

Richard A. Champagne, Director
Legal 608.504.5801 • Research 608.504.5802



One East Main Street, Suite 200
Madison, WI 53703 • <http://legis.wisconsin.gov/lrb>

WISCONSIN LEGISLATIVE REFERENCE BUREAU

MEMORANDUM

TO: Representative Samba Baldeh
FROM: Madeline Kasper, managing legislative analyst
DATE: June 15, 2023
SUBJECT: Driver education in public schools

You asked for the following information regarding driver education in public schools:

1. A brief legislative history of the statutory provision providing for driver education in Wisconsin public schools that came to an end around 2004.
2. A list of Wisconsin bills that have sought to re-implement driver education in public schools.
3. Information about other states that provide driver education through public schools.
4. And finally, any comparative research that exists on whether or not individuals who have completed driver education programs end up being safer drivers than those who have obtained their licenses without having gone through a formal driver education program.

Before turning to each of these questions, I want to clarify that public schools are still able to provide driver education in Wisconsin. The change you are referring to is the elimination of state categorical aid to school districts for their provision of driver education. This categorical aid was eliminated by 2003 Wisconsin Act 33. For your reference, this memorandum begins with an overview of current law regarding driver education courses and also provides data on approved driver education courses.

Current law regarding driver education courses

Under Wis. Stat. § [343.06 \(1\) \(c\)](#), the Wisconsin Department of Transportation (DOT) may not issue an operator's license to certain persons under the age of 18 unless they have done one of the following, among other things:

- Completed a driver education course in a public school approved by the Department of Public Instruction (DPI).
- Completed a driver education course in a nonpublic or private school or tribal school that meets minimum standards set by DPI.

- Completed a driver education course in a technical college approved by the Wisconsin Technical College System Board (WTCS Board).
- Completed a driver education course approved by DOT at a driver education school licensed by DOT.
- Completed a substantially equivalent course in driver education or training approved by another state and also attained the age of 16, except as provided in Wis. Stat. § [343.07 \(1g\)](#).

In order to be approved by DOT,¹ DPI,² or the WTCS Board,³ a driver education course must at a minimum do the following:

- Acquaint each student with the hazards posed by farm machinery and animals on highways and provide instruction in safely dealing with such hazards.
- Provide at least 30 minutes of instruction relating to organ and tissue donation and organ and tissue donation procedures.
- Provide at least 30 minutes of instruction on motorcycle awareness and pedestrian and bicycle awareness.
- Include instruction relating to passing stopped emergency vehicles, tow trucks, and highway machinery equipment.
- Acquaint each student with the hazards posed by railroad highway grade crossings and provide at least 30 minutes of instruction in safely dealing with these hazards.
- Acquaint each student with the hazards posed by composing or sending electronic text messages or electronic mail messages while driving and with the provisions of Wis. Stat. § [346.89 \(3\)](#).
- Acquaint each student with the hazards posed by motor vehicles to vulnerable highway users, as defined in Wis. Stat. § [340.01 \(74p\)](#), and provide at least 30 minutes of instruction in safely dealing with these hazards.

Driver education courses approved by DOT or DPI must meet additional requirements outlined in the statutes and the administrative code, as described below. The WTCS Board does not have additional requirements for approval in the statutes or the administrative code beyond the minimum requirements listed above.

DOT

Wis. Stat. [subch. VI](#) of ch. 343 and Wis. Admin. Code Trans ch. [105](#) govern the licensing of DOT-approved driver schools and their instructors. Under Wis. Admin. Code Trans § [105.07](#), a

¹ Wis. Stat. § [343.71 \(5\)](#).

² Wis. Stat. § [115.28 \(11\)](#).

³ Wis. Stat. § [38.04 \(4\) \(e\)](#).

licensed driver school may not offer driver education courses to persons under 18 years of age without first obtaining approval from DOT in the form of an endorsement that specifies whether the licensee may provide classroom instruction, behind-the-wheel instruction, or both to persons under 18 years of age. DOT must approve a submitted course summary as well as any subsequent curriculum changes prior to their implementation. The classroom portion of the course must cover certain topics enumerated under Wis. Admin. Code Trans § [105.07 \(1\) \(b\) 1.](#) in addition to the components outlined above.⁴ Likewise, the behind-the-wheel portion of the course must cover a list of topics enumerated under Wis. Admin. Code Trans § [105.07 \(1\) \(b\) 2.](#)⁵

Additionally, Wis. Admin. Code Trans § [105.07 \(1\) \(b\) 3.](#) establishes time limits on classroom and behind-the-wheel lesson plans, as well as record-keeping requirements. In total, the classroom portion of an approved course must consist of 30 clock hours over a minimum of three weeks, with no more than two clock hours per day.⁶ The behind-the-wheel portion of an approved course must consist of six clock hours of observation in the vehicle and six clock hours of actual vehicle operation over a minimum of three weeks, with no more than one hour of behind-the-wheel driving or two hours of observation per day.⁷

For additional details about requirements for DOT-approved driver schools, see the DOT pamphlet entitled [Driver Training School Guidelines](#).

DPI

Under Wis. Stat. § [115.28 \(11\)](#), the state superintendent must approve driver education courses offered by school districts, county children with disabilities education boards (CCDEBs), and technical college districts. The superintendent must also approve minimum standards for driver education courses offered in private schools and tribal schools. Note that in January 2021, DPI indicated that it did not use the statutory approval process for any technical college districts.⁸

Wis. Admin. Code PI ch. [21](#) establishes minimum standards that all high school driver education programs must meet to obtain DPI approval. Under Wis. Admin. Code PI § [21.04 \(1\) \(a\)](#), a driver education course must include at least 30 hours of classroom instruction, six hours of observation instruction, and six hours of actual on-street behind-the-wheel instruction. The rules provide that multiple-vehicle driving range instruction and simulation instruction may serve as a substitute for a certain amount of on-street instruction.

⁴ These topics include (1) responsibility of vehicle operation; (2) mechanical and control features of the vehicle; (3) environmental dynamics of driving; (4) driving procedures: pre-driving skills and basic maneuvers; (5) city driving; (6) rural driving; (7) freeway driving; (8) psychophysical aspects of driving; (9) vehicle ownership; and (10) traffic citizenship and highway safety progress.

⁵ These topics include (1) introduction to the automobile; (2) city driving; (3) left and right turns; (4) backing and Y turns; (5) parking; and (6) rural driving (including multiple lane and freeway if possible).

⁶ Wis. Admin. Code Trans § [105.07 \(2\) \(a\)](#).

⁷ Wis. Admin. Code Trans § [105.07 \(2\) \(b\)](#).

⁸ Grant Huber (legislative liaison, Department of Public Instruction), email to author, January 20, 2021.

Additionally, a classroom course must extend over at least six weeks during a regular school year or at least three weeks during a summer school program.⁹ On-street driving instruction must extend over at least three weeks for each student, but must not extend to more than one hour per day per student.¹⁰

Data on approved driver education courses

According to the WTCS Board, as of January 2021, two technical colleges were approved to provide driver education in the state: Southwest Technical College (SWTC) and Wisconsin Indianhead Technical College (WITC).¹¹ For the 2019-20 fiscal year, the WTCS Board reported that there were 3,735 students enrolled in driver education at SWTC and WITC.¹²

According to DOT, as of August 2022, there were 167 driver schools licensed by DOT to provide instruction to minors.¹³ Note that DOT posts [a list of all DOT-approved driver schools](#), indicating the type of instruction offered by each school. DOT does not track the total number of students that attend these schools.¹⁴

According to DPI, for the 2022-23 school year, there were 78 individual school districts and one private school approved to provide driver education as well as over two dozen school districts approved through the Cooperative Education Service Agency (CESA) 2, including CESA 2's online component.¹⁵ Like DOT, DPI does not track the number of students enrolled in DPI-approved programs.¹⁶

2003 elimination of driver education categorical aid

As previously noted, 2003 Wisconsin Act 33 (the biennial budget act) eliminated driver education categorical aid to school districts, CCDEBs, and the WTCS Board, effective for the 2004-05 school year.¹⁷ Under prior law, through the State Driver Education Categorical Aid Reimbursement Program, these entities received \$100 for each high school pupil who successfully completed the classroom and behind-the-wheel phases of a DPI-approved driver education course.¹⁸ For reference, for 2002-03, \$4,304,700 was provided for this purpose.¹⁹ Note that school boards, CCDEBs, and the WTCS Board were permitted to establish and collect

⁹ Wis. Admin. Code PI § [21.04 \(1\) \(b\)](#).

¹⁰ Wis. Admin. Code PI § [21.04 \(1\) \(c\)](#).

¹¹ Brandon Trujillo (Policy and Government Relations, Wisconsin Technical College System Office), email to author, January 14, 2021.

¹² *Id.*

¹³ Alicia Buckingham (driver training school coordinator, Department of Transportation), email to author, August 5, 2022.

¹⁴ *Id.*

¹⁵ Wis. Dept. of Public Instruction, [Approved DE School Districts and Private Schools, 2022-23](#).

¹⁶ Grant Huber (legislative liaison, Department of Public Instruction), email to author, January 20, 2021.

¹⁷ See [2003 Wisconsin Act 33](#) §§ 351d, 393m, 1993v, 1998k, 2042c, 2042f, 2042h, and 9441 (1m).

¹⁸ Wis. Stat. § [121.41 \(1\)](#) (2001).

¹⁹ Wis. Legis. Fiscal Bureau, [Comparative Summary of Budget Provisions, Enacted as 2003 Act 33](#), (Madison, WI: Legislative Fiscal Bureau, September 2003): 589.

“reasonable fees” for any driver education program that was not required or credited toward graduation.²⁰

The executive budget bill introduced by Governor Jim Doyle, 2003 Senate Bill 44, did not contain the provision eliminating categorical aid for driver education. A Legislative Fiscal Bureau (LFB) budget paper on categorical aid reductions, prepared for the Joint Committee on Finance (JFC) during its budget deliberations, stated the following about the program at that time:

[T]otal claims for driver education grants have decreased while lapse amounts have increased. Some have noted that private companies are available to offer driver education, and in 2002-03, 98 districts chose not to offer the program. Also, because the state grant of \$100 per pupil is generally not enough to cover costs, school districts must subsidize their programs with fees for students or from other state aid or property tax revenue. Some have argued that because private options are available, and driver education is not central to the curriculum, it might be desirable to eliminate driver education aid. School districts that wish to continue to offer driver education could implement higher student fees or use other funding to cover the costs of the programs.

On the other hand, some have argued that eliminating state aid for the program could make it more difficult for some pupils to afford driver education. Based on press accounts, private companies frequently charge higher fees than school districts for driver education courses. Some have also noted that private companies might not offer comparable courses, since high school driver education courses are usually longer in duration and educational requirements for state-certified teachers are more extensive than for private teachers. It is also possible that private providers would not be available statewide.²¹

LFB offered various policy alternatives for dealing with the program, including (1) reducing the per pupil payment to \$75; (2) reducing the per pupil payment to \$50; (3) eliminating the entire program; or (4) maintaining current law. JFC opted to eliminate the entire program.

Although state categorical aids were eliminated by the enacted budget, DPI has continued to administer school driver education programs, as required under Wis. Stat. § [115.28 \(11\)](#) and discussed above.

Legislative proposals to provide driver education aid to public schools

Since 2003, a few different bills have been introduced proposing to provide aid to public schools providing driver education. Most recently, Governor Tony Evers’s 2023-24 executive budget bill has proposed creating a \$6,500,000 annual appropriation for a new aid program for DPI-

²⁰ Wis. Stat. § [121.41 \(2\)](#) (2001). Note that Wis. Stat. § [121.41](#) still permits these entities to charge such fees for driver education.

²¹ Layla Merrifield, “[Categorical Aid Reductions \(DPI – Categorical Aids\)](#),” *Budget Paper* no. 615 (Madison, WI: Legislative Fiscal Bureau, May 2003), <https://docs.legis.wisconsin.gov/>.

approved driver education programs provided by driver schools, school boards, operators of independent charter schools, and CESAs.²² Under the bill, eligible pupils would be pupils who qualify for free or reduced price lunch in the previous school year. In order to receive aid, qualified providers would need to demonstrate to DPI that they waived the fees they would otherwise charge for eligible pupils. DPI would then pay each qualified driver education provider an amount equal to its program participation fee multiplied by the number of eligible pupils who completed the driver education program in the previous school year. Governor Evers proposed similar aid programs in each of his last two budget bills, both of which were pulled out by JFC.²³

[2017 Assembly Bill 1036](#) and companion proposals [2019 Senate Bill 831](#) and [Assembly Bill 675](#) would have required DPI to reimburse school districts, operators of independent charter schools, and private schools participating in parental choice programs for providing a driver education course to pupils who are at least 16 years old and have at least a 2.3 grade point average. None of these proposals received a public hearing.

Note that on June 13, 2023, JFC adopted a [budget motion](#) to provide \$6,000,000 to the committee's supplemental appropriation in 2024-25 for a "driver education grant program" and to create a continuing DOT appropriation to receive the funds. The specifics of this grant program are currently unclear.

Driver education in public schools in other states

According to [EducationWeek](#), states vary significantly in terms of their driver education requirements. Over a dozen states do not require formal driver education before licensure, no matter the age of the driver. In states that require driver education for minors, providing this education within public high schools is common, though it has become less common over time as driver education has become more diverse in its delivery and organization.

Looking at surrounding states, Minnesota and Michigan are similar to Wisconsin in that they do not *require* school districts to provide driver education, though in Minnesota it appears [many of them still do](#). Like Wisconsin, they also do not appear to provide funding for driver education in public schools, though Minnesota is currently considering [legislation](#) to partially cover the cost of school-based driver education for certain low-income students.

Illinois requires school districts to provide driver education at any high schools they operate and the state, in turn, reimburses school districts a certain amount for each student who finishes the course.²⁴ School districts may only charge a fee of up to \$50 for their course, unless they receive a waiver approved by the Illinois General Assembly.

²² 2023 Wis. AB 43 §§ [319](#) and [2227](#).

²³ 2019 Wis. AB 56 §§ [153](#) and [1712](#) and 2021 Wis. AB 68 §§ [304](#) and [2182](#).

²⁴ [105 Ill. Comp. Stat. 5/27-24.2](#) and [105 Ill. Comp. Stat. 5/27-24.4](#).

Iowa likewise requires school districts to make a driver education course available to resident students and may charge tuition and fees for these courses.²⁵ I was unable to identify any state funding specifically for the provision of these courses. Note that in 2021, Iowa enacted [Senate File 546](#), which allows minors to opt for [parent-taught driver education](#) instead of enrolling in an approved course.

Research on effectiveness of driver education

Formal evaluations of beginner driver education have generally shown little or no reduction in crashes or injuries, at either the individual or community level.²⁶ Even a [2012 report](#) by the National Highway Traffic Safety Administration (NHTSA) noted that “driver education evaluations have failed to demonstrate decreases in crash rates for teen drivers.” NHTSA partly attributed this to the fact that driver education courses often vary in quality. In response to these disappointing findings, NHTSA developed new national standards for driver education, known as the [Novice Teen Driver Education and Training Administrative Standards](#). These standards were last updated in 2017.

Please let me know if you have any additional questions. I can be reached at madeline.kasper@legis.wisconsin.gov or 608-504-5844.

²⁵ Iowa Code §§ [282.6](#) and [321.178](#).

²⁶ Lawrence Lonero and Dan Mayhew, [Large-Scale Evaluation of Driver Education: Review of Literature on Driver Education, 2010 Update](#), AAA Foundation for Traffic Safety, 2010; Dan Mayhew et al., “[Evaluation of Beginner Driver Education in Oregon](#),” *Safety* 3, no. 1 (Feb. 2017); Brian O’Neill, “Driver Education: How Effective?” *International Journal of Injury Control and Safety Promotion* 27, no. 1 (2020): 61-68.