

MAINE STATE LEGISLATURE

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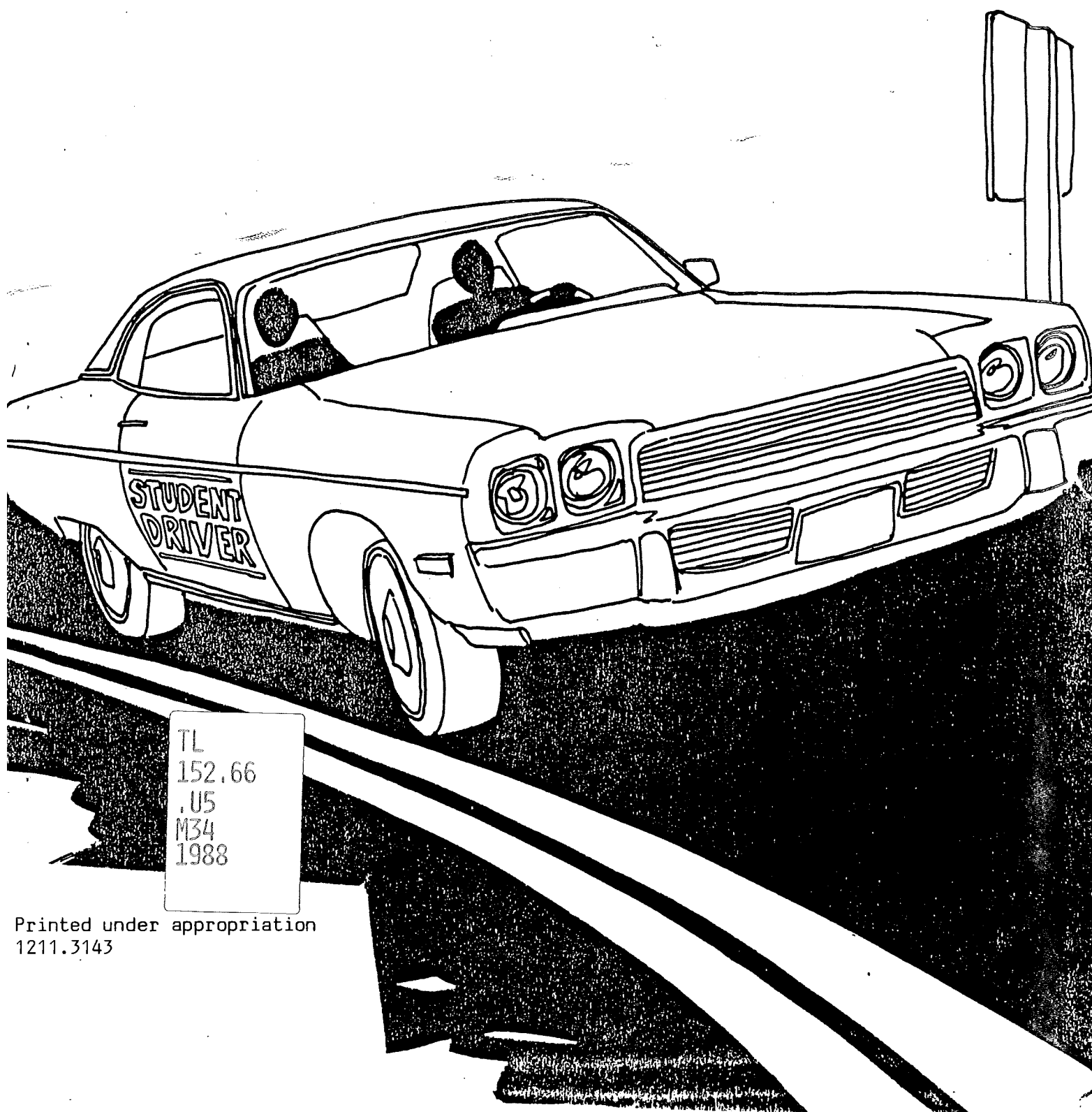


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STUDY ON THE ISSUE OF GRANTING CREDIT FOR FEE-BASED
DRIVER EDUCATION COURSES

PREPARED BY

DEPARTMENT OF EDUCATIONAL AND CULTURAL SERVICES



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Background

29 MRSA, sub-section 583 requires that those minors under the age of 17 but not younger than 15 may be licensed to drive an automobile upon completion of an approved driver education course consisting of no less than 30 hours of classroom and 6 hours behind the wheel training. The student has two options of obtaining this training: through a driver education course approved by the Board of Commercial Driver Education or a course approved by the Department of Educational and Cultural Services.

Until September 1, 1987, up to 1/2 credit towards graduation was awarded for successful completion of a school based driver education course. In 1986, the driver education rules were rewritten. Assistant Attorney General Ellen George ruled that credit could not be awarded for a course given during the school year in a public school if a fee was charged. Her opinion is attached as Appendix A. This opinion does not affect courses offered during the summer nor does it take away the local school unit's authority to award credit for a course taken at a commercial or private school.

There was some concern among driver education instructors that removal of graduation credit would be detrimental to their program and to the students involved, and L.D. 2012 was presented to the Committee on Education to restore credit to driver education courses when a fee is charged. This L.D. and the Department's position are attached as Appendix B. At the hearing the Committee determined additional legal counsel was needed and due to the relative lateness in the session the bill was rewritten as a Resolve which is attached as Appendix C.

Method

The requirements in the Resolve were addressed by the following methods:

1. A request was made to the Attorney General's office for additional clarification on the constitutionality of a public school awarding credit for a course for which it charges a fee. That response is attached as Appendix D.
2. A questionnaire was sent to all State directors of driver education to determine how similar courses are administered, if credit is given and what, if any, incentives are offered to local units by the State. A copy of this questionnaire is attached as Appendix E.
3. A second questionnaire was sent to all public secondary principals to determine if the withdrawal of credit for driver education had negatively impacted their programs and what incentives they would envision to persuade more schools to add a course in driver education to their curricula. A copy of that questionnaire is attached as Appendix F.

Response

1. An opinion has been requested from the office of the Attorney General concerning the constitutionality of granting credit for fee-based courses. It is anticipated this will be ready prior to the convention of the 114th Legislature and will be attached as Appendix D.

2. Other States

Thirty-six states responded to the survey with 13 stating that driver education was presented and or required in all secondary schools.

States which charge a fee for driver education	25
Award credit for graduation	28
Award credit when a fee is charged	18
Offer incentives for driver education	22

Types of incentives:

1. Reimburse through funding formula	8
2. Dedicated fund	1
3. Fee from insurance policies	1
4. License fees and fines	3
5. Per student reimbursement	9
Total	22

The state director for Missouri, a state allowing no credit when a fee was charged and 1/2 credit when there was no fee made special mention that this had no impact on participation in driver education.

3. A review was made of driver education enrollment in Maine public high schools from 1982-87. Enrollment in 1982 was 7,410 and had dropped to 5,034 in 1987. This appears to reflect the drop in total student enrollment, 67,464 in 1982 to 61,884 in 1987 rather than decreased interest in the course. However, the number of schools offering programs approved through the Department of Education has dropped steadily from 119 in 1982 to 93 in 1987-88 out of a total of 135 public schools enrolling secondary students or private schools which serve as public high schools. It must be mentioned, however, that there are other high schools which contract driver education with private schools such as MSAD #39 in Buckfield or Bangor High School and are not included in the total offerings as their courses are approved by the Department of Professional and Financial Regulation. According to figures supplied by Business Regulations, the number of commercial schools has increased from 57 in 1985 to 98 in 1988. Earlier numbers were not available.

Since the concern over whether withdrawing graduation credit for driver education had caused a negative impact on school based driver education was the reason for this study, a questionnaire (Appendix F) was sent to all public secondary principals asking

if the withdrawal of graduation credit had adversely impacted their program. Of the 100 principals responding, only 8 indicated that the withdrawal of credit had adversely impacted their driver education program. Of these, one high school had not offered the course prior to 1982 and consequently the rules which went into effect in September, 1987 would have had no impact whatever. A review of the enrollment figures in the remaining 7 schools did indeed show decreased enrollment, but this again reflected a corresponding decrease in total enrollment at each school. Only two of the seven showed a considerable decrease in student participation since the enactment of the new regulations, and in one of those that can be explained by the loss of their regular teacher and a hiatus until a part time instructor was hired for the summer session. Several principals expressed satisfaction with the local commercial schools and did not wish to add driver education to their curriculum. One wrote "Driver education is a pain".

It must be concluded therefore, that the withdrawal of graduation credit from driver education has not had a major impact on the program. There is, however, the issue of fairness in the situation where a student who takes driver education through a private school may be granted credit locally yet a student in the same school who pays a fee to take the school based program which is more closely supervised, may not.

Regardless of whether credit is given or not, driver education is considered by some as one of the most important courses in safety and citizenship a child may take in high school. Given Maine's rural geography there is the need for young people to drive at a fairly early age, thus the need for early safe driver training is evident. It is the Department's recommendation that all schools provide for driver education either through a school program or commercial school approved by the Department of Professional and Financial Regulations.

Commercial schools contracted in this manner should also report to the Department the number of students they successfully instruct while under contract to a high school, thus allowing for more accurate and centralized accounting for the number of high school students enrolled. This would not be meant to take control from the commercial licensing board as they would still approve the program. The net impact on commercial schools should be favorable as more markets would be opened up to them.

The research has identified possible incentives to high schools deciding to offer a school based program which could reduce or eliminate the need for charging a student fee. Presently, the salary of the instructor may be included as with any other faculty member and submitted for subsidy through the finance formula. The lab section could be reimbursed from a separate fund as is done in Pennsylvania.

The State of New Hampshire raises revenue to reimburse local schools for each student who successfully completes driver

education by a dedicated revenue of five dollars from every initial license and vanity plate which is deposited in a fund for this purpose. Using data provided by Motor Vehicles for 1987-88, the 48,005 new licenses and 60,000 vanity plates issued in Maine that year would raise \$540,025 or slightly more than \$107 per student. This is more than the \$91.50 charged on average to the student on a statewide basis.

The question of the availability of certification and recertification courses has often been raised and there are complaints that the University does not offer appropriate courses. The problem is not the availability of classes but students. Qualified instructors are available not only at USM and UMO but also UMPI. The University system requires a minimum enrollment of 12 students as a break even point. Despite this, at least one instructor has continually accepted a reduced salary to conduct the basic certification course, but has great difficulty in recruiting students.

The Maine Driver Education Association (MEDEA) and the New England Traffic Safety Education Association (NETSEA) offer annual conventions which provide excellent opportunities for recertification activities.

Conclusion

The current policy of not granting credit for driver education does not appear to have significantly impacted driver education, and reduced enrollment figures reflect reduced total enrollment.

STATE OF MAINE
DEPARTMENT OF EDUCATIONAL AND CULTURAL SERVICES

Departmental Memorandum

To William K. Millar
Director, Pupil Transportation

From Ellen Egan George *EEG*

Subject Driver education fees

Date January 7, 1987

The rule which you are questioning is consistent with Maine law. You should note that the law establishes the authority of school administrative units to collect fees for driver education. The previous law was repealed in the Education Reform Act of 1984. The new law, P.L. 1985, c. 797, §45, effective July 16, 1986, reads as follows:

§8704. Fee charged

A public secondary school may provide driver education after the regular school day during the school year as part of its secondary course of study and may charge a fee based upon per pupil costs, but may not allow credit toward a high school diploma for that paid instruction.

According to the Statement of Fact in the Legislative Document, the bill was intended to be consistent with the original requirement that elementary and secondary education be provided free of charge to resident students. (It does not prohibit charging fees to non-resident students.)

lm



STATE OF MAINE

**Department of
Educational and Cultural Services**

State House Station 23

AUGUSTA, MAINE 04333

MEMO

TO: Ellen George

FROM: William K. Millar, Jr., Director, Pupil Transportation

SUBJECT: Fees Charged for Driver Education

DATE: January 6, 1987

1. I have had many calls regarding section 6 (fees charged to students) in the Regulations Governing Secondary School Driver Education programs. The questions are why credit cannot be given when a fee is charged for driver education during the school year when it can be awarded during the summer, and whether "after the school day" would fall under the same category as summer since it is not during regular class time.

2. Could you please inform me as to the legal rationale behind awarding credit for summer driver education and not when the course is held during the school year, when a fee is charged, and why a course held after school hours would not be considered the same as one held during the summer months.

Upon receipt of your opinion, I will send a letter to the schools as further explanation.

Thank you.

SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 2012

H.P. 1477 House of Representatives, January 11, 1988
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 26.
Reference to the Committee on Education suggested and
ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative STEVENSON of Unity.
Cosponsored by Representatives MAYO of Thomaston, BOST of
Orono, and Senator BUSTIN of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-EIGHT

1 AN ACT to Restore Driver Education Credit in
2 Secondary Schools.
3

4 Be it enacted by the People of the State of Maine as
5 follows:

6 20-A MRSA §8704, as enacted by PL 1985, c. 797,
7 §45, is amended to read:

8 §8704. Fee charged

1 A public secondary school may provide driver
2 education after the regular school day during the
3 school year as part of its secondary course of study
4 and may charge a fee based upon per pupil costs, but
5 may not allow credit toward a high school diploma for
6 that-paid-instruction.

7 STATEMENT OF FACT

8 This bill reinstates the provision which allows
9 secondary schools to give academic credit for driver
10 education.

11

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State of Maine
DEPARTMENT OF EDUCATIONAL AND CULTURAL SERVICES

Testimony of David W. Brown
Associate Commissioner

Opposing L.D. 2012

AN ACT to Restore Driver Education Credit in Secondary Schools

Before the Committee on Education

Sponsored by: Representative Stevenson

Cosponsored by: Representative Mayo and Bost and Senator Bustin

Date: February 4, 1988

Mr. Chairman and Members of the Committee on Education:

The Department of Education is opposed to the adoption of L.D. 2012.

Prior to July 1, 1986, secondary schools awarded credit for driver education courses even if a fee was charged. Up to 1/2 credit may still be given for courses offered during the school year if no fee is charged to the student. Title 20-A, sub-section 8704, (see attached) disallowed giving credit for this course when a fee was charged as the situation was inconsistent with Title 20-A, sub-section 2 (1) which reads, in part, "It is the intent of the Legislature that every person within the age limitations prescribed by state statutes shall be provided an opportunity to receive the benefits of a free public education."

The Department of Educational and Cultural Services believes that adoption of L.D. 2012 would once again bring driver education into conflict with this Legislation intent and must, therefore, oppose its adoption.

APR 6 '88

105

BY GOVERNOR

P & S LAW

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-EIGHT

H.P. 1477 - L.D. 2012

AN ACT Directing the Department of Educational
and Cultural Services to Study the Issue
of Granting Credit for Fee-Based Driver
Education Courses.

Be it enacted by the People of the State of Maine as
follows:

Sec. 1. Study and report. The Department of Educational and Cultural Services shall conduct a study of the issue of granting credit for fee-based driver education courses. In conducting the study, the department shall give due consideration to the benefits to be derived from and the need to encourage broad participation in driver education programs and the constitutional requirement that towns provide public education at their own expense. The department shall examine alternative methods of encouraging participation in driver education and shall report its findings and recommendations to the Legislature by December 15, 1988. In addition to other appropriate considerations, the department shall take into account the effect of its recommendations on the number of certified driver education instructors and on private providers of driver education courses. In conducting the study, the department may request assistance from the Attorney General.

Sec. 2. Review by joint standing committee. The Joint Standing Committee on Education shall review the report of the department and, based on that review, may introduce legislation dealing with driver

education to the First Regular Session of the 114th Legislature.

Sec. 3. Termination. This Act shall terminate on December 15, 1989.

State _____

Person Completing Form _____

Telephone _____

1. How is driver education conducted in your high schools?
School based _____ Commercial Schools _____ Both _____
2. Approximately what percent of the high schools in your state offer driver education?
3. What percent of your high school courses are school based _____, contracted with commercial schools _____?
4. Do your high schools charge the student a fee for driver education? If so, what is the approximate average charged per student?
5. Do high schools in your state offer credit towards graduation for driver education?
6. Does your state assist in subsidizing driver education?
7. If so, in what manner?
8. Does your state base its driver education on 30 hours classroom and 6 hours driving? If not, how many hours?

Name of School _____

Person Completing form _____

1. Does your school currently offer driver education?

Yes _____ No _____

If your answer is yes, skip to #5.

2. If not, has your school considered offering driver ed? _____

3. Why does your school not offer driver education?

4. What would be necessary to include driver education in your curriculum?

If your answer to question #1 was no, proceed no further.

5. Is your program contracted commercially? _____

6. What fee, if any, is charged per student? _____

7. What is your total cost per student to offer driver education? _____

8. Has withdrawal of credit for driver education adversely impacted your students and/or program?