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STATE BOARD OF EDUCATION FOR PUBLIC SCHOOLS, K-12

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**IDAPA 08
TITLE 02
Chapter 06**

**08.02.06 - SPECIAL PROGRAMS
STATE BOARD OF EDUCATION FOR PUBLIC SCHOOLS, K-12**

001. -- 099. (RESERVED).

100. DRIVER EDUCATION PROGRAMS.

All public secondary school driver education programs shall comply with the following rules. All applicants for an original or renewal license to operate a Commercial Driver Training School or an original or renewal license as an instructor in a Commercial Driver Training School shall comply with the following rules: (5-17-93)

01. Reimbursement of Equipment. All equipment and instructional materials claimed for reimbursement by school districts shall be approved by the Director of Driver Education or his representative prior to purchase. (5-17-93)

02. Record Keeping. (5-17-93)

a. Annual Program Plan - School districts shall file by the 15th of April each year on forms furnished by the State Department of Education information on plans for the coming fiscal year. This plan is not clearance to operate a program. (5-17-93)

b. Accident Report - On forms furnished by the State Department of Education, each school district shall file an accident report within two (2) weeks following any accident involving a driver education vehicle, regardless of the extent of the damages. No reimbursement will be made for damages not reported on an accident form. (5-17-93)

03. Driver Education Vehicles. (5-17-93)

a. Driver Education Vehicles - All school districts driver education vehicles used in student instruction shall in all cases be equipped with at least the following minimum equipment: dual control brakes (instructor controlled); right and left side rear-view mirrors; triangular, yellow rooftop sign with the following lettering: Driver Education or Student Driver, School District Number and Name and Name of Dealer if supplied by dealer; seat belts for all occupants; driver education vehicle inspection sticker; and license plate. (6-28-94)

b. Vehicle Contract - Each school district shall have in effect a contract for each free-loan vehicle, which carefully delineates the responsibilities of all concerned. (6-28-94)

c. Free-Loan Vehicles - School district use of automobile dealer free-loan vehicles shall be only for driver education instruction. (5-17-93)

d. Vehicle Condition - No school district shall use any vehicle in a driver education program if it is not in proper operating condition. (5-17-93)

04. Vehicle Inspection. (5-17-93)

a. Vehicle Inspection - Between July 1 and June 30 of each fiscal year each school district shall cause every driver education vehicle, before it is used for student instruction, to be inspected by an officer of either the local police department or sheriff's office using a form provided by the State Department of Education. (6-28-94)

b. Vehicle Equipment - Each inspection shall determine compliance with Idaho Code requirements for motor vehicles and that the vehicle has satisfactorily working dual control brakes, two (2) seat belts front and back, a rear-view mirror on each side and an approved rooftop sign. (5-17-93)

c. Vehicle - If the vehicle is in compliance, the officer shall sign the driver education car inspection sticker and place it on the lower or upper center of the driver education vehicle windshield. (6-28-94)

05. Instructor Qualifications. (5-17-93)
- a. Idaho Driver Education Instructors - All school district driver education instructors who intend to teach driver education to students shall meet the following standards: hold a valid Idaho teaching certificate; have eight (8) semester credit hours in professional education courses; have four (4) semester credit hours which shall consist of not less than two (2) semester credit hours of classroom driver education techniques, and followed by not less than two (2) semester hours in behind-the-wheel teaching techniques; have three (3) years of satisfactory driving experience immediately preceding the time of teaching, as evidenced by the Idaho Transportation Department; and hold a valid Idaho driver's license except the State Board of Education may grant a deviation from the rule upon application. Such application must include proof of a satisfactory driving record from the licensing state as shall be determined by the Board. (6-28-94)
- b. Satisfactory Driving Experience - All school district driver education instructors shall have the following satisfactory driving record as determined by Idaho Transportation Department records: no conviction for traffic violations that carries a mandatory suspension or revocation of driver's license within the preceding thirty-six (36) months; not more than one (1) conviction for any moving traffic violation within one (1) twelve (12) month period of the previous thirty-six (36) months; entire driving records shall be free of involvement in any fatal traffic accident resulting in conviction for any moving traffic violation; and entire driving record shall be free of conviction for driving while driver's license is revoked or suspended. (6-28-94)
- c. Contracting with commercial schools. When a public school contracts with a commercial driver training school to provide a driver training class, the commercial driver training school may be allowed to use the services of any or all of the certified instructors of that commercial driver training school. (Section 49-2103, Idaho Code.) (6-28-94)
06. Eligibility Standards (Section 33-1703, Idaho Code). (5-17-93)
- a. Student Eligibility Outside the District - Those students who are enrolled in the regular curriculum of an Idaho school district may be given driver education outside the "home" district provided the administrator obtains written permission from the administrator of the "home" district. (5-17-93)
- b. Age of Students - Students who are of the ages fourteen through twenty-one (14-21) may take driver education in the regular school program. No reimbursement will be made for those students who are not fourteen (14) or older upon enrollment; nor will reimbursement be made for those students who complete the course after reaching their twenty-second (22nd) birthday. (5-17-93)
- c. Non-School Residents - Residents of Idaho between the ages of fourteen through twenty-one (14-21) and who are not enrolled in public, private, or parochial schools shall be allowed to enroll using the same enrollment criteria established for public school students. Reimbursement will be made for these students. (6-28-94)
07. Driver Training Instruction Permits. (6-28-94)
- a. Students - All students age fourteen (14) through twenty-one (21) years shall have a driver training instruction permit issued by the sheriff's office before being enrolled in a driver education program. Exception: Students who possess a valid Class D license may enroll in an approved driver training program without obtaining a driver training instruction permit by paying the required driver training instruction permit fee directly to the State Department of Education. This fee shall be deposited into the Driver Training fund. (6-28-94)
- b. Driver Training Instruction Permit - The driver training instruction permit shall be issued to the instructor by the county before the first day of class. Once the instructor receives the permit from the county it is not to be given to the student or parent for any reason. This permit shall be in the car each time the student drives on the public streets or roadways. (6-28-94)
- c. Class Completion - When the driver education class is completed, all permits are to be filled out showing hours completed, grade received, signed by the instructor, then taken to the licensing agency by the instructor. (5-17-93)

- d. Student Class List - Within seven (7) days of the start of a class, the instructor must record the student permit number on the student list and send a copy to the State Department of Education. (6-28-94)
08. Transfers. (6-28-94)
- a. Transfers Out of the District/State - If any student transfers to another school before completing driver education, the permit shall be marked to show the hours actually completed and grade earned to date, signed by the instructor, and forwarded to the new district with the student transcript. (6-28-94)
- b. Students Transferring Into State Who Have Not Completed An Approved Driver Education Course - Students transferring into the state must provide official written verification of training from the school where the course was taught specifying the number of hours completed in the driver education classroom, behind-the-wheel and in-car observation. These students will be required to purchase an Idaho Driver Training Instruction Permit. The receiving school district driver education instructor will conduct an evaluation of the student to determine the student's current knowledge and skill level for proper placement in the driver education program. (6-28-94)
09. Withdrawals. (5-17-93)
- a. Valid Reason - If any student withdraws with a valid reason (illness, broken bones, etc.), the permit shall be held and the student re-enrolled in another class without buying a new permit. In such cases, the permit shall be held on file by the school, marked to show hours completed and grade to date. A "W" shall then be shown on the student list submitted to the State Department of Education with the claim for the class in which the student originally enrolled. (5-17-93)
- b. Without a Valid Reason - If any student withdraws from a driver education class without a valid reason, the permit is marked to show hours completed, failing grade is given, and is signed by the instructor and then sent to the licensing agency with the other permits at the end of the class. A "WF" should be shown on the student list submitted to the State Department of Education. (5-17-93)
10. Instructional Time Requirements and Credit. (5-17-93)
- a. Minimum Driver Education Program - An approved driver education program shall be conducted in a minimum time frame of six (6) weeks (42 calendar days) duration. During this six (6) weeks time frame, students shall be regularly scheduled for class and behind-the-wheel instruction periods. Progress records and a driving log of behind-the-wheel instruction shall be kept for all students. (5-17-93)
- b. Minimum Instruction Time - Each student shall receive a minimum of thirty (30) clock hours of classroom instruction, six (6) hours behind-the-wheel instruction, and six (6) hours of in-car observation time. (5-17-93)
11. Scheduling. (5-17-93)
- a. Maximum Behind-The-Wheel Driving Time - The maximum behind-the-wheel driving time limit is sixty (60) minutes per day per student. (6-28-94)
- b. Number of Pupils In Car - At no time shall any instructor conduct in-car instruction with less than two (2) or more than three (3) pupils in the car. Exception: One student may be scheduled when it is in the best interest of the student. Some reasons to schedule just one student may be: (1) physical or mental disabilities, (2) remoteness of student residence, and (3) nervous students. This exception is only valid with written permission of the parent or legal guardian. However, all students must meet the six (6) hour requirement for in-car observation time. (6-28-94)
- c. Maximum In-Car Observation Time - Students shall not be scheduled for more than sixty (60) minutes in-car observation time unless a time lapse of at least three (3) hours has been given. (6-28-94)
12. Night Driving. Behind-the-wheel instruction may be given to driver education students after dark if the local school district driver education instructor feels it is in the best interest of the students or daylight hours are

- short. (5-17-93)
13. Grading. (5-17-93)
- a. Grading Criteria - Local school district driver education instructors must give careful consideration to the following three (3) areas when grading: classroom; behind-the-wheel; and attitude. Any student who fails in any one of the three (1 of 3) grading criteria shall be failed for the entire course. (6-28-94)
- b. Driving Without a Valid Driver's License - Any student driving any motor vehicle on a public roadway or right-of-way while enrolled in a driver education program without a valid driver's license shall be failed for having exhibited poor attitude. (6-28-94)
- c. Grades - Driver education is a pass/fail class. Upon completion of the course, a grade of "P" or "F" must SHALL be recorded for the students' final grade. (6-28-94)
- d. Transfers - If a student transfers to another district, a "T" shall be recorded in place of a grade on the student list. (5-17-93)
14. Multiple-Car Driving Ranges. Two (2) hours of range driving may be substituted for one (1) hour of on-street driving instruction. Multiple-car instruction may be substituted for not more than three (3) of the total six (6) hours required for behind-the-wheel instruction. (5-17-93)
15. Simulation. (5-17-93)
- a. Simulation Instruction - Simulators may be used and substituted for part of the behind-the-wheel instruction phase on the basis of three (3) hours simulation for one (1) hour of behind-the-wheel driving. Simulation instruction may be substituted for not more than three (3) of the total six (6) hours required for behind-the-wheel instruction. (5-17-93)
- b. Program Substitution - No combination of multiple-car driving range or simulation instruction shall result in less than three (3) hours of on-the-street practice driving for students. (5-17-93)
16. Licensing Commercial Driver Training Schools and Instructors (Chapter 21, Title 49, Idaho Code). (5-17-93)
- a. Commercial Driver Training School License - Applicants for an original or renewal license to operate a commercial driver training school shall furnish the State Department of Education with the following information: the name of the applicant; the name under which the commercial driver training school will do business; and the location of the principal place of business, mailing address and telephone number. An affidavit must be provided from the insurance company supplying the policy that the applicant is carrying a minimum of five thousand dollars (\$5,000) medical insurance and one-three-one hundred thousand dollars (\$100,000, \$300,000 and \$100,000) property loss and property damage insurance on each vehicle operated by the commercial driver training school. The State Department of Education must also be furnished with a schedule of fees to be charged of students; an outline of the course to be offered through the school; and records of students shall be kept as required by the State Department of Education. (Section 49-2101, Idaho Code). (6-28-94)
- b. Commercial Driver Training Instructor License - Applicants for an original or renewal license as an instructor in a commercial driver training school shall furnish the State Department of Education with evidence of compliance with the following minimum qualifications: possession of a valid Idaho Class D license issued to the applicant; a certificate, current within three (3) years, from a licensed medical doctor that the applicant is not subject to any condition which brings about momentary or prolonged lapses of consciousness or control, which is or may become chronic, nor suffering from a physical or mental disability or disease serving to prevent him from exercising reasonable and ordinary control over a motor vehicle; and evidence of having completed at least four (4) semester hours in driver training designed for instructors of driver training from a qualified driver training school. (Section 49-2103, Idaho Code.) (6-28-94)
- c. Driving Record - All driver education instructors shall have the following satisfactory driving

record as determined by the Idaho Transportation Department records: no conviction for traffic violations that carries a mandatory suspension or revocation of driver's license within the preceding thirty-six (36) months; not more than one (1) conviction for any moving violation within one (1) twelve-month period of the previous thirty-six (36) months; entire driving record shall be free of involvement in any fatal traffic accident resulting in conviction for any moving traffic violation; and entire driving record shall be free of driving while driver's license is revoked or suspended. (6-28-94)

d. Moral Character - All persons licensed hereunder shall be of good moral character. Evidence of immoral act disqualifies the applicant or licensee automatically. (5-17-93)

e. Application Forms - All application for licenses shall be submitted on the appropriate form as determined by the State Department of Education. (6-28-94)

f. Equipment - Each vehicle to be used for instruction in driver training shall be equipped with dual control brakes; a right hand rear-view mirror for instructor's use; and a seat belt for each individual (two (2) in the front seat and two (2) in the rear seat). A maximum of four (4) persons (two (2) in the front seat and two (2) in the rear seat) shall occupy a vehicle when it is being used for purposes of instruction; markings on the outside of the vehicle which clearly indicate that the vehicle is a commercial driver training vehicle including a triangular shaped white rooftop sign; all other equipment required of motor vehicles as prescribed by the Idaho Motor Vehicle Code. (5-17-93)

g. Vehicle Inspection - Between January 1 and December 31 of each calendar year, each commercial school shall cause every driver education vehicle, before it is used for student instruction, to be inspected by an officer of either the local police department or sheriff's office using a form provided by the State Department of Education. An inspection certificate showing compliance with the inspection rule shall be submitted to the State Department of Education prior to final issuance of a Driver Training School License or a Driver Training Instructor License. (6-28-94)

h. Instruction of Individuals Ages Fourteen (14) through Sixteen (16) Years - Students ages fourteen (14) through sixteen (16) years shall be given the same course as required in public school driver education programs (IDAPA 08.02.06.100.10), except that the standards for commercial driver training programs shall be satisfied if all of the following alternative requirements are met: (1) no more than four (4) students in a class; and (2) not less than thirty (30) hours of classroom instruction are provided; and (3) not less than six (6) hours behind-the-wheel practice driving are required; and (4) not less than six (6) hours of observation time are completed with a parent or legal guardian. (Section 33-1702(3), Idaho Code.) (6-28-94)

i. The following additional requirements shall be effective for commercial driver training schools and instructors who propose to give courses to individuals ages fourteen through sixteen (14-16) years. An outline of the curriculum proposed to be taught by the driver training school, and a schedule of the fees charged students, i.e., hourly, daily or complete course rates, must accompany the application. The curriculum outline and course shall meet the standards as prescribed by the State Board of Education for driver education in the secondary schools of the State of Idaho. Each instructor shall meet these minimum certification standards: have eight (8) semester credit hours in professional education courses; have four (4) semester credit hours in driver education which shall consist of not less than two (2) semester credit hours of classroom driver education techniques followed by not less than two (2) semester hours in behind-the-wheel teaching techniques; have three (3) years of satisfactory driving experience immediately preceding the time of teaching, as evidenced by the State Transportation Department. Adequate records of course attendance by student name, dates and time of course, and other such information as may be required by the State Department of Education, shall be kept on file for a period of at least three (3) years and shall be open to inspection by the State Department of Education officials at any time during regular office hours. (6-28-94)

101. -- 199. (RESERVED).

200. VETERANS EDUCATION PROGRAM - APPROVAL OF SCHOOLS.

The Governor of the State of Idaho has designated the State Department of Education as the approval agency for the State of Idaho for the purpose of approving courses for the enrollment of veterans and other eligible persons. (5-17-93)

01. Responsibilities of State Approval Agency. In carrying out this function, the responsibilities of the state approval agency include the following: (5-17-93)

a. The establishment of criteria additional to requirement set forth in federal law for the approval of programs of education or training. (5-17-93)

b. The approval of programs of education training per criteria set forth in federal law or established by the state approval agency. (5-17-93)

c. The performance of regular supervisory visitations to those educational institutions and training establishments offering approved courses or programs. (5-17-93)

d. The disapproval of any approved course or program that fails to meet requirements set forth in federal law or criteria established by the state approval agency, and the provision of notice of such disapproval to the affected institution or establishment and the Veterans Administration. (5-17-93)

e. The provision of applicable approval information to educational institutions of training establishments and the Veterans Administration. (5-17-93)

f. In order for the State Department of Education to fulfill its responsibilities, the State Board of Education as the governing body of the Department of Education and pursuant to powers granted to it by Sections 33-105 and 33-107, Idaho Code, hereby adopts rules for the governance of the Veterans Education Approval Program. (5-17-93)

02. Regulation Incorporated by Reference. Federal regulations of the U.S. Veterans Administration as referred to by these regulations are incorporated by reference herein and shall 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, of the Idaho State Law Library. (5-17-93)

03. Definition. For purposes of these rules, the following words and phrases shall have these meanings: (5-17-93)

a. Approval shall mean that 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. (5-17-93)

b. Accredited Course shall mean 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 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. (5-17-93)

c. Nonaccredited courses shall mean courses which are not approved as accredited courses and which are offered by a public or private, profit or nonprofit, educational institution. These include nonaccredited courses offered by extension centers or division, or vocational or adult education departments or institutions of higher learning. (5-17-93)

d. Nationally recognized accrediting agency or association shall mean one that appears on the list published by the Commissioner of Education as required by 38 U.S.C. 1775 (a). (5-17-93)

e. Correspondence courses shall mean courses which must require not 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 shall be based upon the records of the school for the immediate preceding years. (5-17-93)

f. Apprentices courses shall mean any training on-the-job course which has been established as an apprentice course by a training establishment as defined in VA Regulations 14200(c) and which has been approved as an apprentice course by the state approval agency. (5-17-93)

g. Other training on-the-job courses shall mean any training on-the-job which does not qualify as apprentice course as defined in these regulations, but which otherwise meets the requirements of subparagraph C of VA Regulation 14262 as incorporated by reference herein. (5-17-93)

04. Eligibility for Receipt of Veterans' Educational Benefits. Veterans enrolled in educational institutions or training establishments are eligible for educational benefits as provided by 38 U.S.C. Section 1771 et seq., only if in-training status in a course or courses approved for veterans' education by the state approval agency. (5-17-93)

05. Attainment of Approval Status. The attainment of approval status requires that an institution or establishment desiring to offer courses for which veterans or other eligible persons may receive veterans' educational benefits, meets 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: (5-17-93)

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), except that this requirement does not apply to the following: courses pursued in a public or tax supported educational institution; any course offered by an educational institution which 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 which 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 which is offered by a nonprofit school of college level and which is recognized for credit toward a standard college degree; and any course for the educationally disadvantaged or PREP 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. (5-17-93)

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 of 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 be in conformance with requirements set forth in VA Regulation 14256, in addition to the requirements of VA Regulation 14253 and 14254 as applicable. Applications for approval of apprentice course must be in conformance with and contain information required by VA Regulation 14261(B). Applications for approval of other training on-the-job courses must be in conformance with and contain information required by VA Regulation 14262(B). Application for approval of flight training courses must be in conformance with requirements set forth by VA Regulation 14263 and in particular VA Regulation 14263(F). (5-17-93)

c. When an institution or establishment makes application for approval, it thereby consents to visitations by a representative or 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 are in compliance with established approval criteria. (5-17-93)

d. Upon receipt of an application for approval made in conformance 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 such 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 1425(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, 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 providing the individual also meets eligibility standards set forth 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. (5-17-93)

06. Notice of Approval. The state approval agency, upon determining that an institution or establishment has complied with all the requirement for approval, shall notify the institution or establishment by a letter setting forth the courses which have been approved, and will furnish to the VA an official copy of the letter and attachments and any subsequent amendments. (5-17-93)

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 documentation in support thereof. Furthermore, any revision or change made in a course shall require resubmission of the course for approval to the state approval agency. (5-17-93)

08. Suspension or Withdrawal of Approval. Continuation of approval of a course or courses is contingent upon maintenance of prescribed standards and conformance with requirements referred to above. (5-17-93)

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. (5-17-93)

b. The length of suspension shall not be for an indeterminate period but shall 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. (5-17-93)

c. Prior to the effective date of the suspension, the state approval agency shall give notice of the intended action to the affected institution or establishment which shall include facts and circumstances on which the intended suspension is based and any available documentation in support thereof. The state approval agency shall 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 through the provision of written documentation in support thereof or through oral presentations to appropriate agency officials. (5-17-93)

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 shall withdraw approval of the affected course or courses. (5-17-93)

e. Prior to the effective date of the withdrawal of approval, notice of the agency's intended action shall be provided to the affected institution or establishment which shall 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 ground upon which the intended action to withdraw approval is based. (5-17-93)

f. An opportunity shall 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 shall 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 shall thereafter render a final decision in the matter. (5-17-93)

g. Any final decision adverse to an institution or establishment shall be in writing or stated in the record. The decision shall include findings of fact and conclusion of law, separately stated. (5-17-93)

h. The effected institution or establishment shall be notified either personally or by mail of any decision and a copy of such delivered or mailed forthwith to the institution or establishment and to its attorney of record upon request. (5-17-93)

201. -- 299. (RESERVED).

300. SPECIAL PROGRAMS - IDAHO PENITENTIARY.

The vocational and academic programs at the Idaho State Penitentiary are approved on an annual basis as special programs for the purpose of training inmates. (5-17-93)

301. -- 399. (RESERVED).

400. 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, shall register with the State Board of Education on forms approved by the Board on file in the State Department of Education. (Chapter 24, Title 33, Idaho Code). (5-17-93)

01. Cancellation Policy. An applicant may cancel his 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 applicant 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). (5-17-93)

02. Cancellation of Enrollment. For a student requesting cancellation of enrollment after starting the course, the charge will be made based on lessons completed or time spent and shall 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 reasonable expected for completion of one-fourth (1/4) of the course. (5-17-93)

03. Emergency Consideration. In case of illness or accident, death in the family, or other circumstances beyond the control of the student, the student shall be entitled to consideration and the school shall make a settlement which is reasonable and fair to both. (5-17-93)

401. -- 999. (RESERVED).