



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Education TITLE-SERIES: 126-044H

RULE TYPE: Legislative Exempt Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: West Virginia Driver Education Standards (Policy 2520.8)

CITE STATUTORY AUTHORITY: W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988); & W. Va. Board of Education and Steven L. Paine, Ed.D. v. Board of Education of the County of Nicholas, W. Va., 17-0767 (October 10, 2017)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 09/10/2018 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Joshua Grant, Coordinator

ADDRESS: WVDE Office of Middle & Secondary Learning, Capitol Bldg. 6, Room 620

1900 Kanawha Blvd., E, Charleston, WV 25305

EMAIL: jgrant@k12.wv.us

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

This rule provides students with the knowledge and skills to safely and efficiently operate a motor vehicle on our nations streets and highways, to equip them with the knowledge to make wise decisions as drivers, and to assist students to become responsible users of the highway transportation system.

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN THE RULE AND A STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE:

Explanation of terms section has been modified; new format and numbering system will make the standards teacher-, parent-, and student-friendly; and, standards were added to address safety concerns for passengers, pedestrians, and the driver.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

No costs or revenue will be impacted by the proposed amendment of W. Va. 126CSR44H, Policy 2520.8, West Virginia Driver Education Standards.

B. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS:

No costs or revenue will be impacted by the proposed amendment of W. Va. 126CSR44H, Policy 2520.8, West Virginia Driver Education Standards.

C. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2018 Increase/Decrease (use "-")	2019 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
2. Estimated Total Revenues	0	0	0

D. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

No costs or revenue will be impacted by the proposed amendment of W. Va. 126CSR44H, Policy 2520.8, West Virginia Driver Education Standards.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

William C Burch -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

**Policy 2520.8, West Virginia Driver Education Standards
List of Stakeholders**

West Virginia Department of Education

External Stakeholders

- Richard Thomas, Teacher, Ohio County
- Karen Bonnett, Teacher, Raleigh County
- Michael Scarbro, Teacher, Kanawha County
- Nicole Brown, Teacher, Kanawha County
- Annie Machamer, Teacher, Kanawha County
- Cozetta Miller, Teacher, Boone County
- Ashley Doty, Teacher, Marshall County
- Kris Bonnell, Teacher, Doddridge County
- Darlene Koerber, Teacher, Tyler County
- Amber Hart, Teacher, Nicholas County
- Bryan Youngblood, Teacher, Wood County
- Felicia Pancoast, Teacher, Wood County
- Kennetha Parker-Howes, Administrator, Webster County
- Melissa Kaiser, Teacher, Harrison County
- Julia Tracy, Professor, Shepherd University
- Rhonda Hovatter, Professor, Shepherd University

Internal Stakeholders

- Deborah Sullivan, Member, West Virginia Board of Education
- Joey Wiseman, Executive Director, Office of Middle & Secondary Learning
- Joshua Grant, Coordinator, Office of Middle & Secondary Learning
- Dr. Andrea Lemon, Coordinator, Office of Middle & Secondary Learning
- Cindy Burke, Coordinator, Office of Middle & Secondary Learning
- Rhonda Fisher, Coordinator, Office of Early & Elementary Learning
- Lisa Ray, Coordinator, Office of Early & Elementary Learning

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TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION

SERIES 44H
WEST VIRGINIA DRIVER EDUCATION STANDARDS (2520.8)

§126-44H-1. General.

1.1. Scope. -- W. Va. 126CSR42, West Virginia Board of Education (WVBE) Policy 2510, Assuring the Quality of Education: Regulations for Education Programs (Policy 2510), provides a definition of a delivery system for, and an assessment and accountability system for a thorough and efficient education for West Virginia public school students. This legislative rule defines the content standards for driver education required by Policy 2510 and W. Va. 126CSR22, WVBE Policy 2422.2, Driver Education Regulations (Policy 2422.2).

1.2. Authority. -- W. Va. Constitution, Article XII, §2, W. Va. Code §18-2-5, and §18-6-1 et seq.

1.3. Filing Date. --.

1.4. Effective Date. -- .

1.5. Repeal of Former Rule. -- This legislative rule repeals and replaces W. Va. 126CSR44H, WVBE Policy 2520.8, Next Generation Driver Education Content Standards and Objectives for West Virginia Schools" filed August 11, 2011, and effective September 12, 2011.

§126-44H-2. Purpose.

2.1. The legislative rule defines the content standards for the program of study required by Policy 2510 and Policy 2422.2.

§126-44H-3. Incorporated by Reference.

3.1. A copy of West Virginia Driver Education Standards is attached and incorporated by reference into this rule. Copies may be obtained in the Office of the Secretary of State and in the West Virginia Department of Education (WVDE).

§126-44H-4. Summary of the Content Standards.

4.1. The WVBE is responsible for establishing high-quality standards. The content standards provide a focus for teachers to teach and students to learn those skills and competencies essential for success in the workplace and future education. The program of study includes content standards that reflect a rigorous and challenging curriculum for driver education.

§126-44H-5. Severability.

5.1. If any provision of this rule or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this rule.

Explanation of Terms

Clusters are groups of standards that define the expectations students must demonstrate to be college- and career-ready.

Standards are expectations for what students should know, understand, and be able to do; standards represent educational goals.

Numbering of Standards

The number of each standard is composed of two parts, each part separated by a period:

- The content area code or course code (e.g. DE for Driver Education); and
- The standard number.

Illustration: DE.1 refers to Driver Education standard 1.

WEST VIRGINIA DRIVER EDUCATION STANDARDS

The goals of the driver education program of study are to provide students with the knowledge and skills to safely and efficiently operate a motor vehicle on our nation's street and highways, to equip students with the knowledge to enable them to make wise decisions as drivers, and to assist students to become responsible users of the highway transportation system. The program of study includes cognitive development relating to traffic laws and ordinances, traffic signs, signals and markers, natural laws, fuel conservation, and vehicle restraint systems. Also included are the physical, psychological, and legal aspects, effects, and consequences of the use of alcohol and drugs as related to the driving of a motorized vehicle. Instruction is provided to develop the perceptual and psychomotor skills required for basic control of the vehicle, lane changing, passing, following, entering and exiting from traffic, driving in cities/towns, on rural and urban roads and freeways, responding to emergencies, various road and weather conditions, defensive driving techniques, driving without distraction, and interaction with pedestrians and other highway users including motorcycles, all-terrain vehicles (ATV), and trucks. The program emphasizes strategies to develop the behavior patterns known as the Search, Identify, Predict, Decided, and Execute Process (SIPDE).

Driver Education**Basic Vehicle Operations**

Vehicles driven today are complex machines made up of many systems and parts with advanced technology. Drivers need to develop an understanding of basic vehicle operations include pre/post inspections, familiarization of interior and exterior instruments, and safety features.

Vehicle Maneuvers

Driving involves having the ability to safely maneuver vehicles in a variety of situations. Lane changing, passing, following, entering and exiting traffic, driving in cities/towns, rural and urban roads and freeways are some of many of the basic maneuvers needed for driving. Safely navigating special situations is important for risk reduction. Interactions with other roadway users are important part of the driving task.

Intermediate and Advanced Tasks

Extreme situations will raise many questions on how to drive safely. Skills required for the safe and efficient operation of a vehicle as well as the relationship of driver actions to the environmental factors are necessary for efficient operation of a motor vehicle. Natural laws, road and weather conditions, vehicle characteristics, and the safe operation of a vehicle are considerations when operating motor vehicles.

Risk Reduction Tasks

Students need to demonstrate knowledge of physical, psychological, and emotional factors and their relationships to safe operation of a vehicle. Additionally, the emotional state, level of maturity, and decision-making of individual drivers affect overall safe operations of a vehicle.

Alcohol, Other Drugs, and Driving

The use of alcohol has always been known to affect driver performance, decision-making, and overall safe operation of a vehicle. The use of other drugs and combining alcohol and drugs equally affect driver performance. Legal consequences are also addressed.

Distracted Driving

Distracted driving leads to driver error and collisions more often than any other driver variable. The teen population comprises the largest risk group. This cluster includes how to manage and avoid these distractions.

Legal Responsibilities

Introducing students to driving and attendant responsibilities driving is important to the safety of motorists and individuals utilizing the roadway. Use of the highway transportation system, legal requirements for licensing and owning a vehicle, traffic laws, and ordinances regulating the operation of a vehicle on the nation's streets and highways are included. Respect for the rights and responsibilities of other roadway users is emphasized.

Travel, Ownership, and Maintenance

The various aspects of owning and operating a vehicle include identifying procedures for the purchase, ownership, and use of a vehicle. Preventive maintenance checks for the safe and efficient operation of the vehicle, as well as strategies for trip planning, map reading, and budgeting of money for vehicular-

Cluster	Basic Vehicle Operation
DE.1	Identify, demonstrate, and explain procedures for pre- and post-driving inspections that include vehicle and surroundings.
DE.2	Identify and execute pre-driving preparation inside the vehicle including comfort equipment, gauges, instrument panel, and communication device features.
DE.3	Explain mirror adjustment and mirror utilization with regard to the driving task.
DE.4	Utilize and explain the safety equipment and restraint devices within the vehicle.
DE.5	Demonstrate and evaluate the procedures for starting a vehicle with an automatic or manual transmission in all conditions.
DE.6	Demonstrate the ability to smoothly accelerate and stop the vehicle.
DE.7	Recognize and analyze the purpose of modern and advanced technological systems that are available to aid in driving practices (e.g., global positioning system (GPS), stability control, lane assist, emergency braking assist, blind spot warning, back-up camera).
DE.8	Identify, demonstrate, and explain procedures for securing and exiting the vehicle.

Cluster	Vehicle Maneuvers
DE.9	Execute proper steering, control, and speed while driving on straight or curved paths of travel.
DE.10	Control speed and direction while backing on straight or curved paths of travel.
DE.11	Perform the driving skills necessary to navigate roadways and interact with other highway users in rural, urban, residential, limited access, and general highway/interstate environments.
DE.12	Demonstrate and explain skills necessary to safely enter and exit from the flow of traffic in a various situations.
DE.13	Identify and perform driving techniques that reduce collision risk by managing and maintaining a safe space around the vehicle.
DE.14	Demonstrate and explain skills needed to safely use traffic lanes and perform lane-changing maneuvers under varying traffic conditions.
DE.15	Identify the risk of sharing the road with large vehicles such as trucks and buses.

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DE.16	Demonstrate and explain skills necessary for safely overtaking and passing other vehicles.
DE.17	Identify and navigate intersections, roundabouts, work zones, and railroad crossings legally, safely, and efficiently.
DE.18	Perform turnabout maneuvers to allow the vehicle to safely proceed in the opposite direction.
DE.19	Execute angle, parallel, and perpendicular parking on level and hilly terrains.
DE.20	Explain the relationship between driver actions, environmental factors, vehicle characteristics, and roadway conditions through the three types of skids.
DE.21	Explain the purpose of an anti-lock braking system and how to safely utilize the system for improved vehicle control.

Cluster	Intermediate and Advanced Tasks
DE.22	Identify and utilize the search, identify, predict, decide, and execute (SIPDE) process and explain how the process aids in becoming a low-risk driver.
DE.23	Explain and demonstrate knowledge of blind spots (e.g., mirrors' blind spots; checking over shoulder; and staying out of others' blind spots).
DE.24	Identify and describe the driving adjustments needed to adapt to various road surface conditions and roadway obstructions.
DE.25	Identify and explain safe practices for operating a vehicle under adverse conditions such as snow, rain, ice, fog, and darkness.
DE.26	Identify and explain the natural laws of physics as they apply to safe and efficient driving.
DE.27	Identify and justify the use of downshifting a transmission in a variety of situations (e.g., steep grades, towing a trailer, inclement weather).

Cluster	Risk Reduction Tasks
DE.28	Describe fatigues effect on driver performance and counteractive methods.
DE.29	Describe how emotions affect driver decisions and performance.
DE.30	Demonstrate proper seat position and use of occupant protection devices such as seat belts, air bags, child safety seats, and identify how they reduce injury severity and increase collision survival.
DE.31	Describe methods used to reduce risk of harm when confronted with an aggressive driver in a road rage situation.
DE.32	Describe and assess the need/importance for correcting and/or compensating for temporary and permanent driver disabilities.

Cluster	Alcohol, Other Drugs and Driving
DE.33	Describe and explain the physiological, psychological, and cognitive effects of alcohol and/or other drugs and their impact on the individual in relation to the driving task.
DE.34	Compare and contrast the effects of marijuana, opioids, prescription medication, over-the-counter medications, and other drugs to the effect of alcohol in relation to the driving task.
DE.35	Describe the synergistic effects of combining alcohol with over-the-counter medications or other drugs.
DE.36	Identify state laws and consequences of driving under the influence of alcohol and/or drugs (e.g., driving under the influence (DUI), Implied Consent, Zero Tolerance).
DE.37	Explain how body weight, quantity and type of food, rest, and amount of alcohol

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	consumed may affect one's driving ability in different ways at different times.
DE.38	Identify the magnitude of alcohol and/or drug related collisions involving vehicles or vehicle/pedestrians at the local, state, and national levels.

Cluster	Distracted Driving
DE.39	Identify and explain behaviors inside the vehicle that are distracting to the driver, the consequences of these behaviors, and how to manage and reduce these distractions.
DE.40	Research and identify the magnitude of distracted driving accidents at the local, state, and national levels.
DE.41	Demonstrate an understanding of and comply with state laws regarding the use of electronic devices when driving.

Cluster	Legal Responsibilities
DE.42	Identify and explain the legal requirement for owning and operating a vehicle, i.e., registration, titling, licensing, insuring, annual inspection, and legally equipping a vehicle.
DE.43	Demonstrate knowledge of traffic laws and recognize the importance and necessity of supporting and observing laws.
DE.44	Identify, explain, and obey all highway signs, signals, and roadway markings.
DE.45	Explain the rights and responsibilities of other roadway users (i.e., pedestrians, bicyclists, motorcyclists, and ATV operators).
DE.46	Explain the Good Samaritan Law.
DE.47	Explain the legal requirements pertaining to the reporting of traffic collisions.
DE.48	Demonstrate how to respond to an officer during a vehicular or other stop during a police interaction, including problematic or dangerous action and behaviors that could result in a person being detained or arrested.
DE.49	Describe the process for obtaining a driver's license in West Virginia according to graduated driver licensing requirements.
DE.50	Understand and utilize legal resources available to drivers including WV Code and the West Virginia Driver Licensing Handbook.

Cluster	Travel, Ownership, and Maintenance
DE.51	Use technology to demonstrate competence in the process of trip planning (e.g., budget, route planning, map reading, and navigation systems).
DE.52	Use technology tools to demonstrate the financial implications of owning, purchasing, or leasing vehicles, comparing insurance and maintenance costs.
DE.53	Utilize software applications that enhance the driving experience, safety, and vehicle ownership.
DE.54	Identify and explain preventive maintenance checks for efficiently operating a vehicle.
DE.55	Identify and explain the signs/symptoms which indicate vehicle malfunctions and demonstrate knowledge to assess problems associated with these malfunctions (e.g., flat tire, dead battery, lack of windshield wiper fluid).
DE.56	Describe the print, online resources, and process of evaluating new/used vehicles.
DE.57	Identify the relationship of the human, environmental, and vehicular aspects of the highway transportation system (e.g., fuel efficiency, disposal of waste products, carbon monoxide poisoning).

**W. Va. 126CSR44H, Policy 2520.8, West Virginia Driver Education Standards
Comment Response Form**

Comment Period Ends: September 10, 2018

NOTICE: *Comments, as submitted, shall be filed with the West Virginia Secretary of State's Office and open for public inspection and copying for a period of not less than five years.*

The following form is provided to assist those who choose to comment on **Policy 2520.8, West Virginia Driver Education Standards**. Additional sheets may be attached, if necessary.

Name: _____ Organization: _____

Title: _____

City: _____ State: _____

Please check the box below that best describes your role.

- | | | |
|---|--|--|
| <input type="checkbox"/> School System Superintendent | <input type="checkbox"/> School System Staff | <input type="checkbox"/> Parent/Family |
| <input type="checkbox"/> Principal | <input type="checkbox"/> Teacher | <input type="checkbox"/> Business/Industry |
| <input type="checkbox"/> Professional Support Staff | <input type="checkbox"/> Service Personnel | <input type="checkbox"/> Community Member |

COMMENTS/SUGGESTIONS
§126-44H-1. General.
§126-44H-2. Purpose.
§126-44H-3. Incorporated by Reference.
§126-44H-4. Summary of Content Standards.
§126-44H-5. Severability
West Virginia Driver Education Standards

**W. Va. 126CSR44H, Policy 2520.8, West Virginia Driver Education Standards
Comment Response Form**

Please direct all comments to:

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West Virginia Department of Education
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