

**ORDER OF THE
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
AMENDING RULES**

The state superintendent of public instruction hereby amends PI 21.01, PI 21.02 (3), PI 21.03 (1) (intro.), PI 21.04 (intro.), PI 21.04 (1) (a) 1., PI 21.04 (3), PI 21.04 (4) and the note that follows, PI 21.05 (1) and (2) and repeals PI 21.06, relating to driver's education requirements and aid.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statute interpreted: s. 115.28 (11), Stats.

Statutory authority: ss. 115.28 (11), 227.11 (2) (a), 343.06 (1) (c), and 343.16 (1) (c) 3., Stats.

Explanation of agency authority:

Section 115.28 (11), Stats., requires the state superintendent to approve driver education courses offered by school districts, county children with disabilities education boards, and technical college districts for the purposes of s. 346.16 (1) (c) 3., Stats.

Section 343.06 (1) (c), Stats., specifies that the department of transportation may not issue a license to any person under age 18 in a public school unless he or she satisfactorily completes a course in driver education approved by the department of public instruction or in a nonpublic or private school unless he or she meets minimum standards set by the department of public instruction.

Section 346.16 (1) (c) 1. Stats., implies that a course in driver education in public schools must be approved by the department of public instruction. Section 346.16 (1) (c) 3., Stats., requires a course in driver education in nonpublic and private schools to meet the minimum standards set by the department of public instruction.

Section 227.11 (2) (a), Stats., gives the department general rule making authority to promulgate rules interpreting the provisions of any statute enforced or administered by it.

Related statute or rule: None.

Plain language analysis:

The proposed rule makes some technical cross-reference and term modifications and will bring driver's education course standards under ch. PI 21, Wis. Admin. Code, into conformance with statutory standards under s. 115.28 (11), Stats., by requiring all of the following:

- Instruction in the hazards posed by farm machinery and animals on highways.
- Instruction in the hazards posed by railroad grade crossings.

- Thirty minutes of instruction relating to organ and tissue donation and organ and tissue donation procedures.
- Information on motorcycle awareness, as approved by a recognized motorcycle safety and awareness organization, and pedestrian and bicycle awareness, as approved by a recognized pedestrian and bicycle safety and awareness organization.

The rules also delete s. 21.06, relating to driver education aid because funds are no longer appropriated under s. 20.255 (2) (em), Stats., and statutory language relating to the payment of aid under s. 121.41 (1), Stats., was repealed under 2003 Wisconsin Act 33.

Summary of, and comparison with, existing or proposed federal regulations: None.

Comparison with rules in adjacent states:

Iowa requires the following classroom instruction: a minimum of four hours of instruction concerning substance abuse, a minimum of twenty minutes of instruction concerning railroad crossing safety, instruction relating to becoming an organ donor, instruction about sharing the road with bicycles and motorcycles.

Michigan requires classroom instruction in traffic citizenship, Michigan traffic laws and regulations, characteristics of drivers, the role of government in controlling traffic and driving practices, automobile use, traffic situations and problems, and defensive driving.

Illinois has no specific classroom instruction in rule. However, it does specify classroom and laboratory instruction each must be scheduled regularly throughout a period of not less than six complete weeks (four weeks allowable in summer programs and for schools using block scheduling).

Minnesota requires the following classroom instruction:

- Opportunity for the student to analyze and assess several decision-making models and factors influencing highway-user decisions;
- Information on how alcohol and other drugs affect a driver's ability to safely operate a motor vehicle.
- Opportunity for the student to analyze and practice making decisions about using occupant restraints;
- Opportunity for the student to identify and analyze a variety of driving decisions about highway users and roadway characteristics;
- Opportunity for the student to analyze and practice making decisions about a vehicle's speed under different driving conditions;
- Content and purpose of motor vehicle and traffic laws and rules for safe driving performance;
- Opportunity for the student to identify, analyze, and describe proper procedures for a variety of driving situations;
- Opportunity for the student to gather information and practice making decisions about vehicle ownership, leasing, insurance, and maintenance;
- Opportunity for the student to identify, analyze, and practice making decisions related to drivers' attitudes and emotions;
- Opportunity for the student to explore alternative ways to become a better driver;

- Duties of the driver when encountering a school bus, the content and requirements of Minnesota Statutes, and the penalties for violating that section;
- Principles of safe operation of a motor vehicle at railroad-highway grade crossings;
- Principles and relationships of tires and surfaces when turning, braking, and accelerating;
- Characteristics of both conventional and antilock brake systems; and
- Opportunity for the student to become informed about becoming an organ donor.

Summary of factual data and analytical methodologies:

See plain language analysis.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact report: N/A

Anticipated costs incurred by private sector: None.

Effect on small business:

The proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

Agency contact person: (including email and telephone)

Randall Thiel, Education Consultant, 608/266-9677, randall.thiel@dpi.state.wi.us.

Place where comments are to be submitted and deadline for submission:

Comments must be submitted by August 17, 2006, to Lori Slauson, Administrative Rules Coordinator, 608/267-9127, lori.slauson@dpi.state.wi.us, P.O. Box 7841, Madison, WI 53707-7841.

SECTION 1. PI 21.01 is amended to read:

PI 21.01 Applicability and purpose. This chapter establishes uniform marking standards for vehicles used as driver education vehicles pursuant to s. 341.267 (1) (b), Stats.; establishes minimum standard which all high school driver education programs must meet to obtain department approval under ~~s. 343.06 (3)~~ s. 343.06 (1) (c), Stats.; establishes standards for issuance of Wisconsin driver education certificates; and establishes minimum standards ~~which~~ for driver education programs ~~must meet to be eligible to receive state aid under s. 121.41 (1), Stats.~~

SECTION 2. PI 21.02 (3) is amended to read:

PI 21.02 (3) "~~CHCEB~~" "CCDEB" means county ~~handicapped children's education~~ children with disabilities education boards, under ~~ch. 115~~ s. 115.817, Stats.

SECTION 3. PI 21.03 (1) (intro.) is amended to read:

PI 21.03 (1) (intro.) All motor vehicles used as driver education vehicles in programs operated by public school districts, private schools, ~~CHCEBs~~ CCDEBs, CESAs and TCSs shall be marked with signs as follows:

SECTION 4. PI 21.04 (intro.) is amended to read:

PI 21.04 (intro.) A public school, private school, ~~CHCEB~~ CCDEB, or CESA driver education program shall be approved by the department under ~~s. 343.06 (3)~~ s. 343.06 (1) (c), Stats., if the program uses vehicles which meet the requirements of s. PI 21.03 and the program meets all of the following requirements:

SECTION 5. PI 21.04 (1) (a) 1. is amended to read:

PI 21.04 (1) (a) 1. At least 30 hours of classroom instruction, including the requirements under s. 115.28 (11), Stats.

SECTION 6. PI 21.04 (3) is amended to read:

PI 21.04 (3) TEACHER REQUIREMENTS. Teachers of the classroom instruction, simulation instruction, range instruction, and on-street instruction shall possess a valid license to teach driver education issued by the department as required in ~~s. PI 3.21 (2)~~ s. PI 34.33 (5).

SECTION 7. PI 21.04 (4) and the note following are amended to read:

PI 21.04 (4) APPROVAL PROCEDURES. A public or private high school, ~~CHCEB~~ CCDEB, or CESA shall submit its driver education course plan to the department for approval on forms provided by the department. The course may not be taught until the plan is approved. Any proposed change in a course which has been approved by the department shall be submitted to the department for approval prior to its implementation.

NOTE: Form PI 1709 Driver education program approval, may be obtained ~~from Bureau for Pupil Services,~~ at no charge by writing to the Department of Public Instruction, 125 South Webster Street, P.O. Box 7841, Madison, WI 53707.

SECTION 8. PI 21.05 (1) and (2) are amended to read:

PI 21.05 (1) Annually, public school districts, private schools, ~~CHCEBs~~ CCDEBs, and CESAs shall certify to the department the number of students who have satisfactorily completed the approved driver education program.

(2) The department shall provide a Wisconsin driver education certificate for each student who was certified to have satisfactorily completed the approved driver education program, as provided by ~~s. 343.06 (3)~~ s. 343.06 (1) (c), Stats.

SECTION 9. PI 21.06 is repealed.

The rules contained in this order shall take effect on the first day of the month commencing after the date of publication in the Wisconsin Administrative Register, as provided in s. 227.22 (2) (intro.), Stats.

Dated this _____ day of October, 2006

Elizabeth Burmaster
State Superintendent