



ADMINISTRATIVE RULES OF MONTANA



10.13.307 PROGRAM REQUIREMENTS

- (1) An approved traffic education program for young novice drivers must:
 - (a) be provided only by school districts operating a junior high school or high school;
 - (b) be for students who are 15 years old or older, or who will reach their 15th birthday within six months of course completion;
 - (c) be taught by a teacher(s) of traffic education approved by the Superintendent of Public Instruction;
 - (d) use a curriculum that meets the content standards and benchmarks of ARM 10.13.402 through 10.13.410 and includes the dangers of physical and cognitive distractions while driving as required by 61-5-135, MCA and is based on a curriculum guide, or guides, readily available for review from the Superintendent of Public Instruction or traffic education staff. A student must meet the minimum performance objectives identified by the local school district and fulfill the state required hourly and minimum student contact day requirements contained in this part, in order to be considered as having successfully completed the program;
 - (e) use lesson plans that maximize student-centered learning activities and integrate objective-based route plans for behind-the-wheel instruction;
 - (f) base the successful completion of driver education for each student on criteria identified by the local school district; the minimum number of hours and student contact days; and other applicable standards required in this part;
 - (g) be scheduled so that a sufficient number of courses are provided to allow every eligible student within the school's geographic jurisdiction an equitable opportunity to enroll pursuant to 61-5-106, MCA;
 - (h) consist of at least 60 hours of structured learning experiences scheduled over no less than 25 student contact days for each student, including no fewer than six hours of behind-the-wheel, in-traffic driving instruction by an Office of Public Instruction approved traffic education teacher scheduled over no less than six student-contact days of which:
 - (i) up to 12 of the required 60 hours may be satisfied by in-vehicle observation of an approved teacher instructing another novice driver; or
 - (ii) for those schools having traffic simulator equipment approved by the Office of Public Instruction, twelve hours of simulation may be substituted for two hours of behind-the-wheel instruction or six hours of simulation may be substituted for one hour of behind-the-wheel instruction;

- (i) provide behind-the-wheel instruction only to students who are currently participating in classroom instruction. All traffic education program phases must be conducted using concurrent or integrated scheduling;
 - (j) use only dual-control vehicles that are equipped according to vehicle standards in ARM 10.13.311;
 - (k) have property and liability insurance sufficient to protect the school, teachers, students, the public, the vehicle(s), and its owner;
 - (l) use the Office of Public Instruction form entitled "School/Dealer Vehicle Use Agreement" (form TE02) or the school's equivalent form when a traffic education loan vehicle is procured from a vehicle dealer;
 - (m) complete all reports and documents required by the Office of Public Instruction and the Department of Justice, Motor Vehicle Division in the time frames required; and
 - (n) include a parent meeting at the beginning of the driver education class that covers:
 - (i) course schedule, requirements, and expectations of the teen student and the parents/guardians;
 - (ii) information on Montana's graduated driver licensing (GDL) law;
 - (iii) best practices in GDL; and
 - (iv) parental involvement, including:
 - (A) managing their teen's graduated learning process through each stage of the GDL;
 - (B) tips on supervising the driving practice during the initial permit phase;
 - (C) tips to determine when their teen is ready for the next step in driving;
 - (D) objectives for success and significant hazards associated with each driving phase; and
 - (E) information and tools to negotiate and adopt a written agreement between the teen and parent that reflects the expectations of both, including clearly defined restrictions, privileges, rules, and consequences that serve as a basis for the teen to earn and for the parent to grant progressively broader driving privileges; and
 - (v) any other information that the district considers important for the successful and safe completion of driver education.
- (2) A school's failure to comply with the program requirements outlined herein shall be grounds for the Superintendent of Public Instruction to deny or revoke the approval of the school's traffic education program application.
- (3) As used in subchapter 3, program standards and course requirements for traffic education, the following definitions apply:
- (a) "Behind-the-wheel" means operator training by an OPI approved traffic education teacher in a vehicle that meets the requirements of ARM 10.13.311;
 - (b) "Concurrent scheduling" means scheduling the traffic education program without an interruption of instruction between classroom instruction and behind-the-wheel instruction;

- (c) "Eligible student" means any youth who lives within the geographic boundaries of the public school district whether or not they are enrolled in the public school district and who meets the age requirements of ARM 10.13.312 and has not yet reached 19 years of age on or before September 10 of the school year in which the student participates in traffic education. For the purposes of this rule, traffic education programs conducted during summer months shall be considered part of the school year immediately preceding the summer months;
- (d) "Equitable" means treating all eligible students fairly and without bias in the notification, enrollment, and class administration procedures associated with traffic education;
- (e) "In-traffic" means operator training on roadways open to and with public traffic including up to 30 minutes of initial vehicle familiarization and training in little-used parking lots;
- (f) "Integrated scheduling" means scheduling the traffic education program to include a blend of classroom instruction and associated behind-the-wheel instruction during the duration of the traffic education course;
- (g) "Student contact day" means a day that a teacher engages a student in a structured learning activity of the district's traffic education curriculum that applies toward the required minimum of 60 hours of instruction, whether it be classroom instruction, teacher-directed learning activities, observation, simulation, or behind-the-wheel instruction.

Authorizing statute(s): 20-7-502, MCA

Implementing statute(s): 20-7-502, MCA

History: NEW, 1989 MAR p. 438, Eff. 4/14/89; AMD, 2002 MAR p. 1067, Eff. 4/12/02; AMD, 2003 MAR p. 1627, Eff. 8/1/03; AMD, 2012 MAR p. 76, Eff. 1/13/12.