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**IDAPA 08
TITLE 01
CHAPTER 06**

08.01.06 - LEVERAGING EDUCATIONAL ASSISTANCE PARTNERSHIP PROGRAM

000. LEGAL AUTHORITY.

In accordance with Section 33-105, Idaho Code, the Idaho State Board of Education shall promulgate rules implementing the provisions of Title IV, Part A, Subpart 4 of the Higher Education Act of 1965 as amended and Compilation of Student Aid Regulations 34 CFR 692. (4-5-00)

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 08.01.06, "Leveraging Educational Assistance Partnership Program," IDAPA 08, Title 01, Chapter 06. (4-5-00)

02. Scope. These rules constitute the requirements for the Leveraging Educational Assistance Partnership Program in Idaho. (4-5-00)

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 Office of the State Board of Education located at 650 W. State Street, Room 307, Boise, Idaho 83702. (4-5-00)

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. (4-5-00)

004. (RESERVED).

005. DEFINITIONS.

The following definitions are used in these rules unless the context otherwise requires. (7-1-93)

01. Eligible Postsecondary Educational Institution. An educational organization participating in one (1) or more programs of student financial aid within the State authorized by state or federal legislation. (7-1-93)

a. Public Postsecondary Institution. A public postsecondary organization governed or supervised by the State Board of Education and the Board of Regents of the University of Idaho; by a board of trustees of a community college established pursuant to the provisions of Section 33-2106, Idaho Code, as amended; or by the State Board of Professional Technical Education. (4-5-00)

b. Private or Other Nonprofit Institution. An educational organization which is operated privately and not for profit under the control of an independent board and not directly controlled or administered by a public or political subdivision. (7-1-93)

c. Proprietary Postsecondary Institution. An educational organization that meets the definition of "proprietary institution of higher education" in Section 481(b) of the Higher Education Act of 1965, as amended, except that the institution must have been in existence for at least five (5) consecutive years; has a current valid Program Participation Agreement showing Pell Grant eligibility; and has a federal student loan default rate of twenty percent (20%) or less. (4-5-00)

02. Educational Costs. Student costs for tuition, fees, room and board, transportation, and expenses reasonably related to attendance at a postsecondary educational institution. (7-1-93)

03. Full-Time Student. An individual carrying a full-time workload, other than correspondence, as measured by both coursework or other activities required by the institution and the tuition and fees normally charged for full-time study by that institution. (7-1-93)

04. Half-Time Student. An individual enrolled in and carrying not less than one-half (1/2) of the number of credit hours which would qualify that individual as a full-time student at the postsecondary educational institution in which the individual is enrolled. (7-1-93)

05. Part-Time Student. An individual enrolled in and carrying less than one-half of the number of credit hours which would qualify that individual as a full-time student at a postsecondary educational institution in which the individual is enrolled. (7-1-93)

06. Graduate Student. A student who has a baccalaureate degree. (7-1-93)

07. Enrollment. The establishment and maintenance of an individual's status as a student in a postsecondary educational institution regardless of the term used at the institution to describe such status. (7-1-93)

08. Substantial Financial Need. 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 parents, and the student's anticipated expenses while attending a postsecondary educational institution. (7-1-93)

09. Expected Family Contribution. The sum of the amount which reasonably may be expected from the student and the student's spouse to meet the student's cost of education and the amount which reasonably may be expected to be made available to him by his parents for this purpose. (7-1-93)

10. Independent Student. An individual who meets the federal definition of independent student in Section 480(d) of the Higher Education Act (HEA), as amended. (4-5-00)

11. Dependent Student. A student who does not qualify as "independent student" as defined in Subsection 005.10 of this chapter. (4-5-00)

12. Eligible Student. A student who is enrolled in an eligible postsecondary educational institution as defined in Subsection 005.01 of this chapter. (7-1-93)

13. Grant. An award by the Board to an eligible student for educational costs as defined in Subsection 005.02 of this chapter. (7-1-93)

14. Educational Year. The period from July 1 of a year through June 30 of the succeeding year. (7-1-93)

15. Board. The State Board of Education and the Board of Regents of the University of Idaho. (7-1-93)

006. -- 099. (RESERVED).

100. OBJECTIVES AND PURPOSES OF THE LEVERAGING EDUCATIONAL ASSISTANCE PARTNERSHIP PROGRAM.

01. Objectives. The State Board of Education and the Board of Regents of the University of Idaho recognizes and declares that postsecondary education for students who are properly qualified is important to the welfare of this state and nation and further recognizes and declares that the state can enhance its economic and social potential when students have the opportunity to contribute to the full extent of their capabilities through the removal of the financial barriers to their economic, social, and educational goals. (7-1-93)

02. Purposes. The purposes of this program are: (7-1-93)

a. To make grants to eligible students with substantial financial need to enable them to receive nonreligious educational services in an eligible postsecondary educational institution in this state; and (7-1-93)

b. To establish such administrative procedures as are necessary for the implementation of such a financial assistance program as established by the federal government under authority granted in Title IV, Part A, Subpart 4, of the Higher Education Act of 1965, as amended, and related acts. (4-5-00)

101. ELIGIBILITY.

A Leveraging Educational Assistance Partnership Program grant may be awarded to an eligible student for attendance at an eligible postsecondary educational institution under the following circumstances: (4-5-00)

01. Status. The student is a national of the United States; is in the United States for other than a temporary stay and intends to become a permanent resident thereof; is a permanent resident of the Trust Territory of the Pacific Islands or the Northern Mariana Islands; or is an eligible noncitizen as declared by the U.S. Department of Education. (7-1-93)

02. Enrollment. The individual is accepted for enrollment as follows: (7-1-93)

a. In the case of an individual beginning his first year or freshman year of postsecondary education, he has satisfied requirements for admission and has enrolled in an eligible postsecondary educational institution as defined in Subsection 005.01 of this chapter. (7-1-93)

b. In the case of an individual enrolled in an eligible postsecondary educational institution following the successful completion of the first term, he continues to meet the requirements of the Leveraging Educational Assistance Partnership Program and maintains satisfactory progress as required by the institution in which he is enrolled. (4-5-00)

03. Student not in Default. The student must certify that he does not owe a refund on grants previously received at a postsecondary educational institution, is not in default on any loan from a student loan fund at a postsecondary educational institution, or is not in default on any loan made, insured, or guaranteed by the Secretary of the United States Department of Education under Title IV of the Higher Education Act of 1965, as amended. (4-5-00)

04. Maximum Grant. Grant awards shall not exceed amounts established by the provisions of federal requirements for the Leveraging Educational Assistance Partnership Program. (4-5-00)

05. Financial Need. The student has substantial financial need as defined in Subsection 005.08 of this chapter of at least one thousand dollars (\$1,000), determined annually 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 judgement, 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 selecting recipients and determining the amount of awards. (4-5-00)

06. Duration. The grant covers up to one (1) educational year or equivalent as defined in Subsection 005.14 of this chapter for attendance at an eligible postsecondary educational institution. (4-5-00)

07. Statement. The individual receiving such a grant will use the funds solely for educational purposes as defined in Section 005.02 of this chapter. (4-5-00)

08. Other Financial Assistance. The individual receiving such a grant is not precluded from receiving other financial aid, provided such other aid must be included as part of the student's financial aid award. (7-1-93)

09. Ineligible Programs. The individual is not pursuing courses leading to a theological or divinity degree. (7-1-93)

10. Program Compliance. The student has complied with all the provisions of the Leveraging Educational Assistance Partnership Program. (4-5-00)

11. Payment Schedule. Grant payments to students should correspond to academic terms, semesters, quarters, or equivalent time periods at an institution of postsecondary education. In no instance, however, will the entire amount of a student's award for an academic term, or its equivalent, be paid in advance to or on behalf of such student. (7-1-93)

102. RESPONSIBILITIES OF INSTITUTIONS AND STUDENTS DISCONTINUING ATTENDANCE. If the student, after receiving payments, discontinues attendance before the end of any term covered by a Leveraging Educational Assistance Partnership Program award, the eligible postsecondary educational institution may re-award the funds to another eligible student. (4-5-00)

103. PRIORITY. In the awarding of grants, priority is given to eligible full-time students, but at the discretion of the Board, grants may be awarded to half-time, part-time, or graduate students enrolled in an eligible postsecondary educational institution. (7-1-93)

104. NONDISCRIMINATION. The Board will discharge the authority granted it under the Leveraging Educational Assistance Partnership Program without regard to any student's race, creed, color, sex, national origin, ancestry, or age. (4-5-00)

105. COMPLIANCE. Eligible postsecondary educational institutions which accept students under the provisions of this program are required to comply with procedures determined for confirmation of enrollment of recipients of such grants and to notify the Office of the State Board of Education within thirty (30) calendar days of the termination of attendance by recipients of such grants. (7-1-93)

106. ADMINISTRATION. The State Board of Education and the Board of Regents of the University of Idaho is the administrative agency for the administration of the Leveraging Educational Assistance Partnership Program. The Board designates the Office of the State Board of Education as the administrator for the program. The Board is responsible for: (4-5-00)

01. Public Information. Supervision of the issuance of public information concerning the provisions of the Leveraging Educational Assistance Partnership Program. (4-5-00)

02. Eligibility Criteria. Determination of criteria for the eligibility of grantees. (7-1-93)

03. Rules. Adoption of rules for processing and approving applications from students. (7-1-93)

04. Appeal Procedure. Establishment of a reasonable and fair appeal procedure for those students and institutions who have been adversely affected by the application procedures of the Board. (7-1-93)

05. Applications. Submission of applications for federal student financial aid under the provisions of the Higher Education Act of 1965, as subsequently amended. (7-1-93)

06. Accounting of Funds. Receiving and accounting for all funds which may be available to the Office of the State Board of Education. (7-1-93)

07. Fiscal Controls. Maintenance of such fiscal controls and fund accounting procedures as may be necessary to assure proper disbursement of funds. (7-1-93)

08. Annual Reports. Submission of annual reports to the federal government and the Office of the Governor and the Legislature of the state of Idaho. (7-1-93)

107. APPEAL PROCEDURE.

01. Internal Appeal. Students may appeal directly through the institution's financial aid appeals process. (7-1-93)

02. Board Appeal. Students or institutions who desire further consideration of an appeal after the institutional decision has been reached may appeal such decision to the State Board of Education as follows: (7-1-93)

a. All appeals to the Board must be in writing no later than thirty (30) calendar days following the institutional decision. (7-1-93)

b. All appeals must be submitted to the president of the Board. The president of the Board or his designee will acknowledge receipt of the appeal within seven (7) calendar days following receipt of such an appeal. (7-1-93)

c. The president of the Board will appoint a subcommittee of three (3) persons, including at least one (1) financial aid administrator at an eligible postsecondary educational institution in Idaho. (7-1-93)

d. The president of the Board will transmit the appeal to the committee as designated in Subsection 107.02.c. above within ten (10) calendar days following the receipt of the appeal. (7-1-93)

e. The subcommittee will review the appeal and submit a written recommendation to the president of the Board within thirty (30) calendar days after receipt of the appeal by the subcommittee. (7-1-93)

f. The student or institution initiating the appeal will be notified by the chairman of the subcommittee of the time and place when the subcommittee will hear the appeal. The student or institution will be permitted to present the appeal to the subcommittee. (7-1-93)

g. The president of the Board, following receipt of the recommendation of the subcommittee, will present the original appeal and the recommendation of the subcommittee to the Board meeting in public session at the next regular meeting following receipt of the subcommittee's recommendation. The student or institution initiating the appeal may, at the discretion of the president of the Board, be permitted to make a presentation to the Board. (7-1-93)

03. Board Decision is Final. The decision of the State Board of Education is final. The secretary of the State Board of Education will inform in writing the student or institution initiating the appeal of the decision of the Board. (7-1-93)

04. Legal Action. The provisions for appeal do not abridge the recourse to legal action by the State Board of Education, any applicant, grant recipient, or eligible postsecondary educational institution. (7-1-93)

108. INSTITUTIONAL PARTICIPATION.

In order to participate in the program during a specific fiscal year, eligible institutions shall: (7-1-93)

01. Annual Application. Submit to the Office of the State Board of Education an annual application on or before the November 1 preceding the beginning of the fiscal year. (7-1-93)

02. Student Enrollment Form. Submit to the Office of the State Board of Education a properly completed and accurate Student Enrollment Form (PSR-1) for the fall semester preceding the fiscal year. The required PSR-1 shall be submitted on or before the November 1 preceding the beginning of the fiscal year. (7-1-93)

109. ALLOCATION OF FUNDS.

Funds appropriated to the Office of the State Board of Education for the Leveraging Educational Assistance Partnership Program shall be allocated to participating institutions based on enrollment data submitted by each institution on the Student Enrollment Form (PSR-1) for the fall semester immediately preceding the fiscal year of participation. The allocation shall be based on the number of full-time headcount students. The number of full-time headcount students for each institution divided by the number of full-time headcount students for all participating institutions shall determine the proportion of the appropriation for the Leveraging Educational Assistance Partnership Program to be allocated to each institution. (4-5-00)

110. AUDIT.

Participating institutions shall agree in advance to submit to regular, periodic audits by the legislative auditor and the

internal auditor of the Office of the State Board of Education to ensure compliance with the statutes, rules, and policies governing the Leveraging Educational Assistance Partnership Program, including provision of accurate enrollment information. (4-5-00)

111. DISTRIBUTION OF FUNDS.

Funds allocated to participating institutions for a specific fiscal year by the Office of the State Board of Education shall be distributed to the institution no later than August 15 and January 15 of the fiscal year. (7-1-93)

112. AUTHORITY OF STATE BOARD OF EDUCATION.

This rule is not to be construed as granting any authority to the State Board of Education and the Board of Regents of the University of Idaho to control or influence the policies of any postsecondary educational institution because such institution accepts students who receive grants or to require any such institution to admit or, once admitted, to continue in such institution any student receiving a grant. (7-1-93)

113. AUTHORITY OF RULES.

All rules must comply with the provisions of the Leveraging Educational Assistance Partnership Program, Title IV, Part A, Subpart 4, of the Higher Education Act of 1965, as amended. If any section in the rules or any part of any section is declared invalid or unconstitutional, such declaration of invalidity does not affect the validity of the remaining portions thereof. (4-5-00)

114. -- 999. (RESERVED).

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