

STATE OF MINNESOTA  
BOARD OF EDUCATION

STATEMENT OF NEED AND REASONABLENESS FOR  
PROPOSED ADOPTION OF RULES GOVERNING CRITERIA FOR APPROVAL OF  
PUBLIC SCHOOL AUTOMOBILE AND MOTORCYCLE DRIVER EDUCATION PROGRAMS

The proposed adoption of rules, parts 3500.5000 to 3500.5070 is necessary to comply with Minnesota Statutes, section 169.974, subd. 2 and Minnesota Statutes, section 171.04, subd. 1, which establishes authority for the State Board of Education to approve or deny Automobile and Motorcycle Driver Education Programs conducted by public schools. The need to adopt these rules arises because of statutory changes made during the 1982 legislative session; a need to secure a uniform, thorough and efficient statewide Automobile and Motorcycle Driver Education System; insure the protection of program participants and the general public; and the need to assure that program participants have an opportunity to attain at least a minimum level of competency prior to taking a driver's license examination.

3500.5000 Automobile Driver Education Programs. This rule sets forth, that all Automobile Driver Education programs, which are being conducted for persons under 18 years of age desiring a Standard Driver's License as provided by Minnesota Statutes, section 171.04, must comply with the requirements of parts 3500.5010 to 3500.5030. Minnesota Statutes, section 171.04 provides for two distinct methods of program approval, thereby indicating that no program will receive approval unless it complies with rules promulgated by either the Department of Public Safety or the Department of Education. In the case of programs offered through public schools, the programs must, by law, be in accordance with rules promulgated by the State Board of Education. There being no definition to the contrary, it is the State Board of Education's contention that the rules, parts 3500.5010 to 3500.5030, would apply to all programs designed to comply with Minnesota Statutes, section 171.04, conducted by public schools. The application would encompass programs conducted through the education program, or any other administrative entity developed by local school administrators.

This rule is clearly necessary in that the State has the authority and the responsibility to insure the safety of its citizenry. The establishment of program approval requirements is the method used to accomplish this objective. The rule is reasonable in that they have been established and complied with by local public schools since 1965.

3500.5010 Instructional Requirements for Automobile Driver Education.

Subpart 1 sets forth classroom curricular requirements including a written curriculum guide and minimum opportunities for students. These requirements are needed to assure that program participants receive a planned educationally sound program. The requirements are reasonable in that lesson plans have been a part of the educational process from its inception and that the ten curricular opportunities outlined have been accepted by the Public School Driver Education Community as being the minimum criteria which would constitute a beginning Automobile Driver Education Program. Further, the Department of Public Safety, from 1972 through 1982 required that a written curriculum guide be submitted by public schools desiring program approval. The outline only establishes a minimum and may be expanded at the option of local public schools.

Subpart 2 sets forth laboratory curricular requirements including a written curriculum guide and an outline of the curriculum's content. These requirements are needed to assure that an educationally sound program is provided to program participants, and that the curriculum contains at least a minimum level of experiential opportunities for students. The requirements are reasonable in that the written curriculum has been required for the past ten years and that the outline expresses a minimum of experience necessary for entrance into the highway transportation system. The requirements are also reasonable in that they are in accord with sound educational practices required in other curricular areas.

Subpart 3 sets forth on-street instructional conditions. These conditions are needed to assure that students are given instruction in a planned systematic sequence and not by chance through random experiential driving which may or may not encompass all of the activities outlined in Subpart 2. The conditions also assure that on-street instruction is more than just passing a state driver's license test. The State Board of Education contends that these conditions are reasonable since these principals have been practiced by a vast majority of public schools for over ten years.

Subpart 4 establishes minimum time requirements for classroom instruction. This is necessary to insure that students are exposed to at least a minimum of reinforcement activities related to the facts and concepts necessary for subject mastery. Educational research clearly indicates that reinforcement over time, and time on task are the key ingredients which enable students to acquire knowledge and concepts better and retain them longer. These requirements represent a compromise from the ideal program based upon local program cost considerations, scheduling problems and student access to the program. Further, the requirements are reasonable in that additional compromises would not significantly reduce local costs, scheduling problems or increase student access. The State Board of Education contends that any proposal to weaken these requirements would adversely affect the effectiveness of the program.

Subpart 5 establishes minimum time requirements for the conduct of the laboratory phase of the program under all currently acceptable methods for the conduct of the program. The same concepts and rationale presented for Subpart 4 can be applied to these requirements. In addition, these requirements insure that students will have at least a minimum of opportunities to practice the driving procedures presented by the instructor with their parents or guardian. This practice time is essential due to the very small number of laboratory hours which are required.

Subpart 6 sets forth criteria when a simultaneous instructional program is planned. The criteria are needed to assure that all students have been given an opportunity to acquire at least a minimum knowledge of Minnesota Motor Vehicle and Traffic Laws prior to the operation of an automobile and to insure that the total program is conducted on an educationally sound basis. These criteria are reasonable in that local programs throughout the state over the past twenty years have been in total compliance, therefore, will not be burdensome to local public schools.

Subpart 7 sets forth the criteria when a program is conducted whereby the two phases are conducted during separate time periods. The criteria are needed to insure that students are given an opportunity to enroll in the laboratory phase of the program in time to retain at least a sufficient amount of information from the classroom phase to experience success in the laboratory phase. The concepts and knowledge presented during the classroom phase of the program are applied by the students during the laboratory phase. Any compromise beyond the six-month time limit would be detrimental to student attainment of program objectives. The criteria are reasonable to both school districts and students in that it does not represent an undue hardship on the school and protects the student.

Subpart 8 mandates the use of occupant restraints during the laboratory phase of instruction. The mandate is needed to insure the greatest level of safety and protection possible for all persons involved. The laboratory phase of the Automobile Driver Education program is potentially the single greatest threat to the participants well-being as compared to any other activity conducted by public schools. The mandate is reasonable in that occupant restraint usage has been proven, beyond doubt, to be beneficial in the event of a crash. Further, the mandate will not require additional expenditures of monies by public schools.

Subpart 9 mandates actual possession of an instruction permit or driver's license during on-street instruction. The mandate is needed to insure compliance with state law and to insure that students have attained at least a minimum level of knowledge of Minnesota's traffic and motor vehicle laws. The mandate is reasonable in that students have been complying with this provision since enactment of the Drivers License Law in 1965.

Subpart 10 allows local public schools to grant graduation credit for the Automobile Driver Education course under the same conditions as other courses. The item is needed to clarify the fact that the course is a co-curricular activity and may generate credit in the same manner as other co-curricular courses do. The item is reasonable in that it does not present the course different from other courses when public schools wish to offer the program for credit.

Subpart 11 sets forth the conditions when a complete program is not provided by the public school. The conditions are necessary to protect students, assuring access to both phases of the program. Also, the conditions protect students from unnecessary retraining or overtraining and insures access to an educationally sound program. The conditions are reasonable in that they do not mandate the program to be provided by the public school. However, if they do provide the classroom portion, the students will not be taken advantage of; and they will be assured that conditions, over which they have no control, will not be over-burdensome.

Subpart 12 stipulates the appointment of an official signer and establishes the conditions for the issuance of course completion documents. These criteria are necessary to insure that the licensing system will function efficiently and effectively and that students will be treated fairly. The rule is designed to protect students from unnecessary delays in the licensing process and to insure that students, not meeting all requirements, will not receive a valid license. The rule is reasonable in that it does not place an undue burden upon the public school and protects the rights of students without additional procedures or costs.

Subpart 13 mandates that public schools maintain a permanent record of each students Automobile Driver Education experience. This mandate is needed to insure the protection of student rights when questions arise or information is requested by Driver Licensing Authorities, Enforcement Personnel or Insurance Companies. The mandate is reasonable in that all public schools presently have a permanent record system for each student. This mandate only insures a minimum of information and establishes statewide uniformity.

Subpart 14 mandates an annual report which will identify all persons actively involved in the program. The rule is necessary to insure proper supervision of the program at the State level. The signer's name is utilized by driver license personnel to verify proper course completions. The instructor information insures access to teacher licensing and driver history. The mandate is reasonable in that the public schools have been providing the identical information to the Department of Public Safety without problems or complaints from the public schools since 1972.

3500.5020 Vehicle Requirements for Automobile Driver Education.

Subpart 1 sets forth vehicle safety standards. This item clarifies the fact that vehicles which are modified, in such a manner that they do not meet safety standards, may not be utilized in the Automobile Driver Education program. The criteria are needed to insure the safety of program participants and the general public. The criteria are reasonable in that it will not place an undue burden upon public schools.

Subpart 2 sets forth the required equipment for all vehicles used in an Automobile Driver Education program. The criteria are needed to insure the safety of program participants and the general public. The criteria specifies three major safety concerns including: ability to stop vehicle, adequate ability to see by both the student and instructor, and occupant restraints for protection in the event of a crash. The criteria are reasonable in that public schools have complied with the items for over thirty years. The equipment specified is either provided by the vehicle's manufacturer or is readily available at reasonable cost to local public schools.

Subpart 3 requires the display of a "student driver" sign on the rear of the vehicle when used for instructional purposes. The requirement is necessary for the protection of program participants and the driving public. The sign helps to notify the driving public that a person is learning, thereby, alleviating some of the impatience when the student's vehicle is moving slowly or makes an improper maneuver. The requirement is reasonable in that most public schools already use the signs and the signs are readily available at reasonable cost.

Subpart 4 sets forth that all vehicles must be maintained. The requirement is necessary to insure the safety of the vehicle's occupants and the motoring public which will utilize the highway traffic system at the same time. Routine care and servicing is not only reasonable, but could save the public school undue expenses from breakdowns and/or crashes and instructional program delays.

Subpart 5 prohibits the carrying or transport of dangerous items in a Driver Education vehicle. This is necessary to insure the safety and well being of the students, instructor and the general public. The prohibition is reasonable in that there should be no compelling reason to transport these types of items in a vehicle utilized for instructional purposes.

Subpart 6 stipulates vehicle insurance requirements. This subdivision is necessary to protect both the public school and the motoring public in the event of a vehicle crash. The liability and property damage coverage have been increased, over the no-fault requirements, to reflect today's costs. These requirements are reasonable in that a vast majority of public schools currently comply or greatly exceed these requirements. It is not uncommon for a public school to carry a million dollars of liability coverage on all school vehicles.

3500.5030 Exemption for Experimental Program. This rule sets forth the criteria which must be followed when a school district desires to conduct a program which varies from the established rule. The exemption is necessary to allow local school districts to improve their programs or to accommodate for unusual local conditions. These criteria are reasonable in that they are the same for all curricular areas where rules apply.

3500.5040 Motorcycle Driver Education Programs. This rule sets forth that all Motorcycle Driver Education programs, which are being conducted for persons under 18 years of age, desiring a two-wheeled vehicle endorsement as provided by Minnesota Statutes, section 169.974, subd. 2, must comply with the requirements of rules, parts 3500.5050 to 3500.5070. Minnesota Statutes, section 169.974, provides for two distinct methods of program approval, thereby, indicating that no program will receive approval unless it complies with rules promulgated by either the Department of Public Safety or the State Board of Education. There being no definition to the contrary, it is the State Board of Education's contention that the rules, parts 3500.5050 to 3500.5070, would apply to all programs designed to comply with Minnesota Statutes, section 169.974, subd. 2, conducted by public schools. This application would encompass programs conducted through the regular school program, summer school program, adult education program, community education program or any other administrative entity developed by local school administrators. This rule is clearly necessary in that the State has the authority and the responsibility to insure the safety of its citizenry. The establishment of program approval requirements is the method used to accomplish this objective. The rule is reasonable in that Motorcycle Driver Education program approval requirements have been established and complied with by local public schools since the program's inception.

3500.5050 Instructional Requirements for Motorcycle Driver Education.

Subpart 1 sets forth classroom curricular requirements including a written curriculum guide and minimum opportunities for students. These requirements are needed to assure that program participants receive a planned educationally sound program. The requirements are reasonable in that lesson plans have been a part of the educational process from its inception and that the curricular opportunities outlined have been accepted by the public school Motorcycle Education Community as being the minimum criteria which would constitute a beginning Motorcycle Driver Education program. Further, the Department of Public Safety required a written curriculum guide be submitted by public schools desiring program approval. The outline only establishes a minimum and may be expanded at the local public schools.

Subpart 2 sets forth the program's laboratory curricular requirements. These requirements are necessary to insure that all students have at least an opportunity to experience a minimum level of educational activities. The topics required to conduct the laboratory portion of the beginning Motorcycle Rider Education program. A written curriculum guide is necessary to insure that the program is planned and coordinated to accomplish specific course objectives. These requirements are reasonable in that they are in compliance with sound educational practices and have been required by the Department of Public Safety's program approval during the recent past, therefore, will not cause an undue burden to public schools.

Subpart 3 specifies the location for conducting the on-street instructional program. The criteria specified are necessary to insure that students are given the on-street instruction in a planned systematic sequence and not through a random experience. These criteria also insure that students are prepared to enter the highway transportation system and not to just pass the Driver License test. The rule is reasonable since these principals have been advocated and practiced since the inception of the State's beginning Motorcycle Rider Education program.

Subpart 4 establishes the minimum time requirements for classroom instruction. These requirements represent current and past practices for the conduct of the program by the vast majority of public schools throughout the State. The requirements insure that students are exposed to at least a minimum of reinforcement activities related to the facts and concepts necessary for subject mastery. Educational research clearly indicates that reinforcement, over time, and the students time on task are the key ingredients which enable students to acquire knowledge and concepts better and retain them longer. These requirements represent a compromise from an ideal program due to local program cost considerations, scheduling difficulties, and student access to the program. Further, the requirements are reasonable in that additional compromises would not significantly reduce program costs, or scheduling difficulties and would not significantly increase student access to the program. The State Board of Education contends that any proposal designed to weaken these criteria would adversely impact the effectiveness of the program.

Subpart 5 establishes the minimum time requirements for the laboratory phase of the program. These criteria represent current and past practices for the conduct of this phase of the program by the vast majority of public schools throughout the State. The requirements insure that students are exposed to at least a very minimum of reinforcement activities necessary for mastery of the required tasks. Educational research clearly indicates that reinforcement over time and student time on task are the key ingredients which better enable students to acquire knowledge and skills and to retain them longer. These requirements represent a compromise from the ideal and more educationally sound program. The compromise was made due to local program cost considerations and scheduling difficulties. The State Board of Education contends that any weakening of these requirements would not significantly reduce program costs or scheduling difficulties. Further, additional weakening of these requirements would severely impact the programs effectiveness; this would not be in the best interest of the students or the motoring public.

Subpart 6 sets forth program requirements when both phases of the program are conducted during the same time period. These criteria are needed to assure that students have an opportunity to acquire, at least a minimal level of knowledge about Traffic and Motor Vehicle Laws as they relate to the operation of a motorcycle prior to beginning the laboratory phase of instruction. There is also criteria which assures that the total program is integrated on an educationally sound basis. These criteria are reasonable in that programs conducted by public schools are normally in full compliance. Further, the criteria are not burdensome to local public schools.

Subpart 7 establishes program criteria when the two phases of the course are conducted during separate time periods. The criteria are necessary to insure that students have the opportunity to enroll in both phases of the program and to enroll in the laboratory phase within a reasonable period of time. The time period restriction insures that students retain sufficient information to maximize opportunities for a successful laboratory experience. The concepts and knowledge presented during the classroom phase are applied during the laboratory phase. Increasing the time limit requirement between the two phases of the program would be detrimental to student achievement of program objectives. These criteria are reasonable for both student and school districts in that they do not place an undue burden on the schools, yet they protect the rights of students.

Subpart 8 sets forth the student-instructor ratio for the content of the laboratory phase of the program. The rules are necessary to insure the safety of the students and to maximize the opportunity for a variety of educational experiences for students. These criteria represent nationally acceptable standards developed through research and common practice. The limitations are reasonable in that they do not place an undue burden on public schools and will not impact a significant portion of the schools conducting the program.

Subpart 9 sets forth the required protective clothing to be worn during the laboratory phase of the beginning Motorcycle Rider Education program. This is necessary to provide protection of the student in the event of an accident. Serious injuries can occur from even minor motorcycle accidents. The criteria are reasonable when consideration is given to the safety and well being of the student involved.

Subpart 10 sets forth the criteria for student enrollment in the program. The criteria are necessary to clarify language contained in Minnesota Statutes, section 169.974, subd. 2, relative to who may be issued a two-wheeled vehicle permit. The criteria also establishes an orderly sequence of activities for obtaining the two-wheeled vehicle endorsement. Without this sequence it would be possible for a student to complete the educational requirements necessary for the two-wheeled vehicle endorsement prior to obtaining a valid standard driver's license. When one considers the accident potential, it is reasonable to expect that student first obtains a valid standard driver's license prior to enrollment in the beginning Motorcycle Driver Education program.

Subpart 11 sets forth the requirements when a public school does not provide the complete program. These requirements are necessary to protect students from unnecessary retraining or overtraining and to assure access to both phases of the program. The provisions are reasonable in that the rule does not mandate that the total program be offered, only that if a program is offered, students will be assured of having access to both phases. This requirement does not place an undue burden upon the public schools.

Subpart 12 stipulates the appointment of an official signer and establishes the conditions for the issuance of course completing documents. These criteria are necessary to insure that the licensing system will function efficiently and effectively and that students will be treated fairly. The rule is designed to protect students from unnecessary delays in the licensing process and to insure that students not meeting all requirements, will not receive a valid license. The rule is reasonable in that it does not place an undue burden upon the public school and protects the rights of students without additional procedures or costs.

Subpart 13 mandates that public schools maintain a permanent record of each students Motorcycle Driver Education experience. This mandate is needed to insure the protection of student rights when questions arise or information is requested by Driver Licensing Authorities, Endorsement Personnel or Insurance Companies. The mandate is reasonable in that all public schools presently have a permanent record system for each student. This mandate only insures a minimum of information and establishes statewide uniformity.

Subpart 14 mandates an annual report which will identify all persons actively involved in the program. The rule is necessary to insure proper supervision of the program at the State level. The signer's name is utilized by driver license personnel to verify proper course completion. The instructor information insures access to teacher licensing and driver history. The mandate is reasonable in that the public schools have been providing the identical information to the Department of Public Safety without problems or complaints from the public schools.

3500.5060 Vehicle Requirements for Motorcycle Driver Education.

Subpart 1 sets forth vehicle safety standards. These criteria are a clarification which will insure that vehicles which are unsafe due to modifications will not be used in the program. The rule is necessary to assure that students are provided a safe learning environment. The rule does not place an unnecessary burden upon schools, therefore, is reasonable.

Subpart 2 requires that all vehicles used in this program be properly maintained. This requirement is necessary to insure that students are provided a safe learning environment. The reasonableness of this rule should be without question in that routine care and servicing will not only provide greater safety for students, but reduce unnecessary breakdowns. Vehicle breakdowns delay the instructional program, this reduces program efficiency and increases costs.

Subpart 3 sets forth vehicle insurance requirements. These requirements are necessary to protect against unnecessary losses to the program's participants, the public school, and the motoring public in the event of a vehicle crash. The insurance levels required reflect today's reality in light of liability and damage costs. The requirements are reasonable in that they reflect guidelines established at the national level and have been approved by a large group of professionals throughout Minnesota, working in the subject field.

3500.5070 Exemption for Experimental Program. This rule sets forth the criteria which must be followed when a school district desires to conduct a program which varies from the established rule. The exemption is necessary to allow local school districts to improve their programs or to accommodate for unusual local conditions. These criteria are reasonable in that they are the same for all curricular areas where rules apply.

IN CONCLUSION, the rules being proposed for the approval of the Automobile and Motorcycle Driver Education program, conducted by public schools, were written and approved at twenty regional workshops conducted during January and February of 1981 and 1983, by over four hundred (400) professionals working in the subject field and public school administrators. These workshops produced the proposed rules and involved a great amount of discussion and compromise. Through this process a tremendous amount of support and acceptance has been generated at the local level.

It also must be noted that the proposed rules do not adversely impact a great majority of local public schools in that they are presently in total compliance. It will be a rare occurrence when program modifications must be made due to requirements specified in the rules. When modifications must be made, they will generally be minor in nature and result in a more educationally sound program, thereby resulting in benefits to program participants and the motoring public.