

IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1604

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 33-105 and 33-1702, Idaho Code.

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by April 15, 2016.

Should a reasonable number of persons respond to this notice, negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at the address listed below. Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

Failure of interested persons to respond to this notice of intent or the lack of a sufficient number of responses to this notice of intent may result in the discontinuation of further informal proceedings. In either event, the agency shall have sole discretion in determining the feasibility of scheduling and conducting informal negotiated rulemaking and may proceed directly to formal rulemaking if proceeding with negotiated rulemaking is deemed infeasible. If a meeting is scheduled by the agency, interested persons may participate in the following manner: attend a scheduled negotiated rulemaking meeting and participate in the negotiation process; and/or provide oral or written recommendations, or both, at a scheduled negotiated rulemaking meeting.

Regardless of whether a negotiated meeting is scheduled, written comments and recommendations will be taken via mail, email, or fax directed to the contact listed below or through our website at sde.idaho.gov/topics/admin-rules until April 29, 2016.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

Currently, Section 3.5 of the Idaho Public Driver Education Program 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. DOT 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 (DOT) 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.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this negotiated rulemaking, contact Matt McCarter, Director of Student Engagement, Career and Technical Readiness, at (208) 332-6961 or mamccarter@sde.idaho.gov. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Department of Education's website at the following web address: sde.idaho.gov/topics/admin-rules.

DATED this 29th Day of February, 2016.

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