

Motor Vehicle Division Policy Memo # 20-03

Driver's Education Behind-the-Wheel Certification Administrative Rule Updates

DATE: March 17, 2020

FROM: Sara Siedsma, Compliance Officer, MVD

TO: All Driver and Identification Services staff, Iowa County Treasurers and County Treasurer's staff
the issue driver's licenses and non-operator's identification cards

SUBJECT

This policy memo explains updates to administrative rule chapter 761—634, Driver Education and associated policy changes.

SUMMARY

This rule chapter was updated to align with existing legal authority and department practice related to certification of driver's education and parent-taught driver education courses and instructors by Central Office DIS staff. The rule amendments also align with legislative changes made during the 2019 legislative session that affect peace officers and retired peace officers who are certified by the department as behind-the-wheel (BTW) driver's education instructors. Below is a more in-depth summary of the most significant rule amendments:

Certified BTW driver education instructor requirements. The prior administrative rules regarding BTW instructors lacked specificity regarding the difference in the requirements a person must meet to provide BTW instruction depending on if the person is a licensed teacher, a peace officer or retired peace officer, or is not a licensed teacher. Therefore, the goal of this rule making was to spell out the differences where necessary, and to apply the same requirements consistently amongst BTW instructors while comprehensively modernizing the BTW certification process.

Improvements include offering instructor refresher course options that are more tailored to the specific audience's existing skill set and professional experience, and which provide value and are more convenient, including electronic training options. The rule amendments also reduce burdens by making the instructor refresher course biennial (rather than annual) and offering a new way for an instructor with an expired BTW certification to regain certified status without having to retake the entire instructor preparation course.

The new requirement to complete the instructor refresher course biennially (every 2 years) begins January 1, 2021 and will apply to all certified BTW instructors. Prior to the rule changes, a licensed teacher was not required to participate in any BTW refresher course if the teacher has maintained a valid teacher's license, while a BTW instructor that is not a licensed teacher has always been required to attend the refresher course annually. The instructor refresher course provides an excellent opportunity to review trends and improvements in the area of driver education that is specific to BTW instruction, as well as identify updates to the laws governing traffic safety and driver education, and therefore is considered a necessary component of the BTW certification process to yield consistency in driver

education. However, in recognizing that certain categories of BTW instructors are required to maintain a specific skill set as part of their profession, for example, a licensed teacher or a peace officer, we are developing refresher course content that is specifically tailored, rather than subjecting a licensed teacher or peace officer to course content that does not take into account their existing skill sets and specific needs when it comes to BTW driver education instruction.

The rule amendments also incorporate the changes made to Iowa Code section 321.178 during the 2019 legislative session to exempt peace officers and retired peace officers from the requirement to be authorized by the Iowa Board of Educational Examiners (BOEE) to provide BTW driver education instruction. A peace officer or retired peace officer must still meet other requirements under the rules to be certified by us to provide BTW driver education except a peace officer or retired peace officer will no longer be required to complete the initial BTW instructor preparation course.

The proposed amendments also align the Department's reasons for disqualification of a BTW instructor with the reasons BOEE may deny an application for licensure, certification or authorization under rule 282—11.35(272). By aligning the Department's disqualification reasons with BOEE requirements there will be less chance for inconsistency and unequal treatment for persons providing BTW driver education instruction.

Parent-taught driver education. The rule amendments remove the requirement for a student and parent to restart the course if the student and parent start an approved course before they receive Departmental approval to begin the course. Making this change will help avoid situations where a student is required to retake an approved course that the student had already started or completed simply because the student began too soon, and instead allows the focus to remain on whether the course is approved and appropriate and the remaining requirements are properly met.

The administrative rule amendments are effective March 18, 2020.

LINK TO ADMINISTRATIVE RULES

<https://www.legis.iowa.gov/docs/aco/arc/4909C.pdf>

HELPFUL QUESTIONS AND ANSWERS

The following questions and answers provide additional clarification which will be helpful to you and to customers.

WILL ANY OF THESE RULE AMENDMENTS AFFECT HOW I ACCEPT AND PROCESS DRIVER'S ED COMPLETION CERTIFICATES OR ISSUE LICENSES TO MINORS?

No. These rule amendments impact DIS central office processing of BTW course and instructor certifications. These rule changes do not impact issuance functions.

WHY ARE WE NOW REQUIRING LICENSED TEACHERS TO COMPLETE A REFRESHER COURSE WHEN THEY PREVIOUSLY DID NOT HAVE TO ATTEND?

The new requirement for licensed teachers to complete a refresher course every two years establishes consistency in the content and quality of behind-the-wheel driving instruction among all BTW instructors. Although completion of a refresher course has not been a requirement for BTW instructors with a valid teaching license, it is essential that all instructors receive regular updates that pertain to driving instruction, such as changes to Iowa's motor vehicle laws, new roadway features, or current information on teaching methodology.

The refresher courses will include options to suit a BTW instructor's current skill sets, so that there is value in the content and that it is not redundant to their existing knowledge and expertise. For example, a licensed teacher likely has experience with teaching techniques, but may not have knowledge of new traffic laws or roadway features. Or, a peace officer may be up-to-date on new motor vehicle laws due to the nature of their profession, but may not have experience in effective teaching methods and instructing students with varying abilities.

WHAT OPTIONS ARE THERE FOR ATTENDING THE BIENNIAL REFRESHER COURSE?

We currently offer a robust annual BTW instructor refresher course in-person every spring, however the rules do not prevent us from offering the refresher course electronically should the need arise.

Additionally, several Iowa colleges offer refresher courses that can be taken in lieu of DOT-sponsored courses.