

Office of School Board Attorney
Walter J. Harvey, School Board Attorney

SUBJECT: **FINAL READING: AMENDMENT OF POLICY 2432, DRIVER EDUCATION**

COMMITTEE: **ACADEMICS, INNOVATION, EVALUATION, & TECHNOLOGY**

LINK TO STRATEGIC PLAN: **RELEVANT, RIGOROUS, & INNOVATIVE ACADEMICS**

At its regular Board Meeting of September 9, 2021, the School Board approved Agenda Item H-15 (Good Cause), *Amendment to School Board Policy 2432, Driver Education*, sponsored by Vice Chair, Dr. Steve Gallon III, which directed the Superintendent to initiate rulemaking proceedings to amend Board Policy 2432, *Driver Education*, to include a description of the district's Drivers Education Program and the intended student population it serves, as well as provisions that include but are not limited to, compliance with those outlined in the *Driver's Education Safety Trust Fund*, as required by the Interlocal Agreement (ILA) with Miami-Dade County and/or any related statutes, ordinances, and/or agreements; and compliance with any and all applicable state and federal laws governing the delivery of the Driver Education Program in MDCPS.

Amendments to the policy are proposed to include that the driver education program is designed for high school students who elect to participate in any of the available state approved driver education courses and that the purpose of the program is to introduce students to Florida driving laws/rules of the road and safe driving behavior. In addition, pursuant to the *OIG Final Report of Investigation-Miami-Dade County Public Schools Driver Education Program*; IG-17-0001-SI, amendments to the policy are proposed to ensure that any funds derived from the Miami-Dade County *Driver's Education Safety Trust Fund* § 11-10 (2002) (County Ordinance No. 02-167) are utilized in conformity with the requirements of the *Dori Slosberg Driver Education Safety Act*, Section 318.1215, F.S., the operative grant award, and an Interlocal Agreement with the County for the use of such funds. Specifically, grant funds shall be used solely for enhancement of the District's driver education program; funds shall be used for direct educational expenses and shall not be used for administrative/overhead expenses; the District shall provide a minimum of thirty percent (30%) behind-the-wheel experience; the District shall submit eligible expenditures to the County in accordance with the ILA; and the District shall offer driver education classes to private school students in accordance with the ILA. Additionally, the District shall allocate operable vehicles in an equitable manner to proportionately reflect the student population of the District, subject to the availability of driving ranges. The behind-the-wheel driver experience shall provide for the use of District adaptive vehicles and instructors or appropriate contracted services as permitted by law and the ILA.

It is recommended that The School Board of Miami-Dade County, Florida amend Policy 2432, *Driver Education*, to include these requirements.

The Notice of Intended Action was published in the Miami Daily Business Review on November 22, 2021 and posted in various places for public information and mailed to various organizations representing persons affected by the amended Board policy and individuals requesting notification. The time to request a hearing or protest the amendment of this policy has elapsed.

The proposed amendments were drafted in collaboration with District staff. Attached are the Notice of Intended Action and the proposed amendments to the policy. Changes are indicated by underscoring words to be added and ~~striking through~~ words to be deleted.

RECOMMENDED:

That The School Board of Miami-Dade County, Florida, amend School Board Policy 2432, *Driver Education* and authorize the Superintendent to file the policy with The School Board of Miami-Dade County, Florida, to be effective January 12, 2022.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on November 17, 2021, its intention to amend Board Policy 2432, *Driver Education*, at its regular meeting on January 12, 2022.

PURPOSE AND EFFECT: Board Policy 2432, *Driver Education*, is proposed for amendment to ensure that any funds derived from the Miami-Dade County *Drivers Education Safety Trust Fund* § 11-10 (2002) (County Ordinance No. 02-167) are utilized in conformity with the requirements of the statute, operative grant award, and the Interlocal Agreement (ILA) with the County for the use of such funds.

SUMMARY: Board Policy 2432, *Driver Education*, is proposed for amendment to include that the driver education program is designed for high school students who elect to participate in any of the available state approved driver education courses and that the purpose of the program is to introduce students to Florida driving laws/rules of the road and safe driving behavior. In addition, pursuant to the OIG *Final Report of Investigation-Miami-Dade County Public Schools Driver Education Program*; IG-17-0001-SI, amendments to the policy are proposed to ensure that any funds derived from the Miami-Dade County *Driver's Education Safety Trust Fund* § 11-10 (2002) (County Ordinance No. 02-167) are utilized in conformity with the requirements of the *Dori Slosberg Driver Education Safety Act*, Section 318.1215, F.S., the operative grant award, and an ILA with the County for the use of such funds. Specifically, grant funds shall be used solely for enhancement of the District's driver education program; funds shall be used for direct educational expenses and shall not be used for administrative/overhead expenses; the District shall provide a minimum of thirty percent (30%) behind-the-wheel experience; the District shall submit eligible expenditures to the County in accordance with the ILA; and the District shall offer driver education classes to private school students in accordance with the ILA. Additionally, the District shall allocate operable vehicles in an equitable manner to proportionately reflect the student population of the District, subject to the availability of driving ranges. The behind-the-wheel driver experience shall provide for the use of District adaptive vehicles and instructors or appropriate contracted services as permitted by law and the ILA.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: Florida Statutes, s. 1001.41 (1), (2), (3).

LAWS IMPLEMENTED INTERPRETED OR MADE SPECIFIC: Florida Statutes, s. 1001.42(12), s. 1001.43(2), (5), s. 1003.48, s. 318.1215; Miami-Dade County *Driver's Education Safety Trust Fund* § 11-10 (2002) (County Ordinance No. 02-167).

IF REQUESTED, A HEARING WILL BE HELD DURING SCHOOL BOARD MEETING OF January 12, 2022, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided in Section 120.54(1), F.S., must do so in writing by December 15, 2021, to the Superintendent, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by the School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

COPIES OF THE PROPOSED NEW AND AMENDED POLICIES are available at cost to the public for inspection and copying in the Citizen Information Center, Room 102, 1450 N.E. Second Avenue, Miami, Florida 33132.



Book	Policy Manual
Section	January 12, 2022 - <u>Final</u> Reading
Title	DRIVER EDUCATION
Code	2432
Status	<u>Final</u> Reading
Adopted	May 11, 2011

2432 - **DRIVER EDUCATION**

~~A program of driver education shall be offered to students.—~~

The District shall offer a program of driver education to students that meets applicable Florida Department of Education course curriculum requirements. The driver education program is designed for high school students who elect to participate in any of the available state approved driver education courses. The purpose of the program is to introduce students to Florida driving laws/rules of the road and safe driving behavior.

As a result of the Dori Slosberg Driver Education Safety Act, Section 318.1215, F.S., the County of Miami-Dade enacted local legislation, codified as the Miami-Dade County Driver's Education Safety Trust Fund § 11-10 (2002) (County Ordinance No. 02-167) to collect additional funds with each traffic penalty to fund traffic education programs in public and non-public schools.

To the extent that the District applies for the grant and receives funds derived from the Driver's Education Safety Trust Fund, the funds shall be utilized in accordance with the *Dori Slosberg Driver Education Safety Act*, through the operative grant award and an Interlocal Agreement (ILA) with Miami-Dade County, in the following manner:

- funds shall be used solely for enhancement of the driver education program;
- funds shall be used for direct educational expenses and shall not be used for administrative/overhead expenses;
- the District shall provide a minimum of thirty percent (30%) behind-the-wheel experience;
- the District shall submit eligible expenditures to the County in accordance with the ILA;
- the District shall offer driver education classes to non-public/private school students, which may include opportunities after school, on weekends, or during summer school, as set forth in the ILA.

Additionally, the District shall allocate operable vehicles in an equitable manner to proportionately reflect the student population of the District, subject to the availability of driving ranges. The behind-the-wheel driver experience shall provide for the use of District adaptive vehicles and instructors or appropriate contracted services as permitted by law and the ILA. Any changes to the terms and conditions of the operative grant award by the County may render certain terms and conditions of this policy inapplicable.

Effective 7/1/11

Legal Miami-Dade County Driver's Education Safety Trust Fund § 11-10 (2002) (County Ordinance No. 02-167)
F.S. 318.1215
F.S. 1003.48