

By: Zaffirini

S.B. No. 1624

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of driver education schools and instructors; authorizing fees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1001.001(7), Education Code, is amended to read as follows:

(7) "Driver education school" means an enterprise that:

(A) maintains a place of business or solicits business in this state; and

(B) is operated by an individual, association, partnership, or corporation for educating and training persons ~~[at a primary or branch location]~~ in driver education or driver education instructor development.

SECTION 2. Section 1001.151(e), Education Code, is amended to read as follows:

(e) The commission may establish a fee for an application for approval to offer a driver education course ~~[by an alternative method of instruction under Section 1001.3541]~~.

SECTION 3. Section 1001.204(b), Education Code, is amended to read as follows:

(b) The department shall approve an application for a driver education school license if the application is submitted on a form approved by the department ~~[executive director]~~, the application is

1 accompanied by [~~includes~~] the fee, and the department determines
2 [~~on inspection of the premises of the school, it is determined~~] that
3 the school:

4 (1) has courses, curricula, and instruction of a
5 quality, content, and length that reasonably and adequately achieve
6 the stated objective for which the courses, curricula, and
7 instruction are offered;

8 (2) has adequate space, equipment, instructional
9 material, and instructors to provide training of good quality in
10 the classroom and behind the wheel, if applicable;

11 (3) has instructors who have adequate educational
12 qualifications and experience;

13 (4) provides to each student before enrollment:

14 (A) a copy of:

15 (i) the refund policy;

16 (ii) the schedule of tuition, fees, and
17 other charges; and

18 (iii) the regulations relating to absence,
19 grading policy, and rules of operation and conduct; and

20 (B) the department's name, mailing address,
21 telephone number, and Internet website address for the purpose of
22 directing complaints to the department;

23 (5) maintains adequate records as prescribed by the
24 department to show attendance and progress or grades and enforces
25 satisfactory standards relating to attendance, progress, and
26 conduct;

27 (6) on completion of training, issues each student a

1 certificate indicating the course name and satisfactory
2 completion;

3 (7) complies with all county, municipal, state, and
4 federal regulations, including fire, building, and sanitation
5 codes and assumed name registration, if applicable;

6 (8) is financially sound and capable of fulfilling its
7 commitments for training;

8 (9) maintains and publishes as part of its student
9 enrollment contract the proper policy for the refund of the unused
10 portion of tuition, fees, and other charges if a student fails to
11 take the course or withdraws or is discontinued from the school at
12 any time before completion;

13 (10) does not use erroneous or misleading advertising,
14 either by actual statement, omission, or intimation, as determined
15 by the department;

16 (11) does not use a name similar to the name of another
17 existing school or tax-supported educational institution in this
18 state, unless specifically approved in writing by the executive
19 director;

20 (12) submits to the department for approval the
21 applicable course hour lengths and curriculum content for each
22 course offered by the school;

23 (13) does not owe an administrative penalty for a
24 violation of this chapter; ~~and~~

25 (14) meets any additional criteria required by the
26 department, including any applicable inspection requirements; and

27 (15) provides adequate testing and security measures

1 for the school's method of instruction.

2 SECTION 4. Subchapter F, Chapter 1001, Education Code, is
3 amended by adding Sections 1001.2531, 1001.2532, 1001.2533,
4 1001.2534, and 1001.2535 to read as follows:

5 Sec. 1001.2531. DRIVER EDUCATION INSTRUCTOR REQUIREMENTS.

6 (a) The commission by rule shall establish standards for a driver
7 education instructor to be certified as a teaching assistant,
8 driver education teacher, or supervising teacher.

9 (b) An applicant for a driver education instructor license
10 under this section must:

11 (1) apply to the department on a form prescribed by the
12 department and under rules adopted by the commission;

13 (2) submit with the application a nonrefundable
14 application fee in an amount set by commission rule; and

15 (3) present satisfactory evidence to the department
16 that the applicant:

17 (A) is at least 21 years of age;

18 (B) holds a high school diploma or high school
19 equivalency certificate; and

20 (C) meets any other requirement established by
21 commission rule.

22 Sec. 1001.2532. TEACHING ASSISTANT. (a) A teaching
23 assistant is a driver education instructor who is authorized to
24 teach or provide only behind-the-wheel training.

25 (b) To be eligible to be certified as a teaching assistant,
26 a driver education instructor must:

27 (1) have successfully completed:

1 (A) six semester hours of driver and traffic
2 safety education from an accredited college or university; or

3 (B) a teaching assistant development course
4 approved by the department; and

5 (2) pass any required examination.

6 Sec. 1001.2533. DRIVER EDUCATION TEACHER. (a) A driver
7 education teacher is a driver education instructor who is
8 authorized to teach or provide behind-the-wheel training and
9 classroom training.

10 (b) To be eligible to be certified as a driver education
11 teacher, a driver education instructor must:

12 (1) have successfully completed:

13 (A) nine semester hours of driver and traffic
14 safety education from an accredited college or university; or

15 (B) a driver education teacher development
16 course approved by the department;

17 (2) pass any required examination; and

18 (3) comply with the additional requirements under
19 Section 1001.2535.

20 Sec. 1001.2534. SUPERVISING TEACHER. (a) A supervising
21 teacher is a driver education instructor who is authorized to teach
22 instructor training classes.

23 (b) To be eligible to be certified as a supervising teacher,
24 a driver education instructor must:

25 (1) have been certified as a driver education teacher
26 for at least one year; and

27 (2) have successfully completed:

1 (A) 15 semester hours of driver and traffic
2 safety education from an accredited college or university; or

3 (B) a supervising teacher development course
4 approved by the department; and

5 (3) comply with the additional requirements under
6 Section 1001.2535.

7 Sec. 1001.2535. ADDITIONAL REQUIREMENTS FOR DRIVER
8 EDUCATION TEACHER AND SUPERVISING TEACHER. (a) In addition to the
9 requirements under Section 1001.2533 or 1001.2534, as applicable,
10 to be eligible to be certified as a driver education teacher or
11 supervising teacher, a driver education instructor must:

12 (1) hold a teaching certificate and any additional
13 certification required by commission rule to teach driver
14 education;

15 (2) have completed 15 semester hours in education
16 courses at an accredited college or university during the 10 years
17 before the application date; or

18 (3) have obtained an associate or baccalaureate degree
19 in education from an accredited college or university.

20 (b) The commission, department, or executive director may
21 adopt an alternative method to determine or verify an instructor's
22 eligibility under Subsection (a).

23 SECTION 5. Subchapter H, Chapter 1001, Education Code, is
24 amended by adding Section 1001.3542 to read as follows:

25 Sec. 1001.3542. METHOD OF INSTRUCTION FOR DRIVER EDUCATION
26 COURSE. A driver education school may teach a driver education
27 course by any method approved by the department, including an

1 alternative method under Section 1001.3541 or a traditional method
2 under Subchapter C.

3 SECTION 6. The following provisions of the Education Code
4 are repealed:

5 (1) Sections 1001.253, 1001.254, and 1001.256; and

6 (2) Section 1001.3541(b).

7 SECTION 7. (a) As soon as practicable after the effective
8 date of this Act, the Texas Commission on Licensing and Regulation
9 shall adopt rules to implement Section 1001.204(b), Education Code,
10 as amended by this Act, and Section 1001.2531, Education Code, as
11 added by this Act.

12 (b) A driver education instructor license issued under
13 Section 1001.253, Education Code, before the repeal of that section
14 by this Act, continues to be valid until the license expires, and
15 former Section 1001.253, Education Code, is continued in effect for
16 that purpose.

17 (c) A person who holds on the effective date of this Act a
18 driver education instructor license described by former Section
19 1001.253(b), Education Code, is entitled on expiration of that
20 license to issuance of a driver education instructor license
21 certified as a teaching assistant under Section 1001.2532,
22 Education Code, as added by this Act, if the person otherwise meets
23 the requirements for renewal of a driver education instructor
24 license certified as a teaching assistant.

25 (d) A person who holds on the effective date of this Act a
26 driver education instructor license described by former Section
27 1001.253(c), Education Code, is entitled on expiration of that

1 license to issuance of a driver education instructor license
2 certified as a driver education teacher under Section 1001.2533,
3 Education Code, as added by this Act, if the person otherwise meets
4 the requirements for renewal of a driver education instructor
5 license certified as a driver education teacher.

6 (e) A person who holds on the effective date of this Act a
7 driver education instructor license described by former Section
8 1001.253(e), Education Code, is entitled on expiration of that
9 license to issuance of a driver education instructor license
10 certified as a supervising teacher under Section 1001.2534,
11 Education Code, as added by this Act, if the person otherwise meets
12 the requirements for renewal of a driver education instructor
13 license certified as a supervising teacher.

14 (f) The changes in law made by this Act do not affect the
15 validity of a disciplinary action or other proceeding that was
16 initiated before the effective date of this Act and that is pending
17 before a court or other governmental entity on the effective date of
18 this Act.

19 (g) Sections 1001.2531, 1001.2532, 1001.2533, 1001.2534,
20 and 1001.2535, Education Code, as added by this Act, apply only to
21 an application for, or renewal of, an instructor license submitted
22 to the Texas Department of Licensing and Regulation on or after the
23 effective date of this Act. An application submitted before that
24 date is governed by the law in effect when the application was
25 submitted, and the former law is continued in effect for that
26 purpose.

27 SECTION 8. This Act takes effect September 1, 2019.