

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #5

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NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

CITE AUTHORITY: WV Code 18-6-1 through 18-6-10

RULE TYPE: PROCEDURAL INTERPRETIVE

EXEMPT LEGISLATIVE RULE
CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES , NO

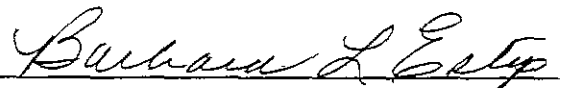
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 22 (Policy 2422.2)

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

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

TITLE OF RULE BEING ADOPTED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS December 5, 1990.


October 23, 1990

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) Requested

COST ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) _____

INCOME ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) ?

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	\$36,075.00	\$ -0-	\$36,075.00	\$47,250.00	\$47,250.00
PERSONAL SERVICES	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ -0-
CURRENT EXPENSE	-0-	-0-	-0-	-0-	-0-
REPAIRS AND ALTERATIONS	-0-	-0-	-0-	-0-	-0-
EQUIPMENT Kits (9)	6,075.00	-0-	6,075.00	34,200.00	34,200.00
OTHER Certification Fees	30,000.00	-0-	30,000.00	13,050.00	13,050.00
2. ESTIMATED TOTAL REVENUES	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ -0-

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

The West Virginia Safety Council has projected a 3 year cost estimate for 300 driver education teachers and 19,000 students.

1990

- 1. Certification fee @ \$100.00 per teacher: \$30,000
- 2. Kits for 9 training sessions (leased) 6,075
- (\$36,075)

1991 (and thereafter)

- 1. Recertification fee @ \$30.00 per teacher: \$ 9,000
- 2. 19,000 workbooks @ \$1.80 each 34,200
- 3. Renew leases on 9 training kits 4,050
- (\$47,250)

IMPACTS

FISCAL: FY 91 and thereafter.

STATE STAFF:

DATE

AGENCY

AUTHORIZED REPRESENTATIVE

September 19, 1990

TITLE 126
PROCEDURAL GUIDELINES
WEST VIRGINIA BOARD OF EDUCATION
Series 22

(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 - October 23, 1990
- 1.4 Effective Date - December 5, 1990
- 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):

Minimum Requirements (Preferred)

Classroom Instruction:	50 hours (66 hours preferred)
Including a minimum of	
8 hours in a standard defensive	
driving course	
In-Car Observation	10 hours (18 hours preferred)
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

- 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 Statue §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 or 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 safety 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 has not had 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.

- 4.8 Has completed the standard defensive course.

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 on permit shall have completed six semester hours of credit within an approved safety education program. One of the courses shall include 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. (See note at end of Section 1 for pre-licensed drivers.)

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 handled by the county and 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. Out-of state students shall provide documentation on the sending school's letterhead, specifying the nature and hours of instruction, observation, behind-the-wheel driving, and whether or not satisfactorily performance in each was attained by the transfer student.

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, 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.

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 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 be removed.

Section 16 Specifications for Identification of Driver Education Cars

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 Drivers Education and/or being operated by a student driver.

WEST VIRGINIA DEPARTMENT OF EDUCATION
PROPOSED IMPROVEMENTS - 1989-90

TITLE:

Driver Education Regulations - Policy 2422.2

PURPOSE:

To train and certify approximately 300 driver education teachers in the National Safety Council's Defensive Driving Course prior to June 30, 1991 and implement the course in approximately 150 high schools in West Virginia, effective September 1, 1991.

BACKGROUND:

The revision of Policy 2422.2 included 1) a minimum of 8 hours standard defensive driving instruction and 2) approved teachers to complete the standard defensive driving course. The effective date of the policy is July 1, 1991.

TARGET POPULATION:

All driver education teachers and all students enrolled in driver education during the 1991-92 school year.

BENEFITS/RESULTS:

- 1) Improved instruction in defensive driving.
- 2) Reduced accident rate and/or death toll.

STATE FUNDS REQUESTED:

\$130,575 over 3 years:

CONSEQUENCES IF NOT FUNDED:

Either 1) the policy requirement will have little or no meaning, or, 2) the defensive driving course will be implemented as resources become available - if they become available. Also, approval of teachers for driver education will continue as though no regulation exists.

KEN HECHLER
Secretary of State

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Deputy Secretary of State

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Charleston 25305

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DONALD R. WILKES
Director, Corporations

SHEREE COHEN
Special Assistant

(Plus all the volunteer
help we can get)

TO: Barbara Estep

AGENCY: Dept. of Education

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: May 1, 1992

THE ATTACHED RULE RECENTLY FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 22 TITLE: 126 Dept. of Education *2422.2*

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

11 Corrections

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: Barbara L Estep

TITLE OF PERSON SIGNING: Sec. to WV Bd of Ed.

DATE: May 14, 1992