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**IDAPA 08
TITLE 02
CHAPTER 01**

08.02.01 - 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. (4-1-97)

002. -- 049. (RESERVED)

050. ALTERING SCHOOL DISTRICT BOUNDARIES.

The State Board of Education sets forth the following rules to govern the application and hearing procedures for alteration of school boundaries pursuant to Section 33-308, Idaho Code. 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. The application shall also contain that information as required by Section 33-308, Idaho Code: (7-1-99)

01. Written Statement of Support. A written statement supporting or opposing the proposed alteration will be prepared by each board of trustees no later than ten (10) days following its first regular meeting held following receipt of the written application prepared by the person or persons requesting the alteration. Such request and supporting materials shall be forwarded to the Superintendent of Public Instruction. (7-1-99)

02. Review of Request. The Superintendent of Public Instruction shall appoint a hearing officer in accordance with State Board of Education Governing Policies and Procedures to review the proposed alteration of boundaries. (7-1-99)

03. Criteria for Review of Request. The hearing officer shall review the proposed alteration of boundaries taking into account the following criteria: (7-1-99)

a. Will the alteration as proposed leave a school district with a bonded debt in excess of the limit proscribed by law; (7-1-99)

b. Is the proposed alteration in the best interests of the children residing in the area described in the petition. In determining the best interests of the children the hearing officer shall consider all relevant factors which may include: (7-1-99)

i. The safety and distance of the children from the applicable schools; (7-1-99)

ii. The views of the interested parties as these views pertain to the interests of the children residing in the petition area; (7-1-99)

iii. The adjustment of the children to their home and neighborhood environment; and (7-1-99)

iv. The suitability of the school(s) and school district which is gaining students in terms of capacity and community support. (7-1-99)

04. Market Value. The market value, for tax purposes, of the two (2) districts prior to the requested transfer and of the area proposed to be transferred will be provided. (7-1-99)

05. Decision by State Board Education. The recommendation from the hearing on the matter shall be forwarded to the State Board of Education for decision in accordance with the Board's Governing Policies and Procedures. (7-1-99)

06. 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. (4-1-97)

051. -- 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) (4-1-97)

151. NEGOTIATIONS.

01. Open Meeting. For the purposes of Section 33-1273A, Idaho Code, all open meeting negotiations shall adhere to Sections 67-2340 through 67-2344 and 67-2346 through 67-2347, Idaho Code, including posting notices and agendas. In addition, notices and agendas shall be posted on the main page of the school district's website. (3-29-12)

02. Collective Bargaining Limited to Compensation and Benefits. Items that may be included in master contracts or negotiated agreements shall be limited to the specific items defined under the terms "Compensation" and "Benefits" under Section 33-1272, Idaho Code. For the purposes of the definition of "Compensation" as stated in Section 33-1272, Idaho Code, the term "salary" means: (3-29-12)

a. Any monies provided through public funding that are paid to an employee pursuant to an employment contract, the form of which is approved by the Superintendent of Public Instruction pursuant to Section 33-513, Idaho Code; and (3-29-12)

b. The process by which the school district board of trustees will determine local student achievement share awards pursuant to Section 33-1004I, Idaho Code. (3-29-12)

c. The inclusion of any other items in a master contract or negotiated agreement is hereby prohibited. Any items included in violation of this provision are hereby declared null, void and of no force or effect. (3-29-12)

152. -- 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) (4-1-97)

201. -- 249. (RESERVED)

250. PUPIL ACCOUNTING AND REQUIRED INSTRUCTIONAL TIME.

(Section 33-512, Idaho Code) (4-1-97)

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. (4-1-97)

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. (4-1-97)

03. Day in Session When Counting Pupils in Attendance. (4-1-97)

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. (4-1-97)

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. (4-1-97)

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. (4-1-97)

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.) (4-1-97)

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 (10) 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) (4-1-97)

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) (4-1-97)

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) (4-1-97)

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. (4-1-97)

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: (4-1-97)

a. Preschool students will generate funding based upon the weekly hours and minutes they are enrolled in special education. (4-1-97)

b. From the fall elementary enrollment of kindergarten through grade six (K-6), subtract elementary residential facility students and multiply the result by six one-hundredths (.006). Add the elementary residential facility students to the product. (Section 33-1002(4), Idaho Code.) (4-1-97)

c. From the fall regular secondary enrollment of grades seven through twelve (7-12), subtract secondary residential facility students and multiply the result by fifty-five one-hundredths (.055). Add the secondary residential facility students to the product. (Section 33-1002(4), Idaho Code.) (4-1-97)

d. Add the juvenile detention facility students to the total. (4-1-97)

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. (4-1-97)

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. (4-1-97)

02. Contracting for Educational and Related Services. (Section 33-2004, Idaho Code) (4-1-97)

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. (4-1-97)

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. (4-1-97)

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. (4-1-97)

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) (4-1-97)

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. (4-1-97)

01. Application for Payment. The application for payments from the School District Building Account will include: (4-1-97)

- a.** A statement of need; (4-1-97)
- 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; (4-1-97)
- 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; (4-1-97)
- 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; (4-1-97)
- 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; (4-1-97)
- f.** A statement of past efforts to levy for the project for which funding is being requested; (4-1-97)
- g.** A description of any unique or special circumstances that should be considered in the evaluation of the application; (4-1-97)
- 02. Application Deadline.** The deadline for submitting applications will be January 30th of each year. (4-1-97)
- 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: (4-1-97)
- 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; (4-1-97)
- b.** Require resubmission of an application only when there have been substantial changes in the district which could alter the status of original determination; (4-1-97)
- 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; (4-1-97)
- d.** Determine a priority within forty-five (45) days of the application submission deadline; and (4-1-97)
- e.** Award to each successful grantee twenty-five percent (25%) of the costs of the approved project. (4-1-97)
- 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: (4-1-97)
- a.** Need: zero through ten (0-10) points, three and one half (3.5) weighted value for each point awarded; (4-1-97)
- b.** Effort: zero through ten (0-10) points, two (2.0) weighted value for each point awarded; (4-1-97)
- c.** Ability: zero through ten (0-10) points, two (2.0) weighted value for each point awarded; (4-1-97)
- d.** Past efforts (levies attempted but failed): zero through ten (0-10) points, five tenths (.5) weighted value for each point awarded; (4-1-97)

e. Student/teacher ratio improvement: zero through ten (0-10) points, one (1.0) weighted value for each point awarded; and (4-1-97)

f. Unique/special circumstances zero through ten (0-10) points: one (1.0) weighted value for each point awarded. (4-1-97)

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. (4-1-97)

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) (4-1-97)

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) (4-1-97)

551. -- 599. (RESERVED)

600. REIMBURSEMENT TO DISTRICTS FOR A FEASIBILITY STUDY OF HIGH SCHOOL OR SCHOOL DISTRICT CONSOLIDATION. (Section 33-310B, Idaho Code) (4-1-97)

01. Application Procedure. Applications for reimbursement will be submitted to the State Superintendent of Public Instruction in narrative form with the following supporting documents: (4-1-97)

- a. A copy of the feasibility study; (4-1-97)
- b. A copy of the consolidation plan, when appropriate; (4-1-97)
- c. A summary of school board deliberations or joint sessions that were held by the participating school boards; (4-1-97)
- d. A summary of all public hearings held, if any; and (4-1-97)
- e. An itemized listing of reimbursable costs. (4-1-97)

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: (4-1-97)

- a. A salary of any person regularly employed part-time or full-time by the school district; (4-1-97)
- b. Rental of district-owned facilities; (4-1-97)
- c. Costs incurred more than three (3) years prior to the application. (4-1-97)

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. (4-1-97)

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) (4-1-97)

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. (4-1-97)

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. (4-1-97)

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. (4-1-97)

03. Age Criteria. The applicant must satisfy one (1) of the following age criteria: (4-1-97)

a. The applicant must be at least eighteen (18) years of age; (4-1-97)

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.); (4-1-97)

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. (4-1-97)

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: (4-1-97)

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. (4-1-97)

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. (4-1-97)

c. A completed form DD295 on all service personnel. This form is not required of veterans and non-veteran adults. (4-1-97)

d. A copy of a discharge if the applicant is a veteran of military service. (4-1-97)

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. (4-1-97)

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) (4-1-97)

01. Responsibilities of State Approval Agency. The State Approval Agency carries the following responsibilities: (4-1-97)

a. Establishing criteria additional to requirements set forth in federal law for approving education or training programs. (4-1-97)

b. Approving education or training programs following the criteria set forth in federal law or established by the state approval agency. (4-1-97)

c. Regularly visiting and supervising those educational institutions and training establishments offering approved courses or programs. (4-1-97)

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. (4-1-97)

e. Providing applicable approval information to educational institutions or training establishments and the Department of Veterans' Affairs. (4-1-97)

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. (4-1-97)

03. Definition. For the purposes of these rules, the following words and phrases will have these meanings: (4-1-97)

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. (4-1-97)

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. (4-1-97)

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. (4-1-97)

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). (4-1-97)

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. (4-1-97)

f. Apprenticeship courses: Any training on-the-job course established as an apprenticeship course by a training establishment as defined in VA Regulations 14200(c) and approved as an apprenticeship course by the state approval agency. (4-1-97)

g. Other training on-the-job courses: Any training on-the-job that does not qualify as an apprenticeship course as defined in these regulations, but that otherwise meets the requirements of subparagraph C of VA Regulation 14262 as incorporated by reference herein. (4-1-97)

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. (4-1-97)

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: (4-1-97)

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. (4-1-97)

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 apprenticeship 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). (4-1-97)

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. (4-1-97)

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. (4-1-97)

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. (4-1-97)

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. (4-1-97)

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. (4-1-97)

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. (4-1-97)

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. (4-1-97)

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. (4-1-97)

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. (4-1-97)

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. (4-1-97)

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. (4-1-97)

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. (4-1-97)

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. (4-1-97)

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. (4-1-97)

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) (4-1-97)

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). (4-1-97)

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.) (4-1-97)

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. (4-1-97)

801. -- 999. (RESERVED)

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