Chapter 75. Curriculum

Subchapter AA. Commissioner's Rules Concerning Driver Education Standards of Operation for Public Schools, Education Service Centers, and Colleges or Universities

Statutory Authority: The provisions of this Subchapter AA issued under the Texas Education Code, §§7.021, 29.902, and 51.308, unless otherwise noted.

§75.1001. Administration and Supervision.

(a) To be approved, a driver education course must be part of the course offerings of a public school, college, or university. An education service center (ESC) may manage and provide driver education programs for public schools if the course is part of the course offerings of the public school.

(b) The superintendent, ESC director, and college or university chief school official must:

(1) certify that the course meets Texas Education Agency (TEA) and Texas Department of Public Safety (DPS) standards for an approved course in driver education for Texas schools;

(2) certify that all driver education personnel and substitutes are properly certified to teach driver education, meet applicable state requirements, and the requirements of this subchapter;

(3) not falsify driver education records or allow driver education personnel and substitutes to falsify records;

(4) certify that all driver education teachers and teaching assistants annually (July 1 to June 30) complete a minimum of six hours of continuing education. Carryover credit of continuing education hours shall not be permitted. Instructors shall not receive credit for the same course each year. An instructor that teaches a continuing education course or instructor development course may receive credit for attending continuing education;

(5) document that each driver education instructor and teaching assistant providing instruction at the school, upon employment and once every other year thereafter, has not accumulated ten or more penalty points in the past three-year period on a driving record evaluation. The school must use the standards for assessing penalty points for convictions of traffic law violations and accident involvements appearing on the instructor's current driving record established by the DPS that are the same as those used for Texas school bus drivers. Instructors that accumulated ten or more penalty points in a three-year period cannot conduct training in a driver education program until it is documented that the accumulated penalty is less than ten points;

(6) prohibit an instructor from giving instruction and prohibit a student from securing instruction in the classroom or in a motor vehicle if that instructor or student is using or exhibits any evidence or effect of an alcoholic beverage, controlled substance, drug, abusable glue, aerosol paint, or other volatile chemical as those terms are defined in the Alcohol Beverage Code and the Health and Safety Code;

(7) ensure that teachers and teaching assistants teach no more than eight hours of behind-the-wheel instruction per day;

(8) ensure that at least once each year that each driver education teaching assistant giving instruction is evaluated for quality by a supervising driver education teacher while providing actual instruction to students and that the evaluation is made part of the instructor's personnel file;

(9) provide each driver education instructor and administrator a copy of this subchapter; and

(10) conduct reviews on a periodic basis to assure that driver education programs and instructors are in compliance with all requirements specified for the programs and teachers and to ensure that training is being provided in a quality and ethical manner so as to promote respect for the purposes and objectives of driver training.

(c) The TEA and Texas Department of Public Safety may conduct on-site compliance surveys and complaint investigations.

Source: The provisions of this §75.1001 adopted to be effective January 1, 2000, 24 TexReg 11325; amended to be effective February 26, 2009, 34 TexReg 1236.

§75.1002. Driver Education Teachers.

(a) To qualify to teach all phases of driver education to teens or adults and add a driver education endorsement as a specialization area on his or her current Texas teaching certificate, an individual must:

(1) possess a Bachelor's degree;

(2) complete six semester hours of driver education classroom, in-car, simulation, and traffic safety instruction if the individual entered driver education teacher instructor development training before January 1, 1999, or for individuals entering driver education teacher instructor development training on or after January 1, 1999, complete nine semester hours of driver education classroom, in-car, simulation, and traffic safety instruction that include, as a minimum, learning activities that focus on preparing the prospective driver educator to conduct:

(A) driver education classroom knowledge courses with application to classroom organization; maintaining a learning environment; developing instructional modules for the classroom, observation, and simulator training; and facilitating learning experiences;

(B) learning activities which develop vehicle operational skills for a novice driver with emphasis placed on laboratory organization and administration; maintaining a learning environment; developing laboratory instructional modules; and conducting learning experiences; and

(C) driving task analysis that includes an introduction to the task of the driver within the highway transportation system with emphasis on risk perception and management and the decision-making process;

(3) possess a valid Texas teaching certificate as defined by the State Board for Educator Certification;

(4) possess a valid Texas driver's license for the type of vehicle used for instruction; and

(5) not have accumulated ten or more penalty points in the past three-year period on a driving record evaluation, using the standards for assessing penalty points for convictions of traffic law violations and accident involvements appearing on the instructor's current driving record established by the Texas Department of Public Safety (DPS) that are the same as those used for Texas school bus drivers. Instructors that accumulated ten or more penalty points in a three-year period cannot be issued an endorsement until it is documented that the accumulated penalty is less than ten points.

(b) A fully certified teacher of driver education may be designated by the superintendent, college or university chief school official, education service center (ESC) director, or their designee assigned to manage the driver education program as a supervising teacher. A school district, an ESC, or a college or university that uses teaching assistants must designate a minimum of one driver education supervising teacher to supervise, mentor, and evaluate teaching assistants.

(c) A student instructor may teach any practice teaching necessary for certification in the classroom phase of a driver education program under the direction and in the direct presence of a driver education teacher or supervising teacher or in accordance with the provisions of an approved alternative certification program. A student instructor may teach any practice teaching necessary for certification in the in-car phase of a driver education program under the direction and in the direct presence of a driver education teacher, supervising teacher or teaching assistant. The student instructor shall sign the student record for the training they instruct, and the driver education teacher, supervising teacher, or teaching assistant that observed the instruction shall co-sign.

(d) Driver education instructors and student instructors shall provide training in an ethical manner so as to promote respect for the purpose and objectives of a driver education program. A driver education instructor or student instructor shall not:

(1) make any sexual or obscene comments or gestures while performing the duties of an instructor or give instruction or allow a student to secure instruction in the classroom or in a motor vehicle if that instructor or student is using or exhibits any evidence or effect of an alcoholic beverage, controlled substance, drug, abusable glue, aerosol paint, or other volatile chemical as those terms are defined in the Alcohol Beverage Code and the Health and Safety Code;

(2) falsify driver education records; or

(3) accumulate ten or more penalty points in the past three-year period on a driving record, using the standards for assessing penalty points for convictions of traffic law violations and accident involvements appearing on the instructor's current driving record established by the DPS that are the same as those used for Texas school bus drivers. Instructors that accumulated ten or more penalty points in a three-year period cannot provide instruction until it is documented that the accumulated penalty is less than ten points.

(e) Driver education teachers and student instructors shall not teach more than eight hours of behind-the-wheel instruction per day.

Source: The provisions of this §75.1002 adopted to be effective January 1, 2000, 24 TexReg 11325; amended to be effective February 26, 2009, 34 TexReg 1236.

§75.1003. Teaching Assistants.

(a) An individual may be employed as a teaching assistant in a driver education program under the direction of a supervising driver education teacher after completing one of the following programs.

(1) Teaching assistant (full). An individual may be approved as a teaching assistant (full) to conduct behind-the-wheel, observation, multicar range, and simulator training instruction to teens or adults; to assist certified teachers in the classroom phase of driver education provided the instructor is present and in the room; and to serve as a temporary substitute instructor in the classroom phase of driver education for no more than 25% of a driver education classroom program by successfully completing:

(A) a program of study in driver education approved by the Texas Education Agency (TEA). Applications are available from the TEA that must be submitted and approved by TEA before the training program begins;

(B) nine semester hours of driver and traffic safety education from an approved university that are required for driver education teacher endorsement; or

(C) nine semester hours of driver and traffic safety education instructor training as outlined in Texas Education Code, Chapter 1001.

(2) Teaching assistant (in-car only). An individual may be approved as a teaching assistant (in-car only) to conduct only behind-the-wheel and observation training instruction to teens or adults by completing one of the following requirements:

(A) six of the nine semester hours of driver and traffic safety education required for driver education teacher certification that include learning activities that focus on preparing the prospective driver educator to conduct vehicle operational skills for a novice driver with emphasis placed on laboratory organization and administration, maintaining a learning environment, developing laboratory instructional modules, conducting learning experiences, driving task analysis that includes an introduction to the task of the driver within the highway transportation system with emphasis on risk perception and management and the decision-making process; and driver education behind-the-wheel, observation, and traffic safety instructor development, and

(B) six semester hours of driver and traffic safety education instructor training as outlined in Texas Education Code, Chapter 1001.

(b) The TEA shall conduct criminal record evaluations and issue certificates of completed training for teaching assistants.

(c) To be approved, a teaching assistant in driver education must have a high school diploma or equivalent, have been a licensed driver, excluding the instruction permit, for at least five years, possess a Texas driver's license valid for the type of vehicle used for instruction, and meet the driving record evaluation standards established by the Texas Department of Public Safety (DPS) for Texas school bus drivers.

(d) A teaching assistant may be trained by an approved university as described in subsection (a)(1)(B) of this section; or by a university, college, school district, or an education service center (ESC) as described in subsection (a)(1)(A) of this section. When the training is conducted by a college, school district, or an ESC, the program must be approved by TEA. A driver education school licensed under Texas Education Code, Chapter 1001, may train teaching assistants as described in subsection (a)(1)(C) or subsection (a)(2)(B) of this section.

(e) A school district, an ESC, or a college or university that uses teaching assistants must employ driver education supervising teachers to supervise, mentor, and evaluate the teaching assistants.

(f) A student instructor may teach any practice teaching necessary for certification in the in-car phase of a driver education program under the direction and in the direct presence of a driver education teacher, supervising teacher, or teaching assistant. The student teacher shall sign the student record for the training they instruct, and the driver education teacher, supervising teacher, or teaching assistant that observed the instruction shall co-sign.

(g) All teaching assistants (full or in-car only) and student instructors shall provide training in an ethical manner so as to promote respect for the purpose and objectives of a driver education program. A teaching assistant or student instructor shall not:

(1) make any sexual or obscene comments or gestures while performing the duties of an instructor or give instruction or allow a student to secure instruction in a motor vehicle if that instructor or student is using or exhibits any evidence or effect of an alcoholic beverage, controlled substance, drug, abusable glue, aerosol paint, or other volatile chemical as those terms are defined in the Alcohol Beverage Code and the Health and Safety Code;

(2) falsify driver education records; and

(3) accumulated ten or more penalty points in the past three-year period on a driving record, using the standards for assessing penalty points for convictions of traffic law violations and accident involvements appearing on the instructor's current driving record established by the Texas Department of Public Safety (DPS) that are the same as those used for Texas school bus drivers. Instructors that accumulated ten or more penalty points in a three-year period cannot provide instruction until it is documented that the accumulated penalty is less than ten points.

(h) All teaching assistants (full or in-car only) and student instructors shall not teach more than eight hours of behind-the-wheel instruction per day.

Source: The provisions of this §75.1003 adopted to be effective January 1, 2000, 24 TexReg 11325; amended to be effective February 26, 2009, 34 TexReg 1236.

§75.1004. Classroom Instruction.

(a) Teenage driver education students shall receive classroom instruction that is provided directly by a fully certified driver education instructor who is in the classroom and available to students during the entire hours of instruction, except that a maximum of 25% of the classroom phase may be provided by an approved teaching assistant (full) when a certified instructor is ill or not available.

(b) Instructors and substitutes shall not have other teaching assignments or administrative duties during the time the class is scheduled and students are present.

Source: The provisions of this §75.1004 adopted to be effective January 1, 2000, 24 TexReg 11325.

§75.1005. Course Requirements.

(a) To be approved under this subchapter, a driver education plan shall include one or more of the following course programs.

(1) Core program. This program shall consist of at least 32 hours of classroom instruction, seven hours of behind-the-wheel instruction, and seven hours of in-car observation. Under this plan, a student may receive only local credit for the course.

(2) In-car only program. This program shall consist of at least seven hours of behind-the-wheel instruction and seven hours of in-car observation. Under this plan, a student may receive only local credit for the course.

(3) Classroom only program. This program shall consist of at least 32 hours of classroom instruction. Under this plan, a student may receive only local credit for the course.

(4) School day credit program. This program shall consist of at least one class period per scheduled day of school, for a semester (traditional, condensed, accelerated, block, etc.), covering the driver education classroom and in-car program of organized instruction or only the classroom program of organized instruction. This class traditionally consists of at least 56 hours of driver education classroom instruction and, if in-car instruction is provided, must include seven hours of behind-the-wheel instruction and seven hours of in-car observation. Under this plan, a student may receive one-half unit of state credit toward graduation.

(5) Non-school day credit program. This program shall consist of at least 56 hours of driver education classroom instruction, and, if in-car instruction is provided, must include seven hours of behind-the-wheel instruction and seven hours of in-car observation. Under this plan, a student may receive one-half unit of state credit toward graduation.

(6) Multi-phase school day or non-school day credit program. This program shall consist of at least 40 hours of driver education classroom instruction, four hours of behind-the-wheel instruction, eight hours of in-car observation, and 12 hours of simulator instruction. Under this plan, a student may receive one-half unit of state credit toward graduation.

(b) The minimum requirements of the driver education program must be met regardless of how the course is scheduled. The following applies to all teenage driver education programs.

(1) Driver education programs may be scheduled in block or concurrent form.

(A) Block form is when the classroom phase is taught as a separate, complete unit before the in-car phase begins.

(B) Concurrent form is when the classroom and the in-car phases are taught simultaneously or on alternating days.

(2) Instruction may be scheduled any day of the week, during regular school hours, before or after school, and during the summer.

(3) Instruction shall not be scheduled before 5:00 a.m. or after 11:00 p.m. The superintendent, college or university chief school official, or education service center (ESC) director may approve exceptions to the scheduled hours of instruction and must include acceptance in writing of the exception by the parents or legal guardians for each of the students involved.

(4) The driver education classroom phase must have uniform beginning and ending dates. Students shall proceed in a uniform sequence. Students shall be enrolled and in class before the seventh

hour of classroom instruction in a 32-hour program and the twelfth hour of classroom instruction in 56-hour or semester-length programs.

(5) Self-study assignments occurring during regularly scheduled class periods shall not exceed 25% of the course and shall be presented to the entire class simultaneously.

(6) The driver education course shall be completed within the timelines established by the superintendent, college or university chief school official, or ESC director. This shall not circumvent attendance or progress. Variances to the established timelines shall be determined by the superintendent, college or university chief school official, or ESC director and must be agreed to by the parent or legal guardian.

(7) Schools are allowed five minutes of break within each instructional hour in all phases of instruction. A break is an interruption in a course of instruction occurring after the lesson introduction and before the lesson summation. It is recommended that the five minutes of break be provided outside the time devoted to behind-the-wheel instruction so students receive a total of seven hours of instruction.

(8) A student shall not receive credit for more than four hours of driver education training in one calendar day no matter what combination of training is provided, excluding makeup. Further, for each calendar day, a student shall be limited to a maximum of:

(A) two hours of classroom instruction;

(B) four hours of observation time;

(C) two hours of multicar range driving;

(D) three hours of simulation instruction; and

(E) one hour of behind-the-wheel instruction.

(c) Course content, minimum instruction requirements, and administrative guidelines for each phase of driver education classroom instruction, in-car training (behind-the-wheel and observation), simulation, and multicar range shall include the instructional objectives established by the commissioner of education, as specified in this subsection, and meet the requirements of this subchapter. Sample instructional modules may be obtained from the Texas Education Agency (TEA). Schools may use sample instructional modules developed by the TEA or develop their own instructional modules based on the approved instructional objectives. The instructional objectives are organized into the modules outlined in this subsection and include objectives for classroom and in-car training (behind-the-wheel and observation), simulation lessons, parental involvement activities, and evaluation techniques. In addition, the instructional objectives include information relating to litter prevention, anatomical gifts, and alcohol awareness and the effect of alcohol on the effective operation of a motor vehicle that must be provided to every student enrolled in a teenage driver education course. A student may apply to the Texas Department of Public Safety (DPS) for an instruction permit after completing six hours of instruction as specified in Module One if the student is taking the course in a concurrent program. The teenage driver education program instructional objectives shall include:

(1) Module One: Traffic Laws. The student legally and responsibly performs reduced-risk driving practices in the Highway Transportation System (HTS) by:

(A) accepting driving as a privilege with responsibilities, obligations, and potential consequences; and

(B) applying knowledge and understanding of Texas traffic laws, including traffic control devices and right-of-way laws.

(2) Module Two: Driver Preparation. The student legally and responsibly performs reduced-risk driving practices in the HTS by:

(A) employing pre-drive tasks;

(B) using and requiring passengers to use occupant protection and restraint systems;

(C) using vehicle symbols and devices;

(D) employing starting tasks;

(E) performing vehicle operation and control tasks;

(F) employing post-drive tasks;

(G) using baseline and progress assessment tools to evaluate and improve behind-the-wheel skill level; and

(H) formulating a driving plan.

(3) Module Three: Vehicle Movements. The student legally and responsibly performs reduced-risk driving practices in the HTS by:

(A) sustaining visual attention and communication;

(B) using reference points;

(C) managing vehicle balance: and

(D) executing vehicle maneuvers.

(4) Module Four: Driver Readiness. The student legally and responsibly performs reduced-risk driving practices in the HTS by:

(A) employing legal and responsible driving practices; and

(B) limiting and managing fatigue and aggressive driving.

(5) Module Five: Risk Reduction. The student legally and responsibly performs reduced-risk driving practices in the HTS by:

(A) predicting, analyzing, and minimizing risk factors; and

(B) employing a space management system.

(6) Module Six: Environmental Factors. The student legally and responsibly performs reduced-risk driving practices in the HTS by:

(A) identifying and analyzing driving environments; and

(B) minimizing environmental risk.

(7) Module Seven: Distractions. The student legally and responsibly performs reduced-risk driving practices in the HTS by limiting and managing distractions and multi-task performances.

(8) Module Eight: Alcohol and Other Drugs. The student legally and responsibly performs reduced-risk driving practices in the HTS by adopting zero-tolerance practices related to the use of alcohol and other drugs by applying knowledge and understanding of alcohol and other drug laws, regulations, penalties, and consequences to licensing, driving, and lifestyles.

(9) Module Nine: Adverse Conditions. The student legally and responsibly performs reduced-risk driving practices in the HTS by managing adverse conditions resulting from weather, reduced-visibility, traction loss, and emergencies.

(10) Module Ten: Vehicle Requirements. The student legally and responsibly performs reduced-risk driving practices in the HTS by:

(A) assessing and managing vehicle malfunctions;

(B) performing preventative maintenance; and

(C) planning trips.

(11) Module Eleven: Consumer Responsibilities. The student legally and responsibly performs reduced-risk driving practices in the HTS by attending to the vehicle requirements by making wise consumer decisions regarding vehicle use and ownership, vehicle insurance, environmental protection and litter prevention, and anatomical gifts.

(12) Module Twelve: Personal Responsibilities. The student legally and responsibly performs reduced-risk driving practices in the HTS by:

(A) using the knowledge, skills, and experiences of the Driver Education and Traffic Safety Program;

(B) obtaining and using a driver license; and

(C) continuing the lifelong learning process of reduced-risk driving practices.

(d) A school may use multimedia systems, simulators, and multicar driving ranges for instruction in a driver education program.

(e) Each simulator, including the filmed instructional programs, and each plan for a multicar driving range must meet state specifications developed by the DPS and TEA. Simulators are electromechanical equipment that provides for teacher evaluation of perceptual, judgmental, and decision-making performance of individuals and groups. With simulation, group learning experiences permit students to operate vehicular controls in response to audiovisual depiction of traffic environments and driving emergencies. The specifications are available from TEA.

(f) A minimum of four periods of at least 55 minutes per hour of instruction in a simulator may be substituted for one hour of behind-the-wheel and one hour observation instruction. A minimum of two periods of at least 55 minutes per hour of multicar driving range instruction may be substituted for one hour of behind-the-wheel and one hour observation instruction relating to elementary or city driving lessons. However, a minimum of four hours must be devoted to behind-the-wheel instruction and a minimum of four hours must be devoted to observation instruction.

(g) A school may not permit more than 36 students per driver education class, excluding make-up students.

(h) All behind-the-wheel lessons shall consist of actual driving instruction. Observation of the instructor, mechanical demonstrations, etc., shall not be counted for behind-the-wheel instruction. The instructor shall be in the vehicle with the student the entire time behind-the-wheel instruction is provided.

(i) Teenage driver education programs shall include the following components.

(1) Driver education instruction is limited to eligible students between the ages of 14-18 years of age, who are at least 14 years of age when the driver education classroom phase begins and who will be 15 years of age or older when the behind-the-wheel instruction begins. Students officially enrolled in school who are 18-21 years of age may attend a teenage driver education program.

(2) Motion picture films, slides, videos, tape recordings, and other media that present concepts outlined in the instructional objectives may be used as part of the required instructional hours of the classroom instruction. Units scheduled to be instructed may also be conducted by guest speakers as part of the required hours of instruction. Together, these shall not exceed 640 minutes of the total classroom phase.

(3) Each classroom student shall be provided a driver education textbook currently adopted by the State Board of Education.

(4) A copy of the current edition of the "Texas Driver Handbook" published by DPS, shall be furnished to each student enrolled in the classroom phase of the driver education course.

(5) No school should permit a ratio of less than two, or more than four, students per instructor for behind-the-wheel instruction, except behind-the-wheel instruction may be provided for only one student when it is not practical to instruct more than one student, for make-up lessons, or if a

hardship would result if scheduled instruction is not provided. In each case when only one student is instructed:

(A) the school shall obtain a waiver signed and dated by the parent or legal guardian of the student and the chief school official stating that the parent or legal guardian understands that the student may be provided behind-the-wheel instruction on a one-on-one basis with only the instructor and student present in the vehicle during instruction;

(B) the waiver may be provided for any number of lessons; however, the waiver shall specify the exact number of lessons for which the parent is providing the waiver; and

(C) the waiver shall be signed before the first lesson in which the parent is granting permission for the student to receive one-on-one instruction.

(j) Courses offered to adult persons who are 18 years of age or older shall only be offered by colleges and universities. Colleges and universities that offer driver education to adults shall submit and receive written approval for the course from the TEA prior to implementation of the program. The request for approval must include a syllabus, list of instructors, samples of instructional records that will be used with the course, and information necessary for approval of the program.

Source: The provisions of this §75.1005 adopted to be effective January 1, 2000, 24 TexReg 11325; amended to be effective February 26, 2009, 34 TexReg 1236.

§75.1006. Driver Licensing.

(a) Students without a valid driver's license or instruction permit in his or her possession shall not receive behind-the-wheel instruction. The instructor must ensure that every student receiving behind-the-wheel instruction has a valid driver's license or instruction permit in his or her possession during all behind-the-wheel instruction.

(b) The student shall present a properly executed DE-964E to any Texas Department of Public Safety (DPS) driver's license office to apply for a driver's license or instruction permit.

(c) As soon as possible after a student receives an instruction permit or license from the DPS, the instructor must record the license number on the student's individual record.

(d) Under the block and concurrent programs a student may apply to the DPS for an instruction permit after completing all of the required classroom instruction or after completing six hours of classroom instruction devoted to the instructional objectives of classroom instruction designated by the commissioner of education found in Module One: Texas Driver Responsibilities - Knowing Texas Traffic Laws, as identified in §75.1005 of this title (Course Requirements).

(e) A licensee shall not apply to DPS to have the restriction removed from the instruction permit until the licensee is 16 years of age or older and presents a DE-964E certificate showing that he or she completed an approved driver education program. In this case, the approved program must include, as a minimum, 32 hours of classroom instruction, seven hours of behind-the-wheel instruction, and seven hours of observation. A licensee age of 18 or older is not required to complete a driver education program to apply.

(f) The DPS may revoke the student's instruction permit when the student does not complete the classroom phase no matter which plan was followed or how the program was scheduled. The instructor or superintendent, college or university chief school official, or education service center director shall complete DPS Form DL-42 and provide it to the DPS division responsible for license and driver records within a period of time determined by the school, when the student does not complete the classroom.

Source: The provisions of this §75.1006 adopted to be effective January 1, 2000, 24 TexReg 11325.

§75.1007. Verification of School Enrollment and Attendance for Issuance of a Driver License.

(a) School enrollment and attendance as a condition of licensing a student to operate a motor vehicle applies to persons under 18 years of age, unless a high school diploma or its equivalent has been obtained.

(b) The Texas Education Agency (TEA) is responsible for the development of the verification of attendance and enrollment (VOE) forms pursuant to Texas Transportation Code, §521.003. Schools may develop their own VOE form provided they incorporate as a minimum the information contained on the TEA form.

(c) Original signatures must appear on all completed VOE forms. The name of the student must be typed or printed on the form upon issuance. The VOE form does not have to be signed by the student in the presence of the person certifying attendance. The Texas Department of Public Safety (DPS) may accept properly executed copies of the VOE form faxed directly to DPS by a school. The signature of the student can be affixed to the form before or after it is faxed to DPS.

(d) The expiration date of the VOE form shall be determined upon issuance by the school. If a specified issuance date is omitted, the form will expire 30 days from execution.

(e) The VOE document is a government record as defined under Texas Penal Code, §37.01(2). Any misrepresentation by the applicant or person issuing the form may result in denial of an application for a Texas driver's license and/or criminal prosecution.

Source: The provisions of this §75.1007 adopted to be effective January 1, 2000, 24 TexReg 11325.

§75.1008. Progress.

(a) Appropriate standards shall be implemented to ascertain the progress of teenage driver education students.

(b) Progress standards shall meet the requirements of the instructional objectives of the program of organized instruction outlined in this subchapter for driver education.

(c) Each school shall establish a procedure to ensure that each student demonstrates an acceptable level of mastery of the instructional objectives for driver education. Mastery is not related to passing the Texas Department of Public Safety (DPS) driver's license test. Successful completion and mastery is a prerequisite to awarding a grade of 70% or above. The instructors must certify that each student successfully mastered the course content before the student is awarded successful completion of a driver education program.

(d) One or more of the following methods and any methods implemented by the school shall determine evidence of successful completion, and mastery shall be utilized:

(1) unit tests;

(2) written assignments;

(3) skills performance checklists; and

(4) comprehensive examinations of knowledge and skills.

(e) The progress and mastery evaluation record shall be of the type and nature to reflect whether the student is making satisfactory progress to the point of being able to successfully complete all subject matter within the allotted time provided in the currently approved course of organized instruction for driver education.

(f) The school should provide parents and legal guardians with evaluations of the student progress and recommend parental involvement techniques to enhance the driver education training.

Source: The provisions of this §75.1008 adopted to be effective January 1, 2000, 24 TexReg 11325.

§75.1009. Attendance, Makeup, and Conduct Policy.

(a) Appropriate standards, which include positive records of student attendance, shall be implemented to ascertain the attendance of the students.

(b) A student must make up any time missed during the approved program of organized instruction. The make-up policy shall be developed by the school and shall ensure that all required hours of instruction and course content are completed. Students shall not be allowed to make up missed lessons in a scheduled classroom

session unless the lesson missed is being taught. Make-up lessons can be provided on an individual basis. All make-up lessons for classroom must be organized by a driver education teacher.

(c) A student may receive credit for previous training if the student reenters and completes the applicable portion of the course within the timeline specified by a policy established by the school.

(d) The school shall establish policies pertaining to conduct that include conditions for dismissal and conditions for reentry of those students dismissed for violating the conduct policy.

Source: The provisions of this §75.1009 adopted to be effective January 1, 2000, 24 TexReg 11325.

§75.1010. Motor Vehicles.

(a) All motor vehicles, including motor vehicles for students with disabilities or special needs, that are used to demonstrate or practice driving lessons shall:

(1) be equipped with dual control brake pedals so that there is a foot brake located within easy reach of the instructor that is capable of bringing the vehicle to a stop and otherwise be equipped in accordance with Texas motor vehicle laws;

(2) be equipped with safety belts, and all occupants in the driver education vehicle must be properly secured in a safety belt at all times;

(3) be properly registered in compliance with the motor vehicle registration laws of Texas and bear a current motor vehicle inspection certificate;

(4) be insured according to the insurance laws of Texas (including, specifically, for use as a driver education vehicle);

(5) be equipped with an extra inside rearview mirror on the instructor's side and an outside rearview mirror on both sides (a visor mirror shall not substitute for the instructor's inside rearview mirror);

(6) be maintained in safe mechanical and physical condition at all times; and

(7) if the student is a student with disabilities, be equipped with all applicable mechanical devices and/or other modifications or accommodations determined to be necessary and appropriate based on evaluation data.

(b) All occupants must be seated in forward-facing seats in the vehicle that are in compliance with seatbelt capacities. Only one student and one instructor shall be seated in the front seat.

Source: The provisions of this §75.1010 adopted to be effective January 1, 2000, 24 TexReg 11325.

§75.1011. Driver Education Course Records.

(a) A written record of instruction and observation time in minutes or hours shall be maintained by the school district, education service center, or college or university for a minimum of seven years for each driver education student who received instruction to include students who withdrew or were terminated. The record shall be made available to officials of the Texas Education Agency (TEA) or the Texas Department of Public Safety upon request.

(b) The entries on the individual student record form shall be made in ink and updated for each lesson.

(c) Sample forms provided by TEA may be used or appropriate forms may be developed by the school, provided they incorporate at least the following information:

(1) name and classroom address of the school;

(2) name, full address, telephone number of the student, and date of birth;

(3) type and number of license held by the student, including the expiration date;

(4) DE-964E control number;

(5) month, day, and year that the student is present, absent, participating in makeup, terminated, withdrawn, or transferred, etc.;

(6) title of each unit and lesson of classroom and in-car instruction;

(7) grade earned for each unit or lesson;

(8) length of instruction in minutes and hours for each classroom, simulator, behind-the-wheel, and observation lesson;

(9) initials next to each classroom session and in-car lesson entry by the instructor, and student instructor, if applicable;

(10) beginning and ending dates of each phase of instruction; and

(11) statement of assurance signed by the student and instructor certifying that the individual student record is true and correct.

Source: The provisions of this §75.1011 adopted to be effective January 1, 2000, 24 TexReg 11325.

§75.1012. Fees and Tuition.

(a) A school district or the education service center (ESC) may collect fees for driver education in accordance with Texas Education Code, §11.158. Each fiscal transaction for driver education must be handled through the district's regular accounting procedures as required in §109.41 of this title (relating to Financial Accountability System Resource Guide).

(b) Individuals, instructors, or non-approved entities shall not receive fees or tuition for driver education directly.

(c) Colleges and universities may collect tuition for driver education in accordance with the Texas Education Code, Chapter 54.

(d) Fees and tuition for a driver training course shall not exceed the actual cost per student in the program for the current school year.

(e) The public school, ESC, and college or university may withhold a DE-964E form, records, and instruction from a student for non-payment of fees or tuition.

(f) The Texas Education Agency may require the public school, ESC, and college or university to refund the driver education course fees and tuition for any violation of this subchapter or for an infraction that would conclusively establish the course as inadequate.

Source: The provisions of this §75.1012 adopted to be effective January 1, 2000, 24 TexReg 11325.

§75.1013. Control of Standards and Signatures.

(a) A school, education service center (ESC), college or university may have their approval to conduct a program suspended or revoked if any of the following occur in the driver education course. In addition, the endorsement of a teacher or the permit of a teaching assistant to teach driver education may be suspended or revoked for any of the following:

(1) signing a driver education certificate (Form DE-964E) when the certified driver education teacher did not personally instruct the student or personally verify records and instruction to determine that the student received adequate instruction according to this subchapter;

(2) signing a DE-964E certificate when the certified supervising driver education teacher did not supervise the teaching assistants or student instructors who aided in the instruction of the student during the course described on the certificate;

(3) signing a DE-964E certificate for instruction given during a period of certificate suspension;

(4) providing instruction when a driver education instructor and teaching assistant has accumulated ten or more penalty points in the past three-year period on a driving record evaluation. The school must use the standards for assessing penalty points for convictions of traffic law violations and accident involvements appearing on the instructor's current driving record established by the Texas Department of Public Safety (DPS) that are the same as those used for Texas school bus drivers. Instructors that accumulated ten or more penalty points in a three-year period cannot conduct training in a driver education school until it is documented that the accumulated penalty is less than ten points;

(5) falsifying any record;

(6) permitting an unlicensed student to practice behind-the-wheel driving lessons on a public roadway;

(7) securing or aiding in securing illegal notarization of an application for an operator's license; or

(8) violating any section of this subchapter, or any other violation of law or the standards of the driver education program that, in the opinion of the commissioner of education, warrants suspension or revocation.

(b) The period of any suspension shall be at least one summer or one semester of a school year.

(c) When the endorsement of a driver education teacher or the permit of a teaching assistant is suspended or revoked, or when other action is taken, the Texas Education Agency (TEA) shall notify the DPS in writing, giving the full name of the teacher, his or her certificate number, the action taken, and the expiration date of any suspension. The DPS shall transmit this information to the appropriate driver license and safety education service field representative.

(d) A school district, an ESC, or a college or university may lose its authority to conduct an approved driver education course if the administration fails to provide supervision to prevent violation of the law or the standards of the driver education program.

(e) Based on information it receives directly, TEA may determine that evidence of a violation of the standards exists that may establish a course as inadequate or provide cause for suspending or revoking an instructor's driver education endorsement. The DPS may take the following steps to help enforce standards.

(1) Representatives of DPS may not accept a student for a driver's license examination when they have conclusive evidence of any violation of standards that may establish the course in which the student was enrolled as inadequate. Examples of such violations are:

(A) when fewer than the required number of hours of instruction have been given; or

(B) when the instructor of the course has not been properly certified.

(2) If, after accepting an application, DPS receives conclusive evidence that the course was inadequate, the license may not be issued. In such a case, DPS shall notify the student, TEA, and the chief administrator of the organization that initiated the application. If evidence of the violation is received after the license has been issued, the license may be revoked. When school officials discover a license has been erroneously issued and may be revoked under this paragraph, an authorized representative of the school shall submit to DPS, upon request, a completed Form DL-42 for each student enrolled in the course.

(3) An application may not be rejected and a license shall not be denied for a violation of standards that does not establish the course as inadequate. However, DPS may help TEA and the schools enforce the standards by consulting with school officials as requested or as may be deemed appropriate concerning other violations.

(4) When a DPS representative obtains conclusive evidence that a certified driver education instructor or state-approved teaching assistant may be subject to suspension or revocation under this section, the representative shall report the evidence in writing through proper channels to the director of DPS. The representative shall include the names of sources of information and attach copies of

any documents that might help TEA enforce the standards. The director of DPS may notify the commissioner of education. The TEA shall then investigate the report. When a report from DPS concerning the standards results in a hearing before the commissioner of education, a DPS representative may be requested to be present.

Source: The provisions of this §75.1013 adopted to be effective January 1, 2000, 24 TexReg 11325.

§75.1014. Procedures for Student Certification and Transfers.

(a) The Texas Education Agency (TEA) shall be responsible for providing the driver education certificate (Form DE-964E) to public schools, education service centers (ESCs), and colleges or universities exempt from the Texas Driver and Traffic Safety Education Act. The TEA shall also provide the DE-964E certificate to the Texas Department of Public Safety (DPS) for driver education programs approved by DPS. On this form, the driver education instructor and the superintendent, college or university chief school official, ESC director, DPS director, or their designee must certify that the driver education course was conducted according to TEA and DPS education standards for an approved course in driver education for Texas schools.

(1) For schools exempt from the Texas Driver and Traffic Safety Education Act and programs approved by DPS, the DE-964E certificate shall consist of five parts to be designated as follows: Texas Department of Public Safety Copies (Instruction Permit and Driver's License), Insurance Copy, Texas Education Agency Copy, and School Copy. The DE-964E certificate is used to certify completion of an approved driver education course and is a government record.

(2) The TEA shall charge a fee of $2.00 for each DE-964E certificate provided.

(3) The DE-964E certificates shall be issued to the superintendent, college or university chief school official, ESC director, or individuals designated by the superintendent, college or university chief school official, or ESC director to be responsible for managing the certificates for the school. This does not remove the superintendent, college or university chief school official, or ESC director from obligations pursuant to this subchapter to oversee the program. The DPS shall be responsible for the DE-964E certificates provided to DPS-approved driver education programs.

(4) Unused DE-964Es shall not be transferred to another school without written approval by TEA.

(5) The DE-964E document is a government record as defined under Texas Penal Code, §37.01(2). Any misrepresentation by the applicant or person issuing the form as to the prerequisite set forth may result in suspension or revocation of instructor credentials or program approval and/or criminal prosecution.

(6) The superintendent, college or university chief school official, ESC director, or their designee may request to receive serially numbered DE-964E certificates for exempt schools and programs approved by DPS by submitting a completed order on the form provided by the commissioner of education stating the number of certificates to be purchased and including payment of all appropriate fees. TEA will accept purchase requisitions from school districts.

(7) The superintendent, college or university chief school official, ESC director, or their designee shall be responsible for accounting for each DE-964E certificate he or she has been issued. All DE-964E certificates and records of certificates shall be maintained in an orderly fashion.

(8) The DPS shall accept only the original signature of a certified driver education teacher. The signature of the chief school official or ESC director may be written, stamped, or omitted.

(9) All DE-964E certificates and records of certificates must be provided to TEA or DPS upon request. The superintendent, college or university chief school official, ESC director, or their designee shall maintain the school copies of the certificates and submit the TEA copies of all issued certificates to TEA no later than February 15, June 15, and September 15 of each year. The chief school official, ESC or DPS director, or their designee shall return unissued DE-964E

certificates to TEA within 30 days from the date the school discontinues the driver education program, unless otherwise notified.

(10) Each superintendent, college or university chief school official, ESC director, or their designee shall ensure that the policies concerning DE-964E certificates are followed by all individuals who have responsibility for the certificates.

(11) The superintendent, college or university chief school official, ESC director, or their designee shall maintain effective protective measures to ensure that unissued DE-964E certificates and records of certificates are secure.

(12) The superintendent, college or university chief school official, ESC director, or their designee shall report any incident of unaccounted DE-964E certificates to TEA immediately upon discovering the incident. If such an incident occurs, the superintendent, college or university chief school official, ESC director, or their designee shall conduct an investigation to determine the circumstances of the unaccounted certificates. A report of the findings of the investigation, including measures taken to prevent the incident from recurring, shall be submitted to TEA within 30 days of the discovery.

(13) The superintendent, college or university chief school official, or ESC director must insure that employees complete, issue, or validate a DE-964E only to a person who has successfully completed the entire portion of the course for which the DE-964E is being used. The DPS must insure that the participants of the home taught driver education programs complete, issue, or validate a DE-964E only to a person who has successfully completed the entire portion of the course for which the DE-964E is being used. Issuance of the DE-964E is the assurance that the student has successfully achieved mastery of the course objectives.

(14) The right to receive DE-964E certificates may be immediately suspended for a period determined by TEA if:

(A) a TEA investigation is in progress and TEA has reasonable cause to believe the certificates have been misused or abused or that adequate security was not provided; or

(B) the superintendent, college or university chief school official, ESC director, or their designee fails to provide information on records requested by TEA or DPS within the allotted time.

(15) The DPS copy of a DE-964E certificate must contain the original signature of the certified instructor. The name of the superintendent, college or university chief school official, ESC director, or their designee may be written, stamped, typed, or omitted.

(16) The superintendent, college or university chief school official, ESC director, or their designee may issue a duplicate DE-964E certificate to a student who completed a course under the responsibility of the superintendent, college or university chief school official, ESC director, or their designee. The duplicate shall indicate the control number of the original DE-964E certificate.

(b) An authorized DPS employee shall accept a DE-964E certificate when a certified driver education instructor certifies by signing the DE-964E that the driver education program was completed according to this subchapter and that the student has achieved the competencies specified in this subchapter. The school official shall make a copy of the teacher's certificate for driver education available to authorized TEA or DPS representatives when requested.

(c) The superintendent, college or university chief school official, or ESC director may designate one certified driver education teacher to sign the DE-964E certificates for that school. In a concurrent program, only one teacher shall be required to sign a DE-964E certificate, but each teacher giving instruction in the concurrent program must be a fully certified driver education teacher or state-approved teaching assistant and must initial for each lesson they instruct. In each case, the teacher signing the DE-964E certificate must compile all records and verify the student's successful completion.

(d) TEA shall accept any part of the driver education instruction received by a student in another state; however, the student must complete all of the course requirements for a Texas driver education program. Driver education instruction completed in another state must be certified in writing by the chief official or course instructor of the school where the instruction was given and include the hours and minutes of instruction and a complete description of each lesson provided. The certification document must be attached to the student's individual record at the Texas school and be maintained with the record for seven years.

(e) Students who are licensed in another state and have completed that state's driver education program should contact the DPS for information on the licensing reciprocal agreement between that state and Texas.

(f) When it is impossible or inconvenient for the certified driver education instructor to sign the DE-964E (due to transfer, illness, or death, etc.), the superintendent, college or university chief school official, ESC director, or their designee may, by completing the driver education affidavit form on the reverse side of the DE-964E certificate, certify that official records show a particular student completed an approved driver education course as indicated on the DE-964E.

(g) All records of instruction shall be included as part of the student's final history when it is necessary to compile multiple records to verify that a student successfully completed a driver education course.

(h) A student may receive credit for course hours completed if there was a violation of this subchapter or before a teacher's endorsement was suspended provided the violation or suspension was not for an infraction that would conclusively establish the course as inadequate.

Source: The provisions of this §75.1014 adopted to be effective January 1, 2000, 24 TexReg 11325.