

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	09/14/2016	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 10/28/2016

2. COMAR Codification

Title Subtitle Chapter Regulation

13A 04 03 01—.11

3. Name of Promulgating Authority

Maryland State Department of Education

4. Name of Regulations Coordinator

Charlene L Necessary

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410-767-0467

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5. Name of Person to Call About this Document

Amanda Stakem Conn, Esquire

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6. Check applicable items:

- New Regulations
- Amendments to Existing Regulations
 - Date when existing text was downloaded from COMAR online: .
- Repeal of Existing Regulations
- Recodification
- Incorporation by Reference of Documents Requiring DSD Approval
- Reproposal of Substantively Different Text:

: Md. R
(vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

7. Is there emergency text which is identical to this proposal:

- Yes No

8. Incorporation by Reference

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Elizabeth M. Kameen, Assistant Attorney General, (telephone #410-576-6465) on September 6, 2016. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Karen B. Salmon, Ph.D.

Title

State Superintendent of Schools

Date

September 14, 2016

Telephone No.

410-767-0467

Title 13A
A STATE BOARD OF EDUCATION

Subtitle 04 SPECIFIC SUBJECTS

13A.04.03 Driver Education Programs

Authority: Education Article, §§7-412; Transportation Article, §§16-212.1 and 16-501—16-506; Annotated Code of Maryland

Notice of Proposed Action

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The Maryland State Board of Education proposes to repeal Regulations .01 through .11 under COMAR 13A.04.03 Driver Education Programs.

This action was considered at the State Board meeting held on August 23, 2016.

Statement of Purpose

The purpose of this action is to repeal the regulations contained under Chapter 03 Driver Education Programs because they are no longer needed. Driver education programs are now governed by the Maryland Vehicle Administration.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Amanda Stakem Conn, Esquire, Director of Education Policy and Government Relations, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0469 TTY:410-333-6442, or email to amanda.conn@maryland.gov, or fax to 410-333-2226. Comments will be accepted through November 28, 2016. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Maryland State Board of Education during a public meeting to be held on January 24, 2017, 9:00 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2017

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

No

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

No funds are necessary because this is a repeal of regulations that have no effect since the Motor Vehicle Administration regulates driver's education.

E. If these regulations have no economic impact under Part A, indicate reason briefly:

This is a repeal of regulations that have no effect since the Motor Vehicle Administration regulates driver's education.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

There is no economic impact on small business because this is a repeal of regulations that have no effect since the Motor Vehicle Administration regulates driver's education.

G. Small Business Worksheet:

Attached Document:

Title 13A STATE BOARD OF EDUCATION

Subtitle 04 SPECIFIC SUBJECTS

[Chapter 03 Driver Education Programs

Authority: Education Article, §§7-412; Transportation Article, §§16-212.1 and 16-501—16-506; Annotated Code of Maryland

.01 Driver Education Program Permitted.

A. Each local school system and nonpublic school under the jurisdiction of the State Board of Education may provide a driver education program to eligible individuals designed to meet Maryland licensing requirements for persons under 18 years old.

B. All public school driver education programs and any nonpublic school driver education program funded through the State Department of Education shall comply with these regulations.

.02 Enrollment Eligibility.

A 15-, 16-, or 17-year old person may enroll in a driver education program if the person:

- A. Is a Maryland resident; or
- B. Is currently, or was in the previous term, enrolled in a course offering other than driver education in a Maryland public or nonpublic school.

.03 Program Goals.

A driver education program shall provide for the diversity of talents and interests of individuals enrolled and include all of the following goals, in order to help individuals:

- A. Understand and demonstrate their ability to perform preliminary driving checks (for example, visual checks of tires, lights, and fluid levels);
- B. Understand and demonstrate their ability to use safety equipment such as seat belts and vehicle instruments;
- C. Understand and demonstrate their ability to maneuver a motor vehicle in simple and complex driving environments;
- D. Understand and demonstrate their ability to use the identify, predict, decide, and execute process for responding to traffic situations;
- E. Understand and apply Maryland traffic laws to traffic situations;
- F. Understand and apply special driving procedures in adverse driving situations;
- G. Understand the effects of alcohol and other drugs upon driving performance, to include, in accordance with Transportation Article, §16-212.1, Annotated Code of Maryland, 3 hours of instruction in:
 - (1) The hazards of driving while impaired or intoxicated,
 - (2) The criminal penalties and administrative sanctions for alcohol and drug related motor vehicle violations,
 - (3) The medical, biological, and psychological effects of the consumption of alcohol and drugs and their impact on the operation of a motor vehicle, and
 - (4) Other drug and alcohol related information that the Administration determines would be beneficial to applicants for a driver's license;
- H. Understand and apply principles for selecting, insuring, and maintaining a motor vehicle.

.04 Equipment and Facility Requirements.

- A. Standards for classroom equipment and facilities shall be the same as those used for regular programs of instruction.
- B. Each car used for on-road behind-the-wheel instruction in an approved driver education course shall:
 - (1) Be equipped with a dual brake and an instructor's mirror. When the car is to be used for instruction of a physically handicapped student, the car shall be equipped with those auxiliary controls which will compensate for the student's handicap.
 - (2) Meet all other equipment requirements set forth in the Transportation Article, §§22-101—22-610, Annotated Code of Maryland.
 - (3) Be equipped with at least a roof or rear bumper mounted sign which will enable other drivers approaching from the rear to identify the car as being a driver education car. The identification signs shall be yellow in color and shall at least bear the words "student driver" in black letters not less than 2 inches high.
 - (4) Be maintained in a mechanically sound condition.

.05 Program Time Requirements.

- A. To successfully complete a driver education program, an individual shall meet the following requirements:
 - (1) Complete at least 30 clock hours of classroom instruction;
 - (2) Complete at least 6 clock hours of on-road behind-the-wheel instruction or an approved laboratory substitution as follows:
 - (a) 4 clock hours of simulation instruction may be substituted for 1 clock hour of on-road behind-the-wheel instruction up to a maximum of 3 clock hours of on-road behind-the-wheel instruction;
 - (b) 2 clock hours of range instruction may be substituted for 1 clock hour of on-road behind-the-wheel instruction up to a maximum of 4 clock hours of on-road behind-the-wheel instruction;
 - (c) A combination of range and simulation instruction in §A(2)(a) and (b), of this regulation, may be substituted for up to 4 clock hours of on-road behind-the-wheel instruction.
- B. The classroom and laboratory instruction shall be conducted over a period of not less than 3 weeks.
- C. A student may not participate in more than 2 clock hours of classroom, or 2 clock hours of laboratory, or 1 clock hour of on-road behind-the-wheel instruction per day.
- D. A student may not participate in more than 4 clock hours of driver education instruction in 1 day.

.06 Fees.

A fee may not be charged for any part of a public school driver education program offered during the regular school day.

.07 Academic Credit.

Academic credit may not be awarded if a fee is charged for a public school driver education program offered during the established school year.

.08 Instructor Qualifications.

- A. Classroom Instructors. Classroom instructors shall be certified by the State Department of Education.
- B. Laboratory Instructors. Laboratory instructors shall be endorsed by the State Department of Education after having successfully completed a 70 clock hour program approved by the State Department of Education.
- C. Classroom Instructors Who Were Endorsed Before March 1, 1974. A teacher who was endorsed as a driver education teacher before March 1, 1974 shall be allowed to maintain that endorsement.
- D. Student Teachers. The State Superintendent of Schools may authorize an individual in a formal driver education instructor preparation program to render instruction in an approved driver education program.

.09 State Reimbursement.

On May 1st of each year, the State Department of Education shall notify eligible local school systems and nonpublic schools of the State reimbursement rate and procedures for the ensuing fiscal year.

.10 Program Evaluation.

Participating local school systems and nonpublic schools shall adopt policies and procedures to assure driver education programs are offered on a cost effective basis.

.11 Certification Procedures.

By September 1, 1989, and each 5 years after that, the local superintendent of schools and nonpublic school director for each participating local school system and nonpublic school shall certify to the State Superintendent of Schools that the driver education program meets, at a minimum, the requirements set forth in these regulations.]

KAREN B. SALMON, Ph.D.
State Superintendent of Schools