuant to the provisions of Chapter 21, Title 33, Idaho Code, or the state board for professional technical education; or (4-2-08)

b. Any educational organization located in Idaho which is: (4-2-08)

i. Operated privately; (4-2-08)

ii. Classified as not-for-profit under the Idaho Code; (4-2-08)

iii. Under the control of an independent board and not directly controlled or administered by a public or political subdivision; and (4-2-08)

iv. Accredited by an organization recognized by the state board, as provided in Section 33-2402, Idaho Code. (4-2-08)

03. Eligible Student. Is defined in Section 33-5604(3), Idaho Code, and means a student who: (4-2-08)

a. Is an Idaho resident; (4-2-08)

b. Has or will graduate from an accredited high school or equivalent in Idaho as determined by the state board; (4-2-08)

c. Has enrolled or applied as a full-time student to an eligible Idaho postsecondary educational institution; and (4-2-08)

d. Is pursuing an undergraduate degree, certificate, or diploma. (4-2-08)

04. Financial Eligibility. Is defined in Section 33-5604(4), Idaho Code, and means the extent of a person's inability to meet the educational costs associated with attending an eligible Idaho postsecondary educational institution through a model of shared responsibility, taking into account the required and expected contributions of such person's parents, family and personal resources. (4-2-08)

05. Grade Point Average or GPA. Means the average grade earned by a student, figured by dividing the grade points earned by the number of credits attempted. (4-2-08)

06. Opportunity Scholarship Program. Is defined Section 33-5604(5), Idaho Code and means the scholarship program described in Title 33, Chapter 56, Idaho Code, and these rules. (4-2-08)

011. -- 099. (RESERVED).

100. OBJECTIVES OF THE OPPORTUNITY SCHOLARSHIP PROGRAM.

The legislature has recognized and declared an intent to create a scholarship fund to provide financial resources to Idaho students who are economically disadvantaged to close the gap between the estimated cost of attending an eligible Idaho institution of higher education and the expected student and family contribution toward such educational costs, and to encourage the educational development of such students in eligible Idaho postsecondary educational institutions. These rules set forth academic and financial eligibility requirements and other criteria for purposes of awarding opportunity scholarships. (4-2-08)

101. ELIGIBILITY.

01. Idaho Resident. An eligible student must be an Idaho resident, as defined in Section 33-3717, Idaho Code, and IDAPA 08.01.04, "Residency Classification," Subsection 005.01. (4-2-08)

02. Undergraduate Student. An eligible student must be pursuing an undergraduate degree,

certificate, or diploma. A student who is enrolled in a graduate program, but who has not yet earned a baccalaureate degree, is not eligible for an opportunity scholarship. A student enrolled in an undergraduate program is eligible for consideration for an opportunity scholarship, even if some of the student's courses are at the graduate level. (4-2-08)

03. Academic Eligibility. (4-2-08)

a. Applicants for the opportunity scholarship are selected as recipients, in part, on the basis of their GPA. An eligible student's GPA will constitute thirty percent (30%) of the weighting for the selection of recipients of opportunity scholarships. (4-2-08)

b. To be eligible to apply for an opportunity scholarship, an applicant must meet minimum academic eligibility criteria, as follows: (4-2-08)

i. A student who has not yet graduated from secondary school or its equivalent in the state of Idaho must have an un-weighted minimum grade point of average of three point zero (3.0) or better on a scale of four point zero (4.0) to be academically eligible to apply for an opportunity scholarship. (4-2-08)

ii. A student who has obtained a general equivalency diploma must have taken the ACT assessment examination administered by the College Board (ACT), and received a minimum composite score of twenty (20) or better, or the equivalent SAT I assessment examination (SAT I) with an equivalent weighted score, to be academically eligible to apply for an opportunity scholarship. (4-2-08)

iii. A student currently enrolled in an eligible Idaho postsecondary educational institution must have a minimum grade point average of two point zero (2.0) 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. (4-2-08)

c. The following additional criteria shall be used to determine an eligible student's GPA: (4-2-08)

i. A student who has not yet graduated from secondary school and who has earned more than twelve (12) credits of postsecondary academic credit - for purposes of academic eligibility, the student's GPA shall be the higher of his or her secondary school GPA, or his or her postsecondary GPA, weighted to equalize secondary and postsecondary academic performance. (4-2-08)

ii. A student who has obtained a general equivalency diploma - for purposes of academic eligibility, such student's GPA will be determined by the student's ACT score, equalized to reflect a secondary school GPA. (4-2-08)

iii. A student currently enrolled in an eligible Idaho postsecondary educational institution - for purposes of academic eligibility, such student's GPA will be weighted to equalize secondary and post secondary academic performance. (4-2-08)

04. Financial Eligibility. (4-2-08)

a. Applicants for the opportunity scholarship are selected as recipients, in part, on the basis of demonstrated financial need. The primary tool that will be used by Opportunity Scholarship Program officials to determine financial need will be the federal Free Application for Federal Student Aid (FAFSA), used by the United States Department of Education to determine eligibility for financial aid and a family's expected contribution to a student's postsecondary education. The financial need of an applicant for an opportunity scholarship will be based upon the validated expected family contribution, as identified by the FAFSA report. (4-2-08)

b. The financial need factor, as determined by FAFSA, will constitute seventy percent (70%) of the weighting for the selection of recipients of opportunity scholarships. (4-2-08)

05. Additional Eligibility Requirements. (4-2-08)

a. A student who has not yet graduated from high school, or its equivalent, in the state of Idaho must be at least in his junior year to be eligible to apply for an opportunity scholarship. (4-2-08)

- b.** To be eligible to receive an opportunity scholarship, an eligible student must: (4-2-08)

 - i. Have taken the ACT assessment examination, or the equivalent SAT I assessment examination, or the Writing Skills, Reading Skills, and Algebra areas of the ACT Compass examination; (4-2-08)
 - ii. Be enrolled full-time in an eligible Idaho postsecondary educational institution; and (4-2-08)
 - iii. Be pursuing an undergraduate degree, certificate, or diploma. (4-2-08)
- c.** A student must accept all federal grant aid that is made available to such student to be eligible to receive an Idaho opportunity scholarship. (4-2-08)
- d.** To be eligible to receive an opportunity scholarship, the 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. (4-2-08)
- e.** If a student has attempted or completed more than one hundred (100) postsecondary academic credits, then such student must identify his or her 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 academic credit received. A student shall not be eligible for an Opportunity Scholarship if: (4-2-08)

 - i. The student is not meeting satisfactory academic progress at the eligible Idaho postsecondary educational institution the student is attending at the time he or she applies for an Opportunity Scholarship; (4-2-08)
 - ii. The student has completed more than one hundred fifty percent (150%) of the courses and academic credit necessary to graduate in such major; or (4-2-08)
 - iii. The student is not within two (2) semesters of graduation in such major, based on normal academic course load. (4-2-08)

06. Student Responsibility. The Board will, by resolution each year, establish the annual amount of the expected student contribution toward his education through employment or other contributions (student responsibility). It is expected that a student will contribute an amount equal to a student working a minimum of twenty (20) hours per week during the time that a postsecondary educational institution is in session, and a minimum of forty (40) hours per week during the summer recess. This expectation will be one (1) of the factors the Board will use to set the amount of student responsibility. The Board may consider other factors as well, such as summer living expenses, and transition time between the academic year and the summer, as examples. (4-2-08)

102. -- 200. (RESERVED).

201. APPLICATION PROCESS (EFFECTIVE JULY 1 THROUGH DECEMBER 31, 2007).

- 01. Initial Applications.** (4-2-08)

 - a.** An eligible student who has enrolled in an eligible Idaho postsecondary educational institution for the 2007 – 2008 academic year, and who completed and submitted the FAFSA on or prior to March 1, 2007, shall be eligible for consideration for an opportunity scholarship award for the 2007 – 2008 academic year. Eligible Idaho postsecondary educational institutions shall transmit to the Board enrolled students who meet the eligibility requirements of these rules. (4-2-08)
 - b.** After this selection process is performed, eligible students will be contacted by Opportunity Scholarship Program officials and must agree to the terms of the program, including these rules, by signing and electronically submitting an application to the Board. (4-2-08)
- 02. Announcement of Award.** Announcement of the award of initial scholarships for the 2007 – 2008 academic year will be made no later than September 30, 2007, with awards to be effective at the beginning of that

academic year. (4-2-08)

03. Communication with State Officials. Applicants for initial scholarships must respond by the date specified to any communication from officials of the Opportunity Scholarship Program. Failure to respond within the time period specified will result in cancellation of the application or forfeiture of the scholarship unless extenuating circumstances are involved. (4-2-08)

202. APPLICATION PROCESS (EFFECTIVE JANUARY 1, 2008).

01. Initial Applications. (4-2-08)

a. An eligible student who has not yet graduated from an accredited high school or its equivalent in the state of Idaho must complete and submit the Opportunity Scholarship Program application to the Board electronically on or before the date specified in the application, but not later than March 1. An applicant without electronic capabilities may submit an application on the form established by the Board through the United States Postal Service, which must be postmarked not later than March 1. An applicant who is in his junior year must complete and submit the FAFSA 4caster on or prior to March 1 of their junior year. All applicants must complete and submit the FAFSA on or prior to March 1 of his last year of secondary school (including applicants who were secondary school juniors that previously submitted the FAFSA 4caster). (4-2-08)

b. An eligible student currently enrolled in an eligible Idaho postsecondary educational institution must complete and submit the Opportunity Scholarship Program application to the Board electronically on or before the date specified in the application, but not later than March 1. An applicant without electronic capabilities may submit an application on the form established by the Board through the United States Postal Service, which must be postmarked by March 1. A current postsecondary educational institution student must complete and submit the FAFSA on or prior to March 1. (4-2-08)

02. Announcement of Award. Announcement of the award of initial scholarships will be made no later than the first business day after June 15 of each year, with awards to be effective at the beginning of the first full term following July 1 of that year. (4-2-08)

03. Communication with State Officials. Applicants for either initial or continuing scholarships must respond by the date specified to any communication from officials of the Opportunity Scholarship Program. Failure to respond within the time period specified will result in cancellation of the application or forfeiture of the scholarship unless extenuating circumstances are involved. (4-2-08)

203. -- 299. (RESERVED).

300. SELECTION OF SCHOLARSHIP RECIPIENTS.

01. Selection Process. The selection of applicants for the receipt of an opportunity scholarship will be based on the availability of funding for the Opportunity Scholarship Program. In addition, opportunity scholarships will be awarded to applicants, based on ranking and priority, in accordance with the following criteria: (4-2-08)

a. Applicants will be ranked to determine the eligible students with the greatest demonstrated financial need, based on the financial eligibility requirements of these rules. Then, eligible students shall be selected based on rating 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 his application to the Board earliest in time will be assigned a higher rank. (4-2-08)

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 a previous opportunity scholarship award, and have continuing eligibility based upon financial need and other criteria provided in these rules. (4-2-08)

02. Monetary Value of the Opportunity Scholarship. (4-2-08)

a. The Board will, by resolution each year, establish the maximum annual amount that a student may

receive under the Opportunity Scholarship Program. In addition, the Board will, by resolution each year, establish the educational costs for attending an eligible Idaho postsecondary educational institution for purposes of the Opportunity Scholarship Program. The educational costs will be established as a not to exceed amount for each eligible Idaho postsecondary educational institution. (4-2-08)

b. 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: (4-2-08)

i. The amount of the assigned student responsibility, established by the Board annually; (4-2-08)

ii. The amount of federal grant aid, as identified by the federal Student Aid Report (SAR); (4-2-08)

iii. The amount of other financial aid awarded the student, from private or other sources. (4-2-08)

c. The amount of an opportunity scholarship award to an individual student shall not exceed the maximum amount established by the Board annually, and shall not exceed the cost of tuition at an Idaho public postsecondary educational institution, or if the student attends or will attend an Idaho private postsecondary educational institution, the average tuition or matriculation fees at Idaho's public four (4) year postsecondary educational institutions. (4-2-08)

301. OPPORTUNITY SCHOLARSHIP AWARD.

01. Payment. Payment of opportunity scholarship awards will be made in the name of the recipient and will be sent to a designated official at the eligible Idaho postsecondary educational institution in which the recipient is enrolled. The official must transmit the payment to the recipient within a reasonable time following receipt of the payment. (4-2-08)

02. Duration. Scholarships will be awarded on an annual basis and payments will correspond to academic terms, semesters, quarters, or equivalent units. In no instance will the entire amount of a scholarship be paid in advance to, or on behalf of, a scholarship recipient. The scholarship covers up to one (1) educational year or equivalent for attendance at an eligible Idaho postsecondary educational institution. (4-2-08)

03. Eligibility. If a student receives an opportunity scholarship payment and it is later determined that the student did not meet all of the Opportunity Scholarship Program eligibility requirements, then the student is considered in overpayment status, and must return program funds in accordance with the eligible Idaho postsecondary educational institution's refund policy. (4-2-08)

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 and these rules, in addition to the following requirements: (4-2-08)

01. Renewal Application. A scholarship recipient must complete and submit a renewal application in order to be considered for a continuing scholarship for each succeeding year. A completed application for the renewal of an opportunity scholarship must be submitted to the Board electronically by the date established on the application, but not later than January 31. An applicant without electronic capabilities may submit an application on the form established by the Board through the United States Postal Service, which must be postmarked not later than January 31. In addition, a scholarship recipient must update and submit the FAFSA on or prior to March 1. (4-2-08)

02. Credit Hours. To remain eligible for renewal of an opportunity scholarship, the scholarship recipient must have completed a minimum of twelve (12) credit hours or its equivalent each semester that the student received an opportunity scholarship award. (4-2-08)

03. Satisfactory Academic Progress. To remain eligible for renewal of an opportunity scholarship, the scholarship recipient must have maintained a minimum grade point average of two point zero (2.0) on a scale of four point zero (4.0) during the time that the recipient received an opportunity scholarship award, and must be maintaining satisfactory academic progress, consistent within federal financial regulations as implemented at the eligible Idaho postsecondary educational institution at which the scholarship recipient was enrolled. (4-2-08)

04. Maximum Scholarship Award. The award of an opportunity scholarship shall not exceed the equivalent of eight (8) semesters or the equivalent of four (4) academic years. (4-2-08)

05. Eligibility Following Interruption of Continuous Enrollment. A scholarship recipient whose continuous enrollment is interrupted for more than four (4) months for any reason but who intends to re-enroll in an eligible Idaho postsecondary educational institution must file a letter of intent to interrupt continuous enrollment no later than sixty (60) days prior to the first day of the academic term of the discontinued attendance. Failure to do so may result in forfeiture of the scholarship. The Board 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 his intent to re-enroll as a full-time undergraduate student in an academic or professional-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. (4-2-08)

303. -- 399. (RESERVED).

400. RESPONSIBILITIES OF ELIGIBLE IDAHO POSTSECONDARY EDUCATIONAL INSTITUTIONS.

01. Statements of Continuing Eligibility. An eligible Idaho postsecondary educational institution participating in this Opportunity Scholarship Program must submit statements of continuing student eligibility to the Board by the 30th day of each academic term. Such statements must include verification that the scholarship recipient is still enrolled, attending full time, maintaining satisfactory academic progress, and has not exceeded the award eligibility terms. (4-2-08)

02. Other Requirements. An eligible Idaho postsecondary educational institution must: (4-2-08)

a. Be eligible to participate in Federal Title IV financial aid programs, and must supply documentation to the Board verifying this eligibility, and prompt notification regarding any changes in this status; (4-2-08)

b. Have the necessary administrative computing capability to administer the Opportunity Scholarship Program on its campus, and electronically report student data records to the Board; (4-2-08)

c. Provide data on student enrollment and federal, state, and private financial aid for students to the Board, and (4-2-08)

d. Agree to permit periodic Opportunity Scholarship Program audits to verify compliance with Idaho law and these rules related to the program. (4-2-08)

401. ADMINISTRATION.

The Board is responsible for: (4-2-08)

a. Releasing any public information regarding the Opportunity Scholarship Program; (4-2-08)

b. Determination of scholarship recipients; (4-2-08)

c. Determination of procedures for payment of scholarships to recipients; (4-2-08)

d. Maintaining fiscal controls and accounting procedures; (4-2-08)

e. Preparing annual reports as required, and (4-2-08)

f. Authorizing release of all forms, affidavits, and certification necessary for the operation of the program. (4-2-08)

402. -- 500. (RESERVED).

501. APPEALS.

Any opportunity scholarship applicant or recipient adversely affected by a decision made under provisions of these rules may appeal such adverse decision as follows. The opportunity scholarship applicant or recipient must appeal no later than thirty (30) days following notice of the decision, and the written statement must include a statement of the reason the opportunity scholarship applicant or recipient believes the decision should be changed. The appeal must be submitted to the President of the Board. The Board 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. (4-2-08)

01. 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 Board within fifteen (15) days from the time the subcommittee receives the appeal document. The opportunity scholarship applicant or recipient 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. (4-2-08)

02. Subcommittee Recommendations. Following the subcommittee's decision, the President of the Board will present the subcommittee's recommendation to the full Board at the next regularly scheduled meeting of the Board. The opportunity scholarship applicant or recipient initiating the appeal may, at the discretion of the President of the Board, be permitted to make a presentation to the Board. (4-2-08)

03. Board Decision. The decision of the Board is final, binding, and ends all administrative remedies, unless otherwise specifically provided by the Board. The Board will inform the opportunity scholarship applicant or recipient in writing of the decision of the Board. (4-2-08)

502. -- 999. (RESERVED).

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