

2024 UTAH DRIVER EDUCATION

LAW & POLICY

DRIVER EDUCATION **LAW & POLICY**

Utah State Board of Education
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Utah State Board of Education



UTAH STATE BOARD OF EDUCATION

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LAW & POLICY

INTRODUCTION

The automobile is a substantial part of American life. It is imperative that vehicle operators possess the requisite skill and knowledge to drive safely. This fact was recognized as early as 1955 by the Utah State Legislature when a law was enacted which specifically authorized the Utah State Board of Education to establish standards for driver education in the state's high schools. In subsequent years, school involvement with driver education has received legislative attention relative to raising and disbursing funds, conducting courses in high schools, administering driver education programs, testing of skills and physical abilities necessary to drive, and the length of time necessary to participate in course instruction and practice driving.

This handbook has been prepared so school administrators and teachers may have ready access to information concerning the organization, administration, and standards established by law and Utah State Board of Education for the development and maintenance of quality driver education programs.

ADMINISTRATION AND ORGANIZATION

Driver education is unique in that not only are educational authorities involved; safety authorities are involved as well. The following is a list of driver education governing bodies:

- Utah State Legislature
- Utah Department of Public Safety: Driver License Division
- Utah State Board of Education
- Local Education Agencies

DRIVER EDUCATION PROGRAMS FOR **UTAH** SCHOOLS

UTAH ADMINISTRATIVE CODE: R277-746

Through amendment and continuation, the Utah State Board of Education re-authorized administrative rule R277-746 on October 3, 2024. R277-746 incorporates this policy manual by reference. As such, this manual is binding policy for administration of driver education programs at the LEA level, as well as supervision of driver education programs by Utah State Board of Education staff.

DEFINITIONS

Alphabetical List

Behind-the-Wheel (BTW) Instruction

Learning experiences centered in a vehicle atmosphere (six hours) that provide students opportunities for learning the proper operation of a vehicle under real or simulated traffic conditions.

Classroom Instruction

Learning experiences centered in the classroom (not less than 27 hours) which not only utilize effective teaching methods such as lectures, small and large group discussions, audiovisual aids, technology, etc.; but also make ample use of laboratory exercises and field studies in traffic. Instruction must cover such content as rules of the road, risk management, maneuvers and operations, Graduated Driver Licensing laws, and the driving environment.

Classroom Instruction Delivery

The three settings in which classroom instruction may be delivered:

- (i) Classroom in a public, private, or parochial school
 - (ii) Online high school
 - (iii) Home study for homebound students
-

Curriculum

The means and materials with which students will interact for achieving identified educational outcomes.

Defensive Driver Training

Training course provided by the Division of Risk Management. This course is required for all Risk Fund Covered Entity drivers to be taken by upon hire and every two years thereafter. UAC R37-1-8(8)

Driver Education

Learning experiences provided by the school for the purpose of developing knowledge, attitudes, habits, and skills necessary for the safe operation of motor vehicles, including a proper acceptance of personal responsibility in traffic and a true appreciation of the causes, seriousness, and consequences of traffic collisions.

Driver Education Management System

The DLD database that contains student driver information including permit tests, classroom completions, observation completion, behind the wheel completion, and road tests.

Dual-Control Vehicles

Vehicles equipped with auxiliary controls, which enable the instructor to assume control of the vehicle when necessary.

Educational Standards

Educational standards are the learning goals that students should know and be able to demonstrate competency. Educational standards help teachers ensure their students have the skills and knowledge they need to be successful, while also helping parents understand expectations for their children. The teacher SHALL include all current USBE-approved standards in their curriculum.

Equipment

A durable school-owned machine, equipment, or tool used by a student as part of any activity, course, or program in a secondary school.

Examiner

An examiner is different from an instructor and requires an additional endorsement.

An examiner must pass the Examiner's Test issued by the DLD and be registered with the DEMS System in order to test students.

Graduated Driver Licensing

A system that requires young drivers to progress through a series of licensing stages with various restrictions as to accompany drivers, times permitted to drive, allowable passengers, and the use of electronic communications devices.

Learner Permit

A permit issued by the Utah State Driver License Division to a person who:

- (i) Has reached 15 years of age.
- (ii) Has passed the knowledge test required by the division.
- (iii) Has passed the physical and mental fitness tests.
- (iv) Has submitted a nonrefundable fee for a learner permit.

The learner permit entitles the holder to operate a motor vehicle only if:

- (i) An approved driving instructor, parent, or legal guardian who is

- licensed, and is occupying the seat beside the applicant.
- (ii) The responsible adult who signed for financial responsibility, who is a licensed driver, and is occupying the seat beside the applicant.
 - (iii) The learner permit is in the applicant's immediate possession.
-

Multiple-Car Driving Range

A specially designed and constructed, limited access, off-street facility that permits several vehicles to be operated simultaneously under the direction and supervision of one or more instructors communicating with students.

Observation Time

Student time spent in a motor vehicle other than at the controls (six hours). Observation involves discussion and assessment of the driving task.

Online Instruction

Learning experiences designed to offer students instruction through an online platform (not less than 30 hours). Effective online programs include discussions, audiovisual aids, field studies, and constant interaction between the facilitator and their student. Instruction must align with current USBE-approved driver education standards.

Phase Programs

An LEA-determined driver education program offered to their students:

- (i) **Two-Phase Program:** (1) classroom instruction, either online (30 hours), face-to-face (27 hours), or a combination of the two (30 hours), (2) parental involvement with learner permit.
 - (ii) **Three-Phase Program:** (1) classroom instruction, (2) on-street driving instruction, and (3) parental involvement with learner permit.
 - (iii) **Four-Phase Program:** (1) classroom instruction, (2) multiple-car driving range or driving simulator, (3) on-street driving instruction, and (4) parental involvement with learner permit.
 - (iv) **Five-Phase Program:** (1) classroom instruction, (2) multiple-car driving range, (3) driving simulator, (4) on-street driving instruction, and (5) parental involvement with learner permit.
 - (v) **Six-Phase Program:** (1) classroom instruction, (2) multiple-car driving range, (3) driving simulator, (4) on-street driving instruction, (5) parental involvement with learner permit, and (6) skid control.
-

Qualified Instructor

One who has completed and maintained the certification requirements prescribed from the Utah State Board of Education (R277-507).

Simulator

Physical-equivalent-practice-driving-devices, which realistically simulate the behind-the-wheel appearance and operation of a modern vehicle. Each student learns to drive by operating the unit through a number of special simulated situations, such as adverse weather conditions, interstates, defensive driving strategies (including crash avoidance), different driving environments, etc. Two types of simulators are:

- (i) **Fully Interactive Simulator:** This provides an operator interaction that is substantially the same in overall physical size and function. It approximates a field of view that enables the operator to observe a driving condition including visually scanning of both directions of traffic and to physically respond to visual scenarios using hand and feet controls.
- (ii) **Non-Fully Interactive Simulator:** Conforms to fully interactive simulators, except that it does not present operator with a panoramic field of view, student feedback, or similar physical features and functions of vehicle controls.

Student Fees

A local school board shall establish the student fee for driver education for the school district. Student fees shall be reasonably associated with the costs of driver education that are not otherwise covered. Fees for driver education may be waived and reimbursed if the student qualifies.

ACRONYMS

ADTSEA

American Driver and Traffic Safety Education Association is the national driver education professional association. They have created a national curriculum, and Utah teachers are encouraged to train with and use the curriculum, although it is not required.

DLD

Driver License Division is responsible for licensing drivers.

DMV

Department of Motor Vehicles is responsible for licensing vehicles.

GDL

Graduated Driver License laws are requirements for novice drivers.

LEA

Local education agency is a director, principal, coordinator, department chair, or board.

DEMS

Driver Education Management System. The DLD database that contains student driver information including permit tests, classroom completion, observation completion, behind the wheel completion, and road tests. Certified driver education instructors enter student's information upon completion.

UDTSEA

Utah Driver and Traffic Safety Education Association is the Utah driver education professional association.

USBE

Utah State Board of Education

District Information:

FUNDING & COMPLIANCE

QUICK REFERENCE GUIDE

■ DRIVER EDUCATION FUNDING [Utah Code 53G-10-5](#)

- ▶ Automobile Driver Education Tax Account: \$2.50/vehicle registration.
- ▶ Student Fees: Reasonable amount determined by district.

■ SCHOOL DISTRICT REIMBURSEMENT [Utah Code 53G-10-5](#)

- ▶ Classroom completion = \$45 per student.
- ▶ Behind-the-wheel completion = \$105 per student.
- ▶ Districts complete and submit the *Student Reporting Form* to claim reimbursement.

■ EXCESS [Utah Code 53G-10-5](#)

- ▶ Leftover money used for procurement of equipment to reduce behind-the-wheel costs (cars, ranges, etc.). Non-Salary account.

■ COMPLIANCE [Utah Administrative Code R277-746](#)

- ▶ An LEA must be in compliant to all rules and regulations to receive funding.
- ▶ Driver education funds SHALL be used for driver education purposes only.
- ▶ Vehicles purchased with driver education funds SHALL be:
 - Used for driver education purposes only.
 - Marked accordingly.
 - Equipped with all safety requirements.

SCHOOL DISTRICT REIMBURSEMENT: CLASSROOM, BEHIND-THE-WHEEL, & FEE WAIVER

A Local Education Agency that provides driver education SHALL fund the program solely through (1) funds provided from the Automobile Driver Education Tax Account and (2) student fees collected by each school. In determining cost of driver education, the LEA may exclude the cost of a full-time teacher teaching the driver education class during regular school hours and their classroom space and maintenance.

Reimbursement

A LEA that maintains driver education classes that conform to the rules and regulations approved by the Utah State Board of Education may apply for reimbursement by completing the Driver Education Reporting Form provided by the state.

LEAs in compliance will be reimbursed:

- \$150 per student who has completed the driver education classroom training and behind the wheel training;
- \$45 for the student who only completed the classroom either with a school or state approved online program;
- \$105 for the student who only completed the behind-the-wheel training with the school.

Reimbursement is made for students who fail the driver education program if the school has fulfilled its obligation in providing a minimum course for the students. Reimbursement may be claimed twice for students who, upon completing the minimum course requirements with the failing grade, enroll in and complete the minimum course requirement the second time.

Successful completion for the course requires meeting the minimum course time requirement and earning a competency grade of 80% or higher.

Student Fees

To help cover additional costs of running a driver education program, a local school board may establish a student fee for driver education. Student fees SHALL be reasonably associated with the costs of driver education that are not otherwise covered by reimbursements. A student may also be assessed a reasonable fee by the school or district for make-up sessions for failed driving skills test.

Fee Waiver

A student who qualifies under the state guidelines for a fee waiver may request a fee waiver for driver education. Student fee waiver amounts may be requested for reimbursement by the LEA on the Student Reporting Form.

DRIVER EDUCATION REPORTING FORM

An LEA seeking reimbursement SHALL complete and submit the Student Reporting Form to the state driver education specialist. The form must be submitted January 15 and July 15 of each year. State Board of Education personnel will check closely with the LEA to avoid errors in claims for reimbursement. The LEA will receive reimbursement for each student that completes the classroom phase, the behind-the-wheel phase or both in the amount listed above and found in [Section 53G-10-503](#) of the Utah State Administrative Code. Reimbursement may be claimed for students who, upon completing the minimum course requirements with a failing grade, enroll in and complete the minimum course requirements again. By code, reimbursement SHALL be made prior to September 1 of each year. However, reimbursement cannot be made until local districts submit their claims.

EXCESS FUNDING

Excess funding aids in the procurement of equipment and facilities which are reasonable and necessary to run the driver education program and reduce the cost of behind-the-wheel instruction. Excess funding will be determined after the LEAs have completed and submitted their reports for the previous school year. After a base amount has been determined (equal for each LEA), the remainder of the funds will be distributed accordingly.

Each LEA receives notification of the amount allocated to them. The LEA may request reimbursement using the approved state reimbursement form. Purchase documentation will be required to determine if the purchases made for vehicles, simulators, ranges, and/or equipment are appropriate for the driver education program and help in the reduction of costs. Questions regarding appropriate purchases should be discussed with the state driver education specialist prior to any purchases.

- ❖ Fuel is an expense that is subject to waste, fraud, and abuse and will not be allowed for reimbursement.

PROGRAM COMPLIANCE

The Utah State Board of Education will conduct compliance visits to provide recommendations to improve programs and help the LEA stay in compliance with the rules and regulations approved by the USBE. The driver education specialist conducting the visit will provide the LEA documentation regarding any compliance issue found. The LEA will have one year from the date of the compliance visit to resolve any issues to become compliant or the district's funding may be withheld. If you would like to schedule a compliance visit, please contact the state driver education specialist.

STUDENT RECORDS

Individual student records SHALL be kept protected (fire/flood) for 7 years.

Digital records are recommended. A sample form is available from the Utah State Board of Education. Student records SHALL contain:

- ▶ Student's Name
- ▶ Permit Number
- ▶ Completion Dates: (Classroom, Observation, BTW, Testing)
- ▶ Classroom Instructor's Name or Online Provider
- ▶ Parent signature allowing their student to participate in BTW phase
- ▶ Behind-the-Wheel Instructor's Name
- ▶ Student Driving Logs
- ▶ Student and instructor signatures verifying times and dates
- ▶ Copy of the competed DLD approved skills test

VEHICLE PURCHASE AND USE

The purchase of driver education vehicles must follow the standards set by the USBE:

- ▶ **Purchase of Vehicles.** Vehicles SHALL be purchased using a state contracted dealer. Funding for vehicles may be used from the "excess account". If using the excess account the LEA will, (1) notify the state of the need for vehicles and verify amount available, (2) use district money to purchase vehicles, (3) complete and submit the approved state reimbursement form along with invoices.
- ▶ **Vehicle Type.** Vehicle SHALL be reasonable and necessary for the driver education program. LEAs SHALL consider purchasing vehicles with environmentally friendly emissions.
- ▶ **Restricted Use of Vehicle.** Any car purchased with driver education funds SHALL be used ONLY for instruction in, or for other purposes directly related to driver education. If driver education cars are sold, money from the sale SHALL go back into the driver education fund in the LEA. All driver education cars SHALL remain parked at schools or the district office when not in use.
- ▶ **Replacement.** A dual-control vehicle SHALL be replaced when the vehicle cannot be maintained to meet maximum safety standards.

ANNUAL VEHICLE INSPECTIONS

- ▶ Before a vehicle is used for instruction, a certified mechanic must inspect the vehicle. Vehicles not passing the inspection shall be placed out of service until the needed repairs are made and the vehicle is re-inspected.
- ▶ Inspections serve to verify the integrity of the vehicle's critical safety components that are necessary to ensure that the vehicle is in safe operating condition.
- ▶ Following any motor vehicle crash involving the vehicle, the school shall withdraw the vehicle from the fleet and not use it for instruction until it has passed a new mechanical inspection.

- ▶ School districts must use an inspection form that meets or exceeds the inspection standards recommended by the American Association of Motor Vehicle Administrators.
- ▶ A dual brake and brake cables must be included in the inspection.
- ▶ Inspection reports must be kept on file and made available to USBE upon request for program compliance.

VEHICLE MARKINGS

Each vehicle purchased with driver education funds SHALL be properly identified to help safeguard against collisions. The decals SHALL be applied directly to the car and may not be affixed using magnets.

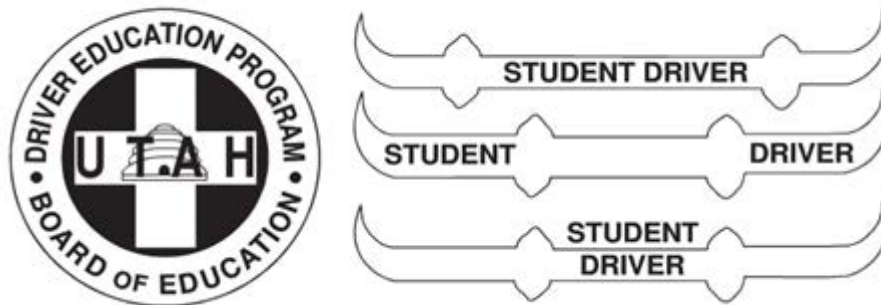
- ❖ Driver Education vehicles are to be used for DRIVER EDUCATION purposes ONLY.

A vehicle is properly identified when:

1. The words "Student Driver" (as illustrated below) are displayed on the front and rear of the vehicle. The letters SHALL be three inches in height. The decal is available at no charge from the USBE.
2. The state decal (as illustrated below) is displayed on each side of the vehicle on the front door panel. The decal is available at no charge from the USBE.

In addition,

3. The words "Driver Education Program" are displayed on each side of the vehicle. The letters SHALL be three inches in height. In addition, it is permissible to display the name *of the school district*.



VEHICLE SAFETY AND EQUIPMENT

All driver education vehicles SHALL be equipped with the following safety devices:

- ▶ **Dual-Control Vehicles.** Vehicles SHALL be equipped with an approved cable or hydraulic dual-control brake system. LEAs arrange for purchase and installation.

- ▶ **Transmission.** Students may receive instruction either in standard-shift vehicles or in vehicles with an automatic transmission. The decision regarding the type of transmission SHALL be left with the LEA.
- ▶ **Maintenance.** Each vehicle used for driver education SHALL receive preventive maintenance and repairs in accordance with manufacturer recommendations. Maintenance records SHALL be kept.
- ▶ **Safety Check and Use of Defective Equipment.** A complete safety check, including the dual-control safety braking system of each vehicle used in the program, SHALL be made by a competent and qualified mechanic to ensure that it maintains a safe operating condition. Safety checks SHALL follow all manufacturer recommendations. Safety records SHALL be kept.
- ▶ **Mirrors.** A dual-control vehicle SHALL be equipped with outside rearview mirrors for the right and left sides. An inside rearview mirror for the exclusive use of the instructor is recommended. An eye-movement mirror may be used as well.
- ▶ **Snow Tires.** Snow tires or tire chains SHALL be used in conformance with local police or highway patrol recommendations if instruction is given in snow or on icy road surfaces.
- ▶ **Special Safety Equipment.** The following safety equipment SHALL be secured in every vehicle used for the education of drivers on a public roadway.
 - One dry chemical-type fire extinguisher of at least 5 lbs. capacity having a minimum rating of A-10BC with flexible discharge hoses and replaced according to manufacturer recommendations.
 - One Class A, Type I, II, III, or IV first aid kit, maintained in good condition.
 - Reflectors that meet Federal Motor Vehicle Safety Standard 125.

COLLISION REPORT FORMS

- ▶ A collision report form (check with your school district) SHALL be available at all times and SHALL be completed by the instructor immediately following any collision, regardless of damage or injury.
- ▶ All driver training vehicles involved in a collision SHALL file a report with the appropriate police agency. A copy of the police report SHALL be given to the appropriate school administrator and filed with the collision report form.
- ▶ School districts SHALL have a policy for crashes that occur outside of school hours that include procedures and how to contact the appropriate school administrator(s).
- ▶ A student driver who is at fault of a traffic violation resulting in a crash while holding a driver education permit may result in course failure and must take the class at a later date.
- ▶ Collision report forms must be completed and a copy sent to the driver education specialist within two weeks after the crash incident.

CELL PHONE AND MOBILE DEVICE USE DURING INSTRUCTION

- ▶ Instructor cell phone use while a student is driving shall be limited to emergency purposes only.
- ▶ Students are not allowed to have or use cell phones in a driver education vehicle without instructor permission.

LICENSING & QUALIFICATIONS

For Instructors

QUICK REFERENCE GUIDE

■ DRIVER EDUCATION ENDORSEMENT [Utah Administrative Code R277-507](#)

- ▶ Instructor must have valid Utah Professional educator license in the area of:
 - Secondary education or,
 - Special education or,
 - School counselor or,
 - Career and technical education and
- ▶ 16 semester hours in the area of driver and safety education.

■ PROFESSIONAL DEVELOPMENT [Utah Administrative Code R277-746](#)

- ▶ 8 hours, driver-education-specific professional development annually.
 - Recertification [Utah Administrative Code R277-311](#)

DRIVER EDUCATION ENDORSEMENT

The requirements for a driver education endorsement, approved by the USBE, are found in Utah Administrative Code R277-501-3. The steps to completing the endorsement are found on the driver education page located on the state website at schools.utah.gov/curr/drivered. A minimum of 16 semester hours SHALL be in the area of driver and safety education, including a practicum/internship that requires a minimum of 120 hours of observation.

The practicum/internship student must be currently teaching and observe a mentor teacher that is endorsed in driver education. The practicum student may provide driver education instruction in the following situations:

1. Classroom: Under the supervision of the mentor teacher.
2. Behind-the-Wheel: In the immediate presence of the mentor teacher

[Utah Administrative Code R708-27](#) requires all instructors of driver education to pass the online road skills training, developed by the USBE and the DLD, in order to be a certified knowledge and road skills tester. Completion of this training will provide the instructor access to the Student Driver Certificate Driver Education Management System for the entering of student information, completions, and grades. Examiner Training must be kept current and renewed annually. The examiner training course is found at <https://streetsmarts.onqsafety.com/uboe>.

At the completion of the endorsement requirements, the applicant must submit an application along with transcripts and all other verifications to [USBE Educator Licensing](#). The endorsement application is also found on the driver education page located on the state website.

RECERTIFICATION—UAC R277-311

A driver education endorsement and the examiner's testing license SHALL be renewed annually.

To renew, the instructor must:

- ▶ Complete 8 hours of driver education specific professional development annually.
- ▶ Maintain a current DLD examiner training certificate.
- ▶ Maintain a current First Aid/CPR certification.
- ▶ Maintain a satisfactory driving record.

SATISFACTORY DRIVING RECORD

- ▶ Holds a valid Utah automobile operator license.
- ▶ Has not had an automobile operator license suspended or revoked during the three years immediately prior to applying for the endorsement.
- ▶ Has not received an automobile operator license suspension from a court for a non-traffic related issue.
- ▶ Has not been convicted of more than one moving violation under Title 41, Chapter 6a, Traffic Code in any twelve-month period over the last 36 months prior to apply for a driver education endorsement.
- ▶ Has not been convicted of any moving violation under Title 41, Chapter 6a, Traffic Code, which resulted in a fatality.
- ▶ Has not been convicted of a violation of Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving during the five years immediately prior to applying for a driver education endorsement.
- ▶ Has not been convicted of two or more violations of Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving.
- ▶ Has not been convicted of a violation of Section 53-3-227 during the five years immediately prior to applying for a driver education endorsement.

- ❖ The Superintendent shall administratively dissolve a driver education endorsement if an educator fails to maintain a satisfactory driving record. An educator whose endorsement was administratively dissolved may apply for reinstatement of the endorsement upon re-obtaining a satisfactory driving record and meeting the renewal requirements.

PRE-DRIVER INFORMATION

QUICK REFERENCE GUIDE

■ **GDL LAWS** [Utah Code 53-3-210.5](#)

- ▶ Parental Involvement
- ▶ Driving restrictions for novice drivers
- ▶ Data show GDL laws and Parent Education are working

■ **LEARNER PERMIT** [Utah Code 53-3-210.5](#) and [Utah Code 53G-10-5](#)

- ▶ Schools SHALL provide the opportunity to their students to take the written test at 15 years and nine months.

GRADUATED DRIVER LICENSING (GDL) LAWS

Graduated Driver Licensing laws are designed to help your young driver gradually gain experience and skills in lower risk conditions before earning full driving privileges. Because car crashes are the number one killer of teens in the United States, it is important that the novice driver learn about the Graduated Driver Licensing (GDL) laws in their state. Research done by Children's Hospital of Philadelphia has shown that GDL laws can reduce crash rates among 16-year-old drivers by almost 43 percent. Utah's GDL laws passed in 1999; and according to the Utah Department of Health, there has been a 62 percent decrease in the fatalities of teens age 15-17. Examples of a few GDL laws include:

▶ Learner Permit:

- Minimum age 15
- Pass knowledge test
- Holding period of at least 6 months
- 40-practice hours (10 after dark)

▶ Provisional/Full License:

- Minimum age 16
- Nighttime restrictions: 12 a.m. to 5 a.m.
- Passenger restrictions: Immediate family only for 6 months

The following are sources that can be used to review the Utah GDL Laws:

- Utah Driver Handbook
- Utah Zero Fatalities

It is important to the success of novice drivers to practice with a parent or guardian as soon as possible. It is highly recommended that the student obtains his/her learner permit prior to enrolling in a driver education class.

To prepare the student for the written knowledge test, it is recommended that the student studies the current handbook provided free of charge at any DLD location. It is also possible to download a copy from their website at <https://dld.utah.gov/>.

PARENT INVOLVEMENT

- ▶ Contact with each student's parent or guardian is required at least once during the course.
- ▶ Contact may be by phone, email, mail, or in person for on-line courses.
- ▶ Instructor will conduct at least one parent meeting with each driver education class. Zero Fatalities Parent Presentation is highly recommended.
- ▶ Parents/Guardians must attend prior to the student completing their driver education course. It is highly recommended that parent meetings occur during the beginning of the student's driver education course.

LEARNER PERMIT

The Driver License Division (DLD) "upon receiving an application for a learner permit, may issue a learner permit effective for one year to an applicant who is at least 15 years of age." The learner permit entitles the person to drive if:

- a. An approved driving instructor is occupying a seat beside the applicant, or
 - b. The applicant's parent or legal guardian, who must be a licensed driver, is occupying a seat beside the applicant, or
 - c. A responsible adult who has signed for the applicant under [Section 53-3-211](#) and who must be a licensed driver, is occupying a seat beside the applicant, AND the applicant has the learner permit in the applicant's immediate possession while operating the motor vehicle.
- ❖ A student is recommended to have their learner permit prior to their classroom instruction. LEA's can make it required according to the needs of their program.
 - ❖ A student SHALL have their learner permit prior to their BTW instruction.

KNOWLEDGE TEST

A school or LEA that provides driver education SHALL provide an opportunity for each pupil enrolled in that school or LEA to take the written test. To administer a written knowledge test a certified driver education instructor will log

into the DEMS system to print the test. A qualified driver education instructor SHALL monitor the testing student(s) at all times.

- ❖ Any student needing accommodations must complete test with the DLD. Schools SHALL not provide a reader, an interpreter, or any other accommodation during the permit test.

The instructor will correct the test and enter passing scores into the DEMS system for the Driver License Division; however, the student must go to the DLD to pass the physical and mental fitness tests and to pay the learner permit fee. An instructor may administer a re-test to any student that fails and shows interest in retaking. The instructor SHALL limit the number of opportunities students have to retake the written knowledge test to two. The DLD requires 24 hours between tests.

- ❖ The instructor may review questions missed with the student upon request.

Information on obtaining a learner permit and an original Utah driver license can be found at <https://dld.utah.gov/>.

CLASSROOM INFORMATION

**QUICK
REFERENCE
GUIDE**

■ **MINIMUM TIME** [Utah Administrative Code R277-746](#)

- ▶ Online or home study based classroom instruction requires 30-hours.
- ▶ A hybrid of online and face-to-face classroom instruction requires 30-hours.
- ▶ Brick and mortar classroom with face-to-face instruction requires 27-hours.

■ **CONTENT** [Utah Code 53G-10-502](#)

- ▶ Instruction SHALL include current USBE approved driver education standards.
- ▶ Instruction SHALL include one hour of railroad safety training.
- ▶ Instruction SHALL include HB 331, Air Pollution Mitigation Education Program.
- ▶ Parent-Night presentations, strongly recommended.

■ **STUDENT ENROLLMENT** [Utah Code 53G-10-5](#)

- ▶ Students enrolled in grades nine to twelve in any Utah public school, home school or private school SHALL have the opportunity to enroll in a driver education program within their district boundaries.
- ▶ Students should complete driver education at current school or LEA unless special circumstances arise.
- ▶ Students are eligible to complete driver education with a public school until their official high school graduation date. Official exit date for seniors is October 1st of their graduation year.

■ **CREDIT** [Utah Administrative Code R277-746](#)

- ▶ LEAs may determine the credit offered for completing the classroom portion of driver education. Successful completion of driver education classroom requires a grade of 80% or higher.

(Continued)

**Quick
Reference
Continued**

■ **PARENT-SCHOOL RELATIONSHIP** [Utah Administrative Code R277-746](#)

- ▶ Communication SHALL be made with parents or guardians of all students enrolled in a driver education program within a public school regarding program information and GDL laws.
- ▶ A parent or guardian signed consent form SHALL be in possession of the school for each student enrolled in driver education prior to the behind-the-wheel instruction.
- ▶ A minimum of one hour of parent education is required.

CLASSROOM MINIMUM TIMES

A course of classroom instruction, face-to-face, SHALL include a program of NOT LESS than USBE approved 27 clock hours of instruction by a qualified driver education instructor. Instruction provided through an online service SHALL include NOT LESS than, USBE approved 30 clock hours and facilitated by a qualified driver education instructor. It is possible to design a hybrid classroom using a combination of face-to-face instruction mixed with online instruction. This type of classroom instruction SHALL include NOT LESS than 30 clock hours of instruction. All classroom experiences in driver education SHALL take place under the supervision of a certified teacher who has met the driver education qualifications prescribed by the State Board of Education.

- ▶ A maximum of thirty-six (36) students shall be scheduled per classroom.
- ▶ A maximum of ninety (90) students shall be scheduled per teacher for online classrooms.
- ▶ Online classrooms are not required to have an entrance date but must have exit dates.
- ▶ Classroom instruction shall not exceed ten (10) hours in a seven-day period.
- ▶ Classroom instruction shall not exceed three (3) hours a day.

STUDENT INSTRUCTIONAL MATERIALS

Each student shall have access to instructional materials to read and study during the course. The instructional material shall be content current to state-adopted driver education textbooks and be compatible with the school's curriculum content outline.

UTAH DRIVER HANDBOOK—UTAH TRAFFIC LAWS

All students should have access to a copy of the current *Utah Driver Handbook* for study and use in the course, as the teacher deems most effective. The

handbook should not become the sole text of the course, but it is an essential aid when learning Utah traffic laws, rules of the road, driver licensing, and vehicle registration. Handbooks are available at no cost from the Utah Driver License Division, or they may be downloaded from the Utah Driver License Division Website: <https://dld.utah.gov/>.

BASIC COURSE CONTENT

Classroom instruction SHALL include—but not limited to—the current driver education standards approved by the Utah State Board of Education. Classroom instructors SHALL provide at least one hour of training on the subject of railroad safety and include HB 331 Air Pollution Mitigation. Qualified instructors should use a variety of teaching techniques. Group discussions, guest speakers, visual aids, are all examples of teaching techniques available for use in the classroom.

❖ The following are a few examples of great classroom presentations:

- ▶ Zero Fatalities
- ▶ Truck Smart
- ▶ Operation Lifesaver
- ▶ Utah Highway Patrol
- ▶ Organ Donation

A complete list of approved classroom resources including names and contact information is available on the state website at schools.utah.gov/curr/drivered.

PARENT PRESENTATION

The Zero Fatalities Parent-Night creates a discussion with the student and their parent or guardian about the five most common deadly driving behaviors along with the current Utah GDL Laws. This presentation is available to all schools and is one of the most highly recommended resources available. LEAs or schools should offer this presentation to all driver education students accompanied by their parent or guardian. Attendance at this presentation may be considered a required assignment. The driver education instructor SHALL provide an alternative assignment for circumstances in which students are unable to attend.

PARENT-SCHOOL RELATIONSHIPS

Each school conducting a driver education program SHALL communicate with and provide materials to the parents or guardians of all students enrolled in the program. The parent/guardian contact will help interpret the purposes of the driver education course and provide an outline of the course objectives along with all requirements to obtain a driver license. School authorities must have express parental/guardian permission to enroll a student in the behind the wheel phase of driver education. A signed consent form or permission slip

SHALL be in the possession of the school for each student enrolled. A Zero Fatalities parent night is a great opportunity to communicate with parents and guardians as well as collect signed permission slips.

STUDENT ENROLLMENT

Students enrolled in grade level nine through twelve of any public, private, or home school SHALL have the opportunity to enroll in driver education at the most accessible public school in their district. If the district does not offer driver education, the student may enroll in the most accessible district. Because of issues dealing with district funding and reimbursement, students are encouraged to enroll in driver education within their district boundaries. At times, it might be necessary that a student complete driver education from a LEA outside of his/her boundaries. If a student outside of your school district participates in driver education, the student must be enrolled in your district for insurances purposes. The student can be enrolled as a "No Member" student in your district.

GRADE LEVEL, SCHEDULING, AND PROGRAMS

The majority of students reach legal driving age during their sophomore year of school making it the most effective grade level to offer the driver education program. When students enroll in programs earlier than the summer before their sophomore year, problems usually arise. Legally a student with a learner permit may begin behind-the-wheel instruction at age 15 years. However, a student cannot begin the procedure of acquiring a regular operator's license until he/she is 16 years old and has held a learner permit for a minimum of six months.

In addition to the regular school day, local school districts may:

- a. Allow students to complete the classroom portion of driver education through
 - home study, or
 - online high school.
- b. Provide parents with driver education instructional material to assist parent involvement.
- c. Offer driver education outside of school hours.
- d. Offer driver education through community educational programs.
- e. Offer the classroom portion in public schools and allow the student to complete the behind-the-wheel portion with a private provider.

The most prevalent type of programs are:

- Semester or Quarter Courses.
 - This is the most desirable instructional program in driver education.

- Teachers may be paid with FTE money.
- Before/after school, Saturdays, and summer programs.
 - All instruction is programmed outside of the regular school day.
 - Teachers are paid an hourly or per student/session rate.
- Online or Hybrid Instruction.
 - Instruction is through an online platform (usually Canvas).
 - A qualified instructor SHALL facilitate each student.
 - A hybrid design is most desirable.
 - Teachers are paid a per student/session rate.

SCHOOL CREDIT

The LEA may determine what type of classroom program to offer. According to the type of classroom program offered, the LEA may determine the appropriate credit awarded for completion of the classroom portion. Successful completion requires a minimum competency of 80%.

MAKE UP POLICY

The school will have a written policy for missing coursework and driving. A make up policy shall ensure that all required hours of instruction and course content are completed. Students will 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. Schools are responsible for creating policies regarding student fees for no shows, missing course work and driving hours, performing written and road exams, etc.

FAILURE/REMOVAL FROM A PUBLIC DRIVER EDUCATION PROGRAM

Students may be removed from or fail a Public Driver Education program for reasons that include, but are not limited to, the following:

- ▶ Not having purchased a learner permit before any BTW instruction takes place.
- ▶ Excessive tardiness or absences
- ▶ Attitude and/or behavior that detracts from safe driving or a positive driver education classroom environment.
- ▶ Cheating
- ▶ Violation of Utah alcohol/age laws during driver education, while driving or not.
- ▶ A student in violation of any school or district policy shall not be permitted to enroll or complete driver education.
- ▶ Driving on a permit without a licensed adult driver in the vehicle.

STUDENTS WITH SPECIAL NEEDS

- ▶ If a student has an Individualized Education Program (IEP), the IEP team should develop goals and objectives to determine if the student will need special accommodations in 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 under the IDEA if the student could qualify and receive services under Section 504.
- ▶ Public driver education programs will have procedures in place to assist instructors in identifying students with special needs.
- ▶ The school shall provide appropriate accommodations when necessary. No accommodations can be made that compromise public safety.

TRANSFER STUDENTS FROM OUT OF STATE

- ▶ Students completing driver education in another state must have met or exceeded Utah's minimum required twenty-seven (27) classroom hours, six (6) behind the wheel hours, and six (6) observation hours. No course work or in car instruction shall be transferred without full completion. Partial completion of a course or in car instruction must begin again upon entering a driver education program in Utah. Out of state documentation must be on an official letterhead or official school form, signed by the instructor or administrator.
- ▶ Online coursework is not transferable unless it meets or exceeds INACOL standards (International Association for K-12 Online Learning).
- ▶ Students who have completed twenty-seven (27) hours of classroom instruction in another state but fewer than six (6) hours of in-car instruction and fewer than six (6) hours of observation may complete the in-car instruction and observation in Utah.

TRANSFER STUDENTS IN STATE

- ▶ No course work or in car instruction shall be transferred without full completion. Partial completion of a course or in car instruction must begin again upon entering a new driver education program.
- ▶ Student course work from a private driving school shall not transfer to a public driver education program.

SUMMER AND ONLINE PROGRAMS

Some students reach age 16 during the summer prior to starting their sophomore year in school. Many students also have an extremely tight schedule during the regular school year. These students may be well served by a summer driver education program, or they may consider an online program for the classroom portion of driver education. The summer classroom SHALL

require students to (1) show competency in USBE approved standards and (2) meet a minimum of USBE approved 27 hours of face-to-face instruction. The online classroom SHALL require students to (1) show proficiency in USBE approved standards, (2) meet the minimum of 30 hours, and (3) communicate with a qualified instructor. The online classroom portion is more beneficial to students when designed as a hybrid option. The hybrid design includes some face-to-face instruction, including presentations, mixed with online instruction. A regular school year program, combined with carefully planned summer and online programs, appears to be the best way to satisfy the needs of all students.

- ❖ The summer and online classroom portion of driver education SHALL not be completed in less than three weeks.

ADULT EDUCATION

The Utah Driver Handbook 2016 states that applicants 19 years of age or older who have never been licensed to drive a motor vehicle may be licensed without completing a driver education course if they hold a Utah learner permit for three (3) months and complete at least 40 hours of driving (ten of which must be during nighttime hours). Any driver 19 years of age or older may complete an approved driver education course and waive the three (3) month learner's permit requirement. They still must complete 40 hours of driving time with ten nighttime hours.

- ❖ A student that has graduated high school is no longer eligible to take driver education with a public school. Official exit date for seniors is October 1st of their graduation year.

BEHIND-THE-WHEEL

Information

QUICK REFERENCE GUIDE

■ **MINIMUM TIME** [Utah Code 53-3-5-505.5](#)

- ▶ Six hours of behind-the-wheel AND six hours of observation training.
 - Three of the six hours may be substituted with:
 - A multiple-car driving range.
 - » Two range hours equals one BTW hour.
 - Fully active simulator.
 - » Two simulator hours equals one BTW hour.
 - Non-fully active simulator.
 - » Four simulator hours equals one BTW.

■ **COMPLIANCE** [Utah Administrative Code R277-746](#)

- ▶ A parent or guardian permission slip is required prior to participating in the behind-the-wheel phase of driver education.
- ▶ A student SHALL have their learner permit in their immediate possession at all times during any part of BTW driving instruction.
- ▶ An instructor SHALL drive with a minimum of two students in the vehicle.
- ▶ Certified Examiners SHALL use the current DLD approved skills test.
- ▶ Students must meet minimum 80% competency requirements.

BEHIND-THE-WHEEL INSTRUCTION

A course of behind-the-wheel instruction SHALL include teacher demonstrations, observation, and student practice using vehicle controls to start, shift gears, make right and left turns, stop, back-up, park, etc. This instruction should begin under relatively simple conditions and progress until the student has acquired reasonable skill in operating the vehicle under varying conditions in traffic. Each student should have experience in driving on urban streets and open highways and freeways, if possible. Practice driving should begin under varying conditions in which the learner will have an opportunity to develop sound driving practices, including instruction in hazardous conditions that may be present at different times of the year, such as snow and ice. Special emphasis should be given to the matter of developing desirable attitudes so that each student indicates a sincere desire to show courteous consideration for other users of the road and other occupants of his/her vehicle.

It is strongly recommended that students drive at least three different sessions. It is also strongly recommended that the behind-the-wheel instruction be completed as soon as possible following the completion of the classroom instruction. Completion of the behind-the-wheel instruction shall not exceed one (1) year following completion of the classroom instruction. Students who have not completed behind-the-wheel instructions within one (1) year of classroom completion must repeat and successfully complete the classroom course again prior to behind-the wheel training.

The state will provide a vehicle with push-pull hand controls upon request. Contact the state specialist to check for availability and arrange for pick-up. "Brodie" or "Suicide" knobs of any kind along with any other driving assistance devices are not allowed during BTW instruction.

- ❖ Any accommodation requested from the student driver must be indicated on the student's learner permit.

BEHIND-THE-WHEEL MINIMUM TIMES

A course of behind-the-wheel driving SHALL include a minimum of six hours of driving AND six hours of observation in a dual-control vehicle on a public roadway under the direction and supervision of a qualified instructor. Up to three hours of behind-the-wheel driving may be substituted as follows:

- ▶ Two hours of driving on an approved controlled range equal one hour of BTW.
- ▶ Two hours of driving simulation on a fully interactive simulator equals one hour of BTW.
- ▶ Four hours of driving simulation on a non-fully interactive simulator equals one hour of BTW with a MAXIMUM of only one of the three substituted hours.

BEHIND-THE-WHEEL DRIVING TIME

- ▶ No student shall drive more than one hour per day or observe more than two hours per day.
- ▶ When it is in the best interest of the program, students may drive a maximum of ninety (90) minutes per day in two forty-five (45) minute intervals. These intervals must be separated by a break or period of observation of at least forty-five (45) minutes.
- ▶ Each student shall not receive more than three (3) hours of in-car instruction in a seven-day period.
- ▶ Drive time shall not include time spent driving to pick up or drop off students unless the route meets the objectives of the drive lesson.
- ▶ Each drive must have specific, written objectives.
- ▶ Detailed feedback will be provided to each student after each drive.
- ▶ Rural Schools may submit alternative routes and drive times to USBE specialist for approval.

DRIVING LOGS

A driving log for each student shall be maintained by the instructor and include the following minimum information.

- ▶ Student Name
- ▶ Driver training permit number
- ▶ Home phone number
- ▶ Emergency Contact name and phone number
- ▶ Instructor's name
- ▶ Date and clock time of each drive
- ▶ Skills taught
- ▶ Driving time
- ▶ Instructor remarks
- ▶ Student initials verifying time/date for each drive and observation.
- ▶ Final behind the wheel grade
- ▶ Total driving time
- ▶ Special accommodations if used

BEHIND-THE-WHEEL LESSON PLANS

Each instructor shall have written learning intentions and success criteria for classroom and/or behind the wheel based upon the program's approved curriculum content outline. Lesson plan content shall meet or exceed the most current Utah driver education core standards.

NOTE: A minimum of three hours driving behind-the-wheel and three hours observing behind-the-wheel SHALL be completed driving a dual-control motor

vehicle with a certified instructor seated in the front seat next to the student driver on local roadways and highways.

STUDENT OBSERVATION REQUIREMENT

The students observing from the rear seat should receive benefits from time spent in the vehicle. The teacher's role is not merely to provide driving experience for the student behind the wheel, but to make the vehicle a practical classroom on wheels. The instructor SHALL provide questions focused on driving situations, either verbally or written, to the observing students.

- ❖ Observation time on the range may be used in the same two to one ratio as driving.

PERMISSION SLIP

Prior to starting any BTW training the school must have in their possession a parent/guardian permission slip for each student. The permission slip SHALL contain the requirements for students to complete the driving portion of your program. Information regarding GDL laws and the steps in obtaining a license may be included as well.

LEARNER PERMIT

A student must always have their permit in their immediate possession during the behind-the-wheel phase of driver education. If the student's permit has expired, the student is not allowed to drive in any phase of BTW until their permit is renewed.

NUMBER OF STUDENT DRIVERS

A driver education instructor SHALL drive with two or more students at all times. In certain situations, a student's parent, guardian, or the like may ride along and serve as the second student. If participating in a controlled range environment, students may drive alone.

DRIVING SKILLS TEST

The DLD approved driving skills test SHALL be administered to all Utah driver education students prior to obtaining their license. A student who passes the driving test given by a certified examiner may apply for a Class D operator's license at any Driver License Division Office.

The DLD provides training on how to administer and score a Skills Test. The initial training SHALL be completed and verified by the state driver education specialist and sent to the USBE teacher licensing prior to an instructor obtaining a driver education endorsement. A licensed examiner SHALL repeat the DLD training annually to maintain the endorsement. The DLD training can be found at [Street Smarts](#).

The instructor must print a completion certificate and send a copy to the driver education specialist at the state office, the district driver education supervisor, and keep a copy for his/her records.

Examiners are conducting written knowledge and driving skills tests for the Driver License Division. Your testing standards and scoring, needs to be consistent with the Division. [Administrative rule R708-27](#) establishes standards and procedures, to certify driver education teachers in the public schools, to administer written knowledge, and driving skills tests. The rule contains definitions, standards and procedures, and grounds for cancellation and withdrawal of endorsement certification.

- The written and road tests are not part of any training curriculum students may complete in a driver education course.
- The driving skills test is designed to measure the driver's vehicle handling ability, safety practices and perceptual skills. Administer a complete driving skills test, do not add, or delete a maneuver. This will ensure test consistency with scoring and establish that all testers are giving the same test.
- Follow the scoring standards. Always use the driving skills test score sheet approved by the Division. Score using points, not a percentage. Do not score a maneuver that is not on the score sheet.
- The test must be conducted on the open road, not on a range. You must complete the entire test at the same time, no partial testing.
- If a student cannot take the driving skills test without compensatory devices, they must test with the Driver License Division.
- The written knowledge test score is valid for 18 months. The driving skills test is valid for 12 months. If the student does not obtain a license while the score is valid, they must retest with the Driver License Division, or a third-party tester.
- This is a formal driving skills test for the purpose of obtaining an original class D license and should be consistent with taking the test, at any Driver License facility, or with a third-party tester.
- Do not falsify information on the score sheet or in DEMS. Falsifying information is grounds for cancellation and suspension of your certification.
- A school administrator must notify a Driver License Division program coordinator or Utah State Board of Education Driver Education Specialist if a teacher no longer works at your school. Only the names of the current teachers should appear on the instructor drop down to keep the security and integrity of the DEMS program intact.
- Only one test within 24 hours.

- Instructor feedback and practice hours required before retesting.
- No accommodations may be made during testing. If accommodations are required, the student must go to the DLD to test.
- You may not test a student that you trained behind the wheel.
- Driving Skills Test must be administered outside of the six hours of behind the wheel instruction.
- Instructors performing the Driving Skills Test must have at least two predetermined routes for testing.
- Only two road tests are allowed for any student, for additional testing the student must go to Driver License Division.
- Student completions must be entered by the instructor within 48 hours.

USE AND ACCESS TO DEMS

- ❖ Violator may be prosecuted civilly and criminally for misuse of information while using the Driver Education Management System. [UCA 53-3-109](#), provides that knowingly or intentional unauthorized access, use, disclosure, or dissemination of records created or maintained by the Motor Vehicle Division, the Driver License Division, or the Criminal Investigations and Technical Services Division is a class B misdemeanor.

WHAT YOU MUST DO

in Case of a Collision

IF YOU ARE INVOLVED IN A CRASH: Instructors SHALL follow district policy. All crashes regardless of the damage amount must file a report with the appropriate police agency and notify your school district as soon as possible.

STOP IMMEDIATELY.

You may be penalized severely for not remaining at the scene of a crash in which you are involved. Your driver license could be suspended or revoked for up to one year. In addition, you can receive a jail sentence of up to one year, a fine of up to \$2,500 or both.

RENDER AID.

If possible, find someone trained in first aid. Until medical help arrives, you should avoid moving anyone who appears to be seriously injured, unless such action is necessary to avoid further injury. You are required to render to any person injured in the crash reasonable assistance, including transporting or making arrangements for transporting of the injured person to a physician or hospital for medical treatment if: It is apparent that treatment is necessary; or transportation is requested by the injured person.

NOTE: It is a 3rd degree felony for a person to fail to stop at the scene of an injury crash.

TRAFFIC CLEARANCE

If the crash results in property damage only, and there are no injuries, the law allows for the operator of the vehicle to move the vehicle as soon as possible off the roadway or freeway main lanes, shoulders, medians, or adjacent areas to a location on the exit ramp, shoulder, a frontage road, the nearest suitable cross street, or other suitable location that does not obstruct traffic, and requires that the operator remain at that location until all other requirements are fulfilled. If you are travelling in the right lane and you pass a police officer pulled over on the side of the road, if possible, you SHALL move your car into the middle or left lane. You are required to leave one lane cushion.

CONTACT THE POLICE.

If the crash results in injuries, death, or at least \$2500 in total property damage, you must notify the police, sheriff, or Highway Patrol as soon as possible. This rule applies to all types of crashes, regardless of whether another driver was involved. You may also be requested to provide insurance information to the Financial Responsibility Section, Driver License Division.

Note: If you are in a state-exempt vehicle (driver education vehicle) you must report all crashes to a local police agency regardless of the amount of damage.

EXCHANGE INFORMATION.

The following information must be **exchanged between drivers or other persons involved in the crash:**

- Your name and address;
- Vehicle registration number; and
- Your insurance information including agent or provider's name and phone number

If the owner of an **unattended vehicle** is not available or cannot be found, leave a note providing this information:

- Name and address of the driver of your vehicle; and
- Vehicle registration number of the vehicle that caused the crash

The Utah Financial Responsibility Act can be found at:

<https://le.utah.gov/xcode/Title41/Chapter12A/41-12a.html>



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