

# IDAPA 08 – STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

## 08.02.02- RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1604

### NOTICE OF RULEMAKING - PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 33-105 and 33-1702, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be held as follows:

October 13, 2016 - 6:00 PM Lewis and Clark State College Williams Conference Center Clearwater Room 500 8 <sup>th</sup> Avenue Lewiston, ID 83501	October 17, 2016 - 6:00 PM College of Western Idaho Nampa Campus Aspen Building, Room 108 6002 Birch Lane Nampa, ID 83687	October 24, 2016 - 6:00 PM Marshall Public Library Minnie Howard Community Room 113 S. Garfield Avenue Pocatello, ID 83204
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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 nontechnical explanation of the substance and purpose of the proposed rulemaking:

Currently, Section 3.5 of the Operating Procedures for the Idaho Public Driver Education Programs states public driver education and training instructors shall have a medical examination that meets the Federal Motor Carriers Safety Regulations (49 CFR 391.41-391.49). In March of 2014, the Federal Motor Carriers Safety Regulations began requiring only specifically trained medical providers to perform these physicals, thereby raising the cost to the individual significantly. Department of Transportation physicals are not covered as part of the medical benefit provided by insurance. This rule is intended to update the Operating Procedures for Idaho Public Driver Education Programs to remove the specific requirement to have a Federal Motor Carrier Department of Transportation physical. It would instead allow medical examinations through a physical provided by a certified medical professional. This would satisfy the need for the protection of the public's safety and would also be covered by medical insurance.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the April 6, 2016, Idaho Administrative Bulletin, Volume 16-4, page 22.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

Because of the number of pages within the document, the republication of the text would be unduly cumbersome and expensive. A complete copy of the Operating Procedures for the Idaho Public Driver Education Programs, the incorporated by reference document, can be found on our website at [sde.idaho.gov/topics/admin-rules/](http://sde.idaho.gov/topics/admin-rules/). The document is currently incorporated by rule and is being updated from the 2013 edition to the 2016 edition.

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**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Matt McCarter, Director of Student Engagement and Career and Technical Readiness, at (208) 332-6961 or mamccarter@sde.idaho.gov.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 24, 2016, or during the scheduled public hearings.

DATED this 30<sup>th</sup> day of June, 2016.

Sherri Ybarra, Superintendent of Public Instruction  
650 West State Street, 2nd Floor  
PO Box 83720  
Boise, ID 83720-0027  
Office: (208) 332-6800 Fax: (208) 334-2228

**IDAPA 08  
TITLE 02  
CHAPTER 02**

**08.02.02 - RULES GOVERNING UNIFORMITY**

**004. INCORPORATION BY REFERENCE.**

The State Board of Education adopts and incorporates by reference into its rules: (5-8-09)

**01. Idaho Standards for the Initial Certification of Professional School Personnel as approved on August 13, 2015.** Copies of this document can be found on the Office of the State Board of Education website at <http://www.boardofed.idaho.gov>. (3-25-16)

**02. Standards for Idaho School Buses and Operations as approved on June 23, 2011.** The Standards for Idaho School Buses and Operations are available at the Idaho State Department of Education, 650 W. State St., Boise Idaho, 83702 and can also be accessed electronically at <http://www.sde.idaho.gov>. (3-29-12)

**03. Operating Procedures for Idaho Public Driver Education Programs as approved on ~~August 15, 2013~~ June 16, 2016.** The Operating Procedures for Idaho Public Driver Education Programs are available at the Idaho State Department of Education, 650 W. State St., Boise, Idaho, 83702 and can also be accessed electronically at <http://www.sde.idaho.gov>. (~~3-20-14~~)(    )