

TRANSPORTATION DEPARTMENT[761]

Adopted and Filed

Rulemaking related to driver education

The Transportation Department hereby rescinds Chapter 634, “Driver Education,” Iowa Administrative Code, and adopts a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code sections 307.12(1)“j,” 321.178 and 321.178A.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 321.13, 321.178, 321.178A, 321.180B and 321.194.

Purpose and Summary

This rulemaking repromulgates Chapter 634 in compliance with Executive Order 10. Chapter 634 implements the Department’s rulemaking authority granted in Iowa Code section 321.178, which explains driver education course requirements for school districts and private and commercial driver education schools, including the qualification, application, and certification requirements for behind-the-wheel instructors. The chapter also implements Iowa Code section 321.178A, which explains the requirements for a teaching parent to provide driver education as an alternative to a driver education course offered by a course provider.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on December 11, 2024, as **ARC 8470C**. Two public hearings were held on the following date:

- January 9, 2025

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

Adoption of Rulemaking

This rulemaking was adopted by the Department on March 11, 2025.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any

individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on May 21, 2025.

The following rulemaking action is adopted:

ITEM 1. Rescind 761—Chapter 634 and adopt the following **new** chapter in lieu thereof:

CHAPTER 634
DRIVER EDUCATION

761—634.1(321) Information and location. Applications, forms and information regarding this chapter are available by mail from the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; in person at 6310 SE Convenience Boulevard, Ankeny, Iowa 50021; by telephone at 515.244.8725; by facsimile at 515.239.1837; or on the department's website at www.iowadot.gov/mvd/drivereducation.

761—634.2(321) Definitions.

"Approved course" means a driver education curriculum approved by the department that meets the requirements of Iowa Code section 321.178A and is appropriate for teaching parent-directed driver education and related behind-the-wheel instruction.

"Behind-the-wheel instruction" means the street or highway driving instruction component of an approved driver education course.

"Clear driving record" means the person currently and during the prior two-year period has not been identified as a candidate for suspension or revocation of a driver's license under the habitual offender or habitual violator provisions of rule 761—615.4(321) or rule 761—615.6(321); is not subject to a driver's license suspension, revocation, denial, cancellation, disqualification, or bar; has no record of a contributive motor vehicle accident that caused the death or serious injury of another person; and has no record of two or more contributive motor vehicle accidents in a two-year period.

"Course vendor" means a third-party vendor that makes available commercially an approved course.

"Driver education school" means any school district, area education agency, merged area school, or other agency or person planning to offer driver education.

"Instructor," for purposes of this chapter, means a person certified to provide behind-the-wheel instruction.

"Laboratory instruction" includes instruction received by a student while the student is in the driver education vehicle or adjacent to it as referred to in paragraphs 634.3(2) "c" and "d" and may also include range or simulation as referred to in paragraphs 634.3(2) "h" and "i."

"Serious injury" means the same as defined in Iowa Code section 702.18.

"Student" means the same as defined in Iowa Code section 321.178(1) "d."

"Teacher" means the same as defined in Iowa Code section 256.145(16).

"Teaching parent" means the same as defined in Iowa Code section 321.178A(2) "c."

761—634.3(321) Driver education course standards and requirements.

634.3(1) Course approval. Any school district, area education agency, merged area school, or other entity planning to offer a driver education course must apply for and receive departmental approval, including approval of all teachers, instructors, and course curriculum. Approvals remain valid for a calendar year, expiring December 31, and must be renewed annually. The application for course renewal shall be submitted to the department within 60 days of the expiration date unless otherwise approved by the department.

634.3(2) Course requirements.

- a. The instruction provided under Iowa Code section 321.178(1)“a” is to be performed in a dual-controlled motor vehicle and exclusive of observation time.
- b. Except upon showing of good cause, laboratory instruction shall not conclude later than 45 days after classroom instruction has been completed. When the driver education course provider determines there is good cause, the laboratory instruction shall not conclude later than 90 days after classroom instruction has been completed. For the purpose of this paragraph, “good cause” means an unanticipated event causing a delay in the student’s ability to complete the laboratory instruction if the event is beyond the student’s control.
- c. Behind-the-wheel instruction shall be limited to a maximum of 30 minutes per student per session and a maximum of 60 minutes in a single day.
- d. Two or more students shall be scheduled for all behind-the-wheel instruction to ensure that appropriate observation time is experienced.
- e. Routine maintenance and operation of motor vehicles to maximize energy efficiency and safety will be included in classroom instruction.
- f. Each school district will provide students who are absent from instruction an opportunity to make up a reasonable amount of time and coursework.
- g. When driving simulators are used for part of the behind-the-wheel driving experience, four hours of simulator experience will be considered equal to one hour of behind-the-wheel driving in the car. However, in addition to simulator time, a minimum of three hours of on-street, behind-the-wheel driving must be completed.
- h. When driving ranges are used in driver education courses, two hours of range experience will be considered equal to one hour of on-street, behind-the-wheel driving. However, in addition to range time, a minimum of three hours of on-street, behind-the-wheel driving must be completed.
- i. Motor vehicles that are designed primarily for carrying nine or fewer occupants, excluding motorcycles and mopeds, are the only motor vehicles approved for use in driver education courses, and each shall be equipped with a dual control. Vehicles must bear a manufacturer’s label pursuant to 49 CFR §567.4 effective as of October 1, 2023.
- j. The driver education teacher or instructor is to verify at the beginning of each course that each student possesses a valid instruction permit or driver’s license. Each student is responsible for possessing an instruction permit or driver’s license throughout all laboratory instruction and is to report any suspension, revocation or cancellation of the instruction permit or driver’s license to the driver education teacher or instructor prior to attending laboratory instruction.

634.3(3) *Experimental program.* The department may approve an experimental program based on student or school district need for improved instruction. The maximum duration of an experimental program is three years. Annual documentation of the effectiveness of instruction must be submitted to the department.

761—634.4(321) Instructor qualifications, application, and certification.

634.4(1) *Behind-the-wheel instructor qualifications.* Behind-the-wheel instructors must:

- a. Hold a valid driver’s license that permits unaccompanied driving, other than a motorized bicycle license or a temporary restricted license.
- b. Have a clear driving record for the previous two years.

634.4(2) *Behind-the-wheel instructor’s certification requirements.* Except as otherwise provided in this chapter, the following requirements apply to a behind-the-wheel instructor:

- a. An applicant for a behind-the-wheel instructor’s certification will apply to the department using Form 431160.
 - (1) An initial behind-the-wheel instructor’s certification is to be submitted annually within 60 days of the expiration date unless otherwise approved by the department. The instructor approval expires on December 31 but remains valid for an additional 30 days after the expiration date.
 - (2) To renew a behind-the-wheel instructor’s certification, a person will do all of the following:
 - 1. Apply to the department annually. Instructor approval is valid for a calendar year or the remainder of a calendar year. The instructor approval expires on December 31 but remains valid for an

additional 30 days after the expiration date. An application for renewal of instructor approval shall be submitted within 60 days of the expiration date unless otherwise approved by the department.

2. Provide behind-the-wheel instruction for a minimum of 12 clock hours during each calendar year.

b. A behind-the-wheel instructor will complete at least one state-sponsored or state-approved behind-the-wheel instructor refresher course biennially. Approved courses may include electronic completion or remote attendance options. The department may develop a special course for licensed teachers or peace officers who qualify to provide behind-the-wheel instruction under subrule 634.4(3) or 634.4(5).

c. Upon certification, but prior to providing behind-the-wheel instruction, the person will be:

(1) Authorized by the Iowa board of educational examiners to provide behind-the-wheel driving instruction unless exempt under Iowa Code section 321.178.

(2) Employed by a public or licensed commercial or private provider of the approved driver education course.

634.4(3) *Instructor's certification for licensed teachers.* A teacher licensed by the Iowa board of educational examiners as provided in 282—subrule 13.10(8) will be included as an approved instructor on an annual driver education course approval as referenced in subrules 634.3(1) and 634.6(1) and shall meet the requirements in paragraph 634.4(2) “*b*” to be certified by the department to provide behind-the-wheel instruction.

634.4(4) *Instructor application and certification for a teacher with an expired teacher's license.* A teacher who holds an expired initial, standard, exchange, or master educator license with an endorsement for driver education as provided in 282—subrule 13.10(8) shall meet the requirements in subrule 634.4(2) to be certified by the department to provide behind-the-wheel instruction.

634.4(5) *Instructor application and certification for active peace officers and retired peace officers.*

a. An applicant for behind-the-wheel instructor certification who is an active peace officer or a retired peace officer as referenced in Iowa Code section 321.178 shall:

(1) Be at least 25 years of age.

(2) Submit Form 431233 certifying the person's status as an active or retired peace officer.

(3) Meet all other requirements of subrule 634.4(2), except peace officers or retired peace officers who otherwise qualify under this subrule are not required to meet the requirement of subparagraph 634.4(2) “*c*”(1).

b. A retired peace officer is only required to submit Form 431233, required under paragraph 634.4(5) “*a*,” to the department once unless the form is invalid or not accepted by the department.

634.4(6) *Instructor application and certification for persons other than licensed teachers, peace officers or retired peace officers.* A person who is not licensed by the Iowa board of educational examiners to provide classroom driver education as provided in 282—subrule 13.10(8), who does not hold an expired teacher's license as referenced in subrule 634.4(4), or who is not a peace officer or a retired peace officer as referenced in Iowa Code section 321.178 must satisfy all of the following to be certified by the department to provide behind-the-wheel instruction:

a. Be at least 25 years of age.

b. Meet the requirements in subrule 634.4(2).

c. Successfully complete a department-approved instructor preparation course within 12 months of application for behind-the-wheel instruction certification. The instructor preparation course will:

(1) Be a driver education teacher preparation program that is designed to observe, coach, and evaluate behind-the-wheel instructor candidates.

(2) Be approved by the Iowa board of educational examiners.

(3) Consist of 24 hours of classroom instruction in sessions not exceeding 4 hours that covers, at minimum, the psychology of the young driver, behind-the-wheel teaching techniques, and driving route selection.

(4) Consist of 12 hours of behind-the-wheel instruction in sessions not exceeding 4 hours in a dual-controlled vehicle with a licensed driver education instructor.

634.4(7) *Behind-the-wheel certification—reissuance.*

a. Completion of the behind-the-wheel instructor preparation course will be required to re-issue a behind-the-wheel instructor certification that has expired and is past the renewal date unless the applicant has:

(1) Held a valid behind-the-wheel certification within the two years immediately preceding the application.

(2) Provided a minimum of 12 clock hours of behind-the-wheel instruction within the two years immediately preceding the application.

(3) Completed at least one state-sponsored or state-approved behind-the-wheel instructor refresher course within the two calendar years immediately preceding the application unless otherwise exempt under this chapter.

(4) Completed a minimum of 12 clock hours shadowing a teacher licensed by the Iowa board of educational examiners as provided in 282—subrule 13.10(8) through a department-approved driver education program within 90 days immediately preceding the application.

b. Upon recertification but prior to providing behind-the-wheel instruction, the person will:

(1) Be authorized by the Iowa board of educational examiners to provide behind-the-wheel driving instruction unless otherwise exempt under this chapter.

(2) Be employed by a public or licensed commercial or private provider of the approved driver education course and work under the supervision of a person licensed by the Iowa board of educational examiners as provided in 282—subrule 13.10(8).

761—634.5(321) Instructor disqualification, investigation, and cancellation.

634.5(1) *Disqualifications.* A person will be disqualified by the department from certification as a behind-the-wheel driving instructor for any of the reasons for which the chair of the Iowa board of educational examiners would deny an application for licensure, certification or authorization as provided in rule 282—11.35(256).

634.5(2) *Investigation.* The department may investigate an applicant for a behind-the-wheel instructor's certification or an instructor to determine if the applicant or instructor meets the requirements for certification. The investigation may include but is not limited to an inquiry into the applicant's or instructor's criminal history from the department of public safety.

634.5(3) *Cancellation.* The department shall cancel the behind-the-wheel instructor's certification of an individual who no longer qualifies under this chapter.

761—634.6(321) Private and commercial driver education schools. The department licenses private and commercial driver education schools as follows:

634.6(1) *Course approval.* A driver education school will receive course approval, which includes approval of all teachers and instructors listed on the application, from the department prior to the beginning of the first class that is offered and annually thereafter. Behind-the-wheel instruction must be provided by a person who meets the instructor requirements in rule 761—634.4(321). Evidence of the approvals and certifications will be submitted to the department upon application for a license, upon renewal of a license, and upon reinstatement of a license following cancellation.

634.6(2) *Application and fees.* Application for license issuance or renewal is \$25. The fee will be made to the department in a manner determined by the department.

634.6(3) *Issuance and renewal.* A license to teach driver education shall be issued for a calendar year or remainder of a calendar year. The license expires on December 31 but remains valid for an additional 30 days after the expiration date. The application for renewal will be submitted to the department within 60 days of the expiration date unless otherwise approved by the department.

634.6(4) *Cancellation.* A license to teach driver education shall be canceled if the course, teacher, or instructor is no longer approved or the person providing only behind-the-wheel instruction for driver education is no longer certified by the department and authorized by the Iowa board of educational examiners.

761—634.7(321) Driver education—teaching parent. As an alternative to a driver education course offered by a course provider approved under rule 761—634.3(321), a teaching parent may instruct a student in an approved course of driver education.

634.7(1) Instruction by a teaching parent.

- a. A teaching parent will instruct the student using an approved course.
- b. The teaching parent will select the course to be used from the list of approved courses posted at www.iowadot.gov/mvd/driverseducation/Parent-taught/Step-2 and will purchase the course directly from the applicable course vendor.
- c. No person will provide driver education as a teaching parent unless the person meets the definition of a teaching parent, and the department will not recognize driver education that was:
 - (1) Provided by a person who does not meet the definition of a teaching parent.
 - (2) Provided to a person who is not a student as defined in rule 761—634.2(321).
 - (3) Offered under a course other than an approved course.

634.7(2) Course completion—certificate of completion.

- a. Upon the student's completion of an approved course, the teaching parent will apply for a certificate of completion on behalf of the student pursuant to Iowa Code section 321.178A.
- b. The department will deny issuance of a certificate of completion if:
 - (1) The course was not conducted by a person meeting the definition of a teaching parent.
 - (2) The application does not properly identify a student eligible to be instructed in driver education by the teaching parent.
 - (3) The application and evidence do not demonstrate the student's successful completion of an approved course.
 - (4) The application and evidence do not include all documentation, statements, certifications, and logs required by Iowa Code section 321.178A in adequate and proper form and content.
 - (5) The department has determined that the application should be rejected for any reason listed in Iowa Code section 321.13.
- c. If the application is denied, the department will issue a letter of denial to the teaching parent explaining the reason for the denial.
- d. If the application is approved, the department will issue a certificate of completion to the student. A certification of completion issued by the department under this subrule constitutes proof of successful completion of an Iowa-approved course in driver education but shall not be grounds for waiver of a driving test under 761—subrule 604.31(2).

634.7(3) Course approval.

- a. For a course to become an approved course under Iowa Code section 321.178A, a vendor of a driver education curriculum will submit an application on a form provided by the department to the address in rule 761—634.1(321), along with a copy of all proposed curriculum materials.
- b. To be designated as an approved course, the curriculum submitted must, at a minimum, meet the requirements of Iowa Code section 321.178A, be appropriate for teaching-parent-directed driver education and related street or highway instruction, and meet or exceed the required content set forth in the Appendix to this rule.
- c. If the proposed curriculum does not meet the requirements for an approved course, the department will issue a letter of denial to the course vendor explaining the reason for denial.
- d. If the proposed curriculum is approved, the department will issue a certificate of approval to the vendor designating the curriculum as an approved course and will list the approved course on the department's website. Course approval will be issued for one calendar year or for the remainder of a calendar year. The approval expires on December 31 and must be renewed annually by the submission of an application on a form provided by the department and all required materials as set forth in this subrule at least 60 days prior to the expiration date unless otherwise approved by the department.

These rules are intended to implement Iowa Code sections 321.13, 321.178, 321.178A, 321.180B and 321.194.

Appendix to Rule 761—634.7(321)

To be designated as an approved course, a curriculum must, at a minimum, meet the requirements of Iowa Code section 321.178A, be appropriate for teaching-parent-directed driver education and related street or highway instruction, and meet or exceed the required content listed below:

1. *Duration and required content.* The course must provide for both classroom and behind-the-wheel instruction. As used in this rule, “*classroom instruction*” means instruction provided by a teaching parent in a private setting using printed or electronic course materials, and “*behind-the-wheel instruction*” means street or highway driving instruction provided by a teaching parent or a person who is qualified to provide street or highway driving instruction pursuant to Iowa Code section 321.178 in a motor vehicle operated by the student.
 - a. Classroom instruction shall include all of the following:
 - i. Instruction concerning distracted driving and substance abuse.
 - ii. Instruction concerning railroad crossing safety.
 - iii. Instruction relating to becoming an organ donor under the revised uniform anatomical gift Act as provided in Iowa Code chapter 142C.
 - iv. Instruction providing awareness about sharing the road with pedestrians, bicycles and motorcycles.
 - b. Behind-the-wheel instruction shall consist of at least 40 hours of street or highway driving, including 4 hours of driving after sunset and before sunrise while accompanied by the teaching parent or a person who is qualified to provide street or highway driving instruction pursuant to Iowa Code section 321.178.
2. *Required topics.* The course may follow any format the vendor determines, provided all of the following topics are properly and adequately covered, as detailed in the course application form provided by the department:
 - a. Traffic law – *classroom instruction*
 - i. Introduction to driver education and driving laws and privileges.
 - ii. Understanding your license to drive.
 - iii. Right-of-way.
 - iv. Traffic control devices.
 - v. Controlling traffic flow.
 - vi. Alcohol and other drugs.
 - vii. Cooperating with other roadway users.
 - b. Driver preparation – *classroom and behind-the-wheel instruction*
 - i. Pre-drive tasks.
 - ii. Occupant protection.
 - iii. Symbols and devices.
 - iv. Starting tasks.
 - v. Vehicle operation and control tasks.
 - vi. Post-drive tasks.
 - vii. In-car progress assessment.
 - viii. Driving plan (*classroom instruction*).
 - c. Vehicle movements – *classroom and behind-the-wheel instruction*
 - i. Visual attention, mental attention and communication.
 - ii. Reference points.
 - iii. Vehicle balance.

- iv. Vehicle maneuvers.
- v. In-car progress assessment (*behind-the-wheel instruction*).
- d. Driver readiness – *classroom and behind-the-wheel instruction*
 - i. Driving practices.
 - ii. Fatigue.
 - iii. Aggressive driving.
 - iv. In-car progress assessment (*behind-the-wheel instruction*).
- e. Risk reduction – *classroom and behind-the-wheel instruction*
 - i. Risk factors.
 - ii. Space management.
 - iii. In-car progress assessment (*behind-the-wheel instruction*).
- f. Environmental factors – *classroom and behind-the-wheel instruction*
 - i. Environmental characteristics.
 - ii. Environmental risk factors.
 - iii. In-car progress assessment (*behind-the-wheel instruction*).
- g. Distractions – *classroom and behind-the-wheel instruction*
 - i. Distractions.
 - ii. Multi-task performances.
 - iii. In-car progress assessment (*behind-the-wheel instruction*).
- h. Alcohol and other drugs – *classroom instruction*
 - i. Introduction of alcohol and other drug problems.
 - ii. Nature of alcohol-related crash problems.
 - iii. Physiological effects of alcohol.
 - iv. Psychological effects of alcohol.
 - v. Other drug effects on the driving task.
 - vi. Zero-tolerance in the driving environment.
- i. Vehicle movement and reference points – *behind-the-wheel instruction*
 - i. Vehicle movements and reference points (entering and exiting traffic and parking).
 - ii. In-car progress assessment (*behind-the-wheel instruction*).
- j. Adverse conditions – *classroom instruction*
 - i. Adverse weather and reduced visibility conditions.
 - ii. Traction loss.
 - iii. Emergencies.
- k. Vehicle requirements – *classroom and behind-the-wheel instruction*
 - i. Vehicle malfunctions (*classroom instruction*).
 - ii. Vehicle maintenance (*classroom instruction*).
 - iii. Trip planning (*classroom instruction*).
 - iv. Adverse conditions and vehicle requirements – off-street simulated practice (*behind-the-wheel instruction*).
 - v. In-car progress assessments (*behind-the-wheel instruction*).
- l. Consumer responsibility – *classroom and behind-the-wheel instruction*
 - i. Vehicle use and ownership (*classroom instruction*).
 - ii. Vehicle insurance (*classroom instruction*).
 - iii. Environmental protection and litter prevention (*classroom instruction*).

- iv. Anatomical gift Act – organ donor (*classroom instruction*).
- m. Personal responsibility (*classroom and behind-the-wheel instruction*).
 - i. Comprehensive classroom progress assessment (testing) (*classroom instruction*).
 - ii. Driver licensing (*classroom instruction*).
 - iii. In-car progress assessment (*behind-the-wheel instruction*).

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/16/25.