



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

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6/13/2014 12:59:40 PM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
(Page 1)**

AGENCY **Education**
RULE TYPE **Legislative Exempt AMENDMENT TO EXISTING RULE Yes** TITLE-SERIES **126-
022**
RULE NAME **Driver Education Regulations (2422.2)**

CITE 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)**

COMMENTS LIMITED TO
Written

DATE OF PUBLIC HEARING

LOCATION OF PUBLIC HEARING

DATE WRITTEN COMMENT PERIOD ENDS
Monday, July 14, 2014 4:00 PM

WRITTEN COMMENTS MAY BE MAILED TO
**Dewayne Duncan, Executive Director
WVDE Office of Secondary of Learning
Capitol Building 6, Room 603
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330**

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes
**Charles K Heinlein -- 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.**



Title-Series: 126-022



Rule Id: 9476



Document: 25886



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**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
(Page 2)**

AGENCY	Education		
RULE TYPE	Legislative Exempt	AMENDMENT TO EXISTING RULE	Yes
RULE NAME	Driver Education Regulations (2422.2)	TITLE-SERIES	126-022

CITE 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)

PROVIDE A BRIEF SUMMARY OF YOUR PROPOSAL

Changes to W. Va. Code §18-6-1, et seq., as a result of the passage of HB 4373, include repealing requirements on the State Department of Education and county superintendents related to the instruction and licensing of commercial driver education schools, removing the requirement that schools provide course availability to out-of-school youths and adults, allowing summer school offerings in driver education, prohibiting charges to students for the course, authorizing permitted instructors under certain circumstances, and allowing successful completion of the course in commercial driving school or class accepted by the state board to meet purposes of the article.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)

AGENCY **Education**

RULE TYPE **Legislative Exempt AMENDMENT TO EXISTING RULE Yes TITLE-SERIES 126-**

RULE NAME **Driver Education Regulations (2422.2) 022**

CITE 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)**

SUMMARIZE IN A CLEAR AND CONCISE MANNER WHAT IMPACT THIS MEASURE WILL HAVE ON COSTS AND REVENUES OF STATE GOVERNMENT.

There will be no impact on state government cost or revenue should these proposed changes be approved by the WVBE.

Charles K Heinlein -- 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.



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 2)

AGENCY Education
RULE TYPE Legislative Exempt AMENDMENT TO EXISTING RULE Yes TITLE-SERIES 126-
RULE NAME Driver Education Regulations (2422.2) 022

CITE 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)

FISCAL NOTE DETAIL -- SHOW OVER-ALL EFFECT IN ITEM 1 AND 2 AND, IN ITEM 3, GIVE AN EXPLANATION OF BREAKDOWN BY FISCAL YEAR, INCLUDING LONG-RANGE EFFECT.

Effect Of Proposal	Current Increase/Decrease (use ' - ')	Next Increase/Decrease (use ' - ')	Fiscal Year (Upon Full Implementation)
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
ESTIMATED TOTAL REVENUES	0	0	0

Charles K Heinlein -- 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.



Title-Series: 126-022



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 3)

AGENCY **Education**

RULE TYPE **Legislative Exempt AMENDMENT TO EXISTING RULE Yes TITLE-SERIES 126-**

RULE NAME **Driver Education Regulations (2422.2) 022**

CITE 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)**

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT). PLEASE INCLUDE ANY INCREASE OR DECREASE IN FEES IN YOUR ESTIMATED TOTAL REVENUES.

The changes made to Policy 2422.2 will not require funding at the state level.

Charles K Heinlein -- 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.



Title-Series: 126-022



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 4)

AGENCY	Education				
RULE TYPE	Legislative Exempt	AMENDMENT TO EXISTING RULE	Yes	TITLE-SERIES	126-022
RULE NAME	Driver Education Regulations (2422.2)				

CITE 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)

PLEASE IDENTIFY ANY AREAS OF VAGUENESS, TECHNICAL DEFECTS, REASONS THE PROPOSED RULE WOULD NOT HAVE A FISCAL IMPACT, AND OR ANY SPECIAL ISSUES NOT CAPTURED ELSEWHERE ON THIS FORM.

The changes made to Policy 2422.2 will not require funding at the state level.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Charles K Heinlein -- 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.



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FORM 12 -- BRIEF SUMMARY AND STATEMENT OF CIRCUMSTANCES (Page 1)

AGENCY	Education		
RULE TYPE	Legislative Exempt	AMENDMENT TO EXISTING RULE	Yes
RULE NAME	Driver Education Regulations (2422.2)	TITLE-SERIES	126-022

CITE 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)

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

Changes to W. Va. Code §18-6-1, et seq., as a result of the passage of HB 4373, include repealing requirements on the State Department of Education and county superintendents related to the instruction and licensing of commercial driver education schools, removing the requirement that schools provide course availability to out-of-school youths and adults, allowing summer school offerings in driver education, prohibiting charges to students for the course, authorizing permitted instructors under certain circumstances, and allowing successful completion of the course in commercial driving school or class accepted by the state board to meet purposes of the article.

The proposed revisions to Policy 2422.2 will ensure that every secondary school pupil has the opportunity, at or about the time he or she reaches licensing age, to enroll in a course of driver education designed to train him or her to drive skillfully and safely under all traffic and roadway conditions and circumstances.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

Charles K Heinlein -- 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.



Title-Series: 126-022



Rule Id: 9476



Document: 25886

EXECUTIVE SUMMARY
WEST VIRGINIA DEPARTMENT OF EDUCATION

West Virginia Board of Education Policy 2422.2: Driver Education Regulations

Background: Changes to WV State Code §18-6-1, et seq., as a result of the passage of HB 4373 include repealing requirements on the State Department of Education and county superintendents related to the instruction and licensing of commercial driver education schools, removing the requirement that schools provide course availability to out-of-school youths and adults, allowing summer school offerings in driver education, prohibiting charges to students for the course, authorizing permitted instructors under certain circumstances, and allowing successful completion of the course in commercial driving school or class accepted by the state board to meet purposes of the article.

Proposals: Changes to WVBE Policy 2422.2 include:

- West Virginia Board of Education will receive advice from the Superintendent of the State Police instead of the Superintendent of the Department of Public Safety in regard to promulgating rules governing the establishment, conduct and scope of driver education.
- All public secondary schools within the state are required to, without charge to the students, offer an approved, comprehensive course in driver education.
- All students must be provided the opportunity to successfully complete a driver education course before graduation in secondary schools and county boards of education must make sufficient courses available as quickly as possible, upon request.
- The West Virginia Department of Education and county superintendents are no longer responsible for the instruction or licensing of commercial driver education schools.
- Satisfactory driving records are no longer confirmed and approved through the West Virginia Department of Education for licensure. They are still confirmed by Accident Prevention Bureau, West Virginia Department of Public Safety and/or West Virginia Department of Motor Vehicles.
- Prior to employment as a driver education teacher in a West Virginia school district, the County Superintendent shall verify that the applicant is an approved driver education teacher.
- The requirements for emergency licensure, when a fully licensed driver education teacher is not available, have changed. The State Superintendent may issue a permit or other certificate to persons who do not qualify for the professional certificate for the purpose of providing instruction in driver education subject to specific requirements. These requirements include the creation of an orientation program for contracted employees that is designed and approved in accordance with the State Department of Education rules.
- Outdated language referring to WVDE offices and contact information that is no longer in existence is being modified to designate “appropriate WVDE officials”.
- The state board sets course standards to recognize the completion of out-of-state secondary and commercial driving school courses to meet requirements of WV schools and to exempt 16-28 year old students from submitting a sworn affidavit certified by the parent, legal guardian, or other responsible adult over the age of 21 that the applicant has successfully completed the minimum number of hours of behind-the-wheel training.

Impact: The proposed revisions to Policy 2422.2 will ensure that every secondary school pupil has the opportunity, at or about the time he or she reaches licensing age, to enroll in a course of driver education designed to train him or her to drive skillfully and safely under all traffic and roadway conditions and circumstances.

Response to Comments:

Educators Consulted About Revisions of Policy 2422.2

Internal

- Monica Beane
- Dewayne Duncan
- Brad Fittro
- Sherri Goodman
- Robert Hull
- Heather Hutchens
- Robert Mellace
- Joey Wiseman
-

External

- Joshua Grant, Raleigh County
- Kennetha Parker-Howes, Webster County

126CSR22

TITLE 126
PROCEDURAL RULE
BOARD OF EDUCATION

SERIES 22
DRIVER EDUCATION REGULATIONS (2422.2)

§126-22-1. General.

1.1. Scope -- These rules establish the standards and guidelines for approved driver education programs in West Virginia.

1.2. Authority -- . Va. Const., Article XII, §2 and 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. §126CSR22, West Virginia Board of Education Policy 2422.2. – Driver Education Regulations filed November 15, 2002, and effective December 15, 2002.

§126-22-2. Applicability.

2.1. W. Va. Code §18-6-4, et seq., authorizes the West Virginia Board of Education (hereinafter WVBE), with the advice of the State Superintendent of Schools and the Superintendent of the State Police, to promulgate rules governing the establishment, conduct and scope of driver education in public, private and parochial secondary schools located within this state, subject to the requirements and exceptions set forth in the West Virginia Code.

2.2. There shall be offered in all public secondary schools within the state, without charge to the students, an approved, comprehensive course in driver education. The course may be offered in summer school in addition to the regular instructional term. Before any pupil graduates from a secondary school, he or she shall first be provided an opportunity and encouraged to successfully complete a driver education course approved by the WVBE in a public, private, or parochial secondary school within the state. In those counties where sufficient public secondary school driver education courses are not available to meet all requests for the course, county boards of education shall, as quickly as possible, make sufficient courses available to fill those requests.

2.3. The following standards shall be applicable for all driver education courses offered and made available to persons within the state, regardless of whether the courses are offered by public, private or parochial schools.

§126-22-3. Standards for an Approved Course.

3.1. The driver education course shall be organized and designed in such a manner that it does not preclude the ability to provide a program equivalent to or surpassing the following requirements (exclusive of the time required to pass between classes).

3.1.a. Minimum and preferred requirements of the driver education course:

3.1.a.1. Classroom instruction of 50 hours (66 hours preferred) including a minimum of eight hours in a standard defensive driving course;

3.1.a.2. In-car observation of 10 hours (18 hours preferred); and

3.1.a.3. In-car practice driving of six hours (or the equivalent according to the established and universally recognized ratio when simulation and multiple car instruction ranges are utilized).

3.2. At a minimum, driver education shall be scheduled as a one semester program consisting of both classroom and laboratory instructional phases. In the case of schools using a block schedule of 90 minutes, the program may be scheduled as a nine-week program.

3.3. The course shall provide a minimum of one-half unit of credit.

3.4. Student on-street practice driving lessons shall be provided in an automobile equipped with a dual control brake (also a dual control clutch pedal for vehicles with manual shift transmissions) and an approved/certified driver education teacher shall occupy the seat beside the pupil.

3.5. Classroom instruction shall not exceed two hours during any 24-hour period.

3.6. Student in-car practice driving lessons shall be scheduled so that students will receive not more than one-half hour behind-the-wheel instruction per session and not more than one hour during any 24-hour period.

3.7. A minimum of two and a maximum of four students shall occupy the driver education vehicle during secondary school on-street practice driving/instruction lessons.

3.8. Only eligible students shall participate in the laboratory (practice driving) part of the course. An eligible student is defined as one who is 15 years of age and older and is in grades 9-12 during the period of enrollment. The student must not have a known mental or physical disability that would prevent the person from qualifying for an operator's license, unless the disability is controlled or corrected so the person could so qualify. (W. Va. Code §§18-6-3 and 18-6-5.)

3.9. Students at least 15 years of age or older may enroll in driver education and receive instruction and practical training in the operation of a motor vehicle on the public streets and highways. Students who will not reach the age of 15 years before completion of the driver education course may enroll, if space is available after giving priority to those students who are already 15 years of age or older, but instruction shall be limited to the classroom only.

3.10. Any student who is at least 15 years of age or older may enroll in driver education and operate a motor vehicle on the roadways of West Virginia without a Level I Instructional Permit while accompanied by an approved/certified driver education teacher occupying a seat beside the student and in an automobile equipped with dual controls. However, it is encouraged that a student has a Level I Instructional Permit at the time the student enrolls in the course and begins the behind-the-wheel driving instruction.

3.11. The following course content shall be taught in the driver education program as required in W. Va. Code §18-6-3: the development of positive social interactions, basic and advanced driving techniques; emergency driving situations, traffic regulations and laws; natural laws which affect driving; preventive maintenance of critical vehicle parts and systems; highway, community and environmental

features that aid the driver in avoiding accidents; signs, signals and highway markings that facilitate the safe operation of motor vehicles; the characteristics of urban and rural driving, including the use of interstates and other modern highway systems; pedestrian safety concepts; alcohol and other drugs and their relationship to traffic accidents and/or traffic safety; role of emotions and personality characteristics in relationship to traffic safety; discussions/activities regarding the scope of traffic accident causes and accident prevention measures; fuel and energy conservation; impact of safety belt/restraining systems on injuries and fatalities; first-aid instruction; and motorcycle safety awareness in a program which shall include, but not be limited to, ensuring that the driver has knowledge and awareness of motorcycles sharing the roads of this state for the safety of motorcyclists.

3.12. Multiple-vehicle driving range instruction/practice driving may substitute for a portion of the time required for on-street driving practice at a 2:1 ratio. However, such instruction shall be supplemented with a minimum of two hours of practice driving per student under actual traffic conditions. A minimum program would consist of eight hours practice driving on the range and two hours on-street driving.

3.13. Simulator instruction programs shall provide not more than one-half of the six hours on-street practice driving requirements at a 4:1 ratio. Therefore, a minimum program would be three hours of practice driving in real traffic conditions coupled with 12 hours of simulation.

3.14. In the scheduling of students for the course, a minimum of six hours driving practice/instruction for each enrolled student is required. The amount of practice driving instruction required by licensed students will vary depending on their individual skills and experience. Therefore, licensed students shall receive a minimum of three hours in-car practice driving/instruction, testing and evaluation in a variety of highway and traffic conditions. If the student, in the best judgment of the teacher, requires additional driving instruction to hone skills and improve driving performance, such time shall be provided. Any instructional time that is not utilized by the licensed student shall be applied to providing additional in-car practice driving to the less experienced students enrolled in the course.

§126-22-4. Standards for an Approved Teacher.

4.1. The State Superintendent of Schools may issue a professional teaching certificate in driver education to applicants and teachers who meet the requirements for licensure and employment as an approved driver education teacher, as set forth in W. Va. §126CSR136 WVBE Policy 5202: Minimum Requirements for the Licensure of Professional/Paraprofessional Personnel and Advanced Salary Classifications. Failure to meet any of the conditions specified below may result in refusal, recall, suspension or revocation by either the Superintendent of the State Police or the State Superintendent.

4.1.a. A professionally certified driver education teacher:

4.1.a.1. has held a valid motor vehicle operator's license for the past three years;

4.1.a.2. possesses good health and is free from impairments that would adversely affect the safety of pupils and the general public;

4.1.a.3. has a satisfactory driving record confirmed and approved through the Accident Prevention Bureau, West Virginia State Police and/or West Virginia Department of Motor Vehicles (hereinafter DMV);

4.1.a.4. has completed defensive driving training;

4.1.a.5. has not accumulated more than nine points on his/her DMV record at any time during the

past three years;

4.1.a.6. has not been convicted and/or has not had a DMV suspension or revocation of license on a charge of operating a motor vehicle while under the influence of alcohol, controlled substance, any other drugs or the combination thereof; and has not operated a motor vehicle while under the influence of same as established by a preponderance of evidence, such a positive breath or blood test, or field sobriety test, notwithstanding the lack of a conviction or DMV suspension or revocation;

4.1.a.6.i. such individual shall not be licensed to teach driver education for at least two years subsequent to the first instance of conduct set forth in section 4.1.a.6. For the second instance, licensure shall be refused permanently.

4.2. Prior to employment as a driver education teacher in a West Virginia school district, the county superintendent shall verify that the applicant is an approved driver education teacher. Application for licensure must be made to the West Virginia Department of Education (hereinafter WVDE).

§126-22-5. Driver Education Temporary Permit.

5.1. The State Superintendent may issue a permit or other certificate for the purpose of providing instruction in driver education to an individual who does not qualify for a professional certificate under section 4.1, subject to the following;

5.1.a. The individual must hold a B.A./B.S. degree in any field of study or a high school diploma with 5 years of documented professional experience as a driving instructor;

5.1.b. The permit or certificate may not be given permanent status, but may be renewed in accordance with the rules adopted by the WVDE;

5.1.c. The duties of an individual who has a valid permit or certificate may include the supervision of students;

5.1.d. The individual, when providing instruction in the public schools, may only be employed under a contract with the respective county board of education. The contract shall specify the duties to be performed, a rate of pay that is equivalent to the rate of pay for professional educators in the district who accept similar duties as extra duty assignments and provides that the county board of education maintain liability insurance associated with the activity;

5.1.e. The individual may not be considered an employee of the board for salary and benefit purposes other than as specified in the contract;

5.1.f. The individual completes an orientation program designed and approved by the WVDE;

5.1.g. The position is posted annually and a professional educator fully certified for the position has not applied;

5.1.h. The individual has held a valid motor vehicle operator's license for the past five years;

5.1.i. The individual possesses good health and is free from impairments that would adversely affect the safety of pupils and the general public;

5.1.j. The individual has a satisfactory driving record confirmed and approved through the

Accident Prevention Bureau, West Virginia Department of Public Safety and/or DMV;

5.1.k. The individual has completed defensive driving training;

5.1.l. The individual has not accumulated more than nine points on his/her DMV record at any time during the past five years;

5.1.m. The individual has not been convicted and/or has not had a DMV suspension or revocation of license on a charge of operating a motor vehicle while under the influence of alcohol, controlled substance, any other drugs or the combination thereof and has not operated a motor vehicle while under the influence of same as established by a preponderance of evidence, such a positive breath or blood test, or field sobriety test, notwithstanding the lack of a conviction or DMV suspension or revocation;

5.1.m.1. The individual shall not be licensed to teach driver education for at least two years subsequent to the first instance of conduct set forth in section 5.1.m. For the second instance, licensure shall be refused permanently.

5.1.n. The individual applying for the a permit or certificate is subject to a criminal history check.

5.1.o. Failure to meet any of the conditions specified may result in refusal, recall, suspension or revocation by either the Superintendent of the State Police, State Superintendent, or county superintendent.

§126-22-6. Standards for Summer Driver Education Courses.

6.1. A summer driver education program shall consist of the same structured learning experiences required during the regular school term. All driver education regulations are applicable to the summer program with the exception that the summer program shall be conducted over a period of not less than five weeks.

§126-22-7. Duty to Report.

7.1. A county superintendent who knows of any acts on the part of a driver education instructor for which a certificate or permit may be revoked shall report the same, together with all facts and evidence, to the State Superintendent.

§126-22-8. Accidents.

8.1. Any accident involving the driver education vehicle shall be handled by the county and reported within five days to the appropriate WVDE official. In the event the teacher is incapacitated and cannot report, the principal or principal's designee shall fulfill this responsibility.

§126-22-9. Insurance.

9.1. Driver education teachers and cars shall be covered by county board of education secured liability coverage in an amount proportionate to coverage for its school bus fleet and school bus operators.

§126-22-10. Student Transfers Prior to Course Completion.

10.1. When a student transfers to another school within the state prior to completing the course, appropriate records shall be forwarded to the new school. These records shall include course

content/units of instruction completed and driving time and performance records. An out-of-state student shall provide documentation on the sending school's letterhead, specifying the nature and hours of instruction, observation, behind-the-wheel driving, and whether satisfactory performance in each was attained by the student.

§126-22-11. Commercial Driving Schools and Courses from other States.

11.1. Before any pupil graduates from a secondary school, he or she shall first be provided an opportunity and encouraged to successfully complete a driver education course approved by the WVBE in a public, private or parochial secondary school within the state. If a pupil has successfully completed a similar course in a secondary school of another state or in commercial driving school or class and the course is accepted by the WVBE as adequately meeting and complying with the course standards established by the WVBE, then the requirement to offer the course shall be deemed fulfilled regarding that pupil. Any secondary school pupil sixteen years or older, but under eighteen years of age, who has successfully completed a driver education course approved by the WVBE in a public, private or parochial secondary school within the state or a similar course in a secondary school of another state or in a commercial driving school or class and is accepted by the WVBE as adequately meeting and complying with the course standards established by the WVBE, shall be exempted from submitting a sworn affidavit certified by the parent, legal guardian, or other responsible adult over the age of twenty-one that the applicant has successfully completed the minimum number of hours of behind-the-wheel training §17B-2-3a.

§126-22-12. Students with Disabilities.

12.1. When students with physical disabilities are eligible for the laboratory phase of the course, driver education vehicles (and simulators in the schools when they are used) shall be equipped with appropriate devices to enable the students to successfully accommodate their disability.

§126-22-13. Program Reports.

13.1. Certain data and information pertinent to the effective administration of the driver education program, the needs of other relevant and cooperating state agencies and national organizations shall, when requested, be reported to the appropriate WVDE official.

§126-22-14. Driver Education Certificates.

14.1. High School Driver Education Certificates, Form I-DE-4, and Adult Driver Education Certificates, Form I-DE-5, shall, in the judgment of the teacher, be awarded only to students demonstrating mastery of recommended course content and a satisfactory level of driving performance (i.e., student ability to consistently control the speed and direction of the vehicle and to safely operate the motor vehicle on the public streets and highways).

§126-22-15. Use of Driver Education Vehicles.

15.1. Those county boards securing dealer loaned or leased vehicles shall use such vehicles only in compliance with an approved contract between the county board and car dealer. Dealer secured vehicles shall be used for driver education purposes only.

15.2. County boards owning their driver education vehicle(s) shall establish a policy regarding the use of the driver education vehicle for any purpose other than teaching driver education during the school day or hours of the school day that the driver education program is scheduled. If the vehicle is used for any

purpose other than driver education, any identification as a “Student Driver” or “Driver Education” shall either be covered or removed.

§126-22-16. Specifications for Identification of Driver Education Cars.

16.1. Identification on any driver education car shall be visible to other drivers from all directions. It should indicate clearly that the car is being used for driver education and/or being operated by a student driver.

§126-22-17. Severability.

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

126CSR22

POLICY 2422.2: Driver Education Regulations

COMMENT PERIOD ENDS: July 14, 2014

COMMENT RESPONSE FORM

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 2422.2: Driver Education Regulations. 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
§126-22-1. General.
§126-22-2. Applicability.
§126-22-3. Standards for an Approved Course.

126CSR22

§126-22-4. Standards for An Approved Teacher.

§126-22-5. Driver Education Temporary Permit.

§126-22-6. Standards for Summer Driver Education Courses.

§126-22-7. Standards for Adult and Out-Of-School Youth Courses.

§126-22-8. Incapacitated Instructor.

§126-22-9. Accidents.

§126-22-10. Insurance.

§126-22-11. Student Transfers.

§126-22-12. Students with Disabilities.

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§126-22-13. Program Reports.

§126-22-14. Driver Education Certificates.

§126-22-15. Use of Driver Education Vehicles.

§126-22-16. Specifications for Identification of Driver Education Cars.

§126-22-17. Severability.

Please direct all comments to:

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