

**IDAHO DEPARTMENT OF EDUCATION**

**Public School Agenda - June 27, 2002**

**University of Idaho, Moscow**

- A. Revision of Driver's Education Rules, Beth Weaver**
- B. Technology Competency Inservice Requirement, Bob West**
- C. Idaho Interim Certificate, Bob West**
- D. Professional Standards Commission Appointments and Reappointments, Bob West**
- E. Proposals to Rezone School Districts, Bob West**
- F. Coeur d'Alene Tribal School Accreditation Appeal, Bob West**
- G. Administrative Staff Allowance Waiver Request to Meet Accreditation Standards - Melba Joint District #136, Bob West**
- H. 2003-04 Public Schools Budget Request Proposal, Bob West**
- I. Superintendent's Report, Marilyn Howard**

## **A. SUBJECT:**

### **Approval of a Proposed Rule**

## **BACKGROUND:**

Teenage drivers in Idaho can obtain a license before the legal driving age of 17 if they complete an approved driver training course. Courses are delivered by public and commercial schools.

Idaho Code Sections 33-1701 through 33-1708 address the standards, authorization, and duties of the State Board of Education and the State Department of Education. The Department is to administer, monitor and reimburse driver training programs within the public schools. Sections 33-1701 and 33-1702 direct driver training standards and courses be established in cooperation with the Idaho Transportation Department.

Idaho Code Sections 49-2101 through 49-2105 address the licensing and regulation of commercial driver training schools and instructors. Administrative rules governing commercial schools are to be put in place and licenses are to be granted by the State Board of Education through applications submitted to and approved by the State Department of Education.

The Administrative Rules (IDAPA 08.02.02.230) establish regulations for the management of public school and commercial driver training programs, which include common inclusive rules incorporated by reference that are identical for both entities.

Based on discussion over the last several years, the driver education steering committee and individual commercial school owners have recommended these rules be separated into two sets, one for the public schools and the other for commercial schools.

## **DISCUSSION:**

The proposed draft rules were distributed to all superintendents, public school driver education instructors, public school driver education coordinators, commercial school owners and instructors. Three meetings

were held for commercial school owners and instructors to review the proposed rules. Public school teachers and administrators are providing comments through email, fax and phone calls.

The two draft proposed rules submitted to you include minimum course standards for the delivery of driver education and training to young teens. The standards are the same for public and commercial schools. While a majority of the commercial school owners support minimum standards, some commercial school owners want licensing with few, if any, regulations. Based on feedback already received from commercial driver training school owners at the three informal meetings held to date, the draft of the commercial school rules will likely be changed during the comment period to reflect many of the views expressed.

Teenage driver education remains a public health and safety issue. It is the responsibility of the Department of Education to promulgate rules that reflect national standards that hold the promise of quality instruction for the acquisition of essential knowledge and safe driving habits to protect the public. Idaho Code §49-2101

### **RECOMMENDATIONS:**

The Department of Education recommends approval to proceed with the Notice of Intent to Promulgate Rules – Proposed Rulemaking, for publication in the Idaho Administrative Bulletin.

### **BOARD ACTION:**

The State Board of Education carried to approve/disapprove/table the recommendation of the State Department of Education to proceed with the promulgation of proposed driver training rules for public schools and for commercial schools as submitted. Moved by \_\_\_\_\_, seconded by \_\_\_\_\_, and carried.

**ATTACHMENTS:**

1. Draft of the *Driver Education and Training, Public Schools Rules and Regulations*.
2. Draft of the *Driver Education and Training, Commercial Driving Schools Rules and Regulations*.
3. Current copy of the *Driver and Traffic Safety Education Administrative Manual* (***Note: This attachment was not provided in electronic form. For a copy contact Beth Weaver, 208-332-6854.***)

**DRIVER EDUCATION  
AND TRAINING  
PUBLIC SCHOOLS  
RULES AND REGULATIONS**



**DRAFT**

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Dr. Marilyn Howard  
State Superintendent of Public Instruction

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## **IDAPA 08. 02. 02. 230. DRIVER EDUCATION**

All driver education courses offered in Idaho public schools must be conducted in compliance with all of the requirements in the Driver Education and Training, Public Schools Rules and Regulations as approved on \_\_\_\_\_. All driver education courses offered in Idaho commercial schools must be conducted in compliance with all of the requirements in the Driver Education and Training, Commercial Schools Rules and Regulations as approved on \_\_\_\_\_.

### **1.0 APPROVED TEEN DRIVER EDUCATION AND TRAINING PROGRAMS**

A teen driver is one who is between the age of 14 ½ and 17 and enrolls in driver education and training to be eligible for a license before the legal licensing age of 17. The driver-training permit shall be purchased before the student participates in any instruction.

#### **1.1 Minimum Hours and Days**

Students under the age of 17 shall complete an approved teen driver education and training program conducted in not less than six (6) weeks (42 calendar days) duration.

The course of instruction shall include 30 clock hours of classroom instruction, six (6) clock hours of behind the wheel instruction and six (6) clock hours of observation.

The 30 hours of classroom time requires contact with the instructor. Additional assignments outside the classroom shall not be counted in the 30 clock hours.

When school is not in session, courses may be conducted over a minimum of 30 days duration and all approved program criteria must be met.

#### **1.2 Scheduling**

During the 42 and 30-day program, students will be regularly scheduled for integrated and concurrent classroom and behind the wheel instruction periods.

Each behind the wheel lesson shall be introduced and taught in the classroom prior to the students' practicing the lesson during behind the wheel instruction.

Classroom instruction shall not be completed before beginning in-car practice.

Before students are scheduled for behind-the-wheel instruction on a public roadway, they will first be given classroom instruction on the following: approaching the vehicle with awareness, orientation to controls, basic rules of the road, use of vision to control the vehicle, proper use of the steering wheel, accelerator and brake, turning left and right, and signs, signals, and markings.



A maximum of 36 students shall be scheduled per class.

Students may not enroll in a course after the second class is completed. Students enrolled late must complete the first two lessons before attending the third class.

Classroom instruction shall not exceed 10 hours per week.

Classroom instruction shall not exceed two hours per day when school is in session and three hours per day when school is not in session.

Classes scheduled longer than 60 minutes per day may provide a five-minute break for each hour of instruction.

Instruction shall not begin earlier than 6:00am or end later than 10pm.

### **1.3 Behind The Wheel Driving Time**

The maximum behind the wheel (BTW) driving time for each student is sixty- (60) minutes per day.

BTW instruction shall not exceed three hours per week.

BTW lessons shall not begin earlier than 6am or end after 10pm.

Drive time shall not include time spent driving to pick up or drop off students unless the route meets the objective of the drive lesson.

Of the six (6) hours required for behind-the-wheel driving time, at least two (2) of the six hours shall be during daylight.

### **1.4 Maximum BTW Observation Time Per Day**

Students may observe for a maximum of two hours per day.

If a school has four or fewer students enrolled in a class, the required six (6) hours observation time may be completed by the student through observation of a parent or legal guardian driving. This observation will be verified by the driver's signature on an observation log. The observation log shall be kept on file with the student's records.

### **1.5 Vehicle Occupants**

Only the instructor and student driver may occupy the front seat.

In-car instruction shall include not less than two (2) or more than three (3) students in the car.

One student may be scheduled when it is in the best interest of the student. This exception shall have prior written permission from the parent or legal guardian.

No person shall occupy a rear seat unless involved as a student, parent/guardian, instructor, student enrolled in a driver education teacher preparation course, translator, or supervisor in the driver-training program.

## **1.6 Multiple-Car Driving Range**

Two (2) hours of driving on a multiple-car driving range may be substituted for one (1) hour of BTW instruction. Multiple-car instruction may be substituted for not more than three (3) of the total six (6) hours required for BTW instruction.

## **1.7 Simulation Instruction**

Simulators may be used and substituted for portions of the behind-the-wheel instruction on the basis of three- (3) hours simulation for one- (1) hour of behind the wheel.

Simulation instruction may be substituted for not more than three (3) of the total six (6) hours required for behind-the-wheel instruction.

## **1.8 Program Substitution**

No combination of multiple-car driving range or simulation instruction will result in less than three (3) hours of behind-the-wheel driving.

## **1.9 Assessments**

The standards for passing the course shall be clearly stated to students prior to starting the course of instruction.

Students shall be assessed in the following three (3) areas: classroom knowledge, behind the wheel skills, and attitude. A student who fails in any one of the three (1 of 3) grading criteria shall be failed for the entire course.

A student shall be failed if found to have violated an Idaho Statute or for behavior that is contrary to the driver education and training program regulations and policies.

Each student shall be assessed for knowledge and understanding of the classroom lessons with quizzes that require students to list, define, describe, identify, demonstrate, explain, compare, predict, estimate, or solve.

## **1.10 Final Skills Test**

Each student shall be given a final behind-the-wheel skills test at the completion of the course to measure the essential skills required for successful completion of an Idaho driver education and training course.

Instructors of the school's program shall use a standardized evaluation form with written predetermined routes.

Successful completion is earning a grade of 80% or higher.

### **1.11 Final Knowledge Test**

A final knowledge test for the driver education and training and training course shall be administered at the completion of the course. The test shall cover the essential knowledge required for successful completion of an Idaho Driver Education and Training Course.

Successful completion is earning a grade of 80% or higher.

### **1.12 Parental Involvement Program**

A teen driver education and training program will have a written policy for involving a parent, legal guardian, or supervising adult in the student's driver education and training program

### **1.13 Make Up Policy**

The make-up policy shall be developed by the school and shall ensure that all required hours of instruction and course content are completed. Students shall not be allowed to make up missed lessons in a scheduled classroom session unless the lesson missed is being taught. Make-up lessons may be provided on an individual basis.

### **1.14 Curriculum Guide**

School districts shall have a classroom and behind the wheel curriculum guide for the teen driver education and training program that meets or exceeds the most current Idaho Driver Education and Training Curriculum Guide. Each instructor shall be provided a copy.

### **1.15 Student Instructional Materials**

Textbooks must be Each student shall have access to instructional materials to read and study during the course. The instructional material shall be equal to or exceed the content of a current driver education textbook and be compatible with the school's curriculum guide.

Textbooks must be selected from the list adopted by the State Department of Education.

### **1.16 Idaho Driver's Manual**

Each student shall have a copy of the *Idaho Driver's Manual*. The manual shall not be used as the only source of instructional materials, but shall be used as an aid for instruction on Idaho's traffic laws, rules of the road, driver licensing and vehicle registration.

### **1.17 Lesson Plans**

Each instructor shall have lesson plans for the lesson they are teaching in the classroom and/or BTW based upon the program's curriculum guide. Lesson plan content shall meet or exceed the Idaho Driver Education and Training Curriculum.

### **1.18 Practice Guide/Log**

Each student and their parent/legal guardian shall be provided a practice guide and log for use during the required four month Graduated Driver Licensing practice period.

### **1.19 Enrolled Students**

A student is considered "enrolled" when the student attends the first day of a scheduled class and continues until course completion.

### **1.20 Foreign Exchange Students**

To qualify for enrollment into a teen driver education and training program, the student must meet all the enrollment requirements for the course.

### **1.21 Transfer Students From Out Of State**

Students completing driver education in another state must meet Idaho's Teen Driver Education and Training program standards of 30 hours classroom, 6 hours behind the wheel, and 6 hours observation to qualify for driver training completion in Idaho. The documentation must be on an official school form and signed by the instructor or administrator. Students not meeting this standard must complete an Idaho Teen Driver Education and Training program to be eligible for a license before age 17.

### **1.22 Student Withdrawals**

If a student withdraws with a valid reason (illness, broken bones, etc.), the school may hold the permit and the student may re-enroll in another class.

### **1.23 Home Correspondence Course**

A student requesting permission to complete a home correspondence course (§33-1702) for the classroom portion only shall meet the eligibility requirements established by the State Department of Education

## **Q. 2.0 THE DRIVER EDUCATION CLASSROOM**

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The use of any room not designed for classroom instruction shall require the submission of a *Certificate of Maximum Occupant Load* from the state fire marshal, local fire department chief or his designee. This “certificate” shall identify the number of people that can safely occupy the classroom during instruction.

The environment will be a classroom that is conducive to learning, free from any disturbing influence and used exclusively for driver education and training instruction during the classroom period.

The classroom shall have:

1. a minimum of 20 square feet per student with individual seating and writing space
2. adequate heat, lighting and ventilation
3. if used, a VCR/monitor of sufficient size for all students to see
4. a whiteboard, blackboard or flipchart

### **3.0 INSTRUCTOR CERTIFICATION**

Instructors for driver and traffic safety education shall be at least twenty-one years of age and be a high school graduate or equivalent (GED).

A commercial driver education and training instructor currently licensed for Idaho may teach behind-the-wheel instructor for a public school during the before and after school program. The instructor’s name must be submitted on the “Instructor Authorization” form.

#### **3.1 Idaho Driver’s License**

Applicants for an original or renewal license will possess a valid Idaho Class A-D driver license.

Out-of-state residents working full-time in the Idaho public school system may apply for a waiver after submitting a state-issued copy of their driving record from their home state.

#### **3.2 Satisfactory Driving Record**

Applicants for an original or renewal license shall possess a valid Idaho Class A-D driver license.

Applicants shall maintain a satisfactory driving record as determined on the record obtained from the Idaho Transportation Department. The record must indicate:

1. no department or court suspension or revocation.
2. no conviction for traffic violations that carries a mandatory suspension or revocation of driver's license within the preceding thirty-six (36) months.
3. not more than one (1) conviction for any moving traffic violation within any twelve (12) month period of the previous thirty-six (36) months.
4. the driving record is free of involvement in any fatal traffic accident resulting in conviction for any moving traffic violation;
5. the driving record is free of conviction for driving while a driver's license is revoked or suspended.

### **3.3 Moral Character**

No person shall engage in conduct that is offensive to the ordinary dignity, decency, and morality of others.

### **3.4 Education**

The certification requirements will comply with the Idaho Department of Education's certification standards.

### **3.5 Medical Examination**

Submit a medical certificate from a licensed medical doctor.

The physical shall be completed within three months preceding the application with the exception that a current CDL medical certificate may be submitted for the initial license.

The physical must indicate the applicant is free of any ailment, disease or physical defect(s) that causes momentary or prolonged lapses of consciousness or control, which is or may become chronic. Applicants must not be suffering from a physical or mental disability or disease serving to prevent reasonable and ordinary control over a motor vehicle or that could impair the applicant's ability to drive safely or instruct automobile drivers.

The medical certificate must be renewed every two years.

### **3.6 Knowledge and Skill Tests**

New instructor applicants shall take a written knowledge test of Idaho's driver education and training rules and regulations, requirements for driver licensing in Idaho, safe driving rules of the road, and instructor knowledge, techniques and methods with a passing grade of 85% or higher. The applicant must wait three (3) days for a retest. A re-examination may be required for a license renewal.

New instructor applicants shall complete an Idaho Transportation Department (ITD) skills test, administered by an ITD skills tester with a passing score of not more than 7 penalty points. The applicant must wait three (3) days for a retest. A re-examination may be required for a license renewal.

### **3.7 Professional Development**

Instructors shall provide documentation that they have completed 15 hours of professional development for traffic safety education and training every two years.

Professional development training may be through a state agency, college or university, or professional traffic safety organization.

### **3.8 Annual Renewal**

Certification is valid from July 1 through June 30. Using the current “Instructor Authorization” form, districts must submit instructor information to the Department of Education. Instructors must be re-certified by the Department of Education each fiscal year (July 1 through June 30) to be eligible to teach within the fiscal year.

## **4.0 ENROLLED STUDENTS**

A student is considered “enrolled” when the student attends the first day of a scheduled class and continues until course completion.

A student must be at least 14 ½ years of age to participate in a driver education and training course.

Students may not attend any classroom or in-car instruction without having a valid driver education and training instruction permit.

### **R. 4.1 Non-School Residents**

Residents of Idaho between the ages of fourteen one-half through twenty-one (14 ½ through 21) who are not enrolled in a public school, are eligible to enroll in a public school driver education and training course, using the same enrollment criteria established for public school students. School districts may include these students in their claims for reimbursements.

## **4.2 Foreign Exchange Students**

To qualify for driver training, the student must meet all the enrollment requirements for driver education and training.

## **4.3 Transfer Students Within The State**

If any student transfers into another Idaho school before completing driver education and training, the instruction permit shall be forwarded to the new school with documentation of the number of hours completed in the classroom and in-car, grade earned to date, instructor signature.

## **4.4 Transfer Students From Out-Of-State**

To qualify for driver education and training completion in Idaho, residents between the ages of 14½ and 17 who have completed driver education and training in another state must provide written document on school letterhead or certificate that they have completed a course of instruction in driver education and training that included no less than 30 hours classroom, 6 hours behind the wheel, and 6 hours observation.

## **4.5 Students With Special Needs**

If the student has an Individualized Education Program (IEP), school officials, along with the teachers should determine if the student will need specialized attention while enrolled in driver education and training. If the decision supports this, the IEP should include the special requirements to meet the goals and instructional objectives for driver education and training. Once enrolled, every effort should be made to adapt lesson materials to the student's specific needs (Individuals with Disabilities Education Act, IDEA; PL101-476). Students not eligible for special education services should consult with the district's school staff responsible for determining special needs.

## **5.0 COURSE ADMINISTRATION**

### **5.1 Application To Operate Classes**

The "ANNUAL PROGRAM PLAN Application to Operate" form shall be submitted to the Department and approved within thirty (30) days before the beginning of any driver education and training class.

#### **S. 5.2 Student List**

The student class list shall be signed and submitted to the Department of Education within seven (7) days of the start of a class.

#### **T. 5.3 Reimbursement**

All income generated by student fees must be reported to the State Department of Education on the *Request for Reimbursement* form.

### **5.4 Reimbursement Claim Periods**

Districts may choose to file a claim for reimbursement within 45 days after each class or submit all classes at the end of the school year, within 45 days after the ending of the last class, on one reimbursement claim.

#### **U. 5.5 Equipment And Materials**

Materials and equipment used for three years or more may be prorated over a period of up to three years.

The following equipment and materials may be purchased without prior approval by the Department of Education. These purchases may be included in the *Claim for Reimbursement*.

Dual control brakes

Student workbook

Fire extinguisher



Vehicle signs

Student text books

Instructional videos

First aid kits

Teacher Resources

Instructor rear view mirrors

## **5.6 Incomplete Course**

If a student completes a minimum of five classroom hours and one behind-the-wheel hour, the district is eligible for 50% reimbursement.

## **V. 5.7 Cooperating School Districts**

Two or more districts may cooperate in offering driver education and training. However, only one school district may submit a *Claim for Reimbursement*. All adjustments for payment of costs will be made between the cooperating districts.

## **5.8 Students Outside the District**

Students enrolled in the regular curriculum in any Idaho school district may enroll in driver education and training outside their home district with written permission from the administrator of the “home” district.

## **5.9 Student Records**

All original student records of instruction and observation time in minutes or hours shall be maintained for a minimum five years for each student who received instruction, including students who withdrew, transferred or were terminated. The records shall be made available to the Department of Education upon request.

Entries on the individual student original records shall be made in ink and updated for each lesson. Each student’s record shall include:

1. Full name, full address, telephone number, and date of birth.
2. Instruction Permit number.
3. Month, day, year that the student received instruction, was absent, participated in a makeup lesson, terminated, withdrew or transferred.
4. Title of lesson, length of instruction in minutes or hours for classroom.
5. Behind-the-wheel driving log.
6. Quizzes and test grades.
7. Name, address of instructors.

## **5.10 Collision/Incident Report**

A current edition of the collision/incident report form will be sent to the Department of Education within two (2) weeks following any incident involving a driver-training vehicle, regardless of the extent of the damages, on forms furnished by the State Department of Education.

## **5.11 Driving Logs**

A driving log for each student shall have the following minimum information (1) student name, (2) driver license number (3) home phone number, (4) emergency contact person and phone number, (5) instructor's name, (6) date and clock time of each drive, (7) skills taught, (8) driving and observation time, (9) instructor remarks, (10) student initials for each drive and observation, (11) final behind-the-wheel grade, (12) total time (driving & observation), and (13) special accommodations if used (hand controls, a seat cushion, etc.).

## **6.0 DRIVER TRAINING VEHICLES**

Only passenger vehicles may be used. All motor vehicles used for in car instruction shall be properly registered in compliance with the Idaho Transportation Department vehicle registration laws. No school shall use any vehicle in a driver-training program that is not in safe operating condition.

Failure to properly maintain any vehicle in a safe operating condition shall be grounds for non-payment on the *Claim for Reimbursement*. Conditions include tires with insufficient tread, inoperable safety belts, malfunctioning dual control brake, or any feature identified as a safety requirement by the federal or Idaho state government.

### **6.1 Annual Vehicle Inspection**

Before a vehicle is used for instruction, it shall be inspected by an officer of the police department, county sheriff's office, or Idaho State Police, using the form provided by the Department of Education.

Vehicles not passing the inspection shall be placed out of service until the needed repairs or equipment are made and the vehicle is re-inspected, using the vehicle inspection form.

Annual inspections expire on June 30th of each year.

### **6.2 Twelve Months Inspections**

Driver training vehicles shall be mechanically inspected every twelve 12 months. Inspections shall be done by a mechanic using a form that lists the inspections and repairs performed. The completed inspection form shall be made available to the Department of Education upon request.

### **6.3 Required Equipment**

All motor vehicles, including motor vehicles for students with disabilities or special needs, that are used to demonstrate or practice driving lessons shall be equipped with a dual control brake pedal within easy reach of the instructor and capable of bringing the vehicle to a stop.

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All motor vehicles shall be equipped with operating safety belts, and all occupants in the driver training vehicle shall be properly secured in a safety belt when the vehicle is in motion.

Vehicles will have an inside rear view mirror for the exclusive use of the instructor.

Vehicles will have a rear-view mirror on each side of the vehicle, adjusted for the driver's use.

Vehicles will be equipped with signs that can be seen from outside the vehicle to the rear and both sides of the vehicle. The sign and letters will be of contrasting colors. The sign(s) to the rear will have the name of the driving school, student driver, or driver education with lettering a minimum of three inches high. The signs to the sides will have the name of the driving school with lettering a minimum of two inches high. All signs must be safely secured while the vehicle is in motion.

Vehicles used exclusively on a multiple car, off-street □range□ are not required to be equipped with a dual control brake, driver training signage, or rear-view mirror for the instructor.

Tire chains or snow tires shall be used in conformance with local law enforcement or the Idaho State Police recommendations for low traction conditions such as snow or on icy road surfaces.

## **6.4 Vehicle Insurance**

The insurance coverage shall be maintained in full force and effect when the vehicle is used for training. Every vehicle used for driver training must have the following minimum coverage before the vehicle can be used for any instruction:

\$500,000 for public liability for bodily injury to one person.

\$500,000 for public liability for bodily injury to two or more persons

\$500,000 for public liability for property damage.

## **6.5 CELL PHONE USE DURING TRAINING**

Cell phone usage while a student is driving shall be limited to emergency purposes only.

## **7.0 CONTRACTING WITH COMMERCIAL SCHOOLS**

Schools may contract with a commercial school to provide the driver education and training program. To qualify for reimbursement, the district shall have a written contract with the commercial driving school specifying the responsibilities of each party. A copy of the contract shall be sent to the Department of Education before the course(s) starts.

Districts contracting with a commercial school will require a criminal history background check for the school owner and instructors teaching for the district.

All record keeping and reporting to the Department of Education shall be completed by the school district, not the contractor.

All rules and regulations for the teen driver education and training program shall be met by the contractor.

Failure of the contractor to abide by the public school rules and regulations will be considered cause for non-reimbursement of expenses to the school district.

## **8.0 DEFINITIONS**

**Approved Teen Driver Education and Training Program**—The driver education and training course of instruction for teens between the ages of 14 ½ and 17 that is approved by the Idaho Department of Education. As defined in this document, the driver education course of study shall consist of at least thirty (30) clock hours of classroom instruction and six (6) clock hours of on-street instruction and six (6) clock hours of observation. The program shall be conducted over 42 days when school is in session and may be conducted over 30 days when school is not in session.

**Behind-the-Wheel Instruction**—That portion of the driver education and training program where the enrollee is actually seated behind the wheel of the vehicle, operating it either in real or simulated traffic situations, through the direct guidance of a certified driver education and training teacher.

**Certified Driver Education Teacher**—Those persons authorized by the Idaho Department of Education to conduct any and all phases of the approved driver education and training course.

**Classroom Instruction**—That portion of a driver education and training program, occurring in a classroom environment, under the direct guidance of a certified driver education teacher that enables student learning to occur through varied instructional methodology.

**Clock Hour**—Instructional time is equal to sixty (60) minutes.

**Commercial School Program**—An approved driver education program offered by a for-profit agency where the program is financially supported by fees paid by enrollees.

**Concurrent Scheduling**—Scheduling the driver education course so that there is no break of instruction between the classroom and laboratory phases.

**Driver Education and Training Course**—The course of study, under the direct guidance of a certified driver education teacher that, upon successful completion, enables an enrollee to acquire the basic knowledge, skills and attitudes necessary to operate a motor vehicle within the highway transportation system.

**Driving Range Instruction**—That portion of the driver education laboratory instruction that enables the certified driver education teacher, from a position outside the vehicle, and using electronic or oral communication, to teach and supervise several students simultaneously, each of who is operating a car on an off-street driving range designed specifically for such instruction.

**Driving Simulation Instruction**—That portion of the driver education laboratory instruction, under the direct guidance of a certified driver education teacher, using several computer-based

simulator units and programs, that reproduce driving situations likely to occur in actual driving performance on the street. Simulation requires the student to evaluate risk, make decisions and responses applicable to the situation presented.

**Integrated Scheduling**—Classroom and behind the wheel driver education and training shall be scheduled to include a mix of instruction in both phases (classroom and behind the wheel) during the duration of the driver education and training course.

**Laboratory Instruction**—That portion of the driver education and training program, under the direct guidance of a certified driver education teacher, that enables students to learn through practice driving experiences, either real or simulated through the use of a multiple-car, off-street driving range or driving simulator.

**Observation Time**—The time an enrollee in a driver education course spends in the rear seat of a vehicle observing another driver operate the controls of the vehicle and responding to the driving situations.

**On-Street Instruction**—That portion of the driver education program where the student is driving the car on local streets and highways, in real and varied traffic situations, under the direct guidance of a certified driver education teacher seated in the car directly beside the student.

**Public School Program**—An approved teen driver education and training program, offered in a public school, by a non-profit agency that is supported in whole or part by driver licensing funds.

Federal law prohibits discrimination on the basis of race, color, religion, sex, national origin, age, or disability in any educational programs or activities receiving federal financial assistance. (Title VI and VII of the Civil Rights Act of 1964; Title IX of the Educational Amendments of 1972; Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990.)

It is the policy of the Idaho State Department of Education not to discriminate in any educational programs or activities or in employment practices.

Inquiries regarding compliance with this nondiscriminatory policy may be directed to Dr. Marilyn Howard, State Superintendent of Public Instruction, P.O. Box 83720, Boise, Idaho 83720-0027, (208) 332-6800, or to the Director, Office of Civil Rights, Department of Education, Washington, D.C.

# DRIVER EDUCATION AND TRAINING

## COMMERCIAL

# DRIVING SCHOOLS RULES AND REGULATIONS

draft  
**draft**

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State Superintendent of Public Instruction

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## **IDAPA 08. 02. 02. 230. DRIVER EDUCATION**

All driver education courses offered in Idaho public schools must be conducted in compliance with all of the requirements in the Driver Education and Training, Public Schools Rules and Regulations as approved on \_\_\_\_\_. All driver education courses offered in Idaho commercial schools must be conducted in compliance with all of the requirements in the Driver Education and Training, Commercial Schools Rules and Regulations as approved on \_\_\_\_\_.

### **1.0 APPLICATION FOR A SCHOOL LICENSE**

Any person who conducts driver training, operates a driving school, acts as a driver training instructor or represents oneself as providing instruction for a Class D license, must be licensed by the State Board of Education, Department of Education.

**All applications for licenses shall be submitted on the most current form provided by the Department of Education. Applications must be submitted at least 30 days prior to licensing. The license is valid for one calendar year and expires on December 31 of the year issued. The license must be conspicuously displayed in the principal place of business.**

#### **1.1 ORIGINAL SCHOOL LICENSE APPLICATION**

Every application for an original license must be accompanied by the following documents:

1. current application form
2. certificate of insurance for each vehicle used for driver training purposes
3. certificate of occupancy for the classroom
4. the schedule of fees and services provided to clients
5. the vehicle inspection form
6. a criminal history background check for the owner(s)
7. application fee

If offering an approved **teen driver education and training course**, the license application must also include the following documents for approval:

1. the content outline for classroom and in-car instruction for the teen driver education and training course
2. samples of the instruction materials provided to students for self-study
3. criteria for passing the teen driver education and training course
4. examples of the tests and criteria that the school requires to satisfactorily complete a teen driver education and training course

All branch locations in addition to the primary location must also be licensed prior to use. The branch location(s) shall meet the same requirements as the principal place of business and shall be similarly equipped.

A change in business address, telephone number, or fax number must be submitted within five (5) working days.



Licenses are not transferable.

When a school or branch office is sold or closed, the school will notify the Department of Education within 14 working days.

No school shall publish, advertise or insinuate that a motor vehicle operator's license is guaranteed or assured.

Schools may use the word "licensed by the Department of Education" and no other words to indicate compliance. The word "Approved" or any of its synonyms shall not be used.

A school owner, who is not an instructor, shall take a written knowledge test of Idaho's driver education and training rules and regulations and the requirements for driver licensing in Idaho by a passing grade of 80% or higher. The applicant must wait three (3) days for a retest.

## 1.2 Classroom Facility

Submit a *Certificate of Maximum Occupant Load* from the state fire marshal, local fire department chief or his designee. The "certificate" shall identify the number of people that can safely occupy the classroom during instruction. This requirement is exempted for school buildings.

The environment will be a classroom that is conducive to learning, free from any disturbing influence and used exclusively for driver education and training instruction during the classroom period.

The classroom shall have:

5. a minimum of 20 square feet per student with individual seating and writing space
6. adequate heat, lighting and ventilation
7. if used, a VCR/monitor of sufficient size for all students to see
8. a whiteboard, blackboard or flipchart

## 1.3 School Renewal License

Licenses must be renewed prior to starting any instruction. Renewal applications include:

1. a certificate of insurance for each vehicle used for driver training purposes
2. a certificate of occupancy (if the location has changed)
3. the schedule of fees and services provided to clients (if changed);
4. the vehicle inspection form
5. renewal fee

If offering an **approved teen driver education and training course**, the school renewal license application must also include the following documents for approval:

1. the content outline for classroom and in-car instruction for the teen driver education and training course to be approved (if changed.)
2. criteria for passing the teen driver education and training course (if changed)
3. examples of the tests and criteria that the school requires to satisfactorily complete the teen driver education and training course (if changed)
4. samples of the instruction materials provided to students for self-study (if changed)

## **1.4 School License Withdrawal**

**The Department of Education may refuse to issue or renew or may revoke a license issued where the agency finds that the school has violated or failed to comply with the rules, regulations or standards adopted for driver education and training.**

## **2.0 INSTRUCTOR LICENSE**

### **~~2.1 Initial Instructor License~~**

All applications for an instructor license shall be submitted on the most current form provided by the Department of Education. The license is valid for one calendar year and expires on December 31st.

Instructors shall be at least twenty-one years of age and have a high school diploma or equivalent (GED).

**Applicants must be affiliated with a commercial driving school.**

**Commercial driver training schools must notify the Department of Education within 10 working days, when an Instructor leaves employment.**

### **2.2 Education**

Instructors must complete at least six (6) semester credits in driver education and training consisting of not less than three (3) semester credits of the driver task analysis and not less than three (3) semester credits developing vehicle operational skills, submitted on an official college or university transcript.

Instructors must also complete a minimum of eight (8) semester credits in educational courses designed to teach instructional strategies, classroom management, or acquisition of teaching competencies, submitted on an official college or university transcript.

When a letter grade is recorded on a transcript, the course requirements for a driver education and training instructor certification shall be a grade of C (70%) or higher.

### **2.3 Moral Character**

**No person shall engage in conduct that is offensive to the ordinary dignity, decency, and morality of others.**

### **2.4 Criminal Background Check**

Submit a criminal history background check. Background checks are valid for three (3) years.

### **2.5 Medical Examination**

Submit a medical certificate from a licensed medical doctor.

The physical shall be completed within three months preceding the application with the exception that a current CDL medical certificate may be submitted for the initial license.

The physical must indicate the applicant is free of any ailment, disease or physical defect(s) that causes momentary or prolonged lapses of consciousness or control, which is or may become chronic. Applicants must not be suffering from a physical or mental disability or disease serving to prevent reasonable and ordinary control over a motor vehicle or that could impair the applicant's ability to drive safely or instruct automobile drivers.

The medical certificate must be renewed every two years.

## **2.6 Knowledge and Skill Tests**

New instructor applicants shall complete a written knowledge test of Idaho's driver education and training rules and regulations, requirements for driver licensing in Idaho, safe driving rules of the road, and instructor knowledge, techniques and methods with a passing grade of 85% or higher. The applicant must wait three (3) days for a retest. A re-examination may be required for a license renewal.

New instructor applicants shall complete an Idaho Transportation Department (ITD) skills test, administered by an ITD skills tester with a passing score of not more than 7 penalty points. The applicant must wait three (3) days for a retest. A re-examination may be required for a license renewal.

## **2.7 Driver License**

Applicants for an original or renewal license shall possess a valid Idaho Class A-D driver license.

Applicants shall maintain a satisfactory driving record as determined on the record obtained from the Idaho Transportation Department. The record must indicate:

1. no department or court suspension or revocation.
2. no conviction for traffic violations that carries a mandatory suspension or revocation of driver's license within the preceding thirty-six (36) months.
3. not more than one (1) conviction for any moving traffic violation within any twelve (12) month period of the previous thirty-six (36) months.
4. the driving record is free of involvement in any fatal traffic accident resulting in conviction for any moving traffic violation;
5. the driving record is free of conviction for driving while a driver's license is revoked or suspended.

## **2.8 Instructor License Renewal**

Renewal applications shall include:

1. current application form
2. application fee
3. medical examination (every two years)
4. criminal history background check (every three years)

## **2.9 Professional Development**

Instructors shall provide documentation that they have completed 15 hours of professional development for traffic safety education and training every two years.

Professional development training may be through a state agency, college or university, or professional traffic safety organization.

## **2.10 Instructor License Withdrawal**

**The Department of Education may refuse to issue or renew or may revoke a license issued where the agency finds that the instructor has violated or failed to comply with the rules, regulations or standards adopted for driver education and training.**

## **3.0 ADMINISTRATION**

### **3.1 Required Records**

All original records of instruction and observation time in minutes or hours shall be maintained for a minimum of five years for each student receiving instruction, including students who passed, failed, withdrew, cancelled or transferred. Original student records shall be made in ink and updated for each lesson. The records shall be made available to the Department of Education upon request.

Each student's record shall include:

1. Full name, address, telephone number, and date of birth
2. Total fees charged
3. Driver License number
4. Month, day, year that the student received instruction, was absent, participated in a makeup lesson, terminated, withdrew or transferred
5. Length of instruction in minutes or hours for classroom.
6. Behind-the-wheel driving log
7. Quizzes and tests grade results

### **3.2 Driving Logs**

A driving log for each student shall have the following minimum information (1) student name, (2) driver license number (3) home phone number, (4) emergency contact person and phone number, (5) instructor's name, (6) date and clock time of each drive, (7) skills taught, (8) driving and observation time, (9) instructor remarks, (10) student initials for each drive and observation, (11) final behind-the-wheel grade, (12) total time (driving & observation), and (13) special accommodations if used (hand controls, a seat cushion, etc.).

### **~~3.3~~ Reports**

Driver training schools shall complete the Department of Education's annual survey when due.

### **3.4 Collision/Incident Reports**

~~A current edition of the collision/incident report form will be sent to the Department of~~

~~Education within two (2) weeks following any incident involving a driver training vehicle that required an investigation and report by law enforcement.~~

### 3.5 Disclosure of Training Fees/Policies

A student shall not be given any driver education and training lessons until provided written information stating all fees charged for the course, all incidental costs for training, school policies for passing and failing, and attendance requirements.

A school shall not agree to give an unlimited number of lessons as an inducement to sign any contract or to enroll for lessons.

A school shall not indicate orally, or in writing, free lessons or a discount will be given if a driver license is not obtained.

## **4.0 DRIVER TRAINING VEHICLES**

Only passenger vehicles may be used. All motor vehicles used for in car instruction shall be properly registered in compliance with the Idaho Transportation Department vehicle registration laws.

A driver-training vehicle shall be maintained in safe operating condition. Conditions include, but are not limited to, tires with insufficient tread, inoperable safety belts, malfunctioning dual control brake, or any feature identified as a safety requirement by a federal or Idaho state government.

### **4.1 Annual Vehicle Inspection**

**Before a vehicle is used for instruction, it shall be inspected by an officer of the police department, county sheriff's office, or Idaho State Police, using the form provided by the Department of Education.**

**Vehicles not passing the inspection shall be placed out of service until the needed repairs or equipment are made and the vehicle is re-inspected, using the vehicle inspection form.**

**Annual inspections expire on December 31st of each year.**

### **4.2 12-Month Inspections**

Driver training vehicles shall be mechanically inspected every twelve 12 months. Inspections shall be done by a mechanic using a form that lists the inspections and repairs performed. The completed inspection form shall be made available to the Department of Education upon request.

### **4.3 Required Equipment**

All motor vehicles, including motor vehicles for students with disabilities or special needs, that are used to demonstrate or practice driving lessons shall be equipped with a dual control brake pedal within easy reach of the instructor and capable of bringing the vehicle to a stop.

All motor vehicles shall be equipped with operating safety belts, and all occupants in the driver training vehicle shall be properly secured in a safety belt at all times.

Vehicles will have an inside rear view mirror for the exclusive use of the instructor.

Vehicles will have a rear-view mirror on each side of the vehicle, adjusted for the driver's use.

**Vehicles will be equipped with signs that can be seen from outside the vehicle to the rear and both sides of the vehicle. The sign and letters will be of contrasting colors. The sign(s) to the rear will have the name of the driving school, student driver, or driver education with lettering a minimum of three inches high. The signs to the sides will have the name of the driving school with lettering a minimum of two inches high. All signs must be safely secured while the vehicle is in motion.**

Vehicles used exclusively on a multiple car, off-street Arrange are not required to be equipped with a dual control brake, driver training signage, or rear-view mirror for the instructor.

Tire chains or snow tires shall be used in conformance with local law enforcement or the Idaho State Police recommendations for low traction conditions such as snow or on icy road surfaces.

#### 4.4            Vehicle Insurance

An affidavit must be provided from the insurance company supplying the policy that the driver-training school's vehicles are insured for a minimum of:

\$100,000 for injury or death of one person  
\$300,000 for injury or death of two or more people;  
\$100, 000 for property damage  
\$10,000 medical insurance

The insurance coverage shall be maintained in full force and effect when the vehicle is used for training.

#### ~~4.5            CELL PHONE USE DURING TRAINING~~

~~Cell phone usage while a student is driving shall be limited to emergency purposes only.~~

### **5.0                            APPROVED TEEN DRIVER EDUCATION AND TRAINING PROGRAMS**

A teen driver is one who is between the age of 14 ½ and 17 and enrolls in driver education and training to be eligible for a license before the legal licensing age of 17. The driver-training permit shall be purchased before the student participates in any instruction.

#### **5.1                            Minimum Hours and Days**

Students under the age of 17 shall complete an approved teen driver education and training program conducted in not less than six (6) weeks (42 calendar days) duration.

The course of instruction shall include 30 clock hours of classroom instruction, six (6) clock hours of behind the wheel instruction and six (6) clock hours of observation.

The 30 hours of classroom time requires contact with the instructor. Additional assignments outside the classroom shall not be counted in the 30 clock hours.

When school is not in session, courses may be conducted over a minimum of 30 days duration and all approved program criteria must be met.

## **5.2 Scheduling**

During the 42 and 30-day program, students will be regularly scheduled for integrated and concurrent classroom and behind the wheel instruction periods.

Each behind-the-wheel lesson shall be introduced and taught in the classroom prior to the students' practicing the lesson during behind the wheel instruction.

Classroom instruction shall not be completed before beginning in-car practice.

Before students are scheduled for behind the wheel instruction on a public roadway, they will first be given classroom instruction on the following: approaching the vehicle with awareness, orientation to controls, basic rules of the road, use of vision to control the vehicle, proper use of the steering wheel, accelerator and brake, turning left and right, and signs, signals, and markings.

A maximum of 36 students shall be scheduled per class.

Students may not enroll in a course after the second class is completed. Students enrolled late must complete the first two lessons before attending the third class.

Classroom instruction shall not exceed 10 hours per week.

Classroom instruction shall not exceed two hours per day when school is in session and three hours per day when school is not in session.

Classes scheduled longer than 60 minutes per day may provide a five-minute break for each hour of instruction.

Instruction shall not begin earlier than 6:00am or end later than 10pm.

## **5.3 Behind The Wheel Driving Time**

**The maximum behind the wheel (BTW) driving time for each student is sixty- (60) minutes per day.**

BTW instruction shall not exceed three hours per week.

BTW lessons shall not begin earlier than 6am or end after 10pm.

Drive time shall not include time spent driving to pick up or drop off students unless the route meets the objective of the drive lesson.

Of the six (6) hours required for behind-the-wheel driving time, at least two (2) of the six hours shall be during daylight.

#### **5.4 Maximum BTW Observation Time Per Day**

Students may observe for a maximum of two hours per day.

If a school has four or fewer students enrolled in a class, the required six (6) hours observation time may be completed by the student through observation of a parent or legal guardian driving. This observation will be verified by the driver's signature on an observation log. The observation log shall be kept on file with the student's records.

#### **5.5 Vehicle Occupants**

Only the instructor and student driver may occupy the front seat.

In-car instruction shall include not less than two (2) or more than three (3) students in the car. One student may be scheduled when it is in the best interest of the student. This exception shall have prior written permission from the parent or legal guardian.

No person shall occupy a rear seat unless involved as a student, parent/guardian, instructor, student enrolled in a driver education teacher preparation course, translator, or supervisor in the driver-training program.

#### **5.6 Multiple-Car Driving Range**

Two (2) hours of driving on a multiple-car driving range may be substituted for one (1) hour of BTW instruction. Multiple-car instruction may be substituted for not more than three (3) of the total six (6) hours required for BTW instruction.

#### **5.7 Simulation Instruction**

Simulators may be used and substituted for portions of the behind-the-wheel instruction on the basis of three- (3) hours simulation for one- (1) hour of behind the wheel.

Simulation instruction may be substituted for not more than three (3) of the total six (6) hours required for behind-the-wheel instruction.

#### **5.8 Program Substitution**

**No combination of multiple-car driving range or simulation instruction will result in less than three (3) hours of behind-the-wheel driving.**

#### **5.9 Assessments**



The standards for passing the course shall be clearly stated to students prior to starting the course of instruction.

Students shall be assessed in the following three (3) areas: classroom knowledge, behind the wheel skills, and attitude. A student who fails in any one of the three (1 of 3) grading criteria shall be failed for the entire course.

A student shall be failed if found to have violated an Idaho Statute or for behavior that is contrary to the driver education and training program regulations and policies.

~~Each student shall be assessed for knowledge and understanding of the classroom lessons with quizzes that require students to list, define, describe, identify, demonstrate, explain, compare, predict, estimate, or solve.~~

#### 5.10 Final Skills Test

Each student shall be given a final behind-the-wheel skills test at the completion of the course to measure the essential skills required for successful completion of an Idaho driver education and training course.

~~Instructors of the school's program shall use a standardized evaluation form with written predetermined routes.~~

~~Successful completion is earning a grade of 80% or higher.~~

#### **5.11 Final Knowledge Test**

A final knowledge test for the driver education and training and training course shall be administered at the completion of the course. The test shall cover the essential knowledge required for successful completion of an Idaho Driver Education and Training Course.

~~Successful completion is earning a grade of 80% or higher.——~~

#### **5.12 Parental Involvement Program**

~~Teen driver education and training programs will have a written policy for involving a parent, legal guardian, or supervising adult in the student's driver education and training program~~

#### **5.13 Make Up Policy**

The make-up policy shall be developed by the school and shall ensure that all required hours of instruction and course content are completed. Students shall not be allowed to make up missed lessons in a scheduled classroom session unless the lesson missed is being taught. Make-up lessons may be provided on an individual basis.

#### **5.14 Curriculum Guide**

Driving schools shall have a classroom and behind the wheel curriculum guide for the teen driver education and training program that meets or exceeds the most current Idaho Driver Education and Training Curriculum Guide. Each instructor shall be provided a copy.

### **5.15 Student Instructional Materials**

Each student shall have access to instructional materials to read and study during the course. The instructional material shall be equal to or exceed the content of a current driver education textbook and be compatible with the school's curriculum guide.

Textbooks must be selected from the list adopted by the State Department of Education.

### **5.16 Idaho Driver's Manual**

Each student shall have a copy of the *Idaho Driver's Manual*. The manual shall not be used as the only source of instructional materials, but shall be used as an aid for instruction on Idaho's traffic laws, rules of the road, driver licensing and vehicle registration.

### **5.17 Lesson Plans**

Each instructor shall have lesson plans for the lesson they are teaching in the classroom and/or BTW based upon the program's curriculum guide. Lesson plan content shall meet or exceed the Idaho Driver Education and Training Curriculum.

### **5.18 Practice Guide/Log**

Each student and their parent/legal guardian shall be provided a practice guide and log for use during the required four month Graduated Driver Licensing practice period.

### **5.19 Enrolled Students**

A student is considered "enrolled" when the student attends the first day of a scheduled class and continues until course completion.

### **~~5.20 Currently Licensed Drivers~~**

Students possessing a valid Class D license may enroll in a teen driver education and training program without obtaining a driver training instruction permit by paying the required driver training instruction permit fee directly to the Department of Education. This fee will be deposited into the driver training account.

### **5.21 Foreign Exchange Students**

**To qualify for enrollment into a teen driver education and training program, the student must meet all the enrollment requirements for the course.**

### **~~5.22 Transfer Students From Out Of State~~**

**Students completing driver education in another state must meet Idaho's Teen Driver Education and Training program standards of 30 hours classroom, 6 hours behind the wheel, and 6 hours observation to qualify for driver training completion in Idaho. The documentation must be on an official school form and signed by the instructor or administrator. Students not meeting this standard must complete an Idaho Teen Driver Education and Training program to be eligible for a license before age 17.**

## ~~5.23 Home Correspondence Course~~

~~Idaho Statutes provides for a home correspondence course (§33-1702) for the classroom portion only. A student requesting permission to complete a home correspondence course for the classroom portion shall meet the eligibility requirements established by the State Department of Education.—~~

## **6.0 DEFINITIONS**

**Approved Teen Driver Education and Training Program**—The driver education and training course of instruction for teens between the ages of 14 ½ and 17 that is approved by the Idaho Department of Education. As defined in this document, the driver education course of study shall consist of at least thirty (30) clock hours of classroom instruction and six (6) clock hours of on-street instruction and six (6) clock hours of observation. The program shall be conducted over 42 days when school is in session and may be conducted over 30 days when school is not in session.

**Behind-the-Wheel Instruction**—That portion of the driver education and training program where the enrollee is actually seated behind the wheel of the vehicle, operating it either in real or simulated traffic situations, through the direct guidance of a certified driver education and training teacher.

**Certified Driver Education Teacher**—Those persons authorized by the Idaho Department of Education to conduct any and all phases of the approved driver education and training course.

**Classroom Instruction**—That portion of a driver education and training program, occurring in a classroom environment, under the direct guidance of a certified driver education teacher that enables student learning to occur through varied instructional methodology.

**Clock Hour**—Instructional time is equal to sixty (60) minutes.

**Commercial School Program**—An approved driver education program offered by a for-profit agency where the program is financially supported by fees paid by enrollees.

**Concurrent Scheduling**—Scheduling the driver education course so that there is no break of instruction between the classroom and laboratory phases.

**Driver Education and Training Course**—The course of study, under the direct guidance of a certified driver education teacher that, upon successful completion, enables an enrollee to acquire the basic knowledge, skills and attitudes necessary to operate a motor vehicle within the highway transportation system.

**Driving Range Instruction**—That portion of the driver education laboratory instruction that enables the certified driver education teacher, from a position outside the vehicle, and using electronic or oral communication, to teach and supervise several students simultaneously, each of who is operating a car on an off-street driving range designed specifically for such instruction.

**Driving Simulation Instruction**—That portion of the driver education laboratory instruction, under the direct guidance of a certified driver education teacher, using several computer-based simulator units and programs, that reproduce driving situations likely to occur in actual driving performance on the street. Simulation requires the student to evaluate risk, make decisions and responses applicable to the situation presented.

**Integrated Scheduling**—Classroom and behind the wheel driver education and training shall be scheduled to include a mix of instruction in both phases (classroom and behind the wheel) during the duration of the driver education and training course.

**Laboratory Instruction**—That portion of the driver education and training program, under the direct guidance of a certified driver education teacher, that enables students to learn through practice driving experiences, either real or simulated through the use of a multiple-car, off-street driving range or driving simulator.

**Observation Time**—The time an enrollee in a driver education course spends in the rear seat of a vehicle observing another driver operate the controls of the vehicle and responding to the driving situations.

**On-Street Instruction**—That portion of the driver education program where the student is driving the car on local streets and highways, in real and varied traffic situations, under the direct guidance of a certified driver education teacher seated in the car directly beside the student.

~~**Public School Program**—An approved teen driver education and training program, offered in a public school, by a non-profit agency that is supported in whole or part by driver licensing funds.~~

## ~~**7.0 — REVOCATION, DENIAL OF A SCHOOL OR INSTRUCTOR LICENSE**~~

This section will meet state requirements and will be included when finalized.

Federal law prohibits discrimination on the basis of race, color, religion, sex, national origin, age, or disability in any educational programs or activities receiving federal financial assistance. (Title VI and VII of the Civil Rights Act of 1964; Title IX of the Educational Amendments of 1972; Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990.)

It is the policy of the Idaho State Department of Education not to discriminate in any educational programs or activities or in employment practices.

Inquiries regarding compliance with this nondiscriminatory policy may be directed to Dr. Marilyn Howard, State Superintendent of Public Instruction, P.O. Box 83720, Boise, Idaho 83720-0027, (208) 332-6800, or to the Director, Office of Civil Rights, Department of Education, Washington, D.C.

**B. SUBJECT:**

**Technology Competency Inservice Requirement**

**BACKGROUND:**

Currently the **preservice** technology requirement is part of the **certification** process. The **inservice** technology requirement is part of the **accreditation** process.

**DISCUSSION:**

Subsequent to direction from the State Board of Education, the Professional Standards Commission developed a rule recommendation for State Board of Education consideration to move the inservice technology requirement from accreditation to certification.

With the approval of the State Board of Education to continue the APA (Administrative Procedures Act) process, the Professional Standards Commission held pertinent teleconference input sessions throughout the six designated education regions in Idaho. The purpose of these sessions was to garner input regarding the Idaho Technology Competency Inservice Requirement proposal.

Following the input sessions, and a timeframe for written comment, the Professional Standards Commission, at its March 7-8, 2002, meeting, reviewed the input comments. A Commission recommendation was approved for submission to the State Board of Education. A summary of written comments is included as Exhibit 1.

**RECOMMENDATION:**

The Professional Standards Commission recommends that the State Board of Education approve as a **proposed rule** the following:

**RULE: IDAHO STATE BOARD OF EDUCATION (IDAPA 08, TITLE 02, CHAPTER 02)**

## **006. TECHNOLOGY STANDARDS**

(9-1-03)

The proliferation of technology in our daily lives makes it essential that certificated educators are technologically literate. The State Board of Education has established a statewide goal that teachers and administrators be trained in the use of technology for education.

### **01. Preservice Competency**

**Effective September 1999**, all applicants for initial Idaho certification (pre-kindergarten through grade 12) from an Idaho-approved teacher preparation program **must** demonstrate beginning technology skills by passing a basic educational technology competency assessment. (9-1-03)

### **02. Renewal**

**Effective September 1, 2003**, for certificate renewal purposes, all individuals holding a valid Idaho certificate (pre-kindergarten through grade 12) **shall** demonstrate technology competency by passing a basic educational technology assessment as approved by the State Board of Education.

As part of the certificate renewal process, the applicant **shall** submit an original certificate of completion, a notarized copy of the certificate, or an official letter of completion from a State Board of Education-approved provider of the technology competency assessment.

Evidence of meeting the competency requirement **shall** be accepted from January 1, 1997, the implementation date as approved by the State Board of Education. For renewal purposes, passing the technology competency assessment is required **only once**. (9-1-03)

### **03. Waiver of Technology Competency**

When applying for certificate renewal, an automatic waiver of the technology requirement **shall** be granted for those certificated individuals who live outside of the State of Idaho and/or currently are not employed in the State of Idaho. This waiver applies only as long as the individual remains outside the State of Idaho.

The State Superintendent of Public Instruction will develop and oversee a process for requests for waivers from certificated educators who would otherwise be covered by this rule. (9-1-03)

#### **04. Out-of-State Applicants**

**Effective September 1, 2003**, an out-of-state applicant for an Idaho certificate **shall** be granted a three-year, non-renewable interim certificate to allow time to meet the Idaho technology competency requirement.

Those individuals who qualify for an Idaho certificate through the NASDTEC (National Association of State Directors of Teacher Education and Certification) Interstate Contract reciprocity agreement **shall** be granted a three-year, non-renewable, interim certificate to allow time to meet the Idaho technology competency requirement. (9-1-03)

#### **05. Assessment Methods**

Preservice educators, holders of a valid Idaho certificate, and out-of-state applicants **may elect** to use any State Board of Education-approved technology assessment, including the:

- 01.** Idaho Technology Competency Exam;
- 02.** Idaho Technology Portfolio Assessment;
- 03.** Idaho Technology Performance Assessment; or,
- 04.** Another process which meets the express approval of the State Board of Education to demonstrate the required basic technology competency.

The Professional Standards Commission (PSC) shall review and make recommendations to the State Board of Education regarding all proposed technology competency assessments. The PSC shall review all previously approved technology assessments, including reliability and validity of the assessments, and make recommendations to the State Board of Education. (9-1-03)

#### **06. Standards**



The technology standards **shall** be based on the International Society for Technology in Education (ISTE) foundational standards. (9-1-03)

**BOARD ACTION:**

The State Board of Education carried to approve/disapprove/table the recommendation by the Professional Standards Commission to continue the **Technology Competency Inservice Requirement** proposal through the Administrative Procedure Act process as a proposed rule. Moved by \_\_\_\_\_, seconded by \_\_\_\_\_ and carried.

**ATTACHMENTS:**

1. Summary of written comments resulting from teleconference input sessions conducted by the Professional Standards Commission

**EXHIBIT 1**  
**TECHNOLOGY COMPETENCY**  
**INPUT SESSION - JANUARY 22, 2002**  
**COMMENTS**

**Agree – 10**

- . . . IASA supports the change from accreditation to re-certification for the technology competency requirement.
- . . . the IEA supports the change with the following conditions. . . (*proposed wording changes provided*).
- . . . demonstrated competency be counted for those piloting the test prior to January 1, 1997.
- . . . the competency be required only once.
- . . . the PSC conduct periodic reviews of approved technology competency assessments to ensure reliability and validity.
- . . . there be a process for waivers.
- . . . teachers and administrators need to be technologically literate to be effective communicators and life-long learners. . . why I feel strongly that technology competency should be a teacher certification requirement and not a school accreditation requirement.
- . . . in agreement requiring technology competency as a re-certification requirement. . . can be very difficult when this issue is essentially a voluntary process on the part of the teachers.
- . . . great idea. . . took an accreditation hit last year because we did not meet the 90 percent requirement. . . better to make teachers responsible for meeting this requirement rather than punish the administrator/district. . . burden should always be on the individual rather than penalizing the group.

- . . . is a certification issue rather than an accreditation issue. . . the best way to enforce the technology competency requirement.
- . . . should be tied to certification. . . competency in technology is important for today's educator. . . is a professional obligation for each individual who is certificated. . . is not a building accreditation issue.
- . . . concern that the technology competency test applies more to classroom teachers rather than counselors, school psychologists, school resource officers and other specialists. . . test is an unfair obstacle to attract and keep counselors in Idaho schools.
- . . . like assurance that the competency requirement be one-time and not for each re-certification.
- . . . accept assessment prior to 1-19-99. . . many took test in 97-98. . . some were part of the pilot process. . . people like me were leaders and tried to do what the state asked in good faith and spirit. . . if not accepted, will serve as reminder to others to avoid "going first" and volunteering.

**W. Disagree – 3**

- . . . adding another certification requirement increases stress. . . a definite "No".
- . . . unless consideration is given acknowledging that technology is not relevant or necessary in some subject matters, curriculum, and for some educators' certification, I will oppose this move. . . believe that in setting the goal of 90 percent, the Legislature and Board further underscored the recognition that some subject matter and curriculum does not lend itself to integration of technology, and secondarily, that some educators would not need to meet the requirements.
- . . . as a special education director, I find it very difficult to recruit school psychologists, SLP's, and special education teachers. . . would oppose any change such as requiring the technology competency for any person before a credential is issued.

## **C. SUBJECT:**

### **Idaho Interim Certificate**

## **BACKGROUND:**

The State Board of Education, at its September 20-21, 2001, meeting, approved the recommendation from the Professional Standards Commission allowing the proposal for an Idaho interim certificate to proceed through the Administrative Procedure Act process.

## **DISCUSSION:**

With the approval of the State Board of Education, the Professional Standards Commission held pertinent teleconference input sessions throughout the six designated education regions in Idaho. The purpose of these sessions was to garner input regarding the Idaho interim certificate proposal.

Following the input sessions, and a timeframe for written comment, the Professional Standards Commission, at its March 7-8, 2002, meeting, reviewed the input comments. A Commission recommendation was approved for submission to the State Board of Education. A summary of written comments is included as Attachment 1.

## **RECOMMENDATION:**

The Professional Standards Commission recommends that the State Board of Education approve as a **proposed rule** the following:

**RULE:** Idaho State Board of Education (IDAPA 08, Title 02, Chapter 02)

### **050. IDAHO INTERIM CERTIFICATE**

01. The State Board of Education authorizes the Bureau of Teacher Certification/Professional Standards to issue a non-renewable three (3) year interim certificate on the IDAHO EDUCATOR CREDENTIAL to those applicants who hold a valid certificate/

license from another state and do not meet current Idaho standards or do not meet NASDTEC Interstate Contract requirements. (9-1-03)

02. Specific academic deficiencies in an endorsement area may be waived upon verification of three (3) years of satisfactory employment in Idaho in the area of endorsement. (9-1-03)

**BOARD ACTION:**

The State Board of Education carried to approve/disapprove/table the recommendation by the Professional Standards Commission to continue the Idaho Interim Certificate proposal through the Administrative Procedure Act process as a proposed rule. Moved by \_\_\_\_\_, seconded by \_\_\_\_\_ and carried.

**ATTACHMENTS:**

1. Summary of written comments resulting from teleconference input sessions conducted by the Professional Standards Commission

## **EXHIBIT 1**

### **INTERIM CERTIFICATE**

**INPUT SESSION - JANUARY 22, 2002**

### **COMMENTS**

- **AGREE** - 8 responses
  - “IASA supports the Interim Certificate proposal. It is critically important to keep hiring avenues open to Idaho school districts.”
  - “The Idaho Interim Certificate would be a useful tool to encourage out-of-state teachers to come to Idaho.” We need to “be able to bring the brightest and best teachers into our schools to teach our students.”
  - The Interim Certificate allows teachers to meet certification requirements without worrying about immediate time constraints.
  - The Interim Certificate needs to be a “one-time deal” for out-of-state, not for those currently working in the state or for those letting their certificates lapse.
  - The Interim Certificate will provide an out-of-state hiring mechanism. In favor for teachers and administrators. Teacher shortage. We need to be competitive.
  - “Many states offer Interim Certificates in teaching and administration.” The Interim Certificate would be an enticement for prospective educators.
  - Agree with having an Interim Certificate. “I would ask that all aspects be coordinated to augment the efforts to acquire quality teachers in the three-year ‘level mentor program’.”
  - Agree with an Interim Certificate, but, “Don’t open the door to accept individuals in the profession who do not meet the minimal requirements...”
- **DISAGREE** – No disagreements were submitted.

**D. SUBJECT:**

**Professional Standards Commission Appointments and Reappointments**

**BACKGROUND:**

Idaho Code Section 33-1252 requires that “. . . three (3) nominees for each position on the (Professional Standards) commission shall be submitted to the state superintendent of public instruction, for the consideration of the state board of education.”

**DISCUSSION:**

Idaho Code 33-1252 provides a specific breakdown of the membership required on the Professional Standards Commission. The nominations are submitted for appointment/reappointment consideration by the State Board of Education to fill the six (6) terms that will become vacant June 30, 2002, or have become vacant recently because of resignations.

**RECOMMENDATION:**

The State Department of Education recommends the following nominations for appointment/reappointment consideration to fill the six (6) terms that will become vacant June 30, 2002, or have become vacant recently because of resignations.

School Superintendent (submitted by the Idaho School Superintendents' Association)

Richard Miller, Caldwell School District #132

Public Higher Education (submitted by Lewis-Clark State College)  
Jannette Hill, Division of Education, Lewis-Clark State College

Special Education Administrator (submitted by the Idaho Association of Special Education Administrators)  
Diana Zigars, Canyon-Owyhee School Service Agency (**reappointment**)

Secondary Classroom Teacher (submitted by the Idaho Education Association)

Regina Ainslie, Council School District #13 (**reappointment**)

Secondary Classroom Teacher (submitted by the Idaho Education Association)

Tama Bergstrand, Boundary County School District #101

School Board Member (submitted by the Idaho School Boards Association)  
Edith Brooks, Coeur d'Alene School District #271

**BOARD ACTION:**

The State Board of Education carried to approve/disapprove/table the request by/for Professional Standards Commission reappointments and appointments as submitted. Moved by \_\_\_\_\_, seconded by \_\_\_\_\_ and carried.

**ATTACHMENTS:**

1. Resume for Richard Miller
2. Resume for Jannette Hill
3. Resume for Diana Zigars
4. Resume for Regina Ainslie
5. Resume for Tama Bergstrand
6. Resume for Edith Brooks

*(Note: These attachments were not provided in electronic form. For copies contact Mary Jane Markland, 208-332-6884.)*



**E. SUBJECT:**

Proposals to Rezone School Districts

**BACKGROUND:**

Idaho Code 33-313 states that following the release of the decennial census data each school district board of trustees shall prepare a proposal to equalize the population of their trustee zones. It also states that the boundaries of the trustee zones in each school district shall be defined and drawn so that, as reasonably as may be, each such zone shall have approximately the same population. These proposals must be submitted to the State Board for approval.

**DISCUSSION:**

The Department of Education reviewed a proposal from Midvale School District No. 433. The review included insuring population equalization based on the numbers submitted and correcting legal descriptions and maps as needed.

**RECOMMENDATION:**

It is recommended the State Board of Education approve the proposal.

**BOARD ACTION:**

It was carried to approve/disapprove/table the proposal from the above-listed school district to redefine their trustee zones. Moved by \_\_\_\_\_, seconded by \_\_\_\_\_, and carried.

**F. SUBJECT:**

**Coeur d’Alene Tribal School Accreditation Appeal**

**BACKGROUND:**

An Idaho school seeking state accreditation can appeal the decision of the State Board of Education regarding its approval rating. Appeals must be made to the State Superintendent of Public Instruction within 45 days of the date on which respective schools receive notification. The State Superintendent of Public Instruction has authority to take the appeal to a committee composed of the State Superintendent of Public Instruction/designee, President, State Board of Education/designee, and an educational practitioner jointly appointed by the State Superintendent of Public Instruction and President of the State Board of Education. Recommendations of this committee will be forwarded to the State Board of Education for disposition. The State Board of Education's decision will be final.

**DISCUSSION:**

Based on the information contained in the annual accreditation report submitted by the Coeur d’Alene Tribal School principal on October 15, 2001, the State Elementary Accreditation Committee recommended that the State Board of Education assign a “not approved” rating to the school. The State Board of Education accepted the recommendation of the State Elementary Accreditation Committee during its January 21, 2002 meeting and the Coeur d’Alene Tribal School was not accredited for the 2001-2002 school year.

In a letter dated February 5, 2002, Mr. Francis SiJohn, Coeur d’Alene Tribal School Board Chairman, requested the opportunity to appeal the State Board’s decision. Dr. Marilyn Howard, State Superintendent of Public Instruction, acknowledged and accepted the request for an appeal and notified Mr. SiJohn of the steps to be taken in the appeal process in a letter dated March 13, 2002. A five-member group of representatives, headed by Mr. SiJohn, visited with Dr. Bob West, Deputy Superintendent, and Shannon Page, Coordinator of Accreditation and Elementary Services for the Idaho Department of Education, at the Department of Education offices on March 25, 2002 to discuss the circumstances surrounding the

accreditation report filed by the school administrator and to make certain they were adequately prepared for an onsite review process.

Based on the Coeur d'Alene Tribal School's concerns relative to the accuracy of the information provided in the annual accreditation report dated October 15, 2001, it was agreed that the school administration would submit an amended annual report no later than May 7, 2002 in preparation for an onsite visit by a review committee to confirm the school's compliance with accreditation standards. Said report was submitted in a timely manner.

A three-member committee comprised of Shannon Page, representing the State Superintendent; Stephen Shepperd, Principal of Sunnyside Elementary School (Kellogg), representing the President of the State Board of Education; and Michael Halverson, Principal of Lapwai Elementary School, serving as the joint Department of Education/State Board appointee, were appointed by Dr. Howard to conduct an onsite visit to review and validate the school's answers on the accreditation report and thus its compliance with the state's accreditation standards. The committee was instructed to submit a report of findings and its recommendation to the State Board of Education for the June 27, 2002 meeting.

On May 23, 2002, the Appeal Review Committee visited the Coeur d'Alene Tribal School and conducted a comprehensive review of the school's compliance with state standards. Policy and procedures manuals, school improvement plans, school board and school subcommittee meeting minutes, facility inspection reports, and other supporting documents were carefully reviewed; school board members, school administrators, and school staff were interviewed; and the operations of the school were observed as needed. The report of the Appeal Review Committee is attached.

### **RECOMMENDATION:**

The State Department of Education recommends that the State Board of Education maintain the "Not Approved" accreditation rating for the Coeur d'Alene Tribal School for the current school year (2001-2002) based on the information contained in the annual accreditation report submitted on May 7, 2002 and the subsequent onsite review by the Appeal Review Committee conducted on May 23, 2002.

**BOARD ACTION:**

The State Board of Education carried to approve/disapprove/table the recommendation to maintain the “Not Approved” accreditation rating for the Coeur d’Alene Tribal School for the 2001-2002 school year. Moved by \_\_\_\_\_, seconded by \_\_\_\_\_ and carried.

**ATTACHMENT:**

1. Idaho School Accreditation Appeal Review Form, Coeur d’Alene Tribal School, 2001-2002 School Year

***(Note: This attachment was not provided in electronic form. For a copy contact Kimberly Clark, 208-332-6942.)***

**G. SUBJECT:**

**Administrative Staff Allowance Waiver Request to Meet Accreditation Standards**

**BACKGROUND:**

Idaho Code 33-1004(6) allows a district to request a waiver authorizing sufficient additional staff to be included within the staff allowance to meet accreditation standards.

**DISCUSSION:**

Melba School District #136 is requesting a waiver for an additional 0.5 FTE of administrative staff to meet its accreditation standard.

**RECOMMENDATION:**

The Department of Education recommends that the above waiver request be approved.

**BOARD ACTION:**

The State Board of Education carried to approve/disapprove/table the request by Melba School District #136 for additional administrative staff to meet accreditation standards. Moved by \_\_\_\_\_, seconded by \_\_\_\_\_ and carried.

**ATTACHMENT:**

1. Letter from Melba School District #136.

*(Note: This attachment was not provided in electronic form. For a copy contact LaRae Ashby, 208-332-6840.)*

**H. SUBJECT:**

**Public Schools FY 2003-04 Budget**

*Place holder for budget presentation, if available*

**I. SUBJECT:**

**Superintendent's Report**