

IDAHO ADMINISTRATIVE BULLETIN

Table of Contents - Vol. 1

January 1, 1997

Volume 97-1

EXECUTIVE ORDER NO. 96-21

EXECUTIVE ORDER NO. 96-22

IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE

02.01.04 - RULES GOVERNING ENVIRONMENTAL AUDIT PROTECTION DOCKET NO. 02-0104-9701 NOTICE OF TEMPORARY AND PROPOSED RULES	19
02.06.16 - RULES CONCERNING RHIZOMANIA DISEASE OF SUGAR BEETS, BETA VUL- GARIS DOCKET NO. 02-0616-9701 NOTICE OF TEMPORARY AND PROPOSED RULES	22
02.06.18 - RULES GOVERNING MINT ROOTSTOCK AND CLONE PRODUCTION DOCKET NO. 02-0618-9701 NOTICE OF TEMPORARY AND PROPOSED RULES	23

IDAPA 04 - OFFICE OF THE ATTORNEY GENERAL

04.11.01 - IDAHO RULES OF ADMINISTRATIVE PROCEDURE DOCKET NO. 04-1101-9601 NOTICE OF PENDING RULES.....	31
04.11.01 - IDAHO RULES OF ADMINISTRATIVE PROCEDURE DOCKET NO. 04-1101-9602 NOTICE OF PENDING RULES.....	32

IDAPA 05 - DEPARTMENT OF JUVENILE CORRECTIONS

05.01.01 - RULES GOVERNING DEPARTMENT OF JUVENILE CORRECTIONS DOCKET NO. 05-0101-9601 NOTICE OF PENDING RULE.....	33
---	----

IDAPA 08 - STATE BOARD OF EDUCATION

08.02.01 - RULES GOVERNING SCHOOL ORGANIZATION AND OPERATION DOCKET NO. 08-0201-9601 NOTICE OF PENDING RULE.....	34
08.02.01 - RULES GOVERNING ADMINISTRATION DOCKET NO. 08-0201-9602 NOTICE OF PENDING RULE.....	35
08.02.02 - RULES GOVERNING SCHOOL DISTRICT FISCAL AFFAIRS DOCKET NO. 08-0202-9601	

NOTICE OF PENDING RULE.....	47
08.02.02 - RULES GOVERNING UNIFORMITY	
DOCKET NO. 08-0202-9602	
NOTICE OF PENDING RULE.....	48
08.02.03 - RULES GOVERNING DISTRICT PERSONNEL AND CERTIFICATION	
DOCKET NO. 08-0203-9601	
NOTICE OF PENDING RULE.....	66
08.02.03 - RULES GOVERNING THOROUGHNESS	
DOCKET NO. 08-0203-9602	
NOTICE OF PENDING RULE.....	67
08.02.04 - RULES GOVERNING SCHOOL FACILITIES	
DOCKET NO. 08-0204-9601	
NOTICE OF PENDING RULE.....	80
08.02.05 - RULES GOVERNING INSTRUCTIONAL PROGRAMS AND TEXTBOOKS	
DOCKET NO. 08-0205-9601	
NOTICE OF PENDING RULE.....	81
08.02.06 - RULES GOVERNING SPECIAL PROGRAMS	
DOCKET NO. 08-0206-9601	
NOTICE OF PENDING RULE.....	82
08.02.07 - RULES GOVERNING TRANSPORTATION	
DOCKET NO. 08-0207-9601	
NOTICE OF PENDING RULE.....	83
08.02.08 - RULES GOVERNING MISCELLANEOUS ITEMS	
DOCKET NO. 08-0208-9601	
NOTICE OF PENDING RULE.....	84
 <u>IDAPA 11 - DEPARTMENT OF LAW ENFORCEMENT</u>	
11.02.01 - RULES GOVERNING THE IDAHO STATE BRAND BOARD	
DOCKET NO. 11-0201-9501	
NOTICE OF PENDING RULE.....	85
11.02.01 - RULES GOVERNING THE IDAHO STATE BRAND BOARD	
DOCKET NO. 11-0201-9601	
NOTICE OF PENDING RULE.....	86
11.04.01 - RULES OF THE IDAHO STATE RACING COMMISSION	
GOVERNING HORSE RACING	
DOCKET NO. 11-0401-9502	
NOTICE OF PENDING RULE.....	87
11.04.01 - RULES OF THE IDAHO STATE RACING COMMISSION	
GOVERNING HORSE RACING	
DOCKET NO. 11-0401-9601	
NOTICE OF PENDING RULE.....	88

11.04.01 - RULES OF THE IDAHO STATE RACING COMMISSION GOVERNING HORSE RACING DOCKET NO. 11-0401-9602 NOTICE OF PENDING RULE.....	89
11.04.01 - RULES OF THE IDAHO STATE RACING COMMISSION GOVERNING HORSE RACING DOCKET NO. 11-0401-9603 NOTICE OF PENDING RULE.....	90
11.04.03 - RULES OF THE IDAHO STATE RACING COMMISSION GOVERNING GREYHOUND RACING DOCKET NO. 11-0403-9503 NOTICE OF VACATION OF PROPOSED RULE.....	91
11.04.03 - RULES OF THE IDAHO STATE RACING COMMISSION GOVERNING GREYHOUND RACING DOCKET NO. 11-0403-9504 NOTICE OF VACATION OF PROPOSED RULE.....	92
11.04.04 - RULES OF THE IDAHO STATE RACING COMMISSION GOVERNING DISCIPLINARY HEARINGS DOCKET NO. 11-0404-9501 NOTICE OF PENDING RULE.....	93
11.07.04 - ENVIRONMENTAL AUDIT PROTECTION RULES DOCKET NO. 11-0704-9601 NOTICE OF PENDING RULE.....	94
11.11.01 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL DOCKET NO. 11-1101-9503 NOTICE OF VACATION OF PROPOSED RULE.....	95
11.11.01 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL DOCKET NO. 11-1101-9601 NOTICE OF VACATION OF PROPOSED RULE.....	96
11.11.01 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL DOCKET NO. 11-1101-9602 NOTICE OF PENDING RULE.....	97
11.11.01 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL DOCKET NO. 11-1101-9603 NOTICE OF PENDING RULE.....	98
11.11.01 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL DOCKET NO. 11-1101-9604 NOTICE OF PENDING RULE.....	99
11.11.01 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL DOCKET NO. 11-1101-9605 NOTICE OF PENDING RULE.....	100

IDAPA 12 - DEPARTMENT OF FINANCE

12.01.08 - RULES GOVERNING THE IDAHO SECURITIES ACT

DOCKET NO. 12-0108-9601

NOTICE OF PENDING RULE..... 101

IDAPA 15 - IDAHO EMERGENCY RESPONSE COMMISSION

15.13.01 - RULES GOVERNING THE IDAHO EMERGENCY RESPONSE COMMISSION

DOCKET NO. 15-1301-9601

NOTICE OF PENDING RULES..... 102

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

DOCKET NO. 16-0101-9601

NOTICE OF ADOPTION OF PENDING RULE AND AMENDMENTS TO TEMPORARY RULE
103

16.01.02 - WATER QUALITY STANDARDS AND WASTEWATER TREATMENT REQUIRE-
MENTS

DOCKET NO. 16-0102-9502

NOTICE OF PENDING AND TEMPORARY RULE..... 109

16.01.02 - WATER QUALITY STANDARDS AND WASTEWATER TREATMENT REQUIRE-
MENTS

DOCKET NO. 16-0102-9602

NOTICE OF PENDING RULE..... 126

16.01.05 - RULES AND STANDARDS FOR HAZARDOUS WASTE

DOCKET NO. 16-0105-9601

NOTICE OF PENDING AND TEMPORARY RULE..... 127

16.01.11 - GROUND WATER QUALITY RULE

DOCKET NO. 16-0111-9501

NOTICE OF PENDING RULE..... 128

16.02.03 - RULES GOVERNING EMERGENCY MEDICAL SERVICES

DOCKET NO. 16-0203-9601

NOTICE OF PENDING RULE AND AMENDMENTS TO TEMPORARY RULE..... 133

16.02.08 - RULES GOVERNING VITAL STATISTICS

DOCKET NO. 16-0208-9601

NOTICE OF PENDING RULE..... 141

16.02.09 - RULES GOVERNING CREMATORIES IN IDAHO

DOCKET NO. 16-0209-9601

NOTICE OF PENDING RULE..... 143

16.02.19 - RULES GOVERNING FOOD SAFETY AND SANITATION STANDARDS
FOR FOOD ESTABLISHMENTS (UNICODE)

DOCKET NO. 16-0219-9601

NOTICE OF PENDING RULE..... 144

16.03.01 - RULES GOVERNING AID TO FAMILIES WITH DEPENDENT CHILDREN
DOCKET NO. 16-0301-9701
NOTICE OF TEMPORARY AND PROPOSED RULES 145

16.03.04 - RULES GOVERNING THE FOOD STAMP PROGRAM IN IDAHO
DOCKET NO. 16-0304-9701
NOTICE OF TEMPORARY AND PROPOSED RULES 148

16.03.05 - RULES GOVERNING ELIGIBILITY FOR AID TO THE AGED,
BLIND AND DISABLED (AABD)
DOCKET NO. 16-0305-9701
NOTICE OF TEMPORARY AND PROPOSED RULES 177

Subjects Affected Index

IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE

02.01.04 - RULES GOVERNING ENVIRONMENTAL AUDIT PROTECTION

DOCKET NO. 02-0104-9701

004. DEFINITIONS.....	19
005. FINDINGS.....	21
010. PROHIBITION AGAINST COMPELLED DISCLOSURE.....	21

02.06.18 - RULES GOVERNING MINT ROOTSTOCK AND CLONE PRODUCTION

DOCKET NO. 02-0618-9701

001. TITLE AND SCOPE.....	24
003. ADMINISTRATIVE APPEAL.....	24
004. DEFINITIONS.....	24
005. FINDINGS.....	25
006. -- 009. (RESERVED).....	25
010. REGULATED PESTS.....	25
100. CONTROL AREAS.....	26
150. REQUIREMENTS FOR MINT ROOTSTOCK TO BE PLANTED IN IDAHO.....	26
200. INSPECTION PROCEDURES.....	26
201. MOVEMENT OF FARM EQUIPMENT.....	29
202. -- 209. (RESERVED).....	29
210. GREENHOUSES.....	29
211. -- 249. (RESERVED).....	29
300. AUTHORITY TO ENTER, INSPECT, AND CONTROL REQUIREMENTS.....	29
350. PENALTIES AND ENFORCEMENT POWERS.....	30

IDAPA 08 - STATE BOARD OF EDUCATION

08.02.01 - RULES GOVERNING ADMINISTRATION

DOCKET NO. 08-0201-9602

001. WAIVERS.....	36
002. -- 049. (RESERVED).....	36
050. ALTERING SCHOOL DISTRICT BOUNDARIES.....	36
051. -- 099. (RESERVED).....	36
100. FEDERALLY FUNDED PROGRAMS.....	36
101. -- 149. (RESERVED).....	36
150. DEVIATION FROM STANDARD EMPLOYMENT CONTRACT FORM.....	36
151. -- 199. (RESERVED).....	36
200. EMERGENCY CLOSURE - TEACHER STRIKE OR WITHHOLDING OF SERVICE.....	36
201. -- 249. (RESERVED).....	37
250. PUPIL ACCOUNTING AND REQUIRED INSTRUCTIONAL TIME.....	37
251. -- 299. (RESERVED).....	37
300. FUNDS WITHHELD - LATE SUBMISSION OF RECORDS.....	38
301. -- 349. (RESERVED).....	38
350. EARLY GRADUATION.....	38
351. -- 399. (RESERVED).....	38
400. SPECIAL EDUCATION FUNDING FOR DISTRICTS WITH APPROVED PROGRAMS.....	38
401. -- 449. (RESERVED).....	39
450. REIMBURSEMENT TO DISTRICTS FOR SUBSTITUTE TEACHER COSTS.....	39
451. -- 499. (RESERVED).....	39

500. SCHOOL DISTRICT BUILDING ACCOUNT (Non-lottery Money).....	39
501. -- 549. (RESERVED).....	40
550. OUT-OF-STATE TUITION.....	40
551. -- 599. (RESERVED).....	40
600. REIMBURSEMENT TO DISTRICTS FOR A FEASIBILITY STUDY OF HIGH SCHOOL OR SCHOOL DISTRICT CONSOLIDATION.....	40
601. -- 649. (RESERVED).....	41
650. GENERAL EDUCATION DEVELOPMENT TESTS/IDAHO HIGH SCHOOL EQUIVALENCY CERTIFICATE.....	41
651. -- 699. (RESERVED).....	42
700. VETERANS EDUCATION.....	42
701. -- 749. (RESERVED).....	45
750. IDAHO STATE PENITENTIARY.....	45
751. -- 799. (RESERVED).....	45
800. PRIVATE CORRESPONDENCE AND TRADE SCHOOLS.....	45
801. -- 999. (RESERVED).....	46
08.02.02 - RULES GOVERNING UNIFORMITY	
DOCKET NO. 08-0202-9602	
001. CERTIFICATION STANDARDS ADOPTED.....	48
002. -- 009. (RESERVED).....	48
010. ACCREDITED INSTITUTION.....	49
011. -- 019. (RESERVED).....	49
020. CERTIFICATION OF TEACHERS TRAINED IN FOREIGN INSTITUTIONS.....	49
021. -- 029. (RESERVED).....	49
030. CERTIFICATES ISSUED TO APPLICANTS FROM REGIONALLY ACCREDITED INSTITUTIONS.....	49
031. -- 039. (RESERVED).....	49
040. MISASSIGNMENTS - GRANDFATHERING.....	49
041. -- 049. (RESERVED).....	49
050. ENDORSEMENT OF OUT-OF-STATE CERTIFICATES.....	49
051. -- 059. (RESERVED).....	50
060. APPLICATION PROCEDURES.....	50
061. -- 069. (RESERVED).....	51
070. IDAHO EDUCATOR CREDENTIAL.....	51
071. -- 079. (RESERVED).....	54
080. ALTERNATE CERTIFICATION.....	54
081. -- 089. (RESERVED).....	54
090. INTERSTATE CERTIFICATION COMPACT.....	55
091. -- 099. (RESERVED).....	55
100. OFFICIAL VEHICLE FOR APPROVING EXISTING TEACHER EDUCATION PROGRAMS.....	55
101. -- 109. (RESERVED).....	55
110. PERSONNEL STANDARDS.....	55
111. -- 119. (RESERVED).....	56
120. LOCAL DISTRICT EVALUATION POLICY.....	56
121. -- 129. (RESERVED).....	57
130. SCHOOL FACILITIES.....	57
131. -- 139. (RESERVED).....	58
140. ACCREDITATION.....	58
141. -- 149. (RESERVED).....	58
150. TRANSPORTATION.....	58
151. -- 159. (RESERVED).....	58
160. MAINTENANCE STANDARDS AND INSPECTIONS.....	58

161. -- 169. (RESERVED).....	59
170. SCHOOL BUS DRIVERS AND VEHICLE OPERATION.....	59
171. -- 179. (RESERVED).....	59
180. WRITTEN POLICY.....	59
181. -- 189. (RESERVED).....	59
190. PROGRAM OPERATIONS.....	59
191. -- 199. (RESERVED).....	61
200. CAPITAL INVESTMENT.....	61
201. -- 209. (RESERVED).....	62
210. COMMERCIAL COMPUTERIZED ROUTING AND SCHEDULING.....	62
211. -- 219. (RESERVED).....	62
220. RELEASE TIME PROGRAM FOR ELEMENTARY AND SECONDARY SCHOOLS.....	62
221. -- 229. (RESERVED).....	63
230. DRIVER EDUCATION.....	63
231. -- 239. (RESERVED).....	64
240. JUVENILE DETENTION CENTERS.....	64
241. -- 999. (RESERVED).....	65
08.02.03 - RULES GOVERNING THOROUGHNESS	
DOCKET NO. 08-0203-9602	
000. -- 099. (RESERVED).....	68
100. BASIC CURRICULUM.....	68
101. -- 199. (RESERVED).....	77
200. COMMUNICATION.....	77
201. -- 299. (RESERVED).....	77
300. TECHNOLOGY.....	77
301. -- 399. (RESERVED).....	78
400. WORKFORCE SKILLS.....	78
401. -- 499. (RESERVED).....	78
500. BASIC VALUES.....	78
501. -- 599. (RESERVED).....	78
600. SAFE ENVIRONMENT AND DISCIPLINE.....	78
601. -- 699. (RESERVED).....	79
700. CITIZENSHIP.....	79
701. -- 999. (RESERVED).....	79
IIDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE	
16.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO	
DOCKET NO. 16-0101-9601	
131. EXCESS EMISSIONS.....	104
133. STARTUP, SHUTDOWN AND SCHEDULED MAINTENANCE REQUIREMENTS.....	105
134. UPSET, BREAKDOWN AND SAFETY REQUIREMENTS.....	106
135. EXCESS EMISSIONS REPORTS.....	108
16.01.02 - WATER QUALITY STANDARDS AND WASTEWATER TREATMENT REQUIREMENTS	
DOCKET NO. 16-0102-9502	
003. DEFINITIONS AND ABBREVIATIONS.....	110
053. BENEFICIAL USE SUPPORT STATUS.....	120
054. WATER QUALITY LIMITED WATERS AND TMDLS.....	120
070. APPLICATION OF STANDARDS.....	121
090. ANALYTICAL PROCEDURES.....	122
350. RULES GOVERNING NONPOINT SOURCE ACTIVITIES.....	123

16.01.11 - GROUND WATER QUALITY RULE	
DOCKET NO. 16-0111-9501	
007. DEFINITIONS.....	129
301. MANAGEMENT OF ACTIVITIES WITH THE POTENTIAL TO DEGRADE AQUIFERS.....	131
400. GROUND WATER CONTAMINATION.....	131
16.02.03 - RULES GOVERNING EMERGENCY MEDICAL SERVICES	
DOCKET NO. 16-0203-9601	
225. QUALIFICATIONS OF FIRST RESPONDER COURSE INSTRUCTORS.....	134
226. QUALIFICATIONS OF EMT-BASIC COURSE INSTRUCTORS.....	134
300. AMBULANCE SERVICE STANDARDS.....	134
301. NON-TRANSPORT SERVICE STANDARDS.....	136
501. INITIAL CERTIFICATION.....	138
510. CERTIFICATION DURATION AND RECERTIFICATION.....	138
515. ADMINISTRATIVE LICENSE ACTION.....	139
516. -- 599. (RESERVED).....	140
16.02.08 - RULES GOVERNING VITAL STATISTICS	
DOCKET NO. 16-0208-9601	
251. FEES FOR COPIES, SEARCHES, AND OTHER SERVICES.....	142
16.03.01 - RULES GOVERNING AID TO FAMILIES WITH DEPENDENT CHILDREN	
DOCKET NO. 16-0301-9701	
102. CITIZENSHIP AND ALIENAGE.....	145
607. CITIZENSHIP AND ALIENAGE REQUIREMENT.....	146
16.03.04 - RULES GOVERNING THE FOOD STAMP PROGRAM IN IDAHO	
DOCKET NO. 16-0304-9701	
002. DEFINITIONS.....	149
003. ABBREVIATIONS.....	153
155. EXPEDITED SERVICE ELIGIBILITY.....	155
156. TIME LIMITS FOR EXPEDITED FOOD STAMPS.....	155
158. EXPEDITED VERIFICATION.....	156
204. CITIZENSHIP OR SATISFACTORY IMMIGRATION STATUS.....	156
215. PERSONS NOT ELIGIBLE FOR SEPARATE FOOD STAMP HOUSEHOLD STATUS.....	158
230. SANCTIONS FOR FAILURE TO COMPLY WITH JSAP.....	158
231. NOTICE OF SANCTIONS FOR FAILURE TO COMPLY WITH JSAP.....	159
234. ENDING SANCTIONS FOR FAILURE TO COMPLY WITH JSAP.....	159
240. ENDING SANCTIONS FOR FAILURE TO COMPLY WITH JOBS OR UI.....	160
249. SANCTIONS FOR FAILURE TO COMPLY WITH WORK REGISTRATION.....	160
252. ENDING WORK REGISTRATION SANCTION.....	161
254. ABAWD WORK REQUIREMENT.....	161
255. REGAINING ELIGIBILITY.....	162
256. EXEMPTIONS FROM THE ABAWD WORK REQUIREMENT.....	162
257. -- 258. (RESERVED).....	162
261. VOLUNTARY JOB QUIT_OR REDUCTION OF WORK.....	162
262. HEAD OF HOUSEHOLD FOR VOLUNTARY QUIT OR REDUCTION OF WORK HOURS.....	163
264. DETERMINING VOLUNTARY QUIT OR REDUCTION OF WORK HOURS.....	163
265. SITUATIONS NOT CONSIDERED VOLUNTARY JOB QUIT OR REDUCTION OF WORK.....	163
267. GOOD CAUSE FOR VOLUNTARILY QUITTING A JOB_OR REDUCING WORK HOURS.....	164
268. PROOF OF JOB QUIT OR REDUCTION OF WORK HOURS.....	164
269. EXPLANATION OF PENALTIES FOR QUITTING JOB OR REDUCTION OF WORK HOURS.....	165
270. PENALTY FOR APPLICANT QUITTING A JOB OR REDUCING WORK HOURS.....	165

271. PENALTY FOR RECIPIENT QUITTING A JOB OR REDUCING WORK HOURS.....	165
272. VOLUNTARY QUIT OR REDUCTION OF WORK HOURS DURING THE LAST MONTH OF THE CERTIFICATION PERIOD.	166
273. VOLUNTARY QUIT OR REDUCTION OF WORK HOURS NOT FOUND UNTIL THE LAST MONTH OF THE CERTIFICATION PERIOD.	166
274. PENALTY FOR VOLUNTARY QUIT OR REDUCTION OF WORK HOURS NOT FOUND UNTIL THE LAST MONTH OF THE CERTIFICATION PERIOD.	166
275. ENDING VOLUNTARY QUIT OR REDUCTION OF WORK HOURS PENALTY.	167
276. FAILURE TO COMPLY WITH A REQUIREMENT OF ANOTHER MEANS-TESTED PROGRAM.	167
277. PENALTY FOR FAILURE TO COMPLY WITH A REQUIREMENT OF ANOTHER MEANS-TESTED PROGRAM.	167
278. -- 281. (RESERVED).	167
285. NELIGIBILITY OF FUGITIVE FELONS AND PROBATION AND PAROLE VIOLATORS.....	167
286. EFFECTIVE DATE OF INELIGIBILITY.	168
287. -- 299. (RESERVED).	168
405. EXCLUDED INCOME.	168
542. COSTS ALLOWED FOR SHELTER DEDUCTION.....	169
545. SWITCHING BETWEEN ACTUAL AND SUA.....	170
548. COMPUTING THE SHELTER DEDUCTION.....	171
550. STEPS TO COMPUTE FOOD STAMP PAYMENT.	171
562. PRORATING INITIAL MONTH'S BENEFITS.....	173
677. COMPUTING THE CLAIMS.....	173
689. ACTION AGAINST ADMINISTRATIVE ERROR HOUSEHOLD FAILING TO RESPOND.	173
701. PENALTIES FOR AN IPV.....	174
702. PENALTIES FOR IPV TRAFFICKING.....	174
709. PENALTIES FOR IPV RECEIPT OF MULTIPLE BENEFITS.....	174
710. -- 712. (RESERVED).	174
775. FOOD STAMPS FOR HOUSEHOLDS WITH IPV MEMBERS, INELIGIBLE FUGITIVE FELON OR PROBATION/PAROLE VIOLATOR.....	174
776. NON-HEAD OF HOUSEHOLD DISQUALIFIED FOR JSAP, WORK REGISTRATION REQUIREMENTS, VOLUNTARY QUIT OR REDUCTION OF WORK.	175
778. FOOD STAMPS FOR HOUSEHOLDS WITH MEMBERS DISQUALIFIED FOR FAILURE TO MEET THE WORK REQUIREMENT OR TO COMPLY WITH A REQUIREMENT OF ANOTHER MEANS-TESTED PROGRAM.	175
779. -- 780. (RESERVED).	176
865. DISCLOSURE OF INFORMATION.....	176
16.03.05 - RULES GOVERNING ELIGIBILITY FOR AID TO THE AGED, BLIND AND DISABLED (AABD)	
DOCKET NO. 16-0305-9701	
056. EFFECTIVE DATE.....	178
102. CITIZENSHIP AND ALIENAGE.	178
374. INCOME DEEMING.	179
378. DEEMING INCOME FROM INELIGIBLE SPOUSE TO CLIENT AND CHILD CLIENT.....	180
379. DEEMING INCOME FROM SPONSOR TO PERMANENT RESIDENT ALIEN CLIENT.	181
407. BASIC ALLOWANCE.....	183
408. ROOM AND BOARD ALLOWANCES.....	183
409. LICENSED ADULT RESIDENTIAL CARE FACILITY ALLOWANCES.	184
424. LICENSED ADULT FOSTER CARE HOME ALLOWANCES.	184
429. SEMI-INDEPENDENT GROUP RESIDENTIAL FACILITY ALLOWANCE.	184
461. PASS APPROVED BY DEPARTMENT.....	185
540. REPORTING REQUIREMENTS.....	185
605. CITIZENSHIP AND ALIENAGE REQUIREMENT.....	185

613. PATIENT LIABILITY - INCOME AVAILABLE TO MEET COST OF LONG-TERM
CARE FOR PERSON WITH NO COMMUNITY SPOUSE. 187

634. PERSON ENTITLED TO HOME AND COMMUNITY BASED SERVICES (HCBS). 189

648. PERSON DENIED SSI FOR FRAUDULENT RESIDENCY..... 191

649. FUGITIVE FELON OR PROBATION OR PAROLE VIOLATOR..... 191

650. -- 680. (RESERVED). 191

683. MEDICAID PENALTY FOR ASSET TRANSFERS. 191

707. PAYMENTS FROM AN EXEMPT TRUST FOR DISABLED PERSON OR POOLED TRUST. 192

997. CONFIDENTIALITY. 192

998. -- 999. (RESERVED)..... 192

THE OFFICE OF THE GOVERNOR

EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE

EXECUTIVE ORDER NO. 96-21

REDUCTION OF GENERAL FUND SPENDING AUTHORITY

WHEREAS, Article 7, Section 11, of the Idaho Constitution provides that state government expenditures shall not exceed state government revenue; and

WHEREAS, I have determined that expenditures from the General Fund authorized by the Legislature for the current fiscal year will exceed anticipated state revenue for the fiscal year;

NOW, THEREFORE, I, PHILIP E. BATT, Governor of the State of Idaho, by the authority vested in me pursuant to Section 67-3512A, Idaho Code, do hereby order:

1. That the General Fund spending authority on file in the Office of the State Controller be reduced for all departments, offices and institutions of the state by two and half percent (2.5%) of their Fiscal Year 1997 General Fund Appropriation with the exception of the offices of the elected State Constitutional officers, and the judicial and legislative departments.
2. Each department, office and institution shall notify the Office of the State Controller and the Division of Financial Management of the Office of the Governor of budget changes by September 30, 1996.
3. Elected State Constitutional officials and officers of the legislative and judicial branches of government are requested to reduce General Fund expenditures for Fiscal Year 1997 to reflect the realities of the projected revenue shortfall without impairing the discharge of their constitutional duties.

This order shall take effect immediately upon its execution and shall continue in effect until January 31, 1997, unless revoked or modified by the Governor, or until the Legislature or the Board of Examiners takes further action.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this seventeenth day of September in the year of our Lord nineteen hundred ninety-six and of the Independence of the United States of America the two hundred twenty-first and of the Statehood of Idaho the one hundred seventh.

PHILIP E. BATT
GOVERNOR

PETE T. CENARRUSA
SECRETARY OF STATE

THE OFFICE OF THE GOVERNOR

EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE

EXECUTIVE ORDER NO. 96-22

*GOVERNOR'S TASK FORCE FOR CHILDREN AT RISK, REPEALING
AND REPLACING EXECUTIVE ORDER NO. 92-25*

WHEREAS, Idaho's children are her most valuable and most vulnerable resource; and

WHEREAS, crimes of abuse and neglect can psychologically and physically harm innocent children for life depriving them of their right to live happy and productive lives; and

WHEREAS, abuse and neglect of children have been recognized to be multi-generational problems; and

WHEREAS, thousands of incidents of child abuse and neglect occur each year in Idaho; and

WHEREAS, the system that responds to reports of child abuse and neglect requires more effective and efficient statewide coordination and consistent monitoring in order to better protect children; and

WHEREAS, in order to protect all children, those who commit crimes against children need to be held accountable for their actions; and

WHEREAS, the child victims of abuse, neglect, and domestic violence must receive immediate and adequate protection from continued maltreatment; and

WHEREAS, all child victims of abuse and neglect deserve treatment and necessary medical attention; and;

WHEREAS, it is the responsibility of all Idahoans to provide a community system of support and protection for these children; and

WHEREAS, the protection of children from abuse and neglect is in the best interests of all Idahoans;

NOW, THEREFORE, I, PHILIP E. BATT, Governor of the State of Idaho, by the authority vested in me by the Constitution and laws of the State of Idaho, do hereby order the continuance of the Governor's Task Force for Children at Risk.

The Task Force's responsibilities are:

- 1. To review existing systems and procedures and encourage improvements in the investigative administrative and judicial handling of cases of child abuse and neglect, particularly child sexual abuse to limit the trauma to the child victim;*
- 2. To evaluate, propose, and encourage cooperation between persons and agencies involved in cases of child abuse and domestic violence evaluations;*
- 3. To investigate and recommend optimum models of prevention, evaluation and treatment of victims and offenders;*
- 4. To establish procedures for the review of child fatalities and substantial or severe injuries where the circumstances of the death or injury suggest the possibility of child abuse; and*
- 5. To study, propose, and encourage means to establish a highly professional, stable work force devoted to working with child abuse cases and issues.*

The Task Force shall be composed of between 13 and 16 members appointed by the Governor.

The membership shall include:

- *A Judge (Handling civil and criminal cases)*
- *A Prosecuting Attorney*
- *At least one representative of the Division of Family and Community Services of the Department of Health and Welfare*
- *A law enforcement representative with experience in child abuse cases*
- *A representative of the Department of Correction's Probation and Parole Division*
- *A juvenile correction or probation worker*
- *A defense attorney*
- *A health professional (pediatrician)*
- *A mental health professional specializing in therapy for abused children*
- *A parent or parent group representative*
- *Individuals experienced in working with children with disabilities*
- *A Court Appointed Special Advocate (CASA) representative*
- *A child advocates (Attorneys for children)*

The members of the Task Force shall serve at the pleasure of the Governor. Members of the Task Force shall elect their chair from among their number.

The Department of Health and Welfare shall be the lead agency, providing support for the Task Force, and shall maintain office staff to carry out the activities directed by the Task Force as funding is available.

This Executive Order repeals and replaces Executive Order No. 92-25. This Executive Order shall cease to be effective four years after its entry into force.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this day of in the year of our Lord nineteen hundred ninety-six and of the Independence of the United States of America the two hundred twenty-first and of the Statehood of Idaho the one hundred seventh.

PHILIP E. BATT
GOVERNOR

PETE T. CENARRUSA
SECRETARY OF STATE

THE OFFICE OF THE GOVERNOR

EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE

EXECUTIVE ORDER NO. 96-23

RELATING TO THE DESIGNATION OF EDUCATION FUNDING ASSOCIATION, INC. AS AN AUTHORIZED ENTITY TO PURCHASE STUDENT LOANS RELATING TO RESIDENTS OF THE STATE OF IDAHO OR PERSONS ATTENDING POST SECONDARY EDUCATIONAL INSTITUTIONS IN THE STATE OF IDAHO

WHEREAS, pursuant to the provisions of Title IV, Part B of the Federal Higher Education Act of 1965, as amended (the "Higher Education Act") (20 U.S.C., Chapter 1071 et seq.) the United States Congress has provided for Federal insurance of student loans made pursuant to the Higher Education Act or, in the alternative, for Federal reimbursement of guaranty payments made on such student loans in states where state guaranty programs are operated pursuant to the Higher Education Act and the United States Congress has also provided through the Higher Education Act for payment by the Federal government of interest and other subsidies on such student loans; and

WHEREAS, the United States Congress has provided through the Higher Education Act and Section 150(d) of the Internal Revenue Code 1986, as amended ("Section 150(d)"), procedures whereby certain nonprofit corporations may issue tax exempt "qualified scholarship funding bonds" for the purpose of obtaining funds to finance the acquisition of student loans originated under the Higher Education Act; and

WHEREAS, assuring that loans for post secondary education are accessible in Idaho at favorable rates of interest and repayment terms is an important objective in Idaho's total effort to provide adequate opportunities for our citizens to benefit from post secondary education; and

WHEREAS, assuring adequate access to educational loans requires the establishment of an additional statewide secondary market and warehousing facility which will provide liquidity for investments in such loans, thereby further encouraging and permitting commercial lenders to make additional educational loans; and

WHEREAS, Education Funding Association, Inc., an Idaho nonprofit corporation (the "Corporation"), has been formed under the nonprofit corporation laws of the State of Idaho. The Corporation will establish a student loan purchase program by establishing an additional statewide secondary market and warehousing facility designed to provide funds for student loans to all lenders which are eligible to originate student loans under the Higher Education Act, and such program will increase significantly the amount of funds available for student loans to students who are residents of Idaho or who are attending post secondary education institutions in the State of Idaho; and

WHEREAS, the establishment of such student loan purchase program, as provided by the United States Congress through the Higher Education Act and Section 150(d), will assure to the people of the State of Idaho fair, efficient and competitive access to educational loans and coordinated planning and administration of this program; and

WHEREAS, in my capacity as Chief Executive Officer of the State of Idaho, I desire to facilitate the continued provision of the best possible student loan and educational finance services available to the students in Idaho; and

WHEREAS, it is advantageous to all sectors of post secondary education in the State of Idaho for this State to continue receiving the assistance made available under applicable programs established pursuant to the Federal Higher Education Act.

NOW, THEREFORE, I, PHILIP E. BATT, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of this state, do hereby order as follows:

1. Education Funding Association, Inc. is hereby designated to provide an additional Idaho educational loan secondary market and warehousing facility pursuant to the provisions of Part B of Title IV of the Higher Education Act of 1965, as amended (20 U.S.C., chapter 1071, et seq.) and

Section 150(d) of the Internal Revenue Code of 1986, as amended.

2. *Education Funding Association, Inc. shall meet all of the requirements of Federal law and regulations as well as the statutes of the State of Idaho, and shall obtain all necessary designations required under Federal law and regulations necessary and appropriate to act in such capacity under the Higher Education Act of 1965, as amended.*
3. *Education Funding Association, Inc. shall come under the supervision of the Idaho Department of Finance.*
4. *Prior to the sale of any securities, Education Funding Association, Inc. shall provide to the Department of Finance the following:*
 - (a) *A market survey outlining the potential scope of its secondary market, including comments by affected persons;*
 - (b) *A plan for doing business in accordance with the requirements of the Higher Education Act of 1965;*
 - (c) *All approvals, disapprovals and comments by the United States Department of Education; and*
 - (d) *Its Articles of Incorporation and Bylaws setting forth, among other things, its standards for directors, officers, and employees.*
5. *Once engaged in providing a secondary market for student loans, Education Funding Association, Inc. shall:*
 - (a) *Submit to periodic examinations by the Department of Finance.*
 - (b) *File each preliminary prospectus with the Department of Finance prior to the issuance of securities;*
 - (c) *Provide copies to the Department of Finance of any and all internal or external audits from any sources, as well as management letters, adverse actions, or other significant communications from the United States Department of Education;*
 - (d) *Make quarterly financial reports to the Department of Finance; and*
 - (e) *Provide the Department of Finance with prompt notice of any defaults, litigation by or against Education Funding Association, Inc., or any material change in the program offered by Education Funding Association, Inc.*
6. *This order may be revoked upon a 60-day written notice except that such revocation must be made in good faith, and adequate financial arrangements must be made to insure the proper continuation of coverage for outstanding loans.*
7. *The State of Idaho assumes no liability as a result of this request. All debts and liabilities resulting from this program shall be the sole responsibility of the Education Funding Association, Inc.*



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 12th day of in the year of our Lord nineteen hundred ninety-six and of the Independence of the United States of America the two hundred twenty-first and of the Statehood of Idaho the one hundred seventh.

PHILIP E. BATT
GOVERNOR

PETE T. CENARRUSA
SECRETARY OF STATE

IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE
02.01.04 - RULES GOVERNING ENVIRONMENTAL AUDIT PROTECTION
DOCKET NO. 02-0104-9701
NOTICE OF TEMPORARY AND PROPOSED RULES

EFFECTIVE DATE: These rules are effective November 20, 1996.

AUTHORITY: In compliance with sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary and proposed rule-making. The action is authorized pursuant to section 9-810, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rule-making will be held as follows: Public hearing(s) concerning this rule-making will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than January 15, 1997. The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance of the temporary and proposed rule: These rules amend the definition of "person" in IDAPA 02.01.04.004.12 and amend the section pertaining to "Prohibition Against Compelled Disclosure" in IDAPA 02.01.04.010 in compliance with the amendments to the Environmental Audit Protection Act, enacted by HB 862 in the 1996 Legislative Session.

The following is the required finding and a concise statement of the supporting reasons for temporary rule-making: This rule is promulgated in compliance with deadlines in amendments to governing law.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed amendments, contact Bob Hays, Bureau Chief, at (208) 332-8610.

Anyone may submit written comments regarding the proposed amendments. All written comments and data concerning the rules must be directed to the undersigned and must be postmarked or delivered on or before January 22, 1997.

Dated this 20th day of November, 1996.

Michael Everett, Deputy Director
Idaho Department of Agriculture
P.O. Box 790
Boise, Idaho 83701-0790
(208) 332-8500/FAX (208) 334-4623

TEXT OF DOCKET NO. 02-0104-9701

004. DEFINITIONS.

01. Certification. For purposes of Section 015, an owner or operator of a facility shall certify in writing, based on information and belief formed after a reasonable inquiry, that all necessary and reasonable steps have been taken to achieve compliance. (11-22-95)T

02. Compliance Plan. A document which may be included in the Environmental Audit Report that describes the activities to be performed to correct a potential violation and to maintain compliance into the future. (11-22-95)T

a. A compliance plan shall include: (11-22-95)T

- i. The activities to be taken to achieve and maintain compliance; (11-22-95)T
- ii. The timetable needed to complete compliance plan activities; and (11-22-95)T
- iii. An explanation supporting the timetable. (11-22-95)T
- 03. Department. The Idaho Department of Agriculture. (11-22-95)T
- 04. Document. A source from which information can be obtained or translated including, but not limited to, writings, drawings, graphs, charts, photographs, phonorecords, and other data compilations, including electronic. (11-22-95)T
- 05. Environmental Agency. Any department or division of the State, local government, or health board with the authority to enforce any state environmental law. (11-22-95)T
- 06. Environmental Audit. A voluntary internal evaluation conducted pursuant to a plan or protocol that is designed to identify and prevent noncompliance and to improve compliance with environmental laws. (11-22-95)T
 - a. An environmental audit may be conducted by an owner or operator, an owner's or operator's employees, or by an independent contractor. (11-22-95)T
 - b. An environmental audit may include: (11-22-95)T
 - i. One (1) or more facilities; (11-22-95)T
 - ii. Any activity at one (1) or more facilities; (11-22-95)T
 - iii. Impacts on one (1) or more environmental media at a facility or facilities; or (11-22-95)T
 - iv. Management systems related to a facility, an activity or an impact on environmental media. (11-22-95)T
 - c. An environmental audit is not voluntary for purposes of immunity if it is initiated as a result of: (11-22-95)T
 - i. The commencement of a federal or state inspection, investigation or information request; (11-22-95)T
 - ii. Notice of a citizen suit; (11-22-95)T
 - iii. Legal complaint by a third party; or (11-22-95)T
 - iv. The owner's or operator's knowledge that the discovery of the violation by a regulatory agency or third party is imminent. (11-22-95)T
- 07. Environmental Audit Plan or Protocol. A document outlining an owner's or operator's intent to perform a systematic, scheduled, and objective environmental audit. An environmental audit plan or protocol may include or be a part of a corporate environmental policy or memoranda or other documents describing portions or all of the audit and shall include: (11-22-95)T
 - a. The specific facilities, processes, and equipment audited; (11-22-95)T
 - b. The inclusive dates and times of the audit; (11-22-95)T
 - c. The audit procedures and protocols; (11-22-95)T

- d. The purpose of the audit; and (11-22-95)T
- e. Any circumstances identified which may constitute a violation of environmental law. (11-22-95)T

08. Environmental Audit Report. A set of documents, each labeled "Environmental Audit Report" (or a substantially equivalent label) and prepared as a result of an environmental audit. The environmental audit report may include a compliance plan, field notes, records of observations, findings, opinions, suggestions, implementation plans, conclusions, drafts, memoranda, drawings, photographs, computer-generated or electronically recorded information, maps, data, charts, graphs, and surveys, provided such supporting information is collected or developed for the primary purpose and in the course of an environmental audit. An environmental audit report may include memoranda and documents analyzing portions or all of the environmental audit report. (11-22-95)T

09. Environmental Law. Any federal, state, or local law, regulation, rule, ordinance, or permit terms and conditions designed to protect or enhance the quality of land, water, or air for the protection of human health, wildlife, other biota, or the environment. (11-22-95)T

10. In Camera Review. A hearing or review in a courtroom, hearing room, or chambers to which the general public is not admitted. After such hearing or review, the content of the oral or other evidence, and statements of judge, hearing officer and counsel, shall be held in confidence by those participating in or present at the hearing or review, and any transcript of the hearing or review shall be sealed and not considered a public record until or unless its contents are disclosed by a court having jurisdiction over the matter. (11-22-95)T

11. Owner or Operator. A person subject to an environmental law. (11-22-95)T

12. Person. Any individual, firm, association, partnership, joint stock company, trust, estate, ~~political subdivision local governmental entity~~, public or private corporation, ~~state or federal governmental department, agency or instrumentality~~, or any other legal entity which is recognized by the law as the subject of rights and duties, but does not include any state or federal governmental entity or its contractors and/or subcontractors in the performance, operation or management of governmental activities, programs, functions, facilities or sites. ~~(11-22-95)T~~ (11-20-96)T

005. FINDINGS.

These rules are promulgated pursuant to Section 67-5226, Idaho Code, in compliance with the deadlines in amendments in the governing law, Title 9, Chapter 8, Idaho Code. ~~(11-22-95)T~~ (11-20-96)T

(BREAK IN CONTINUITY OF SECTIONS)

010. PROHIBITION AGAINST COMPELLED DISCLOSURE.

Notwithstanding any other provision of law to the contrary, no ~~S~~state of Idaho public official, employee or environmental agency shall require to be disclosed an environmental audit report ~~or any part thereof~~, prepared by or on behalf of any person, except from ~~the State of Idaho or any political subdivision~~ any governmental entity. ~~(11-22-95)T~~ (11-20-96)T

IDAPA 02 - IDAHO DEPARTMENT OF AGRICULTURE
02.06.16 - RULES CONCERNING RHIZOMANIA DISEASE OF SUGAR BEETS, BETA VULGARIS
DOCKET NO. 02-0616-9701

NOTICE OF TEMPORARY AND PROPOSED RULES

EFFECTIVE DATE: These rules are effective November 20, 1996.

AUTHORITY: In compliance with sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary and proposed rule-making. The action is authorized pursuant to Title 22, Chapters 19 and 20, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rule-making will be held as follows: Public hearing(s) concerning this rule-making will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than January 15, 1997. The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance of the temporary and proposed rule: These rules are being repealed in their entirety.

The following is the required finding and a concise statement of the supporting reasons for temporary rule-making: The rhizomania disease of sugarbeets is now known to exist in most of the counties producing sugarbeets. The Idaho Rhizomania Committee and the Idaho Seed Council unanimously approved a motion to repeal IDAPA 02.06.16.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rules, contact Dr. Roger Vega or Michael E. Cooper at (208) 332-8620.

Anyone may submit written comments regarding the proposed amendments. All written comments and data concerning the rules must be directed to the undersigned and must be postmarked or delivered on or before January 22, 1997.

Dated this 20th day of November, 1996.

Michael Everett, Deputy Director
Idaho Department of Agriculture
P.O. Box 790
Boise, Idaho 83701-0790
(208) 332-8500/FAX (208) 334-4623

THIS RULE IS REPEALED IN ITS ENTIRETY.

IDAPA 02 - DEPARTMENT OF AGRICULTURE
02.06.18 - RULES GOVERNING MINT ROOTSTOCK AND CLONE PRODUCTION
DOCKET NO. 02-0618-9701

NOTICE OF TEMPORARY AND PROPOSED RULES

EFFECTIVE DATE: These rules are effective December 1, 1996.

AUTHORITY: In compliance with sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary and proposed rule-making. The action is authorized pursuant to sections 22-702, 22-1905, and 22-2001, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rule-making will be held as follows: Public hearing(s) concerning this rule-making will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than January 15, 1997. The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance of the temporary and proposed rule: The proposed rule will redefine "infested area" as "commercial production area," reclassify regulated pests, establish tolerances and remedies when regulated pests are detected, remove the mandatory field inspections for mint rootstock in the "infested area" of Idaho, and define "field." The proposed rule will require the Department to mark sampling sites in each field, notify the growers of confirmed pest and disease infestations, and provide the Idaho Mint Commission with copies of transfer permits issued to mint growers. The proposed rule will eliminate the fall and winter digging inspections. The proposed rule will also set production standards for greenhouse production of mint clones.

The following is the required finding and a concise statement of the supporting reasons for temporary rule-making: The adoption of this temporary rule will confer benefits to the mint industry. The Mint Growers Association and the Idaho Mint Commission requested the proposed changes to the rules.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENT: For assistance on technical questions concerning the proposed amendments, contact Dr. Roger Vega or Michael E. Cooper at (208) 332-8620.

Anyone may submit written comments regarding the proposed amendments. All written comments and data concerning the rules must be directed to the undersigned and must be postmarked or delivered on or before January 22, 1997.

Dated this 20th day of November, 1996.

Michael Everett, Deputy Director
Idaho Department of Agriculture
P.O. Box 790
Boise, Idaho 83701-0790
(208) 332-8500/FAX (208) 334-4623

TEXT OF DOCKET NO. 02-0618-9701

02.06.18 - MINT CONTROL RULES

001. TITLE AND SCOPE.

The title of this chapter is Rules Governing Mint Control Rules Rootstock and Clone Production. This chapter has the following scope: These rules shall govern procedures for planting or sale of mint rootstock and clones. The official citation of this chapter is IDAPA 02.06.18.000 et.seq. For example, this section's citation is IDAPA 02.06.18.001.

~~(9-1-94)~~(12-1-96)T

(BREAK IN CONTINUITY OF SECTIONS)

003. ADMINISTRATIVE APPEAL.

Hearing and appeal rights are set forth in Title 67, Chapter 52, Idaho Code. There is no provision for administrative appeals before the Department of Agriculture under this chapter.

~~(9-1-94)~~(12-1-96)T

004. DEFINITIONS.

01. Certified Defined Generation. Certified defined generation of mint rootstock means its origin is in the restricted area and its history may be directly traced, not to exceed five (5) generations, to its source as healthy clones. (7-1-93)

02. Healthy Clones (HC). Those plants ~~originating from cuttings obtained from the Mint Industry Research Council collection, and having continuously been~~ having been cleansed, tested and maintained in an approved greenhouse and under the supervision of the state of origin's department of agriculture agricultural regulatory authority, and having been grown in accordance with requirements set forth by the Mint Industry Research Council, which requirements are hereby incorporated by reference. Copies of the requirements are on file with the State Law Library, located at 451 W. State Street, Boise, Idaho 83702, the Office of Rules Coordinator, Division of Statewide Administrative Rules, State Auditor's Office, located at 700 W. State Street, 5th Floor, Boise, Idaho 83720 and the Idaho Department of Agriculture, 2270 Old Penitentiary Road, Boise, Idaho 83712. The origin of all clones shall be listed on all clone transfer permits. ~~(9-1-94)~~(12-1-96)T

03. Nuclear Planting Stock (NPS). Those rootstocks originating from healthy clones. (9-1-94)

04. Certified Defined Generation 1 (CDG-1). Those rootstocks one (1) generation removed from nuclear planting stock, and fulfilling the requirements as herein provided. (9-1-94)

05. Certified Defined Generation 2 (CDG-2). Those rootstocks one (1) generation removed from CDG-1 planting stock and fulfilling the requirements as herein provided. (9-1-94)

06. Certified Defined Generation 3 (CDG-3). Those rootstocks one (1) generation removed from CDG-2 planting stock and fulfilling the requirements as herein provided. (9-1-94)

07. Certified Defined Generation 4 (CDG-4). Those rootstocks one (1) generation removed from CDG-3 planting stock and fulfilling the requirements as herein provided. (9-1-94)

08. In-State Defined Generation. In-state defined generation of mint rootstock means ~~its origin is in the infested~~ the roots have been grown in the commercial production area and its ~~their~~ their history may be directly traced, not to exceed five (5) generations, to ~~its~~ their source as healthy clones. ~~(7-1-93)~~(12-1-96)T

09. In-State Defined Generation 1 (SDG-1). Those rootstocks one (1) generation removed from nuclear planting stock, and fulfilling the requirements as herein provided. (9-1-94)

10. In-State Defined Generation 2 (SDG-2). Those rootstocks one (1) generation removed from SDG-1 or CDG-1 planting stock and fulfilling the requirements as herein provided. (9-1-94)

11. In-State Defined Generation 3 (SDG-3). Those rootstocks one (1) generation removed from SDG-2

or CDG-2 planting stock and fulfilling the requirements as herein provided. (9-1-94)

12. In-State Defined Generation 4 (SDG-4). Those rootstocks one (1) generation removed from SDG-3 or CDG-3 planting stock and fulfilling the requirements as herein provided. (9-1-94)

13. Field. A parcel of land submitted to the department for inspection of the mint being grown thereon, and physically separated by a minimum of five (5) feet of bare ground, or irrigation ditch, or road, or other physically discernible barrier separating it from an adjacent parcel of land planted with mint. (12-1-96)T

005. FINDINGS.

The adoption of this temporary rule will confer benefits to the mint industry. The Mint Growers Association and the Idaho Mint Commission requested the proposed changes to the rules. (12-1-96)T

0056. -- 009. (RESERVED).

010. REGULATED PESTS.

01. Diseases. (3-3-93)

a. Restricted area as defined in Subsection 100.02. Verticillium wilt (*Verticillium albo-atrum* Reinke and Berth and *V. dahliae* Kleb) a persistent soil-borne fungal disease of mint and any virulently pathogenic, persistent disease found or known to be detrimental to the production of mint rootstock. (9-1-94)(12-1-96)T

b. Infested Commercial production area as defined in Section 100.01. Verticillium wilt (*Verticillium albo-atrum* Reinke and Berth and *V. dahliae* Kleb) a persistent soil-borne fungal disease of mint and any virulently pathogenic, persistent disease found or known to be detrimental to the production of mint rootstock. (9-1-94)(12-1-96)T

02. Insects. (3-3-93)

a. Restricted area as defined in Subsection 100.02. Mint root borer (*Fumibotys fumalis*) and mint stem borer (*Pseudobaris nigrina*), insect pests of mint rootstocks and any persistent insect pest found or known to be detrimental to the production of mint rootstocks. (9-1-94)(12-1-96)T

b. Infested Commercial production area as defined in Subsection 100.01. Mint stem borer (*Pseudobaris nigrina*), insect pest of mint rootstocks and any persistent insect pest found or known to be detrimental to the production of mint rootstocks and without effective control options. (9-1-94)(12-1-96)T

03. Noxious Weeds. (3-3-93)(12-1-96)T

a. Restricted area as defined in Subsection 100.02. Those weeds declared noxious by authority of Title 22, Chapter 24, Idaho Code (Noxious Weed Law) and Rules. (9-1-94)

i. Growers shall be notified by the Department of existing noxious weed problems. If noxious weed problems are not taken care of by the second inspection, the field will be rejected for certification by the Department. (12-1-96)T

b. Infested Commercial production area as defined in Subsection 100.01. Those weeds declared noxious by authority of Title 22, Chapter 24, Idaho Code (Noxious Weed Law) and Rules. (9-1-94)(12-1-96)T

i. Growers shall be notified by the Department of existing noxious weed problems. If noxious weed problems are not taken care of by the second inspection, the field will be rejected for certification by the Department. (12-1-96)T

(BREAK IN CONTINUITY OF SECTIONS)

100. CONTROL AREAS.

To facilitate inspection and control, the land mass of the state of Idaho is divided into two (2) areas, currently defined as:
(1-21-92)

01. ~~Infested~~ Commercial Production Area. Ada, Canyon, Elmore, Gem, Gooding, Payette, Owyhee, ~~Twin Falls~~ and Washington Counties. ~~(1-21-92)~~(12-1-96)T

02. Restricted Area. That land mass of the state of Idaho not included in the ~~infested commercial~~ production area. ~~(1-21-92)~~(12-1-96)T

a. Certified defined generation mint shall not be grown when the specific location is within five (5) miles of uncertified mint unless there are adequate physical and cultural barriers. (12-1-96)T

(BREAK IN CONTINUITY OF SECTIONS)

150. REQUIREMENTS FOR MINT ROOTSTOCK TO BE PLANTED IN IDAHO.

01. Restricted Area As Defined In Subsection 100.02. (9-1-94)

a. Healthy clones shall be accompanied by a phytosanitary certificate issued by a regulatory agency of the state of origin with zero tolerance for regulated disease(s), insect(s) and noxious weed(s); or ~~(9-1-94)~~(12-1-96)T

b. Certified rootstock from the restricted area shall be accompanied by a certified defined generation transfer permit with the parent rootstock number and with zero tolerance for ~~regulated disease(s); stem borer, or~~ insect(s) without effective control options (i.e. stem borer), regulated disease(s) and noxious weed(s). ~~(9-1-94)~~(12-1-96)T

02. ~~Infested Commercial Production~~ Area. As Defined In Subsection 100.01, has no restrictions except for those wishing to participate in the inspection program. Those wishing to participate shall adhere to the following rules: ~~(9-1-94)~~(12-1-96)T

a. Healthy clones shall be accompanied by a phytosanitary certificate, issued by a regulatory agent of the state of origin with zero tolerance for regulated disease(s), insect(s) and noxious weeds; or ~~(9-1-94)~~(12-1-96)T

b. Certified rootstock from the restricted area shall be accompanied by a certified defined generation transfer permit with the parent rootstock number, level of mint root borer infestation with and zero tolerance for regulated disease(s) stem borer, or, insect(s) without effective control options (i.e., stem borer) regulated disease(s) and weed(s); or ~~(9-1-94)~~(12-1-96)T

c. ~~Certified In-state defined generation~~ rootstock from the ~~infested commercial production~~ area shall be accompanied by ~~an in-state defined generation~~ a transfer permit with the parent rootstock number, level of mint root borer infestation and zero tolerance for stem borer, regulated disease(s), insect(s) and weed(s). ~~(9-1-94)~~(12-1-96)T

(BREAK IN CONTINUITY OF SECTIONS)

200. INSPECTION PROCEDURES.

01. Inspection Requests. ~~All mint growers producing mint rootstocks for sale are required to request~~

~~Idaho Department of Agriculture inspection of their mint fields.~~ All requests for inspection shall be made prior to May 1 of each year on forms provided by the Department. ~~(3-9-93)~~(12-1-96)T

a. Incomplete applications for inspection will not be accepted. (3-9-93)

b. No application for field inspection will be accepted after June 1 of each year except in the case of healthy clones. ~~(3-9-93)~~(12-1-96)T

02. First Field Inspection. Mint fields submitted for inspection shall be inspected during active growth in early June ~~for spearmint and early to mid July for peppermint~~ through mid-July by the Idaho Department of Agriculture inspector. The inspection protocol is as follows: ~~(3-9-93)~~(12-1-96)T

a. Inspectors shall walk the entire field at thirty (30) row intervals. Inspector shall walk fields with less than thirty (30) rows at fifteen (15) row intervals. (3-9-93)

b. The inspector shall wear rubber boots which are sanitized between each field. A ten percent (10%) solution of sodium hypochlorite shall be used to sanitize boots. (3-9-93)

c. The site of any sample taken for a Verticillium wilt determination shall be marked. (12-1-96)T

03. Second Field Inspection. Mint fields submitted for inspection shall be sampled in early to mid September for the presence of the mint root borer. The sampling protocol is as follows: ~~(3-9-93)~~(12-1-96)T

a. ~~Number of sample sites and sample areas:~~ ~~(3-9-93)~~

Field Size (Acres)	Total Samples
0 < 1	3
1 < 2	6
2 < 3	9
3 < 5	12
5 < 10	15
10 < 20	18
> 20 < 30	21
> 30 < 40	24
40 or more	27

a. Three (3) samples per five (5) acres will be collected. (12-1-96)T

b. Sampling sites shall include areas of plant stress. (3-9-93)

c. In each sampling site one (1) square foot samples of mint roots and two (2) to three (3) inches of soil shall be selected. (3-9-93)

d. The mint roots and the soil in each sample shall be examined for evidence of regulated pests. (3-9-93)

e. The site of any sample taken will be appropriately marked. (12-1-96)T

f. Fields found with Verticillium wilt during the second inspection will result in the entire field being disapproved by the Department and permanently ineligible for certification purposes, by the Department. (12-1-96)T

g. Fields with stem borer or other insects without control options (i.e., stem borer), will be disapproved by the Department for certification but, if proven clean at a later date, could again be considered for certification. (12-1-96)T

~~04. Inspection At Digging. Mint rootstocks shall be examined at digging time for the presence of regulated pests. A single truckload shall be examined for each field turned in for certification. The Idaho Department of Agriculture shall, after consultation with the grower, determine the area of the field from which the truckload to be inspected is dug. The Idaho Department of Agriculture inspector shall examine twenty (20) randomly picked samples from the predetermined truckload. A sample shall consist of a handful of dug roots. The mint roots and the soil in each sample shall be examined for evidence of regulated pests. (9-1-94)~~

~~054. Notification of Infestation. The Idaho Department of Agriculture shall notify the grower immediately upon the positive identification completion of any test results of for regulated pest(s). (9-1-94)(12-1-96)T~~

~~065. Issuance of Certified Defined Generation and In-State Defined Generation Transfer Permits. (9-1-94)~~

a. Restricted area as defined in Subsection 100.02 - A certified defined generation transfer permit with the parent rootstock number will be issued for rootstock that meets the following requirements: (9-1-94)

i. Roots shall be grown in restricted areas. (12-1-96)T

ii. Field submitted and inspected per Subsection 20+0.01 through 04. (9-1-94)(12-1-96)T

iii. Zero tolerance for regulated disease(s), insect(s) without effective control options (i.e., stem borer), and noxious weed(s). (9-1-94)(12-1-96)T

iv. Levels of mint root borer infestation will be listed in the transfer permit. (12-1-96)T

b. ~~Infested Commercial production~~ Commercial production area as defined in Subsection 100.01 - An in-state defined generation transfer permit with the parent rootstock number and level of mint root borer infestation issued for rootstock that meets the following requirements: (9-1-94)(12-1-96)T

i. Field submitted and inspected per Subsection 20+0.01 through 04. (9-1-94)(12-1-96)T

ii. Zero tolerance for regulated disease(s), insect(s) without effective control options (i.e., stem borer), and noxious weed(s). (9-1-94)(12-1-96)T

iii. Levels of mint root borer infestation will be listed in the transfer permit. (12-1-96)T

~~076. Exemptions - Issuance of In-State Transfer Numbers. (9-1-94)~~

a. Restricted area as defined in Subsection 100.02 - Rootstock found to be infested with ~~regulated~~ noxious weed(s), shall not be eligible for a certified defined generation transfer permit for the current year. The Department of Agriculture will issue an in-state transfer number to allow the grower to plant rootstock within their farm for the purpose of controlling the infestation. The field must be submitted for inspection per Section 20+0.01 through 04. If the rootstock is found to be free of the ~~regulated~~ noxious weed(s), the rootstock will be eligible for a certified defined generation transfer permit with parent rootstock number. The eligible rootstock will be assigned a certified defined generation transfer permit with parent rootstock number corresponding to the next generation had it not been denied certification the previous year. Rootstock denied certification two consecutive years shall not be eligible for future certification. (9-1-94)(12-1-96)T

b. ~~Infested~~ Commercial production area as defined in Subsection 100.01 - Rootstock found to be infested with a ~~regulated noxious~~ weed(s) or insect(s) shall not be eligible for an in-state defined generation transfer permit for the current year. The Department of Agriculture will issue an in-state transfer number to allow the grower to plant the rootstock within their farm for the purpose of controlling the infestation. The field must be submitted for inspection per Subsection 2040.01 through .04. If the rootstock is found to be free from the ~~regulated noxious~~ weed(s) ~~or insect(s)~~; the rootstock will be eligible for an in-state defined generation transfer permit with parent rootstock number. The eligible rootstock will be assigned an in-state defined generation transfer permit corresponding to the next generation had it not been denied certification the previous year. Rootstock denied certification two consecutive years shall not be eligible for future certification. ~~(9-1-94)~~(12-1-96)T

087. Laboratory Tests. In the event visual examination reveals evidence of a regulated pest, laboratory tests, if necessary to determine the causal organism, will be conducted by the Idaho Department of Agriculture laboratory on official samples in addition to the field inspection. In the case of a disagreement between the state Department of Agriculture and the interested party concerning the identity of the regulated pest in question, the state Department of Agriculture will submit an official sample to any lab of the University of Idaho, ~~Southwest Idaho Research and Extension Center, 29063 University of Idaho Lane, Parma, ID 83660~~, for a final determination. ~~(3-9-93)~~(12-1-96)T

098. Transfer Permits and Resale. It shall be the responsibility of each grower producing mint rootstock originating within the state to obtain transfer permits from the Department prior to moving planting stocks for resale. (3-9-93)

a. Each time a transfer permit is issued, the Idaho Department of Agriculture will send a copy and/or notification to the office of the Idaho Mint Commission. (12-1-96)T

~~201. (RESERVED)~~

2021. MOVEMENT OF FARM EQUIPMENT.

Farm equipment, including but not limited to tillage equipment, planters and digging equipment moving from the infested area into the restricted area shall be clean and free of soil to the satisfaction of the Director or his designated agent. (9-1-94)

~~2032. -- 2409. (RESERVED).~~

210. GREENHOUSES.

Greenhouses shall be screened and tightly constructed to preclude the entry of any regulated insect or noxious weeds as defined in Subsections 010.02 and 010.03 above. Planting media shall be sterilized prior to planting, and shall not be re-used for planting of any mint destined to be entered in the mint certification process as outlined in this rule. Greenhouses shall be disinfected annually with a ten percent (10%) sodium hypochlorite solution. Greenhouses shall be licensed as such under Chapter 23, Title 22, Idaho Code, Idaho Nursery Law. (12-1-96)T

~~211. -- 249. (RESERVED).~~

(BREAK IN CONTINUITY OF SECTIONS)

300. AUTHORITY TO ENTER, INSPECT, AND CONTROL REQUIREMENTS.

01. Agent Authorization. The Idaho Director of Agriculture or his designated agents are authorized to enter and inspect any and all mint plantings ~~within the state of Idaho in the restricted area and any and all mint plantings that have been submitted for inspection.~~ ~~(7-1-93)~~(12-1-96)T

02. Submission For Inspection. Additionally, all mint planted in the restricted area shall be submitted to the Idaho Department of Agriculture for annual inspection. ~~(7-1-93)~~(12-1-96)T

(BREAK IN CONTINUITY OF SECTIONS)

350. PENALTIES AND ENFORCEMENT POWERS.

01. Agent Enforcement Power. All designated agents of the Idaho Department of Agriculture are empowered to carry out the provisions of these rules. (7-1-93)

02. Penalties. Any person violating the provisions of these rules may be subject to the penalty provisions of Title 22, Chapters 7, 19, and 20, Idaho Code. (7-1-93)

03. Destruction of Rootstock. Restricted area as defined in Subsection 100.02 - Any field of mint rootstock determined to be infected with the regulated disease(s) or infested with ~~regulated insect(s)~~ insects without control options (i.e., stem borer) shall be destroyed to eliminate the disease(s) and insects by or at the expense of the grower or landlord. Except if the county, or any portion thereof, as determined by the Department, in which a field of mint rootstock determined to be infected with the regulated disease(s) or infested with insects without control options (i.e., stem borer) is to be made part of the commercial production area, then destruction of the field shall not be required. The method of destruction shall include but not be limited to uprooting to expose and desiccate the rootstocks. All destruction shall have been completed by November 1st of each year. (~~9-1-94~~)(12-1-96)T

IDAPA 04 - OFFICE OF THE ATTORNEY GENERAL
04.11.01 - IDAHO RULES OF ADMINISTRATIVE PROCEDURE
DOCKET NO. 04-1101-9601
NOTICE OF PENDING RULES

ACTION/EFFECTIVE DATE: The rules adopted as temporary rules and noticed as proposed rules in this docket have now been adopted by the Office of the Attorney General and are pending review by the 1997 Idaho Legislature before they may become final. The pending rules will become final and effective on July 1, 1997, unless the pending rules are approved, rejected, amended, or modified by concurrent resolution in accordance with section 67-5224 or 67-5291, Idaho Code, in a manner to provide a different effective date or different text to the rules. The Idaho Legislature may reject, amend or modify the pending rule or its effective date by concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Attorney General has adopted pending rules. The pending rules are hereby adopted under the authority of section 57-2206, Idaho Code, and in particular subsections (2), (3), and (4) of that section.

REVIEW OF COMMENTS/PUBLIC HEARING: The Office of the Attorney General did not receive any comments in response to the proposed rules. No public hearings were held in response to the proposed rules.

DESCRIPTIVE SUMMARY: The pending rules are adopted as proposed. The original text of the proposed rules was published in the November 6, 1996, Idaho Administrative Bulletin, Volume No. 96-11, pages 2 through 9. There are no changes to that text.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rules, contact Michael S. Gilmore, Deputy Attorney General, at (208) 334-4130.

DATED this 5th day of December, 1996.

Michael S. Gilmore, Deputy Attorney General
Office of the Attorney General
Statehouse
P.O. Box 83720
Boise, Idaho 83720-0010
(208)334-2400 / FAX (208) 334-2830

IDAPA 04
Title 11
Chapter 01

IDAHO RULES OF ADMINISTRATIVE PROCEDURE

There are no substantive changes from the proposed rule text.

**The original text was published in the Idaho
Administrative Bulletin, Volume 96-11, November 6, 1996
Pages 2 through 9.**

**This rule has been adopted as Final by the Agency
and is now pending review by the
1997 Idaho State Legislature for final adoption.**

IDAPA 04 - OFFICE OF THE ATTORNEY GENERAL
04.11.01 - IDAHO RULES OF ADMINISTRATIVE PROCEDURE
DOCKET NO. 04-1101-9602
NOTICE OF PENDING RULES

ACTION/EFFECTIVE DATE: The rules noticed as proposed rules in this docket have now been adopted by the Office of the Attorney General and are pending review by the 1997 Idaho Legislature before they may become final. The pending rules will become final and effective on July 1, 1997, unless the pending rules are approved, rejected, amended, or modified by concurrent resolution in accordance with section 67-5224 or 67-5291, Idaho Code, in a manner to provide a different effective date or different text to the rules. The Idaho Legislature may reject, amend or modify the pending rule or its effective date by concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Attorney General has adopted pending rules. The pending rules are hereby adopted under the authority of section 57-2206, Idaho Code, and in particular subsections (2), (3), and (4) of that section.

REVIEW OF COMMENTS/PUBLIC HEARING: The Office of the Attorney General did not receive any comments in response to the proposed rules. No public hearings were held in response to the proposed rules.

DESCRIPTIVE SUMMARY: The pending rules are adopted as proposed. The original text of the proposed rules was published in the November 6, 1996, Idaho Administrative Bulletin, Volume No. 96-11, pages 11 through 13. There are no changes to that text.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rules, contact Michael S. Gilmore, Deputy Attorney General, at (208) 334-4130.

DATED this 5th day of December, 1996.

Michael S. Gilmore, Deputy Attorney General
Office of the Attorney General
Statehouse
P.O. Box 83720
Boise, Idaho 83720-0010
(208)334-2400 / FAX (208) 334-2830

IDAPA 04
Title 11
Chapter 01

IDAHO RULES OF ADMINISTRATIVE PROCEDURE

There are no substantive changes from the proposed rule text.

**The original text was published in the Idaho
Administrative Bulletin, Volume 96-11, November 6, 1996
Pages 11 through 13.**

**This rule has been adopted as Final by the Agency
and is now pending review by the
1997 Idaho State Legislature for final adoption.**

IDAPA 05 - DEPARTMENT OF JUVENILE CORRECTIONS
05.01.01 - RULES GOVERNING DEPARTMENT OF JUVENILE CORRECTIONS

DOCKET NO. 05-0101-9601

NOTICE OF PENDING RULE

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 1997 Idaho State Legislature for final adoption. The pending rule becomes final and effective July 1, 1997, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 20-504(9), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rules and the text of the pending rule with an explanation of the reasons for the change.

The pending rules are being adopted as proposed. The original text of the proposed rules was published in the September 4, 1996 Idaho Administrative Bulletin, Volume 96-9, pages 41 through 65.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Margaret P. White, Deputy Attorney General, 334-5100.

DATED this November 22, 1996.

Margaret P. White
Deputy Attorney General
Idaho Department of Juvenile Corrections
400 North 10th Street, 2nd Floor
PO Box 83720
Boise ID 93720-0285
334-510 / 334-5120

IDAPA 05
Title 01
Chapter 01

RULES GOVERNING DEPARTMENT OF JUVENILE CORRECTIONS

There are no substantive changes from the proposed rule text.

**The original text was published in the Idaho
Administrative Bulletin, Volume 96-9, September 4, 1996
Pages 41 through 65.**

**This rule has been adopted as Final by the Agency and is now pending review by the
1997 Idaho State Legislature for final adoption.**

IDAPA 08 - STATE BOARD OF EDUCATION
08.02.01 - RULES GOVERNING SCHOOL ORGANIZATION AND OPERATION
DOCKET NO. 08-0201-9601
NOTICE OF PENDING RULE

EFFECTIVE DATE: These rules have been repealed. The repeal becomes final and effective on April 1, 1997, unless the repeal is rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending repeal of the rule is amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule, which is the repeal of this section of the rules. The action is authorized pursuant to Section 33-105, Idaho Code, and 1994 Idaho Session Laws, Chapter 448, section 1, as amended by 1996 Idaho Session Laws, Chapter 8, section 1.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The repeal of this chapter was directed by the Idaho Legislature in 1994 Idaho Session Laws, Chapter 448, section 1, as amended by 1996 Idaho Session Laws, Chapter 8, section 1.

The pending rules are being adopted as proposed. The original text of the proposed rules was published in the August 7, 1996 Idaho Administrative Bulletin, Volume 96-8, page 46.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Dr. Darrell Loosle at the address and telephone number shown below.

DATED this 25th day of November, 1996.

Dr. Darrell K. Loosle
Chief Deputy Superintendent
State Department of Education
650 West State Street
P.O. Box 83720
Boise, Idaho 83720-0027
Phone: (208) 332-6800
FAX: (208) 334-2228

IDAPA 08
Title 02
Chapter 01

RULES GOVERNING SCHOOL ORGANIZATION AND OPERATION

There are no substantive changes from the proposed rule text.

The original text was published in the Idaho Administrative Bulletin, Volume 96-8, August 7, 1996, Page 46.

This rule has been adopted as Final by the Agency and is now pending review by the 1997 Idaho State Legislature for final adoption.

IDAPA 08 - BOARD OF EDUCATION
08.02.01 - RULES GOVERNING ADMINISTRATION
DOCKET NO. 08-0201-9602
NOTICE OF PENDING RULE

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 1997 Idaho State Legislature for final adoption. The pending rule becomes final and effective April 1, 1997, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that his agency has adopted a pending rule. The action is authorized pursuant to Section 33-105, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

Under the Constitution and laws of the state of Idaho, The State Board of Education exercises general supervision and control over Idaho's public elementary and secondary schools. The State Board Rules for the Public Schools of Idaho regulate the administration, uniformity, and thoroughness of all K - 12 public education in Idaho. These rules are authorized by, and consistent with, the Idaho Constitution and Idaho Code.

Pursuant to Section 33-105(3), the proposed rule was not published in the bulletin. The proposed rules have been amended in response to public comment and to make typographical, transcriptional and clerical corrections to the rules, and are being amended pursuant to Section 67-5227, Idaho Code.

The original Notice of Proposed Rules was published in the Idaho Administrative Bulletin, Volume 96-8, pages 47 and 48.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Dr. Darrell Loosle at the address and phone number below.

DATED this 25th day of November, 1996.

Dr. Darrell K. Loosle
Chief Deputy Superintendent
State Department of Education
650 West State Street
P.O. Box 83720
Boise, Idaho 83720-0027
Phone: (208) 332-6800
FAX: (208) 334-2228

TEXT OF DOCKET NO. 08-0201-9602

IDAPA 08
TITLE 02
Chapter 01

RULES GOVERNING ADMINISTRATION

001. WAIVERS.

The State Board of Education may grant a waiver of any rule not required by state or federal law to any school district upon written request. The Board will not grant waivers of any rule required by state or federal law. State and federal law includes case law (including consent decrees), statutes, constitutions, and federal regulations. ()

002. -- 049. (RESERVED).

050. ALTERING SCHOOL DISTRICT BOUNDARIES.

A written application from the person or persons requesting alteration of school district boundaries, including the reasons for making the request, will be submitted to the State Board of Education (Section 33-307, Idaho Code). The application will include: ()

01. Written Statement of Support. A written statement supporting or opposing the proposed alteration will be prepared by each board of trustees within thirty (30) days following receipt of the written application prepared by the person or persons requesting the alteration. ()

02. Alteration of Boundaries. The person or persons requesting alteration of school boundaries will make every reasonable effort to obtain a written statement supporting or opposing the proposed alteration from each property owner in the area to be transferred. ()

03. List of Attendees. The applicant will submit a list of the names of each child presently attending school from the area or of pre-school age. The list will include age, grade, the school the child is now attending and district in which that school is located. ()

04. Map of Area. A map of the area indicating the existing boundary and showing the proposed new boundary will be submitted. This map must be in no smaller scale than one-half (1/2) inch to the mile. ()

05. Legal Description. A legal description of the area to be transferred will be submitted. ()

06. Market Value. The market value, for tax purposes, of the area proposed to be transferred will be provided. ()

07. Additional Information. The applicant may submit any additional information which is deemed to be appropriate in assisting the State Board of Education to make the decision. ()

051. -- 099. (RESERVED).

100. FEDERALLY FUNDED PROGRAMS.

The State Board of Education designates the State Department of Education to implement specific federally funded programs that may include participating elementary and secondary schools. The State Department will develop and disseminate guidelines, provide technical assistance, monitor programs and aid in complying with federal requirements. (Section 33-110, Idaho Code) ()

101. -- 149. (RESERVED).

150. DEVIATION FROM STANDARD EMPLOYMENT CONTRACT FORM.

The State Superintendent of Public Instruction has approved a standard employment contract form. Any deviation from this contract form must be approved by the State Superintendent of Public Instruction and reviewed for reapproval once every three (3) years. (Section 33-513, Idaho Code) ()

151. -- 199. (RESERVED).

200. EMERGENCY CLOSURE - TEACHER STRIKE OR WITHHOLDING OF SERVICE.

The State Board of Education does not recognize a teacher strike or the withholding of service as sufficient cause to declare an emergency closure. The primary concern of the State Board of Education is for the instructional program

available to students. (Section 33-1003(A), Idaho Code) ()

201. -- 249. (RESERVED).

250. PUPIL ACCOUNTING AND REQUIRED INSTRUCTIONAL TIME.
(Section 33-512, Idaho Code)

01. Required Instructional Time. Excluding transportation to and from school, lunch periods, passing times, and recess, schools must schedule at least the following instructional times: kindergarten, four hundred fifty (450) hours per year; grades one through three (1-3), eight hundred ten (810) hours per year; grades four through eight (4-8), nine hundred (900) hours per year; and grades nine through twelve (9-12), nine hundred ninety (990) hours per year. ()

02. Required Attendance. All pupils will complete four (4) years of satisfactory attendance in grades nine through twelve (9-12) to graduate from an accredited high school, except those who are approved for early graduation. ()

03. Day in Session When Counting Pupils in Attendance. ()

a. A school day for grades one through twelve (1-12) may be counted as a "day in session" when the school is open and students are under the guidance and direction of teachers in the teaching process for not less than four (4) hours of instruction per day. Lunch periods, breaks, passing time and recess will not be included in the four (4) hours. For kindergarten, each session will be at least two and one-half (2 1/2) hours per day. ()

b. Half-day Session. A half-day in session occurs when the students in grades one through twelve (1-12) are under the guidance and direction of teachers in the teaching process for a minimum of two and one-half (2 1/2) hours of instruction or the teachers are involved in staff development activities for not less than two and one-half (2 1/2) hours. ()

c. Teacher Inservice Activities. For grades one through twelve (1-12), not more than twenty-two (22) hours may be utilized for teacher inservice activities, based on the district approved calendar. In the event a school district chooses to utilize full days instead of half-days, the attendance reported for these full days will be the average of the attendance for the other days of that same week. ()

04. Day of Attendance - Kindergarten. A day of attendance for a kindergarten pupil is one in which a pupil is physically present for a period of two and one-half (2 1/2) hours under the direction and guidance of a teacher while school is in session or under homebound instruction. A homebound student is one who is unable to attend school for at least ten consecutive days due to illness, accident or an unusual disabling condition. Attendance will be reported in half- day increments. Attendance reports for any day in the school year will reflect only those students physically present. Particularly, enrollment figures are not to be used for the beginning nor closing weeks of school. (Section 33-1001(5), Idaho Code.) ()

05. Day of Attendance (ADA) - Grades One Through Twelve (1-12). A day of attendance is one in which a pupil is physically present for the full day under the guidance and direction of a teacher or other authorized school district personnel while school is in session or is a homebound student under the instruction of a teacher employed by the district in which the pupil resides, with the exception as stated in "day in session" above. A homebound student is one who is unable to attend school for at least ten consecutive days due to illness, accident or an unusual disabling condition. Attendance will be reported in full or half-days. Attendance reports for any day in the school year will reflect only those students physically present or under homebound instruction. (Section 33-1001(4), Idaho Code) ()

06. Average Daily Attendance. In a given school year, the average daily attendance for a given school is the aggregate days attendance divided by the number of days school was actually in session. (Section 33-1001(2), Idaho Code) ()

251. -- 299. (RESERVED).

300. FUNDS WITHHELD - LATE SUBMISSION OF RECORDS.

All professional staff records and noncertified employee records from each school district will be sent to the State Department of Education by October 15 of each year. If a district is delinquent with the forms, apportionment payment to that district will be withheld until such time as the district has met its obligation. (Section 33-1004D, Idaho Code) ()

301. -- 349. (RESERVED).

350. EARLY GRADUATION.

Any high school student who completes the number of credits and exiting standards required by both the state and the school district prior to completing eight (8) semesters of high school work may petition the local superintendent and board of trustees to graduate early. When calculating the aggregate average daily attendance for the educational support program, students graduating from high school prior to the end of the school year will have their ADA for the first semester (second trimester) counted as if they were in attendance during the second semester (third trimester) of the school year. ()

351. -- 399. (RESERVED).

400. SPECIAL EDUCATION FUNDING FOR DISTRICTS WITH APPROVED PROGRAMS.

01. Reimbursement for Exceptional Child Support Units. State reimbursement provided by exceptional child support units is based on the following formula: ()

a. Preschool students will generate funding based upon the weekly hours and minutes they are enrolled in special education. ()

b. From the fall elementary enrollment of kindergarten through grade six (K-6), subtract elementary residential facility students and multiply the result by .06. Add the elementary residential facility students to the product. (Section 33-1002(4), Idaho Code.) ()

c. From the fall regular secondary enrollment of grades seven through twelve (7-12), subtract secondary residential facility students and multiply the result by .055. Add the secondary residential facility students to the product. (Section 33-1002(4), Idaho Code.) ()

d. Add the juvenile detention facility students to the total. ()

e. Use the exceptional child divisor to determine the number of exceptional child units. Secondary programs with a smaller divisor may use the smaller divisor for their secondary computation. ()

f. Elementary and secondary exceptional child support units will be calculated using one hundred percent (100%) Average Daily Attendance (ADA); the ADA will be subtracted from their respective regular elementary and secondary administrative unit for computing the support unit. ()

02. Contracting for Educational and Related Services. (Section 33-2004, Idaho Code) ()

a. A school district which contracts for special education services with another agency may claim reimbursement up to a maximum amount of state funding, as annually determined by the State Department of Education, less the district's certified annual tuition rate. When any agency contracts for the education of exceptional children, all such children will be enrolled in the district of their residence and the agency will certify to the home school district the daily record of attendance of such student. ()

b. For special education contracts between local school districts, the district receiving service will pay the district providing service the amount of the providing district's local annual tuition rate as certified under the provision of Idaho Code. The school district providing service will include students served within such contract within the total number of special education students used to calculate exceptional education support units. Charges for additional costs may be negotiated between the districts. ()

c. The State Department of Education will determine if public and private schools and facilities meet state standards for an approved special education program. Any agency aggrieved by the Department of Education's final decision may appeal that decision to the State Board of Education. ()

401. -- 449. (RESERVED).

450. REIMBURSEMENT TO DISTRICTS FOR SUBSTITUTE TEACHER COSTS.

The Professional Standards Commission (PSC) is authorized to reimburse the employing district for a classroom teacher member of the PSC for the costs incurred in the employment of a substitute teacher for a member while the member is engaged in PSC business. Such reimbursement may be made for each instance in which a substitute is employed as a replacement for a member beyond six (6) days during a given school year. Reimbursement may be made upon request by the employing district submitted in a manner determined by the PSC. Reimbursement will be based upon the prevailing rate for substitutes in that district. (Section 33-1279, Idaho Code) ()

451. -- 499. (RESERVED).

500. SCHOOL DISTRICT BUILDING ACCOUNT (Non-lottery Money).

The board of trustees of any school district may apply to the State Board of Education to receive a payment or payments from the School District Building Account as authorized under Section 33-905(3a), Idaho Code. ()

01. Application for Payment. The application for payments from the School District Building Account will include: ()

a. A statement of need; ()

b. A statement of the condition and use of all of the district's existing facilities including the dates of construction and any significant remodeling or additions; ()

c. A history of the district's classroom student/teacher ratios, how these ratios have been affected by a lack of classroom space, and how these ratios would be improved by the project being requested. This statement should include building by building ratios as well as the overall district student/teacher ratio; ()

d. A statement of the district's existing tax levies for school plant facilities and bond interest redemption, along with how these levies relate to the district's levy capacity; ()

e. A statement of the district's market value for assessment purposes as such valuation existed on December 31 of the previous year, as well as other factors, if any, that affect the district's ability to finance school construction; ()

f. A statement of past efforts to levy for the project for which funding is being requested; ()

g. A description of any unique or special circumstances that should be considered in the evaluation of the application; ()

02. Application Deadline. The deadline for submitting applications will be January 30th of each year. ()

03. Eligibility. The State Board of Education will be responsible for determining which school districts receive payments from the School District Building Account. The State Board will: ()

a. Review all applications submitted by the established deadline, taking into consideration the criteria of need, wealth, and effort established in Section 33-905, Idaho Code; ()

b. Require resubmission of an application only when there have been substantial changes in the district which could alter the status of original determination; ()

c. Determine a priority of school districts eligible to receive monies from the School District Building

Account. Such priority will be based on a point system. Once established, the priority will be annually reviewed. Unless significant new information has been submitted which impacts the original determination, the priority will not be altered; ()

d. Determine a priority within forty-five (45) days of the application submission deadline; and ()

e. Award to each successful grantee twenty-five percent (25%) of the costs of the approved project. ()

04. Point System for Determining Priority. The point system for determining the priority of eligible districts is based on the following rating and weighted values: ()

a. Need: 0-10 points, 3.5 weighted value for each point awarded; ()

b. Effort: 0-10 points, 2.0 weighted value for each point awarded; ()

c. Ability: 0-10 points, 2.0 weighted value for each point awarded; ()

d. Past efforts (levies attempted but failed): 0-10 points, .5 weighted value for each point awarded; ()

e. Student/teacher ratio improvement: 0-10 points, 1.0 weighted value for each point awarded; and ()

f. Unique/special circumstances 0-10 points: 1.0 weighted value for each point awarded. ()

05. Documentation of Revenue Sources. The school district will, within twelve (12) months of receipt of the approved state portion, submit documentation to the State Board of Education of the approved revenue source or sources that will be used to raise the district's portion. Failure to meet this requirement will result in return of the state grant along with any interest accrued on these monies. ()

501. -- 549. (RESERVED).

550. OUT-OF-STATE TUITION.

01. Annual Agreement. An annual agreement for out-of-state tuition, signed by a local board of trustees and approved by the State Board of Education, may allow students who are residents of an Idaho school district that borders on an adjacent state to attend school in the adjacent state for educational services in kindergarten through grade twelve (K-12). (Section 33-1403, Idaho Code) ()

02. State Support Program Allowance. An Idaho school district will be eligible to receive from the state educational support program an amount equal to the cost of the out-of-state tuition contract less the amount of local district contribution times the percentage the average daily attendance (ADA) of tuition students is to the total ADA in the school district. (Section 33-1405, Idaho Code) ()

551. -- 599. (RESERVED).

600. REIMBURSEMENT TO DISTRICTS FOR A FEASIBILITY STUDY OF HIGH SCHOOL OR SCHOOL DISTRICT CONSOLIDATION.
(Section 33-310B, Idaho Code)

01. Application Procedure. Applications for reimbursement will be submitted to the State Superintendent of Public Instruction in narrative form with the following supporting documents: ()

a. A copy of the feasibility study; ()

b. A copy of the consolidation plan, when appropriate; ()

c. A summary of school board deliberations or joint sessions that were held by the participating school boards; ()

d. A summary of all public hearings held, if any; and ()

e. An itemized listing of reimbursable costs. ()

02. Reimbursable and Non-Reimbursable Costs. Allowable costs for a feasibility study may include contracts for technical services, and the costs of public hearings, telephone bills, supplies, materials, publications, and travel. The costs of the following items will not qualify for reimbursement: ()

a. A salary of any person regularly employed part-time or full-time by the school district; ()

b. Rental of district-owned facilities; ()

c. Costs incurred more than three years prior to the application. ()

03. Maximum Reimbursement Allowed. The total costs reimbursed will not exceed ten thousand dollars (\$10,000) for each feasibility study. A school district may receive reimbursement for more than one (1) feasibility study, but the aggregate total reimbursement for all studies will not exceed ten thousand dollars (\$10,000) during any consecutive three (3) year period. ()

04. Notification of Approval. Upon verifying applicant school district's fiscal encumbrance for a feasibility study, the State Department of Education will notify the district and include the reimbursement payment in the district's apportionment payment for the year in which the expenses were incurred. (Section 33-310B, Idaho Code) ()

601. -- 649. (RESERVED).

650. GENERAL EDUCATION DEVELOPMENT TESTS/IDAHO HIGH SCHOOL EQUIVALENCY CERTIFICATE.

The primary objective of the State Board of Education is to have all students complete their formal education and graduate from high school. However, students who drop out of school and believe it is in their best interest to take the (General Education Development) G.E.D. test may do so under the following conditions and, upon successful completion of all G.E.D. requirements, may apply for an Idaho High School Equivalency Certificate. ()

01. General Education Development Tests. General Education Development (GED) tests are given by approved testing centers. Fees are set by the testing centers. For successful completion, the test-taker must earn a standard score of at least forty (40) on each of the five (5) tests and must earn an average standard score of forty-five (45) on all five (5) tests. The testing centers will provide an American Government test for individuals who do not have credit in American Government and who plan to apply for an Idaho High School Equivalency Certificate. ()

02. Resident Eligibility Requirement. To be eligible to take the GED tests, the applicant must be a bona fide resident of the state of Idaho at the time of application. Residency is not gained or lost by reason of military service. ()

03. The applicant must satisfy one (1) of the following age criteria: ()

a. The applicant must be at least eighteen (18) years of age; ()

b. The applicant may be sixteen (16) or seventeen (17) years of age and be one (1) year or more behind in credits earned, expelled, recommended by the school, pregnant, or a parent. In such cases, the applicant is eligible if the applicant's school verifies in writing that the student meets one of the above criteria and this verification is on file at the testing center prior to any testing. The school may give its verification only after the applicant and his or her parent or guardian submit in writing a request for the applicant to take the GED tests and the applicant and the applicant's parent or guardian have met with school officials to review and discuss the request. (In cases where the

applicant is not living with a parent or guardian, the parent or guardian's verification is not necessary.); ()

c. The applicant may be sixteen (16) or seventeen (17) years of age and be entering college, the military, or an employment training program (such as the Job Training Partnership Act (JTPA) or other state or federally-approved program), enrolled in an Adult Basic Education Program, in the Job Corps, or incarcerated. In such cases, the applicant is eligible if the institution involved applies in writing for the applicant to take the GED tests and this application is on file at the testing center prior to any testing. ()

04. Idaho High School Equivalency Certificate. The State Department of Education will issue an Idaho High School Equivalency Certificate to eligible applicants. The normal fee for issuing a certificate is ten dollars (\$10); however, this fee will be waived for military service personnel and veterans. To be eligible, an applicant must submit the following documents to the State Department of Education: ()

a. An official report of GED test results showing successful completion of all requirements. Test scores are accepted as official only when reported directly by official GED Testing Centers, the Transcript Service of the Defense Activity for Non-Traditional Education Support (DANTES), Veterans Administration hospitals and, in special cases, the GED Testing Service. ()

b. An official transcript showing completion of a course in American Government including study of the U.S. Constitution and principles of state and local government. This requirement may be met by resident study in high school or college, correspondence study from an accredited university, DANTES, or by successfully passing the American Government test furnished by the testing center. ()

c. A completed form DD295 on all service personnel. This form is not required of veterans and non-veteran adults. ()

d. A copy of a discharge if the applicant is a veteran of military service. ()

e. Once eligibility is established, the State Department of Education will furnish the applicant with a special application form. After the applicant completes this form and pays the ten dollar (\$10) processing fee, the applicant will be awarded an Idaho High School Equivalency Certificate. ()

651. -- 699. (RESERVED).

700. VETERANS EDUCATION.

The Governor of the state of Idaho has designated the State Department of Education as the approval agency in the State of Idaho for the purpose of approving courses for the enrollment of veterans and other eligible persons. (Sections 33-105; 33-107, Idaho Code) ()

01. Responsibilities of State Approval Agency. The State Approval Agency carries the following responsibilities: ()

a. Establishing criteria additional to requirements set forth in federal law for approving education or training programs. ()

b. Approving education or training programs following the criteria set forth in federal law or established by the state approval agency. ()

c. Regularly visiting and supervising those educational institutions and training establishments offering approved courses or programs. ()

d. Disapproving any approved course or program that fails to meet requirements set forth in federal law or criteria established by the approval agency and notifying the affected institution or establishment and the Veterans Administration of this disapproval. ()

e. Providing applicable approval information to educational institutions or training establishments and the Department of Veterans' Affairs. ()

02. Regulations Incorporated by Reference. The Federal regulations of the U.S. Department of Veterans' Affairs as referred to by these regulations are incorporated herein and will have the same force and effect as if fully set forth. Copies of referred federal regulations may be obtained from the United States Veterans Administration, the State Department of Education, or the Idaho State Law Library. ()

() 03. Definition. For the purposes of these rules, the following words and phrases will have these meanings:

a. Approval: An institution or establishment desiring to offer a course or courses for which veterans may use veterans' educational benefits has met standards and requirements designed to ensure that such institution or establishment is qualified to provide satisfactory instruction in the course or courses to be offered. ()

b. Accredited Course: A course which meets one (1) of the following requirements: the course has been accredited and approved by a nationally recognized agency or association; credit for such a course is approved by the State Department of Education for credit toward a high school diploma; the course is conducted under 20 U.S.C. 11-28 (Vocational Education); and the course is accepted by the State Department of Education for credit for a teacher's certificate or a teacher's degree. ()

c. Nonaccredited courses: Courses that are not approved as accredited courses and that are offered by a public or private, profit or nonprofit, educational institution. These include nonaccredited courses offered by extension centers or vocational or adult education departments in institutions of higher education. ()

d. Nationally recognized accrediting agency or association: One that appears on the list published by the Commissioner of Education as required by 38 U.S.C. 1775 (a). ()

e. Correspondence courses: Courses that must require no less than six (6) hours of preparation per week over any twenty-six (26) week period and must require six (6) or more months to complete. No more than twenty percent (20%) of the students pursuing such a course should be able to complete the course in less than six (6) months for the normal length to be certified as six (6) months or more. The determination of this factor will be based upon the records of the school for the immediately preceding years. ()

f. Apprentice courses: Any training on-the-job course established as an apprentice course by a training establishment as defined in VA Regulations 14200(c) and approved as an apprentice course by the state approval agency. ()

g. Other training on-the-job courses: Any training on-the-job that does not qualify as an apprentice course as defined in these regulations, but that otherwise meets the requirements of subparagraph C of VA Regulation 14262 as incorporated by reference herein. ()

04. Eligibility for Receipt of Veterans' Educational Benefits. Any veteran enrolled in educational institutions or training establishments is eligible for educational benefits as provided by 38 U.S.C. Section 1771 et.seq. To qualify for eligibility, the veteran must be in training in a course or courses approved for veteran's education by the state approval agency. ()

05. Attainment of Approval Status. Attaining approval status requires that an institution or establishment desiring to offer courses for which veterans or other eligible persons may receive veterans' educational benefits meet standards designed to ensure that such an institution or establishment is qualified to provide satisfactory instruction in the course or courses to be offered. Approval of courses may be obtained upon compliance with the following requirements and standards: ()

a. Veterans will not be eligible for educational benefits for enrollment in any course offered by an educational institution when such a course has been in operation for less than two (2) years immediately prior to the date of enrollment as defined by VA regulation 14251(B). However, this requirement does not apply to the following courses: courses pursued in a public or tax supported educational institution; any course offered by an educational institution that has been in operation for more than two (2) years, if the course is similar in nature to a course previously offered by the institution; any course that has been offered by an institution for a period of more than two

(2) years, notwithstanding the fact that the institution has moved to another location in the same general locality or where the school has made a complete move with substantially the same faculty, curricula, and students without a change in ownership; any course offered by a nonprofit school of college level and recognized for credit toward a standard college degree; and any course for the educationally disadvantaged offered by a proprietary nonprofit educational institution at the principal or branch location when the institution offering the course has been in operation for more than two (2) years. ()

b. Institutions or establishments desiring to enroll veterans or eligible persons in courses to which veterans' benefits may be applied must make written application for approval of such courses to the state approval agency. Because approval is granted on a course-by-course basis, the institution or establishment must include in the application all courses for which it seeks approval. Applications for approval of accredited courses must be in conformance with requirements set forth in VA Regulation 14253. Applications for approval of nonaccredited courses must be in conformance with and contain information required by VA Regulation 14254. Applications for approval of correspondence courses must conform with requirements set forth in VA Regulation 14256, in addition to the requirements of VA Regulations 14253 or 14254 as applicable. Applications for approval of apprentice courses must conform with and contain information required by VA Regulation 14261(B). Applications for approval of other training on-the-job courses must conform with and contain information required by VA Regulation 14262(B). Application for approval of flight training courses must conform with requirements set forth in VA Regulation 14263 and in particular VA Regulation 14263(F). ()

c. When an institution or establishment applies for approval, it thereby consents to visits by a representative of the state approval agency. The purpose of such visits is to determine whether the applicant and the course or courses for which approval is sought comply with established approval criteria. ()

d. Upon receipt of an application for approval conforming with the above referenced regulations, the state approval agency may, upon adequate investigation, approve the application when the course or courses to which the application pertains and the institution or establishment offering them are found to have met the following criteria: for accredited courses, criteria set forth in VA Regulation 14253(D) (E) or (F) as applicable; for nonaccredited courses, criteria set forth in VA Regulation 14254(C); for correspondence courses, criteria set forth in VA Regulation 14256, in addition to criteria set forth in VA Regulations 14253 or 14254 as applicable; for apprentice courses, criteria set forth in VA Regulation 14261(C); for other training on-the-job courses, criteria set forth in VA Regulation 14262(C); and for flight training courses, criteria set forth in VA Regulation 14263. Veterans who are basically eligible to receive educational assistance allowances under the provisions of Title 38, U.S.C. may receive educational assistance for flight training, if the individual also meets eligibility standards set forth in VA Regulation 14263(A). In addition, the state approving agency requires that students complete a minimum of thirty (30) hours of instruction per quarter to maintain such eligibility. ()

06. Notice of Approval. Upon determining that an institution or establishment has complied with all the requirements for approval, the state approval agency will notify the institution or establishment by a letter setting forth the courses that have been approved and will furnish the VA with an official copy of the letter, attachments and any subsequent amendments. ()

07. Length of Time of Approval. Approval of a course is for an indefinite period of time. However, the state approval agency may require that requests for continued approval be submitted on an annual basis with appropriate supporting documentation. Furthermore, any revision or change made in a course will require resubmission of the course for approval by the state approval agency. ()

08. Suspension or Withdrawal of Approval. Continuing approval of a course or courses is contingent upon maintaining prescribed standards and conformance with requirements referred to above. ()

a. In the event that the evidence of record establishes that the course fails to meet such requirements for approval, approval of the course for new enrollments may be suspended by the state approval agency for a period not to exceed sixty (60) days to allow the institution or establishment to meet the requirements for approval. ()

b. The length of the suspension will not be for an indeterminate period but will be of a reasonable duration as determined by the state approval agency to be necessary for the institution or establishment to meet the requirements in light of the nature of the deficiencies. ()

c. Prior to the effective date of the suspension, the state approval agency will give notice of the intended action to the affected institution or establishment which will include facts or circumstances on which the intended suspension is based and any available supporting documentation. The state approval agency will also afford to such institution or establishment, prior to the effective date of the suspension, a reasonable opportunity to show compliance with all lawful requirements for the retention of approval either by providing written support or through oral presentations to the appropriate agency officials. ()

d. For those cases where a discrepancy has not been corrected at the time of the expiration date of a suspension period or in lieu of suspension for those cases where a discrepancy is so major as to substantially deprive the student of the protection afforded by the approval process or is of such a nature that it cannot be corrected within a period of sixty (60) days, the state approval agency will withdraw approval of the affected course or courses. ()

e. Prior to the effective date of the withdrawal of approval, notice of the agency's intended action will be provided to the affected institution or establishment, which will include a statement of the institution's right to a hearing, a statement of the authority and jurisdiction under which the hearing is to be held, a reference to the particular sections of statutes or rules involved, and a short and plain statement of the grounds upon which the intended action to withdraw approval is based. ()

f. An opportunity will be afforded the affected institution or establishment to respond to the agency's intended action and to present evidence and argument on all issues involved. A three (3) member hearing panel will be appointed by the executive officer of the state approval agency to review such appeal and submit recommended findings of fact and conclusions of law to the executive officer who will thereafter render a final decision in the matter. ()

g. Any final decision adverse to an institution or establishment will be in writing or stated in the record. The decision will include findings of fact and conclusions of law, separately stated. ()

h. The affected institution or establishment will be notified either personally or by mail of any decision; a copy of this document will be delivered or mailed forthwith to the institution or establishment and to its attorney of record upon request. ()

701. -- 749. (RESERVED).

750. IDAHO STATE PENITENTIARY.

The vocational and academic programs at the Idaho State Penitentiary will be approved on an annual basis as special programs for the purpose of training inmates. ()

751. -- 799. (RESERVED).

800. PRIVATE CORRESPONDENCE AND TRADE SCHOOLS.

Private correspondence and trade schools teaching any course, plan, or programs of instruction, whether conducted in person, by mail, or any other method, will register with the State Department of Education on forms approved by the Board, which are on file in the State Department of Education. (Chapter 24, Title 33, Idaho Code) ()

01. Cancellation Policy. A student applicant may cancel his or her enrollment within seventy-two (72) hours after midnight of the day on which the enrollment agreement is signed and receive a full refund of all monies paid to the school or its representative. The student will receive a minimum of seven (7) days in which to cancel the enrollment agreement and the seller may retain not more than fifty dollars (\$50). Accreditation allows an agent to keep one hundred dollars (\$100). ()

02. Cancellation of Enrollment. For a student requesting cancellation of enrollment after starting the course, the charge made will be based on lessons completed or time spent and will be computed on the following prorated basis: fifty percent (50%) retention during the first quarter; seventy-five percent (75%) retention during the second quarter; and one hundred percent (100%) retention during the third and fourth quarter. (A quarter means time reasonably expected for completion of one-fourth (1/4) of the course.) ()

03. Emergency Consideration. In case of illness or accident, death in the family, or other circumstances beyond the control of the student, the student will be entitled to consideration, and the school will make a settlement that is reasonable and fair to both. ()

801. -- 999. (RESERVED).

IDAPA 08 - STATE BOARD OF EDUCATION
08.02.02 - RULES GOVERNING SCHOOL DISTRICT FISCAL AFFAIRS
DOCKET NO. 08-0202-9601
NOTICE OF PENDING RULE

EFFECTIVE DATE: These rules have been repealed. The repeal becomes final and effective on April 1, 1997, unless the repeal is rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending repeal of the rule is amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule, which is the repeal of this section of the rules. The action is authorized pursuant to Section 33-105, Idaho Code, and 1994 Idaho Session Laws, Chapter 448, section 1, as amended by 1996 Idaho Session Laws, Chapter 8, section 1.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The repeal of this chapter was directed by the Idaho Legislature in 1994 Idaho Session Laws, Chapter 448, Section 1, as amended by 1996 Idaho Session Laws, Chapter 8, Section 1.

The pending rules are being adopted as proposed. The original text of the proposed rules was published in the August 7, 1996 Idaho Administrative Bulletin, Volume 96-8, page 49.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Dr. Darrell Loosle at the address and telephone number shown below.

DATED this 25th day of November, 1996.

Dr. Darrell K. Loosle
Chief Deputy Superintendent
State Department of Education
650 West State Street
P.O. Box 83720
Boise, Idaho 83720-0027
Phone: (208) 332-6800
FAX: (208) 334-2228

IDAPA 08
TITLE 02
Chapter 02

RULES GOVERNING SCHOOL DISTRICT FISCAL AFFAIRS

There are no substantive changes from the proposed rule text.

The original text was published in the Idaho Administrative Bulletin, Volume 96-8, August 7, 1996, Page 49.

This rule has been adopted as Final by the Agency and is now pending review by the 1997 Idaho State Legislature for final adoption.

IDAPA 08 - BOARD OF EDUCATION
08.02.02 - RULES GOVERNING UNIFORMITY
DOCKET NO. 08-0202-9602
NOTICE OF PENDING RULE

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 1997 Idaho State Legislature for final adoption. The pending rule becomes final and effective on April 1, 1997, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 33-105, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

Under the Constitution and laws of the state of Idaho, The State Board of Education exercises general supervision and control over Idaho's public elementary and secondary schools. The State Board Rules for the Public Schools of Idaho regulate the administration, uniformity, and thoroughness of all K - 12 public education in Idaho. These rules are authorized by, and consistent with, the Idaho Constitution and Idaho Code.

Pursuant to Section 33-105(3), the proposed rule was not published in the bulletin. The proposed rules have been amended in response to public comment and to make typographical, transcriptional and clerical corrections to the rules, and are being amended pursuant to Section 67-5227, Idaho Code.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Dr. Darrell Loosle at the address and phone number below.

DATED this 25th day of November, 1996.

Dr. Darrell K. Loosle
Chief Deputy Superintendent
State Department of Education
650 West State Street
P.O. Box 83720
Boise, Idaho 83720-0027
Phone: (208) 332-6800
FAX: (208) 334-2228

IDAPA 08
TITLE 02
Chapter 02

RULES GOVERNING UNIFORMITY

001. CERTIFICATION STANDARDS ADOPTED.

The State Board of Education adopts and incorporates into its rules the Idaho Department of Education Professional School Personnel Certification Standards Manual revised on October 17, 1996. ()

002. -- 009. (RESERVED).

010. ACCREDITED INSTITUTION.

For purposes of teacher certification, an accredited school, college, university, or other teacher training institution is considered by the Idaho State Board of Education to be one that is accredited by a regional accrediting association recognized by the State Board of Education or an alternative model approved by the State Board of Education. (Sections 33-107; 33-114; 33-1203, Idaho Code) ()

011. -- 019. (RESERVED).

020. CERTIFICATION OF TEACHERS TRAINED IN FOREIGN INSTITUTIONS.

Considering credentials for teacher certification submitted by persons trained in the institutions of foreign countries will be initiated by a translation and evaluation of the applicant's credentials. ()

01. Determination of Eligibility. Determination of eligibility for certification will be made by the certification office as the agent of the State Board of Education. Appeals may be made to the Professional Standards Commission, (PSC). (Section 33-1209, Idaho Code) ()

02. Other Procedures. All other procedures in effect at the time must be followed at the time of application. ()

021. -- 029. (RESERVED).

030. CERTIFICATES ISSUED TO APPLICANTS FROM REGIONALLY ACCREDITED INSTITUTIONS.

01. The Department of Education. The department of education is authorized to issue Idaho Certificates to applicants from regionally accredited institutions meeting requirements for certification or equivalent (i.e., those based on a bachelor's degree) in other states when they substantially meet the requirements for the Idaho Certificate. The Teacher Certification Office will determine if an applicant's official transcripts meet the requirements. (Sections 33-1203; 33-2203 Idaho Code) ()

02. The State Division of Vocational Education. The state division of vocational education is authorized to determine whether applicants meet the requirements for instructing or administering vocational-technical programs at the secondary and postsecondary levels. (Section 33-2203, Idaho Code) ()

031. -- 039. (RESERVED).

040. MISASSIGNMENTS - GRANDFATHERING.

A person employed by a school district in a position requiring a certificate must hold a valid certificate for the service being rendered or a waiver under this rule. For a person not holding a specific endorsement to provide educational services in a specific area, the employing district may request a waiver from the State Department of Education's, Certification Office to place the individual in that assignment for the school year. The request must include the rationale for the waiver. The approval of a waiver will not affect accreditation. Funds will not be withheld for persons serving in a misassigned area. Any teacher who was authorized to teach under previous exceptions to Rules of the State Board, based upon service or experience before September 1978, will continue to be authorized to teach as authorized by previous rule IDAPA 08.02.03.180.06. ()

041. -- 049. (RESERVED).

050. ENDORSEMENT OF OUT-OF-STATE CERTIFICATES.

A certificate issued by another state with equivalent education and currently valid may be endorsed for use in Idaho for the period of its validity, not in excess of five (5) years, providing the certificate to be endorsed has been issued for the same field in which the holder will provide services in Idaho. No emergency certificate from another state may be endorsed. (Section 33-1201, Idaho Code) ()

01. Prerequisites. The following conditions must be met to qualify for endorsement: ()

a. The applicant must have attended a regionally accredited institution of higher education. ()

b. An endorsed certificate will be valid only for the grade levels and subject area approved for the certificate in the state from which it was issued. ()

c. A certificate will be endorsed for the period of time for which it is valid, but not to exceed five (5) years, at which time a person must qualify for an Idaho certificate or verify three (3) years of satisfactory employment in Idaho in the area of endorsement. After completing experience and renewal requirements, an Idaho certificate may be issued following application. ()

02. Requirements. An endorsement requires the applicant to provide the following materials: ()

a. The original or notarized copy of the original certificate to be endorsed; ()

b. Official transcripts of record of all college work completed; ()

c. A completed application for an Idaho certificate; ()

d. Payment of fee sent with the application; ()

051. -- 059. (RESERVED).

060. APPLICATION PROCEDURES.

01. Application for Idaho Certificate. To obtain, renew, or reinstate an Idaho certificate, the applicant will submit an application on a form supplied by the State Department of Education or the State Division of Vocational Education. Requirements are listed in the Idaho Certification Manual. ()

02. State Board of Education Requirements for Professional Growth. ()

a. Credits taken for recertification must be educationally related to the professional development of the applicant. ()

b. Graduate or undergraduate credit will be accepted for recertification. Credit must be college transferable and completed through an accredited college or university. ()

c. All requests for equivalent inservice training to apply toward recertification must be made through the Teacher Certification Office upon recommendation of the board of trustees consistent with the State Department of Education guidelines. Individuals holding Vocational Specialist Certificates must receive State Division of Vocational Education approval of inservice training and course work prior to applying for renewal. ()

d. At least fifteen (15) hours of formal instruction must be given for each hour of inservice credit granted. ()

e. Recertification credits may not be carried over from one (1) recertification period to the next. ()

f. Certificated personnel teaching in subjects outside their major area of preparation will be encouraged to complete the courses required for major certification endorsement. ()

03. State Board of Education Professional Development Requirements. ()

a. Districts will have professional development plans. ()

b. All certificated personnel will be required to complete at least six (6) semester hours or the equivalent within the five (5) year period of validity of the certificate being renewed. ()

c. At least three (3) semester credits will be taken for university or college credit. Verification will be by official transcript. ()

061. -- 069. (RESERVED).

070. IDAHO EDUCATOR CREDENTIAL.

The State Board of Education will authorize the Office of Teacher Certification to issue the following certificates and endorsements on the IDAHO EDUCATOR CREDENTIAL to those individuals meeting the specific requirements for each area. The requirements for each certificate and endorsement are outlined in the Professional School Personnel Certification Standards Manual. (Section 33-1201, Idaho Code) ()

TEACHING CERTIFICATES
Standard Elementary, K-8
Standard Exceptional Child, K-12
Standard Secondary, 6-12
Occupational Specialist

ENDORSEMENTS, K-12
Art
English as a Second Language
Exceptional Child, Generalist
Exceptional Child, Hearing Impaired
Exceptional Child, Multiple Handicapped
Exceptional Child, Physically Handicapped
Exceptional Child, Seriously Emotionally Disturbed
Exceptional Child, Severe Retardation
Exceptional Child, Visually Impaired
Foreign Language
Gifted and Talented
Media Generalist
Music
Physical Education
Reading

ENDORSEMENTS
Agriculture, Science and Technology

ENDORSEMENTS
American Government
American Studies
Anthropology
Art
Art-Crafts
Basic Math
Biological Science
Business Education
Chemistry
Communication
Computer Applications
Consumer Economics
Drafting
Dramatics
Driver Education
Early Childhood Education
Early Childhood--Special Education
Earth Science
Economics
Electricity-Electronics
English
Family and Consumer Sciences
Foreign Language
Geography
Health
History
Humanities
Journalism
Marketing Education
Music
Natural Science
Physical Education
Physical Education - Health
Philosophy

ENDORSEMENTS
Physical Science
Physics
Political Science
Psychology
Reading
Social Studies
Sociology
Sociology-Anthropology
Speech
Speech-Drama
Standard Math
Technology Education
Work-Based Learning Coordinator

ADMINISTRATOR CERTIFICATE
Director of Special Education
School Principal, K-12
Superintendent
Vocational-Technical Administrator

PUPIL PERSONNEL CERTIFICATE
Counselor, K-12
Consulting Teacher
School Nurse
School Psychologist
School Social Worker
Speech Language Pathologist
Standard Audiology
Supervisor/Coordinator of Special Education

LIMITED CERTIFICATES
Consultant Specialist
Interim Occupational
Letter of Authorization
Limited Occupational Specialist
Limited Transitional
Postsecondary Specialist
Teacher Trainee

01. Letters of Authorization. Letters of authorization allow Idaho school districts to request emergency certification when a professional position cannot be filled. A request for a Letter of Authorization for a teacher to serve in a position for which the teacher is not certificated will be sent to the State Department of Education, Certification Office. The request and supporting information will be reviewed by the Professional Standards Commission. The final recommendation of the Commission will be submitted to the State Board of Education by the Superintendent of Public Instruction. A detailed description of the procedure and policy for the above rule is found in the Teacher Certification Manual. ()

02. Consultant Specialist. At the request of a school district, the State Department of Education may issue a consultant specialist certificate to highly and uniquely qualified persons. The use of the certificate is limited to the applicant's district and is valid for one (1) year. It is intended that use of the consultant specialist provision be exceptional and occasional and not used as a regular hiring practice. ()

03. Certification Standards for Vocational-Technical Educators. Teachers of vocational-technical classes or programs in secondary or postsecondary schools must hold an endorsement in an appropriate occupational discipline. This endorsement may be held on a secondary teaching credential or on an Occupational Specialist Certificate. Detailed description of the procedure and policy for the above rule is found in the Teacher Certification Manual. ()

04. Postsecondary Specialist. A post-secondary specialist certificate will be granted to teaching faculty of Idaho public post-secondary institutions, who are not otherwise certificated, upon recommendation by the post-secondary institution (dean level or above) to be eligible to teach in the public schools. The certificate will be issued by the State Department of Education. It is intended that the certificate be used primarily for distance education and "virtual university" programs. ()

05. Grandfathering. All credentials issued prior to July 1, 1997 and kept current are authorized for continued use. Current renewal requirements of the State Board of Education must be met for renewal of the credential. If a credential is allowed to lapse, all current requirements for initial certification apply. ()

071. -- 079. (RESERVED).

080. ALTERNATE CERTIFICATION.

The purpose of this program is to provide an alternative for individuals to become certificated secondary teachers in Idaho without following a standard teacher education program. Qualified applicants will begin contracted teaching earlier and will be admitted to the program using criteria that are different from existing programs but more appropriate for the circumstances. A detailed description of the procedure and policy for the above rule is found in the Teacher Certification Manual. ()

081. -- 089. (RESERVED).

090. INTERSTATE CERTIFICATION COMPACT.

Idaho participates in the Interstate Agreement of Qualification of Education Personnel. This agreement applies equally to teachers entering Idaho from another compact-member state and to teachers entering another compact-member state from Idaho. The compact applies to classroom teachers only. Trades and industries teachers are not covered by the agreement. (Section 33-4104, Idaho Code) ()

091. -- 099. (RESERVED).

100. OFFICIAL VEHICLE FOR APPROVING EXISTING TEACHER EDUCATION PROGRAMS.

(Section 33-114, Idaho Code) ()

01. The Official Vehicle for the Approval of Existing Teacher Education Programs. The official vehicle for the approval of existing teacher education programs will be the current edition of the National Association of State Directors of Teacher Education and Certification (NASDTEC) Standards for State Approval of Teacher Education, as revised, together with the Idaho Supplement to the NASDTEC Standards. The Office of Teacher Certification will transmit to the head of each Idaho college or department of education a copy of all revisions to the NASDTEC Standards or amendments by the State Board to the Idaho Supplement. Such revisions will not take effect on approval evaluations of the Idaho program until two (2) years after notification of such revision. The two (2) year deferral may be waived upon written request of the head of the college or department to be evaluated. ()

02. Effective Date. The effective date for approval of NASDTEC programs will be July 1, following the State Board approval. Students with junior or senior standing and currently enrolled in the institution's program that has been denied approval will be eligible for certification in Idaho after successfully completing their program if this program is completed within two (2) years of the July effective date. All others enrolled in programs denied approval will be informed of the decision of the State Board of Education. ()

03. Reference Availability. The NASDTEC Standards for State Approval of Teacher Education, as revised, and the Idaho Supplement to the NASDTEC Standards are incorporated herein by reference and are available for inspection in the State Department of Education, the State Law Library, and the Office of the Director of the Legislative Council. ()

04. Continuing Accreditation. The State of Idaho will follow the National Council for Accreditation of Teacher Education (NCATE) model and continuing approval at the end of five (5) years following baseline approval. ()

101. -- 109. (RESERVED).

110. PERSONNEL STANDARDS.

The State Board of Education supports the efforts made by the Idaho Legislature to lower class size. Significant progress has been made in grades 1-3. The State Board of Education believes that class sizes in grades 4-6 are too high. Districts are encouraged to lower all class sizes as funds become available. Each district will develop personnel policies and procedures to implement the educational program of the district. The policies and procedures will address representation in each of the following personnel areas, as appropriate to student enrollment and the needs of each attendance area. Districts should strive to achieve ratios consistent with state class size ratio goals.

INSTRUCTIONAL PERSONNEL

Teachers	State Goals
Kindergarten	20
Grades 1, 2, 3	20
Grades 4, 5, 6	26
Middle School/Jr. High	160 teacher load
High School	160 teacher load

Teachers	State Goals
Alternative School (7-12)	18 average daily class load

Schools are encouraged to explore technological options that provide for credible alternative delivery systems. Present and emerging information transmission technology may provide for greater teacher/pupil class size ratios.

Pupil Personnel	
(Certificated School Counselors, Social Workers, Psychologists)	400:1 * student/district average
Secondary Media Generalist and Assistants	500:1 * student/district average
Elementary Media Generalist or Assistants	500:1 * student/district average
Building Administrative Personnel	Not to exceed 500:1 * district average

* The stated pupil to personnel ratio is the goal; each school district will assign personnel as appropriate to student enrollment and the needs of each attendance area.

Classroom Assistants - State Goal: will be provided where the student/teacher ratio is deemed excessive by the district or where other student special needs exist (e.g., limited English proficiency or special education).

Classified Personnel - State Goal: will be employed in each building to support the needs of the staff, students, and community.
 ()

111. -- 119. (RESERVED).

120. LOCAL DISTRICT EVALUATION POLICY.

Each school district board of trustees will develop policies in which criteria and procedures for the evaluation of certificated personnel are established. The process of developing criteria and procedures for certificated personnel evaluation will allow opportunities for input from those affected by the evaluation; i.e., trustees, administrators and teachers. The evaluation policy will be a matter of public record and communicated to the certificated personnel for whom it is written. ()

01. Participants. Each district evaluation policy will include provisions for evaluating all certificated employees identified in Section 33-1001, Idaho Code, subsection 13, and each school nurse and librarian (Section 33-515, Idaho Code). Policies for evaluating certificated employees should identify the differences, if any, in the conduct of evaluations for nonrenewable contract personnel and renewable contract personnel. ()

02. Evaluation Policy - Content. Local school district policies will include, at a minimum, the following information: ()

a. Purpose -- statements that identify the purpose or purposes for which the evaluation is being conducted; e.g., individual instructional improvement, personnel decisions. ()

b. Evaluation criteria -- statements of the general criteria upon which certificated personnel will be evaluated. ()

c. Evaluator -- identification of the individuals responsible for appraising or evaluating certificated personnel performance. The individuals assigned this responsibility should have received training in evaluation.

- ()
- d. Sources of data -- description of the sources of data used in conducting certificated personnel evaluations. For classroom teaching personnel, classroom observation should be included as one (1) source of data. ()
 - e. Procedure -- description of the procedure used in the conduct of certificated personnel evaluations. ()
 - f. Communication of results -- the method by which certificated personnel are informed of the results of evaluation. ()
 - g. Personnel actions -- the action, if any, available to the school district as a result of the evaluation and the procedures for implementing these actions; e.g., job status change. Note: in the event the action taken as a result of evaluation is to not renew an individual's contract or to renew an individual's contract at a reduced rate, school districts should take proper steps to follow the procedures outlined in Sections 33-513 through 33-515, Idaho Code in order to assure the due process rights of all personnel. ()
 - h. Appeal -- the procedure available to the individual for appeal or rebuttal when disagreement exists regarding the results of certificated personnel evaluations. ()
 - i. Remediation -- the procedure available to provide remediation in those instances where remediation is determined to be an appropriate course of action. ()
 - j. Monitoring and evaluation. -- A description of the method used to monitor and evaluate the district's personnel evaluation system. ()
03. Evaluation Policy - Frequency of Evaluation. The evaluation policy should include a provision for evaluating all certificated personnel on a fair and consistent basis. At a minimum, the policy must provide standards for evaluating the following personnel: ()
- a. First-, second-, and third-year nonrenewable contract personnel will be evaluated at least once prior to the beginning of the second semester of the school year. ()
 - b. All renewable contract personnel will be evaluated at least once annually. ()
04. Evaluation Policy - Personnel Records. Permanent records of each certificated personnel evaluation will be maintained in the employee's personnel file. All evaluation records will be kept confidential within the parameters identified in federal and state regulations regarding the right to privacy (Section 33-518, Idaho Code). ()

121. -- 129. (RESERVED).

130. SCHOOL FACILITIES.

Each school facility consists of the site, buildings, equipment, services, and is a critical factor in carrying out educational programs. The focus of concern in each school facility is the provision of a variety of instructional activities and programs, with the health and safety of all persons essential. ()

01. Buildings. All school buildings, including portable or temporary buildings, will be designed and built in conformance with current edition of the codes specified in the Uniform Building Code Advisory Act, Section 39-4109, Idaho Code, including but not limited to, the National Electrical Code, Uniform Plumbing Code, Life Safety Code, and Idaho General Safety and Health Standards. All school buildings, including portable or temporary buildings, will meet other more stringent requirements established in applicable local building codes. ()

02. Inspection of Buildings. All school buildings, including portable or temporary buildings, will be inspected as provided in Section 39-4130, Idaho Code, for compliance with applicable codes. Following this

inspection, the school district will, within 20 days, (1) correct any deficiencies specified in the inspection report or (2), if the corrective action involves structural modification, file a written plan with the inspecting agency for correction by the beginning of the following school year. ()

131. -- 139. (RESERVED).

140. ACCREDITATION.

All public schools in Idaho will be state accredited. State Accreditation is voluntary for private and parochial schools. (Section 33- 119, Idaho Code) ()

01. Methods of State Accreditation. State accreditation will consist of using one (1) of the four (4) options listed below: ()

() a. Schools may use the Idaho Elementary/Secondary Accreditation Standards, dated October 17, 1996.

b. Schools may use the Northwest Accreditation Standards; ()

c. Schools may use the Idaho School Accreditation School Improvement Model; ()

d. Schools may submit an alternative model. ()

02. Reporting. Accreditation models or reports will be submitted to the Elementary/Secondary Accreditation Committees, whose members are appointed by the State Board of Education. Each region of the state will be represented. The Committees will review the models and/or reports and make recommendations for action. Committee recommendations may be appealed to the State Board of Education. The requirements for thoroughness referenced in Section 33-1612, Idaho Code will be met with all options. ()

141. -- 149. (RESERVED).

150. TRANSPORTATION.

National Standards Adopted. Effective April 1, 1997, all new school bus chassis and bodies must meet or exceed the 1995 revised edition of the National Minimum Standards for School Bus Construction, as developed by the Twelfth National Conference on School Transportation, May 21-26, 1995, which are hereby adopted by reference, except for the following modifications: ()

01. Vehicle Identification. ()

a. School district owned vehicles will be identified with black lettering (minimum four inches (4") high) on both sides of the school bus using the district name and number listed in the Idaho Educational Directory. ()

b. Each bus will be separately identified with its own number in four (4) places using six inch (6") high black numbers. Contractor-owned buses registered under P.U.C.(Public Utilities Commission) regulations must meet P.U.C. identification standards. Contractor-owned buses not registered under P.U.C. regulations must meet the same identification standards as district-owned buses. ()

151. -- 159. (RESERVED).

160. MAINTENANCE STANDARDS AND INSPECTIONS.

01. Safety. School buses will be maintained in a safe operating condition at all times. The following is a list of a few unsafe conditions: cracked or broken cross members or frame rails; any brake lines that are kinked or cracked; and any damaged body panel or bumper that is protruding from the bus to the extent that it could injure someone walking into it. Certain equipment or parts of a school bus which are critical to its safe operation must be maintained at prescribed standards. When routine maintenance checks reveal the condition of any items listed in Subsections 160.01.a through 01.d., the school district will eliminate the deficiency before returning the vehicle to service.

()

- a. Front tires - less than four thirty-seconds inch (4/32") tread. ()
- b. Rear tires - less than two thirty-seconds inch (2/32") tread. ()
- c. Brake drums - no greater than the maximum stamped on the drum. ()
- d. Brake linings - less than two thirty-seconds inch (2/32"). ()

02. Annual Inspection. After completion of the annual school bus inspection, and if the school bus is approved for operation, an annual inspection sticker will be signed by the district superintendent and placed in the lower, right- hand corner of the right side front windshield. (Section 33-1506, Idaho Code) ()

03. Documentation of Inspection. All inspections will be documented in writing. Annual inspections must be documented in writing on the form provided by the State Department of Education. ()

04. Unsafe Vehicle. When a bus has been removed from service during a State Department of Education inspection due to an unsafe condition, the district will notify the State Department of Education on the appropriate form before the bus can be returned to service. When a bus has been found to have deficiencies that are not life-threatening, it will be repaired within thirty (30) days and the State Department of Education notified on the appropriate form. If the deficiencies cannot be repaired within thirty (30) days, the bus must be removed from service until the deficiencies have been corrected or an extension granted. ()

161. -- 169. (RESERVED).

170. SCHOOL BUS DRIVERS AND VEHICLE OPERATION.

(Section 33-1509; 33-1511, Idaho Code) ()

01. Driver Training. ()

a. All new drivers will complete the Idaho School Bus Driver Training Curriculum, dated October 17, 1996, or a comparable, prior-approved training program, have ten (10) hours observation and behind-the-wheel training, and pass all knowledge and skill tests contained in the Idaho School Bus Driver Training Curriculum with a minimum score of eighty percent (80%) before being allowed to drive a school bus loaded with students. ()

b. All experienced drivers will complete at least six (6) hours refresher driver training each year before school begins in the fall. In addition, four (4) hours will be held at intervals during the school year. ()

02. Vehicle Operation. All school districts and school bus drivers must meet the operations and performance requirements as contained in the Idaho School Bus Driver Training Curriculum. ()

171. -- 179. (RESERVED).

180. WRITTEN POLICY.

The board of trustees will establish and adopt a set of written policies governing the pupil transportation system. ()

181. -- 189. (RESERVED).

190. PROGRAM OPERATIONS.

The State Board of Education has adopted rules that set forth the fiscal reporting requirements and define allowable transportation costs for all school districts that operate a school transportation system. (Section 33-1006, Idaho Code) ()

01. Program Operation Costs. Each school district that operates a school transportation system will

maintain accurate records of operations and costs on uniform record-keeping forms provided by the Department of Education. Information will be made available to the Department of Education for audit purposes upon request. Information will be compiled and retained for a minimum of four (4) years, including the current fiscal year, in the following areas: ()

02. Administrative Costs. ()

a. The school district administrative reimbursement will be seven and one half percent (7.5%) of all reimbursable costs for transporting pupils except administration costs, depreciation, and contracted services, as reported to the State Department of Education on the Annual Pupil Transportation Claim for Reimbursement (Schedule B); or ()

b. Actual administrative costs, operation of plant, maintenance of plant and fixed costs which are directly related, charged and reported as transportation costs to the State Department of Education on the Annual Pupil Transportation Claim for Reimbursement (Schedule A). ()

03. Field Trips and Activity Busing. If the local board of trustees authorizes the use of school buses to transport students to and from school-sponsored activities, the local board will use school buses that are in safe mechanical condition. ()

a. Field trips will be reimbursable when they are approved school activities that are an integral part of the total education program, occur during the regular school year and extend not more than one hundred (100) miles beyond the boundaries of the state. The district will maintain accurate records of all field trips including the purpose of the trip and mileage. ()

b. The following activities which are under the jurisdiction and sponsorship of the Idaho High School Activities Association will not be reimbursable: baseball, basketball, cross-country, debate, drama, drill team, football, golf, instrumental music, speech, tennis, track, vocal music, volleyball, and wrestling. In addition to these, any other school activity that is scheduled and held for competition purposes is not reimbursable. ()

c. The costs of transporting athletes or students to and from extracurricular activities are not reimbursable. ()

d. Districts will be permitted flexibility in scheduling bus routes; however, activity busing that results in duplicating service to an area is not reimbursable. ()

e. The district will maintain accurate records of all trips, including the purposes of the trip and mileage. ()

04. Safety Busing. State Department of Education transportation personnel will conduct an on-site review of each school district's initial application. Each applying district will be required to reapply annually and confirm that conditions are unchanged. In order to qualify for reimbursement the local school board will, by official action, approve a safety busing request and cause the students in question to be transported before either the initial or the reapplication request is sent to the state. Consideration for reimbursement will also be contingent on the application being received by the State Department of Education Transportation Section on or before October 31. If unusual circumstances occur after the due date, new applications or amendments to previously submitted applications may be filed. ()

05. Contract for Transportation Services. Any district that contracts for pupil transportation services will have a copy of its current contract on file with the Supervisor of Pupil Transportation in the Department of Education. (Section 33-1510, Idaho Code) ()

06. Leasing District-Owned Buses. School districts will develop and use a policy approved by the local board of trustees delineating responsibility and use of rental or leased buses. Any costs to the district will not be reimbursable under the transportation formula. Districts will maintain liability insurance coverage on rented or leased buses. (Section 33-1512, Idaho Code) ()

07. Ineligible Vehicles. Costs incurred when transporting pupils in any vehicle that does not meet all state and national standards for a school bus will not be reimbursable within the Foundation Transportation Program. ()

08. Liability Insurance. Every policy, contract of insurance, or comprehensive liability plan for each local school district-owned or each contract-owned school bus will provide that the insurance carrier pay on behalf of the insured local school district or contractor to a limit of no less than five hundred thousand dollars (\$500,000) per person limited to three million dollars (\$3,000,000) for bodily injury, death, or property damage or loss as the result of any one (1) occurrence or accident, regardless of the number of persons injured or the number of claimants. (Section 33-1507, Idaho Code) ()

09. Non-Public School Students. The cost of transporting non-public school students must be deducted when submitting the transportation reimbursement claim. Each school district must recover the additional cost of transporting non-public school students, and in no event may that cost be determined to be zero. (Section 33-1501, Idaho Code) ()

191. -- 199. (RESERVED).

200. CAPITAL INVESTMENT.

Purchase of school buses and two (2)-way radios will be the only capital investment items allowed in the reimbursement program. ()

01. Depreciation. The purchase date for purposes of depreciation is determined to be July 1 of the state fiscal year in which the bus is delivered. Buses will be placed on a depreciation schedule after they have been inspected by personnel from the State Department of Education. When a bus is sold prior to June 30 it will be removed from the bus depreciation schedule and no further depreciation will be allowed the district. (Section 33-1006, Idaho Code) ()

02. Depreciation Ineligibility. Any used school bus purchased by a district will not be eligible for depreciation if the bus is over five (5) years old, (using the chassis manufacturer's date). ()

03. Standards. In order to be eligible for operation costs a school bus must meet all national standards and State Board of Education standards. Further, the bus will be assigned and used daily to and from school routes a majority of the time. ()

04. Retrofit Standards. Any vehicle that has been retrofitted to be used as a school bus will meet current construction standards. ()

05. Size Categories. All school buses will be categorized by size as follows: eighty-five (85) students and up, seventy-three to eighty-four (73-84) students, fifty-nine to seventy-two (59-72) students, forty-seven to fifty-eight (47-58) students, thirty-five to forty-six (35-46) students, twenty to thirty-four (20-34) students, and one to nineteen (1-19) students. ()

06. Life Expectancy. For depreciation purposes, all school buses will be categorized according to their life expectancy as follows: ten (10)-year depreciation, twelve (12)-year depreciation, and fifteen (15)-year depreciation. Using construction data supplied by the manufacturers, the Department of Education will compile a list of buses each year that would fall into each of the three depreciation categories. New lift-equipped buses will be categorized for purchase and depreciation purposes as if they had full seating capacity. The cost of the lift will not be included when calculating average price of buses in each category; however, the cost of the lift will be included in the total cost for depreciation purposes. Beginning with buses purchased after July 1, 1992, the previous year average cost will be calculated for both gas- and diesel-powered buses according to size and life expectancy. Buses will then be placed on the depreciation schedule with the cost of buses reimbursed up to one hundred ten percent (110%) of the category average for the previous year. ()

a. Ten (10)-year Depreciation. The school bus depreciation schedule, within the allowable costs of the Foundation Transportation Program, for school buses with life expectancy of ten (10) years, that were purchased subsequent to July 1, 1992, will be determined by using a declining balance method for calculating depreciation

(declining balance schedule to include a percentage rate of twenty percent (20%) per year for useful life expectancy of ten (10) years). (Section 33-1006, Idaho Code) ()

b. Twelve (12)-year Depreciation. The school bus depreciation schedule within the allowable costs of the Foundation Transportation Program, for school buses with life expectancy of twelve (12) years, that were purchased subsequent to July 1, 1992, will be determined by using a declining balance method of calculating depreciation (declining balance schedule to include a percentage rate of sixteen and sixty-seven hundredths percent (16.67%) per year for useful life expectancy of twelve (12) years). (Section 33-1006, Idaho Code) ()

c. Fifteen (15)-year Depreciation. The school bus depreciation schedule within the allowable costs of the Foundation Transportation Program, for school buses with life expectancy of fifteen (15) years that were purchased subsequent to July 1, 1992, will be determined by using a declining balance method of calculating depreciation (declining balance schedule to include a percentage rate of thirteen and thirty-three hundredths percent (13.33%) per year for useful life expectancy of fifteen (15) years). (Section 33-1006, Idaho Code) ()

07. Purchase Price. The purchase price of each bus will include the total chassis, body, special equipment, freight costs, and any other costs directly related to acquiring the bus. ()

08. Transportation Costs. Reimbursable costs for transporting school buses from the body factory to the home school district will be the actual transporting costs and will be calculated as follows: ()

a. Maximum costs will not exceed those costs the school bus body vendor would charge to deliver the bus to the home school district. ()

b. Actual costs will be reimbursed for meals and lodging for one (1) person per bus on the trip to and from the body factory. Airfare or other travel costs to the factory location will be reimbursed for only one (1) person per bus delivered. ()

c. At the beginning of each fiscal year the State Department of Education will obtain the body vendor's cost of delivering the bus to the home district. ()

09. Nonreimbursable Costs. No finance charges, leases, rent, or interest will be included in the purchase price. These are not reimbursable costs on the depreciation schedule. ()

10. Inoperable Bus. Any school bus that is wrecked, sold, inoperable, or for any other reason does not or cannot meet all standards will be removed from the depreciation schedule. ()

11. Lowest Bid Quotation. The purchase amount of the school bus that will be placed on the state depreciation schedule will be the lowest bid quotation received from dealers who meet specifications as established by the local school district. Districts will provide verification of bid prices. ()

12. Depreciation Account. All school bus depreciation money received by school districts from the state will be placed into a separate account and used only for the purchase of school buses. ()

201. -- 209. (RESERVED).

210. COMMERCIAL COMPUTERIZED ROUTING AND SCHEDULING.

Costs for commercial computerized routing and scheduling will be permitted within the allowable administrative costs when computing the Foundation Transportation Program (effective with the beginning of the 1977-78 school year) as subject to approval of the State Superintendent of Public Instruction. Specific requests by districts must be submitted in detail and approved prior to July 1 of the school year in which the service is to be provided. Consideration will be on a district-by-district basis. ()

211. -- 219. (RESERVED).

220. RELEASE TIME PROGRAM FOR ELEMENTARY AND SECONDARY SCHOOLS.

In the view of the State Board of Education, public elementary and secondary school programs that permit the

practice of releasing students from school for the purpose of attending classes in religious education or for other purposes should observe certain practices that are in keeping with the present state of the law. These practices are designed to ensure that the public school operation is not adversely affected and that public funds and property are not used for sectarian religious instruction in a way which violates the United States Constitution, the Idaho State Constitution, or state law. These practices should include the following: (Section 33-519, Idaho Code) ()

01. Scheduling. The local school board will have reasonable discretion over the scheduling and timing of the release program. Release time programs may not interfere with the scheduling of classes, activities and programs of the public schools. ()

02. Voluntary Decision. The decision of a school district to permit release time programs for kindergarten through grade eight (K-8), as well as the decision of individual students to participate, must be purely voluntary. ()

03. Time Limit. Release time will be scheduled upon the application of a parent or guardian of a student in grades nine through twelve (9-12), not to exceed five (5) periods per week or one hundred sixty-five (165) hours during any one (1) academic school year. ()

04. Location. Release time programs will be conducted away from public school buildings and public school property. ()

05. Request by Parent. No student will be permitted to leave the school grounds during the school day to attend release time programs except upon written request from a parent or guardian filed with the school principal. Such written request by the parent will become a part of the student's permanent record. ()

06. Record Maintenance. The public school will not be responsible for maintaining attendance records for a student who, upon written request of a parent or guardian, is given permission to leave the school grounds to attend a release time program. The school district will maintain a record of each student's daily schedule that indicates when a student is released for classes in religious education or for other purposes. ()

07. Liability. The school district is responsible for ensuring that no public school property, public funds or other public resources are used in any way to operate these programs. The school district is not liable for any injury, act or event occurring while the student participates in such programs. ()

08. Course Credit. No credit will be awarded by the school or district for satisfactory completion by a student of a course or courses in release time for religious instruction. Credit may be granted for other purposes, at the discretion of the local school board. ()

09. Separation from Public Schools. Public schools will not include schedules of classes for release time programs in school catalogs, registration forms or any other regularly printed public school material. Registration for release time programs must occur off school premises, and must be done on forms and supplies furnished by the group or institution offering the program. Teachers of release time programs are not to be considered members of any public school faculty and should not be asked to participate as faculty members in any school functions or to assume responsibilities for operation of any part of the public school program. ()

10. Transportation Liability. Public schools and school districts will not be liable or responsible for the health, safety and welfare of students while they are being transported to and from or participating in release time programs. ()

221. -- 229. (RESERVED).

230. DRIVER EDUCATION.

All driver education courses offered in Idaho public schools and commercial schools must be conducted in compliance with all the requirements in the Idaho Driver Education Administrative Manual dated October 17, 1996 and published by the State Department of Education and approved by the State Board of Education. ()

231. -- 239. (RESERVED).

240. JUVENILE DETENTION CENTERS.

01. Definition of Terms. ()

a. Juvenile Detention Centers: Facilities that provide for the temporary care of children, as defined in the Juvenile Justice Reform Corrections Act, who require secure custody, for their own or the community's protection, in physically restricting facilities pending court disposition or subsequent to court disposition. (Section 33-2009, Idaho Code) ()

b. Juvenile Offender: A person, as defined in the Juvenile Justice Reform Act, who has been petitioned or adjudicated for a delinquent act that would constitute a felony or misdemeanor if committed by an adult. ()

02. Instructional Program. Every public school district in the state within which is located a public or private detention facility housing juvenile offenders pursuant to court order will provide an instructional program. The instructional program will: ()

a. Provide course work that meets the minimum requirements of Idaho State Board of Education Rules. ()

b. Provide instruction in the core of instruction. ()

c. Include the following components, where appropriate: self-concept improvement, social adjustment, physical fitness/personal health, vocational/occupational, adult living skills, and counseling. ()

d. Provide instruction and guidance that may lead to a high school diploma. School districts will accept such instruction for purposes of issuing credit when the detention center certifies to the school that the appropriate work is completed. ()

e. Be directed by an instructor who holds an appropriate, valid certificate. ()

f. Be provided to each student not later than two (2) school days after admission and continue until the student is released from the detention center. ()

g. Be provided to students who have attained "school age" as defined in Idaho Code 33-201. ()

h. Be provided for a minimum of four (4) hours during each school day. ()

i. Be based on the needs and abilities of each student. The resident school district will provide pertinent status information as requested by the Juvenile Detention Center. ()

j. Be coordinated with the instructional program at the school the student attends, where appropriate. ()

k. Be provided in a facility that is adequate for instruction and study. ()

03. State Funding of Instructional Programs at Juvenile Detention Centers. ()

a. Every student housed in a juvenile detention center pursuant to court order and participating in an instructional program provided by a public school district will be counted as an exceptional child by the district for purposes of state reimbursement. ()

b. Public school districts that educate pupils placed by Idaho court order in juvenile detention centers will be eligible for an allowance equivalent to the previous year's certified local annual tuition rate per pupil. The district allowance will be in addition to support unit funding and included in the district apportionment payment.

()

c. To qualify for state funding of instructional programs at Juvenile Detention Centers, school districts must apply for such funding on forms provided by the State Department of Education. Applications are subject to the review and approval of the State Superintendent of Public Instruction. School districts will submit attendance and enrollment reports as required by the State Superintendent of Public Instruction. Juvenile Detention Centers will submit reports to the local school district as required. ()

241. -- 999. (RESERVED).

IDAPA 08 - STATE BOARD OF EDUCATION

08.02.03 - RULES GOVERNING DISTRICT PERSONNEL AND CERTIFICATION

DOCKET NO. 08-0203-9601

NOTICE OF PENDING RULE

EFFECTIVE DATE: These rules have been repealed. The repeal becomes final and effective on April 1, 1997, unless the repeal is rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending repeal of the rule is amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule, which is the repeal of this section of the rules. The action is authorized pursuant to Section 33-105, Idaho Code, and 1994 Idaho Session Laws, Chapter 448, section 1, as amended by 1996 Idaho Session Laws, Chapter 8, section 1.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The repeal of this chapter was directed by the Idaho Legislature in 1994 Idaho Session Laws, Chapter 448, section 1, as amended by 1996 Idaho Session Laws, Chapter 8, section 1.

The pending rules are being adopted as proposed. The original text of the proposed rules was published in the Idaho Administrative Bulletin, Volume 96-8, page 52.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Dr. Darrell Loosle at the address and telephone number shown below.

DATED this 25th day of November, 1996.

Dr. Darrell K. Loosle
Chief Deputy Superintendent
State Department of Education
650 West State Street
P.O. Box 83720
Boise, Idaho 83720-0027
Phone: (208) 332-6800
FAX: (208) 334-2228

**IDAPA 08
TITLE 02
Chapter 03**

RULES GOVERNING DISTRICT PERSONNEL AND CERTIFICATION

There are no substantive changes from the proposed rule text.

The original text was published in the Idaho Administrative Bulletin, Volume 96-8, August 7, 1996, Page 52.

This rule has been adopted as Final by the Agency and is now pending review by the 1997 Idaho State Legislature for final adoption.

IDAPA 08 - BOARD OF EDUCATION
08.02.03 - RULES GOVERNING THOROUGHNESS
DOCKET NO. 08-0203-9602
NOTICE OF PENDING RULE

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 1997 Idaho State Legislature for final adoption. The pending rule becomes final and effective on April 1, 1997, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 33-105, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

Under the Constitution and laws of the state of Idaho, The State Board of Education exercises general supervision and control over Idaho's public elementary and secondary schools. The State Board Rules for the Public Schools of Idaho regulate the administration, uniformity, and thoroughness of all K-12 public education in Idaho. These rules are authorized by, and consistent with, the Idaho Constitution and Idaho Code.

Pursuant to Section 33-105(3), the proposed rule was not published in the bulletin. The proposed rules have been amended in response to public comment and to make typographical, transcriptional and clerical corrections to the rules, and are being amended pursuant to Section 67-5227, Idaho Code.

The original Notice of Proposed Rules was published in the Idaho Administrative Bulletin, Volume 96-8, pages 53 and 54.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Dr. Darrell Loosle at the address and phone number below.

DATED this 25th day of November, 1996.

Dr. Darrell K. Loosle
Chief Deputy Superintendent
State Department of Education
650 West State Street
P.O. Box 83720
Boise, Idaho 83720-0027
Phone: (208) 332-6800
FAX: (208) 334-2228

TEXT OF DOCKET NO. 08-0203-9602

IDAPA 08
TITLE 02
Chapter 03

RULES GOVERNING THOROUGHNESS

000. -- 099. (RESERVED).

100. BASIC CURRICULUM.
(Section 33-118, Idaho Code)

01. Kindergarten. Kindergarten curriculum will be established at the local level. (Section 33-208, Idaho Code) ()

02. Instructional Requirements. All schools will deliver a core of instruction and advisement programs (see Subsection 100.07, Guidance Programs) for each student in elementary schools, middle schools/junior high and high schools. ()

a. All students will meet standards established locally (at a minimum, the standards of the state) through rigorous accountability, which include challenging examinations, demonstrations of achievement, and other appropriate tests and measures. ()

b. The State Department of Education Curriculum Guides may be used voluntarily and are designed to assist school districts as they develop educational programs and exiting standards. Notwithstanding the above, the State Division of Vocational Education will prepare curriculum guides and instructional aids for vocational-technical education programs in the public schools. (Idaho Code 33-118) ()

03. Core of Instruction Grades 1-12. Instruction is inclusive of subject matter, content and course offerings. Patterns of instructional organization are a local school district option. Schools will assure students meet locally developed standards with the state standards as a minimum.* (*This includes special instruction that allows limited English proficient students to participate successfully in all aspects of the school's curriculum and keep up with other students in the regular education program. It also includes special learning opportunities for accelerated, learning disabled students and students with other disabilities.) At appropriate grade levels, instruction will include but not be limited to the following: ()

a. Language Arts and Communication will include instruction in reading, writing, English, literature, technological applications, spelling, speech and listening. ()

b. Mathematics will include instruction in addition, subtraction, multiplication, division, percentages, mathematical reasoning and probability. ()

c. Science will include instruction in applied sciences, earth and space sciences, physical sciences, and life sciences. ()

d. Social Studies will include instruction in history, government, geography, economics, current world affairs, citizenship, and sociology. ()

04. Other Required Instruction. Other required instruction for all students and other required offerings of the school are: ()

a. Elementary Schools (Grades 1-6). ()

i. The following section outlines other information required for all students, as well as other required offerings of the school:

Fine Arts (art and music)
Health (wellness)
Physical Education (fitness) ()

ii. Additional instructional options as determined by the local school district. For example:
Languages other than English
Career Awareness ()

b. Middle Schools/Junior High Schools. No later than the end of Grade eight (8) all students will develop parent-approved student learning plans for their high school and post-high school options. The learning plan will be developed by students and parents or guardians with advice and recommendation from school personnel. It will be reviewed annually and may be revised at any time. The purpose of a parent-approved student learning plan is to outline a course of study and learning activities for students to become contributing members of society. A student learning plan describes, at a minimum, the list of courses and learning activities in which the student will engage while working toward meeting the district's graduation standards. The school district will have met its obligation for parental involvement if it makes a good faith effort to notify the parent or guardian of the responsibility for the development and approval of the learning plan. A learning plan will not be required if the parent or guardian requests, in writing, that no learning plan be developed. ()

- i. Other required instruction for all students:
Health (wellness)
Physical Education (fitness) ()
- ii. Other required offerings of the school:
Family and Consumer Science
Fine & Performing Arts
Vocational-Technical Education
Advisory Period (middle school only, encourage in junior high school)
Exploratory (middle school only) ()
- iii. Additional instructional options as determined by the local school district. For example:
Languages other than English ()

c. High Schools (Grades 9-12). Students will maintain a parent-approved student learning plan for their high school and post-high school options. The learning plan will be developed by students and parents or guardians with advice and recommendation from school personnel. It will be reviewed annually and may be revised at any time. The purpose of a parent-approved student learning plan is to outline a course of study and learning activities for students to become contributing members of society. A student learning plan describes, at a minimum, the list of courses and learning activities in which the student will engage while working toward meeting the district's graduation standards. The school district will have met its obligation for parental involvement if it makes a good faith effort to notify the parent or guardian of the responsibility for the development and approval of the learning plan. A learning plan will not be required if the parent or guardian requests, in writing, that no learning plan be developed. ()

- i. Other required instructional offerings of the school. Each student must complete credit and exiting standards in at least two (2) of the following areas of instructional offerings:
Physical Education (fitness)
Humanities
Vocational-Technical Education (including work-based learning)
Family and Consumer Science
Fine and Performing Arts
Languages other than English (may include indigenous languages or sign language) ()

- ii. Additional instructional options as determined by the local school district. For Example:
Journalism ()

05. Graduation from High School. Graduation from an Idaho high school requires that: ()

a. All students will demonstrate achievement in the CORE and other required subjects to include forty-two (42) semester credits, one (1) semester equaling one-half (1/2) year. ()

b. All students will meet locally established subject area exiting standards (using state standards as minimum requirements) demonstrated through various measures of accountability including examinations or other measures. ()

c. Foreign exchange students may be eligible for graduation by completing a comparable program as approved by the Board of Trustees. ()

06. High School Graduation Standards. State minimum graduation requirements for all Idaho public high schools are forty-two (42) semester credits. The core of instruction required by the State Board of Education is twenty-five (25) semester credits. Local school districts may establish graduation requirements beyond the state minimum. The local school district has the responsibility to provide education opportunities that meet the needs of students in both academic and vocational areas. It is the intent of the State Board of Education to give local school districts the flexibility to provide rigorous and challenging curriculum that is consistent with the needs of students and the desire of their local patrons. ()

a. Secondary Language Arts and Communication: (nine (9) credits required with instruction in communications including oral communication and technological applications). Includes four (4) years of instruction in English, each year will consist of language study, composition, and literature. A course in speech or a course in debate will fulfill one (1) credit of the nine (9) credit requirement. ()

b. Mathematics and Science: (ten (10) credits required) a minimum of four (4) credits in math and four (4) credits in science, two (2) of which will be laboratory sciences. The additional two (2) credits may be from math or science). Secondary mathematics includes Applied Mathematics, Business Mathematics, Algebra, Geometry, Trigonometry, Fundamentals of Calculus, Probability and Statistics, Discrete Mathematics, and courses in mathematical problem solving and reasoning. Secondary sciences will include instruction in applied sciences, earth and space sciences, physical sciences, and life sciences. ()

c. Social Studies : (five (5) credits required), including government (two (2) credits), U.S. history (two (2) credits), and economics (one (1) credit). Current world affairs and geography will be integrated into all social studies instruction. Courses such as geography, sociology, world affairs and world history may be offered as electives, not to be counted as a social studies requirement. ()

d. Health/Wellness: (one (1) credit). A course focusing on positive health habits including knowledge and skills which enable students to assume personal responsibility for decisions regarding their well-being and the well-being of others. ()

07. Guidance Programs (Section 33-1212, Idaho Code). In each Idaho school, a comprehensive guidance program will be provided as an integral part of the educational program. A comprehensive guidance and counseling program includes these elements: ()

a. A guidance curriculum that identifies knowledge and skills to be attained by all students at various stages of their development and provides appropriate activities for their achievement. ()

b. Individualized planning with students and their parents in each of these domains: personal/social development, educational development, and career development. ()

c. Response services of counseling, consultation, and referral. ()

d. System support functions that promote effective delivery of guidance services. ()

08. Special Education Regulations (Section 33-2001 through 2008, Idaho Code) - General Provisions. ()

a. Each public agency, including the State Department of Education, local school districts, and any other political subdivision of the State that is responsible for providing education for students with disabilities, will comply with all provisions of Chapter 20, Title 33, Idaho Code, the Idaho State Board of Education Rules for Public Schools, the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act, Idaho's approved State Plan and any amendments and implementing regulations of such laws or plan. ()

i. Local Education Agencies (LEAs) will develop appropriate plans and ensure that an array of

individualized services is available at all times to meet the needs of children with disabilities at the preschool, kindergarten, elementary and secondary levels. These services to children with disabilities within a single school district, a multi-district, a cooperative unit, or through a contractual arrangement with an outside agency will be enumerated in the LEA application for federal funds. The Board of Trustees or other comparable governing agency will adopt local policies and procedures for providing special education services and obtain approval from the Department of Education for the same. Approval will be based on current requirements of applicable laws, including the Individuals with Disabilities Education Act, Idaho Code, federal and state regulations implementing those laws in Idaho's approved state plan and any corrective actions required resulting from federal or state reviews. ()

ii. The State Department of Education will provide LEAs with a sample set of policies and procedures that is consistent with relevant state and federal laws and regulations. The State Department of Education will monitor all public and private agencies who provide special education and/or related services to students with disabilities for compliance with state and federal laws, rules and regulations and local policies. ()

iii. Each public agency contracting with a private school or facility will ensure that the private school or facility meets the standards set forth in this section. The State Department of Education will determine if private schools and facilities meet state standards for an approved special education program. Any agency aggrieved by the Department of Education's final decision may appeal that decision to the State Board of Education. ()

iv. LEAs must employ professional personnel using certification standards approved by the State Board of Education or Bureau of Occupational Licensing standards for occupational and physical therapists. ()

v. School districts will provide extended school year services (beyond the regular school year) for children with disabilities who qualify for such services. ()

vi. LEAs must collect and report data as necessary to meet state and federal requirements concerning special education services, staff or students. ()

b. Eligibility for Special Education. LEAs must implement appropriate procedures to locate, evaluate and determine eligibility of students with potential disabilities. At the preschool age level this will include public awareness and screening activities. For school age students, LEAs will make known and accessible to all concerned persons a specified method of referral for special education and related services. ()

i. LEAs will establish Multi-Disciplinary Teams (MDTs) to assist in determining eligibility for special education. An MDT is a district or building committee composed of regular educators and special educators. The MDT may also include the student's parents. The MDT reviews all student referrals to determine whether to conduct a multi-disciplinary evaluation to determine eligibility for special education. If an evaluation is to be conducted, the MDT determines the nature and extent of the evaluation in accordance with Individuals with Disabilities Education Act requirements, minimum evaluation procedures and eligibility criteria established by the State Department of Education, and the student's needs. The MDT also conducts or arranges for the evaluation, as appropriate. Such evaluation procedures will be provided at no expense to the parents. ()

ii. MDT evaluators must prepare individual evaluation reports or a single composite report containing complete data. A single composite report must be developed for students with learning disabilities. The IEP team will make the final determination of eligibility. ()

iii. The State Department of Education will provide minimum state eligibility criteria for special education services consistent with the Individuals with Disabilities Education Act. ()

c. IEP Team Responsibilities. Each school district or multi-district will establish and utilize IEP Teams to coordinate activities and make decisions regarding eligibility, to develop individual education programs and to determine the placement of students with disabilities. The IEP Team membership is specified by the Individuals with Disabilities Education Act and would typically include the child's teacher, parents, an administrator and others as appropriate. ()

i. The IEP Team will review the comprehensive evaluation information completed for each child and determine if each child is eligible for special education or related services, using minimum state guidelines for

eligibility. All information, including documentation of eligibility or ineligibility, becomes part of the student's permanent file. ()

ii. The IEP Team will develop Individual Education Programs (IEPs) for each student who is eligible for special education prior to the initiation of special education or related services. The IEP will include components required by federal law and the LEAs policies and procedures. The IEP Team will determine the least restrictive educational environment in which the student's IEP can be appropriately implemented. ()

iii. The IEP will be implemented as soon as possible after it is developed. The total timeline from the date of written parental consent for pre-placement evaluation to IEP implementation will not exceed sixty (60) calendar days, excluding periods when regular school is not in session for five (5) or more consecutive days. Extensions may be granted only when all parties have agreed in writing to the extension. ()

iv. At the discretion of the public agency, an Individualized Family Service Plan (IFSP) may be used in place of an IEP provided the child is aged three to five (3-5); the child's parents agree to the use of the IFSP; and the IFSP is developed in accordance with Part H policies and procedures. Nothing in this part requires public agencies to develop IFSPs rather than IEPs for three to five (3-5) year olds nor to implement more than the educational components of the IFSP. ()

v. When a student eligible for special education or related services (as indicated on a current IEP) transfers from one (1) Idaho school district to another, the student will continue to be included in special education services. The receiving district may accept and implement the IEP developed by the sending district or may develop a new IEP. If a new IEP cannot be developed within five (5) days, or if the district wishes to re-evaluate the child, an interim (short-term) IEP must be implemented pending the development of the standard IEP. If the student transfers to an Idaho school district from another state, the district must determine if the student meets Idaho's state eligibility criteria for special education. ()

vi. The IEP Team decision will be based upon team agreement and signed by team members. The signature of the parent or guardian is required prior to the implementation of the initial IEP. When any other member of the IEP Team is not in agreement, that member has the right to place a minority report in the student's file. ()

vii. A review of each special education student's program and placement will be conducted at least annually by the IEP Team. The IEP Team will review the student's progress, will determine if additional evaluations are necessary, and whether the student is still eligible for special education. Continuing eligibility may be determined by formal or informal assessment, progress towards IEP goals and objectives or other relevant means. Students who are no longer eligible must be formally exited from special education. State funded personnel may continue to monitor the student and consult with general educators. ()

viii. Any member of an IEP Team may request a team meeting at times other than the annual review for purposes of determining student progress in special education and related services or to consider revisions or amendments to the IEP or placement. IEP Team meetings will be convened on reasonable request of any member. ()

ix. For a student who continues to be eligible for special education, the IEP Team will develop a new IEP or make revisions as needed. A complete IEP must be written at least annually. ()

d. Parent Participation. LEAs must take steps to ensure that one (1) or both parents of each special education student are provided with appropriate information and are afforded the opportunity to participate in making educational decisions regarding their child, consistent with the Individuals with Disabilities Education Act. ()

e. Procedural Safeguards. LEAs will use appropriate procedural safeguards consistent with the Individuals with Disabilities Education Act, including but not limited to the following methods: ()

i. If parents disagree with an individual education program or placement change proposed by the district, they may file a written objection to all or parts of the proposed change. If parents file a written objection that is postmarked or hand delivered within ten (10) days of the date they receive written notice of the proposed change from the district, the changes to which the parents object cannot be implemented. The district and parent may use

informal methods such as additional IEP Team meetings or voluntary mediation to resolve the disagreement. If these informal attempts fail, the district may request a due process hearing to obtain a hearing officer's decision regarding the proposed change. The written objection cannot be used to prevent the district from placing a student in an interim alternative educational placement in accordance with IDEA procedures for discipline of a student for possession of a weapon as defined by the Individuals with Disabilities Education Act. ()

ii. Mediation is a voluntary process and may only be used when both parties to the dispute agree to it. Mediation does not negate the parents' or school district's rights to a due process hearing nor does it interfere with the timelines. The State Department of Education will offer mediation as an alternative dispute resolution mechanism any time a hearing is requested and at other times when appropriate. Schools and parents have the right to request mediation at any time. The State Department of Education will screen all requests for mediation to determine appropriateness. If the State Department of Education appoints a mediator, the Department will reimburse the mediator for an honorarium and travel expenses. ()

iii. The State Department of Education will resolve formal complaints filed against school districts and other agencies using procedures developed in accordance with Individuals with Disabilities Education Act requirements. ()

iv. When a parent/guardian of the school district initiates a request for a due process hearing, the superintendent will inform the board of trustees of the request. The school district will immediately notify the State Department of Education's Special Education Section of any request for a due process hearing. Within ten (10) calendar days of a request for a hearing, an impartial hearing officer will be assigned by the State Department of Education. The State Department of Education will maintain a list of trained hearing officers and their qualifications. ()

v. The school district that is a party to the hearing will be responsible for compensating hearing officers. ()

vi. Due process hearings will be conducted pursuant to the Idaho Administrative Procedures Act (APA) and Individuals with Disabilities Education Act (IDEA) requirements. In case of any conflict between the APA and the IDEA, the IDEA will supersede the APA ()

vii. The hearing officer will issue a written decision that includes findings of fact and conclusions of law within forty-five (45) days of the date the hearing was requested unless a specific extension of this time line has been request by one (1) of the parties and granted by the hearing officer. The decision will be sent to the parents, the school district superintendent and to their respective representatives. A copy of the decision will be sent to the State Department of Education. ()

viii. A decision made by the hearing officer will be binding unless either party wishes to appeal the decision by initiating civil action. An appeal to Civil Court must be filed within fifty-six (56) calendar days from the date of issuance of the final decision. Any party initiating an appeal will be responsible for causing a written transcript to be made and will assume all costs associated with this transcript. ()

ix. During the hearing the district will provide reasonable accommodations as required by federal and state regulations. Disputes concerning reasonable accommodations will be resolved by the Department of Education's Americans with Disabilities Act (ADA) Committee. ()

x. During the pendency of any due process hearing or appeal of hearing results by civil action, the child's educational placement will be determined by the Individuals with Disabilities Education Act "stay put" requirements. The district's reassignment of a student to another classroom or building in the district will not be construed as a change in placement as long as the IEP goals remain unchanged and the degree of interaction with non-disabled peers remains the same. ()

xi. A parent has the right to an Independent Educational Evaluation (IEE) at public expense if the parent disagrees with an evaluation obtained by the school district. Parents are not entitled to have additional evaluations or procedures, beyond those determined necessary by the school district, conducted at public expense under IEE provisions. Whenever an independent evaluation is at public expense, the criteria under which the

evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria which the school district uses when it initiates an evaluation. A due process hearing may be initiated by the school to determine if the evaluation conducted by the school is appropriate. If the final decision of a hearing officer, (or a court of law if the hearing officer's decision is appealed), is that the evaluation that has been conducted by the school is appropriate, the parents still have the right to an independent evaluation. However, they must pay for this evaluation. ()

xii. In order to avoid unreasonable charges for IEEs, a district may establish maximum allowable charges for specific tests. If a district does establish maximum allowable charges for specific tests, the maximum cannot simply be an average of the fees customarily charged in the area by professionals who are qualified to conduct the specific test. Rather, the maximum must be established so that it allows the parents to choose from among the qualified professionals in the area and only eliminates unreasonably excessive fees. The district must allow the parents the opportunity to demonstrate that unique circumstances justify an IEE that does not fall within the district's criteria. If an IEE that falls outside the district's criteria is justified by the child's unique circumstances, that IEE must be publicly funded. ()

xiii. Student records will be managed in accordance with federal regulations governing security, confidentiality, access, maintenance, destruction, inspection and amendment. ()

f. Diplomas. School districts will use a regular diploma for special education students at the completion of their secondary program. The transcript serves as a record of individual accomplishments, achievements, and courses completed. A modified or differentiated diploma or certificate may not be used for special education students unless the same diploma or certificate is granted to students without disabilities. ()

09. Alternative Secondary Programs (Section 33-1002; 33-1002C; 33-1002F, Idaho Code). Alternative secondary programs are those that provide special instructional courses and offer special services to eligible at-risk youth to enable them to earn a high school diploma. Some designated differences must be established between the alternative school programs and the regular secondary school programs. Alternative secondary school programs will include course offerings, teacher/pupil ratios and evidence of teaching strategies that are clearly designed to serve at-risk youth as defined in this section. Alternative high school programs conducted during the regular school year will be located on a separate site from the regular high school facility or be scheduled at a time different from the regular school hours. ()

a. Student Qualifications: An At-Risk youth is any secondary student grade seven through twelve (7-12) who meets any three (3) of the following criteria, Subsections 100.09.a.i. through 09.a.v., or any one (1) of criteria, Subsections 100.09.a.vi. through 09.a.xii. ()

- i. Has repeated at least one (1) grade. ()
- ii. Has absenteeism that is greater than ten percent (10%) during the preceding semester. ()
- iii. Has an overall grade point average that is less than 1.5 (4.0 scale) prior to enrolling in an alternative secondary program. ()
- iv. Has failed one (1) or more academic subjects. ()
- v. Is two (2) or more semester credits per year behind the rate required to graduate. ()
- vi. Has substance abuse behavior. ()
- vii. Is pregnant or a parent. ()
- viii. Is an emancipated youth. ()
- ix. Is a previous dropout. ()
- x. Has serious personal, emotional, or medical problems. ()

- xi. Is a court or agency referral. ()
- xii. Upon recommendation of the school district as determined by locally developed criteria for disruptive student behavior. ()
- b. Instruction. Special instruction courses for at-risk youth enrolled in an alternative secondary program will include: ()
 - i. Academic skills that include language arts and communication, mathematics, science, and social studies that meet or exceed minimum state standards. ()
 - ii. A personal and career counseling component. ()
 - iii. A physical fitness/personal health component. ()
 - iv. A state division approved vocational-technical component. ()
 - v. A child care component with parenting skills emphasized. ()
- c. Graduation credit may be earned in the following areas: academic subjects, electives, and approved work-based learning experiences. Nonacademic courses, i.e., classroom and office aides do not qualify for credit unless they are approved work-based learning experiences. ()
- d. Special Services. Special services, where appropriate for at-risk youth enrolled in alternative secondary programs, include the following where appropriate: ()
 - i. A day care center when enrollees are also parents. This center should be staffed by a qualified child care provider. ()
 - ii. Direct social services that may include officers of the court, social workers, counselors/psychologists. ()
- 10. Testing in the Public Schools. ()
 - a. Philosophy. Acquiring the basic skills is essential to realization of full educational, vocational and personal/social development. Since Idaho schools are responsible for instruction in the basic scholastic skills, the State Board of Education has a vested interest in regularly surveying student skill acquisition as an index of the effectiveness of the educational program. This information can best be secured through objective assessment of student growth. A statewide student testing program consisting of standardized achievement testing and performance appraisal activities in the fundamental basic skills will be conducted annually under the supervision of the State Department of Education. ()
 - b. Purposes. The purpose of testing in the public schools is to provide comparative local, state and national data regarding the achievement of students in essential skill areas; to identify performance trends in student achievement across grade levels tested and over time; to provide supplemental information to local educational agencies that may be useful in evaluating local curriculum and instructional practices, screening students for special program entry/exit, diagnosing individual differences, developing student schedules, making differential assignments within classes and in communicating school progress information to various publics; and to determine State Department of Education technical assistance/consultation priorities. ()
 - c. Content. The statewide testing program will consist of the Iowa Tests of Basic Skills (ITBS), the Tests of Achievement and Proficiency (TAP), the Direct Writing Assessment (DWA) and the Direct Mathematics Assessment (DMA). ()
 - d. Testing Population. All students in Idaho public schools, grades three through eleven (3-11), are required to participate in the standardized portion of the statewide testing program approved by the State Board of

Education and funded. In addition, all students in grades four (4), eight (8) and eleven (11) are required to participate in the Direct Writing Assessment and all students in grades four (4) and eight (8) are required to participate in the Direct Mathematics Assessment portions of the statewide testing program. Non-public school students at those same grade levels are encouraged to participate at private school expense. For those exceptional students currently receiving special services, it is recommended that they be enrolled in the regular education program for basic skills instruction in reading, language arts, mathematics, science and social studies at least one-half (1/2) of the school day or have the endorsement of the IEP Team to participate in the test. No student will be denied the right to participate. ()

e. Scoring and Report Formats. Scores will be provided for each skill area assessed and reported in standard scores, percentile ranks, stanines, and holistic scores (Direct Writing Assessment and Direct Mathematics Assessment). Test results will be presented in a class list report of student scores, building/district summaries, and pressure sensitive labels. ()

f. Testing Schedule. The Iowa Tests of Basic Skills and the Tests of Achievement and Proficiency will be administered in October of each school year. The Direct Writing Assessment and the Direct Mathematics Assessment will be administered in the early spring of each school year during a time period specified by the State Department of Education. ()

g. Costs Paid by the State. Costs for the following testing activities will be paid by the state: ()

i. All consumable and non-consumable test materials needed to conduct the prescribed statewide testing program; ()

ii. Statewide distribution of all test materials; ()

iii. Processing and scoring student response forms, distribution of prescribed reports for the statewide testing program; and ()

iv. Implementation and scoring of the Direct Writing Assessment component to the fourth, eighth and eleventh grade batteries and the fourth and eighth grade batteries of the Direct Mathematics Assessment. ()

h. Costs of Additional Services. Costs for any additional sub-test administrations or scoring services not included in the prescribed statewide testing program will be paid by the participating school districts. Cost for replacement or supplemental materials which exceed expectation may also be charged to the district. ()

i. Services. Statewide testing should be scheduled so that a minimum of instructional time is invested. Student time spent in testing will not be charged against attendance requirements. ()

j. Test Security. Test security is of the utmost importance. It is expected that school districts will employ the same security measures in protecting statewide testing materials from compromise as they use to safeguard other formal assessments ()

k. Demographic Information. Demographic information may be required by the State Department of Education to assist in interpreting test results. ()

l. Assurances. The State Department of Education will neither advocate nor undertake performance comparisons across Idaho school districts. It is recognized the scholastic achievement can be adversely impacted by individual/environmental differences beyond the control of the school. ()

m. Dual Enrollment. For the purpose of non-public school student participation in non-academic public school activities, the Idaho State Board of Education recognized achievement test is Form K of the Iowa Tests of Basic Skills, at the elementary level (grades K-8), and the Tests of Achievement and Proficiency, at the secondary level (grades 9-12). The minimum score on each assessment is the fifth (5th) stanine for the battery total score. ()

11. Curricular Materials Selection (Sections 33-118; 33-118A, Idaho Code). The State Board of

Education will appoint a committee to select curriculum materials. Committee appointments will be for a period of five (5) years. Committee appointments will be for a period of five (5) years. The membership of the committee will include one (1) representative from each of the state's institutions of higher education (Boise State University, Idaho State University, Lewis-Clark State College, and University of Idaho); two (2) Idaho public school administrators; two (2) Idaho public school elementary classroom teachers; two (2) Idaho public school secondary classroom teachers; one (1) person who is not a public school educator nor a public school trustee, one (1) person (parent, teacher, or administrator) representing Idaho's private/parochial schools, who will not be a public school educator or trustee; one (1) public school trustee; three (3) parents and one (1) curriculum consultant from the Division of Instruction of the State Department of Education and one (1) from the Division of Vocational Education whose appointment will be for one (1) year. The Executive Secretary will be an employee of the State Department of Education and will be a voting member of the committee. ()

a. Curricular materials are adopted by the State Board of Education for a period of five (5) years in the following subject areas: reading, English, spelling, speech, journalism, languages other than English, art, drama, social studies, music, mathematics, business education, career education and counseling, vocational/technical education, science, health, handwriting, literature, driver education. ()

b. Multiple adoptions are made in each subject area. ()

c. Each publisher must deliver, according to the committee schedule, a sealed bid on all curricular materials presented for adoption. ()

d. The State Board will appoint a depository for the state-adopted curricular materials. Resource materials are a local option. ()

e. School districts will follow their own policies for adoption in subject areas offered by a school district for which materials are not covered by the state curriculum materials committee. ()

101. -- 199. (RESERVED).

200. COMMUNICATION.

01. Communication Skills Emphasis. Communication skills enabling students to be responsible citizens of their homes, schools and communities will be emphasized throughout the curriculum. The teaching and demonstrating of effective communication skills will be exemplified throughout the K-12 system. ()

02. Age-Appropriate Classroom, School, and Community Activities. Each year, age-appropriate classroom, school and community activities will be provided to all students for the purpose of developing written and oral communication skills with individuals and groups. Good listening skills are a critical component of the communication process. (Section 33-1612, Idaho Code) ()

201. -- 299. (RESERVED).

300. TECHNOLOGY.

Throughout the K-12 system, technology will be integral to curriculum, instruction and assessment. (Section 33-1612, Idaho Code). Technology moves communication to a new dimension. The K-12 system must lay the foundation for students to be able to participate comfortably in an increasingly technological society. Classroom activities will include instruction using multi-media, distance learning and other technologies. ()

01. Distance Learning Settings. In distance learning settings, districts will provide for: ()

a. Adequate student contact with a teacher or paraprofessional during instructional process. ()

b. Ready access for answering student questions. ()

c. Adequate teacher time to provide students with feedback on assignments and questions. ()

02. Cooperative Instructional Initiatives. Cooperative instructional initiatives from post-secondary institutions among districts and other sources are encouraged. Local school districts will be responsible for the quality of the programs offered and will assure that all state standards are met. ()

301. -- 399. (RESERVED).

400. WORKFORCE SKILLS.

01. Academic Skill Development. All students will be provided the opportunity to develop their academic skills (i.e., reading, language arts and communication, mathematics, science, social studies) and to develop the skills necessary for entering the workforce, including self-management skills (i.e., ability to plan, self-discipline, respect for authority, ongoing skill improvement), individual and teamwork skills (i.e., personal initiative, working with others), thinking/information skills (i.e., reasoning, problem solving, acquiring and using information) and vocational-technical skills based on the standards of the industry as approved by the State Board of Vocational Education. ()

02. Other Skill Development. Recognizing that students may or may not be active in the workforce, the State Board believes all students should be provided the opportunity to become contributing community and family members. This instruction includes homemaking skills (i.e., nutrition, child development, resource management); balancing work and family responsibilities; and entrepreneurial skills. ()

03. Work-based Learning Experiences. Work-based learning experiences may be provided as part of the instruction in the school. For students to receive credit, these experiences will include: training plans, training agreements, approved work sites, and supervision by appropriately certificated personnel. If work-based learning experiences are selected, they will be included in the Parent Approved Student Learning Plans. Instruction will be organized to facilitate a successful transition into the workforce and further education. ()

401. -- 499. (RESERVED).

500. BASIC VALUES.

Honesty, self-discipline, unselfishness, respect for authority and the central importance of work are emphasized. (See Section 33-1612) ()

501. -- 599. (RESERVED).

600. SAFE ENVIRONMENT AND DISCIPLINE.

Each school district will have a comprehensive districtwide policy and procedure encompassing the following:

School Climate
Discipline
Student Health
Violence Prevention
Gun-free Schools
Substance Abuse - Tobacco, Alcohol, and Other Drugs
Suicide Prevention
Student Harassment
Drug-free School Zones
Building Safety including Evacuation Drills

Districts will conduct an annual review of these policies and procedures. (See Section 33-1612) ()

601. -- 699. (RESERVED).

700. CITIZENSHIP.

Schools will provide instruction and activities necessary for students to acquire the skills to enable them to be responsible citizens in their homes, schools, communities, state and nation. (Section 33-1612, Idaho Code) ()

701. -- 999. (RESERVED).

IDAPA 08 - STATE BOARD OF EDUCATION
08.02.04 - RULES GOVERNING SCHOOL FACILITIES
DOCKET NO. 08-0204-9601
NOTICE OF PENDING RULE

EFFECTIVE DATE: These rules have been repealed. The repeal becomes final and effective on April 1, 1997, unless the repeal is rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending repeal of the rule is amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule, which is the repeal of this section of the rules. The action is authorized pursuant to Section 33-105, Idaho Code, and 1994 Idaho Session Laws, Chapter 448, section 1, as amended by 1996 Idaho Session Laws, Chapter 8, section 1.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The repeal of this chapter was directed by the Idaho Legislature in 1994 Idaho Session Laws, Chapter 448, section 1, as amended by 1996 Idaho Session Laws, Chapter 8, section 1.

The pending rules are being adopted as proposed. The original text of the proposed rules was published in the August 7, 1996 Idaho Administrative Bulletin, Volume 96-8, page 55.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Dr. Darrell Loosle at the address and telephone number shown below.

DATED this 25th day of November, 1996.

Dr. Darrell K. Loosle
Chief Deputy Superintendent
State Department of Education
650 West State Street
P.O. Box 83720
Boise, Idaho 83720-0027
Phone: (208) 332-6800
FAX: (208) 334-2228

IDAPA 08
TITLE 02
Chapter 04

RULES GOVERNING SCHOOL FACILITIES

There are no substantive changes from the proposed rule text.

The original text was published in the Idaho Administrative Bulletin, Volume 96-8, August 7, 1996, Page 55.

This rule has been adopted as Final by the Agency and is now pending review by the 1997 Idaho State Legislature for final adoption.

IDAPA 08 - STATE BOARD OF EDUCATION
08.02.05 - RULES GOVERNING INSTRUCTIONAL PROGRAMS AND TEXTBOOKS
DOCKET NO. 08-0205-9601
NOTICE OF PENDING RULE

EFFECTIVE DATE: These rules have been repealed. The repeal becomes final and effective on April 1, 1997, unless the repeal is rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending repeal of the rule is amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule, which is the repeal of this section of the rules. The action is authorized pursuant to Section 33-105, Idaho Code, and 1994 Idaho Session Laws, Chapter 448, section 1, as amended by 1996 Idaho Session Laws, Chapter 8, section 1.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The repeal of this chapter was directed by the Idaho Legislature in 1994 Idaho Session Laws, Chapter 448, section 1, as amended by 1996 Idaho Session Laws, Chapter 8, section 1.

The pending rules are being adopted as proposed. The original text of the proposed rules was published in the August 7, 1996 Idaho Administrative Bulletin, Volume 96-8, page 56.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Dr. Darrell Loosle at the address and telephone number shown below.

DATED this 25th day of November, 1996.

Dr. Darrell K. Loosle
Chief Deputy Superintendent
State Department of Education
650 West State Street
P.O. Box 83720
Boise, Idaho 83720-0027
Phone: (208) 332-6800
FAX: (208) 334-2228

IDAPA 08
TITLE 02
Chapter 05

RULES GOVERNING INSTRUCTIONAL PROGRAMS AND TEXTBOOKS

There are no substantive changes from the proposed rule text.

The original text was published in the Idaho Administrative Bulletin, Volume 96-8, August 7, 1996, Page 56.

This rule has been adopted as Final by the Agency and is now pending review by the 1997 Idaho State Legislature for final adoption.

IDAPA 08 - STATE BOARD OF EDUCATION
08.02.06 - RULES GOVERNING SPECIAL PROGRAMS
DOCKET NO. 08-0206-9601
NOTICE OF PENDING RULE

EFFECTIVE DATE: These rules have been repealed. The repeal becomes final and effective on April 1, 1997, unless the repeal is rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending repeal of the rule is amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule, which is the repeal of this section of the rules. The action is authorized pursuant to Section 33-105, Idaho Code, and 1994 Idaho Session Laws, Chapter 448, section 1, as amended by 1996 Idaho Session Laws, Chapter 8, section 1.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The repeal of this chapter was directed by the Idaho Legislature in 1994 Idaho Session Laws, Chapter 448, section 1, as amended by 1996 Idaho Session Laws, Chapter 8, section 1.

The pending rules are being adopted as proposed. The original text of the proposed rules was published in the August 7, 1996 Idaho Administrative Bulletin, Volume 96-8, page 57.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Dr. Darrell Loosle at the address and telephone number shown below.

DATED this 25th day of November, 1996.

Dr. Darrell K. Loosle
Chief Deputy Superintendent
State Department of Education
650 West State Street
P.O. Box 83720
Boise, Idaho 83720-0027
Phone: (208) 332-6800
FAX: (208) 334-2228

IDAPA 08
TITLE 02
Chapter 06

RULES GOVERNING SPECIAL PROGRAMS

There are no substantive changes from the proposed rule text.

The original text was published in the Idaho Administrative Bulletin, Volume 96-8, August 7, 1996, Page 57.

This rule has been adopted as Final by the Agency and is now pending review by the 1997 Idaho State Legislature for final adoption.

IDAPA 08 - STATE BOARD OF EDUCATION
08.02.07 - RULES GOVERNING TRANSPORTATION
DOCKET NO. 08-0207-9601
NOTICE OF PENDING RULE

EFFECTIVE DATE: These rules have been repealed. The repeal becomes final and effective on April 1, 1997, unless the repeal is rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending repeal of the rule is amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule, which is the repeal of this section of the rules. The action is authorized pursuant to Section 33-105, Idaho Code, and 1994 Idaho Session Laws, Chapter 448, section 1, as amended by 1996 Idaho Session Laws, Chapter 8, section 1.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The repeal of this chapter was directed by the Idaho Legislature in 1994 Idaho Session Laws, Chapter 448, section 1, as amended by 1996 Idaho Session Laws, Chapter 8, section 1.

The pending rules are being adopted as proposed. The original text of the proposed rules was published in the August 7, 1996 Idaho Administrative Bulletin, Volume 96-8, page 58.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Dr. Darrell Loosle at the address and telephone number shown below.

DATED this 25th day of November, 1996.

Dr. Darrell K. Loosle
Chief Deputy Superintendent
State Department of Education
650 West State Street
P.O. Box 83720
Boise, Idaho 83720-0027
Phone: (208) 332-6800
FAX: (208) 334-2228

IDAPA 08
TITLE 02
Chapter 07

RULES GOVERNING TRANSPORTATION

There are no substantive changes from the proposed rule text.

The original text was published in the Idaho Administrative Bulletin, Volume 96-8, August 7, 1996, Page 58.

This rule has been adopted as Final by the Agency and is now pending review by the 1997 Idaho State Legislature for final adoption.

IDAPA 08 - STATE BOARD OF EDUCATION
08.02.08 - RULES GOVERNING MISCELLANEOUS ITEMS
DOCKET NO. 08-0208-9601
NOTICE OF PENDING RULE

EFFECTIVE DATE: These rules have been repealed. The repeal becomes final and effective on April 1, 1997, unless the repeal is rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending repeal of the rule is amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule, which is the repeal of this section of the rules. The action is authorized pursuant to Section 33-105, Idaho Code, and 1994 Idaho Session Laws, Chapter 448, section 1, as amended by 1996 Idaho Session Laws, Chapter 8, section 1.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The repeal of this chapter was directed by the Idaho Legislature in 1994 Idaho Session Laws, Chapter 448, section 1, as amended by 1996 Idaho Session Laws, Chapter 8, section 1.

The pending rules are being adopted as proposed. The original text of the proposed rules was published in the August 7, 1996 Idaho Administrative Bulletin, Volume 96-8, page 59.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Dr. Darrell Loosle at the address and telephone number shown below.

DATED this 25th day of November, 1996.

Dr. Darrell K. Loosle
Chief Deputy Superintendent
State Department of Education
650 West State Street
P.O. Box 83720
Boise, Idaho 83720-0027
Phone: (208) 332-6800
FAX: (208) 334-2228

IDAPA 08
TITLE 02
Chapter 08

RULES GOVERNING MISCELLANEOUS ITEMS

There are no substantive changes from the proposed rule text.

The original text was published in the Idaho Administrative Bulletin, Volume 96-8, August 7, 1996, Page 59.

This rule has been adopted as Final by the Agency and is now pending review by the 1997 Idaho State Legislature for final adoption.

IDAPA 11 - DEPARTMENT OF LAW ENFORCEMENT
11.02.01 - RULES GOVERNING THE IDAHO STATE BRAND BOARD

DOCKET NO. 11-0201-9501

NOTICE OF PENDING RULE

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 1997 Idaho State Legislature for final adoption. The pending rule becomes final and effective upon adjournment of the legislature, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67- 5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 25-1102, Idaho Code.

DESCRIPTIVE SUMMARY: The pending rules are being adopted as proposed. The original text of the proposed rule was published in the December 6, 1995, Administrative Bulletin, Volume 95-12, pages 29 through 31.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Larry Hayhurst at (208) 884-7070.

DATED this 4th day of December, 1996.

R.A. Coulter
Deputy Attorney General
Department of Law Enforcement
P.O. Box 700
Meridian, ID 83680-0700
(208) 884-7050
(208) 884-7090 (FAX)

IDAPA 11
TITLE 02
Chapter 01

RULES GOVERNING THE IDAHO STATE BRAND BOARD

**There are no substantive changes
from the proposed rule text.**

**The original text was published in the Idaho
Administrative Bulletin, Volume 95-12, December 6, 1995,
Pages 29 through 31.**

**This rule has been adopted as Final by the Agency
and is now pending review by the
1997 Idaho State Legislature for final adoption.**

IDAPA 11 - DEPARTMENT OF LAW ENFORCEMENT
11.02.01 - RULES GOVERNING THE IDAHO STATE BRAND BOARD

DOCKET NO. 11-0201-9601

NOTICE OF PENDING RULE

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 1997 Idaho State Legislature for final adoption. The pending rule becomes final and effective upon adjournment of the legislature, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67- 5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 25-1102, Idaho Code.

DESCRIPTIVE SUMMARY: The pending rules are being adopted as proposed. The original text of the proposed rule as published in the November 6, 1996, Administrative Bulletin, Volume 96-11, pages 19 and 20.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Larry Hayhurst at (208) 884-7070.

DATED this 7th day of November, 1996.

R.A. Coulter
Deputy Attorney General
Department of Law Enforcement
P.O. Box 700
Meridian, ID 83680-0700
(208) 884-7050
(208) 884-7090 (FAX)

IDAPA 11
TITLE 02
Chapter 01

RULES GOVERNING THE IDAHO STATE BRAND BOARD

**There are no substantive changes
from the proposed rule text.**

**The original text was published in the Idaho
Administrative Bulletin, Volume 96-11, November 6, 1996,
Pages 19 and 20.**

**This rule has been adopted as Final by the Agency
and is now pending review by the
1997 Idaho State Legislature for final adoption.**

IDAPA 11 - DEPARTMENT OF LAW ENFORCEMENT
11.04.01 - RULES OF THE IDAHO STATE RACING COMMISSION
GOVERNING HORSE RACING

DOCKET NO. 11-0401-9502

NOTICE OF PENDING RULE

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 1997 Idaho State Legislature for final adoption. The pending rule becomes final and effective upon adjournment of the legislature, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67- 5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-2506, Idaho Code.

DESCRIPTIVE SUMMARY: The pending rules are being adopted as proposed. The original text of the proposed rule was published in the December 6, 1995, Administrative Bulletin, Volume 95-12, pages 32 through 36.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Eugene Baker at (208) 884-7080.

DATED this 4th day of December, 1996.

R.A. Coulter
Deputy Attorney General
Department of Law Enforcement
P.O. Box 700
Meridian, ID 83680-0700
(208) 884-7050
(208) 884-7090 (FAX)

IDAPA 11
TITLE 04
Chapter 01

RULES OF THE IDAHO STATE RACING COMMISSION
GOVERNING HORSE RACING

There are no substantive changes
from the proposed rule text.

The original text was published in the Idaho
Administrative Bulletin, Volume 95-12, December 6, 1995,
Pages 32 through 36.

This rule has been adopted as Final by the Agency
and is now pending review by the
1997 Idaho State Legislature for final adoption.

IDAPA 11 - DEPARTMENT OF LAW ENFORCEMENT
11.04.01 - RULES OF THE IDAHO STATE RACING COMMISSION
GOVERNING HORSE RACING

DOCKET NO. 11-0401-9601

NOTICE OF PENDING RULE

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 1997 Idaho State Legislature for final adoption. The pending rule becomes final and effective upon adjournment of the legislature, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67- 5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-2506, Idaho Code.

DESCRIPTIVE SUMMARY: The pending rules are being adopted as proposed. The original text of the proposed rule was published in the November 6, 1996, Administrative Bulletin, Volume 96-11, pages 21 through 27.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Eugene Baker at (208) 884-7080.

DATED this 7th day of November, 1996.

R.A. Coulter
Deputy Attorney General
Department of Law Enforcement
P.O. Box 700
Meridian, ID 83680-0700
(208) 884-7050
(208) 884-7090 (FAX)

IDAPA 11
TITLE 04
Chapter 01

RULES OF THE IDAHO STATE RACING COMMISSION
GOVERNING HORSE RACING

There are no substantive changes
from the proposed rule text.

The original text was published in the Idaho
Administrative Bulletin, Volume 96-11, November 6, 1996,
Pages 21 through 27.

This rule has been adopted as Final by the Agency
and is now pending review by the
1997 Idaho State Legislature for final adoption.

IDAPA 11 - DEPARTMENT OF LAW ENFORCEMENT
11.04.01 - RULES OF THE IDAHO STATE RACING COMMISSION
GOVERNING HORSE RACING

DOCKET NO. 11-0401-9602

NOTICE OF PENDING RULE

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 1997 Idaho State Legislature for final adoption. The pending rule becomes final and effective upon adjournment of the legislature, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67- 5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-2506, Idaho Code.

DESCRIPTIVE SUMMARY: The pending rules are being adopted as proposed. The original text of the proposed rule was published in the November 6, 1996, Administrative Bulletin, Volume 96-11, pages 28 and 29.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Eugene Baker at (208) 884-7080.

DATED this 7th day of November, 1996.

R.A. Coulter
Deputy Attorney General
Department of Law Enforcement
P.O. Box 700
Meridian, ID 83680-0700
(208) 884-7050
(208) 884-7090 (FAX)

IDAPA 11
TITLE 04
Chapter 01

RULES OF THE IDAHO STATE RACING COMMISSION
GOVERNING HORSE RACING

There are no substantive changes
from the proposed rule text.

The original text was published in the Idaho
Administrative Bulletin, Volume 96-11, November 6, 1996,
Pages 28 and 29.

This rule has been adopted as Final by the Agency
and is now pending review by the
1997 Idaho State Legislature for final adoption.

IDAPA 11 - DEPARTMENT OF LAW ENFORCEMENT
11.04.01 - RULES OF THE IDAHO STATE RACING COMMISSION
GOVERNING HORSE RACING

DOCKET NO. 11-0401-9603

NOTICE OF PENDING RULE

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 1997 Idaho State Legislature for final adoption. The pending rule becomes final and effective upon adjournment of the legislature, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67- 5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-2506, Idaho Code.

DESCRIPTIVE SUMMARY: The pending rules are being adopted as proposed. The original text of the proposed rule was published in the November 6, 1996, Administrative Bulletin, Volume 96-11, pages 30 through 32.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Eugene Baker at (208) 884-7080.

DATED this 7th day of November, 1996.

R.A. Coulter
Deputy Attorney General
Department of Law Enforcement
P.O. Box 700
Meridian, ID 83680-0700
(208) 884-7050
(208) 884-7090 (FAX)

IDAPA 11
TITLE 04
Chapter 01

RULES OF THE IDAHO STATE RACING COMMISSION
GOVERNING HORSE RACING

There are no substantive changes
from the proposed rule text.

The original text was published in the Idaho
Administrative Bulletin, Volume 96-11, November 6, 1996,
Pages 30 through 32.

This rule has been adopted as Final by the Agency
and is now pending review by the
1997 Idaho State Legislature for final adoption.

IDAPA 11 - DEPARTMENT OF LAW ENFORCEMENT
11.04.03 - RULES OF THE IDAHO STATE RACING COMMISSION
GOVERNING GREYHOUND RACING

DOCKET NO. 11-0403-9503

NOTICE OF VACATION OF PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221, Idaho Code, notice is hereby given that this agency has vacated the rule-making previously initiated under this docket. The action is authorized pursuant to Section 54-2506, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a summary of the reason for the vacation:

Docket No.11-0403-9503 was originally published in the December 6, 1995 Idaho Administrative Bulletin, Volume 95-12, pages 37 through 39, as a temporary and proposed rule. The need for the proposed amendment to Section 067 is now negated, since Greyhound racing no longer exists in the state of Idaho.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Eugene Baker at (208) 884-7080.

DATED this 4th day of December, 1996.

R.A. Coulter
Deputy Attorney General
Department of Law Enforcement
P.O. Box 700
Meridian, ID 83680-0700
(208) 884-7050
(208) 884-7090 (FAX)

IDAPA 11 - DEPARTMENT OF LAW ENFORCEMENT
11.04.03 - RULES OF THE IDAHO STATE RACING COMMISSION
GOVERNING GREYHOUND RACING

DOCKET NO. 11-0403-9504

NOTICE OF VACATION OF PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221, Idaho Code, notice is hereby given that this agency has vacated the rule-making previously initiated under this docket. The action is authorized pursuant to Section 54-2506, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a summary of the reason for the vacation:

Docket No.11-0403-9504 was originally published in the December 6, 1995 Idaho Administrative Bulletin, Volume 95-12, pages 40 through 43, as a temporary and proposed rule. The need for the proposed deletion of Greyhound Rules, IDAPA 11.04.03 and the new chapter, IDAPA 11.04.04 is now negated, since Greyhound racing no longer exists in the state of Idaho.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Eugene Baker at (208) 884-7080.

DATED this 4th day of December, 1996.

R.A. Coulter
Deputy Attorney General
Department of Law Enforcement
P.O. Box 700
Meridian, ID 83680-0700
(208) 884-7050
(208) 884-7090 (FAX)

IDAPA 11 - DEPARTMENT OF LAW ENFORCEMENT
11.04.04 - RULES OF THE IDAHO STATE RACING COMMISSION
GOVERNING DISCIPLINARY HEARINGS

DOCKET NO. 11-0404-9501

NOTICE OF PENDING RULE

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 1997 Idaho State Legislature for final adoption. The pending rule becomes final and effective upon adjournment of the legislature, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67- 5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-2506, Idaho Code.

DESCRIPTIVE SUMMARY: The pending rules are being adopted as proposed. The original text of the proposed rule was published in the December 6, 1995, Administrative Bulletin, Volume 95-12, pages 44 through 52.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Eugene Baker at (208) 884-7080.

DATED this 4th day of December, 1996.

R.A. Coulter
Deputy Attorney General
Department of Law Enforcement
P.O. Box 700
Meridian, ID 83680-0700
(208) 884-7050
(208) 884-7090 (FAX)

IDAPA 11
TITLE 04
Chapter 04

RULES OF THE IDAHO STATE RACING COMMISSION
GOVERNING DISCIPLINARY HEARINGS

There are no substantive changes
from the proposed rule text.

The original text was published in the Idaho
Administrative Bulletin, Volume 95-12, December 6, 1995,
Pages 44 through 52.

This rule has been adopted as Final by the Agency
and is now pending review by the
1997 Idaho State Legislature for final adoption.

IDAPA 11 - DEPARTMENT OF LAW ENFORCEMENT
11.07.04 - ENVIRONMENTAL AUDIT PROTECTION RULES

DOCKET NO. 11-0704-9601

NOTICE OF PENDING RULE

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 1997 Idaho State Legislature for final adoption. The pending rule becomes final and effective upon adjournment of the legislature, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67- 5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Title 25, Chapter 11, Idaho Code.

DESCRIPTIVE SUMMARY: The pending rules are being adopted as proposed. The original text of the proposed rule was published in the January 3, 1996, Administrative Bulletin, Volume 96-1, pages 30 and 31.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact R.A. Coulter at (208) 884-7050.

DATED this 4th day of December, 1996.

R.A. Coulter
Deputy Attorney General
Department of Law Enforcement
P.O. Box 700
Meridian, ID 83680-0700
(208) 884-7050
(208) 884-7090 (FAX)

IDAPA 11
TITLE 07
Chapter 04

RULES GOVERNING ENVIRONMENTAL AUDIT PROTECTION RULES

**There are no substantive changes
from the proposed rule text.**

**The original text was published in the Idaho
Administrative Bulletin, Volume 96-1, January 3, 1996,
Pages 30 and 31.**

**This rule has been adopted as Final by the Agency
and is now pending review by the
1997 Idaho State Legislature for final adoption.**

IDAPA 11 - DEPARTMENT OF LAW ENFORCEMENT
11.11.01 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL
DOCKET NO. 11-1101-9503
NOTICE OF VACATION OF PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221, Idaho Code, notice is hereby given that this agency has vacated the rule-making previously initiated under this docket. The action is authorized pursuant to Section 19-5109, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a summary of the reason for the vacation:

Docket No.11-1101-9503 was originally published in Volume 95-12 of the Idaho Administrative Bulletin on December 6, 1995 as a temporary and proposed rule. The proposed amendment to Section 057.01.b. was incorporated in the temporary and proposed rule under Docket No. 11-1101-9602 published in Volume 96-11 of the Idaho Administrative Bulletin on November 6, 1996 at pages 33 and 34, which negates the necessity for the rule.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Mike Becar at (208) 884-7250.

DATED this 4th day of December, 1996.

R.A. Coulter
Deputy Attorney General
Department of Law Enforcement
P.O. Box 700
Meridian, ID 83680-0700
(208) 884-7050
(208) 884-7090 (FAX)

IDAPA 11 - DEPARTMENT OF LAW ENFORCEMENT
11.11.01 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL
DOCKET NO. 11-1101-9601
NOTICE OF VACATION OF PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221, Idaho Code, notice is hereby given that this agency has vacated the rule-making previously initiated under this docket. The action is authorized pursuant to Section 19-5109, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a summary of the reason for the vacation:

Docket No.11-1101-9601 was originally published in Volume 96-1 of the Idaho Administrative Bulletin on January 3, 1996 at pages 33 and 34 as a temporary and proposed rule. The proposed amendment to Section 095.03 was incorporated in the temporary and proposed rule under Docket No. 11-1101-9603 published in Volume 96-11 of the Idaho Administrative Bulletin on November 6, 1996 at pages 35 through 49 which negates the necessity for the rule.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Mike Becar at (208) 884-7250.

DATED this 4th day of December, 1996.

R.A. Coulter
Deputy Attorney General
Department of Law Enforcement
P.O. Box 700
Meridian, ID 83680-0700
(208) 884-7050
(208) 884-7090 (FAX)

IDAPA 11 - DEPARTMENT OF LAW ENFORCEMENT
11.11.01 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL

DOCKET NO. 11-1101-9602

NOTICE OF PENDING RULE

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 1997 Idaho State Legislature for final adoption. The pending rule becomes final and effective upon adjournment of the legislature, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67- 5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 19-5109, Idaho Code.

DESCRIPTIVE SUMMARY: The pending rules are being adopted as proposed. The original text of the proposed rule was published in the November 6, 1996, Administrative Bulletin, Volume 96-11, pages 33 and 34.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Mike Becar at (208) 884-7250.

DATED this 7th day of November, 1996.

R.A. Coulter
Deputy Attorney General
Department of Law Enforcement
P.O. Box 700
Meridian, ID 83680-0700
(208) 884-7050
(208) 884-7090 (FAX)

IDAPA 11
TITLE 11
Chapter 01

RULES GOVERNING THE IDAHO PEACE OFFICER
STANDARDS AND TRAINING COUNCIL

There are no substantive changes
from the proposed rule text.

The original text was published in the Idaho
Administrative Bulletin, Volume 96-11, November 6, 1996,
Pages 33 through 34.

This rule has been adopted as Final by the Agency
and is now pending review by the
1997 Idaho State Legislature for final adoption.

IDAPA 11 - DEPARTMENT OF LAW ENFORCEMENT
11.11.01 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL

DOCKET NO. 11-1101-9603

NOTICE OF PENDING RULE

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 1997 Idaho State Legislature for final adoption. The pending rule becomes final and effective upon adjournment of the legislature, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67- 5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 19-5109, Idaho Code.

DESCRIPTIVE SUMMARY: The pending rules are being adopted as proposed. The original text of the proposed rule was published in the November 6, 1996, Administrative Bulletin, Volume 96-11, pages 35 through 49.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Mike Becar at (208) 884-7250.

DATED this 7th day of November, 1996.

R.A. Coulter
Deputy Attorney General
Department of Law Enforcement
P.O. Box 700
Meridian, ID 83680-0700
(208) 884-7050
(208) 884-7090 (FAX)

IDAPA 11
TITLE 11
Chapter 01

RULES GOVERNING THE IDAHO PEACE OFFICER
STANDARDS AND TRAINING COUNCIL

There are no substantive changes
from the proposed rule text.

The original text was published in the Idaho
Administrative Bulletin, Volume 96-11, November 6, 1996,
Pages 35 through 49.

This rule has been adopted as Final by the Agency
and is now pending review by the
1997 Idaho State Legislature for final adoption.

IDAPA 11 - DEPARTMENT OF LAW ENFORCEMENT
11.11.01 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL

DOCKET NO. 11-1101-9604

NOTICE OF PENDING RULE

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 1997 Idaho State Legislature for final adoption. The pending rule becomes final and effective upon adjournment of the legislature, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67- 5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 19-5109, Idaho Code.

DESCRIPTIVE SUMMARY: The pending rules are being adopted as proposed. The original text of the proposed rule was published in the November 6, 1996, Administrative Bulletin, Volume 96-11, pages 50 and 51.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Mike Becar at (208) 884-7250.

DATED this 7th day of November, 1996.

R.A. Coulter
Deputy Attorney General
Department of Law Enforcement
P.O. Box 700
Meridian, ID 83680-0700
(208) 884-7050
(208) 884-7090 (FAX)

IDAPA 11
TITLE 11
Chapter 01

RULES GOVERNING THE IDAHO PEACE OFFICER
STANDARDS AND TRAINING COUNCIL

There are no substantive changes
from the proposed rule text.

The original text was published in the Idaho
Administrative Bulletin, Volume 96-11, November 6, 1996,
Pages 50 and 51.

This rule has been adopted as Final by the Agency
and is now pending review by the
1997 Idaho State Legislature for final adoption.

IDAPA 11 - DEPARTMENT OF LAW ENFORCEMENT
11.11.01 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL

DOCKET NO. 11-1101-9605

NOTICE OF PENDING RULE

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 1997 Idaho State Legislature for final adoption. The pending rule becomes final and effective upon adjournment of the legislature, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 19-5109, Idaho Code.

DESCRIPTIVE SUMMARY: The pending rules are being adopted as proposed. The original text of the proposed rule was published in the November 6, 1996, Administrative Bulletin, Volume 96-11, pages 52 through 58.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Mike Becar at (208) 884-7250.

DATED this 7th day of November, 1996.

R.A. Coulter
Deputy Attorney General
Department of Law Enforcement
P.O. Box 700
Meridian, ID 83680-0700
(208) 884-7050
(208) 884-7090 (FAX)

IDAPA 11
TITLE 11
Chapter 01

RULES GOVERNING THE IDAHO PEACE OFFICER
STANDARDS AND TRAINING COUNCIL

There are no substantive changes
from the proposed rule text.

The original text was published in the Idaho
Administrative Bulletin, Volume 96-11, November 6, 1996,
Pages 52 through 58.

This rule has been adopted as Final by the Agency
and is now pending review by the
1997 Idaho State Legislature for final adoption.

IDAPA 12 - DEPARTMENT OF FINANCE
12.01.08 - RULES GOVERNING THE IDAHO SECURITIES ACT
DOCKET NO. 12-0108-9601
NOTICE OF PENDING RULE

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 1997 Idaho State Legislature for final adoption. The pending rule becomes final and effective 7-1-97, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 30-1448, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

In January, 1996, the North American Securities Administrators Association, the association of state securities regulators, passed a resolution dealing with the offer and sale of securities on the Internet. The resolution recognizes that the Internet may be a legitimate means of raising capital. However, because a communication made on the Internet may be directed not only to particular recipients, but also to anyone with access to the Internet, this rule is necessary to afford those using the Internet some certainty as to the necessity for complying with the securities registration provisions of the Idaho Securities Act. Uniform treatment of such Internet communications by state securities regulators is in the public interest and affords protection for investors.

The Idaho Department of Finance requests adoption of this pending rule as proposed. The original text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 96-7, pages 2 through 4.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Marilyn T. Scanlan at (208) 332-8070.

DATED this 20th day of November, 1996.

Marilyn T. Scanlan
Securities Bureau Chief
Idaho Department of Finance
700 West State Street
P.O. Box 83720
Boise, Idaho 83720-0031
(208) 332-8070
Fax No. (208) 332-8098

IDAPA 12
TITLE 01
Chapter 08

RULES GOVERNING THE IDAHO SECURITIES ACT

There are no substantive changes from the proposed rule text.

**The original text was published in the Idaho Administrative Bulletin,
Volume 96-7, July 3, 1996, Pages 2 through 4.**

**This rule has been adopted as Final by the Agency and is now pending
review by the 1997 Idaho State Legislature for final adoption.**

IDAPA 15 - IDAHO EMERGENCY RESPONSE COMMISSION
15.13.01 - RULES GOVERNING THE IDAHO EMERGENCY RESPONSE COMMISSION

DOCKET NO. 15-1301-9601
NOTICE OF PENDING RULES

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 1997 Idaho State Legislature for final adoption. The pending rule becomes final and effective upon adjournment of the legislature or July 1, 1997, unless the rule is approved, rejected, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rulemaking. The action is authorized pursuant to Section(s) 39-7101 Hazardous Substance Emergency Response Act, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rules are being adopted as proposed. The original text of the proposed rules was published in the November 6, 1996 Idaho Administrative Bulletin, Volume 96-11, pages 62 through 66.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Lezlie Aller, (208) 334-3263.

Dated this 12th day of November, 1996.

Lezlie Aller, Director of HAZMAT Operations
4040 Guard St.
P.O. Box 83720
Boise, ID 83720-3401
(208) 334-3263

IDAPA 15
TITLE 13
Chapter 01

RULES GOVERNING IDAHO EMERGENCY RESPONSE COMMISSION

**There are no substantive changes
from the proposed rule text.**

**The original text was published in the Idaho
Administrative Bulletin, Volume 96-11, November 6, 1996,
Pages 62 through 66.**

**This rule has been adopted as Final by the Agency
and is now pending review by the
1997 Idaho State Legislature for final adoption.**

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO
DOCKET NO. 16-0101-9601

NOTICE OF ADOPTION OF PENDING RULE AND AMENDMENTS TO TEMPORARY RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 1997 Idaho State Legislature for final approval. The amendments to the temporary rule are effective December 1, 1996. The pending rule will become final and effective immediately upon the adjournment sine die of the First Regular Session of the Fifty-fourth Idaho Legislature unless prior to that date the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Sections 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule and amended a temporary rule. The action is authorized by Sections 39-105 and 39-107, Idaho Code and mandated by the U.S. Environmental Protection Agency (EPA) for approval of the state's Title V Operating Permit Program pursuant to 60 Fed. Reg. 54,990, 54,994 (1995).

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and amending the existing temporary rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

In November 1995, the Board of Health and Welfare (Board) adopted as a temporary rule an amendment to the Rules for the Control of Air Pollution in Idaho (November 1995 temporary rule). The rule repealed Idaho's air rules on excess emissions found in the Tier I operating permits section of the rules and revised the existing Upset/Breakdown rules. These changes were made to avoid EPA disapproval of Idaho's Tier I Operating Permit Program under Title V of the Clean Air Act.

In July 1996, the Department of Health and Welfare, Division of Environmental Quality (Department) proposed final adoption of the November 1995 temporary rule. The Department received comments from the public concerning the proposed rule and has revised the initial proposal in accordance with Section 67-5227, Idaho Code. Certain sections of the Excess Emissions rules (IDAPA 16.01.01 Sections 130-136) were rearranged to clarify which sections are optional.

Rather than keep the November 1995 temporary rule in place while the pending rule awaits legislative review, the Board amended the temporary rule with the same revisions which have been made to the proposed rule.

The Department has revised IDAPA 16.01.01 Sections 131, 133, 134, and 135 in accordance with Section 67-5227, Idaho Code. The Department's Rulemaking and Public Comment Summary, which contains a complete consideration of the issues raised by the public, is included in the rulemaking record maintained by the Division of Environmental Quality, 1410 N. Hilton, Boise, Idaho 83706.

IDAPA 16.01.01 Sections 006, 130, 132, 136, 209, 220, 222, 313, 314, and 326 through 332 have been adopted as initially proposed in the Idaho Administrative Bulletin, Volume 96-7, July 3, 1996, pp. 5 through 36 and, therefore, have not been republished with this Notice.

The pending rule and amendments to the temporary rule were adopted by the Board of Health and Welfare (Board) because the rule responds to the needs of the regulated community while protecting the public health and environment. In addition, the rule maintains consistency with federal programs.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking, contact Sue Richards at (208)373-0502.

DATED this 1st day of January, 1997

Paula Junae Saul
Environmental Quality Section
Attorney General's Office
1410 N. Hilton, Boise, Idaho 83706-1255

IDAPA 16
TITLE 01
Chapter 01

RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

**There are substantive changes
from the proposed rule text.**

**Only those sections that have changed from the
original proposed text are printed in this
Bulletin following this notice.**

**The complete original text was published in the
Idaho Administrative Bulletin, Volume 96-7, July 3, 1996,
Pages 5 through 36.**

**This rule has been adopted as Final by the Agency
and is now pending review by the
1997 Idaho State Legislature for final adoption.**

TEXT OF DOCKET NO. 16-0101-9601

131. EXCESS EMISSIONS.

01. Applicability. Emissions exceeding any of the limits established in this chapter or established in a preconstruction permit or operating permit (Tier I or Tier II), or modification thereof, issued pursuant to this chapter, which emissions occur as a direct result of a startup, shutdown, scheduled maintenance, upset, or breakdown of any air pollution control equipment or emissions unit, including process equipment and processes, or as a direct result of implementation of any safety measure, shall be referred to herein as "excess emissions." Except as provided in Section 131.02, excess emissions shall be a violation of the rule or permit establishing such limits. The owner or operator of the facility or source must comply with Sections 131, 132, 133.01, 134.01, 134.02, 134.03, 135, and 136. (12-1-96)T

02. Excuse of Violation. If an excuse of the excess emissions violation is sought, then the burden shall be on the owner or operator of the facility or source seeking to excuse the excess emissions violation to demonstrate to the satisfaction of the Department that all of the relevant requirements in Sections 132 through 136 have been met and that the excess emissions event is or was reasonably unavoidable and the result of a startup, shutdown, scheduled maintenance, upset, breakdown, or safety measure. Any excuse of violation under this Section shall not excuse the owner or operator from compliance with the emissions limit in the future. This section shall not apply to limits established by EPA and incorporated by reference into Section 107 of this chapter or to any such limits established by EPA which are included in preconstruction or operating permits issued pursuant to this chapter. (12-1-96)T

(BREAK IN CONTINUITY OF SECTIONS)

133. STARTUP, SHUTDOWN AND SCHEDULED MAINTENANCE REQUIREMENTS.

The requirements in this Section shall apply in all cases where startup, shutdown, or scheduled maintenance of air pollution control equipment or an emissions unit, including process equipment and processes, may result in an excess emissions event. A demonstration of compliance with all of the following requirements, including adherence to any procedures developed pursuant to Subsections 133.02, 133.03, 133.04, and 133.05, shall be a prerequisite to any excuse of excess emissions violation under Section 131 for startup, shutdown or scheduled maintenance. (12-1-96)T

01. General Provisions. The following shall pertain to all startup, shutdown, and scheduled maintenance activities: (12-1-96)T

a. No scheduled startup, shutdown, or maintenance resulting in excess emissions shall occur during any period in which an Atmospheric Stagnation Advisory and/or a Wood Stove Curtailment Advisory has been declared by the Department within an area designated by the Department as a PM-10 nonattainment area, unless the permittee demonstrates that such is reasonably necessary to facility operations and cannot be reasonably avoided and the Department approves such activity in advance, to the extent advance approval by the Department is feasible. This prohibition on scheduled startup, shutdown or maintenance activities during Advisories does not apply to situations where shutdown is necessitated by urgent situations, such as imminent equipment failure, power curtailment, worker safety concerns or similar situations. (12-1-96)T

b. The owner or operator of a source of excess emissions shall notify the Department of any startup, shutdown, or scheduled maintenance event that is expected to cause an excess emissions event. Such notification shall identify the time of the excess emissions, specific location, equipment involved, and type of excess emissions event (i.e. startup, shutdown, or scheduled maintenance). The notification shall be given as soon as reasonably possible, but no later than two (2) hours prior to the start of the excess emissions event unless the owner or operator demonstrates to the Department's satisfaction that a shorter advanced notice was necessary. (12-1-96)T

c. The owner or operator of a source of excess emissions shall report and record the information required pursuant to Sections 135 and 136 for each excess emission event due to startup, shutdown, or scheduled maintenance. (12-1-96)T

d. No excuse of excess emissions violation under Section 131 may apply to scheduled maintenance on pollution control equipment, except in those cases where the maximum reasonable effort, including off-shift labor where required, has been made to accomplish such maintenance during periods of nonoperation of any related source operations or equipment. (12-1-96)T

02. Effect of Filing Excess Emissions Procedures. The preparation and filing of startup, shutdown, or scheduled maintenance procedures under this Section shall not absolve the owner or operator from an enforcement action by the Department if the procedures are not followed or the burden under Section 131 is not met. Unless otherwise required by these Rules, the failure to establish or file procedures under this Section shall not be a violation of these Rules in and of itself, but shall preclude the excuse of an excess emissions violation under Section 131 for emissions resulting from startup, shutdown, or scheduled maintenance. (12-1-96)T

03. Excess Emissions Procedures. For all air pollution control equipment and emissions units, including process equipment and processes, from which excess emissions may occur during startup, shutdown, or scheduled maintenance, the facility owner or operator shall establish and file with the Department specific procedures which will be used to minimize excess emissions during such events. Specific information for each of the types of excess emissions events (i.e. startup, shutdown and scheduled maintenance) shall be established or documented for each piece of control equipment and emissions unit (including process equipment and processes) and shall include all of the following (which may be based upon the facility owner or operator's knowledge of the process or emissions where measured data is unavailable): (12-1-96)T

a. Identification of the specific air pollution control equipment or emissions unit. (12-1-96)T

b. Identification of the specific air pollutants likely to be emitted in excess of applicable standards or limits during the startup, shutdown, or scheduled maintenance period. (12-1-96)T

c. The estimated amount of excess emissions expected to be released during each event. (12-1-96)T

- d. The expected duration of each excess emissions event. (12-1-96)T
- e. An explanation of why the excess emissions are reasonably unavoidable for each of the types of excess emissions events (i.e. startup, shutdown, and scheduled maintenance). (12-1-96)T
- f. Specification of the frequency at which each of the types of excess emissions events (i.e. startup, shutdown, and scheduled maintenance) are expected to occur. (12-1-96)T
- g. For scheduled maintenance of control equipment, the owner or operator shall also document detailed explanations of: (12-1-96)T
- i. Why the maintenance is needed. (12-1-96)T
- ii. Why it is impractical to reduce or cease operation of the emissions unit(s) or other source(s) during the scheduled maintenance period. (12-1-96)T
- iii. Why the excess emissions are not reasonably avoidable through better scheduling of the maintenance or through better operation and maintenance practices. (12-1-96)T
- iv. Why, where applicable, it is necessary to by-pass, take off line, or operate the air pollution control equipment at reduced efficiency while the maintenance is being performed. (12-1-96)T
- h. Justification to explain why the piece of control equipment or emissions unit cannot be modified or redesigned to eliminate or reduce the excess emissions which occur during startup, shutdown, and scheduled maintenance. (12-1-96)T
- i. Detailed specification of the procedures to be followed by the owner or operator which will minimize excess emissions at all times during startup, shutdown, and scheduled maintenance. These procedures may include such measures as preheating or otherwise conditioning the emissions unit prior to its use or the application of auxiliary air pollution control equipment to reduce the excess emissions. (12-1-96)T
04. Amendments to Procedures. The owner or operator shall amend the procedures established pursuant to Section 133 from time to time and as deemed reasonably necessary to ensure that the procedures are and remain consistent with good pollution control practices. (12-1-96)T
05. Filing of Procedures. To the extent procedures or plans for excess emissions resulting from startup, shutdown, or scheduled maintenance are required to be or are otherwise submitted to the Department with any permit application, such submission, if deemed adequate, shall fulfill the requirement under this Section to file plans and procedures with the Department. (12-1-96)T

134. UPSET, BREAKDOWN AND SAFETY REQUIREMENTS.

The requirements in this section shall apply in all cases where upset or breakdown of air pollution control equipment or an emissions unit, including process equipment and processes, or the initiation of safety measures may result in an excess emissions event. A demonstration of compliance with all of the following requirements, including adherence to any procedures developed pursuant to Subsections 134.04, 134.05, and 134.06, shall be a prerequisite to any excuse of an excess emissions violation under Section 131 for upset, breakdown or safety measures. (12-1-96)T

01. Routine Maintenance and Repairs. For all air pollution control equipment and emissions units, including process equipment and processes, from which excess emissions may occur during upset conditions or breakdowns or implementation of safety measures, the facility owner or operator shall: (12-1-96)T
- a. Implement routine preventative maintenance and operating procedures consistent with good pollution control practices for minimizing upsets and breakdowns or events requiring implementation of safety measures, and (12-1-96)T
- b. Make routine repairs in an expeditious fashion when the owner or operator knew or should have

known that an excess emissions event was likely to occur. Off-shift labor and overtime shall be utilized, to the extent practicable, to ensure that such repairs are made expeditiously. (12-1-96)T

02. Excess Emissions Minimization and Notification. For all air pollution control equipment and emissions units, including process equipment and processes, from which excess emissions may occur during upset or breakdown conditions or other situations that may necessitate the implementation of safety measures, the facility owner or operator shall establish specific procedures which will be used to minimize excess emissions during such events. Specific procedures shall include all of the following: (12-1-96)T

a. The owner or operator shall immediately undertake appropriate measures to reduce and, to the extent possible, eliminate excess emissions resulting from the event. (12-1-96)T

b. The owner or operator shall notify the Department of any upset/breakdown/safety event resulted in excess emissions. Such notification shall identify the time, specific location, equipment involved, and (to the extent known) the cause(s) of the occurrence. The notification shall be given as soon as reasonably possible, but no later than twenty-four (24) hours after the event, unless the owner or operator demonstrates to the Department's satisfaction that the longer reporting period was necessary. (12-1-96)T

c. The owner or operator shall report and record the information required pursuant to Sections 135 and 136 for each excess emissions event caused by an upset, breakdown, or safety measure. (12-1-96)T

03. Discretionary Reduction or Cessation Provisions. During any period of excess emissions due to upset or breakdown, or for continued operation under facility safety measures, the Department may require that the owner or operator immediately proceed to reduce or cease operation of the emissions unit(s) or facility, until such time as the condition causing the excess emissions has been corrected or brought under control. Such action by the Department will be taken upon consideration of the following factors and after consultation with the facility owner or operator: (12-1-96)T

a. Potential risk to the public or the environment. (12-1-96)T

b. Whether ceasing operations could result in physical damage to the equipment or facility, or cause injury to employees. (12-1-96)T

c. If continued excess emissions were determined by the Department to be reasonably avoidable. (12-1-96)T

d. The effect of the increase in pollution resulting from the shutdown and subsequent restart of the emission(s) or facility. (12-1-96)T

e. The owner or operator shall not be required to reduce or cease operations at the entire facility if reducing or ceasing operations at a portion of the facility terminates the excess emissions. (12-1-96)T

04. Effect of Filing Foreseeable Excess Emissions Procedures. The preparation and filing of procedures pursuant to Subsection 134.05 shall not absolve the owner or operator from an enforcement action by the Department if the procedures are not followed or the burden under Section 131 is not met. Notwithstanding the foregoing, failure to follow procedures filed with the Department shall not preclude the excuse of an excess emissions violation if the owner or operator demonstrates to the Department's satisfaction that alternate and equivalent procedures were used and necessitated by the exigency of the circumstances. Unless otherwise required by these Rules, the failure to establish or file procedures under Subsection 134.05 shall not be a violation of these Rules in and of itself, but shall preclude the excuse of an excess emissions violation under Section 131 for emissions resulting from foreseeable upset/breakdown/safety events. (12-1-96)T

05. Foreseeable Excess Emissions Procedures. For equipment and process upsets and breakdowns and situations that require implementation of safety measures, which events can reasonably be anticipated to occur periodically but which cannot be reasonably avoided or predicted with certainty, the owner or operator shall establish and file with the Department specific procedures which will be used to minimize such events and excess emissions during such events. To the extent possible and reasonably practicable (and based upon knowledge of the process or

emissions where measured data is not available), specify the following information for each type of anticipated upset/breakdown/safety event: (12-1-96)T

- a. The specific air pollution control equipment or emissions unit and the type of event anticipated. (12-1-96)T
- b. The specific air pollutants likely to be emitted in excess of applicable standards or limits during the event. (12-1-96)T
- c. The estimated amount of excess emissions expected to be released during each event. (12-1-96)T
- d. The expected duration of each excess emissions event. (12-1-96)T
- e. An explanation of why the excess emissions are reasonably unavoidable. (12-1-96)T
- f. The frequency of the type of event, based on historic occurrences. (12-1-96)T
- g. Justification to explain why the piece of control equipment or emissions unit cannot be modified or redesigned to eliminate or reduce the particular type of event. (12-1-96)T
- h. Detailed specification of the procedures to be followed by the owner or operator which will minimize excess emissions at all times during such events, including without limitation those procedures listed under Subsection 134.05. (12-1-96)T

06. Filing of Procedures. To the extent procedures or plans for excess emissions resulting from upsets, breakdowns or safety measures are required to be or are otherwise submitted to the Department with any permit application, such submission, if deemed adequate, shall fulfill the requirement under this Section to file plans and procedures with the Department. (12-1-96)T

135. EXCESS EMISSIONS REPORTS.

01. Deadline for Excess Emissions Reports. A written report for each excess emissions event shall be submitted to the Department by the owner or operator no later than fifteen (15) days after the beginning of each such event. (12-1-96)T

02. Contents of Excess Emissions Reports. Each report shall contain the following information: (12-1-96)T

- a. The time period during which the excess emissions occurred; (12-1-96)T
- b. Identification of the specific equipment or emissions unit which caused the excess emissions; (12-1-96)T
- c. An explanation of the cause, or causes, of the excess emissions and whether the excess emissions occurred as a result of startup, shutdown, scheduled maintenance, upset, breakdown or a safety measure; (12-1-96)T
- d. An estimate of the quantity of each air pollutant emitted in excess of any applicable standard or emission limit (based on knowledge of the process and facility where emissions data is unavailable); (12-1-96)T
- e. A description of the activities carried out to eliminate the excess emissions; and (12-1-96)T
- f. Statements demonstrating compliance with the requirements of Sections 132 through 136, as applicable to the event. (12-1-96)T

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.01.02 - WATER QUALITY STANDARDS AND WASTEWATER TREATMENT REQUIREMENTS

DOCKET NO. 16-0102-9502

NOTICE OF PENDING AND TEMPORARY RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 1997 Idaho State Legislature for final approval. The temporary rule is effective December 1, 1996. The pending rule will become final and effective immediately upon the adjournment sine die of the First Regular Session of the Fifty-fourth Idaho Legislature unless prior to that date the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Sections 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending/temporary rule. The action is authorized by Sections 39-105, 39-107, and 39-3601, et seq., Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending/temporary rule and a statement of any change between the text of the proposed rule and the text of the pending/temporary rule with an explanation of the reasons for any change.

The Department of Health and Welfare, Division of Environmental Quality (Department) received comments from the public concerning the proposed rule. The Department has revised IDAPA 16.01.02 Sections 003, 053, 054, 070, 090, and 350 in accordance with Section 67-5227, Idaho Code. The Department's Rulemaking and Public Comment Summary, which contains a complete consideration of the issues raised by the public, is included in the rulemaking record maintained by the Division of Environmental Quality, 1410 N. Hilton, Boise, Idaho 83760.

IDAPA 16.01.02 Sections 001, 051, 052, 055, 056, 080, 101, and 299 have been adopted as initially proposed in the Idaho Administrative Bulletin, Volume 96-5, May 1, 1996, pages 11 through 41 and, therefore, have not been republished with this Notice.

The rule was adopted by the Department because the rule responds to the needs of the regulated community while protecting the public health and environment.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(a) and 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate in that the rule is necessary to protect the public health and the rule complies with deadlines in amendments to governing law.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rule, contact Mark Shumar at (208)373-0502.

DATED this 1st day of January, 1997.

Paula Junae Saul
Environmental Quality Section
Attorney General's office
1410 N Hilton
Boise, Idaho 83706-1255

IDAPA 16
TITLE 01
Chapter 02

WATER QUALITY STANDARDS AND
WASTEWATER TREATMENT REQUIREMENTS

There are substantive changes
from the proposed rule text.

Only those sections that have changed from the
original proposed text are printed in this
Bulletin following this notice.

The complete original text was published in the
Idaho Administrative Bulletin, Volume 96-5, May 1, 1996,
Pages 11 through 41.

This rule has been adopted as Final by the Agency
and is now pending review by the
1997 Idaho State Legislature
for final adoption.

TEXT OF DOCKET NO. 16-0102-9502

003. DEFINITIONS AND ABBREVIATIONS.

For the purpose of the rules contained in Title 01, Chapter 02, the following definitions and abbreviations apply:

(7-1-93)

01. Acute. Involving a stimulus severe enough to rapidly induce a response; in aquatic toxicity tests, a response measuring lethality observed in ninety-six (96) hours or less is typically considered acute. When referring to human health, an acute effect is not always measured in terms of lethality. (~~8-24-94~~)(12-1-96)T

02. Acute Criteria. The maximum instantaneous or 1-hour average concentration of a toxic substance or effluent which ensures adequate protection of sensitive species of aquatic organisms from acute toxicity resulting from exposure to the toxic substance or effluent. Acute criteria will adequately protect the designated aquatic life use if not exceeded more than once every three years. (8-24-94)

03. Acute Toxicity. The existence of mortality or injury to aquatic organisms resulting from a single or short-term (i.e., ninety-six (96) hours or less) exposure to a substance. As applied to toxicity tests, acute toxicity refers to the response of aquatic test organisms to a concentration of a toxic substance or effluent which results in a LC-50. (~~8-24-94~~)(12-1-96)T

04. Beneficial Use. Any of the various uses which may be made of the water of Idaho, including, but not limited to, domestic water supplies, industrial water supplies, agricultural water supplies, navigation, recreation in and on the water, wildlife habitat, and aesthetics. The beneficial use is dependent upon actual use, the ability of the water to support a non-existing use either now or in the future, and its likelihood of being used in a given manner. The use of water for the purpose of wastewater dilution or as a receiving water for a waste treatment facility effluent is not a beneficial use. (8-24-94)

05. Appropriate Reference Condition. The condition existing at a site on the same water body, or within the same basin or ecoregion that has similar habitat conditions, and represents the water quality and biological community attainable under minimally impacted conditions. (8-24-94)

06. Aquatic Species. Any plant or animal that lives at least part of its life in the water column or benthic portion of waters of the state. (8-24-94)

07. Background. The biological, chemical or physical condition of waters measured at a point immediately upstream (up-gradient) of the influence of an individual point or nonpoint source discharge. If several discharges to the water exist or if an adequate upstream point of measurement is absent, the department will determine where background conditions should be measured. (8-24-94)

08. Basin Advisory Group. No less than one advisory group named by the Director, in consultation with the designated agencies, for each of the state's six major river basins which shall generally advise the Director on water quality objectives for each basin, work in a cooperative manner with the Director to achieve these objectives, and provide general coordination of the water quality programs of all public agencies pertinent to each basin. Each basin advisory group named by the Director shall reflect a balanced representation of the interests in the basin and shall, where appropriate, include representatives from each of the following: agriculture, mining, nonmunicipal point source discharge permittees, forest products, local government, livestock, Indian tribes (for areas within reservation boundaries), water-based recreation, and environmental interests. (12-1-96)T

~~089.~~ Best Management Practice. A practice or combination of practices, techniques or measures developed, or identified, by the designated agency and identified in the state water quality management plan which are determined by the Department to be the most cost-effective and practicable means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals. (7-1-93)(12-1-96)T

~~0910.~~ Bioaccumulation. The process by which a compound is taken up by, and accumulated in the tissues of an aquatic organism from the environment, both from water and through food. (8-24-94)

~~1011.~~ Biochemical Oxygen Demand (BOD). The measure of the amount of oxygen necessary to satisfy the biochemical oxidation requirements of organic materials at the time the sample is collected; unless otherwise specified, this term will mean the five (5) day BOD incubated at 20 degrees C. (8-24-94)

~~1112.~~ Biological Monitoring or Biomonitoring. The use of a biological entity as a detector and its response as a measure to determine environmental conditions. Toxicity tests and biological surveys, including habitat monitoring, are common biomonitoring methods. (8-24-94)

~~1213.~~ Biota. The plants and animals of a specified area. (7-1-93)

~~1314.~~ Board. The Idaho Board of Health and Welfare. (7-1-93)

~~1415.~~ Chronic. Involving a stimulus that lingers or continues for a relatively long period of time, often one-tenth of the life span or more. Chronic should be considered a relative term depending on the life span of an organism. The measurement of a chronic effect can be reduced growth, reduced reproduction, etc., in addition to lethality. (8-24-94)

~~1516.~~ Chronic Criteria. The four-day average concentration of a toxic substance or effluent which ensures adequate protection of sensitive species of aquatic organisms from chronic toxicity resulting from exposure to the toxic substance or effluent. Chronic criteria will adequately protect the designated aquatic life use if not exceeded more than once every three years. (8-24-94)

~~1617.~~ Chronic Toxicity. The existence of mortality, injury, reduced growth, impaired reproduction, or any other adverse effect on aquatic organisms resulting from a long-term (i.e., one-tenth or more of the organism's life span) exposure to a substance. As applied to toxicity tests, chronic toxicity refers to the response of aquatic organisms to a concentration of a toxic substance or effluent which results in an IC-25. (8-24-94)

~~17~~18. Compliance Schedule or Schedule of Compliance. A schedule of remedial measures including an enforceable sequence of actions or operations leading to compliance with an effluent limitation, other limitation, prohibition, or standard. (8-24-94)

~~18~~19. Daily Mean. The average of at least two (2) appropriately spaced measurements, acceptable to the department, calculated over a period of one day: ~~(8-24-94)~~(12-1-96)T

a. Confidence bounds around the point estimate of the mean may be required to determine the sample size necessary to calculate a daily mean; (8-24-94)

b. If any measurement is greater or less than five-tenths (0.5) times the average, additional measurements over the one-day period may be needed to obtain a more representative average; ~~(8-24-94)~~(12-1-96)T

c. In calculating the daily mean for dissolved oxygen, values used in the calculation shall not exceed the dissolved oxygen saturation value. If a measured value exceeds the dissolved oxygen saturation value, then the dissolved oxygen saturation value will be used in calculating the daily mean. (8-24-94)

~~19~~20. Deleterious Material. Any nontoxic substance which may cause the tainting of edible species of fish, taste and odors in drinking water supplies, or the reduction of the usability of water without causing physical injury to water users or aquatic and terrestrial organisms. (8-24-94)

~~20~~21. Department. The Idaho Department of Health and Welfare. (7-1-93)

~~24~~22. Design Flow. The critical flow used for steady-state wasteload allocation modeling. (8-24-94)

23. Designated Agency. The department of lands for timber harvest activities, oil and gas exploration and development, and mining activities; the soil conservation commission for grazing and agricultural activities; the transportation department for public road construction; the department of agriculture for aquaculture; and the Department's division of environmental quality for all other activities. (12-1-96)T

~~22~~24. Designated Beneficial Use or Designated Use. Those beneficial uses assigned to identified waters in Idaho Department of Health and Welfare Rules, Title 01, Chapter 02, "Water Quality Standards and Wastewater Treatment Requirements," Sections 110 through 160 and 299, whether or not the uses are being attained. (8-24-94)

~~23~~25. Desirable Species. Species indigenous to the area or those introduced by the Idaho Department of Fish and Game. (7-1-93)

~~24~~26. Director. The Director of the Idaho Department of Health and Welfare or his authorized agent. (7-1-93)

~~25~~27. Discharge. When used without qualification, any spilling, leaking, emitting, escaping, leaching, or disposing of a pollutant into the waters of the state. (8-24-94)

~~26~~28. Disinfection. A method of reducing the pathogenic or objectionable organisms by means of chemicals or other acceptable means. (7-1-93)

~~27~~29. Dissolved Oxygen (DO). The measure of the amount of oxygen dissolved in the water, usually expressed in mg/l. (7-1-93)

~~28~~30. Dissolved Product. Petroleum product constituents found in solution with water. (8-24-94)

~~29~~31. Dynamic Model. A computer simulation model that uses real or derived time series data to predict a time series of observed or derived receiving water concentrations. Dynamic modeling methods include continuous simulation, Monte Carlo simulations, lognormal probability modeling, or other similar statistical or deterministic techniques. (8-24-94)

- ~~3032.~~ Effluent. Any wastewater discharged from a treatment facility. (7-1-93)
- ~~3133.~~ Effluent Biomonitoring. The measurement of the biological effects of effluents (e.g., toxicity, biostimulation, bioaccumulation, etc.). (8-24-94)
- ~~3234.~~ EPA. The United States Environmental Protection Agency. (7-1-93)
- ~~3335.~~ Existing Beneficial Use or Existing Use. Those beneficial uses actually attained in waters on or after November 28, 1975, whether or not they are designated for those waters in Idaho Department of Health and Welfare Rules, Title 01, Chapter 02, "Water Quality Standards and Wastewater Treatment Requirements." (8-24-94)
- ~~3436.~~ Facility. As used in Section 850 only, any building, structure, installation, equipment, pipe or pipeline, well pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock or aircraft, area, place or property from which an unauthorized release of hazardous materials has occurred. (8-24-94)
- ~~3537.~~ Fecal Coliform. The portion of the coliform group of bacteria present in the gut and feces of warm-blooded animals, usually expressed as number of organisms/ 100 ml of sample. (7-1-93)
- ~~3638.~~ Four-Day Average. The mean of the twenty-four hour average values calculated over a period of ninety-six (96) consecutive hours. ~~(8-24-94)~~(12-1-96)T
- ~~3739.~~ Free Product. A petroleum product that is present as a nonaqueous phase liquid. Free product includes the presence of petroleum greater than one-tenth (0.1) inch as measured on the water surface for surface water or the water table for ground water. (7-1-93)
- ~~3840.~~ Full Protection, Full Support, or Full Maintenance of Designated Beneficial Uses of Water. Compliance with those levels of water quality criteria listed in Sections 200, 250, 275 (if applicable), and 299 or with the reference streams or conditions approved by the Director in consultation with the appropriate basin advisory group. ~~(8-24-94)~~(12-1-96)T
- ~~3941.~~ Geometric Mean. The geometric mean of "n" quantities is the "nth" root of the product of the quantities. (7-1-93)
- ~~4042.~~ Ground water. Subsurface water comprising the zone of saturation. (8-24-94)
- ~~4143.~~ Harmonic Mean Flow. The number of daily flow measurements divided by the sum of the reciprocals of the flows (i.e., the reciprocal of the mean of reciprocals). (8-24-94)
- ~~4244.~~ Hazardous Material. A material or combination of materials which, when discharged in any quantity into state waters, presents a substantial present or potential hazard to human health, the public health, or the environment. Unless otherwise specified, published guides such as Quality Criteria for Water (1976) by EPA, Water Quality Criteria (Second Edition, 1963) by the state of California Water Quality Control Board, their subsequent revisions, and more recent research papers, regulations and guidelines will be used in identifying individual and specific materials and in evaluating the tolerances of the identified materials for the beneficial uses indicated. (7-1-93)
- ~~4345.~~ Hydrologically-Based Design Flow. A statistically derived receiving water design flow based on the selection and identification of an extreme value (e.g., 1Q10, 7Q10). The underlying assumption is that the design flow will occur X number of times in Y years, and limits the number of years in which one or more excursions below the design flow can occur. (8-24-94)
- ~~4446.~~ Hypolimnion. The deepest zone in a thermally-stratified body of water. It is fairly uniform in temperature and lies beneath a zone of water which exhibits a rapid temperature drop with depth of at least one (1) degree C per meter. ~~(8-24-94)~~(12-1-96)T
- ~~4547.~~ Inhibition Concentration-25 (IC-25). A point estimate of the toxicant concentration that would cause a twenty-five percent reduction in a non-lethal biological measurement of the test organisms, such as

reproduction or growth. Determined using curve fitting with an assumption of a continuous dose-response relationship. An IC-25 is approximately the analogue of NOEC. (8-24-94)

~~4648.~~ Instantaneous Concentration. A concentration of a substance measured at any moment (instant) in time. (8-24-94)

~~4749.~~ Inter-Departmental Coordination. Consultation with those agencies responsible for enforcing or administering the practices listed as approved best management practices in Subsection 350.03. (7-1-93)

~~4850.~~ Intermittent Stream. A stream which has a period of zero flow for at least one week during most years. Where flow records are available, a stream with a 7Q2 hydrologically-based design flow of less than one-tenth (0.1)cfs is considered intermittent. Streams with perennial pools which create significant aquatic life uses are not intermittent. (8-24-94)(12-1-96)T

~~4951.~~ Land Application. A process or activity involving application of wastewater, surface water, or semi-liquid material to the land surface for the purpose of disposal, pollutant removal, or ground water recharge. (8-24-94)

~~5052.~~ LC-50. The toxicant concentration killing fifty percent (50%) of exposed organisms at a specific time of observation (e.g., ninety-six (96) hours). (8-24-94)(12-1-96)T

~~5153.~~ Load Allocation (LA). The portion of a receiving water's loading capacity that is attributed either to one of its existing or future nonpoint sources of pollution or to natural background sources. (8-24-94)

~~5254.~~ Loading Capacity. The greatest amount of pollutant loading that a water can receive without violating water quality standards. (8-24-94)

~~5355.~~ Lower Water Quality. A measurable adverse change in a chemical, physical, or biological parameter of water relevant to a beneficial use, and which can be expressed numerically. Measurable change is determined by a statistically significant difference between sample means using standard methods for analysis and statistical interpretation appropriate to the parameter. Statistical significance is defined as the ninety-five percent (95%) confidence limit when significance is not otherwise defined for the parameter in standard methods or practices. (7-1-93)(12-1-96)T

~~5456.~~ Lowest Observed Effect Concentration (LOEC). The lowest concentration of a toxicant or an effluent that results in observable adverse effects in the aquatic test population. (8-24-94)

~~5557.~~ Man-made Waterways. Canals, flumes, ditches, and similar features, constructed for the purpose of water conveyance. (7-1-93)

~~5658.~~ Milligrams Per Liter (mg/l). Milligrams of solute per liter of solution, equivalent to parts per million, assuming unit density. (7-1-93)

~~5759.~~ Mixing Zone. A defined area or volume of the receiving water surrounding or adjacent to a wastewater discharge where the receiving water, as a result of the discharge, may not meet all applicable water quality criteria or standards. It is considered a place where wastewater mixes with receiving water and not as a place where effluents are treated. (7-1-93)

~~5860.~~ National Pollutant Discharge Elimination System (NPDES). Point source permitting program established pursuant to Section 402 of the federal Clean Water Act. (8-24-94)

~~5961.~~ Nephelometric Turbidity Units (NTU). A measure of turbidity based on a comparison of the intensity of the light scattered by the sample under defined conditions with the intensity of the light scattered by a standard reference suspension under the same conditions. (8-24-94)

~~6062.~~ Nonpoint Source Activities. Activities on a geographical area on which pollutants are deposited or dissolved or suspended in water applied to or incident on that area, the resultant mixture being discharged into the

waters of the state. Nonpoint source activities on ORWs do not include issuance of water rights permits or licenses, allocation of water rights, operation of diversions, or impoundments. Nonpoint sources activities include, but are not limited to: ~~(7-1-93)~~(12-1-96)T

- a. Irrigated and nonirrigated lands used for: (7-1-93)
- i. Grazing; (7-1-93)
- ii. Crop production; (7-1-93)
- iii. Silviculture; (7-1-93)
- b. Log storage or rafting; (7-1-93)
- c. Construction sites; (7-1-93)
- d. Recreation sites; ~~and~~ ~~(8-24-94)~~(12-1-96)T
- e. Septic tank disposal fields; (8-24-94)
- f. Mining; (12-1-96)T
- g. Runoff from storms or other weather related events; and (12-1-96)T
- h. Other activities not subject to regulation under the federal national pollutant discharge elimination system. (12-1-96)T

~~6463.~~ No Observed Adverse Effect Level (NOAEL). A threshold dose of a toxic substance or an effluent below which no adverse biological effects are observed, as identified from chronic or subchronic human epidemiology studies or animal exposure studies. (8-24-94)

~~6264.~~ No Observed Effect Concentration (NOEC). The highest concentration of a toxic substance or an effluent at which no adverse effects are observed on the aquatic test organisms. Determined using hypothesis testing with the assumption of a noncontinuous threshold model of the dose-response relationship. (8-24-94)

~~6365.~~ Nuisance. Anything which is injurious to the public health or an obstruction to the free use, in the customary manner, of any waters of the state. (7-1-93)

~~6466.~~ Nutrients. The major substances necessary for the growth and reproduction of aquatic plant life, consisting of nitrogen, phosphorus, and carbon compounds. (7-1-93)

~~6567.~~ One (1) day Minimum. The lowest daily instantaneous value measured. ~~(8-24-94)~~(12-1-96)T

~~6668.~~ One (1) Hour Average. The mean of at least two appropriately spaced measurements, as determined by the Department, calculated over a period of one hour. When three or more measurements have been taken, and if any measurement is greater or less than five-tenths (0.5) times the mean, additional measurements over the one-hour period may be needed to obtain a more representative mean. ~~(8-24-94)~~(12-1-96)T

~~6769.~~ Operator. Any person presently or who was at any time during a release in control of, or having responsibility for, the daily operation of the PST system. (7-1-93)

~~6870.~~ Outstanding Resource Water (ORW). A high quality water, such as water of national and state parks and wildlife refuges and water of exceptional recreational or ecological significance, which has been designated by the legislature and subsequently listed in this chapter. ORW constitutes an outstanding national or state resource that requires protection from point and nonpoint source activities that may lower water quality. ~~(7-1-93)~~(12-1-96)T

~~69~~71. Outstanding Resource Water Mixing Zone. An area or volume of an ORW where pollutants are allowed to mix with the ORW receiving water at a location distinct from the sampling point where compliance with ORW quality standards is measured. An ORW mixing zone will be downstream from the discharge of a tributary or a segment immediately upstream which contains man caused pollutants as a result of nonpoint source activities occurring on that tributary or segment. As a result of the discharge, the mixing zone may not meet all water quality standards applicable to the ORW, but shall still be protected for existing beneficial uses. The Department, after consideration of input from interested parties, will determine the size, configuration and location of mixing zones which are necessary to meet the requirements of this chapter. (7-1-93)

~~70~~72. Owner. Any person who owns or owned a PST system any time during a release and the current owner of the property where the PST system is or was located. (7-1-93)

~~74~~73. Person. An individual, public or private corporation, partnership, association, firm, joint stock company, joint venture, trust, estate, state, municipality, commission, political subdivision of the state, state agency, or federal agency, department or instrumentality, special district, ~~or~~ interstate body or any legal entity, which is recognized by law as the subject of rights and duties. (~~7-1-93~~)(12-1-96)T

~~72~~74. Petroleum Products. Products derived from petroleum through various refining processes. (7-1-93)

~~73~~75. Petroleum Storage Tank (PST) System. Any one or combination of storage tanks or other containers, including pipes connected thereto, dispensing equipment, and other connected ancillary equipment, and stationary or mobile equipment, that contains petroleum or a mixture of petroleum with de minimis quantities of other regulated substances. (7-1-93)

~~74~~76. Point Source. Any discernible, confined, and discrete conveyance, including, but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are, or may be, discharged. This term does not include return flows from irrigated agriculture, discharges from dams and hydroelectric generating facilities or any source or activity considered a nonpoint source by definition. (7-1-93)

~~75~~77. Pollutant. Dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, silt, cellar dirt; and industrial, municipal and agricultural waste, gases entrained in water; or other materials which, when discharged to water in excessive quantities, cause or contribute to water pollution. Provided however, biological materials shall not include live or occasional dead fish that may accidentally escape into the waters of the state from aquaculture facilities. (~~7-1-93~~)(12-1-96)T

~~76~~78. Potable Water. A water which is free from impurities in such amounts that it is safe for human consumption without treatment. (7-1-93)

~~77~~79. Primary Treatment. Processes or methods that serve as the first stage treatment of wastewater, intended for removal of suspended and settleable solids by gravity sedimentation; provides no changes in dissolved and colloidal matter in the sewage or wastes flow. (7-1-93)

~~78~~80. Project Plans. Documents which describe actions to be taken under a proposed activity. These documents include environmental impact statements, environmental assessments, and other land use or resource management plans. (7-1-93)

~~79~~81. Receiving Waters. Those waters which receive pollutants from point or nonpoint sources. (7-1-93)

~~80~~82. Recharge. The process of adding water to the zone of saturation. (7-1-93)

~~81~~83. Recharge Water. Water that is specifically utilized for the purpose of adding water to the zone of saturation. (7-1-93)

~~84~~. Reference Stream or Condition. A water body which represents the minimum conditions necessary to fully support the applicable designated beneficial uses as further specified in these rules, or natural conditions with

few impacts from human activities and which are representative of the highest level of support attainable in the basin. In highly mineralized areas or in the absence of such reference streams or water bodies, the Director, in consultation with the basin advisory group and the technical advisors to it, may define appropriate hypothetical reference conditions or may use monitoring data specific to the site in question to determine conditions in which the beneficial uses are fully supported. (12-1-96)T

~~8285.~~ Release. Any unauthorized spilling, leaking, emitting, discharging, escaping, leaching, or disposing into soil, ground water, or surface water. (8-24-94)

~~8386.~~ Resident Species. Those species that commonly occur in a site including those that occur only seasonally or intermittently. This includes the species, genera, families, orders, classes, and phyla that: (8-24-94)

a. Are usually present at the site; (8-24-94)

b. Are present only seasonally due to migration; (8-24-94)

c. Are present intermittently because they periodically return or extend their ranges into the site; (8-24-94)

d. Were present at the site in the past but are not currently due to degraded conditions, and are expected to be present at the site when conditions improve; and (8-24-94)

e. Are present in nearby bodies of water but are not currently present at the site due to degraded conditions, and are expected to be present at the site when conditions improve. (8-24-94)

~~8487.~~ Responsible Persons in Charge. Any person who: (a) by any acts or omissions, caused, contributed to or exacerbated an unauthorized release of hazardous materials; (b) owns or owned the facility from which the unauthorized release occurred and the current owner of the property where the facility is or was located; or (c) presently or who was at any time during an unauthorized release in control of, or had responsibility for, the daily operation of the facility from which an unauthorized release occurred. (8-24-94)

~~8588.~~ Saturated Zone. Zone or layer beneath the earth's surface in which all of the pore spaces of rock or soil are filled with water. (7-1-93)

~~8689.~~ Secondary Treatment. Processes or methods for the supplemental treatment of wastewater, usually following primary treatment, to affect additional improvement in the quality of the treated wastes by biological means of various types which are designed to remove or modify organic matter. (7-1-93)

~~8790.~~ Seven (7) day Mean. The average of the daily mean values calculated over a period of seven consecutive days. (~~8-24-94~~)(12-1-96)T

~~8891.~~ Sewage. The water-carried human or animal waste from residences, buildings, industrial establishments or other places, together with such ground water infiltration and surface water as may be present. (8-24-94)

92. Short-term or Temporary Activity. An activity which is limited in scope and is expected to have only minimal impact on water quality as determined by the Director. Short-term or temporary activities include, but are not limited to, those activities described in Subsection 080.02. (12-1-96)T

93. Silviculture. Those activities associated with the regeneration, growing and harvesting of trees and timber including, but not limited to, disposal of logging slash, preparing sites for new stands of trees to be either planted or allowed to regenerate through natural means, road construction and road maintenance, drainage of surface water which inhibits tree growth or logging operations, fertilization, application of herbicides or pesticides, all logging operations, and all forest management techniques employed to enhance the growth of stands of trees or timber. (12-1-96)T

~~8994.~~ Sludge. These semi-liquid mass produced by partial dewatering of potable or spent process waters or wastewater.

(7-1-93)

~~9095.~~ Special Resource Water. Those specific segments or bodies of water which are recognized as needing intensive protection: (7-1-93)

a. To preserve outstanding or unique characteristics; or (7-1-93)

b. To maintain current beneficial use. (7-1-93)

~~9496.~~ Specialized Best Management Practices. Those practices designed with consideration of geology, land type, soil type, erosion hazard, climate and cumulative effects in order to fully protect the beneficial uses of water, and to prevent or reduce the pollution generated by nonpoint sources. (3-3-87)

~~92~~ ~~Sponsoring Groups. Those entities including, but not limited to, state and federal agencies, Indian tribes, private industries, user groups and public interest groups that are appointed by the Governor and sponsor each basin area meeting.~~ (7-1-93)

~~9397.~~ State. The state of Idaho. (7-1-93)

~~98.~~ State Water Quality Management Plan. The state management plan developed and updated by the Department in accordance with Sections 205, 208, and 303 of the Clean Water Act. (12-1-96)T

~~9499.~~ Steady-State Model. A fate and transport model that uses constant values of input variables to predict constant values of receiving water quality concentrations. (8-24-94)

~~95.~~ ~~Stream Segment of Concern. A specific stream segment or body of water that has been designated by the Water Quality Advisory Working Committee or the Governor and published in the most current final basin area report, which is developed every three (3) years for each of the six (6) basins.~~ (8-24-94)

~~96100.~~ Subsurface Disposal. Disposal of effluent below ground surface, including, but not limited to, drainfields or sewage beds. (7-1-93)

~~97101.~~ Suspended Sediment. Organic and inorganic particulate matter which has been removed from its site of origin and measured while suspended in surface water. (7-1-93)

~~98102.~~ Technology-based Effluent Limitation. Treatment requirements under Section 301(b) of the Clean Water Act that represent the minimum level of control that must be imposed in a permit issued under Section 402 of the Clean Water Act. (8-24-94)

~~99103.~~ Total Maximum Daily Load (TMDL). The sum of the individual wasteload allocations (WLA) for point sources, load allocations (LA) for nonpoint sources, and natural background. Such load shall be established at a level necessary to implement the applicable water quality standards with seasonal variations and a margin of safety which takes into account any lack of knowledge concerning the relationship between effluent limitations and water quality. (8-24-94)

~~100104.~~ Toxicity Test. A procedure used to determine the toxicity of a chemical or an effluent using living organisms. A toxicity test measures the degree of response of an exposed test organism to a specific chemical or effluent. (8-24-94)

~~101105.~~ Toxic Substance. Any substance, material or disease-causing agent, or a combination thereof, which after discharge to waters of the State and upon exposure, ingestion, inhalation or assimilation into any organism (including humans), either directly from the environment or indirectly by ingestion through food chains, will cause death, disease, behavioral abnormalities, malignancy, genetic mutation, physiological abnormalities (including malfunctions in reproduction) or physical deformations in affected organisms or their offspring. Toxic substances include, but are not limited to, the 126 priority pollutants identified by EPA pursuant to Section 307(a) of the federal Clean Water Act. (8-24-94)

~~402~~106. Treatment. A process or activity conducted for the purpose of removing pollutants from wastewater. (7-1-93)

~~403~~107. Treatment System. Any physical facility or land area for the purpose of collecting, treating, neutralizing or stabilizing pollutants including treatment by disposal plants, the necessary intercepting, outfall and outlet sewers, pumping stations integral to such plants or sewers, equipment and furnishing thereof and their appurtenances. (7-1-93)

~~404~~108. Trihalomethane (THM). THM means one of the family of organic compounds named as derivatives of methane, wherein three (3) of the four (4) hydrogen atoms in the molecular structure of methane are substituted by one (1) of the chemical elements chlorine, bromine or iodine. (7-1-93)

~~405~~109. Twenty-Four (24) Hour Average. The mean of at least two appropriately spaced measurements, as determined by the Department, calculated over a period of twenty-four (24) consecutive hours. When three or more measurements have been taken, and if any measurement is greater or less than five-tenths (0.5) times the mean, additional measurements over the twenty-four (24)-hour period may be needed to obtain a more representative mean. ~~(8-24-94)~~(12-1-96)T

~~406~~110. Unique Ecological Significance. The attribute of any stream or water body which is inhabited or supports an endangered or threatened species of plant or animal or a species of special concern identified by the Idaho Department of Fish and Game, which provides anadromous fish passage, or which provides spawning or rearing habitat for anadromous or desirable species of lake dwelling fishes. (7-1-93)

~~407~~111. Wasteload Allocation (WLA). The portion of a receiving water's loading capacity that is allocated to one of its existing or future point sources of pollution. (8-24-94)

~~408~~112. Wastewater. Unless otherwise specified, sewage, industrial waste, agricultural waste, and associated solids or combinations of these, whether treated or untreated, together with such water as is present. (7-1-93)

~~409~~113. Water Pollution. Any alteration of the physical, thermal, chemical, biological, or radioactive properties of any waters of the state, or the discharge of any pollutant into the waters of the state, which will or is likely to create a nuisance or to render such waters harmful, detrimental or injurious to public health, safety or welfare, or to fish and wildlife, or to domestic, commercial, industrial, recreational, aesthetic, or other beneficial uses. (8-24-94)

~~110. Water Quality Advisory (WQA) Working Committee. A group of people appointed by the Governor and comprised of representatives from the following groups including, but not limited to, the sponsoring agencies, Indian tribes, industries, interest groups and user groups of the state. The working committee develops the final basin area reports which list the stream segments of concern. (7-1-93)~~

~~111~~114. Water Quality-based Effluent Limitation. An effluent limitation that refers to specific levels of water quality that are expected to render a body of water suitable for its designated or existing beneficial uses. (8-24-94)

115. Water Quality Limited Water Body. After monitoring, evaluation of required pollution controls, and consultation with the appropriate basin and watershed advisory groups, a water body identified by the Department, which does not meet applicable water quality standards, and/or is not expected to meet applicable water quality standards after the application of required pollution controls. A water body identified as water quality limited shall require the development of a TMDL or other equivalent process in accordance with Section 303 of the Clean Water Act and Sections 39-3601 et seq., Idaho Code. (12-1-96)T

~~116~~116. Waters and Waters of the State. All the accumulations of water, surface and underground, natural and artificial, public and private, or parts thereof which are wholly or partially within, which flow through or border upon the state. (7-1-93)

117. Watershed. The land area from which water flows into a stream or other body of water which drains the area. (12-1-96)T

118. Watershed Advisory Group. An advisory group appointed by the Director, with the advice of the appropriate Basin Advisory Group, which will recommend to the Department those specific actions needed to control point and nonpoint sources of pollution affecting water quality limited water bodies within the watershed. Members of each watershed advisory group shall be representative of the industries and interests affected by the management of that watershed, along with representatives of local government and the land managing or regulatory agencies with an interest in the management of that watershed and the quality of the water bodies within it. (12-1-96)T

~~119.~~ Whole-Effluent Toxicity. The aggregate toxic effect of an effluent measured directly with a toxicity test. (8-24-94)

(BREAK IN CONTINUITY OF SECTIONS)

053. BENEFICIAL USE SUPPORT STATUS.

In determining whether a water body fully supports designated and existing beneficial uses, the Department shall determine whether all of the applicable water quality standards are being achieved, including any criteria developed pursuant to these rules, and whether a healthy, balanced biological community is present. The Department shall utilize biological and aquatic habitat parameters listed below in the "Water Body Assessment Guidance," Idaho Department of Health and Welfare, Division of Environmental Quality, 1996, as a guide to assist in the assessment of beneficial use status. These parameters are not to be considered or treated as individual water quality criteria or otherwise interpreted or applied as water quality standards. (12-1-96)T

01. Aquatic Habitat Parameters. These parameters may include, but are not limited to, stream width, stream depth, stream shade, measurements of sediment impacts, bank stability, water flows, and other physical characteristics of the stream that affect habitat for fish, macroinvertebrates or other aquatic life; and (12-1-96)T

02. Biological Parameters. These parameters may include, but are not limited to, evaluation of aquatic macroinvertebrates including Ephemeroptera, Plecoptera and Trichoptera (EPT), Hilsenhoff Biotic Index, measures of functional feeding groups, and the variety and number of fish or other aquatic life to determine biological community diversity and functionality. (12-1-96)T

054. WATER QUALITY LIMITED WATERS AND TMDLS.

01. After Determining That Water Body Does Not Support Use. After determining that a water body does not fully support designated or existing beneficial uses in accordance with Section 053, the Department, in consultation with the applicable basin and watershed advisory groups, shall evaluate whether the application of required pollution controls to sources of pollution affecting the impaired water body would restore the water body to full support status. This evaluation may include the following: (12-1-96)T

a. Identification of significant sources of pollution affecting the water body by past and present activities; (12-1-96)T

b. Determination of whether the application of required or cost-effective interim pollution control strategies to the identified sources of pollution would restore the water body to full support status within a reasonable period of time; (12-1-96)T

c. Consultation with appropriate basin and watershed advisory groups, designated agencies and landowners to determine the feasibility of, and assurance that required or cost-effective interim pollution control strategies can be effectively applied to the sources of pollution to achieve full support status within a reasonable period of time; (12-1-96)T

d. If pollution control strategies are applied as set forth in this section, the Department shall subsequently monitor the water body to determine whether application of such pollution controls were successful in restoring the water body to full support status. (12-1-96)T

02. Water Bodies Not Fully Supporting Beneficial Uses. After following the process identified in Subsection 054.01, water bodies not fully supporting designated or existing beneficial uses and not meeting applicable water quality standards despite the application of required pollution controls shall be identified by the Department as water quality limited water bodies, and shall require the development of TMDLs or other equivalent processes, as described under section 303(d)(1) of the Clean Water Act. A list of water quality limited water bodies shall be published periodically by the Department in accordance with section 303(d) of the Clean Water Act and be subject to public review prior to submission to EPA for approval. Informational TMDLs may be developed for water bodies fully supporting beneficial uses as described under Section 303(d)(3) of the Clean Water Act, however, they will not be subject to the provisions of this section. (12-1-96)T

03. Priority of TMDL Development. The priority of TMDL development for water quality limited water bodies identified in Subsection 054.02 shall be determined by the Director in consultation with the Basin Advisory Groups as described in Sections 39-3601, *et seq.*, Idaho Code, depending upon the severity of pollution and the uses of the water body, including those of unique ecological significance. Water bodies identified as a high priority through this process will be the first to be targeted for development of a TMDL or equivalent process. (12-1-96)T

04. High Priority Provisions. Until a TMDL or equivalent process is completed for a high priority water quality limited water body, new or increased discharge of pollutants which have caused the water quality limited listing may be allowed if interim changes, such as pollutant trading, or some other approach for the pollutant(s) of concern are implemented and the total load remains constant or decreases within the watershed. Interim changes shall maximize the use of cost effective measures to cap or decrease controllable human-caused discharges from point and nonpoint sources. Once the TMDL or equivalent process is completed, any new or increased discharge of causative pollutants will be allowed only if consistent with the approved TMDL. Nothing in this section shall be interpreted as requiring best management practices for agricultural operations which are not adopted on a voluntary basis. (12-1-96)T

05. Medium and Low Priority Provisions. Until TMDLs or equivalent processes are developed for water quality limited water bodies identified as medium or low priority, the Department shall require interim changes in permitted discharges from point sources and best management practices for nonpoint sources deemed necessary to prohibit further impairment of the designated or existing beneficial uses. Nothing in this section shall be interpreted as requiring best management practices for agricultural operations which are not adopted on a voluntary basis. (12-1-96)T

a. In determining the necessity for interim changes to existing activities and limitations upon proposed activities, the Department, in consultation with basin and watershed advisory groups, shall evaluate the water quality impacts caused by past regulated and unregulated activities in the affected watershed. (12-1-96)T

b. Consideration of interim changes shall maximize the use of cost-effective and timely measures to ensure no further impairment of designated or existing uses. (12-1-96)T

06. Pollutant Trading. Development of TMDLs or equivalent processes or interim changes under these rules may include pollutant trading with the goal of restoring water quality limited water bodies to compliance with water quality standards. (12-1-96)T

07. Idaho Agriculture Pollution Abatement Plan. Use of best management practices by agricultural activities is strongly encouraged in high, medium and low priority watersheds. The Idaho Agriculture Pollution Abatement Plan is the source for best management practices for the control of nonpoint sources of pollution for agriculture. (12-1-96)T

(BREAK IN CONTINUITY OF SECTIONS)

070. APPLICATION OF STANDARDS.

01. Multiple Criteria. In the application of the use classification, the most stringent criterion of a

multiple criteria applies. (7-1-93)

02. Application of Standards to Nonpoint Source Activities. The application of water quality standards to nonpoint source activities shall be in accordance with Section 350. (7-1-93)

03. Application of Standards to Point Source Discharges. The application of water quality standards to point source discharges shall be in accordance with Sections 400 through 402, 420 and 440. (7-1-93)

04. Applicability of Gas Supersaturation Standard. The application of gas supersaturation standard shall be in accordance with Section 900. (7-1-93)

05. Mixing Zones. The application of water quality standards to mixing zones shall be in accordance with Section 060. (7-1-93)

06. Natural Background for Toxic Substances. Where natural background concentrations of toxic substances from natural surface or ground water sources exceed any applicable water quality criteria identified in Sections 200 or 250 as determined by the Department, that background level shall become the applicable water quality criteria. Natural background means any physical, chemical, biological, or radiological condition existing in a water body before any human-caused influence on, discharge to, or addition of material to, the water body. (12-1-96)T

(BREAK IN CONTINUITY OF SECTIONS)

090. ANALYTICAL PROCEDURES.

These procedures are available for review at the Idaho Department of Health and Welfare, Division of Environmental Quality, or may be obtained from the U.S. Environmental Protection Agency or U.S. Government Printing Office. (8-24-94)

01. Chemical and Physical Procedures. Sample collection, preservation and analytical procedures to determine compliance with these standards shall conform with the guidelines of the Environmental Protection Agency, 40 CFR, Part 136, or other methods accepted by the scientific community and deemed appropriate by the Department. (8-24-94)

02. Metals Procedures. For the purposes of NPDES permitting, sample collection, preservation and analytical procedures for metals should conform to clean or ultra-clean techniques as described in: (8-24-94)

a. "Guidance Document on Clean Analytical Techniques and Monitoring," EPA, October 1993, or, (8-24-94)

b. "Interim Guidance on Determination and Use of Water-Effect Ratios for Metals," EPA, February 1994, or, (8-24-94)

c. Other scientifically valid methods deemed appropriate by the Department. (8-24-94)

03. Biological Procedures. Biological tests to determine compliance with these standards should be based on methods as outlined in: (8-24-94)

a. "Methods for Measuring the Acute Toxicity of Effluents to Freshwater and Marine Organisms," Fourth Edition, EPA, 1991, or, (8-24-94)

b. "Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms", Second Edition, EPA 1989, or, (8-24-94)

c. "Rapid Bioassessment Protocols for Use in Streams and Rivers, EPA, 1989, or, (8-24-94)

- d. Other scientifically valid methods deemed appropriate by the Department. (7-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

350. RULES GOVERNING NONPOINT SOURCE ACTIVITIES.

01. Implementation Policy. (7-1-93)

a. Nonpoint sources defined in Subsection 003.6062 are the result of activities essential to the economic and social welfare of the state. The a real extent of most nonpoint source activities prevents the practical application of conventional wastewater treatment technologies. Nonpoint source pollution management, including best management practices, is a process for protecting the designated beneficial uses and ambient water quality. Best management practices should be designed, implemented and maintained to provide full protection or maintenance of beneficial uses. Violations of water quality standards which occur in spite of implementation of best management practices will not be subject to enforcement action. However, if subsequent water quality monitoring and surveillance by the Department, based on the criteria listed in Sections 200 and 250, indicate water quality standards are not met due to nonpoint source impacts, even with the use of current best management practices, the practices will be evaluated and modified as necessary by the appropriate agencies in accordance with the provisions of the Administrative Procedure Act. If necessary, injunctive or other judicial relief may be initiated against the operator of a nonpoint source activity in accordance with the Director's authorities provided in Section 39-108, Idaho Code. In certain cases, revision of the water quality standards may be appropriate. ~~(8-24-94)~~(12-1-96)T

b. As provided in Subsections 350.01.a. and 350.02.a. for nonpoint source activities, failure to meet general or specific water quality criteria, or failure to fully protect a beneficial use, shall not be considered a violation of the water quality standards for the purpose of enforcement. Instead, water quality monitoring and surveillance of nonpoint source activities will be used to evaluate the effectiveness of best management practices in protecting beneficial uses as stated in Subsections 350.01.a. and 350.02.b. (12-31-91)

02. Limitation to Nonpoint Source Restrictions. Nonpoint source activities will be subject to the following: (7-1-93)

a. Except as provided in Subsections 350.02.b. and 350.02.c., so long as a nonpoint source activity is being conducted in accordance with applicable rules, regulations and best management practices as referenced in Subsection 350.03, or in the absence of referenced applicable best management practices, conducted in a manner that demonstrates a knowledgeable and reasonable effort to minimize resulting adverse water quality impacts, the activity will not be subject to conditions or legal actions based on Subsections 400.01.b. or 080.01. In all cases, if it is determined by the Director that imminent and substantial danger to the public health or environment is occurring, or may occur as a result of a nonpoint source by itself or in combination with other point or nonpoint source activities, then the Director may seek immediate injunctive relief to stop or prevent that danger as provided in Section 39-108, Idaho Code. (7-1-93)

b. If the Director determines through water quality monitoring and surveillance that water quality criteria are not being met, or that beneficial uses are being impaired as a result of a nonpoint source activity by itself or in combination with other point and nonpoint source activities then: (3-3-87)

i. For an activity occurring in a manner not in accordance with approved best management practices, or in a manner which does not demonstrate a knowledgeable and reasonable effort to minimize resulting adverse water quality impacts, the Director may with appropriate inter-Departmental coordination: (3-3-87)

- (1) Prepare a compliance schedule as provided in Section 39-116, Idaho Code; and/or (2-2-83)

- (2) Institute administrative or civil proceedings including injunctive relief under Section 39-108, Idaho Code. (3-3-87)

ii. For activities conducted in compliance with approved best management practices, or conducted in a

manner which demonstrates knowledgeable and reasonable effort to minimize resulting adverse water quality impacts, the Director may, with appropriate inter-Departmental coordination: (3-3-87)

(1) For those activities with approved best management practices as listed in Subsection 350.03 formally request that the responsible agency conduct a timely evaluation and modification of the practices to insure full protection of beneficial uses. (12-31-91)

(2) For all other nonpoint source activities which do not have approved best management practices as listed in Subsection 350.03, develop and recommend to the operator control measures necessary to fully protect the beneficial uses. Such control measures may be implemented on a voluntary basis, or where necessary, through appropriate administrative or civil proceedings. (12-31-91)

(3) If, in a reasonable and timely manner the approved best management practices are not evaluated or modified by the responsible agency, or if the appropriate control measures are not implemented by the operator, then the Director may seek injunctive relief to prevent or stop imminent and substantial danger to the public health or environment as provided in Section 39-108, Idaho Code. (3-3-87)

c. The Director may review for compliance project plans for proposed nonpoint source activities, based on whether or not the proposed activity will fully maintain or protect beneficial uses as listed in Sections 200 and 250. In the absence of relevant criteria in those sections, the review for compliance will be based on whether or not the proposed activity: (12-31-91)

i. Will comply with approved or specialized best management practices; and (3-3-87)

ii. Provides a monitoring plan which, when implemented, will provide information to the Director adequate to determine the effectiveness of the approved or specialized best management practices in protecting the beneficial uses of water; and (3-3-87)

iii. Provides a process for modifying the approved or site-specific best management practices in order to protect beneficial uses of water. (3-3-87)

d. For projects determined not to comply with those requirements, the plan may be revised and resubmitted for additional review by the Department. Any person aggrieved by a final determination of the Director may, within thirty (30) days, file a written request for a hearing before the Board in accordance with the Idaho Administrative Procedures Act. In all cases, implementation of projects detailed in a plan shall be conducted in a manner which will not result in imminent and substantial danger to the public health or environment. (3-3-87)

03. Approved Best Management Practices. The following are approved best management practices for the purpose of Subsection 350.02: (12-31-91)

a. Idaho Forest Practices Rules, IDAPA 20.02.01, as adopted by Board of Land Commissioners; (12-31-91)

b. Idaho Department of Health and Welfare Rules, Title 01, Chapter 06, "Rules Governing Solid Waste Management"; (7-1-93)

c. Idaho Department of Health and Welfare Rules, Title 01, Chapter 03, "Rules Governing Subsurface and Individual Sewage Disposal Systems"; (7-1-93)

d. "Rules and Minimum Standards for Stream Channel Alterations," IDAPA 37.03.07, as adopted by the Board of Water Resources; (7-1-93)

e. For the Spokane Valley Rathdrum Prairie Aquifer, "Rathdrum Prairie Sewage Disposal Regulations," as adopted by the Panhandle District Health Department Board of Health and approved by the Idaho Board of Health and Welfare; (7-1-93)

f. "Rules Governing Exploration and Surface Mining Operations in Idaho," IDAPA 20.03.02, as

adopted by the Board of Land Commissioners; and (7-1-93)

g. "Rules Governing Placer and Dredge Mining in Idaho," IDAPA 20.03.01, as adopted by the Board of Land Commissioners. (7-1-93)

h. "Rules Governing Dairy Wastes," IDAPA 02.04.14, as adopted by the Department of Agriculture.
(12-1-96)T

04. Restriction of Nonpoint Source Activities on Outstanding Resource Waters. (12-31-91)

a. The water quality of ORWs shall be maintained and protected. After the legislature has designated a stream segment as an outstanding resource water, no person shall conduct a new or substantially modify an existing nonpoint source activity that can reasonably be expected to lower the water quality of that ORW, except for conducting short term or temporary nonpoint source activities which do not alter the essential character or special uses of a segment, allocation of water rights, or operation of water diversions or impoundments. Stream segments not designated as ORWs that discharge directly into an ORW shall not be subject to the same restrictions as an ORW, nor shall the ORW mixing zone be subject to the same restrictions as an ORW. A person may conduct a new or substantially modify an existing nonpoint source activity that can reasonably be expected to lower the water quality of a tributary or stream segment, which discharges directly into an ORW or an ORW mixing zone, provided that the water quality of that ORW below the mixing zone shall not be lowered. (12-31-91)

b. After the legislature has designated a stream segment as an outstanding resource water as outlined in Subsection ~~053~~ 055.05, existing nonpoint source activities may continue and shall be conducted in a manner that maintains and protects the current water quality of an ORW. The provisions of this section shall not affect short term or temporary activities that do not alter the essential character or special uses of a segment, allocation of water rights, or operations of water diversions or impoundments, provided that such activities shall be conducted in conformance with applicable laws and regulations. ~~(12-31-91)~~(12-1-96)T

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.01.02 - WATER QUALITY STANDARDS AND WASTEWATER TREATMENT REQUIREMENTS

DOCKET NO. 16-0102-9602

NOTICE OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 1997 Idaho Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the First Regular Session of the Fifty-fourth Idaho Legislature unless prior to that date the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized by Sections 39-105 and 39-107, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule. There was no change between the text of the proposed rule and the text of the pending rule.

No public comments concerning the proposed rule were submitted to the Department of Health and Welfare. The rule has been adopted as initially proposed in the Idaho Administrative Bulletin, Volume 96-7, July 3, 1996, pages 38 and 39. The rulemaking record is maintained at the Division of Environmental Quality, 1410 N. Hilton, Boise, Idaho 83706.

The rule was adopted by the Board because the rule responds to the needs of the regulated community while protecting the public health and environment.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking, contact Scott Short at (208)373-0502.

DATED this 1st day of January, 1997.

Paula Junae Saul
Environmental Quality Section
Attorney General's Office
1410 N. Hilton
Boise, Idaho 83706-1255

**IDAPA 16
TITLE 01
Chapter 02**

**WATER QUALITY STANDARDS AND
WASTEWATER TREATMENT REQUIREMENTS**

There are no substantive changes from the proposed rule text.

**The original text was published in the Idaho Administrative Bulletin, Volume 96-7,
July 3, 1996, Pages 38 and 39.**

**This rule has been adopted as Final by the Agency
and is now pending review by the
1997 Idaho State Legislature for final adoption.**

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.01.05 - RULES AND STANDARDS FOR HAZARDOUS WASTE
DOCKET NO. 16-0105-9601

NOTICE OF PENDING AND TEMPORARY RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 1997 Idaho State Legislature for final approval. The temporary rule is effective December 1, 1996. The pending rule will become final and effective on July 2, 1997 unless prior to that date the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Sections 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending/temporary rule. The action is authorized by Sections 39-4401 et seq. and 39-5801 *et seq.*, Idaho Code. In addition, 40 CFR 271.21 and Section 39-4404, Idaho Code, require the Idaho Department of Health and Welfare (Department) to promulgate rules consistent with amendments to federal law.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending/temporary rule. There was no change between the text of the proposed rule and the text of the pending/temporary rule.

No public comments concerning the proposed rule were submitted to the Department. The rule has been adopted as initially proposed in the Idaho Administrative Bulletin, Volume 96-9, September 4, 1996, pages 86 through 91. The rulemaking record is maintained at the Division of Environmental Quality, 1410 N. Hilton, Boise, Idaho 83706.

The rule was adopted by the Department because the rule responds to the needs of the regulated community while protecting the public health and environment. In addition, the rule maintains consistency with federal programs.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate in that the rule complies with deadlines in amendments to governing law.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rule, contact John Brueck at (208)373-0502.

DATED this 1st day of January, 1997.

Paula Junae Saul
Environmental Quality Section
Attorney General's Office
1410 N. Hilton, Boise, Idaho 83706-1255

IDAPA 16
TITLE 01
Chapter 05

RULES AND STANDARDS FOR HAZARDOUS WASTE

There are no substantive changes from the proposed rule text.

**The original text was published in the Idaho Administrative Bulletin, Volume 96-9,
September 4, 1996, Pages 86 through 91.**

**This rule has been adopted as Final by the Agency and is now pending review by the
1997 Idaho State Legislature for final adoption.**

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.01.11 - GROUND WATER QUALITY RULE

DOCKET NO. 16-0111-9501

NOTICE OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 1997 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment *sine die* of the First Regular Session of the Fifty-fourth Idaho Legislature unless prior to that date the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized by Sections 39-105, 39-107, 39-120, and 39-126, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule along with a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The Department of Health and Welfare, Division of Environmental Quality (Department) received comments from the public concerning the proposed rule. The Department has revised IDAPA 16.01.11 Sections 007, 301 and 400 in accordance with Section 67-5227, Idaho Code. The Department's Rulemaking and Public Comment Summary, which contains a complete consideration of the issues raised by the public, is included in the rulemaking record maintained by the Division of Environmental Quality, 1410 N. Hilton, Boise, Idaho 83706.

IDAPA 16.01.11 Sections 000, 001, 002, 003, 004, 006, 011, 150, 200, 300, and 350 have been adopted as initially proposed in the Idaho Administrative Bulletin, Volume 96-8, August 7, 1996, pages 93 through 107 and, therefore, have not been republished with this Notice.

The rule was adopted by the Board because the rule responds to the needs of the regulated community while protecting the public health and environment.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking, contact Susan Burke at (208)373-0502.

DATED this 1st day of January, 1997.

Paula Junae Saul
Environmental Quality Section
Attorney General's Office
1410 N. Hilton
Boise, Idaho 83706-1255

**IDAPA 16
TITLE 01
Chapter 11**

GROUND WATER QUALITY RULE

**There are substantive changes
from the proposed rule text.**

**Only those sections that have changed from the original
proposed text are printed in this Bulletin following this notice.**

The complete original text was published in the Idaho Administrative Bulletin, Volume 96-8, August 7, 1996, pages 93 through 107.

This rule has been adopted as Final by the Agency and is now pending review by the 1997 Idaho State Legislature for final adoption.

TEXT OF DOCKET NO. 16-0111-9501

007. DEFINITIONS.

01. Agricultural Chemical. Any pesticide, nutrient or fertilizer used for the benefit of agricultural production or pest management. ()

02. Aquifer. A geological unit of permeable saturated material capable of yielding economically significant quantities of water to wells and springs. ()

03. Beneficial Uses. ~~These~~ Various uses of ground water in Idaho including, but not limited to, domestic water supplies, industrial water supplies, agricultural water supplies, aquacultural water supplies, and mining. A beneficial use is defined as actual current or projected future uses of ground water. ()

04. Best Available Method. Any system, process, or method which is available to the public for commercial or private use to minimize the impact of point or nonpoint sources of contamination on ground water quality. ()

05. Best Management Practice. A practice or combination of practices determined to be the most effective and practical means of preventing or reducing contamination to ground water and interconnected surface water from nonpoint and point sources to achieve water quality goals and protect the beneficial uses of the water. ()

06. Best Practical Method. Any system, process, or method that is established and in routine use which could be used to minimize the impact of point or nonpoint sources of contamination on ground water quality. ()

07. Board. The Idaho Board of Health and Welfare. ()

08. Cleanup. The removal, treatment or isolation of a contaminant from ground water through the directed efforts of humans or the removal or treatment of a contaminant in ground water through management practice or the construction of barriers, trenches and other similar facilities for prevention of contamination, as well as the use of natural processes such as ground water recharge, natural decay and chemical or biological decomposition. ()

09. Constituent. Any chemical, ion, radionuclide, synthetic organic compound, microorganism, waste or other substance occurring in ground water. ()

10. Contaminant. Any chemical, ion, radionuclide, synthetic organic compound, microorganism, waste or other substance which does not occur naturally in ground water or which naturally occurs at a lower concentration. ()

11. Contamination. The direct or indirect introduction into ground water of any contaminant caused in whole or in part by human activities. ()

12. Crop Root Zone. The zone that extends from the surface of the soil to the depth of the deepest crop root and is specific to a species of plant, group of plants, or crop. ()
13. Degradation. The lowering of ground water quality as measured in a statistically significant and reproducible manner. ()
14. Department. The Idaho Department of Health and Welfare. ()
15. Ground Water. Any water of the state which occurs beneath the surface of the earth in a saturated geological formation of rock or soil. ()
16. Ground Water Quality Standard. Values, either numeric or narrative, assigned to any constituent for the purpose of establishing minimum levels of protection. ()
17. Highly Vulnerable Ground Water. Ground water characterized by a relatively high potential for contaminants to enter and/or be transported within the flow system. Determinations of ground water vulnerability will include consideration of land use practices and aquifer characteristics. ()
18. Irreplaceable Source. A ground water source serving a beneficial use(s) where the reliable delivery of comparable quality and quantity of water from an alternative source in the region would be economically infeasible or precluded by institutional constraints. ()
19. Natural Background Level. The level of any constituent in the ground water within a specified area as determined by representative measurements of the ground water quality unaffected by human activities. ()
20. Person. Any individual, association, partnership, firm, joint stock company, joint venture, trust, estate, political subdivision, public or private corporation, state or federal governmental department, agency or instrumentality, or any legal entity which is recognized by law as the subject of rights and duties. ()
21. Practical Quantitation Level. The lowest concentration of a constituent that can be reliably quantified among laboratories within specified limits of precision and accuracy during routine laboratory operating conditions. Specified limits of precision and accuracy are the criteria listed in the calibration specifications or quality control specifications of an analytical method. ()
22. Projected Future Beneficial Uses. Various uses of ground water, such as drinking water, aquaculture, industrial, mining or agriculture, that are practical and achievable in the future based on hydrogeologic conditions, water quality, future land use activities and social/economic ~~conditions~~ considerations. ()
23. Recharge Area. An area in which water infiltrates into the soil or geological formation from, including but not limited to precipitation, irrigation practices and seepage from creeks, streams, and lakes, and percolates to one or more aquifers. ()
24. Remediation. Any action taken (1) to control the source of contamination, (2) to reduce the level of contamination, (3) to mitigate the effects of contaminants, and/or (4) to minimize contaminant movement. Remediation includes providing alternate drinking water sources when needed. ()
25. Sensitive Ecological System. A habitat or ecosystem containing or supporting one or more of the following: threatened or endangered species; Idaho Department of Fish and Game species of special concern; other rare species; or species or assemblages of species of unique ecological or historical significance. ()
26. Site Background Level. The ground water quality at the hydraulically upgradient site boundary. ()

(BREAK IN CONTINUITY OF SECTIONS)

301. MANAGEMENT OF ACTIVITIES WITH THE POTENTIAL TO DEGRADE AQUIFERS.

01. Sensitive Resource Category Aquifers. ()
- a. Activities with the potential to degrade Sensitive Resource aquifers shall be managed in a manner which maintains or improves existing ground water quality through the use of best management practices and best available methods. ()
- b. ~~The~~ Numerical and narrative standards identified in Section 200 shall apply to aquifers or portions of aquifers categorized as Sensitive Resource. In addition, stricter numerical and narrative standards, for specified constituents, may be adopted pursuant to Section 350 on a case by case basis and listed in Section 300. ()
02. General Resource Category Aquifers. ()
- a. Activities with the potential to degrade General Resource aquifers shall be managed in a manner which maintains or improves existing ground water quality through the use of best management practices and best practical methods to the maximum extent practical. ()
- b. Numerical and narrative standards identified in Section 200 shall apply to aquifers or portions of aquifers ~~categorized-designated~~ as General Resource. ()
03. Other Resource Category Aquifers. ()
- a. Activities with the potential to degrade Other Resource aquifers shall be managed in a manner which maintains existing ground water quality, except for those identified constituents which may have a less stringent standard, through the use of best management practices and best practical methods to the maximum extent practical. ()
- b. Numerical and narrative standards identified in Section 200 shall apply to aquifers or portions of aquifers ~~categorized-designated~~ as Other Resource. In addition, less strict numerical and narrative standards, for specified constituents, may be adopted pursuant to Section 350 on a case by case basis and listed in Section 300. ()

(BREAK IN CONTINUITY OF SECTIONS)

400. GROUND WATER CONTAMINATION.

01. Releases Degrading Ground Water Quality. No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that: ()
- a. Causes a ground water quality standard to be exceeded; ()
- b. Injures a beneficial use of ground water; or ()
- c. Is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method ~~generally accepted management practice~~. ()
02. Prevention Measures. ()
- a. When a numerical standard is not exceeded, but degradation of ground water quality is detected and deemed significant by the Department, the Department shall take one or more of the following actions: ()

- i. Require a modification of regulated activities to prevent continued degradation; ()
- ii. Coordinate with the appropriate agencies and responsible persons to develop and implement prevention measures for activities not regulated by the Department; ()
- iii. Allow limited degradation of ground water quality for the constituents identified in Section 200.01.a. and c., if it can be demonstrated that: ()
 - (1) Best management practices, best available methods or best practical methods, as appropriate for the aquifer category, are being applied; and ()
 - (2) The degradation is justifiable based on necessary and widespread social and economic considerations; or ()
- iv. Allow degradation of ground water quality up to the standards in Subsection 200.01.b., if it can be demonstrated that: ()
 - (1) Best management practices are being applied; and ()
 - (2) The degradation will not adversely impact a beneficial use. ()
- b. The following criteria shall be considered when determining the significance of degradation:()
 - i. Site specific hydrogeologic conditions; ()
 - ii. Water quality, including seasonal variations; ()
 - iii. Existing and projected future beneficial uses; ()
 - iv. Related public health issues; and ()
 - v. Whether the degradation involves a primary or secondary constituent in Section 200. ()
- 03. Contamination Exceeding a Ground Water Quality Standard. The discovery of any contamination exceeding a ground water standard that poses a threat to existing or projected future beneficial uses of ground water shall require appropriate actions, as determined by the Department, to prevent further contamination. These actions may consist of investigation and evaluation, or enforcement actions if necessary to stop further contamination or clean up existing contamination, as required under the Environmental Protection and Health Act, Section 39-108, Idaho Code. ()
- 04. Agricultural Chemicals. Agricultural chemicals found in intermittently saturated soils within the crop root zone will not be considered ground water contaminants as long as the chemicals remain within the crop root zone, and have been applied in a manner consistent with all appropriate regulatory requirements. ()
- 05. Site-Specific Ground Water Quality Levels. The Department may allow site-specific ground water quality levels, for any aquifer category, that vary from a standard(s) in Section 200 or Section 300, based on consideration of effects to human health and the environment, for: ()
 - a. Remediation conducted under the Department's oversight; ()
 - b. Permits issued by the Department; ()
 - c. Situations where the site background level varies from the ground water quality standard; or ()
 - d. Other situations authorized by the Department in writing. ()

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.02.03 - RULES GOVERNING EMERGENCY MEDICAL SERVICES

DOCKET NO. 16-0203-9601

NOTICE OF PENDING RULE AND AMENDMENTS TO TEMPORARY RULE

EFFECTIVE DATE: The amendments to the temporary rule are effective July 1, 1996. These proposed rules have been adopted by the agency and are now pending review by the 1997 Idaho State Legislature for final adoption. The pending rules becomes final and effective on July 1, 1997, unless the rules are approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rules are approved, amended or modified by concurrent resolution, the rules become final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule and amended a temporary rule. The action is authorized pursuant to Section 39-145, Idaho Code.

DESCRIPTIVE SUMMARY: The temporary and proposed rules have been amended in response to public comment and are being amended pursuant to Section 67-5227, Idaho Code. Changes include an increase in qualifications for instructors; identification of industry standards by the applicant for an ambulance license; quarterly submission of ambulance response reports; clarification of the criminal background check; requirement for affiliation for recertification; and new rules on administrative license actions.

Only the sections that have changes are printed in this bulletin. The original text of the proposed rules was published in the August 7, 1996, Administrative Bulletin, Volume 96-8, pages 108 through 121.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Dia Gainor at (208) 334-4000.

DATED this 1st day of January, 1997.

Staci Welsh
Administrative Procedures Coordinator
DHW - Legal Services Division
450 West State Street - 10th Floor
P.O. Box 83720
Boise, Idaho 83720-0036
(208) 334-5564 phone; (208) 334-5548 fax

IDAPA 16
TITLE 02
Chapter 03

RULES GOVERNING EMERGENCY MEDICAL SERVICES

**There are substantive changes
from the proposed rule text.**

**Only those sections that have changed from the
original proposed text are printed in this
Bulletin following this notice.**

The complete original text was published in the
Idaho Administrative Bulletin, Volume 96-8, August 7, 1996,
Pages 108 through 122.

This rule has been adopted as Final by the Agency
and is now pending review by the
1997 Idaho State Legislature
for final adoption.

TEXT OF DOCKET NO. 16-0203-9601

225. QUALIFICATIONS OF FIRST RESPONDER COURSE INSTRUCTORS.

First Responder Course Instructors must be approved by the EMS Bureau, based on being certified for at least ~~two~~three (2~~3~~) years at or above the level of the session of the curriculum being taught. ~~(7-1-96)T~~(7-1-96)T

226. QUALIFICATIONS OF EMT-BASIC COURSE INSTRUCTORS.

EMT-Basic course instructors must be approved by the EMS Bureau, based on the following requirements: (7-1-96)T

01. Application. Submission of an application to the EMS Bureau; (7-1-96)T
02. Adult Instructional Methodology. Completion of Division of Vocational Education/Idaho Emergency Services Training's sixteen (16) hour "EMS Instructor Training" course or equivalent; (7-1-96)T
03. Orientation to the Curriculum. Completion of the Division of Vocational Education/Idaho Emergency Services Training's original twenty-four (24) hour "EMT Basic Instructor Orientation" course; or completion of a twenty-four (24) hour provider "EMT-Basic Transitional Course" plus Division of Vocational Education/Idaho Emergency Services Training's instructor-specific eight (8) hours "EMT Instructor Orientation" course; or equivalent; and (7-1-96)T
04. Certification. Certification at or above the level of curriculum being taught, for at least ~~two~~three (2~~3~~) years. Licensed individuals and other health care providers must also be certified at the EMT level. ~~(7-1-96)T~~(7-1-96)T

(BREAK IN CONTINUITY OF SECTIONS)

300. AMBULANCE SERVICE STANDARDS.

In order to qualify for licensing as an ambulance service pursuant to Section 39-144, Idaho Code, the applicant shall demonstrate compliance with the following: (7-1-96)T

01. Ambulances Vehicles. All ambulance vehicles must meet one (1) of the following conditions to be licensed: (7-1-96)T
 - a. The vehicle meets or exceeds any federal, industry, or trade specifications or standards for ~~that~~ type ambulance vehicles as identified by the applicant. ~~(7-1-96)T~~(7-1-96)T
 - b. The vehicle has been uniquely configured or modified to meet specialized needs and has been inspected and approved by the EMS Bureau. (7-1-96)T

02. Required Equipment. Each ambulance must be equipped with the following: (7-1-96)T
- a. Medical care supplies and devices as specified in the Minimum Equipment Standards for Licensed EMS Services. Exceptions to the minimum equipment requirements may be granted by the EMS Bureau upon inspection, when the circumstances and available alternatives assure that appropriate patient care will be provided for all foreseeable incidents. (7-1-96)T
 - b. Mobile radio on 155.340 MHZ and 155.280 MHZ frequencies with encoding capabilities to allow access to the Idaho EMS radio communications system; and (11-19-76)
 - c. Safety equipment and personal protective supplies for certified personnel and other vehicle occupants as specified in the Minimum Equipment Standards, including materials to provide for body substance isolation and protection from exposure to communicable diseases pursuant to Section 39-145, Idaho Code. (7-1-96)T
03. Ambulance Personnel. The ambulance service shall demonstrate that a sufficient number of personnel are affiliated with the service to accomplish a twenty-four (24) hour a day, seven (7) day a week response capability in accordance with Section 39-144(3), Idaho Code. The service shall describe its anticipated staffing patterns per vehicle and shift on the application supplied by the EMS Bureau. The annual inspection by the EMS Bureau shall include a review of the ambulance service personnel staffing configuration. (7-1-96)T
04. Records to be Maintained. The ambulance service must maintain records of each ambulance response and submit them to the EMS Bureau at least quarterly in a form approved by the EMS Bureau. ~~that These records~~ must include at least the following information: (7-1-96)T(7-1-96)T
- a. Name of ambulance service; and (11-19-76)
 - b. Date of response; and (7-1-96)T
 - c. Time call received; and (11-19-76)
 - d. Time en route to scene; and (7-1-96)T
 - e. Time arrival at scene; and (11-19-76)
 - f. Time service departed scene; and (7-1-96)T
 - g. Time arrival at hospital; and (11-19-76)
 - h. Location of incident; and (11-19-76)
 - i. Description of illness/injury; and (11-19-76)
 - j. Description of patient management; and (11-19-76)
 - k. Patient destination; and (11-19-76)
 - l. Ambulance unit identification; and (11-19-76)
 - m. Identification and certification level of each ambulance crew member on the response; and (7-1-96)T
 - n. Response outcome. (7-1-96)T
05. Communications. Ambulance service dispatch shall be in accordance with Section 39-144(4), Idaho Code. The application for licensure shall describe the radio, telephonic, or other electronic means by which patient care instructions from an authorized medical source will be obtained. The annual inspection by the EMS Bureau shall include a review of the ambulance service dispatch and communications configuration. (7-1-96)T

06. Medical Control Plan. The ambulance service shall describe the extent and type of supervision by a licensed physician that is available to certified personnel. The annual inspection by the EMS Bureau shall include a review of the ambulance service medical control configuration. (7-1-96)T

07. Medical Treatment Protocols. The ambulance service shall submit a complete copy of the medical treatment protocols and written standing orders under which its certified personnel will function with the application for licensure. (7-1-96)T

08. Training Facility Access. The applicant shall describe the arrangements which will provide access to clinical and didactic training locations, in the initial application for service licensure. (7-1-96)T

09. Geographic Coverage Description. Each application for initial licensure shall contain a specific description of the Idaho jurisdiction(s) that the ambulance service will serve using known geopolitical boundaries or geographic coordinates. (7-1-96)T

10. Local Governmental Authorization. The applicant for initial and subsequent ambulance licensure shall document compliance with all local ordinances and ambulance district requirements for every jurisdiction that will be served by the applicant. (7-1-96)T

11. Required Application. The applicant shall submit a completed application to the EMS Bureau to be considered for licensure. The most current standardized form shall be available from the EMS Bureau. An additional application may be required prior to subsequent annual inspection by the EMS Bureau. (7-1-96)T

12. Inspection. Representatives of the EMS Bureau are authorized to enter the applicant's facility or other location as designated by the applicant at reasonable times, for the purpose of inspecting the ambulance services' vehicle(s) and equipment, ambulance response records, and other necessary items to determine eligibility for licensing by the state of Idaho in relation to the minimum standards in Section 39-144, Idaho Code. (7-1-96)T

13. License. Ambulance services must be licensed on an annual basis by the EMS Bureau. (7-1-96)T

301. NON-TRANSPORT SERVICE STANDARDS.

In order to qualify for licensing as a non-transport service pursuant to Section 39-144, Idaho Code, the applicant shall demonstrate compliance with the following: (7-1-96)T

01. Vehicles. All vehicles must meet one (1) of the following conditions to be licensed: (7-1-96)T

a. The vehicle meets or exceeds standards for that type vehicle, including federal, industry, or trade specifications, as identified by the applicant and recognized and approved by the EMS Bureau. ~~(7-1-96)T~~(7-1-96)T

b. The vehicle has been uniquely configured or modified to meet specialized needs and has been inspected and approved by the EMS Bureau. (7-1-96)T

02. Required Equipment for Non-transport Services. Certified personnel shall have access to required equipment. The equipment shall be stored on a dedicated response vehicle, or in the possession of certified personnel. The application for licensure as a non-transport service shall include a description of the following: (7-1-96)T

a. Medical care supplies and devices as specified in the Minimum Equipment Standards for Licensed EMS Services. Exceptions to the minimum equipment requirements may be granted by the EMS Bureau upon inspection, when the circumstances and available alternatives assure that appropriate patient care will be provided for all foreseeable incidents. (7-1-96)T

b. Mobile or portable radio(s) on 155.340 MHZ and 155.280 MHZ frequencies with encoding capabilities to allow access to the Idaho EMS radio communications system; and (7-1-96)T

c. Safety equipment and personal protective supplies for certified personnel and other vehicle occupants as specified in the Minimum Equipment Standards for Licensed EMS Services, including materials to

provide for body substance isolation and protection from exposure to communicable diseases pursuant to Section 39-145, Idaho Code. (7-1-96)T

03. Non-transport Service Personnel. The non-transport service shall demonstrate that a sufficient number of certified personnel are affiliated with the service to accomplish a twenty four (24) hour a day, seven (7) day a week response capability. Exceptions to this requirement may be granted by the EMS Bureau when strict compliance with the requirement would cause undue hardship on the community being served, or would result in abandonment of the service. The annual inspection by the EMS Bureau shall include a review of the personnel staffing configuration. (7-1-96)T

04. Records to be Maintained. The non-transport service must maintain records of each EMS response in a form approved by the EMS Bureau that include at least the following information: (7-1-96)T

- a. Identification of non-transport service; and (7-1-96)T
- b. Date of response; and (7-1-96)T
- c. Time call received; and (7-1-96)T
- d. Time en route to scene; and (7-1-96)T
- e. Time arrival at scene; and (7-1-96)T
- f. Time service departed scene; and (7-1-96)T
- g. Location of incident; and (7-1-96)T
- h. Description of illness/injury; and (7-1-96)T
- i. Description of patient management; and (7-1-96)T
- j. Patient destination; and (7-1-96)T
- k. Identification of non-transport service personnel on response and certification; and (7-1-96)T
- l. Response outcome. (7-1-96)T

05. Communications. The application for licensure shall describe the radio, telephonic, or other electronic means by which patient care instructions from an authorized medical source will be obtained. The annual inspection by the EMS Bureau shall include a review of the non-transport service dispatch and communications configuration. (7-1-96)T

06. Medical Control Plan. The non-transport service shall describe the extent and type of supervision by a licensed physician that is available to certified personnel. The annual inspection by the EMS Bureau shall include a review of the non-transport service medical control configuration. (7-1-96)T

07. Medical Treatment Protocols. The non-transport service shall submit a complete copy of the medical treatment protocols and written standing orders under which its certified personnel will function with the initial application for licensure. (7-1-96)T

08. Training Facility Access. The applicant shall describe the arrangements which will provide access to clinical and didactic training locations, in the initial application for service licensure. (7-1-96)T

09. Geographic Coverage Description. Each application for initial licensure shall contain a specific description of the Idaho jurisdiction(s) that the non-transport service will serve using known geopolitical boundaries or geographic coordinates. (7-1-96)T

10. Local Governmental Authorization. The applicant for initial and subsequent licensure shall document compliance with all local ordinances and ambulance district requirements for every jurisdiction that will be served by the applicant. (7-1-96)T

11. Required Application. The applicant shall submit a completed application to the EMS Bureau to be considered for licensure. The most current standardized form shall be available from the EMS Bureau. An additional application may be required prior to subsequent annual inspection by the EMS Bureau. (7-1-96)T

12. Inspection. Representatives of the Department are authorized to enter the applicant's facility or other location as designated by the applicant at reasonable times, for the purpose of inspecting the non-transport services' vehicle(s) and equipment, non-transport response records, and other necessary items to determine eligibility for licensing by the state of Idaho. (7-1-96)T

13. Non-Transport Service Minimum Standards Waiver. The controlling authority providing non-transport services may petition the EMS Bureau for waiver of the non-transport service standards of these rules, if compliance with the service standards would cause undue hardship on the community being served. (7-1-96)T

14. License. Non-transport services must be licensed on an annual basis by the EMS Bureau. (7-1-96)T

(BREAK IN CONTINUITY OF SECTIONS)

501. INITIAL CERTIFICATION.

Upon successful completion of an EMS training program, a candidate who obtains a passing score on the National Registry examination corresponding to the level of certification being sought may apply for certification to the EMS Bureau. In addition, candidates must satisfy the following requirements: (7-1-96)T

01. Affiliation Required. Candidates for certification at the EMT-B, AEMT-A, and EMT-P levels must have current affiliation with a licensed EMS service which functions at, or higher than, the level of certification being sought by the applicant; (7-1-96)T(7-1-96)T

02. Required Identification. Candidates for certification at any level must have ~~an Idaho~~ a state driver's license, an Idaho identification card which is issued by a county driver's license examining station, or identification card issued by the Armed Forces of the United States; and (7-1-96)T(7-1-96)T

03. Criminal Background Check. A criminal background check shall be conducted for all applicants for initial certification in accordance with the standards and procedures established in IDAPA 16, Title 05, Chapter 06, Rules Governing Mandatory Criminal History Checks. The Division or the EMS Bureau may require an updated or additional criminal background check at any time, without expense to the applicant, if there is cause to believe new or additional information will be disclosed. Denial without the grant of an exemption pursuant to IDAPA 16, Title 05, Chapter 06, shall result in denial or revocation of certification. (7-1-96)T(7-1-96)T

04. Fee for Initial Certification. The fee for initial certification for AEMT-A and EMT-P shall be thirty five dollars (\$35). (7-1-96)T

(BREAK IN CONTINUITY OF SECTIONS)

510. CERTIFICATION DURATION AND RECERTIFICATION.

All certification is for the following specified intervals of time, during which time required continuing education, refresher courses and other proficiency assurances shall be completed in order to renew the certification. (7-1-96)T

01. First Responder Certification. A First Responder shall be issued certification for three (3) years. The duration of initial certification may be up to forty-two (42) months from the date of examination. Continuing

education and refresher course shall be conducted in accordance with the EMS Standards Manual in effect at the beginning of the certification interval. (7-1-96)T

02. EMT-B Certification. An EMT-B shall be issued certification for three (3) years. The duration of initial certification may be up to forty two (42) months from the date of examination. Continuing education, refresher course, and proficiency assurance documentation shall be conducted in accordance with the EMS Standards Manual in effect at the beginning of the certification interval. (7-1-96)T

03. AEMT-A Certification. An AEMT-A shall be issued certification for two (2) years. The duration of initial certification may be up to thirty (30) months from the date of examination. Continuing education, refresher course, and proficiency assurance documentation shall be conducted in accordance with the EMS Standards Manual in effect at the beginning of the certification interval. The fee for recertification shall be twenty five dollars (\$25). (7-1-96)T

04. EMT-P Certification. An EMT-P shall be issued certification for two (2) years. The duration of initial certification may be up to thirty (30) months from the date of examination. Continuing education, refresher course, and proficiency assurance documentation shall be conducted in accordance with the EMS Standards Manual in effect at the beginning of the certification interval. The fee for recertification shall be twenty five dollars (\$25). (7-1-96)T

05. Required Documentation. Documentation of recertification requirements is due to the EMS Bureau prior to the certification expiration date. Failure to submit complete documentation of requirements by the certification expiration date renders the certification invalid and the candidate shall not practice or represent himself as certified personnel. (7-1-96)T

06. Affiliation Required. Candidates for recertification at the EMT-B, AEMT-A, and EMT-P levels must have current affiliation with a licensed EMS service. (7-1-96)T

(BREAK IN CONTINUITY OF SECTIONS)

515. ADMINISTRATIVE LICENSE ACTION.

Any license or certification may be suspended, revoked, denied, or retained only upon compliance with conditions imposed by the Bureau Chief, for any action, conduct, or failure to act which is inconsistent with the professionalism and/or standards established by these rules, including but not limited to the following: (7-1-96)T

01. Any Violation. Any violation of these rules; (7-1-96)T

02. Failure To Maintain Standards of Knowledge and/or Proficiency. Failure to maintain standards of knowledge and/or proficiency required under these rules; (7-1-96)T

03. A Lawful Finding. A lawful finding of mental incompetency; (7-1-96)T

04. Performance of Duties. Performance of duties pursuant to said license or certificate while under the influence of alcohol or any illegal substance; (7-1-96)T

05. Any Conduct, Action, or Conviction. Any conduct, action, or conviction which does or would result in denial without exemption of a criminal history clearance under IDAPA 16, Title 05, Chapter 06, "Rules Governing Mandatory Criminal History Checks"; (7-1-96)T

06. Discipline, Restriction, Suspension or Revocation. Discipline, restriction, suspension or revocation in any other jurisdiction; (7-1-96)T

07. Any Conduct, Condition, or Circumstance. Any conduct, condition, or circumstance determined by

the Bureau Chief which constitutes a danger or threat to the health, safety, or wellbeing of persons or property:

(7-1-96)T

08. Performing Any Medical Procedure or Providing Medication. Performing any medical procedure or providing medication which deviates from or exceeds the scope of practice for the corresponding level of certification established under IDAPA 22, Title 01, Chapter 06, "Rules for EMS Personnel."

(7-1-96)T

5156. -- 599. (RESERVED).

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.02.08 - RULES GOVERNING VITAL STATISTICS

DOCKET NO. 16-0208-9601

NOTICE OF PENDING RULE

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 1997 Idaho State Legislature for final adoption. The pending rules become final and effective on July 1, 1997, unless the rules are approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rules are approved, amended or modified by concurrent resolution, the rules become final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 39-252 and 39-253, Idaho Code.

DESCRIPTIVE SUMMARY: The proposed rules and are being amended pursuant to Section 67-5227, Idaho Code. Subsection 251.05.h. has been amended to better reflect that the imposed five dollar (\$5) fee is for priority mailing and/or special handling requests rather than just faxed credit card requests. Subsection 251.05.c. was amended to correct a wrong section cite. The original text of the proposed rules was published in the September 4, 1996, Administrative Bulletin, Volume 96-9, pages 92 through 94.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Jane S. Smith at (208) 334-5976.

DATED this 1st day of January, 1997.

Staci Welsh
Administrative Procedures Coordinator
DHW - Legal Services Division
450 West State Street - 10th Floor
P.O. Box 83720
Boise, Idaho 83720-0036
(208) 334-5564 phone; (208) 334-5548 fax

**IDAPA 16
TITLE 02
Chapter 08**

RULES GOVERNING VITAL STATISTICS

**There are substantive changes
from the proposed rule text.**

**Only those sections that have changed from the original proposed text
are printed in this Bulletin following this notice.**

**The complete original text was published in the
Idaho Administrative Bulletin, Volume 96-9, September 4, 1996,
Pages 92 through 94.**

**This rule has been adopted as Final by the Agency
and is now pending review by the
1997 Idaho State Legislature for final adoption.**

TEXT OF DOCKET NO. 16-0208-9601

251. FEES FOR COPIES, SEARCHES, AND OTHER SERVICES.

01. Certified Copies. The fee shall be ten dollars (\$10) per copy for the issuance of a certified copy of a vital record or birth registration card. ()

02. Searches. The fee shall be ten dollars (\$10) for each search of the files when no record is found or no copy is made. ()

03. Verifications. Except for Idaho state executive agencies and public health districts, there shall be a fee of six dollars (\$6) for verification of data from certificates. (12-31-91)

04. Statistical, Research or Public Health Services. The State Registrar shall assess the fee for statistical, research or public health services. The costs shall be calculated based upon the costs of retrieving the data and the costs of compiling, organizing, and printing the data. Cost may be reduced on a pro-rated basis to reflect the number of expected requests for the same information or service. (12-26-83)

05. Other Services. ()

a. The fee shall be ten dollars (\$10) for establishing a new birth certificate pursuant to a report of adoption. ()

b. The fee shall be ten dollars (\$10) for establishing a delayed certificate of any event. ()

c. The fee shall be ten dollars (\$10) for establishing a new or amended birth certificate pursuant to Section 39-250(b) or (e), or Section, Idaho Code a court order, a paternity affidavit or rescission, or a subsequent marriage affidavit. ()

d. A service fee of three dollars (\$3), in addition to the ten dollar (\$10) fee for a certified copy, shall be paid to the local registrar for securing each expedited certified copy of a vital record. ()

e. The fee shall be ten dollars (\$10) for filing a copy of "Request and Consent for Artificial Insemination," as required by Section 39-5403, Idaho Code. (12-31-91)

f. The fee shall be ten dollars (\$10) for copies of certificates provided upon written request to local, states other than Idaho, or federal government agencies in accordance with Section 39-270(b), Idaho Code. ()

g. When a funeral director must correct an error on a certificate of death or stillbirth for which certified copies have been issued, the correction fee shall be ten dollars (\$10) and shall include issuance of one (1) certified copy of the corrected death or stillbirth record. The fee shall be two dollars (\$2) for additional (replacement) copies issued at the time of correction. ()

h. A service fee of five dollars (\$5) will be added to each faxed credit card request for priority mailing or special handling, including additional document requests. This fee will be in addition to the current fee(s) for the requested certified copy(ies) and/or search(es). ()

i. The fee shall be sixteen dollars (\$16) for registering with Putative Father Registry. The fee must be submitted with the registration form. (7-1-93)

06. Waiver of Fee Requirement. Fees may be waived for Idaho state executive agency and public health district requests. Statistical information prepared for public health planning purposes may be published and distributed without charge whenever the Director determines that the publication and distribution is in the public interest. (12-26-83)

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.02.09 - RULES GOVERNING CREMATORIES IN IDAHO**

DOCKET NO. 16-0209-9601

NOTICE OF PENDING RULE

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 1997 Idaho State Legislature for final adoption. The pending rule becomes final and effective on July 1, 1997, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) Title 27, Chapter 3, Sections 301 through 310, Idaho Code.

DESCRIPTIVE SUMMARY: The pending rules are being adopted as proposed. The original text of the proposed rules was published in the August 7, 1996, Administrative Bulletin, Volume 96-8, page 123.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Jane S. Smith at (208) 334-5976.

DATED this 1st day of January, 1997.

Staci Welsh
Administrative Procedures Coordinator
DHW - Legal Services Division
450 West State Street - 10th Floor
P.O. Box 83720
Boise, Idaho 83720-0036
(208) 334-5564 phone; (208) 334-5548 fax

**IDAPA 16
TITLE 02
Chapter 09**

RULES GOVERNING CREMATORIES IN IDAHO

**There are no substantive changes
from the proposed rule text.**

**The original text was published in the Idaho
Administrative Bulletin, Volume 96-8, August 7, 1996, Page123.**

**This rule has been adopted as Final by the Agency
and is now pending review by the
1997 Idaho State Legislature for final adoption.**

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.02.19 - RULES GOVERNING FOOD SAFETY AND SANITATION STANDARDS
FOR FOOD ESTABLISHMENTS (UNICODE)

DOCKET NO. 16-0219-9601

NOTICE OF PENDING RULE

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 1997 Idaho State Legislature for final adoption. The pending rule becomes final and effective on July 1, 1997, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 39-1605, Idaho Code.

DESCRIPTIVE SUMMARY: The pending rules are being adopted as proposed. The original text of the proposed rules was published in the August 7, 1996, Administrative Bulletin, Volume 96-8, pages 124 through 127.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Donald R. Brothers at (208) 334-5938.

DATED this 1st day of January, 1997.

Staci Welsh
Administrative Procedures Coordinator
DHW - Legal Services Division
450 West State Street - 10th Floor
P.O. Box 83720
Boise, Idaho 83720-0036
(208) 334-5564 phone; (208) 334-5548 fax

IDAPA 16
TITLE 02
Chapter 19

RULES GOVERNING FOOD SAFETY AND SANITATION STANDARDS
FOR FOOD ESTABLISHMENTS (UNICODE)

There are no substantive changes
from the proposed rule text.

The original text was published in the Idaho
Administrative Bulletin, Volume 96-11, November 6, 1996,
Pages 112 through 114.

This rule has been adopted as Final by the Agency
and is now pending review by the
1997 Idaho State Legislature for final adoption.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.01 - RULES GOVERNING AID TO FAMILIES WITH DEPENDENT CHILDREN
DOCKET NO. 16-0301-9701
NOTICE OF TEMPORARY AND PROPOSED RULES

EFFECTIVE DATE: These temporary rules are effective August 22, 1996.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Sections 39-106(l) and 56-202(b), Idaho Code.

PUBLIC HEARING SCHEDULE: Pursuant to Section 67-5222(2), Idaho Code, public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than January 15, 1997.

DESCRIPTIVE SUMMARY: Temporary rules have been adopted in accordance with Section 67-5226, Idaho Code and are necessary in order to comply with deadlines in amendments to governing law or federal programs.

Due to changes in Public Law 104.193, this rule change limits the Aid to Families with Dependent Children (AFDC) cash assistance and AFDC related Medicaid to certain aliens.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary or proposed rule, contact Patti Campbell at (208) 334-5819.

Anyone can submit written comments regarding this rule. All written comments and data concerning the rule must be directed to the undersigned and must be postmarked on or before January 22, 1997.

DATED this 1st day of January, 1997.

STACI WELSH
Administrative Procedures Coordinator
DHW - Division of Legal Services
450 West State Street, 10th Floor
P.O. Box 83720
Boise, Idaho 83720-0036
(208) 334-5564 phone, (208) 334-5548 fax

TEXT OF DOCKET NO. 16-0301-9701

102. CITIZENSHIP AND ALIENAGE.

The client must be a citizen or national of the United States or an eligible alien. The client must provide proof of citizenship, national status, or alien status. One (1) adult budget unit member must sign a declaration, under penalty of perjury, attesting to citizenship, national status, or alien status for each member of the unit. (7-1-96)

01. Permanent Residents. Eligible aliens are legal aliens admitted to the United States for permanent residence. (7-1-96)

02. Legal Aliens. Legal aliens entering the country on or after August 22, 1996. Legal aliens entering the country on or after August 22, 1996 are ineligible for benefits for five (5) years from their date of entry into the U.S. An alien can be eligible for five (5) years from the date he obtains a status listed below. (8-22-96)T

a. A refugee admitted under Section 207 of the Immigration and Nationality Act. (8-22-96)T

- b. An asylee admitted under Section 208 of the Immigration and Nationality Act. (8-22-96)T
- c. An alien with deportation withheld under Section 243(h) of the Immigration and Nationality Act. (8-22-96)T
03. Aliens Eligible With No Time Limit. Aliens meeting a condition listed below can be eligible for benefits with no time limit. (8-22-96)T
- a. A veteran honorably discharged for a reason other than alienage. This includes the veteran's spouse and unmarried dependent children. (8-22-96)T
- b. An active duty member of the U.S. Armed Forces, who is not on active duty for training only. This includes the member's spouse and unmarried dependent children. (8-22-96)T
- c. Cuban/Haitian entrants and refugees authorized by title IV of the Immigration and Nationality Act and Section 501 of the Refugee Education Assistance Act of 1980. (8-22-96)T
024. Temporary Residents. Ineligible aliens are persons admitted for temporary residence under Section 245A and 210a of the Immigration and Nationality Act. Temporary resident aliens are ineligible for AFDC for five (5) years. The five year period starts the month temporary alien status was issued. (7-1-96)
035. Family Unity Residents. Spouses and children of ineligible legal aliens admitted to the United States under the INS Family Unity Program are ineligible. Such family members are ineligible for AFDC for the remaining balance of the five (5) year period imposed on the temporary alien relative. After the five (5) year period expires, family unity members can get AFDC if otherwise eligible. (7-1-96)
046. Undocumented Aliens. Undocumented aliens are ineligible for AFDC. (7-1-96)
057. Verifying Immigration Status. The immigration status claimed by an alien applicant must be verified through the INS automated Alien Status Verification Index (ASVI). Where INS reports the alien's status cannot be verified through ASVI, secondary verification is required. Secondary verification from INS is required before AFDC can be denied, reduced, or stopped based on immigration status. (7-1-96)

(BREAK IN CONTINUITY OF SECTIONS)

607. CITIZENSHIP AND ALIENAGE REQUIREMENT.

The client must be a citizen or national of the United States or an eligible alien. The client must provide proof of citizenship, national status, or alien status. Each client or the responsible adult caretaker, if the client is under age eighteen (18), must sign a declaration, under penalty of perjury, attesting to citizenship, national status, or alien status. (7-1-96)

01. Permanent Residents. Eligible aliens are persons admitted to the United States for permanent residence. (7-1-96)
02. Legal Aliens. Legal aliens entering the country on or after August 22, 1996. Legal aliens entering the country on or after August 22, 1996 are ineligible for benefits for five (5) years from their date of entry into the U.S. An alien can be eligible for five (5) years from the date he obtains a status listed below. (8-22-96)T
- a. A refugee admitted under Section 207 of the Immigration and Nationality Act. (8-22-96)T
- b. An asylee admitted under Section 208 of the Immigration and Nationality Act. (8-22-96)T
- c. An alien with deportation withheld under Section 243(h) of the Immigration and Nationality Act. (8-22-96)T

03. Aliens Eligible With No Time Limit. Aliens meeting a condition listed below can be eligible for benefits with no time limit. (8-22-96)T

a. A veteran honorably discharged for a reason other than alienage. This includes the veteran's spouse and unmarried dependent children. (8-22-96)T

b. An active duty member of the U.S. Armed Forces, who is not on active duty for training only. This includes the member's spouse and unmarried dependent children. (8-22-96)T

c. Cuban/Haitian entrants and refugees authorized by title IV of the Immigration and Nationality Act and Section 501 of the Refugee Education Assistance Act of 1980. (8-22-96)T

~~024.~~ Temporary Residents. Ineligible aliens are persons admitted for temporary residence under Section 245A and 210a of the Immigration and Nationality Act. Temporary resident aliens are ineligible for Medicaid for five (5) years. The five (5) year period starts the month temporary alien status was issued. This limitation applies to able bodied adults. Children under age eighteen (18), adults age sixty-five (65) or older, pregnant women, and blind or disabled adults can get Medicaid if otherwise eligible. (7-1-96)

~~035.~~ Family Unity Residents. Spouses and children of ineligible legal aliens admitted to the United States under the INS Family Unity Program are ineligible. Such family members are ineligible for Medicaid for the remaining balance of the five (5) year period imposed on the temporary alien relative. After the five (5) year period expires, family unity members can get Medicaid if otherwise eligible. (7-1-96)

~~046.~~ Undocumented Aliens. Undocumented aliens are eligible only for treatment of an emergency medical condition, including labor and delivery. They must otherwise qualify for Medicaid. Undocumented aliens are not required to furnish a Social Security Number or make a written declaration of alien status. (7-1-96)

~~057.~~ Verifying Immigration Status. The immigration status claimed by an alien applicant must be verified through the INS automated Alien Status Verification Index (ASVI). Where INS reports the alien's status cannot be verified through ASVI, secondary verification is required. Secondary verification from INS is required before Medicaid can be denied, reduced, or stopped based on immigration status. (7-1-96)

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.04 - RULES GOVERNING THE FOOD STAMP PROGRAM IN IDAHO
DOCKET NO. 16-0304-9701

NOTICE OF TEMPORARY AND PROPOSED RULES

EFFECTIVE DATE: These temporary rules are effective September 22, 1996, December 1, 1996, and January 1, 1997.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 39-106(l) and 56-202(b), Idaho Code.

PUBLIC HEARING SCHEDULE: Pursuant to Section 67-5222(2), Idaho Code, public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than January 15, 1997.

DESCRIPTIVE SUMMARY: Temporary rules have been adopted in accordance with Section 67-5226, Idaho Code and are necessary in order to comply with deadlines in amendments to governing law or federal programs and to confer a benefit.

This rulemaking docket:

- Changes the definition of a homeless person and eliminates homelessness as a category which qualifies a household for expedited services.
- Changes the time limit for acting on expedited applications from five days to seven days.
- Limits alien eligibility for Food Stamps to groups of certain qualified aliens.
- Imposes minimum sanction periods for failure to comply with the Job Search Assistance Program, work registration requirements and for voluntary quit or reduction of work hours.
- Limits Food Stamp eligibility for individuals not meeting the newly imposed work requirement to three months in a 36 month period.
- Imposes a penalty on individuals who voluntarily reduce their hours of work to less than 30 per week.
- Requires that Food Stamps not be increased as a result of a reduction in benefits from another means-tested program resulting from a failure to comply with the rules of that program.
- Makes fugitive felons and probation/parole violators ineligible for Food Stamps.
- Changes the age limit on the exclusion for earnings of a household member attending elementary or secondary school from age 22 to 18.
- Makes vendor payments for transitional housing for the homeless countable income.
- Eliminates the homeless shelter deduction.
- Allows households to switch between the standard utility deduction and actual costs at certification, when the household moves or when the type of utilities change.
- Changes the shelter deduction cap from \$247 to \$250.
- Changes the definition of an initial month for all households except migrant and seasonal farm worker households.
- Permits the agency to disallow the earned income deduction when calculating overissuances resulting from a household's failure to report earned income timely.
- Allows the agency to begin allotment reduction for administrative error claims for households failing to respond to a demand letter.
- Changes intentional program violation penalties from six months to 12 months for a first intentional program violation, and from 12 months to 24 months for a second intentional program violation. The penalty for a third intentional program violation is still permanent disqualification.
- Changes the penalty for the first incident of Food Stamp trafficking from one year to two years. Imposes a permanent disqualification penalty for a person convicted of trafficking in Food Stamp benefits of \$500 or more. Imposes a ten year disqualification penalty for making a fraudulent statement about identity and residence to get multiple benefits.
- The Department must make available to any Federal, State or local law enforcement officer the address, social security number and photograph of a Food Stamp recipient who is fleeing to avoid prosecution, custody or confinement for a felony, violating parole or probation, or who has information necessary for the officer to conduct an official duty related to a felony/parole violation.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:For assistance on technical questions concerning the temporary or proposed rule, contact Patti Campbell at (208) 334-5819.

Anyone can submit written comments regarding this rule. All written comments and data concerning the rule must be directed to the undersigned and must be postmarked on or before January 22, 1997.

DATED this 1st day of January, 1997.

STACI WELSH
Administrative Procedures Coordinator
DHW - Division of Legal Services
450 West State Street, 10th Floor
P.O. Box 83720
Boise, Idaho 83720-0036
(208) 334-5564 phone, (208) 334-5548 fax

TEXT OF DOCKET NO. 16-0304-9701

002. DEFINITIONS.

For the Food Stamp Program, the following definitions apply: (6-1-94)

01. Administrative Error Claim. A claim resulting from an overissuance caused by the Department's action or failure to act. (6-1-94)

02. Applicant. A person applying for Food Stamps. (6-1-94)

03. Application for Participation. The application form filed by the head of the household or authorized representative. (6-1-94)

04. Authorization to Participate. The card issued by the Department authorizing a Food Stamp allotment. The card specifies the household, allotment amount and the redemption month. (6-1-94)

05. Authorized Representative. A person designated by the household to act on behalf of the household to apply for or get and use Food Stamps. Authorized representatives include private nonprofit organizations or institutions conducting a drug addiction or alcoholic treatment and rehabilitation center acting for center residents. Authorized representatives include group living arrangement centers acting for center residents. Authorized representatives include battered women's and children's shelters acting for the shelters' residents. Homeless meal providers may not be authorized representatives for homeless Food Stamp recipients. (6-1-94)

06. Battered Women and Children's Shelter. A shelter for battered women and children which is a public or private nonprofit residential facility. If the facility serves others, a portion of the facility must be set aside on a long-term basis to serve only battered women and children. (6-1-94)

07. Boarder. Any person or group to whom a household, other than a commercial boarding house, furnishes meals and lodging in exchange for an amount equal to or greater than the thrifty food plan. Children, parents and spouses in a household must not be treated as boarders. (6-1-94)

08. Boarding House. A licensed commercial enterprise offering meals and lodging for payment to make a profit. (6-1-94)

09. Categorical Eligibility. If all household members are authorized to get AFDC, AABD and/or SSI,

the household is categorically eligible. Categorically eligible households are exempt from resource, gross and net income eligibility standards. (9-1-94)

10. Certification Determination. Actions necessary to determine household eligibility including interviews, verification, approval, denial, field investigation, analysis and corrective action necessary to insure prompt, efficient and correct certifications. (6-1-94)

11. Claim Determination. The action taken by the Department establishing the household's liability for repayment when an overissuance of Food Stamps occurs. (6-1-94)

12. Client. A person entitled to or receiving Food Stamps. (6-1-94)

13. Coupon. Any coupon, stamp or certificate issued pursuant to the Food Stamp Program for the purchase of food. (6-1-94)

14. Coupon Allotment. The total dollar amount of Food Stamps allowed the household during the full or prorated month. (6-1-94)

15. Department. The Idaho Department of Health and Welfare. (6-1-94)

16. Disqualified Household Members. Individuals required to be excluded from participation in the Food Stamp program are Disqualified Household Members. These include: (6-1-94)

a. Ineligible aliens who do not meet the citizenship or eligible alien requirements. (6-1-94)

b. Individuals awaiting proof of citizenship when citizenship is questionable. (6-1-94)

c. Individuals disqualified for failure or refusal to provide a Social Security Number (SSN). (6-1-94)

d. Individuals disqualified for Intentional Program Violation (IPV). (6-1-94)

17. Documentation. The method used to record information establishing eligibility. The information must sufficiently explain the action taken and the proof and how it was used. (6-1-94)

18. Drug Addiction or Alcoholic Treatment Program. Any drug addiction or alcoholic treatment rehabilitation program conducted by a private nonprofit organization or institution or a publicly operated community mental health center under Part B of Title XXIX of the Public Health Service Act (42 USC 300 et seq.). Indian reservation based centers may qualify if FNS requirements are met and the program is funded by the National Institute on Alcohol Abuse under Public Law 91-616 or was transferred to Indian Health Service funding. (6-1-94)

19. Eligible Foods. Any food or food product for human consumption excluding alcohol, tobacco, and hot foods and hot food products ready for immediate consumption. Eligible foods include: (6-1-94)

a. Garden seeds and plants to grow food for human consumption. (6-1-94)

b. Meals prepared for the elderly at a communal dining facility. (6-1-94)

c. Meals prepared and delivered by an authorized meal delivery service. (6-1-94)

d. Meals served to an narcotics addict or alcoholic who participate and reside in a rehabilitation center program. (6-1-94)

e. Meals prepared and served by an authorized group living center to blind or disabled residents who receive benefits under Titles I, II or X, XIV, XVI of the Social Security Act. (6-1-94)

f. Meals prepared and served at a shelter for battered women and children to eligible residents. (6-1-94)

- g. Meals prepared and served by an authorized public or private nonprofit establishment to homeless Food Stamp participants. (6-1-94)
20. Eligible Household. A household living in a project area and meeting the eligibility criteria in these rules. (6-1-94)
21. Emancipated Minor. A person, age fourteen (14) but under age eighteen (18), who has been married or whose circumstances show the parent and child relationship has been renounced such as a child in the military service. (6-1-94)
22. Enumeration. The requirement that each household member provide the Department either their Social Security Number (SSN) or proof that they have applied. (6-1-94)
23. Exempt. A household member who is not required to register for or participate in the JSAP program is exempt. A household member who is not required to register for work is exempt. (6-1-94)
24. Federal Fiscal Year. The Federal fiscal year (FFY) is from October 1 to September 30. (6-1-94)
25. Food Assistance. The Department's Food Stamp Program or Food Distribution Program. (6-1-94)
26. General Assistance. Cash or other aid, excluding in-kind assistance, financed by Federal, state or local government and provided to cover living expenses or other basic needs. This cash or other aid is intended to promote the health and well-being of recipients. (6-1-94)
27. Group Living Arrangement. A public or private nonprofit residential setting serving no more than sixteen (16) residents. The residents are blind or disabled and receiving benefits under Title II or XVI of the Social Security Act, certified by the Department under regulations issued under Section 1616(e) of the Social Security Act, or under standards determined by the Secretary of USDA to be comparable to Section 1616(e) of the Social Security Act. (6-1-94)
28. Homeless Person. A person: (6-1-94)
- a. Who has no fixed or regular nighttime residence. (6-1-94)
- b. Whose primary nighttime residence is a temporary ~~residence~~ accommodation for not more than ninety (90) days in the home of another individual or household. ~~(6-1-94)~~ (9-22-96)T
- c. Whose primary nighttime residence is a temporary residence in a supervised public or private shelter providing temporary residence for homeless persons. (6-1-94)
- d. Whose primary nighttime residence is a temporary residence in an institution which provides temporary residence for people who are being transferred to another institution. (6-1-94)
- e. Whose primary nighttime residence is a temporary residence in a public or private place which is not designed or customarily used as sleeping quarters for people. (6-1-94)
29. Homeless Meal Provider. A public or private nonprofit establishment or a profit making restaurant which provides meals to homeless people. The establishment or restaurant must be approved by the Department and authorized as a retail food store by FNS. (6-1-94)
30. Identification Card. The card identifying the bearer as eligible to get and use Food Stamps. (6-1-94)
31. Inadvertent Household Error Claim (IHE). A claim resulting from an overissuance, caused by the household's misunderstanding or unintended error. A household error claim pending an intentional program violation decision. (6-1-94)

32. Income and Eligibility Verification System (IEVS). A system of information acquisition and exchange for income and eligibility verification which meets Section 1137 of the Social Security Act requirements. (6-1-94)
33. Indian General Assistance. The general assistance program administered by the Bureau of Indian Affairs. (6-1-94)
34. Institution of Higher Education. Any institution which normally requires a high school diploma or equivalency certificate for enrollment. These institutions include colleges, universities, and business, vocational, technical, or trade schools at the post-high school level. (5-1-96)T
35. Institution of Post Secondary. Educational institutions normally requiring a high school diploma or equivalency certificate for enrollment, or admits persons beyond the age of compulsory school attendance. The institution must be legally authorized by the state and provide a program of training to prepare students for gainful employment. (6-1-94)
36. Nonexempt. A household member who must register for and participate in the JSAP program. A household member who must register for work. (6-1-94)
37. Nonprofit Meal Delivery Service. A political subdivision or a private nonprofit organization, which prepares and delivers meals, authorized to accept Food Stamps. (6-1-94)
38. Overissuance. The amount Food Stamps issued exceeds the Food Stamps a household was eligible to receive. (6-1-94)
39. Parental Control. Parental control means that an adult household member has a minor in the household. The minor is dependent financially or otherwise on the adult. Minors, emancipated through marriage, are not under parental control. (6-1-94)
40. Participation. Participation means a person or household was certified for the Food Stamp Program and is getting Food Stamps. (6-1-94)
41. Period of ATP or Coupons Intended Use. The month the ATP or Food Stamps are issued. When issued after the twentieth (20th), the period of intended use is from the twenty-first (21st) to the last day of the next month. (6-1-94)
42. Program. The Food Stamp Program created under the Food Stamp Act and administered in Idaho by the Department. (6-1-94)
43. Project Area. The state of Idaho has been approved as one project area by the Department of Agriculture. (6-1-94)
44. Public Assistance. Public assistance means Old-Age Assistance (OAA), Aid to Families with Dependent Children (AFDC), Aid to the Blind (AB) and Aid to the Disabled (AD). (6-1-94)
45. Retail Food Store. A retail food store, for Food Stamp purposes means: (6-1-94)
- a. An establishment, or recognized department of an establishment, or a house-to-house food trade route, whose food sales volume is more than fifty percent (50%) staple food items for home preparation and consumption. (6-1-94)
 - b. Public or private communal dining facilities and meal delivery services. (6-1-94)
 - c. Private nonprofit drug addict or alcohol treatment and rehabilitation programs. (6-1-94)
 - d. Public or private nonprofit group living arrangements. (6-1-94)

- e. Public or private nonprofit shelters for battered women and children. (6-1-94)
- f. Private nonprofit cooperative food purchasing ventures, including those whose members pay for food prior to the receipt of the food. (6-1-94)
- g. A farmers' market. (6-1-94)
- h. An approved public or private nonprofit establishment which feeds homeless persons. The establishment must be approved by FNS. (6-1-94)
- 46. Spouse. Persons who are: (6-1-94)
 - a. Ceremonially married under applicable state law; or (6-1-94)
 - b. Living together, free to marry and holding themselves out as man and wife. (6-1-94)
- 47. State. Any of the fifty (50) States, the District of Columbia, Puerto Rico, Guam, the Northern Mariana Islands and the Virgin Islands of the United States. (6-1-94)
- 48. State Agency. The Idaho Department of Health and Welfare. (6-1-94)
- 49. Student. An individual between the ages of eighteen (18) and fifty (50), physically and mentally fit, and enrolled at least half-time in an institution of higher education. (6-1-94)
- 50. Supplemental Security Income (SSI). Monthly cash payments under Title XVI of the Social Security Act. Payments include state or Federally administered supplements, such as AABD payments in Idaho. (6-1-94)
- 51. Verification. The proof obtained to establish the accuracy of information and the household's eligibility. (6-1-94)

003. ABBREVIATIONS.

For the purposes of the Food Stamp Program, the following abbreviations are used. (6-1-94)

- 01. AABD. Aid to the Aged, Blind and Disabled. (9-1-94)
- 02. ABAWD. Able bodied adults without dependents. (12-1-96)T
- 023. AFA. Application for Assistance (HW 0901). (6-1-94)
- 034. AFDC. Aid to Families with Dependent Children. (6-1-94)
- 045. AFDC-UP. Aid to Families with Dependent Children-Unemployed Parent Program. (6-1-94)
- 056. ASVI. Alien Status Verification Index. (6-1-94)
- 067. ATP. Authorization to participate card. (6-1-94)
- 078. A/R. The applicant or recipient. (6-1-94)
- 089. BCSS. Bureau of Child Support Services. (6-1-94)
- 0910. BEER. Beneficiary Earnings Exchange Report. (6-1-94)
- 101. BENDEX. Beneficiary Data Exchange. (6-1-94)

142.	BIA. Bureau of Indian Affairs.	(6-1-94)
123.	BIA GA. Bureau of Indian Affairs-general assistance.	(6-1-94)
(6-1-94)	134. CIP. The Crisis Intervention Program administered by the Community Services Administration (CSA).	
145.	COLA. Cost of Living Allowance (COLA) data received from SSA.	(6-1-94)
(6-1-94)	156. CSA. The Community Services Administration of the U.S. Department of Housing and Urban Development.	
167.	DHW. The Department of Health and Welfare in Idaho.	(6-1-94)
178.	DOE. Department of Employment of the State of Idaho.	(6-1-94)
189.	EE. Eligibility Examiner.	(6-1-94)
1920.	EFNEP. Expanded Food and Nutrition Education Program.	(6-1-94)
201.	FFY. Federal fiscal year.	(6-1-94)
242.	FmHA. Farm Home Administration.	(8-1-94)
223.	FMV. Fair market value.	(6-1-94)
234.	FNS. The Food and Nutrition Service of the U.S. Department of Agriculture.	(6-1-94)
245.	FQC. Federal Quality Control.	(6-1-94)
256.	GA. General assistance.	(6-1-94)
267.	HUD. The U.S. Department of Housing and Urban Development.	(6-1-94)
278.	IEVS. Income and Eligibility Verification Systems.	(6-1-94)
289.	IHE. Inadvertent household error.	(6-1-94)
2930.	INS. Immigration and Naturalization Service	(6-1-94)
301.	IPV. Intentional program violation.	(6-1-94)
342.	IRS. Internal Revenue Service.	(6-1-94)
323.	JOBS. Job Opportunities and Basic Skills training program.	(6-1-94)
334.	JSAP. Job Search Assistance Program.	(6-1-94)
345.	JTPA. Job Training Partnership Act.	(6-1-94)
356.	PA. Public Assistance.	(6-1-94)
367.	RSDI. Retirement, Survivors, Disability Insurance received from SSA.	(6-1-94)
378.	SAVE. Systematic Alien Verification for Entitlements.	(6-1-94)
389.	SAW. Special Agricultural Worker.	(6-1-94)

3940.	SDX. State Data Exchange.	(6-1-94)
401.	SQC. State Quality Control.	(6-1-94)
442.	SUA. Standard utility allowance.	(6-1-94)
423.	SSA. Social Security Administration.	(6-1-94)
434.	SSI. The Federal Supplemental Security Income Program for the aged, blind or disabled.	(6-1-94)
445.	SSN. Social Security number.	(6-1-94)
456.	SWICA. State Wage Information Collection Agency.	(6-1-94)
467.	TPQY. Third Party Query.	(6-1-94)
478.	UI. Unemployment Insurance.	(6-1-94)
489.	USDA. United States Department of Agriculture.	(6-1-94)
4950.	VA. The Veterans Administration.	(6-1-94)
501.	WIC. The special supplemental Food Program for Women, Infants, and Children.	(6-1-94)

(BREAK IN CONTINUITY OF SECTIONS)

155. EXPEDITED SERVICE ELIGIBILITY.

Application forms must be screened to determine if the household is entitled to expedited service. The household must meet one of the expedited service criteria below. The household must have provided proof postponed by the last expedited service or have been certified under the normal standards since the last expedited service. (6-1-94)

01. Low Income and Resources. To receive expedited services the household's monthly countable gross income must be less than one hundred fifty dollars (\$150) and the household's liquid resources must not exceed one hundred dollars (\$100). (6-1-94)

02. Destitute. To receive destitute expedited services the household must be a destitute migrant or seasonal farmworker household. The household's liquid resources must not exceed one hundred dollars (\$100). (10-1-95)T

03. Income Less than Rent and Utilities. The household's combined monthly gross income and liquid resources are less than their monthly rent, or mortgage, and utilities cost. (6-1-94)

~~04. Homeless. The household members are all homeless. A homeless person has no fixed or regular nighttime residence or the primary night time residence is a temporary residence in the home of another person or household, or a supervised public or private shelter providing temporary residence for homeless persons, or an institution providing temporary residence for people being transferred to another institution or a public or private place, not designed or commonly used as sleeping quarters for people. (6-1-94)~~

156. TIME LIMITS FOR EXPEDITED FOOD STAMPS.

Time limits for acting on expedited Food Stamp applications are listed below: (6-1-94)

01. ~~Five (5)~~Seven (7) Day Limit for Food Stamps. For households entitled to expedited service, the Department will provide Food Stamps to the household within ~~five (5)~~seven (7) days of the application date.

(6-1-94)(9-22-96)T

02. ~~Five (5)~~Seven (7) Day Limit for ATP. The Department will provide an ATP to the household no later than the ~~fifth~~seventh day after the application date. (6-1-94)(9-22-96)T

03. ~~Five (5)~~Seven (7) Days After Discovery. If not discovered at initial screening, the Department will provide expedited services to an expedite eligible household within ~~five (5)~~seven (7) days. ~~Five (5)~~Seven (7) days begins the day after the Department finds the household is entitled to expedited service. (6-1-94)(9-22-96)T

04. ~~Five (5)~~Seven (7) Days for Waived Interview. The Department will provide expedited services within ~~five (5)~~seven (7) days for households entitled to an office interview waiver. ~~Five (5)~~Seven (7) days is counted from the application date. If a telephone interview is conducted, the AFA must be mailed to the household for signature. The mailing time must not be included in the ~~five (5)~~seven (7) days. Mailing time includes the days the AFA is in the mail to and from the household. Mailing time includes the days the AFA is at the household pending signature and mailing. (6-1-94)(9-22-96)T

05. Treatment Centers. For residents of drug addiction or alcoholic treatment centers, an ATP or Food Stamps must be provided within ~~five (5)~~seven (7) days of the application date. (6-1-94)(9-22-96)T

06. Shelter Residents. For residents of shelters for battered women and children, Food Stamps must be provided within ~~five (5)~~seven (7) days of the application date. (6-1-94)(9-22-96)T

(BREAK IN CONTINUITY OF SECTIONS)

158. EXPEDITED VERIFICATION.

The Department will verify the applicant's identity through readily available proof or a collateral contact. Proof may include identification such as a driver's license, birth certificate or voter registration card. The Department will try to get proof so that benefits can be issued within ~~five (5)~~seven (7) days of the application date. Expedited Food Stamps must not be delayed beyond ~~five (5)~~seven (7) days for proof other than identity. Other proof can be postponed to issue expedited Food Stamps. (6-1-94)(9-22-96)T

(BREAK IN CONTINUITY OF SECTIONS)

204. CITIZENSHIP OR SATISFACTORY IMMIGRATION STATUS.

~~A person must be a resident of the United States and meet one (1) category below to get Food Stamps. Aliens are eligible only when immigration status is proved. A person must be a U. S. resident to get Food Stamps. A person must be a U.S. citizen or qualified alien to get Food Stamps. Aliens getting Food Stamps on August 22, 1996 and meeting a category in Subsection 204.01 are qualified aliens eligible through August 31, 1997. All other aliens must meet a category in Subsection 204.02.~~ (6-1-94)(9-22-96)T

~~01. U.S. Citizen. A United States citizen.~~Eligible Immigration Status for Aliens Getting Food Stamps on August 22, 1996. (6-1-94)(9-22-96)T

~~02a.~~ Permanent Alien. An alien lawfully admitted for permanent residence as an immigrant under sections 101(a)(20) and 101(a)(15) of the Immigration and Nationality Act. This includes: Amerasians admitted under Section 884(a)(1) of Public Law 100-202, aliens admitted under Section 245A with a class code of "W-16," "W-26," or "W-36." The alien is aged, or disabled, or married to a U.S. citizen, Section 244 of the Immigration and Nationality Act with a code of "Z-11." (6-1-94)

~~03b.~~ Permanent Resident Under Color of Law. An alien entering the United States before January 1, 1972 is lawfully admitted for permanent residence by the Attorney General, under Section 249 of the Immigration and Nationality Act. An alien entering the United States after January 1, 1972, and since residing in the United States,

is lawfully admitted for permanent residence by the Attorney General, under Section 249 of the Immigration and Nationality Act. (6-1-94)

04c. Refugees. An alien qualified for entry under Section 207 or 208 of the Immigration and Nationality Act. An alien granted asylum by the Attorney General under Section 208 of the Immigration and Nationality Act. (6-1-94)

05d. Other Permanent Residents. An alien lawfully in the United States for urgent reasons, by order of the Attorney General. An alien lawfully in the United States, by order of the Attorney General, for reasons in the public interest under Section 212(d)(5) of the Immigration and Nationality Act. An alien lawfully in the United States, by an Attorney General grant of parole. (6-1-94)

06e. Alien Subject to Persecution. An alien not deported under Section 243 of the Immigration and Nationality Act. The Attorney General believes the alien would be subject to persecution due to race, religion, or political opinion. (6-1-94)

07f. Special Agricultural Worker. Effective June 1, 1987. An alien granted temporary residence as a Special Agricultural Worker (SAW) under Section 210(a) of the Immigration and Nationality Act. (6-1-94)

08g. Additional Special Agricultural Worker. An alien lawfully admitted for temporary residence as an additional special agricultural worker. Effective October 1, 1989, through September 30, 1993, under Section 210A(a) of the Immigration and Nationality Act. (6-1-94)

09h. Disabled Alien. Effective November 7, 1988. An alien defined as aged, blind, or disabled under Section 1614(a)(1) of the Social Security Act. The alien must be lawfully admitted for permanent or temporary residence, under Section 245A(b)(1) of the Immigration and Nationality Act. (6-1-94)

02. Eligible Immigration Status for All Other Aliens. (9-22-96)T

a. Alien Eligible Up to Five (5) Years from Admission. An alien is an eligible alien for five (5) years from the date he obtained a status listed below. (9-22-96)T

i. Refugee admitted under Section 207 of the Immigration and Nationality Act. (9-22-96)T

ii. Asylee admitted under Section 208 of the Immigration and Nationality Act. (9-22-96)T

iii. Alien whose deportation is withheld under Section 243(h) of the Immigration and Nationality Act. (9-22-96)T

b. Alien Eligible with No Time Limit - An alien is an eligible alien with no time limit if he meets a requirement listed below. (9-22-96)T

i. A permanent resident alien admitted under the Immigration and Nationality Act who has forty (40) qualifying quarters of coverage under Title II of the Social Security Act. A qualifying quarter includes a quarter worked by the alien's parent while the alien was under age eighteen (18) and a quarter worked by the alien's spouse during marriage if the alien remains married to the spouse or the spouse is deceased. Any quarter after January 1, 1997 in which an alien received any Federal means tested benefit is not counted as a qualifying quarter. (9-22-96)T

ii. A veteran honorably discharged for a reason other than alienage and the veteran's spouse and unmarried dependent child. (9-22-96)T

iii. An active duty member of the U.S. Armed Forces who is not on active duty for training only and the member's spouse and unmarried dependent child. (9-22-96)T

(BREAK IN CONTINUITY OF SECTIONS)

215. PERSONS NOT ELIGIBLE FOR SEPARATE FOOD STAMP HOUSEHOLD STATUS.

Persons listed below cannot be separate Food Stamp households. For Food Stamps, they are part of the household where they live. (6-1-94)

01. Spouse. Spouses are not separate Food Stamp households. (6-1-94)
02. Boarder. Boarders are not separate Food Stamp households. (6-1-94)
03. Parents and Children Together. Children under age twenty-two (22), ~~without a spouse or children of their own,~~ living together with their parents, are not separate Food Stamp households. Parents and children living together include natural, adopted, or stepchildren. Parents and children living together include natural, adopted, or step parents. ~~(9-1-94)(9-22-96)T~~
04. Child Under Age Eighteen (18) Under Parental Control. A child under age eighteen (18) and under parental control of an adult household member is not a separate household, unless the child is a foster child. (9-1-94)

(BREAK IN CONTINUITY OF SECTIONS)

230. SANCTIONS FOR FAILURE TO COMPLY WITH JSAP.

When the Department is told a JSAP client failed or refused to comply, without good cause, sanctions listed below must be applied. In determining which sanction to impose, sanctions for voluntary quit or reduction in work hours must be considered. ~~(6-1-94)(9-22-96)T~~

01. Head of Household. If the noncomplying member is the head of the household, the entire household will be ineligible. ~~The household is not eligible until the conditions for ending JSAP sanctions are met. The household's period of ineligibility shall not exceed six (6) months. The household is not eligible for the greater of the sanction periods listed below or until the sanctioned member complies or becomes exempt from JSAP.~~ ~~(6-1-94)(9-22-96)T~~

- a. First failure to comply. The greater of the date the member cures the sanction, becomes exempt or one (1) month. ~~(9-22-96)T~~
- b. Second failure to comply. The greater of the date the member cures the sanction becomes exempt or three (3) months. ~~(9-22-96)T~~
- c. Third failure to comply and subsequent failures - Six (6) months for the household. The sanctioned member remains sanctioned until he complies or becomes exempt. ~~(9-22-96)T~~

02. Not Head of Household. If the noncomplying member is not the head of the household, the person is excluded as a household member. The person cannot get Food Stamps, but his income and resources are counted in the Food Stamp computation for the household. ~~Exclusion continues until conditions for ending JSAP sanctions are met. The person is not eligible for the greater of the sanction periods listed below, or until he complies, or becomes exempt from JSAP.~~ ~~(6-1-94)(9-22-96)T~~

- a. First failure to comply. The greater of the date the person cures the sanction or one (1) month. ~~(9-22-96)T~~
- b. Second failure to comply. The greater of the date the person cures the sanction or three (3) months ~~(9-22-96)T~~
- c. Third failure to comply and subsequent failures. The greater of the date the person cures the sanction or six (6) months. ~~(9-22-96)T~~

03. Joins Another Household. If a sanctioned household member leaves the original household and joins another Food Stamp household, sanctions apply: As head of household, the entire new household is ineligible for the remainder of the sanction period or until other conditions for ending JSAP sanctions are met. If not the head of household, the person is treated as an excluded household member. The person cannot get Food Stamps, but his income and resources are counted in the Food Stamp computation for the household. The person is excluded for the rest of the sanction period, or until conditions for ending JSAP sanctions are met. (6-1-94)

231. NOTICE OF SANCTIONS FOR FAILURE TO COMPLY WITH JSAP.

Send the household a Notice of Decision when a client has failed to comply with JSAP requirements. The Notice of Decision must contain data listed below. ~~The notice must be mailed at least ten (10) days before the effective date. The notice must be mailed before the last day of the JSAP compliance (conciliation) period within five (5) days of receiving the sanction request from JSAP.~~ If Notice of Decision is sent, and the Department proves the member complied within the ~~JSAP compliance~~ timely notice period, the action to end Food Stamps does not take effect. (6-1-94)(12-1-96)T

01. Sanction Period. The Notice of Decision must include the proposed sanction period. (6-1-94)

02. Reason for Sanction. The Notice of Decision must include the reason for sanction. (6-1-94)

03. Ability to Reapply after Sanction. If the head of household is ineligible the Notice of Decision must say the household may reapply. The household cannot be eligible until the sanction period ends and the head of household complies. If the ineligible member is not the head of the household, the member is added back when the sanction period ends and the member complies. (6-1-94)(9-22-96)T

04. Actions to End Sanction. The Notice of Decision must include the actions the sanctioned person must take to end the sanction. (6-1-94)

05. Right to Appeal. The Notice of Decision must tell the household of it's right to a fair hearing. The household may contest a decision of mandatory status, or a denial, reduction, or termination of benefits, due to failure to comply with JSAP. (6-1-94)

(BREAK IN CONTINUITY OF SECTIONS)

234. ENDING SANCTIONS FOR FAILURE TO COMPLY WITH JSAP.

Households or household members sanctioned for not complying with JSAP are ineligible until a condition listed below is met. (6-1-94)

01. Fair Hearing Reversal. Sanction ends if a fair hearing reverses the sanction (6-1-94)

02. Sanctioned Member Becomes Exempt. Sanction ends if the sanctioned member becomes exempt from JSAP. (6-1-94)

03. Sanctioned Member Leaves Household. Sanction ends if the sanctioned member leaves the Household. (6-1-94)

04. New Head of Household. Sanction ends if a new eligible individual joins the household and is the new head of household. (6-1-94)

05. ~~Two (2)~~ Six (6) Months Elapse for Sanctioned Household. The household's ~~S~~sanction ends if ~~two~~ (2)six (6) months elapse. (6-1-94)(9-22-96)T

06. Member Complies with JSAP. Sanction ends if the member who refused to comply with a JSAP requirement, complies by completing or resuming the assignment and has served the minimum sanction period. This

must be proved by JSAP staff.

~~(6-1-94)~~(9-22-96)T

(BREAK IN CONTINUITY OF SECTIONS)

240. ENDING SANCTIONS FOR FAILURE TO COMPLY WITH JOBS OR UI.

Households or household members sanctioned for not complying with JOBS or UI are ineligible until one (1) of the conditions listed in Subsections 240.01 through 240.05 is met. (1-1-95)

01. Fair Hearing Reversal. Sanction ends if a fair hearing reverses the sanction. (6-1-94)
02. Sanctioned Member Becomes Exempt. Sanction ends if the sanctioned member becomes exempt from work registration. (6-1-94)
03. Sanctioned Member Leaves Household. Sanction ends if the sanctioned member leaves the Household. (6-1-94)
04. ~~Two (2)~~Six (6) Months Elapse for Sanctioned Household. The household's Ssanction ends if ~~two~~ six (6) months elapse. ~~(6-1-94)~~(9-22-96)T
05. Member Complies with JOBS or UI. Sanction ends if the member who refused to comply with a JOBS or UI requirement, complies by completing or resuming the assignment and has served the minimum sanction period. This must be proved by JOBS or UI staff. ~~(6-1-94)~~(9-22-96)T

(BREAK IN CONTINUITY OF SECTIONS)

249. SANCTIONS FOR FAILURE TO COMPLY WITH WORK REGISTRATION.

When the Department determines a failure to comply with work registration was without good cause, ~~the person or household is ineligible for Food Stamps as described below; sanctions listed below must be applied. In determining which sanction to impose, previous sanctions for voluntary quit or reduction in work hours must be considered.~~ ~~(6-1-94)~~(9-22-96)T

01. Head of Household. If the member not complying is the head of the household, the entire household will be ineligible. ~~The household's is ineligible until conditions for ending the sanction are met period of ineligibility shall not exceed six (6) months. The household is not eligible for the greater of the sanction periods listed below, or until the sanctioned member complies, or becomes exempt from work registration.~~ ~~(6-1-94)~~(9-22-96)T
 - a. First failure to comply. The greater of the date the member cures the sanction becomes exempt or one (1) month. (9-22-96)T
 - b. Second failure to comply. The greater of the date the member cures the sanction becomes exempt or three (3) months. (9-22-96)T
 - c. Third failure to comply and subsequent failures. Six (6) months for the household. The member remains sanctioned until he complies or becomes exempt. (9-22-96)T
02. Not Head of Household. If the noncomplying member is not the head of the household, the person is an excluded household member. The person cannot get Food Stamps, but his income and resources are counted in the Food Stamp computation for the household. ~~Exclusion continues until conditions for ending the sanction are met. The person is not eligible for the greater of the sanction periods listed below, or until he complies, or becomes exempt from work registration.~~ ~~(6-1-94)~~(9-22-96)T

- a. First failure to comply. The greater of the date the person cures the sanction or one (1) month. (9-22-96)T
- b. Second failure to comply. The greater of the date the person cures the sanction or three (3) months. (9-22-96)T
- c. Third failure to comply and subsequent failures. The greater of the date the person cures the sanction or six (6) months. (9-22-96)T

03. Joins Another Household. If a sanctioned household member leaves the original household and joins another food stamp household the sanctions below apply. As head of household, the entire new household is ineligible for the remainder of the sanction period or until conditions for ending JSAP sanctions are met. If not the head of household, the person is an excluded household member. The person cannot get Food Stamps, but his income and resources are counted in the Food Stamp computation for the household. The person is excluded for the rest of the sanction period, or until conditions for ending sanctions are met. (6-1-94)

(BREAK IN CONTINUITY OF SECTIONS)

252. ENDING WORK REGISTRATION SANCTION.

Households or household members sanctioned for not complying with work registration are ineligible until a condition listed below is met. (6-1-94)

- 01. Fair Hearing Reversal. Sanction ends if a fair hearing reverses the sanction. (6-1-94)
- 02. Sanctioned Member Becomes Exempt. Sanction ends if the sanctioned member becomes exempt from work registration. (6-1-94)
- 03. Sanctioned Member Leaves Household. Sanction ends if the sanctioned member leaves the Household. (6-1-94)
- 04. New Head of Household. Sanction ends if a new eligible individual joins the household and is the new head of household. (6-1-94)
- 05. ~~Two (2)~~ Six (6) Months Elapse. The household's Sanction ends if ~~two (2)~~ six (6) months elapse. (6-1-94)(9-22-96)T
- 06. Member Complies with Work Registration. Sanction ends if the member who refused to comply with the work registration requirement, complies by registering and has served the minimum sanction period. (6-1-94)(9-22-96)T

(BREAK IN CONTINUITY OF SECTIONS)

254. ABAWD WORK REQUIREMENT.

To participate in the Food Stamp program, persons must meet one (1) of the conditions in Table 254. Persons not meeting one (1) of the conditions in Table 254 may not participate in the Food Stamp program as a member of any household for more than three (3) full months (consecutive or otherwise) in a thirty-six (36) month period. (12-1-96)T

- 01. The Person Must Work for Twenty (20) Hours or More Per Week, Averaged Monthly. The person must be paid money for the work. (12-1-96)T
- 02. The Person Must Participate In and Comply With the Requirements of the JSAP Program. The

person must participate in and comply with the requirements of the JSAP program (other than job search or job search training), the JTPA program or a program under section 236 of the Trade Act of 1974 for twenty (20) hours or more per week. (12-1-96)T

03. The Person Must Participate In and Comply With the Requirements of The Idaho Work Experience Program (IWEPP). (12-1-96)T

255. REGAINING ELIGIBILITY.

Persons whose three (3) month eligibility has expired may regain eligibility for Food Stamps. To do so, during a calendar month the person must meet one (1) of the work requirements in Table 255. After the person regains eligibility, they must continue meeting the work requirement to get Food Stamps. (12-1-96)T

01. The Person Must Work Eighty (80) or More Hours. (12-1-96)T

02. Participation. The person must participate in and comply with the requirements of the JSAP program (other than job search or job search training), the JTPA program or a program under section 236 of the Trade Act of 1974 for eighty (80) or more hours. (12-1-96)T

03. The Person Must Participate In and Comply. The person must participate in and comply with the requirements of the Idaho Work Experience Program (IWEPP). (12-1-96)T

04. Three (3) Additional Months Food Stamps After Regaining Eligibility. A person who met the work requirement but lost a job through no fault of their own may get Food Stamps for three (3) consecutive months. For applicants, the three (3) consecutive months begins the first full month of benefits. For the month following the month the person no longer meets the work requirement. A person is eligible for the additional three (3) consecutive months only once in a thirt-six (36) month period. (12-1-96)T

256. EXEMPTIONS FROM THE ABAWD WORK REQUIREMENT.

Persons meeting a condition in Table 256 are exempt from the ABAWD work requirement. (12-1-96)T

01. Age. Persons under eighteen (18) and over fifty (50) years of age. (12-1-96)T

02. Disability. Persons medically certified as physically or mentally unfit for employment. Proof of the disability is required. (12-1-96)T

03. Parental Responsibility. Parents or step parents with children under eighteen (18) years old in the household. In the absence of a parent in the household, one adult household member exercising parental control over children under eighteen (18) years old in the household. (12-1-96)T

04. Pregnancy. Pregnant persons. (12-1-96)T

05. JSAP or Work Registration Exempt. Persons exempt from JSAP or work registration are also exempt from the ABAWD work requirement. (12-1-96)T

~~2547.~~ -- 258. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

261. VOLUNTARY JOB QUIT OR REDUCTION OF WORK.

~~When a Food Stamp household reports the loss of earned income, determine if the head of household voluntarily quit a job. If the head of household voluntarily quit a job, without good cause, the household is not eligible for Food Stamps. When a household applies for Food Stamps, determine if the head of household quit the most recent job, without good cause, within the last sixty (60) days. When the head of household, in an open Food Stamp case, quits a job the Department must determine if the quit was for good cause. If the household adds new members to the~~

~~household determine if the head of household changes. Determine if the new head of household quit a job without good cause within the last sixty (60) days. a member of the household voluntarily quit a job or voluntarily reduced their work hours to less than thirty (30) hours a week. If the head of household voluntarily quit a job or reduced their work hours to less than thirty (30) hours a week, without good cause, the household is not eligible for Food Stamps. If a non-head of household voluntarily quit a job or voluntarily reduced their work hours to less than thirty (30) hours a week, without good cause, that person is not eligible for Food Stamps. If a new member enters the household, determine if the head of household changes. Determine if the new household member voluntarily quit a job or reduced work hours without good cause.~~ (6-1-94)(9-22-96)T

262. HEAD OF HOUSEHOLD FOR VOLUNTARY QUIT OR REDUCTION OF WORK HOURS.

In households with only adult members, the head of household for voluntary quit or reduction of work hours is the principal wage earner. In households with children, the household may designate any adult household member with children as the head of the household, as long as all adult members agree to the selection. If all adult household members do not agree to the selection or decline to select an adult parent as head of household, the Department will designate the principal wage earner as the head of the household or permit the household to make another selection. The principal wage earner can be a household member excluded from the Food Stamp program. The principal wage earner conditions and limits are described below: (6-1-94)(9-22-96)T

01. Household Member With Most Earned Income. The principal wage earner is the household member with the most earned income in the two (2) months before the month of voluntary quit. (6-1-94)

02. Person Designated by Household. The principal wage earner is designated by the household, when there is no principal source of earned income in the two (2) months before the month of voluntary quit. (6-1-94)

03. Parent as Principal Wage Earner. The principal wage earner is never a person of any age living with a parent or person acting as a parent, if the parent is: registered for work; exempt from work registration based on participation in JOBS; getting unemployment compensation benefits; working a minimum of thirty (30) hours per week; and receiving weekly earnings equal to Federal minimum wage multiplied by thirty (30) hours. (6-1-94)

(BREAK IN CONTINUITY OF SECTIONS)

264. DETERMINING VOLUNTARY QUIT OR REDUCTION OF WORK HOURS.

~~When the head a member of the household loses a job or income from a job is reduced, voluntary quit or reduction of work hours must be determined. Voluntary quit must be determined if the head member of the household was exempt from work registration because he was employed or self employed and working a minimum of thirty (30) hours weekly. Voluntary quit must be determined if the head member of the household was exempt from work registration because he was getting weekly earnings at least equal to Federal minimum wage times thirty (30) hours per week. Other head members of the households exempt from work registration at the time of quit are exempt from voluntary quit sanctions and reduction of work.~~ (6-1-94)(9-22-96)T

265. SITUATIONS NOT CONSIDERED VOLUNTARY JOB QUIT OR REDUCTION OF WORK.

Situations not counted as a voluntary job quit or reduction of work hours are listed below: (6-1-94)(9-22-96)T

~~01. Change in Employment Status. Changes in employment status which result from reducing hours of employment while working for the same employer.~~ (6-1-94)

02~~1~~. Ending Self-Employment. The person ends self-employment enterprise. (6-1-94)

03~~2~~. Employer Demands Resignation. A person resigns from a job at the demand of the employer. (6-1-94)

04~~3~~. Laid Off From New Job. A person quits a job, secures new employment at comparable salary or hours and then is laid off. A person quits a job, secures new employment at comparable salary or hours and through no fault of his own loses the new job. (6-1-94)

(BREAK IN CONTINUITY OF SECTIONS)

267. GOOD CAUSE FOR VOLUNTARILY QUITTING A JOB OR REDUCING WORK HOURS.

If the head of household voluntarily quits a job, determine if the quit was for good cause. All facts and circumstances submitted by the household and the employer must be considered. Good cause includes, but is not limited to, reasons listed below: (6-1-94)(9-22-96)T

01. Personal Difficulties. Personal difficulties include: Health problems; Structured drug and alcohol treatment; Jailed or necessary court appearances; Conflicts with verified and practiced religious and ethical beliefs. (6-1-94)

02. Family Emergencies. Family emergencies include: Crisis in family health; ~~Lack of child care for children between ages six (6) and twelve (12);~~ Child legal or behavioral problems. (6-1-94)(9-22-96)T

03. Environmental Barriers. Environmental barriers include: Weather conditions preventing the person from reaching the work site; Unexpected loss of transportation; Housing or utility problems requiring immediate attention. (6-1-94)

04. Work Site Problems. Work site problems include: Temporary layoff from a regular, full-time job. The person must be able to return to the job within ninety (90) days. Work site conditions not meeting legal or local standards of health and safety, hours, pay, or benefits. Alleged discrimination on the job site. (6-1-94)

05. Employment or School. The head of household accepts employment, or enrolls at least half-time in any recognized school, training program, or an institution of higher education. (6-1-94)

06. Employment or School in Another Area. Another household member accepts employment in another area, requiring the household to move. Another household member enrolls at least half-time in a recognized school, a training program, or an institution of higher education in another area, requiring the household to move. (6-1-94)

07. Retirement. Persons under age sixty (60) resign, if the resignation is recognized as retirement. (6-1-94)

08. Full Time Job Does Not Develop. A person accepts a bona fide offer of a full time job. The job does not develop. The job results in employment of less than twenty (20) hours a week, or weekly earnings of less than the Federal minimum wage multiplied by twenty (20) hours. (6-1-94)

09. Temporary Pattern of Employment. Person leaves a job where workers move from one (1) employer to another, such as migrant farm labor or construction work. Households may apply for benefits between jobs, when work is not yet available at the new site. Even though the new employment has not actually begun, the previous quit is with good cause if it is the pattern of that type of employment. (6-1-94)

268. PROOF OF JOB QUIT OR REDUCTION OF WORK HOURS.

Request proof of the household's statements if the household's job quit or reduction of work hours is questionable. The household is responsible for providing proof. If the household cannot get timely proof, offer assistance. Proof includes, but is not limited to, contacts with the previous employer or union organizations. If the employer cannot be contacted or the employer will not provide the information try to get the proof from a third party. In some cases, the household and the Department cannot prove the circumstances of the quit. This may occur because the employer cannot be located or refused to cooperate. This may include quits due to employer discrimination or unreasonable employer demands. In cases where proof of the voluntary quit cannot be obtained, the household must not be denied Food Stamps on the basis of a voluntary quit or reduction of work hours. If a household member refuses, without good cause, to provide enough information to determine voluntary quit or work reduction, a penalty must be imposed. Impose the appropriate quit or reduction penalty. (6-1-94)(9-22-96)T

269. EXPLANATION OF PENALTIES FOR QUITTING JOB OR REDUCTION OF WORK HOURS.

Explain voluntary quit or reduction of work hours penalties to the applicant household at application. Explain the penalties imposed if the head of household quits a job or reduces hours of work to less than thirty (30) hours a week without good cause. Explain the penalties imposed if the household allows a person to join their household as head of household and that person has voluntarily quit a job or reduced hours of work to less than thirty (30) hours a week without good cause. (6-1-94)(9-22-96)T

270. PENALTY FOR APPLICANT QUITTING A JOB OR REDUCING WORK HOURS.

If the Department determines a voluntary quit or reduction of work hours was not for good cause, the application must be denied if the head of the household quit or reduced work hours. If the member who quit was not the head of household, that member is not eligible. A ninety (90) day penalty begins the date the head of household member quit. The applicant household must be told the job quit and work reduction penalty information listed below: (6-1-94)(9-22-96)T

01. Denial Reason. The household must be informed of the reason for the Food Stamp denial for the member or entire household. (6-1-94)(9-22-96)T
02. Sanction Period. The household must be informed of the proposed voluntary quit or work reduction sanction period. (6-1-94)(9-22-96)T
03. Disqualified Household's Right to Reapply. The household must be informed of the right to reapply for Food Stamps. If eligible benefits will begin ninety (90) days after the date of quit or work reduction. (6-1-94)(9-22-96)T
04. Fair Hearing. The household must be informed of the right to a fair hearing. (6-1-94)

271. PENALTY FOR RECIPIENT QUITTING A JOB OR REDUCING WORK HOURS.

If the Department determines a head member of the household voluntarily quit a job or reduced work hours, the household's benefits must be stopped for three (3) continuous calendar months penalty listed in Subsection 271.01 or 271.02 must be imposed. The benefits must end, beginning the first month after timely notice. The household must be told the information listed below in Subsections 271.03 through 271.08 within ten (10) calendar days of the voluntary quit or reduction in work ruling. When determining the penalty to impose, previous sanctions for noncompliance with JSAP and work registration requirements must be considered. Previous penalties for applicant voluntary quit or work reduction must also be considered. (6-1-94)(9-22-96)T

01. Head of Household. If the member who quit or reduced work hours is the head of household, the entire household will be ineligible. The households period of ineligibility shall not exceed six (6) months. The household is not eligible for the greater of the penalty periods listed below or until the member meets one (1) of the conditions to end the penalty. (9-22-96)T
 - a. First quit or reduction. The greater of the date the member meets one (1) of the conditions to end the penalty or one (1) month. (9-22-96)T
 - b. Second quit or reduction. The greater of the date the member meets one (1) of the conditions to end the penalty or three (3) months. (9-22-96)T
 - c. Third quit or reduction and subsequent quit or reduction. Six (6) months for the household. The member who quit or reduced work hours remains ineligible until he meets one of the conditions to end the penalty. (9-22-96)T
02. Not Head of Household. If the member who quit or reduced work hours is not the head of the household, the person is excluded as a household member. The person cannot get Food Stamps, but his income and resources are counted in the Food Stamp computation for the household. The person is not eligible for the greater of the penalty periods listed below or until he meets one of the conditions to end the penalty. (9-22-96)T
 - a. First quit or reduction. The greater of the date the person cures the sanction or one (1) month.

(9-22-96)T

b. Second quit or reduction. The greater of the date the person cures the sanction or three (3) months.
(9-22-96)T

c. Third quit or reduction and subsequent quit or reduction. The greater of the date the person cures the sanction or six (6) months.
(9-22-96)T

043. Closure Reason. The household must be informed of the reason for the closure. (6-1-94)

024. Sanction Period. The household must be informed of the proposed sanction period. (6-1-94)

035. SanctionStart. The household must be informed the sanction will begin the first month after timely notice.
(6-1-94)

046. Actions to End Sanction. The household must be informed of the actions the household can take to end the sanction. (6-1-94)

057. Right to Reapply. The household must be informed of the right to reapply. Eligibility begins after the sanction period ends. (6-1-94)

068. Fair Hearing. The household must be informed of the right to a fair hearing. (6-1-94)

272. VOLUNTARY QUIT OR REDUCTION OF WORK HOURS DURING THE LAST MONTH OF THE CERTIFICATION PERIOD.

If the Department determines ~~the head~~ a member of the household voluntarily quit a job or reduced work hours, without good cause, in the last month of the certification period the voluntary quit or work reduction penalty is imposed.
(6-1-94)(9-22-96)T

01. No Reapplication. If the household does not apply for recertification in the last month of the certification ~~a three (3) month~~ the appropriate penalty is imposed. Begin the penalty the first month after the last month of the certification. The penalty is in effect should the household apply during the penalty period.
(6-1-94)(9-22-96)T

02. Reapplication. If the household does apply for recertification in the last month of the certification period, the recertification application is denied if the member was the head of the household. If the person quitting work or reducing hours was not the head of the household, he is ineligible. The ~~three (3) month~~ penalty period is imposed, beginning the first month after the last month of the certification period.
(6-1-94)(9-22-96)T

273. VOLUNTARY QUIT OR REDUCTION OF WORK HOURS NOT FOUND UNTIL THE LAST MONTH OF THE CERTIFICATION PERIOD.

The Department may find the head of household voluntarily quit a job or reduced work hours, without good cause, before the last month of the certification period. If the voluntary quit or reduction is not found until the last month of the certification, the voluntary quit or reduction penalty must be determined.
(6-1-94)(9-22-96)T

274. PENALTY FOR VOLUNTARY QUIT OR REDUCTION OF WORK HOURS NOT FOUND UNTIL THE LAST MONTH OF THE CERTIFICATION PERIOD.

An overpayment claim is filed for Food Stamps if the household or a member of the household was not eligible to receive because of a voluntary quit or reduction of work. The claim begins the month after the month the quit or reduction occurred. If the household or household member received benefits for less than ~~three (3) calendar months~~ the penalty period after the month of the quit, a claim is established for the benefits received. The penalty is imposed for the remaining months in the ~~sanction~~ penalty period. The total period covered by the claim and the penalty period must equal ~~three (3) calendar months~~ the appropriate penalty period. The period begins the month after the month the quit or work reduction occurred and continues for the ~~next three (3) calendar months~~ appropriate penalty period.
(6-1-94)(9-22-96)T

275. ENDING VOLUNTARY QUIT OR REDUCTION OF WORK HOURS PENALTY.

Eligibility may be re-established ~~during~~after a voluntary quit or work reduction penalty period for an otherwise eligible household or household member if conditions below are met: (6-1-94)(9-22-96)T

01. ~~Head of Household~~Member Gets a Job. ~~Head of household~~The penalty member gets new employment comparable in salary or hours to the job the person quit. Comparable employment may entail fewer hours or a lower net salary than the job which was quit. To be comparable, the hours for the new job cannot be less than twenty (20) hours per week. To be comparable, the salary or earnings for the new job cannot be less than Federal minimum wage multiplied by twenty (20) hours per week. (6-1-94)(9-22-96)T

02. ~~Head of Household~~Member Becomes Exempt. ~~Head of household~~The penalty member becomes exempt from work registration requirements. The voluntary quit penalty does not end if the ~~head of household~~the member becomes exempt due to: JOBS program participation. Application or receipt of Unemployment Insurance. (6-1-94)(9-22-96)T

03. ~~Head~~Member of Household Leaves Household. ~~Head of household~~The penalty member leaves the household. The penalty follows the member who caused it. If the penalty member joins another household, as the head of household, the new household is ineligible for the balance of the penalty period. If the penalty member joins another household, not as head of household, the ~~penalty is ended~~member is ineligible for the balance of the penalty period. (6-1-94)(9-22-96)T

04. Head of Household Changes. Head of household changes because a new and otherwise eligible member joins the household as head of household. (6-1-94)

276. FAILURE TO COMPLY WITH A REQUIREMENT OF ANOTHER MEANS-TESTED PROGRAM.

Food Stamps must not increase when a failure to comply causes other means-tested benefits to decrease. Benefits from means-tested programs like AFDC and SSI may decrease due to failure to comply with a program requirement. Food Stamp benefits must not increase because of this income loss. If a reduction in benefits from another means-tested program occurs, verify the reason for the reduction. If the reason for the reduction cannot be verified, document the case record to reflect the good faith effort to verify the information. (9-22-96)T

277. PENALTY FOR FAILURE TO COMPLY WITH A REQUIREMENT OF ANOTHER MEANS-TESTED PROGRAM.

The penalties applied to the Food Stamp case for failure to comply with a requirement of another means-tested program to prevent an increase in Food Stamp benefits are listed below. (9-22-96)T

01. Failure to Comply with an AFDC Requirement. When a Food Stamp recipient fails to comply with a requirement of the AFDC program and a penalty is imposed by that program, the same penalty must be imposed for Food Stamp purposes. For Foods Stamps, only an individual can be sanctioned. (9-22-96)T

02. Failure to Comply with a Requirement of a Means-tested Program Such as SSI. For a failure to comply with a requirement of another means-tested program, such as SSI, which results in a reduction of benefits, Food Stamp benefits must be computed using the benefit amount received from the other program, before the penalty was imposed. (9-22-96)T

2768. -- 281. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

285. INELIGIBILITY OF FUGITIVE FELONS AND PROBATION AND PAROLE VIOLATORS.

A person is ineligible to receive Food Stamps for any month during which he meets a condition listed below. (9-22-96)T

01. Fleeing to Avoid Prosecution. The person is fleeing to avoid prosecution for a crime which is a

felony (or in New Jersey, a high misdemeanor) under the laws of the state he is fleeing. (9-22-96)T

02. Fleeing to Avoid Custody or Confinement After Conviction. The person is fleeing to avoid custody or confinement after conviction for a crime which is a felony (or in New Jersey, a high misdemeanor) under the laws of the state he is fleeing. (9-22-96)T

03. Violating a Condition of Probation or Parole. The person is violating a condition or probation or parole imposed under Federal or State law. (9-22-96)T

286. EFFECTIVE DATE OF INELIGIBILITY.
Ineligibility of fugitive felons and probation and parole violators begins the earlier of the month a warrant, court order or decision, or decision by a parole board is issued finding the person is fleeing (or fled) to avoid prosecution, or custody or confinement after conviction or is violating (or violated) parole; or the first month the person fled to avoid prosecution, custody or conviction or violated a condition of probation or parole. (9-22-96)T

2857. -- 299. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

405. EXCLUDED INCOME.

Income excluded when computing Food Stamp eligibility is listed below: (6-1-94)

01. Money Withheld. Money withheld voluntarily or involuntarily, from an assistance payment, earned income, or other income source, to repay an overpayment from that income source, is excluded. If an intentional noncompliance penalty results in a decrease of benefits under a means tested program such as SSI, AFDC, or GA, count that portion of the benefit decrease attributed to the repayment as income. (6-1-94)

02. Child Support Payments. Child support payments received by AFDC recipients which must be given to BCSS are excluded as income. Child support pass through payments are unearned income. (6-1-94)

03. Earnings of Child Under Age ~~Twenty-two (22)~~ Eighteen (18) Attending School. Earned income of a household member under age ~~twenty-two (22)~~ eighteen (18) is excluded. The member must be under parental control of another household member and attending elementary or secondary school at least half time. This exclusion applies during semester and summer vacations if enrollment will resume after the break. If the earnings of the child and other household members cannot be differentiated, prorate equally among the working members and exclude the child's share. ~~The exclusion is allowed if the child attending school is in a separate household but is living with a parent. Parental control is not a factor if the child attending school is in a separate household.~~ (1-1-95)(9-22-96)T

04. Retirement Benefits Paid to Former Spouse or Third Party. Social Security retirement benefits based on the household member's former employment, but paid directly to an ex-spouse, are excluded as the household member's income. Military retirement pay diverted by court order to a household member's former spouse is excluded as the household member's income. Any retirement paid directly to a third party from a household member's income by a court order is excluded as the household member's income. (6-1-94)

05. Infrequent or Irregular Income. Income received occasionally is excluded as income if it does not exceed thirty dollars (\$30) total in a three (3) month period. (6-1-94)

06. Cash Donations. Cash donations based on need and received from one (1) or more private nonprofit charitable organizations are excluded as income. The donations must not exceed three hundred dollars (\$300) in a calendar quarter of a Federal fiscal year (FFY). (6-1-94)

07. Income In Kind. Any gain or benefit, such as meals, garden produce, clothing, or shelter, not paid in money, is excluded as income. (6-1-94)

08. Vendor Payments. Vendor payments are monies not legally obligated to the household. Vendor payments are paid directly to a third party by a non-household member. Vendor payments include, but are not limited to: (6-1-94)

a. Housing or rent paid by an employer to a third party when the housing is in addition to obligated wages. (6-1-94)

b. Payments to a third party for a household expense. The payments must be made by a nonhousehold member not legally bound to pay. (6-1-94)

c. Vendor payments for transitional housing for the homeless are not excluded as income. (9-22-96)T

09. Loans. Loans are money received which is to be repaid. Loans are excluded as income. (6-1-94)

10. Money for Third Party Care. Money received and used for the care and maintenance of a third party who is not in the household. If a single payment is for both household members and nonhousehold members the identifiable portion of the payment for nonhousehold members is excluded. If a single payment is for both household members and nonhousehold members, exclude the lesser of: (6-1-94)

a. The prorated share of the nonhousehold members if the portion cannot be identified. (6-1-94)

b. The amount actually used for the care and maintenance of the nonhousehold members. (6-1-94)

11. Reimbursements. Reimbursements for past or future expenses not exceeding actual costs. Payments must not represent a gain or benefit. Payments must be used for the purpose intended and for other than normal living expenses. Excluded reimbursements are not limited to: (6-1-94)

a. Travel, per diem, and uniforms for job or training. (6-1-94)

b. Out-of-pocket expenses of volunteer workers. (6-1-94)

c. Medical and dependent care expenses. (6-1-94)

d. Pay for services provided by Title XX of the Social Security Act. (6-1-94)

e. Repayment of loans made by the household from their personal property limit. The repayment must not exceed the amount of the loan. (6-1-94)

f. Work-related and dependent care expenses paid by the JSAP program. (6-1-94)

g. Transitional child care payments. (6-1-94)

h. Child care payments under the Child Care and Dependent Block Grant Act of 1990. (6-1-94)

12. Federal Earned Income Tax Credit (EITC). Federal EITC payments are excluded as income. (9-1-94)

(BREAK IN CONTINUITY OF SECTIONS)

542. COSTS ALLOWED FOR SHELTER DEDUCTION.

Shelter costs are current charges for the shelter occupied by the household. Shelter costs include costs for the home temporarily not occupied because of employment or training away from home or illness. The costs allowed for the shelter deduction are listed below: (6-1-94)

01. House Payments. Mortgages, second mortgages, mortgage fees and land payments. (6-1-94)
02. Rent. Rent and space rent. (6-1-94)
03. Loan Payments. Loan repayments for the purchase of a mobile or motor home, including interest. (6-1-94)
04. Taxes and Insurance. Property taxes, state, and local assessments and insurance on the structure. (6-1-94)
05. Utilities. Costs of heating, cooling, cooking fuel, electricity, the basic service fee for one telephone, water, sewer, garbage and trash collection, and fees for initial utility installation. (6-1-94)
- ~~06. Homeless Household. If the household is homeless, has a shelter expense, and is unable to show proof of the expense, deduct a shelter amount of one hundred forty three dollars (\$143). This homeless deduction includes shelter and utility costs. The household may switch between the homeless deduction and actual shelter costs. There is no limit to the number of times a household may switch between the homeless deduction and actual shelter costs. (10-1-95)†~~
076. Vehicle Payments. Payments for vehicles used as the primary residence for the household. (6-1-94)
087. Costs for Home Repairs. Nonreimbursable costs to repair a home damaged or destroyed by a natural disaster such as a fire or flood or earthquake. (6-1-94)
098. Home Temporarily Not Occupied. Shelter costs for the home temporarily not occupied because of employment or training away from home or illness. This shelter cost may be in addition to the shelter cost for the home the household currently occupies. Shelter costs for the home temporarily not occupied because of abandonment caused by a natural disaster or casualty loss. This shelter cost may be in addition to the shelter cost for the home the household currently occupies. For shelter deduction for a vacated home: (6-1-94)
 - a. The household must intend to return. (6-1-94)
 - b. Current occupants must not be claiming Food Stamp shelter costs. (6-1-94)
 - c. The home must not be leased or rented. (6-1-94)
 - d. The SUA is not allowed for a temporarily unoccupied home. (6-1-94)
 - e. The household must claim actual costs for both the unoccupied home and its current residence. (6-1-94)

(BREAK IN CONTINUITY OF SECTIONS)

545. SWITCHING BETWEEN ACTUAL AND SUA.

Households must be told they can switch between actual utilities and the SUA. Households can switch at recertification ~~and one (1) additional time during each twelve (12) month period.~~ Households can switch between standard and actual utilities when the household moves from one (1) residence to another. Households can switch between standard and actual utilities when their type of utilities change. ~~(6-1-94)~~(9-22-96)†

(BREAK IN CONTINUITY OF SECTIONS)

548. COMPUTING THE SHELTER DEDUCTION.

The shelter deduction is computed as listed below: (6-1-94)

01. Household With Elderly or Disabled Member. If the household has an elderly or disabled member, deduct the monthly shelter cost exceeding fifty percent (50%) of the household's income after all other deductions. (6-1-94)

02. Household With No Elderly or Disabled Member. If the household does not have an elderly or disabled member, deduct the excess of fifty percent (50%) of the household's income, after all other deductions, up to the maximum two hundred ~~forty-seven~~fifty dollars (\$~~247~~50) limit. ~~(10-1-95)T~~(1-1-97)T

(BREAK IN CONTINUITY OF SECTIONS)

550. STEPS TO COMPUTE FOOD STAMP PAYMENT.

Use the steps in Subsections 550.01 through 550.38 to compute the Food Stamp issuance. Do not round figures or calculations of income and deductions in determining gross or net income. (10-1-95)T

01. Step 1. List projected wages and salaries for the household for the month. Do not count excluded income. (6-1-94)

02. Step 2. Compute and list net self-employment income. If a farmer, list any self-employment profit or loss. (6-1-94)

03. Step 3. Add results of step 1 and step 2. THIS IS GROSS EARNED INCOME. (6-1-94)

04. Step 4. Compute and list prorated monthly non-excluded educational income. (6-1-94)

05. Step 5. Compute and list prorated monthly tuition, mandatory fees, and allowed expenses. (6-1-94)

06. Step 6. Subtract amount in step 5 from the amount in step 4. (6-1-94)

07. Step 7. List other unearned income for household. (6-1-94)

08. Step 8. Add results of step 6 and step 7. THIS IS TOTAL UNEARNED INCOME. (6-1-94)

09. Step 9. Add results of step 3 and step 8. (6-1-94)

10. Step 10. Subtract any loss not used up in step 2 from step 9. THIS IS GROSS MONTHLY INCOME. Record the gross monthly income. Check to see if gross income exceeds the limit for family size. Categorically eligible households are exempt from the gross income test. Households with an elderly or disabled household member are exempt from the gross income test. (6-1-94)

11. Step 11. Multiply amount in step 3 times 0.2 (20%). 6-1-94)

12. Step 12. Subtract amount in step 11 from amount in step 3. (6-1-94)

13. Step 13. Add amount in step 12 to amount in step 8. (6-1-94)

14. Step 14. List the standard deduction of one hundred thirty-four dollars (\$134). (12-1-95)T

15. Step 15. Subtract amount in step 14 from amount in step 13. (6-1-94)

16. Step 16. List converted medical costs over thirty-five dollars (\$35) for household with elderly or disabled member. (6-1-94)

17. Step 17. Subtract amount in step 16 from amount in step 15. (6-1-94)
18. Step 18. List converted dependent care costs (not to exceed two hundred dollars (\$200) per dependent under age two (2) and one hundred seventy five dollars (\$175) for any other dependent). (10-1-94)
19. Step 19. Subtract amount in step 18 from amount in step 17. (10-1-95)T
20. Step 20. List child support paid or expected to be paid by the household. (10-1-95)T
21. Step 21. Subtract amount in step 20 from amount in step 19. **THIS IS INCOME, AFTER DEDUCTIONS, EXCEPT SHELTER DEDUCTION.** (10-1-95)T
22. Step 22. Divide amount in step 21 by 2 (this is used to weigh shelter costs). **THIS IS HALF THE ADJUSTED INCOME.** (10-1-95)T
23. Step 23. List rent or mortgage payment. (10-1-95)T
24. Step 24. List property taxes (averaged over 12 months). (10-1-95)T
25. Step 25. List homeowners insurance on structure (averaged over 12 months). (10-1-95)T
26. Step 26. Add amount in step 23 and amount in step 24 and amount in step 25. (10-1-95)T
27. Step 27. If client chooses the standard utility allowance (SUA), add one hundred sixty three dollars (\$163) to the amount in step 246. (10-1-95)T
28. Step 28. If client has chosen to use actual utility expenses, list and add the following expenses. (10-1-95)T
 - a. Basic rate for telephone. (6-1-94)
 - b. Electric bill. (6-1-94)
 - c. Gas bill. (6-1-94)
 - d. Heating oil. (6-1-94)
 - e. Wood costs (only if purchased for heat). (6-1-94)
 - f. Water and sewer bill. (6-1-94)
 - g. Garbage and trash collection. (6-1-94)
 - h. Installation costs for utilities. 6-1-94)
 - i. Other allowed utility costs. (6-1-94)
29. Step 29. If client has chosen to use actual utility expenses, add amount in step 26 and amount in step 28. (10-1-95)T
30. Step 30. Use amount from step 27 (using standard utility allowance) or amount from step 29 (using actual utility costs) as total shelter cost. (10-1-95)T
31. Step 31. Subtract half adjusted income (step 22) from amount in step 30. **THIS IS THE EXCESS SHELTER DEDUCTION.** The maximum excess shelter deduction for household with no elderly or disabled member is two hundred ~~forty seven~~fifty dollars (\$~~247~~50). If any member of the household is age sixty (60) or disabled, the

maximum is the full excess shelter allowance.

~~(10-1-95)T~~(1-1-97)T

32. Step 32. Subtract amount in step 31 from amount in step 21. THIS IS THE NET INCOME. (10-1-95)T
33. Step 33. List maximum net income limit based on household size. (10-1-95)T
34. Step 34. If amount in step 32 is less than or equal to amount in step 33, or if all household members are categorically eligible, compute the Food Stamp amount. If the amount in step 32 is greater than the amount in step 33, net income exceeds allowed limits. (10-1-95)T
35. Step 35. List maximum Food Stamp amount for number of eligible household members. (10-1-95)T
36. Step 36. Multiply amount in step 32 times 0.3 (30%). (10-1-95)T
37. Step 37. Subtract amount in step 36 from the amount in step 35. (10-1-95)T
38. Step 38. Round the amount in step 37 to the next lower dollar. THIS IS THE FOOD STAMP ISSUANCE AMOUNT. (10-1-95)T

(BREAK IN CONTINUITY OF SECTIONS)

562. PRORATING INITIAL MONTH'S BENEFITS.

The initial month is the first month an applicant household is certified for Food Stamps. Except for migrant and seasonal farm worker households, an initial month follows any period of more than one (1) calendar month the household does not get Food Stamps. For migrant and seasonal farm workers, the initial month follows a period of more than one (1) calendar month the household does not get Food Stamps. Food Stamps for the initial month are based on the day in the month the household applies. Food Stamps are based on the date of release from a public institution if a prerelease application is filed. Prorating is based on a thirty (30) day calendar month. Benefits are prorated from the application date to the end of the month. ~~(9-1-94)~~(9-22-96)T

(BREAK IN CONTINUITY OF SECTIONS)

677. COMPUTING IHE CLAIMS.

The IHE claim is the difference between the Food Stamps the household received and the Food Stamps they should have received. Compute the claim back to the month the IHE occurred. Do not allow the earned income deduction when determining an overissuance due to a household's failure, without good cause, to report earned income on time. Do not compute more than six (6) years before the date the overissuance was discovered. The first month of overissuance is the month the Food Stamp amount would have decreased if the change had been reported. The change can never be later than two (2) months after the error occurred. The Department must offset the claim against any amounts not yet restored to the household. ~~(6-1-94)~~(9-22-96)T

(BREAK IN CONTINUITY OF SECTIONS)

689. ACTION AGAINST ADMINISTRATIVE ERROR HOUSEHOLD FAILING TO RESPOND.

If the household fails to respond to the demand letter within ~~thirty (30)~~twenty (20) days of the mail date, ~~send additional demand letters. Demand letters are sent until the household pays or agrees to pay, the criteria for suspension is met, or other collection action is started, reduce the Food Stamp allotment as soon as possible after~~

notice. If the household requested continued Food Stamps, or is getting continued Food Stamps when it makes a repayment choice, reduction must not begin until an adverse fair hearing decision is issued or the certification ends and a new certification period begins. (6-1-94)(9-22-96)T

(BREAK IN CONTINUITY OF SECTIONS)

701. PENALTIES FOR AN IPV.

IPV persons are ineligible for Food Stamps for ~~six (6)~~ twelve (12) months for the first violation. IPV persons are ineligible for Food Stamps for ~~twelve (12)~~ twenty-four (24) months for the second violation. IPV persons are ineligible for Food Stamps permanently for the third violation. The Department must impose penalties if the court does not impose a disqualification period. The imposed penalties must not be contrary to the court order. Disqualify only the person or persons who committed the IPV. (6-1-94)(9-22-96)T

702. PENALTIES FOR AN IPV TRAFFICKING.

IPV persons are ineligible for Food Stamps for ~~one~~ two (2) years for the first finding by a court the recipient purchased illegal drugs with Food Stamps. IPV persons are permanently ineligible for Food Stamps for a second finding by the court the recipient purchased illegal drugs with Food Stamps. IPV persons are permanently ineligible for Food Stamps for a first finding by a court the recipient purchased firearms, ammunition or explosives with Food Stamps. A person convicted of trafficking in Food Stamp benefits of five hundred dollars (\$500) or more is permanently disqualified from the Food Stamp program. (6-1-94)(9-22-96)T

(BREAK IN CONTINUITY OF SECTIONS)

709. PENALTIES FOR IPV RECEIPT OF MULTIPLE BENEFITS.

A person found making a fraudulent statement or representation about identity or residence to get multiple benefits is ineligible for Food Stamps for ten (10) years. (9-22-96)T

~~709~~ **10. -- 712. (RESERVED).**

(BREAK IN CONTINUITY OF SECTIONS)

775. FOOD STAMPS FOR HOUSEHOLDS WITH IPV MEMBERS, INELIGIBLE FUGITIVE FELON OR PROBATION/PAROLE VIOLATOR.

Food Stamp eligibility and benefit level for households containing members disqualified for an IPV, ineligible fugitive felon or probation/parole violator must be computed using steps in Subsections 775.01 through 775.08. The household's Food Stamps must not increase because a household member is disqualified for IPV. (6-1-94)(9-22-96)T

01. Step 1. Count all resources of the disqualified IPV, ineligible fugitive felon or probation/parole violator members as resources to the household. (6-1-94)(9-22-96)T

02. Step 2. Do not count the IPV, ineligible fugitive felon or probation/parole violator member as part of the household to compute the resource limit. (6-1-94)(9-22-96)T

03. Step 3. Count all income of the IPV, ineligible fugitive felon or probation/parole violator members as income to the household. (6-1-94)(9-22-96)T

04. Step 4. Do not count the IPV, ineligible fugitive felon or probation/parole violator member when computing household size for the gross and net income limit tests. (6-1-94)(9-22-96)T

05. Step 5. The entire household's allowable earned income, standard, medical, dependent care, child support, and excess shelter deductions apply to the remaining household members. (10-1-95)T

06. Step 6. Count the IPV, ineligible fugitive felon or probation/parole violator member to compute medical deduction. (~~6-1-94~~)(9-22-96)T

07. Step 7. Count the IPV, ineligible fugitive felon or probation/parole violator member to compute uncapped shelter deduction. (~~6-1-94~~)(9-22-96)T

08. Step 8. Do not count the IPV, ineligible fugitive felon or probation/parole violator member to compute household size for Food Stamp issuance. (~~6-1-94~~)(9-22-96)T

776. NON-HEAD OF HOUSEHOLD DISQUALIFIED FOR JSAP, OR WORK REGISTRATION REQUIREMENTS, VOLUNTARY QUIT OR REDUCTION OF WORK.

Food Stamp eligibility and benefit level for households containing members disqualified for failure to comply with JSAP, ~~or~~ work registration requirements, voluntary quit or reduction of work must be computed using steps in Subsections 776.01 through 776.08. (~~6-1-94~~)(9-22-96)T

01. Step 1. Count all resources of the disqualified members as resources to the household. (6-1-94)

02. Step 2. Do not count the disqualified member as part of the household to compute the resource limit. (6-1-94)

03. Step 3. Count all income of the disqualified members as income to the household. (6-1-94)

04. Step 4. Do not count the disqualified member when computing household size for the gross and net income limit tests. (6-1-94)

05. Step 5. The entire household's allowable earned income, standard, medical, dependent care, child support, and excess shelter deductions apply to the remaining household members. (10-1-95)T

06. Step 6. Count the disqualified member to compute medical deduction. (6-1-94)

07. Step 7. Count the disqualified member to compute uncapped shelter deduction. (6-1-94)

08. Step 8. Do not count the disqualified member to compute household size for Food Stamp issuance. (6-1-94)

(BREAK IN CONTINUITY OF SECTIONS)

778. FOOD STAMPS FOR HOUSEHOLDS WITH MEMBERS DISQUALIFIED FOR FAILURE TO MEET THE WORK REQUIREMENT OR TO COMPLY WITH A REQUIREMENT OF ANOTHER MEANS-TESTED PROGRAM.

Food Stamp eligibility and benefit level for households containing members disqualified for failure to meet the work requirement or to comply with a requirement of another means-tested program must be computed using the steps in Table 778. (9-22-96)T

01. Step 1. Count all resources of the disqualified members as resources to the household. (9-22-96)T

02. Step 2. Do not count the disqualified member as a part of the household to compute the resource limit. (9-22-96)T

03. Step 3. Count all income of the disqualified members as income to the household. (9-22-96)T

04. Step 4. Do not count the disqualified member when computing household size for the gross and net income limit tests. (9-22-96)T

05. Step 5. The entire household's allowable earned income, standard, medical, dependent care, child support and excess shelter deductions apply to the remaining household members. (9-22-96)T

06. Step 6. Count the disqualified member to compute the medical deduction. (9-22-96)T

07. Step 7. Count the disqualified member to compute uncapped shelter deduction. (9-22-96)T

08. Step 8. Do not count the disqualified member to compute the household size for Food Stamps. (9-22-96)T

7789. -- 780. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

865. DISCLOSURE OF INFORMATION.

Disclosure of information must comply with IDAPA 16, Title 05, Chapter 01, "Rules Governing the Protection and Disclosure of Department Records," of the Department of Health and Welfare. The use of client information is limited to the administration or enforcement of Department programs. Department programs include the Food Stamp Act, Federal regulations, Federal or Federally-aided means-tested assistance programs and general assistance programs with a means test and formal application procedures. With supervisory approval, upon request, make available to any Federal, State or local law enforcement officer the address, SSN, and (if available) photograph of a Food Stamp recipient. The officer must furnish the recipient's name and notify the Department the person is fleeing to avoid prosecution, custody or confinement for a felony; violating a condition of parole or probation; or has information necessary for the officer to conduct an official duty related to a felony/parole violation.

(6-1-94)(9-22-96)T

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.05 - RULES GOVERNING ELIGIBILITY FOR AID TO THE AGED,
BLIND AND DISABLED (AABD)

DOCKET NO. 16-0305-9701

NOTICE OF TEMPORARY AND PROPOSED RULES

EFFECTIVE DATE: These temporary rules are effective August 22, 1996 and January 1, 1997.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Sections 39-106(l) and 56-202(b), Idaho Code.

PUBLIC HEARING SCHEDULE: Pursuant to Section 67-5222(2), Idaho Code, public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than January 15, 1997.

DESCRIPTIVE SUMMARY: Temporary rules have been adopted in accordance with Section 67-5226, Idaho Code and are necessary in order to comply with deadlines in amendments to governing law or federal programs and to confer a benefit.

This rulemaking:

- Changes the effective date of Aid to the Aged, Blind and Disabled for a Supplemental Security Income recipient.
- Limits Aid to the Aged, Blind and Disabled cash assistance to certain aliens.
- Shortens the time period for deeming income and resources to aliens.
- Adds an income deeming exclusion for increased value of burial funds.
- Increases the Aid to the Aged, Blind and Disabled income limit and payments.
- Extends the time-limit for an approved plan to achieve self support.
- Provides limits on Medicaid for certain aliens.
- Increases the Home and Community Based Services income limit.
- Provides that Medicaid cannot be denied to eligible individuals claiming residence in more than one state and for fugitive felons.
- Limits the monthly amount placed in an exempt income trust to the private cost of nursing home care.
- Provides that trust payments are not asset transfers, but are income under certain circumstances.
- Corrects cross references throughout rules.
- Deletes Sections for Inclusive Gender and Severability as they are included in IDAPA 44.01.01.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary or proposed rule, contact Patti Campbell at (208) 334-5819.

Anyone can submit written comments regarding this rule. All written comments and data concerning the rule must be directed to the undersigned and must be postmarked on or before January 22, 1997.

DATED this 1st day of January, 1997.

STACI WELSH
Administrative Procedures Coordinator
DHW - Division of Legal Services
450 West State Street, 10th Floor
P.O. Box 83720
Boise, Idaho 83720-0036
(208) 334-5564 phone, (208) 334-5548 fax

TEXT OF DOCKET NO. 16-0305-9701

056. EFFECTIVE DATE.

The effective date for aid, when all eligibility requirements are met, is the application date. The exception for an SSI client is in Subsection 056.01. A client who applies for AABD must meet all eligibility factors on the date of his application. Resources are counted on the first (1st) day of the application month. If he is not eligible on this date, the application must be denied. Medicaid eligibility begins as shown in Subsections 056.042 through 056.045.

~~(1-1-93)~~(8-22-96)T

01. AABD Eligibility and Client Required to Apply for SSI. The effective date of the AABD money payment is the first month the client gets an SSI payment when the client is required to apply for SSI as a condition of AABD. Medicaid coverage starts the first day of the application calendar month. If the client is not eligible for SSI but eligible for AABD, aid is effective the application date.

(8-22-96)T

042. Normal Medicaid Eligibility. Medicaid coverage begins on the first (1st) day of the application calendar month.

~~(1-1-93)~~(8-22-96)T

023. Retroactive (Backdated) Medicaid Eligibility. Medicaid benefits are backdated to the first (1st) day of the calendar month, three (3) months before the month of application, if the client was Medicaid eligible during the three (3) month period. If the client is not eligible for Medicaid when he applies, retroactive eligibility must be determined.

~~(1-1-93)~~(8-22-96)T

034. Partial Retroactive Medicaid Eligibility. A client eligible for Medicaid one (1) or more months of the three (3) month retroactive period may request the Department to provide Medicaid benefits for the eligible months. Medicaid must be provided for each eligible month a client received a Medicaid-payable service.

~~(1-1-93)~~(8-22-96)T

045. Ineligible Alien Medicaid. Ineligible alien coverage is restricted to emergency services. Coverage begins when the emergency treatment is required. Coverage ends with the last day emergency treatment is needed.

~~(1-1-93)~~(8-22-96)T

(BREAK IN CONTINUITY OF SECTIONS)

102. CITIZENSHIP AND ALIENAGE.

The client must be a citizen or national of the United States or an eligible alien. The client must provide proof of citizenship or alien status. The client or legal guardian must sign a declaration, under penalty of perjury, attesting to his citizenship or alien status.

(1-1-93)

01. Eligible Aliens Before August 22, 1996. An eligible alien is a legal alien, admitted to the United States for permanent residence. An eligible alien is a person lawfully living in the United States, under the color of the law.

~~(1-1-93)~~(8-22-96)T

02. Eligible Alien August 22, 1996 and Later. An eligible alien is one (1) of the following:

(8-22-96)T

a. An alien is an eligible alien for five (5) years from the date he obtained a status in subsections 102.02.a.i. through 102.02.a.iv.

(8-22-96)T

i. Refugee admitted under Section 207 of the Immigration and Nationality Act.

(8-22-96)T

ii. Asylee admitted under Section 208 of the Immigration and Nationality Act.

(8-22-96)T

iii. Alien Paroled into the U.S. for at least one (1) year under Section 212(d)(5) of the Immigration and Nationality Act.

(8-22-96)T

- iv. Alien whose deportation is withheld under Section 243(h) of the Immigration and Nationality Act. (8-22-96)T
- b. An alien is an eligible alien indefinitely if he is one (1) of the following: (8-22-96)T
 - i. A veteran honorably discharged for a reason other than alienage and the veteran's spouse and unmarried dependent child. (8-22-96)T
 - ii. An active duty member of the U.S. Armed Forces who is not on active duty for training only and the member's spouse and unmarried dependent child. (8-22-96)T

023. Verifying Alien Status. Alien status claimed by a client must be verified, through the INS automated Alien Status Verification Index (ASVI). If INS reports the alien's status cannot be verified through ASVI, secondary proof is required. Secondary proof is required before AABD can be denied, reduced, or stopped based on alien status. (1-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

374. INCOME DEEMING.

Income deeming counts the income of another person as available to an AABD client. Income is deemed because of relationship or legal association with the client. A husband and wife living together must share income and resources. A parent and child, related by blood, marriage, or adoption, and living together, must share income and resources. The deemed income must be used to determine the client's eligibility for and amount of AABD. (1-1-93)

01. Income Deeming Exclusions. Income excluded from deeming is listed in Table 374.01.

TABLE 374.01 - INCOME DEEMING EXCLUSIONS

Type of Income	Ineligible Spouse or Parent Ineligible Child Eligible Alien	Essential Person	Sponsor of Alien
Income excluded by Federal laws other than the Social Security Act.	Excluded	Excluded	Excluded
Public Income Maintenance (PIM). Public income maintenance payments include AFDC, AABD, SSI, refugee case assistance, BIA-GA, VA payments based on need, local, county and state payments based on need, and payments under the 1974 Disaster Relief Act.	Excluded	Not Excluded	Not Excluded
Income used by a PIM program to determine amount of payment to someone other than an SSI recipient.	Excluded	Not Excluded	Not Excluded
Grants, scholarships, fellowships.	Excluded	Not (unless excluded by Federal laws)	Not (unless excluded by Federal laws)
Foster care payments.	Excluded	Not Excluded	Not Excluded
Food Stamps and Dept. of Agriculture donated foods.	Excluded	Not Excluded	Not Excluded
Home grown produce.	Excluded	Not Excluded	Not Excluded
Tax refunds on real property or food.	Excluded	Not Excluded	Not Excluded
Income used in an approved plan for achieving self support (PASS).	Excluded	Not Excluded	Not Excluded

Type of Income	Ineligible Spouse or Parent Ineligible Child Eligible Alien	Essential Person	Sponsor of Alien
Income used to pay court ordered or Title IV-D support payments.	Excluded	Not Excluded	Not Excluded
Payments based on age and residence (Alaska residents only).	Excluded (not applicable to children)	Not Excluded	Not Excluded
Disaster Assistance.	Excluded	Excluded	Excluded
Infrequent or irregular income.	Excluded	Not Excluded	Not Excluded
Blind Work Expenses (BWE).	Excluded	Not Excluded	Not Excluded
Payments to provide in-home support.	Excluded	Not Excluded	Not Excluded
Home energy assistance and support and maintenance assistance.	Excluded	Excluded	Excluded
Child's earned income, up to four hundred dollars (\$400) per month and one thousand six hundred and twenty dollars (\$1,620) per year.	Excluded (not applicable to spouses or parents)	Does not Apply	Does not Apply
Impairment-related work expenses (IRWE).	Excluded	Not Excluded	Not Excluded
<u>Interest on burial funds, appreciation in the value of burial space purchase agreements excluded from resources and interest on the value of burial space purchase agreements.</u>	<u>Excluded</u>	<u>Not Excluded</u>	<u>Not Excluded</u>

~~(1-1-96)~~(1-1-97)T

02. When Deeming Starts and Stops. Deeming starts the first full calendar month the client is in a deeming situation. Deeming ends the first full calendar month the client is not in a deeming situation. (1-1-93)

03. Income Deeming Child Age Limit. Deeming to a child ends the month after the child's eighteenth (18th) birthday. Deeming to the child ends even if he lives with his ineligible parent, or the ineligible spouse of his ineligible parent. (1-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

378. DEEMING INCOME FROM INELIGIBLE SPOUSE TO CLIENT AND CHILD CLIENT.

If a client, his ineligible spouse and their child client reside in the same household, income is deemed from the client to the child client. A household is defined by its living arrangement. Clients in a household can live in a home owned or being purchased, the private household of another, rented housing, a board and room home, or a semi-independent group residential facility. Clients living in an institution are not a household. The procedures in Subsections 378.01 through 378.05 must be followed to find the deemed income of the ineligible spouse. The deemed income is counted to determine the AABD eligibility and grant of the child client. (1-1-93)

01. Compute Grant. Use the procedures in ~~Sub~~Section 38275 to determine if the client is eligible for an AABD grant. If the client is eligible for an AABD grant, no income is deemed to the child client. ~~(1-1-93)~~(1-1-97)T

02. Client Not Eligible. If the client has too much income, either his own income or his own income plus income deemed from the ineligible spouse, to be eligible for an AABD grant, all income over the amount needed to reduce the client's AABD grant to zero is deemed to the client child. (1-1-93)

03. Divide Deemed Income. If there is more than one (1) child client in the household, the deemed parental income must be divided equally between those children. Each child's share of parental income must only reduce the amount of his AABD grant to zero, when combined with the child's own countable income. Excess deemed parental income, remaining after a child client's grant is reduced to zero, must be divided equally between the other child clients in the household. The excess deemed income must be combined with their share of the parental income available for deeming. (1-1-93)

379. DEEMING INCOME FROM SPONSOR TO PERMANENT RESIDENT ALIEN CLIENT.

A sponsored alien, admitted to the United States for permanent residence, is subject to deeming from the sponsor. If the alien has a sponsor and the sponsor has executed an affidavit of support or similar agreement, the income and resources of the sponsor, and the sponsor's spouse if living with him, must be deemed. The deemed income must be counted to determine the client's eligibility and grant amount, even if the client does not reside in the sponsor's household. The sponsor's income must not be deemed to the alien for Medicaid eligibility. ~~The client must have been admitted for permanent residence within five (5) years of the date of his application for AABD. The alien client must not be exempt from deeming. From January 1, 1994 through September 30, 1996 an alien lawfully admitted for permanent residence is subject to five (5) years of deeming, unless exempt from deeming. Effective October 1, 1996 the sponsor to alien deeming period for all aliens, regardless of admission date, is three (3) years following the date the alien is lawfully admitted, unless the alien is exempt from deeming.~~ Deeming from the sponsor to the alien stops the end of the month, ~~five~~^{three} (3) years from the date the sponsored client lawfully entered the United States for permanent residence. (7-1-94)(1-1-97)T

01. Alien Client Exempt From Deeming. A lawfully admitted alien client is exempt from sponsor-to-alien deeming if one (1) or more of the conditions in Subsections 379.01.a. through 379.01.j. applies. (1-1-93)

- a. The alien client was admitted to the United States as a refugee, asylee, or parolee. (1-1-93)
- b. The alien client first applied for AABD before October 1, 1980. (1-1-93)
- c. The alien client is a permanent resident under color of law. (1-1-93)
- d. The alien client's entry into the United States was sponsored by a church, other social service organization, or an employer who has extended a job offer to him. (1-1-93)
- e. The alien client becomes blind or disabled after he is admitted to the United States. (1-1-93)
- f. The alien client was sponsored by and resides in the same household with his ineligible spouse or ineligible parent. The alien client is subject to deeming only from the ineligible spouse and ineligible parent. (1-1-93)
- g. The alien's sponsor dies. (1-1-93)
- h. The alien entered the United States before January 1, 1972 and has continuously resided here since then. (1-1-93)
- i. The alien was legalized under the Immigration Reform and Control Act of 1986. (1-1-93)
- j. The alien has resided in the United States for thirty-six (36) months beginning with the month he was admitted for permanent residence or granted permanent residence status. (1-1-93)
- k. The alien was admitted under section 249 of the Immigration and Nationality Act. These aliens are called "registry" aliens. (1-1-95)
- l. The alien is an applicant for permanent residence who is an Amerasian or a specified relative of an Amerasian. The Amerasian must be born in Vietnam between January 1, 1962 and January 1, 1976. A specified relative is a spouse, child, parent or stepparent of the Amerasian, or someone who has acted in the place of a parent of an Amerasian and/or his spouse or child. (1-1-95)
- m. The alien is an applicant for adjustment under the Cuban/Haitian provisions of section 202 of the

Immigration Reform and Control Act of 1986. (1-1-95)

02. Sponsor/Alien Relationships. Sponsor/alien relationships and deeming rules are listed in Subsections 379.02.a. through 379.02.f. (1-1-93)

a. If the alien client's sponsor is his ineligible spouse, and the alien client does not reside in the same household with his ineligible spouse, the sponsor to alien deeming provisions must apply. (1-1-93)

b. If the alien client is a child, and does not reside in the same household with his sponsor parent(s), the sponsor to alien deeming provisions must apply. (1-1-93)

c. If the client is a child whose ineligible parent(s) and sponsor both have income available for deeming to him, the income of the ineligible parent(s) must be deemed as in Subsection 376. (1-1-93)

d. If the child remains eligible after income is deemed from his ineligible parent(s), the sponsor's income must be deemed to him under the sponsor to alien deeming procedures. (1-1-93)

e. If each member of a client couple has his own sponsor, separate deeming computations must be used to find the income to be deemed. The couple's countable income must include the combined deemed incomes. (1-1-93)

f. If one (1) member of a couple with separate sponsors is not eligible, the income of the ineligible spouse must be deemed to the client as in ~~Sub~~Section 376~~5~~. This is in addition to income deemed from the sponsor. ~~(1-1-93)~~(1-1-97)T

03. Sponsor to Alien Client Deeming Procedures. The alien client's budget deficit must be computed. Budget the alien client's actual needs, as if he is a single person living alone. Subtract the alien client's own income, less exclusions and disregards. If the alien client has a client spouse who is also an alien, compute their needs as an ineligible couple. Subtract the couple's income, less applicable income exclusions, from the needs of the couple. If there is no budget deficit, the alien client is not eligible for AABD. If there is a budget deficit, the procedures in Subsections 379.03.a. through 379.03.e. must be followed. This determines the income of the alien client's sponsor and the sponsor's spouse, if living with him, deemed when computing the alien client's eligibility and grant amount. A sponsor's income is not deemed to the alien for Medicaid eligibility. (7-1-93)

a. Subject to Deeming. The alien client must be subject to the sponsor-to-alien deeming requirement. (1-1-93)

b. Compute Income. Compute the gross monthly earned and unearned income of the sponsor, and the sponsor's spouse, if living with him. Do not count income excluded from deeming. (1-1-93)

c. Subtract Living Allowance. Subtract a living allowance for the sponsor the sponsor's spouse, if living with him. The sponsor's living allowance is the basic allowance for a single person living alone. The living allowance for the sponsor's spouse is one-half the basic allowance for a single person living alone. Round up cents to the next dollar. (1-1-93)

d. Subtract Dependent Living Allowance. Subtract a living allowance for each dependent claimed by the sponsor on his most recent Federal tax return. Do not subtract an allowance for the alien client. Do not subtract an allowance for the sponsor's spouse in this step. The living allowance for each dependent is one-half the basic allowance for a single person living alone. Round up cents to the next dollar. Do not reduce the living allowance by the dependent's income. (1-1-93)

e. Deem Income. Income remaining is deemed to the client from the sponsor. It is counted as unearned income. The deemed income is added to the client's other unearned income to compute AABD eligibility and grant amount. (1-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

407. BASIC ALLOWANCE.

The basic allowance is budgeted for clients not living in a nursing facility. The client's living situation listed in Subsections 407.01 through 407.09 of these rules must be used to determine his basic allowance. (7-1-93)

01. Living Alone. A client must be budgeted ~~four hundred ninety-eight~~ five hundred twelve dollars (~~\$498512~~) monthly as a basic allowance, if there is one (1) person in the AABD grant. (~~7-1-96~~)(1-1-97)T

02. Living with Essential Person. The essential person is chosen by the client. The presence of the essential person, in the household, must be essential to the client's well being. The essential person must give services to the client that would have to be provided anyway if the client lived alone. The client must decide if an essential person he lives with is to be included in his AABD grant. The needs, income, and resources of the essential person included in the AABD grant, must be counted in determining the AABD grant. The monthly total basic allowance for the client and the essential person is seven hundred twenty-two dollars (~~\$70022~~). (~~7-1-96~~)(1-1-97)T

03. Living with Another Client. The other client must not be the AABD client's spouse. The other client may receive AFDC if he is not the AABD client's spouse or dependent child. The grant for each client is determined separately. The AABD client must be budgeted a basic allowance of ~~four hundred ninety-eight~~ five hundred twelve dollars (~~\$498512~~) monthly, if there is one (1) person in the AABD grant. (~~7-1-96~~)(1-1-97)T

04. Living with Client Spouse. If the AABD client lives with his AABD client spouse in the same household, the basic allowance is based on two (2) persons in the AABD grant. The two (2) AABD spouses in the AABD grant must be budgeted a basic allowance of seven hundred twenty-two dollars (~~\$70022~~) monthly. (~~7-1-96~~)(1-1-97)T

05. Living in Another Person's Household. A client living in another person's household must be budgeted a basic allowance of ~~four hundred ninety-eight~~ five hundred twelve dollars (~~\$498512~~) monthly for one (1) person in the AABD grant. For two (2) persons in the AABD grant, the basic allowance is seven hundred twenty-two dollars (~~\$70022~~) monthly. (~~7-1-96~~)(1-1-97)T

06. Living with AFDC Child. A client living with his AFDC child must be budgeted ~~four hundred ninety-eight~~ five hundred twelve dollars (~~\$498512~~) monthly as a basic allowance, if there is one (1) person in the AABD grant. If there are two (2) persons in the AABD grant the basic allowance for two (2) clients is seven hundred twenty-two dollars (~~\$70022~~) monthly. (~~7-1-96~~)(1-1-97)T

07. Living in Hotel or Rooming House. A client, living in a hotel or rooming house, must be budgeted the basic allowance of ~~four hundred ninety-eight~~ five hundred twelve dollars (~~\$498512~~) monthly. A client and his AABD spouse, living in a hotel or rooming house must be budgeted the basic allowance for two (2) clients, seven hundred twenty-two dollars (~~\$70022~~) monthly. (~~7-1-96~~)(1-1-97)T

08. Room and Board, Adult Care, or Foster Care. An AABD client living in a room and board home, a licensed adult residential care facility, or a licensed adult foster care home is budgeted a basic allowance of fifty-eight dollars (\$58) monthly. (1-1-93)

09. SIGRIF. An AABD client living in a semi-independent group residential facility must be budgeted a basic allowance of three hundred forty-nine dollars (\$349) monthly. A client living with his client spouse in a SIGRIF must be budgeted a basic allowance of three hundred and forty-nine dollars (\$349) monthly. (7-1-96)

408. ROOM AND BOARD ALLOWANCES.

Each client living in a room and board home must be budgeted a basic allowance of fifty-eight dollars (\$58) monthly. The client is budgeted a special needs allowance if he has a guide dog. Each AABD client living in a room and board home is budgeted the actual amount paid for room and board, but not more than four hundred ~~seventy-five~~ eighty-nine dollars (~~\$47589~~) monthly. A minor child living with parents is not budgeted for room and board. (~~7-1-96~~)(1-1-97)T

409. LICENSED ADULT RESIDENTIAL CARE FACILITY ALLOWANCES.

Each client living in a licensed adult residential care facility must be budgeted a basic allowance of fifty-eight dollars (\$58) monthly. The client is budgeted a special needs allowance if he has a guide dog. A client's allowance for the licensed adult residential care facility is the monthly allowance for his level of care. If the client gets a lower level of care than his assessed level, his allowance must be for the lower level of care. Care levels and monthly allowances are listed in Subsections 409.01 through 409.03. (1-1-95)

- 01. Level I. Seven hundred and ~~thirty~~sixty-seven dollars (\$~~733~~67). (~~7-1-96~~F(1-1-97)T)
- 02. Level II. Eight hundred and ~~thirty~~thirty-four dollars (\$~~820~~34). (~~7-1-96~~F(1-1-97)T)
- 03. Level III. ~~Eight~~Nine hundred and ~~eighty-eight~~two dollars (\$~~888~~902). (~~7-1-96~~F(1-1-97)T)

(BREAK IN CONTINUITY OF SECTIONS)

424. LICENSED ADULT FOSTER CARE HOME ALLOWANCES.

Each client living in a licensed adult foster care home must be budgeted a basic allowance of fifty-eight dollars (\$58) monthly. The client is budgeted a special needs allowance if he has a guide dog. A client's allowance for the licensed adult foster care home is the cost for the level of care. The allowance must not exceed the monthly allowance for his level of care. If the client gets a lower level of care than his assessed level, his allowance must be for the lower level of care. Care levels and monthly allowances are listed in Subsections 424.01 through 424.03. (1-1-95)

- 01. Level I. Seven hundred and ~~thirty~~sixty-seven dollars (\$~~733~~67). (~~7-1-96~~F(1-1-97)T)
- 02. Level II. Eight hundred and ~~thirty~~thirty-four dollars (\$~~820~~34). (~~7-1-96~~F(1-1-97)T)
- 03. Level III. ~~Eight~~Nine hundred and ~~eighty-eight~~two dollars (\$~~888~~902). (~~7-1-96~~F(1-1-97)T)

(BREAK IN CONTINUITY OF SECTIONS)

429. SEMI-INDEPENDENT GROUP RESIDENTIAL FACILITY ALLOWANCE.

The Adult Residential Care Committee (ARCC) must certify need for care, before the semi-independent group residential facility allowances can be budgeted. Each client living in a semi-independent group residential facility must then be budgeted a basic allowance of three hundred forty-nine dollars (\$349) monthly. The client must be budgeted a special needs allowance if he has a guide dog. A client's monthly semi-independent group residential facility allowance is two hundred ~~forty-seven~~sixty-one dollars (\$~~247~~61) monthly. (~~7-1-96~~F(1-1-97)T)

01. Verifying Need for Semi-Independent Group Residential Facility Care. A client living in a semi-independent group residential facility must show need for this type of care. A statement from the Adult Residential Care Committee (ARCC) in the case file must certify the client's need for semi-independent group residential care. After need for care is certified, no redetermination of need for care is required. (1-1-93)

02. Need For Care Not Approved by ARCC. When the ARCC shows the client does not require semi-independent group residential facility care, or no longer requires such care, his allowances must not exceed those of a client living independently. (1-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

461. PASS APPROVED BY DEPARTMENT.

A PASS approved by the Department must be in writing. The PASS must contain all the items in Subsections 461.01 through 461.06. (1-1-93)

01. Occupational Objective. The PASS must specify an occupational objective. (1-1-93)
02. Specific Goals. The PASS must specify goals for using the disregarded income and resources to achieve self-support (1-1-93)
03. Time Limit. An approved PASS is limited to an initial period of eighteen (18) months. An extension period up to eighteen (18) more months can be added. A third extension period can be granted, for a total of thirty-six (36) months. The extra time must be needed to achieve the occupational goal. A ~~second~~ further extension of up to twelve (12) months can be granted, for a total of forty-eight (48) months, when the original PASS included an occupational goal requiring extensive education or vocational training. The PASS must show a specific target date to achieve the goal. (~~1-1-93~~)(1-1-97)T
04. No Duplication of Disregards. An item disregarded as an impairment-related work expense or under the blindness exception cannot be disregarded under the PASS. (1-1-93)
05. Resource Limitation. The PASS disregard must not be applied to resources, unless the resources cause the client to be ineligible without the PASS disregard. (1-1-93)
06. Disregard of Resources. The PASS must show resources the client has, or will receive, under the plan. The PASS must show how the resources will be used to achieve the occupational goal. The PASS must list goal-related items or activities requiring savings or purchases and the amounts the client plans to save or spend. The PASS must list resources disregarded under the plan. The PASS must show how resources disregarded under the plan will be kept identifiable from the client's other resources. (1-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

540. REPORTING REQUIREMENTS.

The client must report and provide proof of changes in circumstances within timelines. Clients must report all changes in circumstances including those listed in Subsections 551.01 through 551.098. The Department must act timely to determine continued eligibility and adjust the grant amount. The client must report any change of circumstances verbally or in writing, within ten (10) calendar days from the date the change becomes known to the client. (~~1-1-96~~)(1-1-97)T

(BREAK IN CONTINUITY OF SECTIONS)

605. CITIZENSHIP AND ALIENAGE REQUIREMENT.

The client must be a citizen or national of the United States, or an eligible alien. The client or legal guardian, if the client is under age eighteen (18), must sign a declaration, under penalty of perjury, attesting to citizenship or alien status. (1-1-93)

01. Eligible Aliens Before August 22, 1996. Eligible aliens are legal aliens admitted to the United States for permanent residence. Eligible aliens are also persons lawfully living in the United States, under color of the law. (See Subsections 605.01.a. through 605.01.s.) (~~1-1-93~~)(8-22-96)T
 - a. Aliens granted lawful temporary resident status under sections 245A and 210 of the INA, if the individual is aged, blind or disabled using AABD criteria, under eighteen (18) years of age or a Cuban/Haitian Entrant. (1-1-93)

- b. Aliens granted lawful temporary resident status under section 210 of the INA. (1-1-93)
- c. Aliens residing in the United States with knowledge and permission of the INS whose departure the INS does not enforce. (1-1-93)
- d. Aliens admitted under section 203(a)(7) of the INA. Ask for a copy of INS Form I-94 endorsed "Refugee-Conditional Entry". (1-1-93)
- e. Aliens, including Cuban/Haitian entrants, paroled in the United States under section 212(d)(5). Ask for a copy of INS Form I-94 stamped Cuban/Haitian entrant (Status Pending) reviewable January 15, 1981. (1-1-93)
- f. Aliens residing in the United States under an indefinite stay of deportation. Ask for an INS letter with this information or INS Form I-94 with this notation. (1-1-93)
- g. Aliens residing in the United States under an indefinite voluntary departure. Ask for an INS letter or INS Form I-94 showing voluntary departure has been granted. (1-1-93)
- h. Aliens and their families on whose behalf a relative petition has been approved, who are entitled to voluntary departure, and whose departure the INS does not enforce. Ask for a copy of INS Form I-94 or Form I-210 or a letter showing status. (1-1-93)
- i. Aliens who have filed applications for change of status under section 245 of the INA, the INS has accepted as "properly filed" and whose departure INS does not enforce. Ask for a copy of INS Form I-94 or I-181 or a passport appropriately stamped. (1-1-93)
- j. Aliens granted stays of deportation by court order, statute or regulation, or by individual decision of the INS under section 106 of the INA or relevant INS instructions whose departure INS does not enforce. Ask for a copy of INS Form I-94 or a letter for INS or a copy of a court order establishing the alien's status. (1-1-93)
- k. Aliens granted asylum under section 208 of the INA. Ask for a copy of INS Form I-94 properly endorsed. (1-1-93)
- l. Aliens admitted as refugees under section 207 or section 203(a)(7) of the INA. Ask for a copy of INS Form I-94 properly endorsed. (1-1-93)
- m. Aliens granted voluntary departure under section 242(b) of the INA whose departure the INS does not enforce. Ask for INS Form I-94 or Form I-120 bearing a departure date. (1-1-93)
- n. Aliens granted deferred action status under INS Operations Instruction 1003.01(a)(ii) before June 15, 1984 or 242.1(a)(22) issued June 15, 1984 and later. Ask for a copy of INS Form I-210 or a letter showing departure has been deferred. (1-1-93)
- o. Aliens residing in the United States under orders of supervision under section 242 of the INA. Ask for a copy of Form I-220 B. (1-1-93)
- p. Aliens who have entered and continuously resided in the United States since before January 1, 1972 or any date established by section 249 of the INA. (1-1-93)
- q. Aliens granted suspension of deportation under Section 244 of the INA and whose departure the INS does enforce. Ask for an order from an immigration judge showing deportation has been withheld. (1-1-93)
- r. Aliens whose deportation has been withheld under section 243(h) of the INA. Ask for an order from an immigration judge showing deportation has been withheld. (1-1-93)
- s. Any other aliens living in the United States with the knowledge and permission of the INS and whose departure the INS does not enforce. This group includes permanent non-immigrants as established by Public Law 99-239, and persons granted Extended Voluntary Departure due to conditions in the alien's home country based

on a decision of the Secretary of State. (1-1-93)

02. Ineligible Legal Aliens. Ineligible legal aliens are admitted to the U.S. for permanent residence. They are not eligible for Medicaid. Ineligible legal aliens are listed in Subsections 605.02.a. and 605.02.b. (1-1-93)

a. Non-disabled alien admitted under INA Section 245. Legal aliens admitted for temporary or permanent residence under section 245A of the INA, who are age eighteen (18) through sixty-four (64), not pregnant, and not blind or disabled under SSA criteria for blindness and disability. (1-1-93)

b. Special Agricultural Workers (SAW). Legal aliens admitted as Special Agricultural Workers under the section 210 of the INA, who are age eighteen (18) through sixty-four (64), not pregnant, and not blind or disabled under SSA criteria for blindness and disability. (1-1-93)

03. Eligible Aliens August 22, 1996 and Later. An eligible alien is one (1) of the following: (8-22-96)T

a. An alien is an eligible alien for five (5) years from the date he obtained a status in Subsections 605.03.a.i. through 605.03.a.iii. (8-22-96)T

i. Refugee admitted under Section 207 of the Immigration and Nationality Act. (8-22-96)T

ii. Asylee admitted under Section 208 of the Immigration and Nationality Act. (8-22-96)T

iii. Alien whose deportation is withheld under Section 243(h) of the Immigration and Nationality Act. (8-22-96)T

b. An alien is an eligible alien indefinitely if he is one (1) of the following: (8-22-96)T

i. A veteran honorably discharged for a reason other than alienage and the veteran's spouse and unmarried dependent child. (8-22-96)T

ii. An active duty member of the U.S. Armed Forces who is not on active duty for training only and the member's spouse and unmarried dependent child. (8-22-96)T

034. Other Aliens. Aliens other than those listed in Subsections 605.02.a. and 605.02.b. are eligible only for treatment of an emergency medical condition, including emergency labor and delivery, if they would otherwise qualify for Medicaid. These aliens are not required to furnish a SSN or make a written declaration of their alien status. (1-1-93)

045. Verifying Immigration Status. The immigration status claimed by an alien applicant must be verified, through the INS automated Alien Status Verification Index (ASVI). Where INS reports the alien's status cannot be verified through ASVI, secondary proof is required. Secondary proof from INS is required before Medicaid can be denied, reduced, or stopped based on immigration status. (1-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

613. PATIENT LIABILITY - INCOME AVAILABLE TO MEET COST OF LONG-TERM CARE FOR PERSON WITH NO COMMUNITY SPOUSE.

Income to meet the cost of long-term care, also called patient liability, for a person with no community spouse, is computed as described below. (1-1-93)

01. Income of Single Person or Person With Long-Term Care Spouse. For a single person, or person whose spouse is also in long-term care and chooses the SSI method of calculating the amount of income and resources, the patient liability is his total income less the deductions in Subsections 613.01.a. through 613.01.f. of

these rules. (1-1-93)

- a. Income excluded in determining eligibility for an AABD money payment must be deducted. (1-1-93)
- b. A VA Aid and Attendance allowance and Unusual Medical Expense (UME) allowance for a veteran or surviving spouse must be deducted. (1-1-95)
- c. Deductions for client in facility. The deductions specified in Subsection 612~~3~~.03 of these rules must be subtracted. ~~(1-1-93)~~(1-1-97)T
- d. The SSI payment for a person with special SSI eligibility status, entitled to receive SSI at his at-home rate for up to two (2) months, while temporarily in a long-term care facility must be deducted. (1-1-93)
- e. The AABD payment, and income used to compute the AABD payment, for a client paid continued AABD payments up to three (3) months in long-term care, must be deducted. (1-1-93)
- f. The protected VA pension for a veteran with no spouse or dependents or for a surviving spouse with no dependents must be deducted. The month after the veteran or a surviving spouse enters a nursing facility, VA will reduce his pension (including Aid and Attendance) to a protected amount. This protected pension must not be counted for patient liability. (7-1-93)

02. Community Property Income of Long-Term Care Client With Long-Term Care Spouse. Income used to calculate patient liability for a person, whose spouse is also in long-term care, who chooses the community property method of calculating income and resources, is one-half (1/2) his share of the couple's community income, plus his own separate income. The deductions specified in Subsections 613.01.a. through 613.01.f. of these rules must be taken from his income. (1-1-93)

03. Income of Client in Facility. A person residing in the long-term care facility at least one (1) full calendar month, beginning with his most recent admission, must have the deductions in Subsections 613.03.a. through 613.03.i. of these rules taken from his income. AABD exclusions are first applied to the income. Total monthly income includes income paid into a pension (Miller) trust that month. The income deductions must be taken in the order listed. Remaining income is his patient liability. A client not residing in the long-term care facility for at least one (1) full calendar month, beginning with his most recent admission, has no patient liability computed. (7-1-96)

- a. Deduct thirty dollars (\$30). This is kept by the client for his personal needs. For a veteran or surviving spouse with a protected VA pension, the protected pension substitutes for the thirty dollar (\$30) personal needs deduction. (7-1-93)
- b. An employed client or client engaged in sheltered workshop or work activity center activities, is also budgeted the lower of the personal needs deduction of eighty dollars (\$80) or his earned income. The client's total personal needs allowance must not exceed one hundred and ten dollars (\$110). For a veteran or surviving spouse with sheltered workshop or earned income, and a protected VA pension, the total must not exceed eighty dollars (\$80). This is a deduction only. No actual payment can be made to provide for personal needs. (7-1-93)

c. Two hundred and twelve dollars (\$212) for home maintenance cost must be deducted if the client had an independent living situation, before his admission for long-term care. His physician must certify in writing the client is likely to return home within six (6) months, following the month of admission to a long-term care facility. For a person who was in a room and board home prior to admission to long-term care, the Room and Board Allowance is deducted. This is a deduction only. No actual payment can be made to maintain the client's home. (1-1-93)

d. A maintenance need deduction must be allowed for a family member, living in the long-term care client's home. A family member is claimed, or could be claimed, as a dependent on the Federal Income Tax return of the long-term care client. The family member must be a minor or dependent child, dependent parent, or dependent sibling of the long-term care client. The maintenance need deduction is the AFDC need standard for the number of

dependents. The AFDC need standard is in Idaho Department of Health and Welfare Rules, Title 03, Chapter 01, Section 414, Rules Governing Aid to Families with Dependent Children. The maintenance need deduction is reduced by the family member's countable income. His countable income is his gross income, minus AABD exclusions, minus the first twenty dollars (\$20) of unearned income and the first sixty-five dollars (\$65) of earned income. Round the remainder to the next highest dollar if an uneven amount. The remainder is deducted from the client's income as the dependent's maintenance need. (7-1-96)

e. Deduct expenses for Medicare and other health insurance premiums, and deductibles or coinsurance charges, not subject to payment by a third party. Deduction of Medicare Part B premiums is limited to the first two (2) months of Medicaid eligibility. Medicare Part B premiums must not be deducted, if the client got SSI or AABD payment the month prior to the month for which patient liability is being calculated. (1-1-93)

f. **Mandatory Income Taxes.** Deduct taxes mandatorily withheld from unearned income for income tax purposes. To qualify for deduction of mandatory taxes, the tax must be withheld from income before the client receives the income. (7-1-96)

g. **Guardian Fees.** Deduct court-ordered guardianship fees of the lesser of ten percent (10%) of the monthly benefit handled by the guardian, or twenty-five dollars (\$25). Where the guardian and trustee are the same person, the total deduction for guardian and trust fees must not exceed twenty-five dollars (\$25) monthly. (7-1-96)

h. **Trust Fees.** Deduct up to twenty-five (\$25) monthly paid to the trustee for administering the client's trust. (7-1-96)

i. **Impairment-Related Work Expenses.** Deduct impairment-related work expenses for an employed client who is blind or disabled under AABD criteria. Impairment-related work expenses are purchased or rented items and services, purchased or rented to perform work. The items must be needed because of the client's impairment. The actual monthly expense of the impairment-related items is deducted. Expenses must not be averaged. (7-1-96)

(BREAK IN CONTINUITY OF SECTIONS)

634. PERSON ENTITLED TO HOME AND COMMUNITY BASED SERVICES (HCBS).

An aged, blind or disabled person not eligible for SSI or AABD in his own home, because of income deeming or income limits, is eligible for Medicaid if he meets the conditions of this section. The waiver granted the Department, by the U.S. Department of Health and Human Services, to provide Medicaid to persons meeting HCBS criteria is in effect. (1-1-93)

01. **Conditions for HCBS Medicaid.** The client must meet the requirements in this Section for one of the two HCBS waiver coverage groups. The two HCBS waiver coverage groups are HCBS-NF and HCBS-DD. (7-1-95)

a. **Age.** The client must be at least twenty-one (21) years old. (1-1-93)

b. **AABD Criteria.** The client, if under age sixty-five (65), must meet the AABD blindness or disability criteria. (1-1-94)

c. **AABD Resource Limit.** The client must meet the AABD single person resource limit of two thousand dollars (\$2,000). The AABD resource exclusions are used to compute countable resources. (7-1-93)

d. **HCBS Income Limit.** Income for HCBS-NF must not exceed nine hundred and ~~nine~~nine ~~thirty~~thirty ~~five~~five dollars (\$~~900~~935). Income for HCBS-DD must not exceed three (3) times the Federal SSI benefit payable monthly to a single person. The AABD income exclusions and disregards are used to compute countable income. ~~(1-1-96)~~(1-1-97)T

e. The HCBS-NF client must meet the medical conditions for nursing facility care in accordance with

Idaho Department of Health and Welfare Rules, IDAPA 16, Title 03, Chapter 09, Subsection 160.09, "Rules Governing Medical Assistance". The HCBS-DD client must meet the medical conditions for ICF/MR care in accordance with Idaho Department of Health and Welfare Rules, IDAPA 16, Title 03, Chapter 09, Section 143, "Rules Governing Medical Assistance." (1-1-96)T

f. The HCBS-NF client must be capable of being maintained in his own home with Personal Care Services (PCS) furnished under the Department's HCBS waiver ("PCS under the waiver"). To qualify as receiving PCS under the waiver, the client must require and receive more than sixteen (16) hours of PCS during at least one (1) week of each month. (See Idaho Department of Health and Welfare Rules, IDAPA 16, Title 03, Chapter 09, Section 146, "Rules Governing Medical Assistance.") There must be a physician's plan of care identifying services necessary to maintain the client at home. The HCBS-DD client must be capable of being maintained in the community. The community is the client's home or a living arrangement approved by the ACCESS Unit. The ACCESS Unit is defined in Idaho Department of Health and Welfare Rules, IDAPA 16, Title 03, Chapter 09, Section 003, "Rules Governing Medical Assistance." The community is not a hospital, nursing facility, ICF/MR, licensed Adult Residential Care Facility or Adult Foster Care home. (7-1-95)

g. The estimated cost of caring for the HCBS-NF client at home must not exceed the statewide average cost of care for the client's level of care. The estimated cost of home care is the Medicaid reimbursement rate for services required for the HCBS-NF client's care at home using the physician's orders. The Regional Medicaid Unit (RMU) will make the home care cost estimate for the HCBS-NF client. The estimated cost of caring for the HCBS-DD client in the community does not affect the client's eligibility. (7-1-95)

h. The estimated cost of care in a nursing facility for an HCBS-NF client not living in a facility is the statewide average rate for the level of care he requires, charge by the type of facility where the client would be placed if he were not living at home. (7-1-95)

02. HCBS-NF Medicaid Effective Date. Medicaid under HCBS is effective the first thirty (30) consecutive day period, the client required and received Personal Care Services (PCS) under the HCBS waiver. PCS under the waiver is described in Idaho Department of Health and Welfare Rules, IDAPA 16, Title 03, Chapter 09, Section 146, "Rules Governing Medical Assistance." Medicaid is effective the first (1st) day of the month, in the month the thirty (30) consecutive days start. The client must be otherwise eligible. The RMU decides if the client is likely to meet the thirty (30) consecutive days' rule. He meets the rule, even though he may not actually receive personal care services throughout the thirty (30) day period. The thirty (30) consecutive days can be a combination of home care, and nursing facility care, so long as the client is not hospitalized at the beginning of the thirty (30) consecutive days. If the client is not likely to meet the thirty (30) consecutive days' requirement, Medicaid must be denied. (7-1-95)

03. HCBS-DD Medicaid Effective Date. Medicaid is effective the first thirty (30) consecutive day period the client required and received or is likely to receive HCBS-DD waiver services. The HCBS-DD waiver services are described in Idaho Department of Health and Welfare Rules, IDAPA 16, Title 03, Chapter 09, Section 143, "Rules Governing Medical Assistance." Medicaid is effective the first day of the month, in the month the thirty (30) consecutive days start. The client must be otherwise eligible. The ACCESS Unit makes the determination the client meets the thirty (30) consecutive days' rule. The client meets the rules even though he may not actually receive waiver services throughout the thirty (30) day period. If the client is not likely to meet the thirty (30) consecutive days' rule, Medicaid must be denied. (7-1-95)

04. Client Living With Spouse. A married HCBS-NF or HCBS-DD client living with his spouse can choose the method of computing his income and resources for Medicaid eligibility. If the client lives at home with his spouse, and his spouse is not an HCBS client, he can choose between the SSI method, CP method, and the FSI method. If his spouse is also an HCBS client or is living in a nursing home, the couple can choose between the SSI method and the CP method, but each must use the same method. (7-1-95)

05. Requiring and Receiving Services. As a condition of HCBS Medicaid eligibility, the HCBS-NF client must continue to require and receive waiver PCS, under the physician's plan of care. The HCBS-DD client must continue to require and receive HCBS-DD waiver services, under the physician's plan of care. Medicaid under HCBS-NF or HCBS-DD must be stopped when there is any lapse in need for or receipt of waiver services, more than thirty (30) days. (7-1-95)

a. The Bureau of Medicaid Policy-Acute/Facility Care must monitor delivery of waiver services for HCBS-NF clients to assure this requirement continues to be met. The Bureau of Medicaid Policy-Acute/Facility Care must notify the Examiner within five (5) working days if it determines a lapse in delivery of HCBS-NF waiver services will exceed thirty (30) days. (7-1-95)

b. The Bureau of Medicaid Policy-Coordinated Care and the Division of Family and Community Services must monitor delivery of waiver services for HCBS-DD clients to assure this requirement continues to be met. The Bureau of Medicaid Policy and Reimbursement or the Division of Family and Community Services must notify the Examiner within five (5) working days if either unit determines a lapse in delivery of HCBS-DD waiver services will exceed thirty (30) days. (7-1-95)

06. Limit on HCBS Clients Served. The annual limit on the number of unduplicated count Medicaid recipients eligible to receive HCBS-NF waiver services will be the limit established each calendar year by Idaho Department of Health and Welfare Rules, IDAPA 16, Title 03, Chapter 09, Section 146, "Rules Governing Medical Assistance". The annual limit on the number of unduplicated count Medicaid recipients eligible to receive HCBS-DD waiver services will be the limit established each calendar year by the Bureau of Medicaid Policy under Idaho Department of Health and Welfare Rules, Title 03, Chapter 09, Section 143, "Rules Governing Medical Assistance." A person who applies for HCBS Medicaid, after the annual limit on HCBS-NF or HCBS-DD waiver clients is reached, must be denied Medicaid. (7-1-95)

(BREAK IN CONTINUITY OF SECTIONS)

648. PERSON DENIED SSI FOR FRAUDULENT RESIDENCY.

A person denied SSI for ten (10) years following a conviction for misrepresenting residency to get SSI in two (2) or more states at the same time is not disqualified from Medicaid. (1-1-97)T

649. FUGITIVE FELON OR PROBATION OR PAROLE VIOLATOR.

A person denied SSI because of the SSI prohibition against payment to fugitive felons and probation and parole violators is not disqualified from Medicaid. (1-1-97)T

~~648~~50. -- 680. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

683. MEDICAID PENALTY FOR ASSET TRANSFERS.

Restricted Medicaid coverage is the asset transfer penalty for a person receiving nursing facility services. (1-1-96)T

01. Restricted Coverage. Restricted coverage means the person is not entitled to Medicaid participation in the cost of nursing facility services, or a level of care in a medical institution equivalent to nursing facility services. The penalty for a person receiving PCS or community services under the HCBS waiver is no Medicaid eligibility. Loss of PCS or community services under the HCBS waiver means loss of Medicaid eligibility. PCS and community services under the HCBS waiver are described in Title 03, Chapter 09, "Rules Governing Medical Assistance," Sections 143 and 146. (1-1-96)T

02. Notice and Exemption. The client must be notified in writing at least ten (10) days before an asset transfer penalty is imposed. The notice must include the right to a hearing on the penalty, the right to make a written request for the hardship exemption in Subsection 6903.12 and a description of the hardship exemption. The notice must tell the client he has ten (10) days from the date of the notice to return his written request for a hardship exemption to the Department. The Department must make a decision on the hardship exemption within thirty (30) days of receiving the written request. Notice of the Department's decision on the hardship exemption must include the right to a hearing. (1-1-96)T(1-1-97)T

(BREAK IN CONTINUITY OF SECTIONS)

707. PAYMENTS FROM AN EXEMPT TRUST FOR DISABLED PERSON OR POOLED TRUST.

Cash payments from the exempt trust made directly to a client with an exempt trust for a disabled person, or a pooled trust, are income in the month received. Payments from the exempt trust made on behalf of the client for the client's food, clothing or shelter, are income in the month paid. The value of payments for the client's food, clothing or shelter is presumed to equal one-third (1/3) of the AABD payment standard for the client's living arrangement. The client is entitled to rebut this presumption. If the Department accepts the client's rebuttal, the value of the payments is the actual amount paid, up to the presumed value. Payments from the exempt trust not made to, or on behalf of, the client are an asset transfer. See Subsections 611.05.e., 611.07, 691.03, 705.03 and 706.02 for treatment of payments from an exempt pension trust. ~~(7-1-96)T~~(1-1-97)T

(BREAK IN CONTINUITY OF SECTIONS)

~~997. INCLUSIVE GENDER.~~

~~Gender, masculine, feminine, or neuter, and number, singular or plural, will include all others as the context requires.~~ (1-1-93)

998. CONFIDENTIALITY.

Information received by the Department, from clients, is subject to the provisions of Idaho Department of Health and Welfare Rules, Title 05, Chapter 01, "Rules Governing Protection and Disclosure of Department Records." (1-1-93)

~~999. SEVERABILITY.~~

~~Idaho Department of Health and Welfare Rules, Title 03, Chapter 05, are severable. If any rule, or part thereof, or the application of such rule to any person or circumstance, is declared invalid, that invalidity does not affect the validity of any remaining portion of this chapter.~~ (1-1-93)

998. -- 999. (RESERVED).

Subject Index

- A**
- A Lawful Finding 139
 - A/R 153
 - AABD 153
 - AABD Criteria 189
 - AABD Eligibility and Client Required to Apply for SS 178
 - AABD Resource Limit 189
 - ABAWD 153
 - ABAWD WORK REQUIREMENT 161
 - ABBREVIATIONS 153
 - ACCREDITATION 58
 - ACCREDITED INSTITUTION 49
 - ACTION AGAINST ADMINISTRATIVE ERROR HOUSEHOLD FAILING TO RESPOND 173
 - D**
 - ADMINISTRATIVE APPEAL 24
 - ADMINISTRATIVE LICENSE ACTION 139
 - AEMT-A Certification 139
 - AFA 153
 - AFDC 153
 - AFDC-UP 153
 - ALTERING SCHOOL DISTRICT BOUNDARIES 36
 - ALTERNATE CERTIFICATION 54
 - AMBULANCE SERVICE STANDARDS 134
 - ANALYTICAL PROCEDURES 122
 - APPLICATION OF STANDARDS 121
 - APPLICATION PROCEDURES 50
 - ASVI 153
 - ATP 153
 - AUTHORITY TO ENTER, INSPECT, AND CONTROL REQUIREMENTS 29
 - Ability to Reapply after Sanction 159
 - Academic Skill Development 78
 - Actions to End Sanction 159, 166
 - Acute 110
 - Acute Criteria 110
 - Acute Toxicity 110
 - Additional Information 36
 - Administrative Costs 60
 - Administrative Error Claim 149
 - Adult Instructional Methodology 134
 - Affiliation Required 138, 139
 - After Determining That Water Body Does Not Support Use 120
 - Age 162, 189
 - Agent Authorization 29
 - Agent Enforcement Power 30
 - Agricultural Chemical 129
 - Agricultural Chemicals 132
 - Alien Client Exempt From Deeming 181
 - Aliens Eligible With No Time Limit 146, 147
 - Alteration of Boundaries 36
 - Alternative Secondary Programs 74
 - Ambulance Personnel 135
 - Ambulances Vehicles 134
 - Amendments to Procedures 106
 - Annual Agreement 40
 - Annual Inspection 59
 - Any Conduct, Action, or Conviction 139
 - Any Conduct, Condition, or Circumstance 139
 - Any Violation 139
 - Applicability 104
 - Applicability of Gas Supersaturation Standard 122
 - Applicant 149
 - Application 134
 - Application Deadline 39
 - Application Procedure 40
 - Application for Idaho Certificate 50
 - Application for Participation 149
 - Application for Payment 39
 - Application of Standards to Nonpoint Source Activities 122
 - Application of Standards to Point Source Discharges 122
 - Appropriate Reference Condition 111
 - Approved Best Management Practices 124
 - Aquatic Species 111
 - Aquifer 129
 - Attainment of Approval Status 43
 - Authorization to Participate 149
 - Authorized Representative 149
 - Average Daily Attendance 37
- B**
- BASIC ALLOWANCE 183
 - BASIC VALUES 78
 - BCSS 153
 - BEER 153
 - BENDEX 153
 - BENEFICIAL USE SUPPORT STATUSES 120
 - BIA 154
 - BIA GA 154
 - Background 111
 - Battered Women and Children's Shelter 149
 - Beneficial Use 110
 - Beneficial Uses 129
 - Best Available Method 129
 - Best Management Practice 129
 - Best Practical Method 129
 - Bioaccumulation 111
 - Biochemical Oxygen Demand (BOD) 111
 - Biological Monitoring or Biomonitoring 111
 - Biological Parameters 120
 - Biological Procedures 122
 - Biota 111
 - Board 111, 129
 - Boarder 149, 158
 - Boarding House 149
 - Buildings 57
- C**
- CAPITAL INVESTMENT 61
 - CERTIFICATES ISSUED TO APPLICANTS FROM REGIONALLY ACCREDITED INSTITUTIONS 49
 - CERTIFICATION DURATION AND RECERTIFICATION 138
 - CERTIFICATION OF TEACHERS TRAINED IN FOREIGN INSTITUTIONS 49
 - CERTIFICATION STANDARDS ADOPTED 48
 - CIP 154
 - CITIZENSHIP 79
 - CITIZENSHIP AND ALIENAGE 145, 178
 - CITIZENSHIP AND ALIENAGE REQUIREMENT 146, 185
 - CITIZENSHIP OR SATISFACTORY IMMIGRATION STATUS 156
 - COLA 154
 - COMMERCIAL COMPUTERIZED ROUTING AND SCHEDULING 62
 - COMPUTING IHE CLAIMS 173
 - COMPUTING THE SHELTER DEDUCTION 171
 - CONFIDENTIALITY 192
 - CONTROL AREAS 26

- COSTS ALLOWED FOR SHELTER DEDUCTION 169
- CSA 154
- Cancellation Policy 45
- Cancellation of Enrollment 45
- Cash Donations 168
- Categorical Eligibility 149
- Certification 19, 134
- Certification Determination 150
- Certification Standards for Vocational-Technical Educators 54
- Certified Copies 142
- Certified Defined Generation 24
- Certified Defined Generation 1 (CDG1) 24
- Certified Defined Generation 2 (CDG2) 24
- Certified Defined Generation 3 (CDG3) 24
- Certified Defined Generation 4 (CDG4) 24
- Change in Employment Status 163
- Chemical and Physical Procedures 122
- Child Support Payments 168
- Child Under Age Eighteen (18) Under Parental Control 158
- Chronic 111
- Chronic Criteria 111
- Chronic Toxicity 111
- Claim Determination 150
- Cleanup 129
- Client 150
- Client Living With Spouse 190
- Client Not Eligible 180
- Closure Reason 166
- Commercial Production Area 26
- Communications 135, 137
- Community Property Income of Long-Term Care Client With Long-Term Care Spouse 188
- Compliance Plan 19
- Compliance Schedule or Schedule of Compliance 112
- Compute Grant 180
- Conditions for HCBS Medicaid 189
- Constituent 129
- Consultant Specialist 54
- Contaminant 129
- Contamination 129
- Contamination Exceeding a Ground Water Quality Standard 132
- Contents of Excess Emissions Reports 108
- Continuing Accreditation 55
- Contract for Transportation Services 60
- Contracting for Educational and Related Services 38
- Costs for Home Repairs 170
- Coupon 150
- Coupon Allotment 150
- Course Credit 63
- Criminal Background Check 138
- Crop Root Zone 130
- D**
- DEEMING INCOME FROM INELIGIBLE SPOUSE TO CLIENT AND CHILD CLIENT
- T 180
- DEEMING INCOME FROM SPONSOR TO PERMANENT RESIDENT ALIEN CLIENT 181
- DEFINITIONS 19, 24, 129, 149
- DEFINITIONS AND ABBREVIATIONS 110
- DETERMINING VOLUNTARY QUIT OR REDUCTION OF WORK HOURS 163
- DEVIATION FROM STANDARD EMPLOYMENT CONTRACT FORM 36
- DHW 154
- DISCLOSURE OF INFORMATION 176
- DOE 154
- DRIVER EDUCATION 63
- Daily Mean 112
- Day in Session When Counting Pupils in Attendance 37
- Day of Attendance (ADA)- Grades One Through Twelve (1-12) 37
- Day of Attendance- Kindergarten 37
- Deadline for Excess Emissions Reports 108
- Definition 43
- Definition of Terms 64
- Degradation 130
- Deleterious Material 112
- Denial Reason 165
- Department 20, 112, 130, 150
- Depreciation 61
- Depreciation Account 62
- Depreciation Ineligibility 61
- Design Flow 112
- Designated Agency 112
- Designated Beneficial Use or Designated Use 112
- Desirable Species 112
- Destitute 155
- Destruction of Rootstock 30
- Development of TMDLs 121
- Director 112
- Disability 162
- Discharge 112
- Discipline, Restriction, Suspension or Revocation 139
- Discretionary Reduction or Cessation Provisions 107
- Diseases 25
- Disinfection 112
- Disqualified Household Members 150
- Disqualified Household's Right to Reapply 165
- Disregard of Resources 185
- Dissolved Oxygen (DO) 112
- Dissolved Product 112
- Divide Deemed Income 181
- Document 20
- Documentation 150
- Documentation of Inspection 59
- Documentation of Revenue Sources 40
- Driver Training 59
- Drug Addiction or Alcoholic Treatment Program 150
- Dynamic Model 112
- E**
- EARLY GRADUATION 38
- EE 154
- EFFECTIVE DATE 178
- EFFECTIVE DATE OF INELIGIBILITY 168
- EFNEP 154
- EMERGENCY CLOSURE- TEACHER STRIKE OR WITHHOLDING OF SERVICE 36
- EMT-B Certification 139
- EMT-P Certification 139
- ENDING SANCTIONS FOR FAILURE TO COMPLY WITH JOBS OR UI 160
- ENDING SANCTIONS FOR FAILURE TO COMPLY WITH JSAP

159
ENDING VOLUNTARY QUIT OR
REDUCTION OF WORK
HOURS PENALTY 167
ENDING WORK REGISTRATION
SANCTION 161
ENDORSEMENT OF OUT-OF-
STATE CERTIFICATES 49
EPA 113
EXCESS EMISSIONS 104
EXCESS EMISSIONS REPORTS
108
EXCLUDED INCOME 168
EXEMPTIONS FROM THE ABAWD
WORK REQUIREMENT 162
EXPEDITED SERVICE ELIGIBILITY
155
EXPEDITED VERIFICATION 156
EXPLANATION OF PENALTIES
FOR QUITTING JOB OR RE-
DUCTION OF WORK HOURS
165
Earnings of Child Under Age Eighteen
(18) Attending School 168
Effect of Procedures 105, 107
Effective Date 55
Effluent 113
Effluent Biomonitoring 113
Eligibility 39
Eligibility for Receipt of Veterans' Edu-
cational Benefits 43
Eligible Alien August 22, 1996 and Lat-
er 178
Eligible Aliens Before August 22, 1996
178, 185
Eligible Foods 150
Eligible Household 151
Emancipated Minor 151
Emergency Consideration 46
Employer Demands Resignation 163
Employment or School 164
Employment or School in Another Area
164
Ending Self-Employment 163
Enumeration 151
Environmental Agency 20
Environmental Audit 20
Environmental Audit Plan or Proto-
col 20
Environmental Audit Report 21
Environmental Barriers 164
Environmental Law 21

Evaluation Policy - Content 56
Evaluation Policy - Frequency of Evalu-
ation 57
Evaluation Policy - Personnel Records
57
Excess Emissions Minimization and
Notification 107
Excess Emissions Procedures 105
Excuse of Violation 104
Exempt 151
Exemptions Issuance of InState Trans-
fer Numbers 28
Existing Beneficial Use or Existing Use
113

F
FAILURE TO COMPLY WITH A RE-
QUIREMENT OF ANOTHER
MEANS-TESTED PROGRA
167
FEDERALLY FUNDED PRO-
GRAMS 36
FEES FOR COPIES, SEARCHES,
AND OTHER SERVICES 142
FFY 154
FINDINGS 21, 25
FMV 154
FNS 154
FOOD STAMPS FOR HOUSEHOLDS
WITH IPV MEMBERS, INELIGI-
BLE FUGITIVE FELON OR
PROBATION/PAROLE VIOLA-
TOR 174
FOOD STAMPS FOR HOUSEHOLDS
WITH MEMBERS DISQUALI-
FIED FOR FAILURE TO MEET
THE WORK REQUIREMENT
OR TO COMPLY WITH A RE-
QUIREMENT OF ANOTHER
MEANS-TESTED PROGRAM
175
FQC 154
FUGITIVE FELON OR PROBATION
OR PAROLE VIOLATOR 191
FUNDS WITHHELD- LATE SUB-
MISSION OF RECORDS 38
Facility 113
Failure To Maintain Standards of
Knowledge and/or Proficiency
139
Failure to Comply with a Requirement
of a Means-tested Program Such as
SSI 167

Failure to Comply with an AFDC Re-
quirement 167
Fair Hearing 165, 166
Fair Hearing Reversal 159, 160, 161
Family Emergencies 164
Family Unity Residents 146, 147
Fecal Coliform 113
Federal Earned Income Tax Credit
(EITC) 169
Federal Fiscal Year 151
Fee for Initial Certification 138
Field 25
Field Trips and Activity Busing 60
Filing of Procedures 106, 108
First Field Inspection 27
First Responder Certification 138
Fleeing to Avoid Custody or Confine-
ment After Conviction 168
Fleeing to Avoid Prosecution 167
FmHA 154
Food Assistance 151
Foreseeable Excess Emissions Proce-
dures 107
Four-Day Average 113
Free Product 113
Full Time Job Does Not Develop 164

G

GA 154
GENERAL EDUCATION DEVELOP-
MENT TESTS/IDAHO HIGH
SCHOOL EQUIVALENCY CER-
TIFICATE 41
GOOD CAUSE FOR VOLUNTARILY
QUITTING A JOB OR REDUC-
ING WORK HOURS 164
GREENHOUSES 29
GROUND WATER CONTAMINA-
TION 131
General Assistance 151
General Education Development Tests
41
General Provisions 105
General Resource Category Aquifers
131
Geographic Coverage Description
136, 137
Geometric Mean 113
Graduation from High School 69
Grandfathering 54
Ground Water 130
Ground Water Quality Standard 130
Ground water 113

Group Living Arrangement 151
Guidance Programs 70

H

HCBS Income Limit 189
HCBS-DD Medicaid Effective Date 190
HCBS-NF Medicaid Effective Date 190
HEAD OF HOUSEHOLD FOR VOLUNTARY QUIT OR REDUCTION OF WORK HOURS 163
HUD 154
Habitat Parameters 120
Harmonic Mean Flow 113
Hazardous Material 113
Head of Household 158, 160, 165
Head of Household Changes 167
Healthy Clones (HC) 24
High Priority Provisions 121
High School Graduation Standards 70
Highly Vulnerable Ground Water 130
Home Temporarily Not Occupied 170
Homeless Household 170
Homeless Meal Provider 151
Homeless Person 151
House Payments 170
Household Member With Most Earned Income 163
Household With Elderly or Disabled Member 171
Household With No Elderly or Disabled Member 171
Hydrologically-Based Design Flow 113
Hypolimnion 113

I

IDAHO EDUCATOR CREDENTIAL 51
IDAHO STATE PENITENTIARY 45
IEVS 154
IHE 154
INCLUSIVE GENDER 192
INCOME DEEMING 179
INELIGIBILITY OF FUGITIVE FELONS AND PROBATION AND PAROLE VIOLATORS 167
INITIAL CERTIFICATION 138
INS 154
INSPECTION PROCEDURES 26
INTERSTATE CERTIFICATION

COMPACT 55

IPV 154
IRS 154
Idaho Agriculture Pollution Abatement Plan 121
Idaho High School Equivalency Certificate 42
Identification Card 151
Implementation Policy 123
In Camera Review 21
InState Defined Generation 24
InState Defined Generation 1 (SDG1) 24
InState Defined Generation 2 (SDG2) 24
InState Defined Generation 3 (SDG3) 24
InState Defined Generation 4 (SDG4) 25
Inadvertent Household Error Claim (IHE) 151
Income Deeming Child Age Limit 180
Income Deeming Exclusions 179
Income In Kind 168
Income Less than Rent and Utilities 155
Income and Eligibility Verification System (IEVS) 152
Income of Client in Facility 188
Income of Single Person or Person With Long-Term Care Spouse 187
Indian General Assistance 152
Ineligible Alien 178
Ineligible Legal Aliens 187
Ineligible Vehicles 61
Infrequent or Irregular Income 168
Inhibition Concentration-25 (IC-25) 113
Inoperable Bus 62
Insects 25
Inspection 136, 138
Inspection At Digging 28
Inspection Requests 26
Inspection of Buildings 57
Instantaneous Concentration 114
Institution of Higher Education 152
Institution of Post Secondary 152
Instructional Program 64
Inter-Departmental Coordination 114
Intermittent Stream 114
Irreplaceable Source 130

Issuance of Certified Defined 28

J

JOBS 154
JSAP 154
JSAP or Work Registration Exempt 162
JTPA 154
JUVENILE DETENTION CENTERS 64
Joins Another Household 159, 161

L

LC-50 114
LICENSED ADULT FOSTER CARE HOME ALLOWANCES 184
LICENSED ADULT RESIDENTIAL CARE FACILITY ALLOWANCES 184
Laboratory Tests 29
Laid Off From New Job 163
Land Application 114
Leasing 60
Legal Aliens 145, 146
Legal Description 36
Length of Time of Approval 44
Letters of Authorization 54
Level I 184
Level II 184
Level III 184
Liability 63
Liability Insurance 61
License 136, 138
Life Expectancy 61
Limit on HCBS Clients Served 191
Limitation to Nonpoint Source Restrictions 123
List of Attendees 36
Living Alone 183
Living in Another PersonsHousehold' 183
Living in Hotel or Rooming House 183
Living with AFDC Child 183
Living with Another Client 183
Living with Client Spouse 183
Living with Essential Person 183
Load Allocation (LA) 114
Loading Capacity 114
Loan Payments 170
Loans 169
Local Governmental Authorization 136, 138

Location 63
 Low Income and Resources 155
 Lower Water Quality 114
 Lowest Bid Quotation 62
 Lowest Observed Effect Concentration (LOEC) 114

M

MAINTENANCE STANDARDS AND INSPECTIONS 58
 MANAGEMENT OF ACTIVITIES WITH THE POTENTIAL TO DEGRADE AQUIFERS 131
 MEDICAID PENALTY FOR ASSET TRANSFERS 191
 MISASSIGNMENTS - GRANDFATHERING 49
 MOVEMENT OF FARM EQUIPMENT 29
 Man-made Waterways 114
 Map of Area 36
 Market Value 36
 Maximum Reimbursement Allowed 41
 Medical Control Plan 136, 137
 Medical Treatment Protocols 136, 137
 Member Becomes Exempt 167
 Member Complies with JOBS or UI 160
 Member Complies with JSAP 159
 Member Complies with Work Registration 161
 Member Gets a Job 167
 Member of Household Leaves Household 167
 Metals Procedures 122
 Methods of State Accreditation 58
 Milligrams Per Liter (mg/l) 114
 Mixing Zone 114
 Mixing Zones 122
 Money Withheld 168
 Money for Third Party Care 169
 Multiple Criteria 121

N

NON-HEAD OF HOUSEHOLD DISQUALIFIED FOR JSAP, OR WORK REGISTRATION REQUIREMENTS, VOLUNTARY QUIT OR REDUCTION OF WORK 175
 NON-TRANSPORT SERVICE STAN-

DARDS 136
 NOTICE OF SANCTIONS FOR FAILURE TO COMPLY WITH JSAP 159
 National Pollutant Discharge Elimination System (NPDES) 114
 Natural Background Level 130
 Natural Background for Toxic Substances 122
 Need For Care Not Approved by ARCC 184
 Nephelometric Turbidity Units (NTU) 114
 New Head of Household 159, 161
 No Duplication of Disregards 185
 No Observed Adverse Effect Level (NOAEL) 115
 No Observed Effect Concentration (NOEC) 115
 No Reapplication 166
 Non-Public School Students 61
 Non-Transport Service Minimum Standards Waiver 138
 Nonexempt 152
 Nonprofit Meal Delivery Service 152
 Nonreimbursable Costs 62
 Non-transport Service Personnel 137
 Normal Eligibility 178
 Not Head of Household 158, 160, 165
 Notice and Exemption 191
 Notice of Approval 44
 Notification of Approval 41
 Notification of Infestation 28
 Noxious Weeds 25
 Nuclear Planting Stock (NPS) 24
 Nuisance 115
 Nutrients 115

O

OUT-OF-STATE TUITION 40
 Occupational Objective 185
 One (1) Hour Average 115
 One (1) day Minimum 115
 Operator 115
 Orientation to the Curriculum 134
 Other Aliens 187
 Other Resource Category Aquifers 131
 Other Services 142
 Other Skill Development 78
 Outstanding Resource Water Mixing Zone 116
 Overissuance 152

Owner 116
 Owner or Operator 21

P

PA 154
 PASS APPROVED BY DEPARTMENT 185
 PATIENT LIABILITY - INCOME AVAILABLE TO MEET COST OF LONG-TERM CARE FOR PERSON WITH NO COMMUNITY SPOUSE CARE FOR PERSON WITH NO COMMUNITY SPOUSE 187
 PAYMENTS FROM AN EXEMPT TRUST FOR DISABLED PERSON OR POOLED TRUST ST 192
 PENALTIES AND ENFORCEMENT POWERS 30
 PENALTIES FOR AN IPV 174
 PENALTIES FOR AN IPV TRAFFIC-ING 174
 PENALTIES FOR IPV RECEIPT OF MULTIPLE BENEFITS 174
 PENALTY FOR APPLICANT QUITTING A JOB OR REDUCING WORK HOURS 165
 PENALTY FOR FAILURE TO COMPLY WITH A REQUIREMENT OF ANOTHER MEANS-TESTED PROGRAM 167
 PENALTY FOR RECIPIENT QUITTING A JOB OR REDUCING WORK HOURS 165
 PENALTY FOR VOLUNTARY QUIT OR REDUCTION OF WORK HOURS NOT FOUND UNTIL THE LAST MONTH OF THE CERTIFICATION PERIOD 166
 PERSON DENIED SSI FOR FRAUDULENT RESIDENCY 191
 PERSON ENTITLED TO HOME AND COMMUNITY BASED SERVICES (HCBS) 189
 PERSONNEL STANDARDS 55
 PERSONS NOT ELIGIBLE FOR SEPARATE FOOD STAMP HOUSEHOLD STATUS 158

PRIVATE CORRESPONDENCE AND TRADE SCHOOLS 45
 PROGRAM OPERATIONS 59
 PROHIBITION AGAINST COMPELLED DISCLOSURE 21
 PROOF OF JOB QUIT OR REDUCTION OF WORK HOURS 164
 PRORATING INITIAL MONTHS-BENEFITS' 173
 PUPIL ACCOUNTING AND REQUIRED INSTRUCTIONAL TIME 37
 Parent as Principal Wage Earner 163
 Parental Control 152
 Parental Responsibility 162
 Parents and Children Together 158
 Partial Retroactive Eligibility 178
 Participants 56
 Participation 152, 162
 Penalties 30
 Performance of Duties 139
 Performing Any Medical Procedure or Providing Medication 140
 Period of ATP or Coupons Intended Use 152
 Permanent Residents 145, 146
 Person 21, 116, 130
 Person Designated by Household 163
 Personal Difficulties 164
 Petroleum Products 116
 Petroleum Storage Tank (PST) System 116
 Point Source 116
 Point System for Determining Priority 40
 Pollutant 116
 Postsecondary Specialist 54
 Potable Water 116
 Practical Quantitation Level 130
 Pregnancy 162
 Prerequisites 49
 Prevention Measures 131
 Primary Treatment 116
 Priority of TMDL Development 121
 Program 152
 Program Operation Costs 59
 Project Area 152
 Project Plans 116
 Projected Future Beneficial Uses 130
 Public Assistance 152
 Purchase Price 62

Q

QUALIFICATIONS OF EMT-BASIC COURSE INSTRUCTORS 134
 QUALIFICATIONS OF FIRST RESPONDER COURSE INSTRUCTORS 134

R

REGAINING ELIGIBILITY 162
 REGULATED PESTS 25
 REIMBURSEMENT TO DISTRICTS FOR A FEASIBILITY STUDY OF HIGH SCHOOL OR SCHOOL DISTRICT CONSOLIDATION 40
 REIMBURSEMENT TO DISTRICTS FOR SUBSTITUTE TEACHER COSTS 39
 RELEASE TIME PROGRAM FOR ELEMENTARY AND SECONDARY SCHOOLS 62
 REPORTING REQUIREMENTS 185
 REQUIREMENTS FOR MINT ROOT-STOCK TO BE PLANTED IN IDAHO 26
 ROOM AND BOARD ALLOWANCES 183
 RSDI 154
 RULES GOVERNING NONPOINT SOURCE ACTIVITIES 123
 Reapplication 166
 Reason for Sanction 159
 Receiving Waters 116
 Recharge 116
 Recharge Area 130
 Recharge Water 116
 Record Maintenance 63
 Records to be Maintained 135, 137
 Reference Availability 55
 Regulations Incorporated by Reference 43
 Reimbursable and Non-Reimbursable Costs 41
 Reimbursement for Exceptional Child Support Units 38
 Reimbursements 169
 Release 117
 Releases Degrading Ground Water Quality 131
 Remediation 130
 Rent 170

Reporting 58
 Request by Parent 63
 Required Application 136, 138
 Required Attendance 37
 Required Documentation 139
 Required Equipment 135
 Required Equipment for Non-transport Services 136
 Required Identification 138
 Required Instructional Time 37
 Requirements 50
 Requiring and Receiving Services 190
 Resident Eligibility Requirement 41
 Resident Species 117
 Resource Limitation 185
 Responsibilities of State Approval Agency 42
 Responsible Persons in Charge 117
 Restricted Area 26
 Restricted Area As Defined In Section 100.02 26
 Restricted Coverage 191
 Restriction of Nonpoint Source Activities on Outstanding Resource Waters 125
 Retail Food Store 152
 Retirement 164
 Retirement Benefits Paid to Former Spouse or Third Party 168
 Retroactive (Backdated) Eligibility 178
 Retrofit Standards 61
 Right to Appeal 159
 Right to Reapply 166
 Room and Board, Adult Care, or Foster Care 183
 Routine Maintenance and Repairs 106

S

SAFE ENVIRONMENT AND DISCIPLINE 78
 SANCTIONS FOR FAILURE TO COMPLY WITH JSAP 158
 SANCTIONS FOR FAILURE TO COMPLY WITH WORK REGISTRATION 160
 SAVE 154
 SAW 154
 SCHOOL BUS DRIVERS AND VEHICLE OPERATION 59
 SCHOOL DISTRICT BUILDING ACCOUNT (Non-lottery Money)

<p>39 SCHOOL FACILITIES 57 SDX 155 SEMI-INDEPENDENT GROUP RESIDENTIAL FACILITY ALLOWANCE 184 SIGRIF 183 SITUATIONS NOT CONSIDERED VOLUNTARY JOB QUIT OR REDUCTION OF WORK 163 SPECIAL EDUCATION FUNDING FOR DISTRICTS WITH APPROVED PROGRAMS 38 SQC 155 SSA 155 SSI 155 SSN 155 STARTUP, SHUTDOWN AND SCHEDULED MAINTENANCE REQUIREMENTS 105 STEPS TO COMPUTE FOOD STAMP PAYMENT 171 SUA 155 SWICA 155 SWITCHING BETWEEN ACTUAL AND SUA 170 Safety 58 Safety Busing 60 Sanction Period 159, 165, 166 Sanction Start 166 Sanctioned Member Becomes Exempt 159, 160, 161 Sanctioned Member Leaves Household 159, 160, 161 Saturated Zone 117 Scheduling 63 Searches 142 Second Field Inspection 27 Secondary Treatment 117 Sensitive Ecological System 130 Sensitive Resource Category Aquifers 131 Separation from Public Schools 63 Seven (7) Day Limit for ATP 156 Seven (7) Day Limit for Food Stamps 155 Seven (7) Days After Discovery 156 Seven (7) day Mean 117 Seven(7) Days for Waived Interview 156 Sewage 117 Shelter Residents 156</p>	<p>Short-term or Temporary Activity 117 Silviculture 117 Site Background Level 130 Site Specific Ground Water Quality Levels 132 Six (6) Months Elapse 161 Six (6) Months Elapse for Sanctioned Household 159, 160 Size Categories 61 Sludge 117 Special Education Regulations - General Provisions 70 Special Resource Water 118 Specialized Best Management Practices 118 Specific Goals 185 Sponsor to Alien Client Deeming Procedures 182 Sponsor/Alien Relationships 182 Spouse 153, 158 Standards 61 State 118, 153 State Agency 153 State Board of Education Professional Development Requirement 50 State Board of Education Requirements for Professional Growth 50 State Funding of Instructional Programs at Juvenile Detention Centers 64 State Support Program Allowance 40 State Water Quality Management Plan 118 Statistical, Research or Public Health Services 142 Steady-State Model 118 Student 153 Submission For Inspection 29 Subsurface Disposal 118 Supplemental Security Income (SSI) 153 Suspended Sediment 118 Suspension or Withdrawal of Approval 44</p>	<p>Taxes and Insurance 170 Technology-based Effluent limitation 118 Temporary Pattern of Employment 164 Temporary Residents 146, 147 Testing in the Public Schools 75 The Department of Education 49 The Official Vehicle for the Approval of Existing Teacher Education Programs 55 The Person Must Participate In and Comply 162 The Person Must Participate In and Comply With the Requirements of The Idaho Work Experience Program (IWEP) 162 The Person Must Participate In and Comply With the Requirements of the JSAP Program 161 The Person Must Work Eighty (80) or More Hours 162 The Person Must Work for Twenty (20) Hours or More Per Week, Averaged Monthly 161 The State Division of Vocational Education 49 Time Limit 63, 185 Total Maximum Daily Load (TMDL) 118 Toxic Substance 118 Toxicity Test 118 Training Facility Access 136, 137 Transfer Permits and Resale 29 Transportation Costs 62 Treatment 119 Treatment Centers 156 Treatment System 119 Trihalomethane (THM) 119 Twenty-Four (24) Hour Average 119</p>
T		
<p>TABLE 374.01 - INCOME DEEMING EXCLUSIONS 179 TIME LIMITS FOR EXPEDITED FOOD STAMPS 155 TITLE AND SCOPE 24 TPQY 155 TRANSPORTATION 58</p>		
U		
<p>UI 155 UPSET, BREAKDOWN AND SAFETY REQUIREMENTS 106 USDA 155 Undocumented Aliens 146, 147 Unique Ecological Significance 119 Unsafe Vehicle 59 Until TMDLs Are Developed 121 Utilities 170</p>		

V

VA 155
VETERANS EDUCATION 42
VOLUNTARY JOB QUIT OR REDUCTION OF WORK 162
VOLUNTARY QUIT OR REDUCTION OF WORK HOURS DURING THE LAST MONTH OF THE CERTIFICATION PERIOD 166
VOLUNTARY QUIT OR REDUCTION OF WORK HOURS NOT FOUND UNTIL THE LAST MONTH OF THE CERTIFICATION PERIOD 166
Vehicle Identification 58
Vehicle Operation 59
Vehicle Payments 170
Vehicles 136
Vendor Payments 169
Verification 153
Verifications 142
Verifying Alien Status 179
Verifying Immigration Status 146, 147, 187
Verifying Need for Semi-Independent Group Residential Facility Care
Care 184
Violating a Condition of Probation or Parole 168
Voluntary Decision 63

W

WAIVERS 36
WATER QUALITY LIMITED WATERS AND TMDLS 120
WIC 155
WORKFORCE SKILLS 78
WRITTEN POLICY 59
Waiver of Fee Requirement 142
Wasteload Allocation (WLA) 119
Wastewater 119
Water Bodies Not Fully Supporting Beneficial Uses 121
Water Pollution 119
Waters and Waters of the State 119
Watershed 119
When Deeming Starts and Stops 180
Whole-Effluent Toxicity 120
Work Site Problems 164
Work-based Learning Experiences 78
Written Statement of Support 36