

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

RULE TYPE: Procedural; CITE AUTHORITY WV Code 18-6-1 - 18-610

AMENDMENT TO AN EXISTING RULE: YES X NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 22

TITLE OF RULE BEING AMENDED: West Virginia Board of Education Regulations:

Driver Education (This rule revises and supercedes all previous
regulations governing driver education in West Virginia

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____

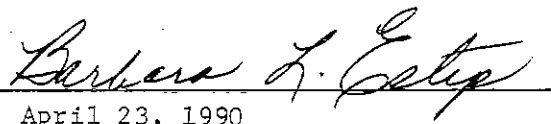
TITLE OF RULE BEING PROPOSED: _____

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON June 20, 1990 AT 9:00 a.m.

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Dr. Thomas J. Currie, Acting Director
Office of General Education
West Virginia Department of Education
Building #6, Room B-330
Capitol Complex
Charleston, WV 25305

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.


April 23, 1990

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL.

FISCAL NOTE WORKSHEET

HD NO _____ DRAFT NO _____ BILL NO _____ RESOLUTION NO _____

SUBJECT Driver Education Regulations - Policy 2422.2 FUND None

SOURCE OF REVENUE: GENERAL SPECIAL OTHER (SPECIFY) None

COST ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) None

INCOME ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) None

SHOW OVER-ALL EFFECT IN ITEMS 1 AND 2 AND ITEM 3 GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INCLUDING LONG-RANGE EFFECT

EFFECT OF PROPOSAL	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
1. ESTIMATED TOTAL COST	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ -0-
PERSONAL SERVICES	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ -0-
CURRENT EXPENSE	-0-	-0-	-0-	-0-	-0-
REPAIRS AND ALTERATIONS	-0-	-0-	-0-	-0-	-0-
EQUIPMENT	-0-	-0-	-0-	-0-	-0-
OTHER	-0-	-0-	-0-	-0-	-0-
2. ESTIMATED TOTAL REVENUES	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ -0-

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

No funds anticipated.

IMPACTS
FISCAL:

STATE STAFF:

DATE

AGENCY

AUTHORIZED REPRESENTATIVE

WEST VIRGINIA DEPARTMENT OF EDUCATION
PROPOSED IMPROVEMENTS - 1989-90

TITLE:

PURPOSE:

BACKGROUND:

TARGET POPULATION:

BENEFITS/RESULTS:

STATE FUNDS REQUESTED: No cost anticipated.

CONSEQUENCES IF NOT FUNDED:

GKP:jj:5817p

EXECUTIVE SUMMARY

Driver Education Regulations

Policy 2422.2

Purpose

The proposed policy for driver education has been written to: 1) meet the requirements of West Virginia Code §18-6-3 through §18-6-10, 2) eliminate out-of-date regulations practices and information, 3) assure compatibility with other Board policies, 4) meet contemporary needs, and 5) improve program organization, instruction and administration.

Background

Current driver education policy has been in effect since 1966. The proposed policy and regulations were developed to be congruent with today's program needs and to meet requirements of the West Virginia Code.

IMPACT STATEMENTS

Instruction

Instruction will be enhanced at the secondary school and adult levels because teachers will concentrate on evaluating and meeting the individual needs of students - particularly in the laboratory practice driving/instruction phase of the course.

Leadership

Through the implementation of this policy the board will have provided leadership and direction to the overall scope and conduct of the driver education program. Secondary school principals will be required to organize, schedule and facilitate programs meeting "approved programs status" as required by the West Virginia Code.

Staff Development

A copy of the driver education policy will be made available to county superintendents, county driver education contacts and high school principals. The state driver education coordinator will provide consultation services as needed.

Administration

The state driver education coordinator will manage and oversee the implementation of board regulations and the conduct of the state driver education program.

TITLE 126
PROCEDURAL GUIDELINES
WEST VIRGINIA BOARD OF EDUCATION
Series

(Policy 2422.2)

TITLE: West Virginia Board of Education Regulations: Driver Education

Section 1.0 General

- 1.1 Scope - These rules establish the standards and guidelines for approved driver education programs in West Virginia which are conducted under the auspices of the local school districts.
- 1.2 Authority - W.V. Code §18-6-1 through §18-6-10
- 1.3 Filing Date -
- 1.4 Effective Date -
- 1.5 Repeal of Former Rule - This legislative rule revises and supercedes all previous regulations governing driver education in West Virginia.

Section 2. Applicability

West Virginia Code §18-6-1 through §18-6-10 authorized the State Board of Education, with the advice of the state superintendent and the superintendent of the department of public safety to promulgate rules governing the establishment, conduct and scope of driver education in public, private, parochial and denominational secondary schools of West Virginia subject to certain exceptions set forth in the code.

Section 3. Standards For An Approved High School 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 (exclusive of passing time between classes):

Classroom Instruction:	50 hours
In-Car Observation	10 hours
In-Car Practice Driving	6 hours
(or the equivalent according to the established and universally recognized ratio when simulation and multiple car instruction ranges are utilized	

TOTAL: 66 HOURS

(See note at the end of Section 3)

- 3.2 As a minimum, driver education shall be scheduled as a one semester program consisting of both classroom and laboratory instructional phases.
- 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 driver education teacher shall occupy the seat beside the pupil.
- 3.5 Classroom instruction shall not exceed two (2) 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) phase of the course. An eligible student is defined as one who will have reached age sixteen by the last scheduled date of the course 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. (State Statute §18-6-3 and §18-6-5).
- 3.9 On or before July 1, 1992, fifteen year olds with permits will become eligible, at the discretion of the sponsoring secondary school, for the regular driver education program provided 1) ample resources are available without straining the existing program and, 2) all other eligible students in the school have been given the opportunity to participate in the established program.
- 3.10 All course content as required in the State Code §18-6-3 is taught in the driver education program; 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 and first-aid instruction.

- 3.11 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 (8) hours practice driving on the range and two (2) hours on-street driving.
- 3.12 Simulator instruction programs shall provide not more than one-half of the six (6) hour on-street practice driving requirement of a 4:1 ratio. Therefore a minimum program would be 3 hours practice driving in real traffic conditions coupled with twelve (12) hours simulation.

NOTE: Course design ensures that laboratory time is available to provide a minimum of 6 hours driving practice/instruction for each enrolled student. Some pre-licensed students, however, may not require the full amount of allotted time while other students may require considerable additional instruction and practice driving before attaining and consistently demonstrating safe driving performance. The amount of practice driving instruction required by pre-licensed students will vary depending on their individual skills and experience. Therefore, pre-licensed students shall receive a minimum of 3 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 pre-licensed student shall be applied to providing additional in-car practice driving to the less experienced students enrolled for the course.

Section 4. Standards For An Approved Teacher

Applicants and teachers who meet the following requisites are eligible for certification and employment as an approved driver education teacher. Failure to meet any of the conditions specified below may result in refusal, recall or suspension by either the Superintendent of Public Safety or the State Superintendent of Schools. An Approved Teacher:

- 4.1 • Has a valid West Virginia high school certificate.
- 4.2 • Is certified by the State Department of Education to teach driver education.

- 4.3 • Has held a valid motor vehicle operator's license for the past three (3) years.
- 4.4 • Possess good health and be free from impairments that would adversely affect the safety of pupils and the general public.
- 4.5 • Has a satisfactory driving record confirmed and approved through the State Driver Education Coordinator through the Accident Prevention Bureau, West Virginia Department of Public Safety and/or West Virginia Department of Motor Vehicles.
- 4.6 • Has not accumulated more than 9 points on the DMV record.
- 4.7 • Has not been convicted of and/or does not have DMV suspension or revocation of license on a charge of operating a motor vehicle while under the influence of alcohol, drugs or narcotics, or clear and convincing evidence presented, such as positive breath or blood test, of operating a motor vehicle while under the influence of same.

The applicant/teacher shall not be certified to teach driver education for at least two (2) years subsequent to the first offense for conviction or suspension/revocation. For the second offense certification shall be refused permanently.

Section 5. Emergency Licensure

In emergency situations created by the loss of a fully certified safety education teacher, county boards of education may employ teachers to provide driver education on a permit if qualified personnel are not available.

A letter documenting efforts to find a certified teacher shall be provided by the county superintendent to the state superintendent of schools. Such documentation shall include:

- a) newspaper advertisement
- b) letters to West Virginia college officials where driver education teacher preparation programs are offered, and
- c) notification to the state coordinator of driver education.

However, teachers employed to provide in-car practice driving instruction shall have completed six semester hours of credit within an approved safety education program including an approved basic teacher preparatory course for teaching students behind-the-wheel practice driving.

Section 6. Standards For Summer Driver Education Courses

Summer driver education programs shall be conducted over a period of not less than five (5) weeks. The course shall consist of the same structured learning experiences required during the regular school term. Otherwise, all driver education regulations are applicable to the summer program.

Section 7. Standards For Adult and Out-of-School Youth Courses

Program time requirements for adults and out-of-school youth over eighteen (18) years of age shall include 20 hours of classroom instruction ten (10) hours of assigned independent study and a minimum of six (6) hours of actual driving practice or the equivalent where multiple car driving ranges and simulator programs are used.

Section 8. Incapacitated Instructor

In the event of death, extended illness, dismissal, serious injury, or other reasons which would prevent the instructor from performing duties normally associated with teaching driver education, the principal shall notify the State Driver Education Coordinator within ten days.

Section 9. Accidents

Any accident involving the driver education vehicle shall be reported within five days to the state driver education coordinator. In the event the teacher is incapacitated, the principal or principals' designee shall fulfill this responsibility.

Section 10 Insurance

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.

Section 11 Student Transfers

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, driving performance records and a record of the students driving time and performance.

Section 12 Handicapped Students

When physically handicapped students 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 disabled to successfully compensate for their handicap(s).

Section 13 Program Reports

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 State Coordinator of Driver Education on official forms provided through the Department.

Section 14 Driver Education Certificates

High School Driver Education Certificates, Form I-DE-4 and Adult Driver Education Certificates, Form I-DE-5 shall 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.

Section 15 Use of Driver Education Vehicles

Those counties securing dealer loaned or leased vehicles shall use such vehicles only in compliance with an Official Contract Between School Boards and Car Dealers. Dealer secured vehicles shall be used for driver education purposes only.

County boards owning their driver education vehicle(s) shall establish a policy that precludes 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 be removed and stored out-of-sight prior to such use.

Section 16 Specifications For Identification of Driver Education Cars

Identification on any driver education car shall be placed so as not to obscure front or rear vision. If the ROOF TOP SIGN is used it shall be made of three identical panels, each having a minimum dimension of 12" x 18" bolted together to make a triangular sign with three faces so that it is visible to other drivers from all directions.

The minimum size of the identification lettering on any and all signs shall be as follows:

1. The top row shall be a minimum of two inches (2") high and shall identify the school.
2. The second row shall be a minimum of three inches (3") high and shall spell out "DRIVER EDUCATION CAR."

3. Following the second line of lettering the words "Courtesy of" shall be printed in letters of approximately three-fourths inch (3/4") in height. The bottom or last line shall identify the automobile dealer who loaned the car. This row of lettering shall be not more than two inches (2") in height.

Front mounted shall have only the words STUDENT DRIVER which shall be a minimum of three inches (3") high. Rear mounted signs may have either STUDENT DRIVER or DRIVER EDUCATION CAR. Any other lettering shall be the same size as required for Roof Top Signs.

COMMENT LOG
DRIVER EDUCATION REGULATIONS
(POLICY 2422.2)

Directions: Please use this form in commenting by section on the proposed Policy and regulations on Driver Education Regulations.

NAME OF INDIVIDUAL/ORGANIZATION _____

ADDRESS _____

Proposed Policy	
Section 1: Standards for an Approved High School Course	
Section 2: Standards for an Approved Teacher	
Section 3: Emergency Licensure	
Section 4: Standards for Summer Driver Education Courses	
Section 5: Standards for Adult and Out-of-School Youth Courses	
Section 6: Incapacitated Instructor	

Section 7: Accidents	
Section 8: Insurance	
Section 9: Student Transfers	
Section 10: Handicapped Students	
Section 11: Program Reports	
Section 12: Driver Education Certificates	
Section 13: Use of Driver Education Vehicles	
Section 14: Specifications for Identification of Driver Education Cars	

Please submit comments by May 25, 1990 to:

Dr. Thomas J. Currie, Acting Director
Office of General Education
West Virginia Department of Education
Building 6, Room B-330
Charleston, West Virginia 25305-0001