

# IDAPA 08 – STATE BOARD AND STATE DEPARTMENT OF EDUCATION

## 08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1702

### 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, 33-1006, 33-1506, 33-1508, and 33-1511, Idaho Code.

**PUBLIC HEARING SCHEDULE:** 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 October 18, 2017.

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:

This proposed rulemaking provides for the amendment of Standards for Idaho School Buses and Operations, incorporated by reference into IDAPA 08.02.03.004. The National School Transportation Specifications and Procedures were changed and approved at the 16<sup>th</sup> National Congress on School Transportation in May of 2015. The amendments to Standards for Idaho School Buses and Operations reflect the changes at the national level. Additional language has been added for clarification or to reflect manufacturing or operational procedures. Changes to Standards for Idaho School Buses and Operations include: the reformatting of school bus specifications from bus body and bus chassis standards to integrated bus standards as well as the actual specifications, alternative fuels, school bus inspections, general operations, disabilities-special health care, Idaho School Bus Withdrawal from Service Standards, and others. Furthermore, changes to the bus bidding process, general language revision, proration of non-conforming vehicles, and the reinstatement of field trip mileage, shuttle, training, and maintenance mileage was included.

**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 resulting from this rulemaking:

According to the statement of purpose of 2017 Senate Bill 1123, the financial impact of the reinstatement of field trip mileage is estimated to be between \$2.25 million and \$2.5 million per year. The financial impact of the reinstatement of shuttle, training, and maintenance mileage is estimated to be approximately \$958,000.

**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 5, 2017 Idaho Administrative Bulletin, volume 17-4, pages 28 - 29.

**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:

Standards for Idaho School Buses and Operations is currently a document incorporated by reference. The Idaho State Board of Education approved amendments to the document on August 10, 2017. Because of the number of pages within the document, the republication of the text would be unduly cumbersome and expensive. A complete copy of Standards for Idaho School Buses and Operations can be found on the State Department of Education's website at [sde.idaho.gov/topics/admin-rules/](http://sde.idaho.gov/topics/admin-rules/).

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Doug Scott, Transportation Specialist, at (208) 490-1016 or [ddscott@sde.idaho.gov](mailto:ddscott@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 October 25, 2017.

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DATED this 10<sup>th</sup> Day of August, 2017.

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**IDAPA 08  
TITLE 02  
CHAPTER 02**

**08.02.02 - Rules Governing Uniformity**

**000. Legal Authority.**

All rules in IDAPA 08.02.02, “Rules Governing Uniformity,” are promulgated pursuant to the authority of the State Board of Education under Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, 33-116, and 33-1612, Idaho Code. Specific statutory references for particular rules are also noted as additional authority where appropriate. (7-1-02)

**001. Title And Scope.**

**01. Title.** These rules shall be known as IDAPA 08.02.02, “Rules Governing Uniformity.” (4-5-00)

**02. Scope.** Uniform standards and governance by the State Board of Education pertinent to Teacher Certification, School Facilities, Accreditation, Transportation, School Release Time, Driver’s Education and Juvenile Detention Centers. (7-1-02)

**002. Written Interpretations.**

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, any written interpretations of the rules of this chapter are available at the Office of the State Board of Education located at 650 W. State St., Room 307, Boise, Idaho 83702. (7-1-02)

**003. Administrative Appeals.**

Unless otherwise provided for in these rules, administrative appeals are by written application to the State Board of Education pursuant to IDAPA 08.01.01, “Rules of the State Board of Education and Board of Regents of the University of Idaho – Administrative Procedures and Records,” Section 050. (3-14-05)

**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 June 16, 2016.** Copies of this document can be found on the Office of the State Board of Education website at <http://www.boardofed.idaho.gov>. (3-29-17)

**02. Standards for Idaho School Buses and Operations as approved on ~~June 23, 2011~~ August 10, 2017.** 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.boardofed.idaho.gov>. (~~3-29-12~~)

**03. Operating Procedures for Idaho Public Driver Education Programs as approved on 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.boardofed.idaho.gov>. (3-29-17)

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