

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 854

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 9-22-82
DATE FOR REVIEW
DATE DUE 9-29-82

Adopted w/a hearing
Adopted w/o hearing
Temporary rule ✓

Approved 9/29/82 (COS) Disapproved Returned to Agency 9-30-82

Resubmitted Due
Approved Disapproved Returned to Agency

Date filed w/Secretary of State 9-30-82 Revisor approved 9/27/82 disapproved

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✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 9.14.82 Date

N/A Notice of Intent to Solicit Outside Opinion

✓ Order for rulemaking
N/A date of Hearing

✓ Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
Sufficiency

✓ Affidavit of Mailing Notice or rulemaking
7.8.82 + additional mailing At least ~~30~~ 20 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate

✓ Publication in State Register
7.12.82 At least ~~30~~/20 days prior to ~~hearing~~/adoption

this notice not required see Laws 82 Ch. 562

N/A Hearing Examiner's Report

Chief Hearing Examiner's Report(s)
Approving H.E.'s Report
Approving agency action

✓ Agency's Findings of Fact

N/A LCRAR Report or agency Affidavit

✓ Certificate of Board's Resolution Adopting Rules

N/A Order Approving Incorporation by Reference

N/A Statement of Need and Reasonableness

N/A Petition for Adoption of a Rule

Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

N/A Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO JOHN J. FEDA
Secretary of Education

DATE: 9/29/82

ATTN : CHARLES T. MOTTL, Spec. Ass't. Atty. Gen.

FROM : LARRY D. STARNS
Special Assistant
Attorney General

PHONE: 297-3493

SUBJECT: In the Matter of the Proposed Adoption of Rules of the State Board of Education Governing Public School Automobile Driver Education Programs

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Please note that they have not been filed with the State Register. This must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of stamps of the Attorney General and Secretary of State;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages to the rules in the approved set.

If you have any questions in this regard, please contact me.

LDS:drw
Encs.

cc: Ms. Kathy Burek
Mr. Duane Harves

SF-00006-02

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT: Education
747 Capitol Square Bldg.

TO : Special Ass't. Attorney General
204 Administration Bldg.

DATE: September 17, 1982

FROM : Lois E. Steinhaus LES
Education Statistics Section

PHONE: 6-4428

SUBJECT: Approval of Temporary Rules as Adopted

Enclosed is a Statement of Compliance from our Assistant Attorney General and the following material:

1. Temporary Rules as Adopted (4)
2. Order Adopting Temporary Rules (2)
3. Certificate of Board's Resolution Adopting Rules
4. Findings of Fact and Conclusions
5. Notice of Intent to Adopt Temporary Rules and Temporary Rules as Proposed (as published in the State Register)
6. Certificate of Board's Authorizing Resolution
7. Affidavit of Mailing
   Affidavit of Additional Notice of the State Board of Education Mailing List
   Certificate
8. Order for Publication of Temporary Rules
9. Notice of Intent to Solicit Outside Information, if any - none
10. Fiscal statement, if applicable - none
11. Correspondence, if any - attached to item 4.

Please call me when the record is ready to be returned and I will have some one come and pick it up.

Thank you.

AG copy.

State Board of Education
Department of Education
Instruction Division

Adopted Temporary Rules Governing Public School Automobile Driver Education Programs

Rules as Adopted

Chapter Eight: Health and Safety Education Instruction and Training

Minimum Standards for Elementary and Secondary Schools

EDU 143 [Temporary] Automobile driver education programs. A school district offering automobile driver education programs, directly or indirectly, shall comply with the requirements of EDU 144 to EDU 146.

EDU 144 [Temporary] Instructional requirements for automobile driver education.

A. Classroom curriculum. A written classroom curriculum guide must be available to and used by each teacher conducting classroom instruction. The curriculum must include at least the following opportunities for students:

1. to analyze and assess several decision-making models and factors influencing highway-user decisions;

2. to analyze and simulate making decisions about the effect of alcohol and other drugs on behavior and driving performance;

3. to analyze and practice making decisions about using occupant restraints;

4. to identify and analyze a variety of driving decisions about highway users and roadway characteristics;

5. to analyze and practice making decisions about a vehicle's speed under different driving conditions;

6. to know the content and purpose of motor vehicle and

traffic laws and rules for safe driving performance;

7. to identify, analyze, and describe proper procedures for a variety of driving situations;

8. to gather information and practice making decisions about automobile ownership and maintenance;

9. to identify, analyze, and practice making decisions related to drivers' attitudes and emotions; and

10. to explore alternative ways to become better drivers and to improve highway transportation.

B. Laboratory curriculum. A written laboratory curriculum guide must be available to and used by each teacher conducting laboratory instruction. The curriculum must include at least the following:

1. orientation to the purpose, content, and procedures for laboratory instruction;

2. orientation to gauges and instruments, and preparing to move the vehicle;

3. basic skills in speed control and tracking on forward and backward paths;

4. orientation to driving and initial techniques in scanning for, recognizing, and responding to obstacles;

5. basic skills in parking, turning, backing, turning around, lane changing, crossing intersections, and passing maneuvers;

6. reduced-risk city driving, highway driving, freeway driving, and interacting with other highway users;

7. strategies for perceiving and responding to adverse and special conditions and emergencies; and

8. formal evaluation, self evaluation, and planning for future improvement.

C. Place for on-street instruction. All on-street instruction shall be conducted on a planned practice driving route. It shall not be on actual routes used for road tests for state driver licenses.

D. Classroom instruction. At least 30 hours of classroom instruction must be scheduled over no less than three weeks with

no more than two clock hours per day.

E. Laboratory instruction. Laboratory instruction must include at least six clock hours of on-street instruction or the equivalent. The clock hours or the equivalent must be scheduled over no less than two weeks and not more than 18 weeks with no more than two clock hours per day.

1. If automobile-driving simulator instruction is provided and is not counted as classroom time, four clock hours of simulator instruction may be substituted for one clock hour of on-street instruction.

2. If off-street driving range instruction is provided, two clock hours of driving range instruction may be substituted for one clock hour of on-street instruction.

3. When simulator or driving range instruction is substituted for on-street instruction, the on-street instruction time may not be reduced to less than three clock hours. However, when both simulator and driving range instruction are substituted, on-street instruction time may not be reduced to less than two clock hours.

F. Sequence when simultaneous instruction. When both phases of the program are conducted during the same time period, at least five clock hours of classroom instruction must have been completed before beginning laboratory instruction~~, when both phases of the program are conducted during the same time period~~. The laboratory instruction must be dispersed throughout the classroom instruction.

F.P.F 3

G. Sequence when successive instruction. Successful completion of classroom instruction is mandatory for enrollment in laboratory instruction, when the two phases of the program are conducted during separate time periods. The time period between the phases of instruction must not exceed six months.

H. Occupant restraints. Instructors must ensure that all vehicle occupants use restraints at all times during laboratory instruction.

I. Permit or driver's license. Instructors must ensure that students are in actual possession of a valid Minnesota driver

instruction permit or driver's license before giving on-street driving instruction.

J. Course credit. Driver education courses may carry credit toward graduation for students, whether offered directly or indirectly, as a separate course or part of another course. Credit for driver education must be granted under the same standards that credit is granted for satisfactory completion of other courses. ~~A student must not be granted credit toward graduation for completing a driver training course provided wholly or partially by a commercial driver training school not meeting all requirements of EDU 144 to EDU 146.~~

F of F 4

K. Program modification. A school district which does not provide ~~on-street~~ the complete laboratory instruction may offer classroom instruction only after it has consulted with ~~a commercial driving school or other~~ an approved on-street provider within the immediate area. The district must modify its program to minimize duplication of training and ensure coordination of classroom and laboratory instruction.

F of F 5

L. Authorized school official. A school district must identify an authorized school official to be responsible for certifying satisfactory completion of the program. The official need not be licensed under 5 MCAR S 3.083 unless that person also is an instructor in the program.

1. When a student satisfactorily completes the driver education program, including both classroom and on-street instruction, the authorized school official must furnish the student a certificate of course completion.

2. When a student satisfactorily completes classroom instruction and intends to complete the program with another provider, the authorized school official must furnish the student a verification statement of completion of classroom instruction.

3. When a student under 16 years of age fails to continue or successfully complete the driver education course, including on-street instruction, the authorized school official must immediately notify the Department of Public Safety, Driver and

Vehicle Services Division.

M. Annual report. Before September 1 of each school year, each district must submit an annual report identifying the authorized school official and all teachers who will be teaching students during that school year and during the following summer. The report must be submitted to the Department of Education on forms supplied by it.

EDU 145 [Temporary] Vehicle requirements for automobile driver education.

A. Safety standards. Each vehicle used for laboratory instruction for automobile driver education must comply with all federal and state motor vehicle safety standards for the model year of the vehicle.

B. Required equipment. Each vehicle used for on-street instruction must have the following equipment:

1. dual control brakes;

2. outside and rearview mirror for the driver's use and separate rearview mirror for the instructor's use;

3. sunvisors for both the driver and the front seat passenger;

4. windshield washers, wipers, and defroster; and

5. occupant restraints for each occupant of the vehicle.

C. Display of sign. Each vehicle used for on-street instruction must conspicuously display a sign on the rear which reads "Student Driver." The background and letters of the sign must be of contrasting colors. The lettering must be at least two but not more than five inches high. The sign must be removed when the vehicle is used for purposes other than driver education instruction.

D. Required maintenance. Each vehicle used for laboratory instruction must be maintained in safe operating condition through routine care and servicing.

E. Firearms, hazardous or toxic substances prohibited. No firearms, hazardous substances, or toxic substances may be transported in a driver education vehicle. For the purpose of this subpart, "firearms" has the definition given it in Minn.

Stat. S 97.40, subd. 34; "hazardous substances" and "toxic substances" have the definitions given them in Minn. Stat. S 24.33, clauses (d) and (e).

F. Insurance or self-insurance required. The district shall provide a plan of reparation security covering each vehicle used and complying with the provisions of the Minnesota No-Fault Automobile Insurance Act, Minn. Stat. SS 65B.41-65B.71~~, except that~~. However, residual liability coverage and uninsured motorist coverage must be provided in the following amounts: not less than $100,000 because of bodily injury to or death of any one person in any one accident; not less than $300,000 because of bodily injury to or death of two or more persons in any one accident; and not less than $50,000 because of damage to or destruction of property of others in any one accident.

EDU 146 [Temporary] Teacher requirements for automobile driver education. All teachers providing automobile driver education instruction must be appropriately licensed by the Board of Teaching.

Temporary ~~repealer~~ suspension. Rule EDU 142 C. is ~~repealed~~ suspended during the time temporary rules EDU 143 to EDU 146 are effective.

Suggested change by DE here - LOS

Stat. S 97.40, subd. 34; "hazardous substances" and "toxic substances" have the definitions given them in Minn. Stat. S 24.33, clauses (d) and (e).

F. Insurance or self-insurance required. The district shall provide a plan of reparation security covering each vehicle used and complying with the provisions of the Minnesota No-Fault Automobile Insurance Act, Minn. Stat. SS 65B.41-65B.71~~, except that~~. However, residual liability coverage and uninsured motorist coverage must be provided in the following amounts: not less than $100,000 because of bodily injury to or death of any one person in any one accident; not less than $300,000 because of bodily injury to or death of two or more persons in any one accident; and not less than $50,000 because of damage to or destruction of property of others in any one accident.

EDU 146 [Temporary] Teacher requirements for automobile driver education. All teachers providing automobile driver education instruction must be appropriately licensed by the Board of Teaching.

Temporary repealer. Rule EDU 142 C. is repealed during the time temporary rules EDU 143 to EDU 146 are effective.

OFFICE OF THE REVISOR OF STATUTES

Certificate of Approval of Adopted Rules

Agency: State Board of Education AR0200

Department of Education

Division: Instruction

Agency Contact: Lois Steinhaus

Rule Numbers: EDU 143, 144, 145, 146

Title: Temporary Rules Governing Public School Automobile Driver Education Programs

Type of Rules: Temporary

Incorporations by Reference: None
Rule Number: Material Incorporated:

Duplication of Statutory Language: None
Rule Number: Statutory Section Duplicated:

The attached rules are approved as to form, subject to the following editorial changes:

Page 3, line 2, insert "1." after the headnote. Renumber the remaining items in sequence.

Page 4, line 19, insert "1." after the headnote. Renumber the remaining items in sequence.

APPROVED AS TO LEGALITY
September 29, 1982
WARREN SPANNAUS, ATTORNEY GENERAL
BY Jerry D. Thom
SPECIAL ASSISTANT ATTORNEY GENERAL

Steven C. Cross
Revisor of Statutes

Elizabeth V. Rice
Assistant Revisor
Phone: 296-2798
Date: 9/24/82

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
SEP 30 1982
Joan Anderson Growe
Secretary of State
9:50 A.M.

Rules as Proposed

Chapter Eight: Health and Safety
Education Instruction and Training
Minimum Standards for Elementary and Secondary Schools

Temporary Rules as Proposed (all new material)

EDU 143 [Temporary] Automobile driver education programs. A school district offering automobile driver education programs, directly or indirectly, shall comply with the requirements of EDU 144 to EDU 146.

EDU 144 [Temporary] Instructional requirements for automobile driver education.

A. Classroom curriculum. A written classroom curriculum guide must be available to and used by each teacher conducting classroom instruction. The curriculum must include at least the following opportunities for students:

1. to analyze and assess several decision-making models and factors influencing highway-user decisions;

2. to analyze and simulate making decisions about the effect of alcohol and other drugs on behavior and driving performance;

3. to analyze and practice making decisions about using occupant restraints;

4. to identify and analyze a variety of driving decisions about highway users and roadway characteristics;

5. to analyze and practice making decisions about a vehicle's speed under different driving conditions;

6. to know the content and purpose of motor vehicle and traffic laws and rules for safe driving performance;

7. to identify, analyze, and describe proper procedures for a variety of driving situations;

8. to gather information and practice making decisions about automobile ownership and maintenance;

9. to identify, analyze, and practice making decisions

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EVR

related to drivers' attitudes and emotions; and

10. to explore alternative ways to become better drivers and to improve highway transportation.

B. Laboratory curriculum. A written laboratory curriculum guide must be available to and used by each teacher conducting laboratory instruction. The curriculum must include at least the following:

1. orientation to the purpose, content, and procedures for laboratory instruction;

2. orientation to gauges and instruments, and preparing to move the vehicle;

3. basic skills in speed control and tracking on forward and backward paths;

4. orientation to driving and initial techniques in scanning for, recognizing, and responding to obstacles;

5. basic skills in parking, turning, backing, turning around, lane changing, crossing intersections, and passing maneuvers;

6. reduced-risk city driving, highway driving, freeway driving, and interacting with other highway users;

7. strategies for perceiving and responding to adverse and special conditions and emergencies; and

8. formal evaluation, self evaluation, and planning for future improvement.

C. Place for on-street instruction. All on-street instruction shall be conducted on a planned practice driving route. It shall not be on actual routes used for road tests for state driver licenses.

D. Classroom instruction. At least 30 hours of classroom instruction must be scheduled over no less than three weeks with no more than two clock hours per day.

E. Laboratory instruction. Laboratory instruction must include at least six clock hours of on-street instruction or the equivalent. The clock hours or the equivalent must be scheduled over no less than two weeks and not more than 18 weeks with no more than two clock hours per day.

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EVR

1. If automobile-driving simulator instruction is provided and is not counted as classroom time, four clock hours of simulator instruction may be substituted for one clock hour of on-street instruction.

2. If off-street driving range instruction is provided, two clock hours of driving range instruction may be substituted for one clock hour of on-street instruction.

3. When simulator or driving range instruction is substituted for on-street instruction, the on-street instruction time may not be reduced to less than three clock hours. However, when both simulator and driving range instruction are substituted, on-street instruction time may not be reduced to less than two clock hours.

F. Sequence when simultaneous instruction. At least five clock hours of classroom instruction must have been completed before beginning laboratory instruction, when both phases of the program are conducted during the same time period.

G. Sequence when successive instruction. Successful completion of classroom instruction is mandatory for enrollment in laboratory instruction, when the two phases of the program are conducted during separate time periods. The time period between the phases of instruction must not exceed six months.

H. Occupant restraints. Instructors must ensure that all vehicle occupants use restraints at all times during laboratory instruction.

I. Permit or driver's license. Instructors must ensure that students are in actual possession of a valid Minnesota driver instruction permit or driver's license before giving on-street driving instruction.

J. Course credit. Driver education courses may carry credit toward graduation for students, whether offered directly or indirectly, as a separate course or part of another course. Credit for driver education must be granted under the same standards that credit is granted for satisfactory completion of other courses. A student must not be granted credit toward graduation for completing a driver training course provided

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EJR

wholly or partially by a commercial driver training school not meeting all requirements of EDU 144 to EDU 146.

K. Program modification. A school district which does not provide on-street instruction may offer classroom instruction only after it has consulted with a commercial driving school or other on-street provider. The district must modify its program to minimize duplication of training.

L. Authorized school official. A school district must identify an authorized school official to be responsible for certifying satisfactory completion of the program. The official need not be licensed under 5 MCAR S 3.083 unless that person also is an instructor in the program.

1. When a student satisfactorily completes the driver education program, including both classroom and on-street instruction, the authorized school official must furnish the student a certificate of course completion.

2. When a student satisfactorily completes classroom instruction and intends to complete the program with another provider, the authorized school official must furnish the student a verification statement of completion of classroom instruction.

3. When a student under 16 years of age fails to continue or successfully complete the driver education course, including on-street instruction, the authorized school official must immediately notify the Department of Public Safety, Driver and Vehicle Services Division.

M. Annual report. Before September 1 of each school year, each district must submit an annual report identifying the authorized school official and all teachers who will be teaching students during that school year and during the following summer. The report must be submitted to the Department of Education on forms supplied by it.

EDU 145 [Temporary] Vehicle requirements for automobile driver education.

A. Safety standards. Each vehicle used for laboratory instruction for automobile driver education must comply with all

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federal and state motor vehicle safety standards for the model year of the vehicle.

B. Required equipment. Each vehicle used for on-street instruction must have the following equipment:

1. dual control brakes;

2. outside and rearview mirror for the driver's use and separate rearview mirror for the instructor's use;

3. sunvisors for both the driver and the front seat passenger;

4. windshield washers, wipers, and defroster; and

5. occupant restraints for each occupant of the vehicle.

C. Display of sign. Each vehicle used for on-street instruction must conspicuously display a sign on the rear which reads "Student Driver." The background and letters of the sign must be of contrasting colors. The lettering must be at least two but not more than five inches high. The sign must be removed when the vehicle is used for purposes other than driver education instruction.

D. Required maintenance. Each vehicle used for laboratory instruction must be maintained in safe operating condition through routine care and servicing.

E. Firearms, hazardous or toxic substances prohibited. No firearms, hazardous substances, or toxic substances may be transported in a driver education vehicle. For the purpose of this subpart, "firearms" has the definition given it in Minn. Stat. S 97.40, subd. 34; "hazardous substances" and "toxic substances" have the definitions given them in Minn. Stat. S 24.33, clauses (d) and (e).

F. Insurance or self-insurance required. The district shall provide a plan of reparation security covering each vehicle used and complying with the provisions of the Minnesota No-Fault Automobile Insurance Act, Minn. Stat. SS 65B.41-65B.71, except that residual liability coverage must be provided in the following amounts: not less than $100,000 because of bodily injury to or death of any one person in any one accident; not less than $300,000 because of bodily injury to or death of two

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or more persons in any one accident; and not less than $50,000 because of damage to or destruction of property of others in any one accident.

EDU 146 [Temporary] Teacher requirements for automobile driver education. All teachers providing automobile driver education instruction must be appropriately licensed by the Board of Teaching.

Temporary repealer. Rule EDU 142 C. is repealed during the time temporary rules EDU 143 to EDU 146 are effective.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

EVR

OFFICE OF THE REVISOR OF STATUTES
PROPOSED RULES

Agency: State Board of Education

Division: Department of Education

Agency Contact: Lois Steinhaus
Rules and Law Book
Phone Number 296-4428

Title: Proposed Temporary Rules Governing Public School Automobile Driver Education Programs

Type of Rules: Permanent_____ Temporary X

Incorporations by References:

Rule Number | Material Incorporated
Author
Title
Place
Publisher
Date
Cost
Places Available

See Additional references on back Yes___ No X

Duplication of Statutory Language

Rule Number | Statutory Section Duplicated

The attached rules are approved as to form.

Steven C. Cross
Revisor of Statutes

Name: Elizabeth V. Rice

Title: Assistant Revisor

Phone: 296-2798

State of Minnesota
Department of Education
Instruction Division

In the Matter of the Proposed Adoption
of Rules of the State Board of Education
Governing Public School Automobile Driver
Education Programs

ORDER ADOPTING
TEMPORARY RULES

The above-entitled matter was published in the State Register on July 12, 1982, as a proposed temporary rule pursuant to Minnesota Statutes section 15.0412, subdivision 5. After affording interested and affected persons an opportunity to submit written data and views within 20 days of the publication date, reviewing and considering the data and views, and determining that the above-captioned rules are needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that these rules identified as Temporary Rules Governing Public School Automobile Driver Education Programs, EDU 143 - EDU 146 are adopted this 14th day of September, 1982, pursuant to authority vested in me by Laws of 1982, ch. 548, art. IV, section 23.

STATE OF MINNESOTA
State Board of Education

John J. Feda
John J. Feda, Secretary
by Gerald Kleve, Deputy

State of Minnesota
Department of Education
Instruction Division

In the Matter of the Proposed
Adoption of Temporary Rules of
The State Board of Education
Governing Public School Automobile
Driver Education Programs

ORDER FOR PUBLICATION OF
TEMPORARY RULES

IT IS ORDERED this 8th day of June, 1982 that the proposed temporary rules in the above-entitled matter be published in the State Register.

STATE OF MINNESOTA
State Board of Education

John J. Feda, Secretary

CERTIFICATE OF BOARD'S

AUTHORIZING RESOLUTION

I, John J. Feda, do hereby certify that I am the secretary of the Board of Education, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of Education duly and properly called and held on the 8th day of June, 1982, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

"RESOLVED, that John J. Feda, secretary of the Board of Education, be and he hereby is granted the authority and directed to sign an Order of the Board of Education directing the publication in the State Register of proposed temporary rules governing public school automobile driver education programs as well as perform by and all acts incidental thereto.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 8th day of June, 1982.

John J. Feda, Secretary

Patricia A. Wieber

Member, State Board of Education

State Board of Education

Department of Education

Instruction Division

Proposed Temporary Rules Governing Public School Automobile Driver Education Programs

Notice of Intent to Adopt Temporary Rules

Notice is hereby given that the State Board of Education is proposing to adopt temporary rules to govern Public School Automobile Driver Education Programs as authorized by Chapter 548, Laws of 1982. The proposed temporary rules appear following this notice.

All interested persons are hereby afforded the opportunity to submit data and views on the proposed temporary rules for 20 days immediately following publication of this material in the State Register. Comments should be submitted in writing to Joseph E. Meyerring, Traffic Safety Education Specialist, Department of Education, 685 Capitol Square Building, 550 Cedar Street, St. Paul, MN 55101.

The proposed temporary rules may be modified if the modifications are supported by the data and views submitted to the Department.

After the 20 day comment period the proposed temporary rules with modifications, if any, will be sent to the Office of the Attorney General for final approval as to form and legality. The temporary rules shall take effect immediately upon the Attorney General's approval.

The temporary rules shall remain in effect until July 1, 1983 or until permanent rules are adopted, whichever occurs first.

June 8, 1982

John J. Feda, Secretary

Rules as Proposed

Chapter Eight: Health and Safety Education Instruction and Training Minimum Standards for Elementary and Secondary Schools

Temporary Rules as Proposed (all new material)

EDU 143 [Temporary] Automobile driver education programs. A school district offering automobile driver education programs, directly or indirectly, shall comply with the requirements of EDU 144 to EDU 146.

EDU 144 [Temporary] Instructional requirements for automobile driver education.

A. Classroom curriculum. A written classroom curriculum guide must be available to and used by each teacher conducting classroom instruction. The curriculum must include at least the following opportunities for students:

1. to analyze and assess several decision-making models and factors influencing highway-user decisions;

2. to analyze and simulate making decisions about the effect of alcohol and other drugs on behavior and driving performance;

3. to analyze and practice making decisions about using occupant restraints;

4. to identify and analyze a variety of driving decisions about highway users and roadway characteristics;

5. to analyze and practice making decisions about a vehicle's speed under different driving conditions;

6. to know the content and purpose of motor vehicle and traffic laws and rules for safe driving performance;

7. to identify, analyze, and describe proper procedures for a variety of driving situations;

8. to gather information and practice making decisions about automobile ownership and maintenance;

9. to identify, analyze, and practice making decisions related to drivers' attitudes and emotions; and

10. to explore alternative ways to become better drivers and to improve highway transportation.

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1. orientation to the purpose, content, and procedures for laboratory instruction;

2. orientation to gauges and instruments, and preparing to move the vehicle;

3. basic skills in speed control and tracking on forward and backward paths;

4. orientation to driving and initial techniques in scanning for, recognizing, and responding to obstacles;

5. basic skills in parking, turning, backing, turning around, lane changing, crossing intersections, and passing maneuvers;

6. reduced-risk city driving, highway driving, freeway driving, and interacting with other highway users;

7. strategies for perceiving and responding to adverse and special conditions and emergencies; and

8. formal evaluation, self evaluation, and planning for future improvement.

C. Place for on-street instruction. All on-street instruction shall be conducted on a planned practice driving route. It shall not be on actual routes used for road tests for state driver licenses.

D. Classroom instruction. At least 30 hours of classroom instruction must be scheduled over no less than three weeks with no more than two clock hours per day.

E. Laboratory instruction. Laboratory instruction must include at least six clock hours of on-street instruction or the equivalent. The clock hours or the equivalent must be scheduled over no less than two weeks and not more than 18 weeks with no more than two clock hours per day.

1. If automobile-driving simulator instruction is provided and is not counted as classroom time, four clock hours of simulator instruction may be substituted for one clock hour of on-street instruction.

2. If off-street driving range instruction is provided, two clock hours of driving range instruction may be substituted for one clock hour of on-street instruction.

3. When simulator or driving range instruction is substituted for on-street instruction, the on-street instruction time may not be reduced to less than three clock hours. However, when both simulator and driving range instruction are substituted, on-street instruction time may not be reduced to less than two clock hours.

F. Sequence when simultaneous instruction. At least five clock hours of classroom instruction must have been completed before beginning laboratory instruction, when both phases of the program are conducted during the same time period.

G. Sequence when successive instruction. Successful completion of classroom instruction is mandatory for enrollment in laboratory instruction, when the two phases of the program are conducted during separate time periods. The time period between the phases of instruction must not exceed six months.

H. Occupant restraints. Instructors must ensure that all vehicle occupants use restraints at all times during laboratory instruction.

I. Permit or driver's license. Instructors must ensure that students are in actual possession of a valid Minnesota driver instruction permit or driver's license before giving on-street driving instruction.

J. Course credit. Driver education courses may carry credit toward graduation for students, whether offered directly or indirectly, as a separate course or part of another course. Credit for driver education must be granted under the same standards that credit is granted for satisfactory completion of other courses. A student must not be granted credit toward graduation for completing a driver training course provided wholly or partially by a commercial driver training school not meeting all requirements of EDU 144 to EDU 146.

K. Program modification. A school district which does not provide on-street instruction may offer classroom instruction only after it has consulted with a commercial driving school or other on-street provider. The district must modify its program to minimize duplication of training.

L. Authorized school official. A school district must identify an authorized school official to be responsible for certifying satisfactory completion of the program. The official need not be licensed under 5 MCAR § 3.083 unless that person also is an instructor in the program.

1. When a student satisfactorily completes the driver education program, including both classroom and on-street instruction, the authorized school official must furnish the student a certificate of course completion.

2. When a student satisfactorily completes classroom instruction and intends to complete the program with another provider, the authorized school official must furnish the student a verification statement of completion of classroom instruction.

3. When a student under 16 years of age fails to continue or successfully complete the driver education course, including on-street instruction, the authorized school official must immediately notify the Department of Public Safety, Driver and Vehicle Services Division.

M. Annual report. Before September 1 of each school year, each district must submit an annual report identifying the authorized school official and all teachers who will be teaching students during that school year and during the following summer. The report must be submitted to the Department of Education on forms supplied by it.

EDU 145 [Temporary] Vehicle requirements for automobile driver education.

A. Safety standards. Each vehicle used for laboratory instruction for automobile driver education must comply with all federal and state motor vehicle safety standards for the model year of the vehicle.

B. Required equipment. Each vehicle used for on-street instruction must have the following equipment:

1. dual control brakes;

2. outside and rearview mirror for the driver's use and separate rearview mirror for the instructor's use;

3. sunvisors for both the driver and the front seat passenger;

4. windshield washers, wipers, and defroster; and

5. occupant restraints for each occupant of the vehicle.

C. Display of sign. Each vehicle used for on-street instruction must conspicuously display a sign on the rear which reads "Student Driver." The background and letters of the sign must be of contrasting colors. The lettering must be at least two but not more than five inches high. The sign must be removed when the vehicle is used for purposes other than driver education instruction.

D. Required maintenance. Each vehicle used for laboratory instruction must be maintained in safe operating condition through routine care and servicing.

E. Firearms, hazardous or toxic substances prohibited. No firearms, hazardous substances, or toxic substances may be transported in a driver education vehicle. For the purpose of this subpart, "firearms" has the definition given it in Minn. Stat. § 97.40, subd. 34; "hazardous substances" and "toxic substances" have the definitions given them in Minn. Stat. § 24.33, clauses (d) and (e).

F. Insurance or self-insurance required. The district shall provide a plan of reparation security covering each vehicle used and complying with the provisions of the Minnesota No-Fault Automobile Insurance Act, Minn. Stat. §§ 65B.41-65B.71, except that residual liability coverage must be provided in the following amounts: not less than $100,000 because of bodily injury to or death of any one person in any one accident; not less than $300,000 because of bodily injury to or death of two or more persons in any one accident; and not less than $50,000 because of damage to or destruction of property of others in any one accident.

EDU 146 [Temporary] Teacher requirements for automobile driver education. All teachers providing automobile driver education instruction must be appropriately licensed by the Board of Teaching.

Temporary repealer. Rule EDU 142 C. is repealed during the time temporary rules EDU 143 to EDU 146 are effective.

State of Minnesota
Department of Education

State Board of Education
Instruction Division

IN THE MATTER OF: The Proposed Adoption of Rules of the State Board of Education Governing Public School Automobile Driver Education Programs Temporary Rules

Affidavit of Additional Notice of the State Board of Education Mailing List

I hereby certify that in addition to the Notice required for persons on the State Board of Education rulemaking mailing list, of persons who have specifically requested notice of rulemaking proceedings, the notice and a copy of the temporary rules as proposed were mailed to all persons on the Education Statistics memo series mailing list, as of 8 o'clock A.M., this 8th day of July, 1982, which includes school superintendents, Directors of Driver Education, ECSUs, AVTIs, Vocational Centers and Joint Powers Districts.

State Board of Education

John J. Feda

John J. Feda, Secretary

Subscribed and sworn to before me
this 8 day of July, 1982.

Luana Vadnais

Notary Public

Ramsey County, Minnesota

My commission expires June 16, 1984.

LUANA VADNAIS
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Comm. Expires June 16, 1984

State of Minnesota
Department of Education

State Board of Education
Instruction Division

IN THE MATTER OF: The Proposed Adoption of Rules of the State Board of Education Governing Public School Automobile Driver Education Programs Temporary Rules

STATE OF MINNESOTA)
) ss.
County of Ramsey)

AFFIDAVIT OF MAILING

Harold E. Klecker, being first duly sworn, deposes and says:

That on the 8th day of July, 1982, at the City of St. Paul, County of Ramsey, State of Minnesota, he served the attached notice of intent to adopt temporary rules and a copy of the temporary rules as proposed, by depositing in the State of Minnesota central mail system for United States mailing at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations named on the certified list (see attached Certificate) who have requested that their names be placed on file with the Minnesota Department of Education for the purpose of receiving notice of the proposed adoption of rules by the State Board of Education.

Harold E. Klecker

Subscribed and sworn to before me
this 8th day of July
1982.

Lois E. Steinhaus

LOIS E. STEINHAUS
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES MAY 9, 1989

State of Minnesota
Department of Education

State Board of Education
Instruction Division

STATE OF MINNESOTA

COUNTY OF RAMSEY

IN THE MATTER OF: The Proposed Adoption
of Rules of the State Board of Education
Governing Public School Automobile
Driver Education Programs
Temporary Rules

Certificate

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. § 15.0412, subd. 4, that their names be placed on file with and maintained by the Minnesota Department of Education for the purpose of receiving notice of the proposed adoption of rules by the State Board of Education is accurate and complete as of 8 o'clock A .M. this 7th day of July, 1982.

State Board of Education

By Linda Albers

State Board of Education
Department of Education
Instruction Division

Proposed Temporary Rules Governing Public School Automobile Driver Education Programs

Request for Public Comment

Notice is hereby given that the State Board of Education is proposing to adopt temporary rules to govern Public School Automobile Driver Education Programs as authorized by Chapter 548, Laws of 1982. The proposed temporary rules appear following this notice.

All interested persons are hereby afforded the opportunity to submit data and views on the proposed temporary rules for 20 days immediately following publication of this material in the *State Register*. Comments should be submitted in writing to Joseph E. Meyerring, Traffic Safety Education Specialist, Department of Education, 685 Capitol Square Building, 550 Cedar Street, St. Paul, MN 55101.

The proposed temporary rules may be modified if the modifications are supported by the data and views submitted to the Department.

After the 20 day comment period the proposed temporary rules with modifications, if any, will be sent to the Office of the Attorney General for final approval as to form and legality. The temporary rules shall take effect immediately upon the Attorney General's approval.

The temporary rules shall remain in effect until July 1, 1983 or until permanent rules are adopted, whichever occurs first.

June 8, 1982

John J. Feda, Secretary

Temporary Rules as Proposed (all new material)

Chapter Eight: Health and Safety
Education Instruction and Training
Minimum Standards for Elementary and Secondary Schools

EDU 143 [Temporary] Automobile driver education programs. A school district offering automobile driver education programs, directly or indirectly, shall comply with the requirements of EDU 144 to EDU 146.

EDU 144 [Temporary] Instructional requirements for automobile driver education.

A. Classroom curriculum. A written classroom curriculum guide must be available to and used by each teacher conducting classroom instruction. The curriculum must include at least the following opportunities for students:

1. to analyze and assess several decision-making models and factors influencing highway-user decisions;

2. to analyze and simulate making decisions about the effect of alcohol and other drugs on behavior and driving performance;

3. to analyze and practice making decisions about using occupant restraints;

4. to identify and analyze a variety of driving decisions about highway users and roadway characteristics;

5. to analyze and practice making decisions about a vehicle's speed under the different driving conditions;

6. to know the content and purpose of motor vehicle and traffic laws and rules for safe driving performance;

7. to identify, analyze, and describe proper procedures for a variety of driving situations;

8. to gather information and practice making decisions about automobile ownership and maintenance;

9. to identify, analyze, and practice making decisions related to drivers' attitudes and emotions; and

10. to explore alternative ways to become better drivers and to improve highway transportation.

B. Laboratory curriculum. A written laboratory curriculum guide must be available to and used by each teacher conducting laboratory instruction. The curriculum must include at least the following:

1. orientation to the purpose, content, and procedures for laboratory instruction;

2. orientation to gauges and instruments, and preparing to move the vehicle;

3. basic skills in speed control and tracking on forward and backward paths;

4. orientation to driving and initial techniques in scanning for, recognizing, and responding to obstacles;

5. basic skills in parking, turning, backing, turning around, lane changing, crossing intersections, and passing maneuvers;

6. reduced-risk city driving, highway driving, freeway driving, and interacting with other highway users;

7. strategies for perceiving and responding to adverse and special conditions and emergencies; and

8. formal evaluation, self evaluation, and planning for future improvement.

C. Place for on-street instruction. All on-street instruction shall be conducted on a planned practice driving route. It shall not be on actual routes used for road tests for state driver licenses.

D. Classroom instruction. At least 30 hours of classroom instruction must be scheduled over no less than three weeks with no more than two clock hours per day.

E. Laboratory instruction. Laboratory instruction must include at least six clock hours of on-street instruction or the equivalent. The clock hours or the equivalent must be scheduled over no less than two weeks and not more than 18 weeks with no more than two clock hours per day.

1. If automobile-driving simulator instruction is provided and is not counted as classroom time, four clock hours of simulator instruction may be substituted for one clock hour of on-street instruction.

2. If off-street driving range instruction is provided, two clock hours of driving range instruction may be substituted for one clock hour of on-street instruction.

3. When simulator or driving range instruction is substituted for on-street instruction, the on-street instruction time may not be reduced to less than three clock hours. However, when both simulator and driving range instruction are substituted, on-street instruction time may not be reduced to less than two clock hours.

F. Sequence when simultaneous instruction. At least five clock hours of classroom instruction must have been completed before beginning laboratory instruction, when both phases of the program are conducted during the same time period.

G. Sequence when successive instruction. Successful completion of classroom instruction is mandatory for enrollment in laboratory instruction, when the two phases of the program are conducted during separate time periods. The time period between the phases of instruction must not exceed six months.

H. Occupant restraints. Instructors must ensure that all vehicle occupants use restraints at all times during laboratory instruction.

I. Permit or driver's license. Instructors must ensure that students are in actual possession of a valid Minnesota driver instruction permit or driver's license before giving on-street driving instruction.

J. Course credit. Driver education courses may carry credit toward graduation for students, whether offered directly or indirectly, as a separate course or part of another course. Credit for driver education must be granted under the same standards that credit is granted for satisfactory completion of other courses. A student must not be granted credit toward graduation for completing a driver training course provided wholly or partially by a commercial driver training school not meeting all requirements of EDU 144 to EDU 146.

K. Program modification. A school district which does not provide on-street instruction may offer classroom instruction only after it has consulted with a commercial driving school or other on-street provider. The district must modify its program to minimize duplication of training.

L. Authorized school official. A school district must identify an authorized school official to be responsible for certifying satisfactory completion of the program. The official need not be licensed under 5 MCAR § 3.083 unless that person also is an instructor in the program.

1. When a student satisfactorily completes the driver education program, including both classroom and on-street instruction, the authorized school official must furnish the student a certificate of course completion.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

2. When a student satisfactorily completes classroom instruction and intends to complete the program with another provider, the authorized school official must furnish the student verification statement of completion of classroom instruction.

3. When a student under 16 years of age fails to continue or successfully complete the driver education course, including on-street instruction, the authorized school official must immediately notify the Department of Public Safety, Driver and Vehicle Services Division.

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C. Display of sign. Each vehicle used for on-street instruction must conspicuously display a sign on the rear which reads "Student Driver." The background and letters of the sign must be of contrasting colors. The lettering must be at least two but not more than five inches high. The sign must be removed when the vehicle is used for purposes other than driver education instruction.

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EDU 146 [Temporary] Teacher requirements for automobile driver education. All teachers providing automobile driver education instruction must be appropriately licensed by the Board of Teaching.

Temporary repealer. Rule EDU 142 C. is repealed during the time temporary rules EDU 143 to EDU 146 are effective.

Department of Energy, Planning and Development Energy Division

Proposed Rules Governing the Home Energy Disclosure Program

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Department of Energy, Planning and Development proposes to adopt the above-entitled rules without a public hearing. The commissioner has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes § 15.0412, subdivision 4h (1981 Supp).

Notice of intent to adopt rules was originally mailed in November, 1981, and published in the *State Register* at 6 SR 922-937 on November 16, 1981. A subsequent notice was mailed on June 25, 1982. However, because the previous notices were determined to be inadequate, the department is again giving notice of its intent to adopt these rules.

STATE OF MINNESOTA

DEPARTMENT OF EDUCATION

In the Matter of the Proposed Adoption of Temporary Rules of the State Department of Education Governing Public School Automobile Driver Education Programs.

FINDINGS OF FACT AND CONCLUSIONS

Notice of the State Board of Education's intent to adopt temporary rules governing Public School Automobile Driver Education Programs was published in the State Register on July 12, 1982, and was sent by United States Mail to all persons on the list maintained by the Department of Education, pursuant to Minnesota Statutes section 15.0412, subdivision 4, and all Public School Automobile Driver Education Program Supervisors.

After affording interested and affected persons an opportunity to submit comments for 20 days and having reviewed and considered the comments, I find the following:

FINDINGS OF FACT AND CONCLUSIONS

1. The authority of the State Board of Education to promulgate these temporary rules is contained in Chapter 548, Laws of 1982.

2. During the 20 day comment period, fifteen comments were received and are filed as a part of these proceedings.

3. EDU 144, F is modified to insure that the classroom and laboratory phases of the program are integrated. p. 3

4. EDU 144, J is modified to be compatible with present rule EDU 42. p. 4

5. EDU 144, K is modified to clarify the language. The original intent of safe-guarding the public from excessive and unnecessary training is fulfilled by this modification. p. 4

6. EDU 145, F is modified to clarify the language and add injury and property damage insurance coverage for students and instructors. p.6

7. The Board of Education has fulfilled all relevant, substantive and procedural requirements of law and rule.

STATE OF MINNESOTA

Sept 14, 1982
DATE

John J. Feda
John J. Feda, Secretary
by Gerald Kleve - Deputy

CERTIFICATE OF BOARD'S

RESOLUTION ADOPTING RULES

I, John J. Feda, do hereby certify that I am the secretary of the Board of Education, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of Education, duly and properly called and held on the 14th day of September, 1982, that a quorum was present at said meeting, that a majority of those present voted for the resolution, and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> "RESOLVED, that the temporary rules relating to Public School Automobile Driver Education Programs be and they hereby are approved and adopted, pursuant to authority vested in us by Laws of 1982, ch. 548, art. IV, section 23 and that John J. Feda, the secretary of the Board of Education, be and hereby is authorized to sign an order adopting these rules and further is authorized to perform the necessary acts to provide that these rules shall have the force and effect of law.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 14th day of September, 1982.

John J. Feda
John J. Feda, Secretary
by Gerald K. Leve, Deputy

Member, State Board of Education

In the Matter of the Proposed Adoption of Rules of the State Board of Education Governing Public School Automobile Driver Education Programs

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, Special Assistant Attorney General Charles T. Mottl, do hereby declare that I have examined the rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed. Any exceptions are noted below.

Dated: September 21, 1982.

Charles T. Mottl
Special Assistant
Attorney General