

BILL ANALYSIS

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S.B. 1114
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1114 addresses four major problems for driver education training providers in Texas. There is a statewide shortage of licensed driver education instructors; driver education instructor development programs are not permitted to use alternative methods of instruction to assist with classroom training requirements for new instructor candidates; the review and approval process for driver education instructor training programs by the Texas Education Agency (TEA) is not funded; and online adult driver education course providers are not permitted to use technology to produce certificates of completion as allowed for driving safety course vendors.

S.B. 1114 will modify the Education Code to allow licensed and experienced paraprofessionals to provide driver education classroom instruction without restrictions and expand training opportunities without sacrificing educational requirements by increasing the pool of instructor trainers and allowing the use of alternative training methods. Secondly, TEA will be permitted to collect fees for the review and approval of instructor training programs thereby permitting increased staff time for this lengthy process. Lastly, the Education Code will be amended to allow course providers to purchase certificate numbers and use technology to produce these documents in-house.

Additionally, Texas will benefit with increased revenue for the initial licensing and renewal of license fees for the new instructor pool. TEA would be permitted to recuperate staff costs for review, approval, or re-approval of instructor development programs. Lastly, current printing and distribution costs for certificates of completion would be reduced by 50 percent while retaining 100 percent of the revenue generated by the sale of certificates and certificate numbers by TEA.

As proposed, S.B. 1114 amends current law relating to the regulation of driver training schools and instruction.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Education Agency is modified in SECTION 2 (Section 1001.055, Education Code) of this bill.

Rulemaking authority is expressly granted to the commissioner of education in SECTION 8 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Section 1001.055, Education Code, to read as follows:

Sec. 1001.055. DRIVER EDUCATION CERTIFICATES AND CERTIFICATE NUMBERS.

SECTION 2. Amends Section 1001.055, Education Code, by amending Subsections (a), (b), and (c) and adding Subsections (a-1), (a-2), and (a-3), as follows:

(a) Requires the Texas Education Agency (TEA) to provide, rather than to print and supply, to each licensed or exempt driver education school driver education certificates or

certificate numbers to enable the school to print and issue TEA-approved driver education certificates with the certificate numbers to be used for certifying completion of an approved driver education course to satisfy the requirements of Sections 521.204(a)(2) (relating to requiring a minor to submit a driver education certificate) and 521.1601 (Driver Education Required), Transportation Code. Deletes existing text requiring that the certificates be numbered serially.

(a-1) Requires that a certificate printed and issued by a driver education school:

(1) be in a form required by TEA; and

(2) include an identifying certificate number provided by TEA that may be used to verify the authenticity of the certificate with the driver education school.

(a-2) Requires a driver education school that purchases driver education certificate numbers to provide for the printing and issuance of original and duplicate certificates in a manner that, to the greatest extent possible, prevents the unauthorized production or the misuse of the certificates. Requires the driver education school to electronically submit to TEA in the manner established by TEA data identified by TEA relating to issuance of TEA-approved driver education certificates with the certificate numbers.

(a-3) Requires that certificate numbers be in serial order so that the number on each issued certificate is unique.

(b) Requires TEA by rule to provide for the design and distribution of the certificates and certificate numbers in a manner that, to the greatest extent possible, prevents the unauthorized reproduction or misuse of the certificates or certificate numbers.

(c) Authorizes TEA to charge a fee of not more than \$4 for each certificate or certificate number.

SECTION 3. Amends Section 1001.151, Education Code, by adding Subsection (n), as follows:

(n) Requires that a submission for approval of a curriculum under Section 1001.253(e) for a supervising instructor development program for supervising instructors that has not been evaluated by the commissioner of education (commissioner) or under Section 1001.253(f) for an instructor development program for driver education instructors that has not been evaluated by TEA or that requires reexamination under Section 1001.253(i) be accompanied by a nonrefundable fee in an amount the commissioner considers appropriate, not to exceed the amount sufficient to cover the costs of considering the submission.

SECTION 4. Amends Section 1001.253, Education Code, by amending Subsections (c), (d), (e), and (f) and adding Subsections (g), (h), and (i), as follows:

(c) Prohibits a person who holds a driver education instructor license authorizing behind-the-wheel training from being approved to teach, rather than approved to assist a classroom instructor in, the classroom phase of driver education unless the person has:

(1) successfully completed the three additional semester hours of training required for a classroom instructor or a program of study in driver education approved by the commissioner; and

(2) met all requirements under Subsection (d).

Makes nonsubstantive changes.

(d) Prohibits a driver education instructor license authorizing a person to teach or provide classroom training from being issued, except as provided by Section 1001.254 (Temporary License), unless the person has completed nine semester hours of driver and

traffic safety education or a program of study in driver education approved by the commissioner from an approved driver education school and:

(1) holds a teaching certificate and any additional certification required to teach driver education; or

(2) has adequate education qualifications and experience to conduct classroom training, as determined by the commissioner.

Makes nonsubstantive changes.

(e) Prohibits a driver education instructor who has met, rather than completed, the educational requirements prescribed by Subsection (d)(1) or (2) from teaching instructor training classes unless the instructor has successfully completed a supervising instructor development program consisting of at least three, rather than six, additional semester hours or a program of study in driver education approved by the commissioner that includes administering driver education programs and supervising and administering traffic safety education.

(f) Authorizes a driver education school to submit for TEA approval a curriculum for an instructor development program for driver education instructors. Requires that the program:

(1) be taught by a person who has completed a supervising instructor development program under Subsection (e);

(2) ensure that any individual assisting the supervising instructor in the instructor development program for driver education instructors meets the requirements under Subsection (g); and

(3) satisfy the requirements of this section for the particular program or type of training to be provided.

Makes a nonsubstantive change.

(g) Authorizes an individual certified under standards established under Subsection (a) (relating to requiring the commissioner to establish standards for certification of personnel who conduct driver education programs in driver education schools) to assist a supervising instructor in an instructor development program for driver education instructors if the individual:

(1) meets all requirements for the individual's level of certification; and

(2) receives appropriate training as determined by the commissioner to assist in the instructor development program.

(h) Authorizes a driver education school to provide all or part of the classroom portion of a curriculum approved under Subsection (f) for an instructor development program for driver education instructors by an alternative method of instruction that does not require students to be present in a classroom if the commissioner approves the alternative method.

(i) Authorizes the commissioner, notwithstanding Section 1001.454 (Revocation of or Placement of Conditions on School or Course Provider License), to reexamine an approved instructor development program for driver education instructors if the commissioner believes that the driver education school that provides the program has violated this chapter or a rule adopted under this chapter. Requires the school to pay the costs of the reexamination as prescribed under Section 1001.151(n).

SECTION 5. Amends Section 1001.304, Education Code, by adding Subsection (d), as follows:

(d) Authorizes an individual applying to renew a license under Subsection (a) (relating to requiring that certain evidence be included with an application to renew a driver education instructor or driving safety instructor license) to complete an approved continuing education course by an alternative method that does not require instructors to be present in a classroom if the commissioner approves the alternative method.

SECTION 6. Amends Section 1001.401, Education Code, as follows:

Sec. 1001.401. CANCELLATION AND SETTLEMENT POLICY. Requires the school or course provider, as a condition for obtaining a driver education school license or course provider license, to maintain a cancellation and settlement policy that provides a full refund of all money paid by a student if:

(1) the student cancels the enrollment contract before midnight of the third day, other than a Saturday, Sunday, or legal holiday, after the date the enrollment contract is signed by the student, unless the student:

(A) successfully completes the course;

(B) receives a failing grade on the course examination; or

(C) attends any portion of a driver education program offered by the school or course provider, in which case the school or course provider shall provide a refund to the student under this subchapter; or

(2) Makes no changes to this subdivision.

Makes nonsubstantive changes.

SECTION 7. Amends Section 1001.402(b), Education Code, as follows:

(b) Requires that the policy provide that:

(1) Makes no changes to this subdivision;

(2) the effective date of the termination for refund purposes is the earlier, rather than the earliest, of the last day of attendance, if the student's enrollment is terminated by the school, or the date the school receives written notice from the student. Deletes existing Paragraph (C) requiring that the policy provide that the effective date of the termination for refund purposes is the earliest of the last day of attendance, if the student's enrollment is terminated by the school, the date the school receives written notice from the student; or the 10th school day after the last day of attendance; and

(3)-(5) Makes no changes to these subdivisions.

SECTION 8. Requires the commissioner, not later than January 1, 2012, to adopt rules as necessary to implement the changes in law made by this Act.

SECTION 9. Effective date: September 1, 2011.