

CHAPTER 634
DRIVER EDUCATION

761—634.1(321) Information and location. Applications, forms and information regarding this chapter are available by mail from the Office of Driver Services, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at (515)237-3153; or by facsimile at (515)237-3071.

761—634.2(321) Definition.

“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 634.4(2) *“c”* and 634.4(2) *“d”* and may also include range or simulation as referred to in paragraphs 634.4(2) *“h”* and 634.4(2) *“i.”*

761—634.3 Reserved.

761—634.4(321) Driver education course standards and requirements.

634.4(1) Course approval. Any school district, area education agency, merged area school, other agency or individual planning to offer a driver education course must receive course approval from the department prior to the beginning of the first class that is offered and annually thereafter. The agency or institution or individual shall complete a form provided by the department to apply for course approval. Course approval will be issued for a calendar year or remainder of a calendar year. The approval expires on December 31 and must be renewed annually.

634.4(2) Course requirements. Driver education courses must comply with the following:

a. Schools shall provide for each student a minimum of 1800 minutes in classroom instruction, plus 360 minutes in supervised laboratory instruction, exclusive of observation time, in a dual-control motor vehicle.

b. Each student shall be scheduled to receive classroom and laboratory instruction each week of the course but in no case shall laboratory instruction conclude later than 30 days after classroom instruction is completed.

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 of motor vehicles to maximize energy efficiency and safety shall be included in classroom instruction.

f. Operation of motor vehicles to maximize energy efficiency and safety shall be included in classroom instruction.

g. Each school district shall provide students who are absent from instruction an opportunity to make up a reasonable amount of time and coursework.

h. When driving simulators are used for part of the behind-the-wheel driving experience, four hours of simulator experience shall 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.

i. When driving ranges are used in driver education courses, two hours of range experience shall 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.

j. Motor vehicles which 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. In addition, all driver education vehicles shall have an inside rearview mirror and an outside rearview mirror mounted on each side of the vehicle.

k. The driver education teacher shall verify at the beginning of each course that each student possesses a valid instruction permit or driver’s license. Each student shall be responsible for possessing

an instruction permit or driver's license throughout all laboratory instruction and report any suspension, revocation or cancellation of the instruction permit or driver's license to the driver education teacher prior to attending laboratory instruction.

634.4(3) *Experimental program.* Approval of an experimental program may be granted by the department if based on student or school district need for improved instruction. The maximum duration of an experimental program shall be three years. Annual documentation of the effectiveness of instruction is required and must be submitted to the department subsequent to program completion.

761—634.5 Reserved.

761—634.6(321) Teacher qualifications. To qualify to be a driver education teacher, the teacher must:

634.6(1) Hold a valid driver's license that permits unaccompanied driving, other than a motorized bicycle license or a temporary restricted license.

634.6(2) Have a clear driving record for the previous two years. A clear driving record means the individual has:

a. Not been identified as a candidate for driver's license suspension under the habitual violator provisions of rule 761—615.13(321) or the serious violation provisions of rule 761—615.17(321).

b. No driver's license suspensions, revocations, denials, cancellations, disqualifications or bars.

c. Not committed an offense that would result in driver's license suspension, revocation, denial, cancellation, disqualification or bar.

d. No record of an accident for which the individual was convicted of a moving traffic violation.

761—634.7(321) Behind-the-wheel instructor's certification. The following applies to departmental certification of a person who is qualified to provide the street or highway driving component of an approved driver education course.

634.7(1) *Qualifications.* To qualify for the behind-the-wheel driving instructor certification, the applicant must:

a. Be at least 25 years of age.

b. Hold a valid driver's license that permits unaccompanied driving, other than a motorized bicycle license or a temporary restricted license.

c. Have a clear driving record for the previous two years. A clear driving record means the individual has:

(1) Not been identified as a candidate for driver's license suspension under the habitual violator provisions of rule 761—615.13(321) or the serious violation provisions of rule 761—615.17(321).

(2) No driver's license suspensions, revocations, denials, cancellations, disqualifications or bars.

(3) Not committed an offense that would result in driver's license suspension, revocation, denial, cancellation, disqualification or bar.

(4) No record of an accident for which the individual was convicted of a moving traffic violation.

d. Have successfully completed the instructor preparation requirements of this rule, as evidenced by written attestations on a form provided by the department from both the classroom instructor and behind-the-wheel observer.

634.7(2) *Disqualifications.* An individual shall be disqualified for the behind-the-wheel driving instructor certification for any of the following reasons:

a. The individual has been convicted of child abuse or sexual abuse of a child.

b. The individual has been convicted of a felony.

c. The individual's application is fraudulent.

d. The individual's teaching license or behind-the-wheel instructor's certification from another state is suspended or revoked.

634.7(3) *Investigation.* The department may investigate an applicant for a behind-the-wheel instructor's certification to determine if the applicant meets the requirements for certification. The investigation may include but is not limited to an inquiry into the applicant's criminal history from the department of public safety.

634.7(4) Certification.

a. To obtain a behind-the-wheel instructor's certification, an individual meeting the qualifications shall apply to the department on a form provided by the department. The certification shall be issued for a calendar year or remainder of a calendar year. The certification expires on December 31 but remains valid for an additional 30 days after the expiration date. The certification shall be renewed within 30 days of the expiration date.

b. To renew a behind-the-wheel instructor's certification, a person meeting the qualifications must:

(1) Provide behind-the-wheel instruction for a minimum of 12 clock hours during the previous calendar year.

(2) Participate in at least one state-sponsored or state-approved behind-the-wheel instructor refresher course.

634.7(5) Instructor preparation requirements. The department shall develop the curriculum in consultation with the Iowa driver education teacher preparation programs approved by the board of educational examiners and in consultation with the American Driver and Traffic Safety Education Association. Instructor preparation shall meet the following requirements:

a. Instructor preparation shall consist of 24 clock hours of classroom instruction and 12 clock hours of observed behind-the-wheel instruction.

b. At a minimum, classroom instruction shall focus on topics such as the psychology of the young driver, behind-the-wheel teaching techniques, and route selection. Classroom instruction shall be delivered by staff from a driver education teacher preparation program approved by the board of educational examiners. The duration of a classroom session shall not exceed four hours. Video conferencing may be used for course delivery.

c. Observation of behind-the-wheel instruction shall be provided by a person licensed to teach driver education who is specially trained by a driver education teacher preparation program approved by the board of educational examiners to observe, coach, and evaluate behind-the-wheel instructor candidates. The duration of a behind-the-wheel session shall not exceed four hours. A dual-control motor vehicle must be used.

d. The individual seeking a behind-the-wheel certification must apply to the department within 12 months of the completion of the course.

634.7(6) Cancellation. The department shall cancel the behind-the-wheel instructor's certification of an individual who no longer qualifies under paragraph 634.7(1)"c" or who no longer meets the qualifications for a behind-the-wheel instructor's certification.

634.7(7) Approved driver education course. To provide the street or highway driving component of an approved driver education course, an individual holding a behind-the-wheel instructor's certification must 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 to teach driver education.

761—634.8(321) Private and commercial driver education schools. The department licenses private and commercial driver education schools as follows:

634.8(1) Instructor and course approval. Prior to licensing a driver education school, the department shall approve the school's course, classroom instructors and laboratory instructors. Street or highway driving instruction must be provided by a person qualified as a classroom driver education instructor or a person certified by the department and authorized by the board of educational examiners. Written evidence of these approvals and certifications must be submitted to the department upon application for a license, upon renewal of a license, and upon reinstatement of a license following cancellation.

634.8(2) Application and fees. Application for license issuance or renewal shall be made to the department on forms provided by the department. The fee for a license or the renewal of a license is \$25. The fee must be paid by cash, money order or check. A money order or check must be for the exact amount and should be made payable to the Treasurer, State of Iowa, or the Department of Transportation.

634.8(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 license shall be renewed within 30 days of the expiration date.

634.8(4) Cancellation. A license to teach driver education shall be canceled if the course 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 board of educational examiners.

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

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