



# Participation of Students with Disabilities in Driver Education Programs

Section 504 of the Rehabilitation Act of 1973 (Section 504), the Americans with Disabilities Act (ADA) and the Individuals with Disabilities Education Act (IDEA) apply to driver education programs offered by public schools in Idaho. This guideline is provided by the Idaho Department of Education. More information is located at <https://www.sde.idaho.gov/student-engagement/driver-ed/>.

## Guiding Principles

1. All applicants for an Idaho driver's license, regardless of physical or mental impairments, must prove their ability to safely operate a vehicle.
2. Many individuals with physical or mental impairments can learn to drive safely with appropriate accommodations. However, Idaho law provides:
  - a. An individual with a physical or mental impairment which brings about momentary or prolonged lapses of consciousness or control (i.e., epilepsy or seizures, crippling arthritis, paralysis, Parkinson's, heart trouble, insulin-dependent diabetes, strokes, multiple sclerosis) will be denied a license or permit until written certification from a physician is provided that the individual can safely operate a motor vehicle. Idaho Code §49-326(1)(c)
  - b. An individual who has been adjudged by a physician or a court as suffering from a mental impairment that would affect a person's ability to safely operate a motor vehicle and who, at the time of the application, has not been restored to competency may not qualify for a driver's license. Idaho Code §49-303(6)
3. Some individuals with significant physical impairments may be accommodated to drive safely using assistive technology solutions in specially equipped vehicles.
4. All drivers must meet the statutory age requirements for driver training/supervised instruction permits and driver's licenses.
5. All drivers must meet a minimum level of ability to participate in classroom instruction, behind-the-wheel instruction, and in-car observation.
  - a. Medication may be a safety consideration.
  - b. Reasonable accommodations may be made for individuals with disabilities to safely operate a vehicle, which may include such things as hand controls, spinner knobs, seat and pedal modifications.
  - c. More sophisticated accommodations or assistive technology may require consultation and/or training from external agencies or service providers.
  - d. The need for assistive technology is determined on a case-by-case basis.
6. All students under the age of 17 wishing to apply for a driver's license must be enrolled in school (unless an exemption applies), pass a driver education course, complete the supervised driving period of six months and accumulate at least 40 supervised hours of daylight driving and 10 supervised hours of night-time driving.

7. All students, regardless of disability, pay the same charge or enrollment fee for driver education, if applicable.
  - a. When a student's IEP team has determined that driver education is a necessary transition activity or service; no fees should be directed to the student or their family.
8. All applicants for an Idaho driver's license must meet the statutory age requirement, must pass a vision test, must pass a written test at the local Division of Motor Vehicles office and must pass a driving skills test administered by a third-party skills tester.

### **Decision Authority**

1. Parents/guardians decide whether their teen is ready to pursue licensing, assume liability for driving, and provide the 50 supervised hours of driving practice.
2. School district personnel help to facilitate decisions for learning and vehicle accommodations, in consultation with parents, driver education teachers and other appropriate professionals as needed, such as medical personnel and physical or occupational therapists.
  - a. If needed assistive technology requires purchase, installation, and/or specialized training for a student to access the public-school driver education course these are to be provided by the school district for participation in the course.
  - b. Students and their families may agree to provide or purchase their own equipment for use during and/or after the driver education course.
  - c. School districts are also responsible to facilitate appropriate communication with any contracted driver education programs to ensure appropriate access to accommodation needs and their adherence to this guidance.
3. An IEP team may determine it is appropriate to add driving goals, assistive technology and/or accommodations to a student's IEP.
4. A Section 504 team may determine it is appropriate to add driving accommodations to a student's Section 504 plan.
5. A driver education teacher determines if a teen can operate a vehicle safely enough to participate in behind-the-wheel training and successfully complete driver education. If the driver education teacher has safety concerns, the teacher will review the teen's abilities to safely operate a vehicle with or without reasonable accommodations, including but not limited to such skills as the ability to:
  - a. Manipulate controls;
  - b. See and collect important information;
  - c. Stay on task and refrain from distractions;
  - d. Respond correctly and timely to instructor directions;
  - e. Operate the vehicle safely so that other occupants and roadway users are not at risk.
6. If a student does not successfully pass the driver training program they may be subject to any applicable retake, re-testing, or additional driving time fees that would be assessed to their non-disabled peers.
  - a. Accommodations of "extended time" may apply to completion of course work or tests, but in most cases should not apply toward guaranteed extended instruction.
7. Successful completion of a driver training program does not guarantee that an individual will qualify for an Idaho driver's license. The Idaho Department of Transportation, Division of Motor Vehicles determines whether a teen will be issued a driver's license based on state-established criteria.