

SUBJECT: Certifying driver's education teachers in public schools

COMMITTEE: Public Safety — favorable, with amendment

VOTE: 7 ayes — Oakley, Keel, Keffer, Madden, McClendon, Olivo, E. Reyna
0 nays
2 absent — Driver, Carter

SENATE VOTE: On final passage, March 13 — 31-0

WITNESSES: For — Charles Green
Against — Carrol Fuller, Texas Driver and Traffic Safety Education Association

BACKGROUND : The 74th Legislature enacted SB 964 by Harris amending the Texas Driver and Traffic Safety Education Act (TDTSEA). The bill gave the Texas Higher Education Coordinating Board and the commissioner of higher education authority to regulate driver education and safety schools.

DIGEST: SB 255 would amend TDTSEA to require the Texas Education Agency (TEA) to develop programs and establish standards for certifying personnel who teach driver's education programs in public schools.

The bill would revise the definition of driving safety school to include political subdivisions, and increase the fee for driver education certificates from \$4 to \$6, and stipulate that fees be deposited in the Texas Driver and Traffic Safety Education Account. It also would change the requirement that a student would have to attend school at least 80 days in a semester to obtain a license; instead, the student would have to be enrolled at least 90 percent of the days classes were offered.

The commissioner of education would be authorized to issue, suspend, restrict, revoke or cancel licenses; deny or grant license applications; and issue subpoenas when investigating alleged misconduct of licensees or

schools or other violations. Failure to comply with a subpoena would be grounds for disciplinary action and license denial by the agency.

The commissioner could waive licensing requirements for not more than one year to instructors on a one-time basis to teach driver's education to 200 or fewer students annually in a county with a population of 50,000 or less.

The bill would exempt TEA from staffing limits set in the Position Classification Act and authorize it to adopt rules and establish fees to cover costs.

TEA would have to establish a database containing information pertinent to driver education certificates made electronically available to the Department of Public Safety (DPS). Each driver education school and school district would have to electronically submit to TEA for each certificate issued information on the control number and issuance date; name and identification number of the driver education school or public school district; name and TEA license number and name, date of birth, sex, and social security number of the student.

SB 225 would take effect September 1, 1997. It would not affect DPS approval of a driver training course given by a parent or legal guardian.

**SUPPORTERS
SAY:**

SB 255 would create a uniform set of standards for public school district and private sector driver education schools in Texas, ensuring that both were regulated by the same statute and eliminating any discrepancies in treatment.

TEA could monitor the performance of all public and private driver's education courses through the proposed database. This would also allow TEA to determine what courses were effective and which were not. The database would ensure that TEA kept tabs on the number of public school driver's education instructors teaching in Texas and their licensing or certification status. The exemption for small counties would help rural schools retain their programs.

Currently, some public schools recruit teachers to teach classes for which they are not trained or certified. By requiring uniform standards and certification of all driver's education instructors, this bill would ensure that

only qualified and trained instructors taught driver's education in both the public and private sectors.

Safe driving is not a local issue; it is a state concern. Youngsters do not drive just in their hometowns; they drive all across Texas. The Department of Public Safety sets statewide standards for operating a motor vehicle. The same type of statewide standards should be placed on driver's education programs, regardless of their setting, in order to ensure that what is being taught is accurate and thorough.

It is also important to ensure proper enforcement of these standards. TEA has not been able to properly administer the TDTSEA because it is unable to employ the necessary personnel. By allowing TEA to be exempted from the Position Classification Act, the bill would ensure it would have the flexibility to employ the necessary personnel.

It is unfair to treat public and private instructors differently when they are delivering the same service to the same consumers. Texas does not have different standards for other professions within public schools; school nurses and private sector nurses, for example, must meet the same standards and are regulated by the same entity. It does not make sense to have different standards for driver's education instructors.

**OPPONENTS
SAY:**

SB 255 would add an unnecessary layer of review to school driver's education programs. Public school driver's ed teachers already answer to their principal, superintendent and local school board. For example, the bill would require in-service training; most public schools are already requiring this. Public school instructors already maintain high standards and will continue to do so. It is better to allow public schools to retain local control instead of giving more authority and control to TEA over a nonacademic matter.

The requirements in this bill would make it harder for many public schools to retain their driver's education courses. It would hurt small schools in rural school districts, and the gap could not be filled by the private sector, since the profit margin in these areas would not be large enough. With its licensing requirements, this bill could also negatively impact the "free" loan

automobiles currently given to public schools for driver's education courses at a substantial discount.

NOTES:

The committee amendment would delete a section dealing with temporary instruction permits from licensed driver education schools or public school districts.