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TO: Members of the State Board of Education

FROM: Karen B. Salmon, Ph.D. *KBS/clw*

DATE: August 23, 2016

SUBJECT: Code of Maryland Regulations (COMAR) 13A.04.03 Driver Education Programs (REPEAL)

PURPOSE:

The purpose of this item is to request repeal of the driver education program requirements for local school districts and non-public schools that offered driver's education, COMAR 13A.04.03.

REGULATION PROMULGATION REVIEW PROCESS:

In accordance with the Regulator Review and Evaluation Act, State Government Article §§10-130– 10-139, Annotated Code of Maryland, the Maryland State Department of Education (MSDE) periodically schedules regulations for review to evaluate the need to retain, amend, or repeal any provisions. The purpose of this review is to determine whether the regulations: 1) continue to be necessary for the public interest; 2) continue to be supported by statutory authority and judicial opinion; and 3) are obsolete or otherwise appropriate for amendment or repeal.

BACKGROUND/HISTORICAL PERSPECTIVE:

The driver education program regulations were in effect when driver education was voluntarily offered by the 24 local school districts and some non-public schools. Driver education programs are now governed by the Maryland Vehicle Administration (MVA) and apply to business entities and institutions. COMAR 11.23.02. The MVA regulations apply specifically to public and private school systems. COMAR 11.23.02.04. The State Board of Education's regulations concerning driver education under COMAR 13A.04.03 are no longer needed.

EXECUTIVE SUMMARY:

The existing regulations for driver education programs are no longer needed as the MVA now has jurisdiction over this function and the MVA has adopted regulations to carry out this activity.

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ACTION:

I request permission to publish the proposed repeal of COMAR 13A.04.03 for public comment.

Attachment

13A.04.03.00

Title 13A STATE BOARD OF EDUCATION

Subtitle 04 SPECIFIC SUBJECTS

Chapter 03 Driver Education Programs

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

13A.04.03.01

[.01 Driver Education Program Permitted.

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

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

13A.04.03.02

.02 Enrollment Eligibility.

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

A. Is a Maryland resident; or

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

13A.04.03.03

.03 Program Goals.

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

A. Understand and demonstrate their ability to perform preliminary driving checks (for example, visual checks of tires, lights, and fluid levels);

B. Understand and demonstrate their ability to use safety equipment such as seat belts and vehicle instruments;

C. Understand and demonstrate their ability to maneuver a motor vehicle in simple and complex driving environments;

D. Understand and demonstrate their ability to use the identify, predict, decide, and execute process for responding to traffic situations;

E. Understand and apply Maryland traffic laws to traffic situations;

F. Understand and apply special driving procedures in adverse driving situations;

G. Understand the effects of alcohol and other drugs upon driving performance, to include, in accordance with Transportation Article, §16-212.1, Annotated Code of Maryland, 3 hours of instruction in:

(1) The hazards of driving while impaired or intoxicated,

(2) The criminal penalties and administrative sanctions for alcohol and drug related motor vehicle violations,

(3) The medical, biological, and psychological effects of the consumption of alcohol and drugs and their impact on the operation of a motor vehicle, and

(4) Other drug and alcohol related information that the Administration determines would be beneficial to applicants for a driver's license;

H. Understand and apply principles for selecting, insuring, and maintaining a motor vehicle.]