

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

## 08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1604

### NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part 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) 33-105 and 33-1702, 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.

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.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the August 3, 2016 Idaho Administrative Bulletin, Vol. 16-8, pages 42-43.

**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: N/A

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

DATED this 30<sup>th</sup> Day of November, 2016.

Sherri Ybarra  
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State Department of Education

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