

HAWAII ADMINISTRATIVE RULES

TITLE 8

DEPARTMENT OF EDUCATION

SUBTITLE 2

EDUCATION

PART 1

PUBLIC SCHOOL

CHAPTER 29

DRIVER EDUCATION AND TRAFFIC SAFETY PROGRAM

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§8-29-1 Purpose. The purpose of this chapter is to establish standards and procedures for the operation of the department of education's driver education and traffic safety program in public high schools. [Eff.] (Auth: HRS §302A-1112) (Imp: HRS §§302A-413, 302A-1112)

§8-29-2 Definitions. As used in this chapter, unless the context otherwise requires:

"Driver education and traffic safety" means classroom instruction, behind-the-wheel driving, and observation in a dual-controlled motor vehicle.

"Driver education instructor" means an individual issued a driver education instructor certificate by the department of transportation and department of education to teach driver education classes and behind-the-wheel driving courses in accordance with the requirements of chapter 19-139, Hawaii Administrative Rules.

"Driving" or "behind-the-wheel driving" means operating a dual-controlled motor vehicle under the supervision of an instructor who possesses both a department of transportation and department of education driver education and traffic safety certificate. [Eff.] (Auth: HRS §302A-1112) (Imp: HRS §§302A-413, 302A-1112)

§8-29-3 Establishment of driver education and traffic safety program; eligibility; enrollment. (a) The department of education may establish a standardized driver education and traffic safety program for the public school system consisting of classroom instruction and behind-the-wheel driving.

(b) In accordance with section 302A-413, Hawaii Revised Statutes, the driver education and traffic safety program shall be open to all State residents who are at least fifteen years and six months of age and under nineteen years of age. Students who are eligible for the driver education and traffic safety program include those attending public or private schools, home-schooled students, and students enrolled in a department of education adult community school general education diploma course.

(c) The department of education may offer a non-credit, before or after-school course with priority given to students who sign up for the waitlist on a first come first served basis. The department of education may also offer an elective credit course at a public high school during the school day, limited to only students enrolled at that high school. Schools shall use the course registration process to prioritize student enrollment in the elective credit course.

(d) Enrollment in the driver education and traffic safety education program shall be as follows:

- (1) Students may apply through a centralized platform to register for a non-credit, before- or after-school course at various sites. To provide statewide access as a public driver education program, priority shall be given on a first come first served basis and not limited to a student's place of residence. The department of education shall maintain a waitlist for students interested in the before- and after-school program.
- (2) Upon being invited to enroll in the course, a student on the program waitlist shall meet the following prerequisites to secure final enrollment:
 - (A) Be at least fifteen years and six months of age and under nineteen years of age;
 - (B) Possess a current Hawaii instructional permit;
 - (C) Complete and submit the driver and traffic safety education program enrollment form;
 - (D) Attend the mandatory parent or guardian and student orientation class with a parent or guardian; and
 - (E) Pay the driver education and traffic safety course fee as determined by the board of education.
- (3) Driver education and traffic safety courses offered as a semester credit course at a public high school during the school day shall be limited to only students enrolled at that high school. Students enrolled in a credit semester driver education and traffic safety course must obtain a Hawaii instructional permit before the start of behind-the-wheel instruction; students shall pay the driver education and traffic safety course fee as determined by the board of education for behind-the-wheel instruction.

(e) The department of education shall use all funds appropriated pursuant to section 302A-413, Hawaii

Revised Statutes to conduct the driver education and traffic safety program. [Eff.] (Auth: HRS §302A-1112) (Imp: HRS §§302A-413, 302A-1112)

§8-29-4 Administration. (a) The department of transportation and department of education shall jointly administer the driver education and traffic safety program pursuant to chapter 19-139, Hawaii Administrative Rules.

(b) The driver education and traffic safety program curriculum and driver education teacher certificates shall be approved by the department of transportation as provided in section 19-139-100, Hawaii Administrative Rules, and administered pursuant to sections 19-139-101 and 19-139-10, Hawaii Administrative Rules.

(c) The department of education offers and implements the driver education and traffic safety program pursuant to sections 302A-413 and 302A-417, Hawaii Revised Statutes. [Eff.] (Auth: HRS §302A-1112) (Imp: HRS §§302A-413, 302A-417, 302A-1112)

§8-29-5 Program offerings; fee. (a) The department of education's driver education and traffic safety program is a unified state program administered at the state office and offered at selected public high school sites. The driver education and traffic safety course may be offered as:

- (1) A non-credit, before- or after-school course for the driver education and traffic safety course fee.
- (2) An elective semester course. The principal of a public high school may decide to offer the driver education and traffic safety course as an elective semester course based on the school budget for an available instructor and available space in the school's offerings. Students enrolled in the elective semester course shall pay the driver education and traffic safety course fee for behind-the-wheel instruction.

(b) The board of education shall establish the driver education and traffic safety course fee. [Eff. _____] (Auth: HRS §302A-1112) (Imp: HRS §§302A-413, 302A-1112)

§8-29-6 Program implementation. (a) The department of education may establish the driver education and traffic safety program at a public high school based on the following criteria:

- (1) Student demand and interest; and
- (2) The number of certified driver education and traffic safety program instructors employed at the high school.

(b) The department of education shall maintain an operations manual prescribing the policies and procedures governing the daily administration of the program.

(c) Public high schools operating a driver education and traffic safety program shall comply with the guidance and procedures set forth in the operations manual to ensure consistency, fairness, and transparency.

(d) The department of education shall issue a certificate of completion to every student who satisfactorily completes the driver education and traffic safety program.

(e) The department of education shall cooperate with the chief of police in each county to promote traffic safety.

(f) The department of education may purchase, rent, or acquire by gift materials and equipment necessary for the program. [Eff. _____] (Auth: HRS §302A-112) (Imp: HRS §§302A-413, 302-1112)

§8-29-7 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the chapter that can be given effect without the invalid provision or application. [Eff. _____] (Auth: HRS §302A-413, 302A-1112)

Historical Note:

Eff. [to be determined];

Auth: HRS §302A-1112

Imp: HRS §§302A-413, 302A-1112

APPROVED AS TO FORM

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