



ADMINISTRATIVE RULES OF MONTANA



10.13.310 TRAFFIC EDUCATION TEACHERS

- (1) All teachers of traffic education must be familiar with current graduated driver licensing laws and best practices, be able to provide clear, correct, and appropriate information to driver education students and their parents, and have approval from the Superintendent of Public Instruction.
- (2) Approval is contingent upon the applicant having:
 - (a) a qualifying valid Montana educator license;
 - (b) a minimum of eight semester or 12 quarter hours of credit course work in traffic safety education which must include a driver task analysis (classroom instruction) and behind-the-wheel (developing vehicle operational skills) course;
 - (c) appropriate coursework for a Class 4B, 4C, or 7 Montana-approved educator license including teaching strategies and class management, but which does not count as a traffic education course requirement or elective toward the traffic education minor; and
 - (d) a valid driver's license with a verified acceptable driving record from Montana and any other jurisdiction within which the applicant has been licensed to drive during the 10-year period immediately preceding the date of application. The driving record shall be free from:
 - (i) more than one moving traffic violation, as defined in 61-11-203, MCA, within any 12-month period of the previous 36 months;
 - (ii) any conviction for driving under the influence of alcohol or drugs (DUI) under 61-8-401, 61-8-406, 61-8-410, 61-8-411, or 61-8-465, MCA, within the preceding 36 months, or any conviction for a violation of a substantially similar offense from any other jurisdiction within the preceding 36 months;
 - (iii) any evidence of a refusal to take a test under an implied consent law in this or any other jurisdiction, or a test result under an implied consent law in any other jurisdiction that shows an alcohol concentration of 0.08% or more while operating a noncommercial motor vehicle or an alcohol concentration of 0.04% or more while operating a commercial motor vehicle within the preceding 36 months;
 - (iv) a conviction resulting in mandatory revocation or suspension of a driver's license for any of the following offenses in the previous five years:
 - (A) negligent homicide resulting from the operation of a motor vehicle;
 - (B) fleeing from or eluding a peace officer;
 - (C) negligent vehicular assault as defined in 45-5-205, MCA; or

- (D) any felony in the commission of which a motor vehicle is used;
 - (v) judgment under 61-6-102(3), MCA resulting in the imposition of civil liability for involvement in any fatal traffic accident during the previous five years; or
 - (vi) a declaration of habitual traffic offender status as defined in 61-1-203, MCA, during the previous ten years.
- (3) For the purposes of this rule, the definition of "conviction" is as stated in 61-5-213, MCA.
- (4) Approval to teach traffic education shall be renewed with each renewal of the traffic education teacher's educator license. For each succeeding renewal of the educator license after initial approval, the teacher must accumulate at least four semester or six quarter hours of qualifying course work in traffic safety education until an endorsable minor or its equivalent (20 semester or 30 quarter qualifying credits) has been completed.
- (5) If a teacher's approval to teach traffic education has expired and the teacher has not met the renewal requirements of (4), the teacher may request an extension for approval to teach traffic education, subject to the following:
 - (a) A one-time, one-year emergency extension of approval may be granted for a teacher who received initial approval but who has not been able to complete the required four semester or six quarter traffic education credits for reapproval. The public school district or eligible nonpublic school shall submit a letter to the Office of Public Instruction stating it has advertised for a traffic education teacher and that no qualified individuals were available to teach. In addition, the teacher for whom the school is seeking an emergency interim approval shall submit to the Office of Public Instruction a plan outlining how the teacher will satisfy the required coursework within the one-year extended period.
 - (b) A one-time, extenuating circumstance extension of approval may be granted for a period up to two years. The district and teacher shall submit the same documentation required in (5)(a). In addition to the above documentation, the teacher shall submit a statement of a compelling reason why coursework deficiencies cannot be completed within one year, and shall assure the Office of Public Instruction that the teacher will complete the traffic education minor, or its equivalent, within the extension period.
 - (c) If other traffic education teachers are available to the school district, no emergency or extenuating circumstance extensions shall be granted. Both such extensions are contingent upon the other renewal requirements, including a valid driver's license, an approvable driving record and successful renewal of the teacher's Montana educator license.
- (6) A teacher's failure to maintain the requirements for traffic education teacher approval constitutes grounds for the immediate revocation of the approval to teach traffic education. Any revocation of approval may be appealed to the deputy Superintendent of Public Instruction within 30 days of the date of the notice of revocation of approval. The deputy superintendent shall review the revocation and either confirm or reverse the revocation. The deputy superintendent's decision is final.

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, 2012 MAR p. 76, Eff. 1/13/12; AMD, 2017 MAR p. 1650, Eff. 9/23/17.