

761—634.6(321) Instructor qualifications, application and certification.

634.6(1) *Behind-the-wheel instructor qualifications.* To qualify to provide behind-the-wheel instruction, the person 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. A clear driving record means the person 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 a contributive motor vehicle accident that caused the death or serious injury of another person.

(5) No record of two or more contributive motor vehicle accidents in a two-year period.

c. Meet the requirements for either a licensed teacher in 282—subrule 13.28(4) or a certified behind-the-wheel instructor in this chapter.

634.6(2) *Behind-the-wheel instructor's certification requirements.* Except as otherwise provided in this chapter, the following requirements shall apply to a behind-the-wheel instructor:

a. An applicant for an initial behind-the-wheel instructor's certification or a renewal shall apply to the department in a manner determined by the department.

(1) If the application is for an initial behind-the-wheel instructor's certification, 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.

(2) If the application is to renew a behind-the-wheel instructor's certification, a person shall 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. Beginning January 1, 2021, a person shall complete at least one state-sponsored or state-approved behind-the-wheel instructor refresher course biennially. The state-sponsored or state-approved course may include electronic completion or remote attendance options, as approved by the department. The department may develop a special course for licensed teachers or peace officers who qualify to provide behind-the-wheel instruction under subrule 634.6(3) or 634.6(5), which shall be reserved only for licensed teachers or peace officers who qualify as behind-the-wheel instructors.

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

(1) Authorized by the Iowa board of educational examiners to provide behind-the-wheel driving instruction.

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

634.6(3) *Instructor's certification for licensed teachers.* A teacher licensed by the Iowa board of educational examiners as provided in 282—subrule 13.28(4) shall be included as an approved instructor on an annual driver education course approval as referenced in subrules 634.4(1) and 634.8(1), and except for the requirements in paragraphs 634.6(2) "*a*" and 634.6(2) "*c*," a teacher shall meet the requirements in subrule 634.6(2) to be certified by the department to provide behind-the-wheel instruction.

634.6(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 13.28(4) shall meet the requirements in subrule 634.6(2) to be certified by the department to provide behind-the-wheel instruction.

634.6(5) *Instructor application and certification for active peace officers and retired peace officers.*

a. A person who is an active peace officer or a retired peace officer as referenced in Iowa Code section 321.178 shall do all of the following to be certified by the department to provide behind-the-wheel instruction:

- (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 634.6(2), except peace officers or retired peace officers who otherwise qualify under this subrule are not required to meet the requirement of subparagraph 634.6(2) "c"(1).

b. A retired peace officer is only required to submit Form 431233, required under paragraph 634.6(5) "a," to the department once unless the form is invalid or not accepted by the department.

634.6(6) *Instructor application and certification for persons other than licensed teachers, peace officers or retired peace officers.*

a. A person who is not licensed by the Iowa board of educational examiners to provide classroom driver education as provided in 282—subrule 13.28(4), who does not hold an expired teacher's license as referenced in subrule 634.6(4), or who is not a peace officer or a retired peace officer as referenced in Iowa Code section 321.178, shall do all of the following to be certified by the department to provide behind-the-wheel instruction:

- (1) Be at least 25 years of age.
- (2) Meet the requirements in subrule 634.6(2), except that a person certified under this subrule shall complete the instructor refresher course referenced in paragraph 634.6(2) "b" annually until January 1, 2021, and thereafter shall complete the course biennially.
- (3) Have successfully completed the instructor preparation requirements of this subrule, as evidenced by written attestations on a form provided by the department from both the classroom instructor and behind-the-wheel observer. The person seeking a behind-the-wheel certification must apply to the department within 12 months of completion of the instructor preparation course. The department-approved instructor preparation course shall:

1. Consist of 24 clock hours of classroom instruction and 12 clock hours of observed behind-the-wheel instruction.
2. Include, at a minimum, classroom instruction on topics including the psychology of the young driver, behind-the-wheel teaching techniques, and driving route selection. Classroom instruction shall be delivered by staff from a driver education teacher preparation program that is approved by the Iowa board of educational examiners. The duration of a classroom instruction section shall not exceed four hours. Video-conferencing may be used for course delivery.
3. Include observation of behind-the-wheel instruction provided by a person licensed to teach driver education who is specially trained by a driver education teacher preparation program that is approved by the Iowa board of educational examiners and that is designed 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-controlled motor vehicle must be used.

b. Reserved.

634.6(7) *Behind-the-wheel certification—reissuance.*

a. A person whose behind-the-wheel certification has expired and is past the renewal period may be reissued a behind-the-wheel certification without having to retake the behind-the-wheel instructor preparation course only if the person meets all of the following criteria:

- (1) The person held a valid behind-the-wheel certification within the two years immediately preceding the application.
- (2) The person provided a minimum of 12 clock hours of behind-the-wheel instruction within the two years immediately preceding the application.
- (3) The person 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) The person completed a minimum of 12 clock hours shadowing a teacher licensed by the Iowa board of educational examiners as provided in 282—subrule 13.28(4) through a department-approved driver education program within 90 days immediately preceding the application.

b. Upon certification, but prior to providing behind-the-wheel instruction, the person shall do all of the following:

(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 13.28(4).

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