

ATTACHMENT III
Text of Adopted Amendments to 19 TAC

Chapter 176. Driver Training Schools

Subchapter BB. Commissioner's Rules on Minimum Standards for Operation of Licensed Texas Driving Safety Schools and Course Providers

§176.1101. Definitions.

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Advertising--Any affirmative act, whether written or oral, designed to call public attention to a school and/or course in order to evoke a desire to patronize that school and/or course. This includes Meta tags and search engine listings.
- (2) Break--An interruption in a course of instruction occurring after the course introduction and before the comprehensive examination [~~exam~~] and course summation.
- (3) Change of ownership of a school or course provider--A change in the control of the school or course provider. Any agreement to transfer the control of a school or course provider is considered to be a change of ownership. The control of a school or course provider is considered to have changed:
 - (A) in the case of ownership by an individual, when more than 50% of the school or course provider has been sold or transferred;
 - (B) in the case of ownership by a partnership or a corporation, when more than 50% of the school or course provider or of the owning partnership or corporation has been sold or transferred; or
 - (C) when the board of directors, officers, shareholders, or similar governing body has been changed to such an extent as to significantly alter the management and control of the school or course provider.
- (4) Clock hour--50 minutes of instruction in a 60-minute period for a driving safety course.
- (5) Course validation question--A question designed to establish the student's participation in the course and comprehension of the course material by requiring the student to answer a question regarding a fact or concept taught in the course.
- (6) Division--The division of the Texas Education Agency (TEA) responsible for administering the provisions of the law, rules, regulations, and standards as contained in this chapter and licensing driver training programs.
- (7) Division director--The person designated by the commissioner of education to carry out the functions and regulations governing the driving safety schools and course providers and designated as director of the division responsible for licensing driver training programs.
- (8) Final examination question--A question designed to measure the student's comprehension and knowledge of course material presented after the instruction is completed.
- (9) Good reputation--A person is considered to be of good reputation if:
 - (A) there are no felony convictions, unless the applicant can successfully demonstrate that the applicant has been rehabilitated;
 - (B) there are no convictions involving crimes of moral turpitude;
 - (C) within the last seven years, the person has never been successfully sued for fraud or deceptive trade practice;

- (D) the person has not owned or operated a school or course provider with serious violations ~~[§]~~ and has never owned or operated a school or course provider ~~that [which]~~ closed with violations, including, but not limited to, unpaid refunds or selling, trading, or transferring a driver education certificate or uniform certificate of course completion to any person or school not authorized to possess it. In making this determination, the division may consider the seriousness and number of violations, efforts made to correct the violations, and the history of similar violations;
 - (E) the person has not failed to provide material information to representatives of TEA or falsified instructional records or any documents required for approval or continued approval;
 - (F) in the case of an instructor, there are no misdemeanor or felony convictions involving driving while intoxicated over the past seven years; and
 - (G) in the event that an instructor or applicant has received deferred adjudication of guilt from a court of competent jurisdiction, a determination can be made upon review of evidence that the conduct underlying the basis of the deferred adjudication has not rendered the person unworthy to provide driver training instruction. When determining underlying conduct, the commissioner may consider the facts and circumstances surrounding the deferred adjudication.
- (10) Inactive course--A driving safety or specialized driving safety course for which no uniform certificates of completion or course completion certificate numbers have been purchased for 36 months or longer.
 - (11) Instructor trainer--A driving safety instructor or specialized driving safety instructor who has been trained to prepare instructors to give instruction in a specified curriculum.
 - (12) Mail or commercial delivery--First Class U.S. mail or equivalent commercial delivery services that deliver no sooner than the day following successful course completion. Electronic delivery such as e-mail or facsimile is not acceptable as a commercial delivery service.
 - (13) Moral turpitude--Conduct that is inherently immoral or dishonest.
 - (14) New course--A driving safety or specialized driving safety course is considered new when it has not been approved by TEA to be offered previously; or has been approved by TEA and become inactive ~~[offered and then discontinued]~~; or the content, lessons, or delivery of the course have been changed to a degree that a new application is requested and a complete review of the application and course presentation is necessary to determine compliance.
 - (15) Personal validation question--A question designed to establish the identity of the student by requiring an answer related to the student's personal information such as a driver's license number, address, date of birth, or other similar information that is unique to the student.
 - (16) Public or private school--For the purpose of these rules, a public or private school is an accredited public or non-public secondary school.
 - (17) Specialized driving safety course--A six-hour driving safety course that includes at least four hours of training intended to improve the student's knowledge, compliance with, and attitude toward the use of child passenger safety seat systems and the wearing of seat belt and other occupant restraint systems.
 - (18) Uniform certificate of course completion--A document with a serial number purchased from the division that is printed, administered, and supplied by course providers or primary consignees for issuance to students who successfully complete an approved driving safety or specialized driving safety course and that meets the requirements of Texas Transportation Code, Chapter 543, and Texas Code of Criminal Procedure, Article 45.051 or 45.0511. This term encompasses all parts of an original or duplicate uniform certificate of course completion. It is a government record.

§176.1103. Driving Safety School Licensure.

- (a) Application for driving safety school. An application for a license for a driving safety school shall be made on forms supplied by the Texas Education Agency (TEA) and submitted to TEA by the course provider. The application shall:
 - (1) include individual requests for approval for each multiple classroom of the school. The applications shall be made on forms provided by TEA. The driving safety school shall receive TEA approval for each location prior to advertising or offering a driving safety course at the location; and
 - (2) include verification from the licensed course provider that the school is authorized to provide the approved driving safety or specialized driving safety course and that the school will operate in compliance with all course provider policies and procedures.
- (b) Verification of ownership for driving safety school.
 - (1) In the case of an original or change of owner application for a driving safety school, the owner of the school shall provide verification of ownership that includes, but is not limited to, copies of stock certificates, partnership agreements, and assumed name registrations. The division may require additional evidence to verify ownership.
 - (2) With the renewal application, the owner of the school shall provide verification that no change in ownership has occurred. The division may require additional evidence to verify that no change of ownership has occurred.
- (c) Effective date of the driving safety school license. The effective date of the driving safety school license shall be the date the license is issued. Licenses that are received at the driving safety school prior to the effective date are not valid until the effective date shown on the license. [Exceptions may be made if the applicant was in full compliance on the effective date of issue.]
- (d) Purchase of driving safety school.
 - (1) A person or persons purchasing a licensed driving safety school shall obtain an original license.
 - (2) In addition, copies of the executed sales contracts, bills of sale, deeds, and all other instruments necessary to transfer ownership of the school shall be submitted to TEA. The contract or any instrument transferring the ownership of the driving safety school shall include the following statements:
 - (A) The purchaser shall assume all refund liabilities incurred by the seller or any former owner before the transfer of ownership.
 - (B) The sale of the school shall be subject to approval by TEA.
 - (C) The purchaser shall assume the liabilities, duties, and obligations under the enrollment contracts between the students and the seller, or any former owner.
- (e) New location.
 - (1) The division shall be notified in writing of any change of address of a driving safety school at least five working days before the move.
 - (2) The school must submit the appropriate fee and all documents designated by the division as being necessary. The documents shall be submitted to TEA by the course provider on behalf of the school. A driving safety school license may be issued after the required documents are approved.
 - (3) The school must maintain a current mailing address at the division.
- (f) Renewal of driving safety school license. A complete application for the renewal of a license for a driving safety school shall be postmarked or hand-delivered by the school to the course provider at least 30 days before the expiration of the license and shall include the following:
 - (1) completed application form for renewal;

- (2) current list of instructors;
 - (3) current list of classrooms;
 - (4) annual renewal fee, if applicable; and
 - (5) any other revision or evidence of which the school has been notified in writing that is necessary to bring the school's application for a renewal license to a current and accurate status.
- (g) Denial, revocation, or conditional license. For schools approved to offer only one driving safety course, the authority to operate a driving safety school shall cease if the course provider license is denied or revoked or if the course provider removes all authorization to teach the course. The license of the driving safety school may continue for 60 calendar days to allow the school owner to obtain approval to operate under a different course provider license. At the end of the 60-day period, the school license shall be revoked unless the school will offer an approved course. A current driving safety school license shall not be renewed without an approved course. A driving safety school license may be denied, revoked, or conditioned separately from the license of the course provider.
- (h) Notification of legal action. A school shall notify the division in writing of any legal action that is filed against the school, its officers, any owner, or any school instructor that might concern the operation of the school within five working days after the school, its officers, any owner, or any school instructor has commenced the legal action or has been served with legal process. Included with the written notification, the school shall submit a file-marked copy of the petition or complaint that has been filed with the court.
- (i) School closure.
- (1) A school shall forward all records to the course provider responsible for the records within five business days of closure.
 - (2) The course provider shall provide TEA with written notice of a school closure within five business days after being notified of closure.
 - (3) The division may declare a school to be closed:
 - (A) as of the last day of attendance when written notification is received by TEA from the school owner or course provider stating that the school will close;
 - (B) when TEA staff determine by means of an on-site visit that the school facility has been vacated without prior notification of change of address given to TEA and without TEA approval of future plans to continue to operate;
 - ~~(C) when an owner with multiple school locations transfers all students from one school location to another school location without written notification and TEA approval of future plans to continue to operate;~~
 - (C) ~~(D)~~ when the school owner allows the school license to expire; or
 - ~~(D) (E)~~ when the school does not have the facilities and equipment to operate pursuant to this subchapter.
- (j) Course at public or private school. A school shall receive approval from TEA prior to conducting a course at a public or private school, and approval may be granted by TEA upon review of the agreement made between the licensed driving safety school and the public or private school. The course shall be subject to the same rules that apply at the licensed driving safety school, including periodic inspections by TEA representatives. An on-site inspection is not required prior to approval of the course.

§176.1104. Course Provider Licensure.

- (a) Application for course provider. An application for a license for a course provider shall be made on forms supplied by the Texas Education Agency (TEA). An application from a course provider that is a primary consignee shall include evidence of permission from the course owner to operate as the primary consignee.
- (b) Bond requirements for course provider. In the case of an original or a change of owner application, an original bond shall be provided. In the case of a renewal application, an original bond or a continuation

agreement for the approved bond currently on file shall be submitted. The bond or the continuation agreement shall be executed on the form provided by TEA. Posting of a \$25,000 bond shall satisfy the requirements for financial stability for a course provider.

- (c) Course provider license. The course provider license shall indicate the name of the driving safety course for which approval is granted exactly as stated in the application for the course approval.
- (d) Verification of ownership for course provider.
 - (1) In the case of an original or change of owner application for a course provider, the owner of the course provider shall provide verification of ownership that includes, but is not limited to, copies of stock certificates, partnership agreements, and assumed name registrations. The division may require additional evidence to verify ownership.
 - (2) With the renewal application, the owner of the course provider shall provide verification that no change in ownership has occurred. The division may require additional evidence to verify that no change of ownership has occurred.
- (e) Adequate educational and experience qualifications. The course provider shall provide as part of the application sufficient documentation to support adequate educational and experience qualifications in order to carry out the responsibilities of a course provider. Verifiable education and/or experience in administration and/or supervision shall be required. Adequate educational and experience qualifications have been satisfied if the course provider meets one of the following.
 - (1) A course provider who has owned or been a primary consignee of an approved driving safety course and has been fully operational as a course provider in the State of Texas for a continuous 12-month period before September 1, 1995, satisfies the educational and experience qualifications.
 - (2) A course provider who has an approved driving safety course but has not been fully operational as a course provider for a continuous 12-month period must submit evidence of at least 1 ~~one~~ year of experience in administration and/or supervision.
 - (3) A new course provider shall submit evidence of:
 - (A) at least 30 semester credit hours of education from an accredited postsecondary institution and 2 ~~two~~ years of paid experience in administration and/or supervision; or
 - (B) a combined total of three years of driver and traffic safety education or experience and administrative/management experience; however, a minimum of six months in each shall be required.
- (f) Effective date of the course provider license. The effective date of the course provider license shall be the date the license is issued. Licenses that are received by the course provider prior to the effective date are not valid until the effective date shown on the license. [Exceptions may be made if the applicant was in full compliance on the effective date of issue.]
- (g) Purchase of course provider.
 - (1) A person or persons purchasing a licensed course provider shall obtain an original license. The application for a new course provider that is a primary consignee shall include evidence of permission from the course owner to operate as the primary consignee.
 - (2) In addition, copies of the executed sales contracts, bills of sale, deeds, and all other instruments necessary to transfer ownership of the course provider shall be submitted to TEA. The contract or any instrument transferring the ownership of the course provider shall include the following statements.
 - (A) The purchaser shall assume all refund liabilities incurred by the seller or any former owner before the transfer of ownership.
 - (B) The sale of the course provider shall be subject to approval by TEA.
 - (C) The purchaser shall assume the liabilities, duties, and obligations under the enrollment contracts between the students and the seller, or any former owner.

- (3) A change of ownership of a course provider is considered substantially similar:
 - (A) in the case of ownership by an individual, when the individual transfers ownership to a corporation in which the individual owns 100% of the stock of the corporation;
 - (B) in the case of ownership by a corporation, when the ownership is transferred to a partnership in which the stockholders possess equal interest in the owning partnership; or
 - (C) in the case of ownership by a partnership or a corporation that transfers ownership to a corporation in which the partners hold interest that equals the interest of the owning partnership, or the owning corporation transfers ownership to a different corporation in which the stockholders for both corporations possess equal shares.
- (4) In the event a change of ownership is substantially similar, the applicant pays a change in ownership fee as opposed to an initial application fee.
- (h) New location.
 - (1) The division shall be notified in writing of any change of address of a course provider at least five working days before the move.
 - (2) The course provider must submit the appropriate fee and all documents designated by the division as being necessary. A course provider license may be issued after the complete required documents are approved.
- (i) Renewal of course provider license. A complete application for the renewal of a license for a course provider shall be submitted before the expiration of the license and shall include the following:
 - (1) completed application for renewal;
 - (2) annual renewal fee, if applicable;
 - (3) a new ~~revised~~ continuing education course ~~for the next year~~ ;
 - (4) executed bond or executed continuation agreement for the bond currently approved by, and on file with, TEA; and
 - (5) any other revision or evidence of which the course provider has been notified in writing that is necessary to bring the course provider's application for a renewal license to a current and accurate status.
- (j) Notification of legal action. A course provider shall notify the division in writing of any legal action that is filed against the course provider, its officers, any owner, or any school instructor that might concern the operation of the course provider within five working days after the course provider becomes aware of the fact that the legal action has commenced or the legal process has been served. Included with the written notification, the course provider shall submit a file-marked copy of the petition or complaint that has been filed with the court.
- (k) Course provider closure. A course provider owner shall notify TEA at least five business days before the course provider closure. The course provider shall provide written notice of the actual discontinuance of the operation the day of cessation of business. A course provider shall make all records and all used and unused uniform certificates of course completion and course completion certificate numbers available for review by TEA within 30 days of the date the course provider ceases operation.
- (l) Facility location. Course providers and all course provider facilities that process, deliver, or store curriculum materials, student records, or uniform certificates of course completion and certificate numbers to be used for Texas courses must be located within the United States.

§176.1105. Driving Safety School and Course Provider Responsibilities.

- (a) Course providers must be located, or maintain a registered agent, in the State of Texas. All instruction in a driving safety or specialized driving safety course shall be performed in locations approved by the Texas Education Agency (TEA) and by TEA-licensed instructors. However, a student instructor trainee may teach the 12 hours necessary for licensing in a TEA-approved location under the direction and in the presence of

a licensed driving safety or specialized driving safety instructor trainer who has been trained in the curriculum being instructed.

(b) Each course provider or employee shall:

- (1) ensure that instruction of the course is provided in schools currently approved to offer the course, and in the manner in which the course was approved;
- (2) ensure that the course is provided by persons who have a valid current instructor license with the proper endorsement issued by the division, except as provided in subsection (a) of this section;
- (3) ensure that schools and instructors are provided with the most recent approved course materials and relevant data and information pertaining to the course within 60 days of approval. Instructor training may be required and shall be addressed in the approval notice;
- (4) not falsify driver training records;
- (5) ensure that applications for licenses or approvals are forwarded to TEA within ten days of receipt at the course provider facilities;
- (6) ensure that instructor performance is monitored. A written plan describing how instructor performance will be monitored and evaluated shall be provided to the schools. The plan shall identify the criteria upon which the instructors will be evaluated, the procedure for evaluation, the frequency of evaluation (a minimum of once a year), and the corrective action to be taken when instructors do not meet the criteria established by the course provider. The instructor evaluation forms must be kept on file either at the course provider or school location for a period of one year;
- (7) develop and maintain a means to ensure the security and integrity of student information, especially financial and personal information, in transit and at rest;
- (8) develop and maintain a means to ensure the privacy of student data, including personal and financial data, and make the corporate privacy policy available to all course students;
- (9) develop and maintain a TEA-approved ~~[an agency approved]~~ method for printing and issuing original and duplicate uniform certificates of course completion that, to the greatest extent possible, prevents the unauthorized production or misuse of the certificates; ~~[and]~~
- (10) report original and duplicate certificate data, by secure electronic transmission, to TEA within 30 ~~[seven]~~ days of issue using guidelines established and provided by TEA. The issue date indicated on the certificate shall be the date the course provider mails the certificate to the student ; ~~and~~ ~~[]~~
- (11) ensure that the front of each uniform certificate of course completion contains TEA complaint contact information and current division telephone number in a font that is visibly recognizable .

(c) Each driving safety school owner-operator or employee shall:

- (1) ensure that each individual permitted to give instruction at the school or any classroom location has a valid current instructor's license with the proper endorsement issued by the division, except as provided in subsection (a) of this section;
- (2) prohibit an instructor from giving instruction or 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 Texas Alcoholic Beverage Code, §1.04(1); and the Texas Health and Safety Code, ~~[§] §481.002~~ ~~[,484.002,]~~ and § 485.001;
- (3) provide instruction or allow instruction to be provided only in courses that are currently on the school's list of approved courses;
- (4) complete, issue, or validate a verification of course completion only for a person who has successfully completed the entire course;
- (5) not falsify driver training records;

- (6) ensure that instructors give students the opportunity to evaluate the course and instructor on an official evaluation form;
 - (7) evaluate instructor performance in accordance with the course provider plan;
 - (8) develop and maintain a means to ensure the security and integrity of student information, especially financial and personal information, in transit and at rest;
 - (9) develop and maintain a means to ensure the privacy of student data, including personal and financial data, and make the corporate privacy policy available to all course students; and
 - (10) pay a fee to the course provider that is equal to the fee paid by the course provider to TEA for course completion certificate numbers for original certificates provided for the students of that school within seven calendar days of the date each student successfully completes the driving safety course.
- (d) For the purposes of Texas Education Code, Chapter 1001, and this chapter, each person employed by or associated with any driving safety school shall be deemed an agent of the driving safety school, and the school may share the responsibility for all acts performed by the person which are within the scope of the employment and which occur during the course of the employment.

§176.1106. Administrative Staff Members.

- (a) Each driving safety school shall designate one person as the administrative staff member.
 - (1) Duties. The school administrative staff member shall be responsible for all actions related to day-to-day operation and administration of the school, which includes supervising instructors, organizing and scheduling classes, maintaining the school plant, and maintaining proper administrative records.
 - (2) Qualifications. The administrative staff member shall have a high school diploma, GED, or equivalent, or be a licensed driving safety or specialized driving safety instructor.
- (b) During any period when the school administrative staff member is required to be absent from the school, the owner shall designate a liaison to provide student records, contracts, and schedules to Texas Education Agency (TEA) staff. The liaison is not required to pay an application fee; however, the school shall notify TEA in writing as to who will be appointed as liaison.
- (c) An individual shall be approved by TEA as the administrative staff member before employment as such.
- (d) The school administrative staff member or liaison shall assist TEA representatives during any announced compliance visit by TEA.
- (e) Violations at the school or by the administrative staff member may result in removal of the approval of the administrative staff member.

§176.1107. Driving Safety Instructor License.

- (a) Application for licensing as a driving safety or specialized driving safety instructor shall be made on forms supplied by the Texas Education Agency (TEA). A person is qualified to apply for a driving safety or specialized driving safety instructor license who:
 - (1) is of good reputation; and
 - (2) holds a valid driver's license for the preceding five years in the areas for which the individual is to teach, which has not been suspended, revoked, or forfeited in the past five years for traffic-related violations.
- (b) A person applying for an original driving safety or specialized driving safety instructor's license shall submit to the course provider, who shall submit to TEA the following:
 - (1) complete application as provided by TEA;
 - (2) processing and annual instructor licensing fees;

- (3) documentation showing that all applicable educational requirements have been met. Original documentation shall be provided upon the request of the division;
 - (4) a clear and legible photocopy of the current, valid driver's license issued to the applicant; and
 - (5) any other information necessary to show compliance with applicable state and federal requirements.
- (c) A person applying for a driving safety or specialized driving safety instructor license may qualify for the following endorsements.
- (1) Driving safety instructor.
 - (A) The application shall include evidence of completion of 24 hours of training covering techniques of instruction and in-depth familiarization with material contained in the driving safety curriculum in which the individual is being trained and 12 hours of practical teaching in the same driving safety course and a statement signed by the course provider recommending the applicant for licensing. Alternatively, a currently licensed instructor may submit a copy of a current driving safety instructor license, a specialized driving safety instructor license, or a current driver education instructor license and evidence of 12 hours of training and 6 [~~six~~] hours of demonstrative presentation teaching or practical teaching in the curriculum to be licensed. The 12 hours of training shall cover techniques of instruction and in-depth familiarization with material contained in the driving safety curriculum. The six hours of demonstrative presentation or practical teaching shall be in the driving safety curriculum and under the direct supervision of a licensed driving safety instructor trainer endorsed in the same driving safety curriculum and shall be accompanied by a statement signed by the course provider recommending the applicant for licensing.
 - (B) The responsibilities of a driving safety instructor include instructing a TEA-approved driving safety course specific to the curriculum in which the instructor is endorsed and for which the certificate is issued.
 - (2) Specialized driving safety instructor.
 - (A) The application shall include evidence of completion of 24 hours of training and 12 hours of practical teaching. The 24 hours of training shall cover techniques of instruction and in-depth familiarization with material contained in the specialized driving safety curriculum. The 12 hours of practical teaching shall be in the same specialized driving safety curriculum and shall be accompanied by a statement signed by the course provider recommending the applicant for licensing. Alternatively, the applicant may submit a copy of a current driving safety instructor license or current or past certification as a National Highway Traffic Safety Association Child Passenger Safety technician or instructor and 12 hours of training and 6 [~~six~~] hours of demonstrative presentation or practical teaching. The 12 hours of training shall cover techniques of instruction and in-depth familiarization with material contained in the specialized driving safety curriculum. The six hours of demonstrative presentation or practical teaching shall be in the same specialized driving safety curriculum and under the direct supervision of a licensed specialized driving safety instructor trainer endorsed in the same specialized driving safety curriculum and shall be accompanied by a statement signed by the course provider recommending the applicant for licensing.
 - (B) The responsibilities of a specialized driving safety instructor include instructing a TEA-approved specialized driving safety course specific to the curriculum in which the instructor is endorsed and for which the certificate is issued.
 - (3) Driving safety instructor trainer.
 - (A) The application shall include a statement signed by the driving safety course provider (if different than the applicant) recommending the instructor as an instructor trainer and evidence of one of the following:

- (i) a Texas teaching certificate with driver education endorsement and 30 hours of experience, exclusive of the 36-hour instructor development course, in the same driving safety course for which the individual is to teach;
 - (ii) a teaching assistant certificate and 30 hours of experience, exclusive of the 36-hour instructor development course, in the same driving safety course for which the individual is to teach;
 - (iii) completion of all the requirements of a driving safety instructor and 120 hours of verifiable experience as a licensed driving safety instructor, of which the most recent 30 hours shall be in the same driving safety course for which the individual is to teach; or
 - (iv) proof of authorship of an approved driving safety course. The applicant who will provide the initial instructor training for a newly approved course shall demonstrate to the division director's designee the ability to teach the course and instructor training course prior to being licensed.
 - (B) The responsibilities of a driving safety instructor trainer include instructing a TEA-approved driving safety course, supervising instructor trainees, and signing as a driving safety instructor trainer for the records of practical teaching and/or demonstrative presentation for driving safety instructor trainees.
- (4) Specialized driving safety instructor trainer.
- (A) The application shall include a statement signed by the driving safety course provider (if different than the applicant) recommending the instructor as an instructor trainer, a copy of [a] current or past certification [certificate] as a National Highway Traffic Safety Association Child Passenger Safety technician or instructor, and evidence of one of the following:
 - (i) a Texas teaching certificate with driver education endorsement and 30 hours of experience, exclusive of the 36-hour instructor development course, in the same specialized driving safety course for which the individual is to teach;
 - (ii) a teaching assistant certificate and 30 hours of experience, exclusive of the 36-hour instructor development course, in the same specialized driving safety course for which the individual is to teach;
 - (iii) completion of all the requirements for a specialized driving safety instructor license and 120 hours of verifiable experience as a licensed driving safety instructor, of which the most recent 30 hours shall be in the same specialized driving safety course for which the individual is to teach; or
 - (iv) proof of authorship of an approved specialized driving safety course. The applicant who will provide the initial instructor training for a newly approved course shall demonstrate to the division director's designee the ability to teach the course and the instructor training course prior to being licensed.
 - (B) The responsibilities of a specialized driving safety instructor trainer include instructing a TEA-approved specialized driving safety course, supervising instructor trainees, and signing as a specialized driving safety instructor trainer for the records of practical teaching and/or demonstrative presentation for the specialized driving safety instructor trainees.
- (5) Instructor development course driving safety instructor trainer.
- (A) The application shall include evidence of:
 - (i) completion of all the requirements for a driving safety instructor trainer plus an additional 60 hours of verifiable experience as a licensed driving safety instructor or driving safety instructor trainer in the same driving safety course for which the individual is to teach, or proof of authorship of an approved

- driving safety course. The applicant who will provide the initial instructor training for a newly approved course shall demonstrate to the division director's designee the ability to teach the course and the instructor training course prior to being licensed; and
- (ii) a statement signed by the driving safety course provider, if different than the applicant, recommending the individual as an instructor development course instructor trainer in driving safety.
- (B) The responsibilities of an instructor development course driving safety instructor trainer include instructing a TEA-approved driving safety course, supervising instructor trainees, training individuals to teach a TEA-approved driving safety course, and signing student instruction records and records of practical teaching and/or demonstrative presentation for driving safety trainees.
- (6) Instructor development course specialized driving safety instructor trainer.
- (A) The application shall include a copy of a current or past certification as a National Highway Traffic Safety Association Child Passenger Safety technician or instructor and evidence of:
 - (i) completion of all the requirements for a specialized driving safety instructor trainer plus an additional 60 hours of verifiable experience as a licensed specialized driving safety instructor or specialized driving safety instructor trainer in the same specialized driving safety course for which the individual is to teach, or proof of authorship of an approved specialized driving safety course. The applicant who will provide the initial instructor training for a newly approved course shall demonstrate to the division director's designees the ability to teach the course and the instructor training course prior to being licensed; and
 - (ii) a statement signed by the driving safety course provider, if different than the applicant, recommending the individual as an instructor development course instructor trainer in specialized driving safety.
 - (B) The responsibilities of an instructor development course specialized driving safety instructor trainer include instructing a TEA-approved specialized driving safety course, supervising instructor trainees, training individuals to teach a TEA-approved specialized driving safety course, and signing student instruction records and records of practical teaching and/or demonstrative presentation for specialized driving safety trainees.
- (d) A renewal application for a driving safety or specialized driving safety instructor license must be prepared using the following procedures.
- (1) Application for renewal of an instructor license shall be made on a form provided by TEA and submitted by the course provider. The annual instructor licensing fee and evidence of continuing education shall accompany the application.
 - (2) A complete license renewal application shall be postmarked or hand-delivered to the course provider by the instructor at least 30 days before the date of expiration or a late instructor renewal fee shall be imposed. A complete application includes:
 - (A) completed application for renewal;
 - (B) annual renewal fee; and
 - (C) evidence of continuing education for each driving safety or specialized driving safety course endorsement.
- (e) Continuing education requirements include the following.
- (1) Evidence of completion of continuing education shall be provided for each instructor during the individual license renewal period on forms approved by TEA. A verification form indicating

completion shall be provided to TEA by the course provider on behalf of the instructors. The form shall be signed by the instructor receiving the training and the course provider or designee.

- (2) Carryover credit of continuing education hours shall not be permitted.
 - (3) A licensee may not receive credit for attending the same course more than once during the same licensing period.
 - (4) A licensed individual who teaches an approved continuing education course may receive credit for attending continuing education.
 - (5) A driving safety or specialized driving safety continuing education course shall not be used for the continuing education requirement for a driver education instructor license.
- (f) An instructor who has allowed a previous license to expire shall file an original application on a form provided by TEA that is submitted by the course provider. The application shall include the processing and annual instructor licensing fees and evidence of continuing education completed within the last year. Evidence of educational experience may not be required to be resubmitted if the documentation is on file at TEA.
- (g) All driving safety and specialized driving safety instructor license endorsement changes shall require the following:
- (1) written documentation showing all applicable educational requirements have been met to justify endorsement changes;
 - (2) the annual instructor licensing fee; and
 - (3) completion of renewal requirements for current endorsements.
- (h) All other license change requests, including duplicate instructor licenses or name changes, shall be made in writing by the course provider and shall include payment of the duplicate instructor license fee.
- (i) The course provider shall notify the TEA of an instructor's change of address in writing. Address changes shall not require payment of a fee.
- (j) All instructors shall notify the division, school owner, and course provider in writing of any criminal complaint other than a minor traffic violation filed against the instructor within five working days of commencement of the criminal proceedings. The division may require a file-marked copy of the petition or complaint that has been filed with the court.
- (k) All instructors shall provide training in an ethical manner so as to promote respect for the purposes and objectives of driver training [~~as identified in Texas Civil Statutes, Article 4413(29c), §2 (Vernon's 2001)~~].
- (l) An instructor shall not make any sexual or obscene comments, advances, or gestures while performing the duties of an instructor.
- (m) An instructor shall not falsify driver training records.
- (n) The commissioner of education may suspend, revoke, or deny a license to any driving safety or specialized driving safety instructor trainer or instructor under any of the following circumstances.
- (1) The applicant or licensee has been convicted of any felony, or an offense involving moral turpitude, or an offense of involuntary or intoxication manslaughter, or criminally negligent homicide committed as a result of the person's operation of a motor vehicle, or an offense involving driving while intoxicated or driving under the influence of drugs, or an offense involving tampering with a governmental record.
 - (A) These particular crimes relate to the licensing of instructors because such persons, as licensees of TEA, are required to be of good moral character and to deal honestly with courts and members of the public. Driving safety and specialized driving safety instruction involves accurate record keeping and reporting for court documentation and other purposes. In determining the present fitness of a person who has been convicted of

a crime and whether a criminal conviction directly relates to an occupation, TEA shall consider those factors stated in Texas Occupations Code, Chapter 53.

- (B) In the event that an instructor is convicted of such an offense, the instructor's license will be subject to revocation or denial. A conviction for an offense other than a felony shall not be considered by TEA under this paragraph if a period of more than ten years has elapsed since the date of the conviction or of the release of the person from the confinement, conditional release, or suspension imposed for that conviction, whichever is the later date. For seven years after an instructor is convicted of an offense involving driving while intoxicated, the instructor's license shall be recommended for revocation or denial.
- (C) For the purposes of this paragraph, a person is convicted of an offense when a court of competent jurisdiction enters an adjudication of guilt on an offense against the person, whether or not:
 - (i) the sentence is subsequently probated and the person is discharged from probation; or
 - (ii) the person is pardoned for the offense, unless the pardon is expressly granted for subsequent proof of innocence.
- (2) The applicant, licensee, any instructor, or agent is addicted to the use of alcoholic beverages or drugs or becomes incompetent to safely operate a motor vehicle or conduct classroom or behind-the-wheel instruction properly.
- (3) The license was improperly or erroneously issued.
- (4) The applicant or licensee fails to comply with the rules and regulations of TEA regarding the instruction of drivers in this state or fails to comply with any section of Texas Education Code, Chapter 1001.
- (5) The instructor fails to follow procedures as prescribed in this chapter.
- (6) The applicant or licensee has a personal driving record showing that the person has been the subject of driver improvement or corrective action as cited in Texas Transportation Code, Chapter 521, Subchapter N or O, during the past two years or that such action is needed to protect the students and motoring public.
- (7) If an instructor or applicant has received deferred adjudication of guilt from a court of competent jurisdiction, a determination can be made upon satisfactory review of evidence that the conduct underlying the basis of the deferred adjudication has rendered the person unworthy to provide driver training instruction.
- ~~(8) The instructor uses any language, humor, gestures, advances, or innuendo that a reasonable and prudent individual would consider inappropriate.~~

§176.1108. Driving Safety Courses of Instruction.

- (a) This section contains requirements for driving safety, continuing education, and instructor development courses. For each course, the following curriculum documents and materials are required to be submitted as part of the application for approval. Except as provided by §176.1110 of this title (relating to Alternative Delivery Methods of Driving Safety Instruction) ~~[paragraph (1)(D) of this subsection]~~, all course content shall be delivered under the direct observation of a licensed instructor. Courses of instruction shall not be approved that contain language that a reasonable and prudent individual would consider inappropriate. Any changes and updates to a course shall be submitted by the course provider and approved prior to being offered. Approval will be revoked for any course that meets the definition of inactive as defined in §176.1101 of this title (relating to Definitions).
 - (1) Driving safety courses.
 - (A) Educational objectives. The educational objectives of driving safety courses shall include, but not be limited to [-] promoting respect for and encouraging observance of traffic laws

and traffic safety responsibilities of drivers and citizens; reducing traffic violations; reducing traffic-related injuries, deaths, and economic losses; and motivating continuing development of traffic-related competencies.

- (B) Driving safety course content guides. A course content guide is a description of the content of the course and the techniques of instruction that will be used to present the course. For courses offered in languages other than English, the course owner shall provide a copy of the student verification of course completion document and/or enrollment contract, student instructional materials, final examination [~~exam~~], and evaluation in the proposed language accompanied by a statement from a translator with current credentials from the American Translators Association or the National Association of Judicial Interpreters and Translators [~~an accredited translator~~] that the materials are the same in both languages. In lieu of the specified credentials, a translator's credentials shall be presented to Texas Education Agency (TEA) for approval with the final determination based solely on TEA's interpretation. To be approved, each course owner shall submit as part of the application a course content guide that includes the following:
- (i) a statement of the course's traffic safety goal and philosophy;
 - (ii) a statement of policies and administrative provisions related to instructor conduct, standards, and performance;
 - (iii) a statement of policies and administrative provisions related to student progress, attendance, makeup, and conduct. The policies and administrative provisions shall be used by each school that offers the course and include the following requirements:
 - (I) progress standards that meet the requirements of subparagraph (F) of this paragraph;
 - (II) appropriate standards to ascertain the attendance of students. All schools approved to use the course must use the same standards for documenting attendance to include the hours scheduled each day and each hour not attended;
 - (III) if the student does not complete the entire course, including all makeup lessons, within the timeline specified by the court, no credit for instruction shall be granted;
 - (IV) any period of absence for any portion of instruction will require that the student complete that portion of instruction. All makeup [~~make-up~~] lessons must be equivalent in length and content to the instruction missed and taught by a licensed instructor; and
 - (V) conditions for dismissal and conditions for re-entry [~~reentry~~] of those students dismissed for violating the conduct policy;
 - (iv) a statement of policy addressing entrance requirements and special conditions of students [§] such as the inability to read, language barriers, and other disabilities;
 - (v) a list of relevant instructional resources [§] such as textbooks, audio and visual media and other instructional materials, and equipment that will be used in the course [§] and the furniture deemed necessary to accommodate the students in the course [§] such as tables, chairs, and other furnishings. The course shall include a minimum of 60 minutes of audio/video materials relevant to the required topics; however, the audio/video materials shall not be used in excess of 150 minutes of the 300 minutes of instruction. The resources may be included in a single list or may appear at the end of each instructional unit;

- (vi) written or printed materials to be provided for use by each student as a guide to the course. The division may make exceptions to this requirement on an individual basis;
 - (vii) instructional activities to be used to present the material (lecture, films, other media, small-group discussions, workbook activities, written and oral discussion questions, etc.). When small-group discussions are planned, the course content guide shall identify the questions that will be assigned to the groups;
 - (viii) instructional resources for each unit;
 - (ix) techniques for evaluating the comprehension level of the students relative to the instructional unit. If oral or written questions are to be used to measure student comprehension levels, they shall be included in the course guide. The evaluative technique may be used throughout the unit or at the end; and
 - (x) a completed form cross-referencing the instructional units to the topics identified in subparagraph (D) of this paragraph. A form to cross-reference the instructional units to the required topics and topics unique to the course will be provided by the division.
- (C) Course and time management. Approved driving safety courses shall be presented in compliance with the following guidelines and shall include statistical information drawn from data maintained by the Texas Department of Transportation or National Highway Traffic Safety Administration .
- (i) A minimum of 300 minutes of instruction is required.
 - (ii) The total length of the course shall consist of a minimum of 360 minutes.
 - (iii) Sixty minutes of time, exclusive of the 300 minutes of instruction, shall be dedicated to break periods or to the topics included in the minimum course content. All break periods shall be provided after instruction has begun and before the comprehensive examination [~~exam~~] and summation.
 - (iv) Administrative procedures [?] such as enrollment [?] shall not be included in the 300 minutes of the course.
 - (v) Courses conducted in a single day in a traditional classroom setting shall allow a minimum of 30 minutes for lunch.
 - (vi) Courses taught over a period longer than one day shall provide breaks on a schedule equitable to those prescribed for one-day courses. However, all breaks shall be provided after the course introduction and prior to the last unit of the instructional day or the comprehensive examination [~~exam~~] and summation, whichever is appropriate.
 - (vii) The order of topics shall be approved by TEA [~~Texas Education Agency (TEA)~~] as part of the course approval, and for each student, the course shall be taught in the order identified in the approved application.
 - (viii) Students shall not receive a uniform certificate of course completion unless that student receives a grade of at least 70% on the final examination.
 - (ix) In a traditional classroom setting, there must be sufficient seating for the number of students, arranged so that all students are able to view, hear, and comprehend all instructional aids and the class shall have no more than 50 students.
 - (x) The driving safety instructor or school shall make a material effort to establish the identity of the student.
- (D) Minimum course content. Driving Safety course content, including video and multimedia, shall include current statistical data, references to law, driving procedures,

and traffic safety methodology. A driving safety course shall include, as a minimum, materials adequate to assure the student masters the following.

- (i) Course introduction--minimum of ten minutes (instructional objective--to orient students to the class). Instruction shall address the following topics:
 - (I) purpose and benefits of the course;
 - (II) course and facilities orientation;
 - (III) requirements for receiving course credit;
 - (IV) student course evaluation procedures; and
 - (V) TEA-provided information on course content.
- (ii) The traffic safety problem--minimum of 15 minutes (instructional objectives--to develop an understanding of the nature of the traffic safety problem and to instill in each student a sense of responsibility for its solution). Instruction shall address the following topics:
 - (I) identification of the overall traffic problem in the United States, Texas, and the locale where the course is being taught;
 - (II) death, injuries, and economic losses resulting from motor vehicle crashes in Texas; and
 - (III) the top five contributing factors [leading causes] of motor vehicle crashes in Texas as identified by the Texas Department of Transportation [Department of Public Safety (DPS)] .
- (iii) Factors influencing driver performance--minimum of 20 minutes (instructional objective--to identify the characteristics and behaviors of drivers and how they affect driving performance). Instruction shall address the following topics:
 - (I) attitudes, habits, feelings, and emotions (aggressive driving, etc.);
 - (II) alcohol and other drugs;
 - (III) physical condition (drowsy driving, etc.);
 - (IV) knowledge of driving laws and procedures; and
 - (V) understanding the driving task.
- (iv) Traffic laws and procedures--minimum of 30 minutes (instructional objectives--to identify the requirements of, and the rationale for, applicable driving laws and procedures and to influence drivers to comply with the laws on a voluntary basis). Instruction shall address the following topics:
 - (I) passing;
 - (II) right-of-way;
 - (III) turns;
 - (IV) stops;
 - (V) speed limits;
 - (VI) railroad crossings safety , including statistics, causes, and evasive actions ;
 - ~~[(a) statistics;]~~
 - ~~[(b) causes; and]~~
 - ~~[(c) evasive actions;]~~

- (VII) categories of traffic signs, signals, and highway markings;
 - (VIII) pedestrians;
 - (IX) improved shoulders;
 - (X) intersections;
 - (XI) occupant restraints;
 - (XII) anatomical gifts;
 - (XIII) litter prevention;
 - (XIV) law enforcement and emergency vehicles (this category will be temporary until the need is substantiated by documentation from the Department of Public Safety [DPS] on the number of deaths or injuries involved because of improper procedures used by a citizen when stopped by a law enforcement officer); and
 - (XV) other laws as applicable (i.e., financial responsibility/compulsory insurance).
- (v) Special skills for difficult driving environments--minimum of 20 minutes (instructional objectives--to identify how special conditions affect driver and vehicle performance and identify techniques for management of these conditions). Instruction shall address the following topics:
- (I) inclement weather;
 - (II) traffic congestion;
 - (III) city, urban, rural, and expressway environments;
 - (IV) reduced visibility conditions--hills, fog, curves, light conditions (darkness, glare, etc.), etc.; and
 - (V) roadway conditions.
- (vi) Physical forces that influence driver control--minimum of 15 minutes (instructional objective--to identify the physical forces that affect driver control and vehicle performance). Instruction shall address the following topics:
- (I) speed control (acceleration, deceleration, etc.);
 - (II) traction (friction, hydroplaning, stopping distances, centrifugal force, etc.); and
 - (III) force of impact (momentum, kinetic energy, inertia, etc.).
- (vii) Perceptual skills needed for driving--minimum of 20 minutes (instructional objective--to identify the factors of perception and how the factors affect driver performance). Instruction shall address the following topics:
- (I) visual interpretations;
 - (II) hearing;
 - (III) touch;
 - (IV) smell;
 - (V) reaction abilities (simple and complex); and
 - (VI) judging speed and distance.
- (viii) Defensive driving strategies--minimum of 40 minutes (instructional objective--to identify the concepts of defensive driving and demonstrate how they can be

employed by drivers to reduce the likelihood of crashes, deaths, injuries, and economic losses). Instruction shall address the following topics:

- (I) trip planning;
 - (II) evaluating the traffic environment;
 - (III) anticipating the actions of others;
 - (IV) decision making;
 - (V) implementing necessary maneuvers;
 - (VI) compensating for the mistakes of other drivers;
 - (VII) avoiding common driving errors; ~~and~~
 - (VIII) interaction with other road users (motorcycles, bicycles, trucks, pedestrians, etc.) ; []
 - (IX) motorcycle awareness, including the dangers of failing to yield the right-of-way to a motorcyclist and the need to share the road with motorcyclist; and
 - (X) distractions relating to the effect of using a wireless communication device, including texting or engaging in other actions that may distract a driver from the safe or effective operation of a motor vehicle.
- (ix) Driving emergencies--minimum of 40 minutes (instructional objective--to identify common driving emergencies and their countermeasures). Instruction shall address the following topics:
- (I) collision traps (front, rear, and sides);
 - (II) off-road recovery, paths of least resistance; and
 - (III) mechanical malfunctions (tires, brakes, steering, power, lights, etc.).
- (x) Occupant restraints and protective equipment--minimum of 15 minutes (instructional objective--to identify the rationale for having and using occupant restraints and protective equipment). Instruction shall address the following topics:
- (I) legal aspects;
 - (II) vehicle control;
 - (III) crash protection;
 - (IV) operational principles (active and passive);
 - (V) helmets and other protective equipment; and
 - (VI) dangers involved in locking or leaving children in vehicles unattended.
- (xi) Alcohol and traffic safety--minimum of 40 minutes (instructional objective--to identify the effects of alcohol on roadway users). Instruction shall not address methods to drink and drive but shall address the following topics related to the effects of alcohol on roadway users:
- (I) physiological effects;
 - (II) psychological effects;
 - (III) legal aspects; and
 - (IV) synergistic effects.

- (xii) Comprehensive examination--minimum of five minutes (this shall be the last unit of instruction).
 - (xiii) The remaining 30 minutes of instruction shall be allocated to the topics included in the minimum course content or to additional driving safety topics that satisfy the educational objectives of the course.
- (E) Instructor training guides. An instructor training guide contains a description of the plan, training techniques, and curriculum to be used to train instructors to present the concepts of the approved driving safety course described in the applicant's driving safety course content guide. Each course provider shall submit as part of the application an instructor training guide that is bound or hole-punched and placed in a binder and that has a cover and a table of contents. The guide shall include the following:
- (i) a statement of the philosophy and instructional goals of the training course;
 - (ii) a description of the plan to be followed in training instructors. The plan shall include, as a minimum, provisions for the following:
 - (I) instruction of the trainee in the course curriculum;
 - (II) training the trainee in the techniques of instruction that will be used in the course;
 - (III) training the trainee about administrative procedures and course provider policies;
 - (IV) demonstration of desirable techniques of instruction by the instructor trainer;
 - (V) a minimum of 15 minutes of instruction of the course curriculum by the trainee under the observation of the instructor trainer as part of the basic training course;
 - (VI) time to be dedicated to each training lesson; and
 - (VII) a minimum of 600 minutes of instruction of the course in a regular approved course under the observation of a licensed instructor trainer. The instructor trainee shall provide instruction for two full courses. It is not mandatory that the two courses be taught as two complete courses; however, every instructional unit shall be taught twice; and
 - (iii) instructional units sufficient to address the provisions identified in clause (ii)(I)-(VI) [~~(ii)(I)-(V)~~] of this subparagraph. The total time of the units shall contain a minimum of 24 instructional hours. Each instructional unit shall include the following:
 - (I) the subject of the unit;
 - (II) the instructional objectives of the unit;
 - (III) time to be dedicated to the unit;
 - (IV) an outline of major concepts to be presented;
 - (V) instructional activities to be used to present the material (i.e., lecture, films, other media, small-group discussions, workbook activities, written and oral discussion questions). When small-group discussions are planned, the course guide shall identify the questions that will be assigned to the groups;
 - (VI) instructional resources for each unit; and
 - (VII) techniques for evaluating the comprehension level of the students relative to the instructional unit. If oral or written questions are to be

used to measure student comprehension levels, they shall be included in the instructor training guide. The evaluative technique may be used throughout the unit or at the end.

- (F) Examinations. Each course provider shall submit for approval, as part of the application, tests designed to measure the comprehension level of students at the completion of the driving safety course and the instructor training course. The comprehensive examination for each driving safety course must include at least 2 ~~two~~ questions from the required units set forth in subparagraph (D)(ii)-(xi) of this paragraph for a total of at least 20 questions. The final examination questions shall be of such difficulty that the answer may not easily be determined without completing the actual instruction. Instructors shall not assist students in answering the final examination questions, but may facilitate alternative testing. Instructors may not be certified or students given credit for the driving safety course unless they score 70% or more on the final test. The course content guide shall identify alternative testing techniques to be used for students with reading, hearing, or learning disabilities and policies for retesting students who score less than 70% on the final examination ~~exam~~ . The applicant may choose not to provide alternative testing techniques; however, students shall be advised whether the course provides alternative testing prior to enrollment in the course. Test questions may be short answer, multiple choice, essay, or a combination of these forms.
 - (G) Student course evaluation. Each student in a driving safety course shall be given an opportunity to evaluate the course and the instructor on an official evaluation form. A master copy of the evaluation form will be provided to TEA.
 - (H) State-level evaluation of driving safety courses. Each course provider shall collect adequate student data to enable TEA to evaluate the overall effectiveness of a course in reducing the number of violations and accidents of persons who successfully complete the course. The commissioner of education may determine a level of effectiveness that serves the purposes of Texas Education Code (TEC) , Chapter 1001.
 - (I) Requirements for authorship. The course materials shall be written by ~~[a TEA licensed driver training instructor or other]~~ individuals or organizations with recognized experience in writing instructional materials ~~[with input from a TEA licensed driving safety instructor]~~ .
 - (J) Renewal of course approval. The course approval must be renewed every two years. The renewal document due date shall be March 1 of every even numbered calendar year [2006, and every two years thereafter] .
 - (i) For approval, the course owner shall update all the course content methodology, procedures, statistical data and references to law with the latest available data.
 - (ii) The course owner shall submit a Statement of Assurance stating that the course has been updated to reflect the latest applicable laws and statistics.
 - (iii) Failure to make necessary changes or to submit a Statement of Assurance documenting those changes shall be cause for revocation of the course approval.
 - (iv) The commissioner may alter the due date of the renewal documents by giving the approved course six months' notice. The commissioner may alter the due date in order to ensure that the course is updated six months after the effective date of new state laws passed by the Texas Legislature.
- (2) Instructor development courses.
- (A) If the alternative instructor training in §176.1107(c)(1) of this title (relating to Driving Safety Instructor License) is not applicable, driving safety instructors shall successfully complete 36 clock hours (50 minutes of instruction in a 60-minute period) in the approved instructor development course for the driving safety course to be taught, under the supervision of a driving safety instructor trainer. Supervision is considered to have

occurred when the instructor trainer is present and personally provides the 36 clock hours of training for driving safety instructors, excluding those clock hours approved by TEA staff that may be presented by a guest speaker or using films and other media that pertain directly to the concepts being taught.

- (B) Instruction records shall be maintained by the course provider and instructor trainer for each instructor trainee and shall be available for inspection by authorized division representatives at any time during the training period and/or for license investigation purposes. The instruction record shall include [x] the trainee's name, address, driver's license number, and other pertinent data; the name and instructor license number of the person conducting the training; and the dates of instruction, lesson time, and subject taught during each instruction period. Each record shall also include grades or other means of indicating the trainee's aptitude and development. Upon satisfactory completion of the training course, the instructor trainer conducting the training will certify one copy of the instruction record for attachment to the trainee's application for licensing, and one copy will be maintained in a permanent file at the course provider location.
 - (C) All student instruction records submitted for the TEA-approved instructor development course shall be signed by the course provider. Original documents shall be submitted.
 - (D) Driving safety instructor development courses may be offered at approved classroom facilities of a licensed school which is approved to offer the driving safety course being taught. A properly licensed instructor trainer shall present the course.
 - (E) Applicants shall complete 36 hours of training in the driving safety curriculum that shall be taught. Of the 36 hours, 24 shall cover techniques of instruction and in-depth familiarization with materials contained in the driving safety curriculum. The additional 12 hours shall consist of practical teaching with students and shall occur after the first 24 hours have been completed.
 - (F) The driving safety course provider shall submit dates of instructor development course offerings for the 24-hour training that covers techniques of instruction and in-depth familiarization with the material contained in the driving safety curriculum, locations, class schedules, and scheduled instructor trainers' names and license numbers before the courses are offered. The 12-hour practical-teaching portion of the instructor development course shall be provided at properly licensed schools or classrooms approved to offer the course being provided.
- (3) Continuing education courses.
- (A) Continuing education requirements include the following.
 - (i) Each course provider will be responsible for receiving an approval for a minimum of a two-hour continuing education course. Each instructor currently endorsed to teach the course must attend the approved continuing education course conducted by the course provider.
 - (ii) The request for course approval shall contain the following:
 - (I) a description of the plan by which the course will be presented;
 - (II) the subject of each unit;
 - (III) the instructional objectives of each unit;
 - (IV) time to be dedicated to each unit;
 - (V) instructional resources for each unit, including names or titles of presenters and facilitators;
 - (VI) any information that TEA mandates to promote the quality of the education being provided; and

(VII) a plan by which the course provider will monitor and ensure attendance and completion of the course by the instructions within the guidelines set forth in the course ~~;~~ and

~~[(VIII) a course evaluation form to be completed by each instructor attending the course. The course provider must maintain each instructor's completed evaluation form for one year.]~~

(iii) A continuing education course may be approved if TEA determines that:

(I) the course is designed to enhance the instructional skills, methods, or knowledge of the driving safety instructor;

(II) the course pertains to subject matters that relate directly to driving safety instruction, instruction techniques, or driving safety-related subjects;

(III) the course has been designed, planned, and organized by the course provider. The course provider shall use licensed driving safety instructors to provide instruction or other individuals with recognized experience or expertise in the area of driving safety instruction or driving safety-related subject matters. Evidence of the individuals' experience or expertise may be requested by the division; and

(IV) the course contains updates or approved revisions to the driving safety course curriculum, policies or procedures, and/or any changes to the course, that are affected by changes in traffic laws or statistical data ; and ~~;~~

(V) ~~[the division determines that]~~ any technology used to present a continuing education course meets reasonable standards for determining attendance, security, and testing.

(B) Course providers shall notify the division of the scheduled dates, times, and locations of all continuing education courses prior to the first day of class being held .

(b) Course providers shall submit documentation on behalf of schools applying for approval of additional courses after the original approval has been granted. The documents shall be designated by the division and include the appropriate fee. Courses shall be approved before soliciting students, advertising, or conducting classes. An approval for an additional course shall not be granted if the school's compliance is in question at the time of application.

(c) If an approved course is discontinued, the division shall be notified within five days of discontinuance and furnished with the names and addresses of any students who could not complete the course because it was discontinued. If the school does not make arrangements satisfactory to the students and the division for the completion of the courses, the full amount of all tuition and fees paid by the students are due and refundable. If arrangements are not made satisfactory to the students and the division, the refunds must be made no later than 30 days after the course was discontinued. Any course discontinued shall be removed from the list of approved courses.

(d) If, upon review and consideration of an original, renewal, or amended application for course approval, the commissioner ~~[of education]~~ determines that the applicant does not meet the legal requirements, the commissioner shall notify the applicant, setting forth the reasons for denial in writing.

(e) The commissioner ~~[of education]~~ may revoke approval of any course given to a course owner, provider, or school under any of the following circumstances.

(1) Any information contained in the application for the course approval is found to be untrue.

(2) The school has failed to maintain the faculty, facilities, equipment, or courses of study on the basis of which approval was issued.

- (3) The school and/or course provider has been found to be in violation of TEC [Texas Education Code] , Chapter 1001, and/or this chapter.
- (4) The course has been found to be ineffective in meeting the educational objectives set forth in subsection (a)(1)(A) of this section.

§176.1109. Specialized Driving Safety Courses of Instruction.

- (a) This section contains requirements for specialized driving safety courses, instructor development courses, and continuing education. For each course, the following curriculum documents and materials are required to be submitted as part of the application for approval. Except as provided by §176.1110 of this title (relating to Alternative Delivery Methods of Driving Safety Instruction), all course content shall be delivered under the direct observation of a specialized driving safety licensed instructor. Courses of instruction shall not be approved that contain language that a reasonable and prudent individual would consider inappropriate. Any changes and updates to a course shall be submitted and approved prior to being offered. Approval will be revoked for any course that meets the definition of inactive as defined in §176.1101 of this title (relating to Definitions).
 - (1) Specialized driving safety courses.
 - (A) Educational objectives. The educational objectives of specialized driving safety courses shall include, but not be limited to [±] improving the student's knowledge, compliance with, and attitude toward the use of child passenger safety seat systems and the wearing of seat belt and other occupant restraint systems.
 - (B) Specialized driving safety course content guides. A course content guide is a description of the content of the course and the techniques of instruction that will be used to present the course. For courses offered in languages other than English, the course owner shall provide a copy of the student verification of course completion document and/or contract, student instructional materials, final examination [exam] , and evaluation in the proposed language accompanied by a statement from a translator with current credentials from the American Translators Association or the National Association of Judicial Interpreters and Translators [an accredited translator] that the materials are the same in both languages. In lieu of the specified credentials, a translator's credentials may be presented to the Texas Education Agency (TEA) for approval with the final determination based solely on TEA's interpretation. To be approved, each course owner shall submit as part of the application a course content guide that includes the following:
 - (i) a statement of the course's goal and philosophy relative to occupant protection;
 - (ii) a statement of policies and administrative provisions related to instructor conduct, standards, and performance;
 - (iii) a statement of policies and administrative provisions related to student progress, attendance, makeup, and conduct. The policies and administrative provisions shall be used by each school that offers the course and include the following requirements:
 - (I) progress standards that meet the requirements of subparagraph (F) of this paragraph;
 - (II) appropriate standards to ascertain the attendance of students. All schools approved to use the course must use the same standards for documenting attendance to include the hours scheduled each day and each hour not attended;
 - (III) appropriate criteria to determine course completion. If the student does not complete the entire course, including all makeup lessons, within the timeline specified by the court, no credit for instruction shall be granted;

- (IV) provisions for the completion of makeup [~~make-up~~] work. Any period of absence for any portion of instruction will require that the student complete that portion of instruction. All makeup [~~make-up~~] lessons must be equivalent in length and content to the instruction missed and taught by a licensed instructor; and
 - (V) conditions for dismissal and conditions for re-entry [~~reentry~~] of those students dismissed for violating the conduct policy;
- (iv) a statement of policy addressing entrance requirements and special conditions of students [§] such as the inability to read, language barriers, and other disabilities;
 - (v) a list of relevant instructional resources [§] such as textbooks, audio and visual media and other instructional materials, and equipment that will be used in the course [§] and the furniture deemed necessary to accommodate the students in the course [§] such as tables, chairs, and other furnishings. The course shall include a minimum of 60 minutes of audio/video materials relevant to the required topics; however, the audio/video materials shall not be used in excess of 150 minutes of the 300 minutes of instruction. The resources may be included in a single list or may appear at the end of each instructional unit;
 - (vi) written or printed materials provided for use by each student as a guide to the course. The division may make exceptions to this requirement on an individual basis;
 - (vii) instructional activities to be used to present the material (lecture, films, other media, small-group discussions, workbook activities, written and oral discussion questions, etc.). When small-group discussions are planned, the course content guide shall identify the questions that will be assigned to the groups;
 - (viii) instructional resources for each unit;
 - (ix) techniques for evaluating the comprehension level of the students relative to the instructional unit. If oral or written questions are to be used to measure student comprehension levels, they shall be included in the course guide. The evaluative technique may be used throughout the unit or at the end; and
 - (x) a completed form cross-referencing the instructional units to the topics identified in subparagraph (D) of this paragraph. A form to cross-reference the instructional units to the required topics and topics unique to the course will be provided by the division.
- (C) Course and time management. Approved specialized driving safety courses shall be presented in compliance with the following guidelines and shall include statistical information drawn from data maintained by the Texas Department of Transportation or National Highway Traffic Safety Administration .
- (i) A minimum of 300 minutes of instruction is required of which at least 200 minutes shall address the use of child passenger safety seat systems and the wearing of seat belt and other occupant restraint systems.
 - (ii) The total length of the course shall consist of a minimum of 360 minutes.
 - (iii) Sixty minutes of time, exclusive of the 300 minutes of instruction, shall be dedicated to break periods or to the topics included in the minimum course content. All break periods shall be provided after instruction has begun and before the comprehensive examination and summation.
 - (iv) Administrative procedures [§] such as enrollment [§] shall not be included in the 300 minutes of the course.
 - (v) Courses conducted in a single day in a traditional classroom setting shall allow a minimum of 30 minutes for lunch.

- (vi) Courses taught over a period longer than one day shall provide breaks on a schedule equitable to those prescribed for one-day courses. However, all breaks shall be provided after the course introduction and prior to the last unit of the instructional day or the comprehensive examination and summation, whichever is appropriate.
 - (vii) The order of topics shall be approved by TEA [~~Texas Education Agency (TEA)~~] as part of the course approval, and for each student, the course shall be taught in the order identified in the approved application.
 - (viii) Students shall not receive a uniform certificate of course completion unless that student receives a grade of at least 70% on the final examination.
 - (ix) Specialized driving safety classrooms must have sufficient seating for the number of students, arranged so that all students are able to view, hear, and comprehend all instructional aids and the class shall have no more than 50 students.
 - (x) The specialized driving safety instructor or school shall make a material effort to establish the identity of the student.
- (D) Minimum course content. A specialized driving safety course shall include, as a minimum, four hours of instruction that encourages the use of child passenger safety seat systems and the wearing of seat belts, etc., and materials adequate to assure the student masters the following.
- (i) Course introduction--minimum of ten minutes (instructional objective--to orient students to the class). Instruction shall address the following topics:
 - (I) purpose and benefits of the course;
 - (II) course and facilities orientation;
 - (III) requirements for receiving course credit; and
 - (IV) student course evaluation procedures.
 - (ii) The occupant protection problem--minimum of 15 minutes (instructional objectives--to develop an understanding of Texas occupant protection laws and the national and state goals regarding occupant protection). Instruction shall address the following topics:
 - (I) identification of Texas Occupant Protection Laws;
 - (II) deaths, injuries, and economic losses related to improper use of occupant restraint systems; and
 - (III) national and state goals regarding occupant protection.
 - (iii) Factors influencing driver performance--(instructional objective--to identify the characteristics and behaviors of drivers and how they affect driving performance). Instruction shall address the following topics:
 - (I) attitudes, habits, feelings, and emotions;
 - (II) alcohol and other drugs;
 - (III) physical condition;
 - (IV) knowledge of driving laws and procedures; and
 - (V) understanding the driving task.
 - (iv) Physical forces that influence driver control--(instructional objective--to identify the physical forces that affect driver control and vehicle performance). Instruction shall address the following topics:

- (I) speed control (acceleration, deceleration, etc.);
 - (II) traction (friction, hydroplaning, stopping distances, centrifugal force, etc.); and
 - (III) force of impact (momentum, kinetic energy, inertia, etc.).
- (v) Perceptual skills needed for driving--(instructional objective--to identify the factors of perception and how the factors affect driver performance). Instruction shall address the following topics:
- (I) visual interpretations;
 - (II) hearing;
 - (III) touch;
 - (IV) smell;
 - (V) reaction abilities (simple and complex); and
 - (VI) judging speed and distance.
- (vi) Occupant protection equipment--minimum of 25 minutes (instructional objective--to identify the improvements and technological advances in automotive design and construction). Instruction shall address the following topics:
- (I) anti-lock brakes;
 - (II) traction control devices;
 - (III) suspension control devices;
 - (IV) electronic stability/active handling systems;
 - (V) crumple zones;
 - (VI) door latch improvements;
 - (VII) tempered or safety glass;
 - (VIII) headlights; and
 - (IX) visibility enhancements.
- (vii) Occupant restraint systems--minimum of 40 minutes (instructional objective--to identify the rationale for having and using occupant restraints and protective equipment). Instruction shall address the following topics:
- (I) safety belts, airbags, and other protective equipment;
 - (II) proper usage and necessary precautions;
 - (III) vehicle control and driver stability;
 - (IV) crash dynamics and protection; and
 - (V) operational principles (active versus passive).
- (viii) Child passenger safety--minimum of 120 minutes (instructional objective--to understand the child passenger safety law in Texas; the importance of child safety seats; and the risks to children that are unrestrained or not properly restrained). Instruction shall address the following topics:
- (I) misconceptions or mistaken ideas regarding child passenger safety;
 - (II) purpose of child safety seats;
 - (III) how to secure the child properly and factors to consider;

- (IV) child safety seat types and parts;
 - (V) precautions regarding child safety seats;
 - (VI) correct installation of a child safety restraint system;
 - (VII) tips regarding child safety restraint systems; and
 - (VIII) dangers involved in locking or leaving children in vehicles unattended.
- (ix) Comprehensive examination--minimum of five minutes (this shall be the last unit of instruction).
 - (x) The remaining 30 minutes of instruction shall be allocated to the topics included in the minimum course content or to additional occupant protection topics that satisfy the educational objectives of the course.
- (E) Instructor training guides. An instructor training guide contains a description of the plan, training techniques, and curriculum to be used to train instructors to present the concepts of the approved specialized driving safety course described in the applicant's specialized driving safety course content guide. Each course provider shall submit as part of the application an instructor training guide that is bound or hole-punched and placed in a binder and that has a cover and a table of contents. The guide shall include the following:
- (i) a statement of the philosophy and instructional goals of the training course;
 - (ii) a description of the plan to be followed in training instructors. The plan shall include, as a minimum, provisions for the following:
 - (I) instruction of the trainee in the course curriculum;
 - (II) training the trainee in the techniques of instruction that will be used in the course;
 - (III) training the trainee about administrative procedures and course provider policies;
 - (IV) demonstration of desirable techniques of instruction by the instructor trainer;
 - (V) a minimum of 15 minutes of instruction of the course curriculum by the trainee under the observation of the instructor trainer as part of the basic training course;
 - (VI) time to be dedicated to each training lesson; and
 - (VII) a minimum of 600 minutes of instruction of the course in a regular approved course under the observation of a licensed specialized driving safety instructor trainer. The instructor trainee shall provide instruction for two full courses. It is not mandatory that the two courses be taught as two complete courses; however, every instructional unit shall be taught twice; and
 - (iii) instructional units sufficient to address the provisions identified in clause (ii)(I)-(VI) [~~(ii)(I)-(V)~~] of this subparagraph. The total time of the units shall contain a minimum of 24 instructional hours. Each instructional unit shall include the following:
 - (I) the subject of the unit;
 - (II) the instructional objectives of the unit;
 - (III) time to be dedicated to the unit;
 - (IV) an outline of major concepts to be presented;

- (V) instructional activities to be used to present the material (i.e., lecture, films, other media, small-group discussions, workbook activities, written and oral discussion questions). When small-group discussions are planned, the course guide shall identify the questions that will be assigned to the groups;
 - (VI) instructional resources for each unit; and
 - (VII) techniques for evaluating the comprehension level of the students relative to the instructional unit. If oral or written questions are to be used to measure student comprehension levels, they shall be included in the instructor training guide. The evaluative technique may be used throughout the unit or at the end.
- (F) Examinations. Each course provider shall submit for approval, as part of the application, tests designed to measure the comprehension level of students at the completion of the specialized driving safety course and the instructor training course. The comprehensive examination for each specialized driving safety course must include at least two questions from each unit, excluding the course introduction and comprehensive examination units. The final examination questions shall be of such difficulty that the answer may not easily be determined without completing the actual instruction. Instructors shall not assist students in answering the final examination questions unless alternative testing is required. Instructors may not be certified or students given credit for the specialized driving safety course unless they score 70% or more on the final test. The course content guide shall identify alternative testing techniques to be used for students with reading, hearing, or learning disabilities and policies for retesting students who score less than 70% on the final examination ~~[exam]~~. The applicant may choose not to provide alternative testing techniques; however, students shall be advised whether the course provides alternative testing prior to enrollment in the course. Test questions may be short answer, multiple choice, essay, or a combination of these forms.
- (G) Student course evaluation. Each student in a specialized driving safety course shall be given an opportunity to evaluate the course and the instructor on an official evaluation form. A master copy of the evaluation form will be provided to TEA.
- (H) State-level evaluation of specialized driving safety courses. Each course provider shall collect adequate student data to enable TEA to evaluate the overall effectiveness of a course in reducing the number of violations and accidents of persons who successfully complete the course. The commissioner of education may determine a level of effectiveness that serves the purposes of TEC ~~[Texas Education Code]~~, Chapter 1001.
- (I) Requirements for authorship. The course shall be authored by an individual ~~[a TEA-licensed driver training instructor]~~ who possesses a current or past National Highway Traffic Safety Association Child Passenger Safety technician or instructor certificate.
- (2) Specialized driving safety instructor development courses.
- (A) If the alternative instructor training in §176.1107(c)(2) of this title (relating to Driving Safety Instructor License) is not applicable, specialized driving safety instructors shall successfully complete 36 clock hours (50 minutes of instruction in a 60-minute period) in the approved instructor development course for the specialized driving safety course to be taught, under the supervision of a specialized driving safety instructor trainer. Supervision is considered to have occurred when the instructor trainer is present and personally provides the 36 clock hours of training for the instructors, excluding those clock hours approved by TEA staff that may be presented by a guest speaker or using films and other media that pertain directly to the concepts being taught.
 - (B) Instruction records shall be maintained by the course provider and instructor trainer for each instructor trainee and shall be available for inspection by authorized division representatives at any time during the training period and/or for license investigation

purposes. The instruction record shall include [§] the trainee's name, address, driver's license number, and other pertinent data; the name and instructor license number of the person conducting the training; and the dates of instruction, lesson time, and subject taught during each instruction period. Each record shall also include grades or other means of indicating the trainee's aptitude and development. Upon satisfactory completion of the training course the instructor trainer conducting the training will certify one copy of the instruction record for attachment to the trainee's application for licensing and one copy will be maintained in a permanent file at the course provider location.

- (C) All student instruction records submitted for the TEA-approved specialized driving safety instructor development course shall be signed by the course provider. Original documents shall be submitted.
 - (D) Specialized driving safety instructor development courses may be offered at approved classroom facilities of a licensed school which is approved to offer the specialized course being taught. A properly licensed instructor trainer shall present the course.
 - (E) Applicants shall complete 36 hours of training in the specialized driving safety curriculum that shall be taught. Of the 36 hours, 24 hours shall cover techniques of instruction and in-depth familiarization with materials contained in the specialized driving safety curriculum. The additional 12 hours shall consist of practical teaching with students and shall occur after the first 24 hours have been completed.
 - (F) The course provider shall submit dates of instructor development course offerings for the 24-hour training that covers techniques of instruction and in-depth familiarization with the material contained in the specialized driving safety curriculum, locations, class schedules, and scheduled instructor trainers' names and license numbers before the courses are offered. The 12-hour practical-teaching portion of the instructor development course shall be provided at properly licensed schools or classrooms approved to offer the course being provided.
- (3) Continuing education courses.
- (A) Continuing education requirements include the following.
 - (i) Each course provider will be responsible for receiving an approval for a minimum of a two-hour continuing education course. Each instructor currently endorsed to teach the course must attend the approved continuing education course conducted by the course provider.
 - (ii) The request for course approval shall contain the following:
 - (I) a description of the plan by which the course will be presented;
 - (II) the subject of each unit;
 - (III) the instructional objectives of each unit;
 - (IV) time to be dedicated to each unit;
 - (V) instructional resources for each unit, including names or titles of presenters and facilitators;
 - (VI) any information that TEA mandates to ensure quality of the education being provided; and
 - (VII) a plan by which the course provider will monitor and ensure attendance and completion of the course by the instructions within the guidelines set forth in the course . [~~and~~]
 - ~~[(VIII) a course evaluation form to be completed by each instructor attending the course. The course provider must maintain each instructor's completed evaluation form for one year.]~~

- (iii) A continuing education course may be approved if TEA determines that:
 - (I) the course constitutes an organized program of learning that enhances the instructional skills, methods, or knowledge of the specialized driving safety instructor;
 - (II) the course pertains to subject matters that relate directly to driving safety or specialized driving safety instruction, instruction techniques, or driving safety-related subjects;
 - (III) the entire course has been designed, planned, and organized by the course provider. The course provider shall use licensed driving safety or specialized driving safety instructors to provide instruction or other individuals with recognized experience or expertise in the area of driving safety or specialized driving safety instruction or driving safety-related subject matters. Evidence of the individuals' experience or expertise may be requested by the division; ~~and~~
 - (IV) the course contains updates or approved revisions to the specialized driving safety course curriculum, policies or procedures, and/or any changes to the course, that are affected by changes in traffic laws or statistical data ; ~~and~~ []
 - (V) the division determines that any technology used to present a continuing education course meets reasonable standards for determining attendance, security, and testing.
- (B) Course providers shall notify the division of the scheduled dates, times, and locations of all continuing education courses prior to the first day of class.
- (b) Course providers shall submit documentation on behalf of schools applying for approval of additional courses after the original approval has been granted. The documents shall be designated by the division and include the appropriate fee. Courses shall be approved before soliciting students, advertising, or conducting classes. An approval for an additional course shall not be granted if the school's compliance is in question at the time of application.
- (c) If an approved course is discontinued, the division shall be notified within five days of discontinuance and furnished with the names and addresses of any students who could not complete the course because it was discontinued. If the school does not make arrangements satisfactory to the students and the division for the completion of the courses, the full amount of all tuition and fees paid by the students are due and refundable. If arrangements are not made satisfactory to the students and the division, the refunds must be made no later than 30 days after the course was discontinued. Any course discontinued shall be removed from the list of approved courses.
- (d) If, upon review and consideration of an original, renewal, or amended application for course approval, the commissioner ~~[of education]~~ determines that the applicant does not meet the legal requirements, the commissioner shall notify the applicant, setting forth the reasons for denial in writing.
- (e) The commissioner ~~[of education]~~ may revoke approval of any course given to a course owner, provider, or school under any of the following circumstances.
 - (1) Any information contained in the application for the course approval is found to be untrue.
 - (2) The school has failed to maintain the faculty, facilities, equipment, or courses of study on the basis of which approval was issued.
 - (3) The school and/or course provider has been found to be in violation of TEC ~~[Texas Education Code]~~ , Chapter 1001, and/or this chapter.
 - (4) The course has been found to be ineffective in meeting the educational objectives set forth in subsection (a)(1)(A) of this section.

§176.1110. Alternative Delivery Methods of Driving Safety Instruction.

- (a) Approval process. The commissioner of education may approve an alternative delivery method (ADM) that delivers an approved driving safety course or an approved specialized driving course and meets the following requirements.
- (1) Standards for approval. The commissioner ~~[of education]~~ may approve an ADM for an approved driving safety course or a specialized driving safety course and waive any rules to accomplish this approval if the ADM delivers an approved course in a manner that is at least as secure as a traditional classroom. ADMs that meet the requirements outlined in subsections (b)-(h) of this section shall receive ADM approval.
 - (2) Application. The course provider shall submit a completed ADM application along with the appropriate fee. The application for ADM approval shall be treated the same as an application for the approval of a new course and the ADM must deliver the course provider's approved curriculum as delineated in the course content guide required by §176.1108(a)(1)(B) of this title (relating to Driving Safety Courses of Instruction) and §176.1109(a)(1)(B) of this title (relating to Specialized Driving Safety Courses of Instruction) .
 - (3) Incomplete applications. An application that is incomplete may be returned to the applicant along with the application fee.
 - (4) School license required. A person or entity offering a driving safety course or a specialized driving course to Texas students by an alternative delivery method must hold a driving safety school license. The driving safety school is responsible for the operation of the ADM.
 - (5) Course provider endorsement required. The driving safety school must have an endorsement from a licensed course provider.
- (b) Course content. The ADM must deliver the same topics and course content as the approved course.
- (1) Course topics. The time requirements for each unit and the course as a whole described in §176.1108(a)(1)(C) and (D) ~~[of this title]~~ and §176.1109(a)(1)(C) and (D) of this title ~~[relating to Specialized Driving Safety Courses of Instruction]~~ shall be met.
 - (2) Topic sequence. The ADM sequencing may be different from the approved traditional course as long as the sequencing does not detract from educational value of the course. The ADM owner shall provide a key showing the topic sequence of the traditional course and where the corresponding information appears in the ADM.
 - (3) Editing. The material presented in the ADM shall be edited for grammar, punctuation, and spelling and be of such quality that it does not detract from the subject matter.
 - (4) Irrelevant material. Advertisement of goods and services shall not appear during the actual instructional times of the course. Distracting material that is not related to the topic being presented shall not appear during the actual instructional times of the course.
 - (5) Minimum content. The ADM shall present sufficient content so that it would take a student 300 minutes to complete the course. In order to demonstrate that the ADM contains sufficient content, the ADM shall use the following methods.
 - (A) Word count. For written material that is read by the student, the course provider shall count the total number of words in the written sections of the course. This word count shall be divided by 180, the average number of words that a typical student reads per minute. The result is the time associated with the written material for the sections.
 - (B) Multimedia presentations. For multimedia presentation, the course provider shall calculate the total amount of time it takes for all multimedia presentations to play.
 - (C) Charts and graphs. The ADM may assign one minute for each chart or graph.
 - (D) Examinations. The course provider may allocate up to 90 seconds for questions presented over the Internet and 30 seconds for questions presented by telephone.

- (E) Total time calculation. If the sum of the time associated with the written course material, the total amount of time for all multimedia presentations, and the time associated with all charts and graphs equals or exceeds 300 minutes, the ADM has demonstrated the required amount of content.
 - (F) Alternate time calculation method. In lieu of the time calculation method, the ADM may submit alternate methodology to demonstrate that the ADM meets the 300-minute requirement.
- (6) Student breaks. A course that demonstrates that it contains 300 minutes of instructional content shall mandate that students take 60 minutes of break time or provide additional educational content for a total of 360 minutes.
- (c) Personal validation. The ADM shall maintain a system to validate the identity of the person taking the course. The personal validation system shall incorporate the following requirements.
- (1) Personal validation questions. The ADM shall ask a minimum of 10 personal validation questions throughout the course.
 - (2) Third party data sources. The personal validation questions shall be drawn equally from at least two different databases.
 - (3) Time to respond. The student must correctly answer the personal validation question within 90 seconds for questions presented over the Internet and 30 seconds for questions presented by telephone.
 - (4) Placement of questions. At least one personal validation question shall appear in each major unit or section, not including the final examination.
 - (5) Exclusion from the course. The ADM shall exclude the student from the course after the student has incorrectly answered more than 30 percent of the personal validation questions.
 - (6) Correction of answer. The school may correct an answer to a personal validation question for a student who inadvertently missed a personal validation question. In such a case, the student record shall include a record of both answers and an explanation of the reasons that the school corrected the answer.
 - (7) Student affidavits. A student for whom third-party database information is available from fewer than two databases (for example, a student with an out-of-state driver's license) may be issued a uniform certificate of completion upon presentation to the course provider of a notarized copy of the student's driver's license or equivalent type of photo identification and a statement from the student certifying that the individual attended and successfully completed the six-hour driving safety or specialized driving safety course for which the certificate is being issued and for which there exists a corresponding student record.
 - (8) Alternative methods. Upon approval by the Texas Education Agency (TEA), the ADM may use alternate methods that are at least as secure as the personal validation question method.
- (d) Content validation. The ADM shall incorporate a course content validation process that verifies student participation and comprehension of course material, including the following.
- (1) Timers. The ADM shall include built-in timers to ensure that 300 minutes of instruction have been attended and completed by the student.
 - (2) Testing the student's participation in multimedia presentations. The ADM shall ask at least 1 ~~one~~ course validation question following each multimedia clip of more than 60 seconds.
 - (A) Test bank. For each multimedia presentation that exceeds 60 seconds, the ADM shall have a test bank of at least 4 ~~four~~ questions.
 - (B) Question difficulty. The question shall be short answer, multiple choice, essay, or a combination of these forms. The question shall be difficult enough that the answer may not be easily determined without having viewed the actual multimedia clip.

- (C) Failure criteria. If the student fails to answer the question correctly, the ADM shall either require the student view the multimedia clip again or the ADM shall fail the student from the course. If the ADM requires the student to view the multimedia clip again, the ADM shall present a different question from its test bank for that multimedia clip. The ADM may not repeat a question until it has asked all the questions from its test bank.
 - (D) Answer identification. The ADM shall not identify the correct answer to the multimedia question.
- (3) Mastery of course content. The ADM shall test the student's mastery of the course content by asking at least two questions from each of the ~~ten~~ topics listed in §176.1108(a)(1)(D)(ii)-(xi) and §176.1109(a)(1)(D)(ii)-(viii) [~~§176.1108(a)(1)(D)]~~ of this title.
- (A) Test bank. The test bank for course content mastery questions shall include at least ten questions from each of the ~~ten~~ topics identified in §176.1108(a)(1)(D)(ii)-(xi) and §176.1109(a)(1)(D)(ii)-(viii) [~~§176.1108(a)(1)(D)]~~ of this title.
 - (B) Placement of questions. The mastery of course content questions shall be asked either at the end of the major unit or section in which the topic identified in §176.1108(a)(1)(D)(ii)-(xi) and §176.1109(a)(1)(D)(ii)-(viii) [~~§176.1108(a)(1)(D)]~~ of this title is covered (unit examination) or at the end of the course (comprehensive final examination).
 - (C) Question difficulty. Course content mastery questions shall be short answer, multiple choice, essay, or a combination of these forms, and of such difficulty that the answer may not be easily determined without having participated in the actual instruction.
- (4) Repeat and retest [~~re-test~~] options. The ADM may use either of the following options for students who fail an examination to show mastery of course content, but may not use both in the same ADM.
- (A) Repeat the failed unit. If the student misses more than 30% of the questions asked on an examination, the ADM shall require that the student [~~go back and~~] take the unit again. All timers shall be reset. The correct answer to missed questions may not be disclosed to the student (except as part of course content). At the end of the unit, the ADM shall again test the student's mastery of the material. The ADM shall present different questions from its test bank until all the applicable questions have been asked. The student may repeat this procedure an unlimited number of times.
 - (B) Retest [~~Re-test~~] the student. If the student misses more than 30% of the questions asked on an examination [~~exam~~], the ADM shall retest the student in the same manner as the failed examination, using different questions from its test bank. The student is not required to repeat the failed unit, but may be allowed to do so prior to retaking the examination [~~exam~~]. If the student fails the same unit examination or the comprehensive final examination three times, the student shall fail the course.
- (e) Student records. The ADM shall provide for the creation and maintenance of the records documenting student enrollment, the verification of the student's identity, and the testing of the student's mastery of the course material. Each entry that verifies enrollment, identifies the question asked or the response given, documents retesting and/or revalidation, and documents any changes to the student's record shall include the date and time of the activity reported. The student records shall contain the following information.
- (1) The student's name and driver's license number.
 - (2) A record of which personal validation questions were asked and the student's responses.
 - (3) A record of which multimedia participation questions were asked and the student's responses.
 - (4) The name or identity number of the staff member entering comments, retesting, or revalidating the student.

- (5) If any answer to a question is changed by the school or course provider for a student who inadvertently missed a question, the school or course provider shall provide both answers and a reasonable explanation for the change.
 - (6) A record of the course content mastery questions asked and the answers given.
 - (7) A record of the time the student spent in each unit of the ADM and the total instructional time the student spent in the course.
 - (8) The school shall also ensure that the student record is readily, securely, and reliably available for inspection by TEA or a TEA-authorized representative.
- (f) Additional requirements for Internet courses. Courses delivered via the Internet shall also comply with the following requirements.
- (1) Re-entry into the course. An ADM may allow the student re-entry into the course by username and password authentication or other means that are as secure as username and password authentication.
 - (2) Navigation. The student shall be able to logically navigate through the course. The student shall be allowed to freely browse previously completed material.
 - (3) Audio-visual standards. The video and audio shall be clear and, when applicable, the video and audio shall be synchronized.
 - (4) Video transcripts. If the ADM presents transcripts of a video presentation, the transcript shall be delivered concurrently with the video stream so that the transcript cannot be displayed if the video does not display on the student's computer.
 - (5) Domain names. Each school offering an ADM must offer that ADM from a single domain. The ADM may accept students that are redirected to the ADM's domain, as long as the student is redirected to a webpage [web page] that clearly identifies the course provider and school offering the ADM before the student begins the registration process, supplies any information, or pays for the course. Subdomains of the ADM's single domain may also accept students as long as the subdomain is registered to and hosted by the ADM and clearly identifies the official course provider, school name, and TEA registration number.
 - (6) Course identification. All ADMs presented over the Internet shall display the school name and school number assigned by TEA as well as the course provider name and course provider number assigned by TEA in the top left-hand portion on the entity's homepage and the registration page used by the student to pay any monies, provide any personal information, and enroll.
- (g) Additional requirements for video courses.
- (1) Delivery of the material. For ADMs delivered by the use of videotape, digital video disc (DVD), film, or similar media, the equipment and course materials may only be made available through a process that is approved by TEA.
 - (2) Video requirement. In order to meet the video requirement of §176.1108(a)(1)(B)(v) of this title, the video course shall [may] include between 60 and 150 minutes of video that is relevant to the required topics such as video produced by other entities for training purposes, including public safety announcements and B roll footage. The remainder of the 300 minutes of required instruction shall be video material that is relevant to 1 [one] of the 11 required topics and produced by the ADM owner, course owner, or course provider specifically for the ADM.
 - (A) A video ADM shall ask, at a minimum, at least 1 [one] course validation question for each multimedia clip of more than 60 seconds at the end of each major segment (chapter) of the ADM.
 - (B) A video ADM shall devise and submit for approval a method for ensuring that a student correctly answers questions concerning the multimedia clips of more than 60 seconds presented during the ADM.

- (h) Standards for ADMs using new technology. For ADMs delivered using technologies that have not been previously reviewed and approved by TEA, TEA may apply similar standards as appropriate and may also require additional standards. These standards shall be designed to ensure that the course can be taught by the alternative method and that the alternative method includes testing and security measures that are at least as secure as the methods available in the traditional classroom setting.
- (i) Modifications to the ADM. Except as provided by paragraph (1) of this subsection, a change to a previously approved ADM shall not be made without the prior approval of TEA. The licensed course provider for the approved course on which the ADM is based shall ensure that any modification to the ADM is implemented by all schools endorsed to offer the ADM.
 - (1) A course provider may submit to the TEA a request for immediate implementation of a proposed change that is insignificant or that protects the interest of the consumer such that immediate implementation is warranted. The request shall include:
 - (A) a complete description of the proposed change;
 - (B) the reason for the change;
 - (C) the reason the requestor believes the proposed change is insignificant or protects the interest of the consumer such that immediate implementation is warranted; and
 - (D) an explanation of how the change will maintain the course or ADM in compliance with state law and the rules specified in this chapter.
 - (2) The TEA may request additional information regarding a proposed change from the course provider making a request under paragraph (1) of this subsection.
 - (3) The TEA will respond to any request made under paragraph (1) of this subsection within five working days of receipt.
 - (A) If the TEA determines that the proposed change is insignificant or protects the interest of the consumer such that immediate implementation is warranted, the requestor may immediately implement the change. The licensed course provider for the approved course on which the ADM is based shall ensure that the change is implemented by all schools endorsed to offer the ADM.
 - (B) If the TEA determines that the proposed change is neither insignificant nor protects the interest of the consumer such that immediate implementation is warranted, the TEA shall notify the requestor of that determination and the change may not be made unless the TEA approves the change following a complete review.
 - (4) A determination by the TEA to allow immediate implementation under paragraph (1) of this subsection does not constitute final approval by the TEA of the change. The TEA reserves the right to conduct further review after the change is implemented and to grant or deny final approval based on whether the change complies with state law and rules specified in this chapter.
 - (5) If, following further review, a change in an ADM that has been immediately implemented pursuant to paragraph (1) of this subsection is determined not to be in compliance with state law and rules specified in this chapter, the TEA:
 - (A) shall notify the course provider affected by the change of:
 - (i) the specific provisions of state law or rules with which the ADM change is not in compliance; and
 - (ii) a reasonable date by which the ADM must be brought into compliance;
 - (B) shall require the course provider to notify any school endorsed by the course provider of the finding;
 - (C) shall not, for the period between the implementation of the change and the date specified under subparagraph (A)(ii) of this paragraph:

- (i) seek any penalty relating to the non-compliance;
 - (ii) take any action to revoke or deny renewal of a license of a school or course provider based on the change; or
 - (iii) withdraw approval of a course or ADM based on the change; and
- (D) is not required to specify the method or manner by which the course provider alters the ADM to come into compliance with state law and the rules in this chapter.
- (6) If the TEA allows immediate implementation pursuant to paragraph (1) of this subsection and later determines that the description of the change or the request was misleading, materially inaccurate, not substantially complete, or not made in good faith, paragraph (5)(C) of this subsection does not apply.
- (7) A course provider who immediately implements a change pursuant to paragraph (1) of this subsection and fails to bring the ADM into compliance prior to the date allowed under paragraph (5)(A)(ii) of this subsection may be determined to be in violation of state law or the rules in this chapter after that date.
- (8) A course provider that immediately implements a change under paragraph (1) of this subsection assumes the risk of final approval being denied and of being required to come into compliance with state law and the rules in this chapter [~~Chapter 176~~] prior to the date allowed under paragraph (5)(A)(ii) of this subsection, including bearing the cost of reversing the change or otherwise modifying the ADM to come into compliance with state law and the rules in this chapter.
- (j) Termination of the school's operation. Upon termination, schools shall deliver any missing student data to TEA within five days of termination.
- (k) Renewal of ADM approval. The ADM approval must be renewed every two years. The renewal document due date shall be March 1 of every even numbered calendar year [~~2006, and every two years thereafter~~].
 - (1) For approval, the course provider shall:
 - (A) update all the statistical data and references to law with the latest available data; and
 - (B) submit a statement of assurance [~~saying~~] that the ADM has been updated to reflect the latest applicable laws and statistics.
 - (2) Failure to make necessary changes or to submit a statement of assurance documenting those changes shall be cause for revocation of the ADM approval.
 - (3) The commissioner may alter the due date of the renewal documents by giving the approved ADM six months' notice. The commissioner may alter the due date in order to ensure that the ADM is updated six months after the effective date of new state laws passed by the Texas Legislature.
- (l) Access to instructor. With the exception of circumstances beyond the control of the school, the student shall have adequate access (on the average, within two minutes) to both a licensed instructor and telephonic technical assistance (help desk) throughout the course such that the flow of instructional information is not delayed.

§176.1113. Facilities and Equipment.

- (a) No classroom facility shall be located in a private residence.
- (b) The classroom facilities, when used for instruction, shall contain at least the following:
 - (1) adequate seating facilities for all students being trained;
 - (2) adequate charts, diagrams, mock-ups, and pictures relating to the operation of motor vehicles, traffic laws, physical forces, and correct driving procedures; and
 - (3) any materials that have been approved as a part of the course approval.

- (c) The amount of classroom space shall meet the use requirements of the maximum number of current students in class with appropriate seating facilities as necessitated by the activity patterns of the course.
- (d) Each school and classroom shall conduct the Texas Education Agency-approved driving safety or specialized driving safety course in a facility that promotes the purpose and objectives as set forth in this chapter. The driving safety or specialized driving safety course shall be provided in designated instructional areas that promote learning by ensuring that students are able to see and hear the instructor and audiovisual aids. Any facility that contains an adult-oriented business or a facility that is required to exclude patrons because of age will not be approved. Factors that will be considered in determining whether facilities promote learning include facility layout, visual and hearing distractions, and equipment functionality.
- (e) Enrollment shall not exceed the design characteristics of the student workstations. The facilities shall meet any state and local ordinances governing housing and safety for the use designated.
- (f) A violation of the law or rules by any multiple classroom location constitutes a violation by the driving safety school.
- (g) All classroom approvals are contingent on the driving safety school license and shall be subject to denial or revocation if such action is taken against the license of the driving safety school that has responsibility for the classroom location.
- (h) Course provider facilities shall be staffed in such a manner that an employee of the course provider is available to answer questions and take messages during regular business hours.
- (i) The course provider location shall be the physical address as stated on the course provider license.

§176.1114. Student Complaints.

- (a) The course provider shall have a written grievance procedure approved by the division director that is disclosed to all students. Driving safety schools shall follow the procedures approved for the course provider. The function of the procedure shall be to attempt to resolve disputes between students, including terminations and graduates, and the school. Adequate records shall be maintained.
- (b) The driving safety school or course provider shall make every effort to resolve complaints.
- (c) The front of each [Each] uniform certificate of course completion shall contain Texas Education Agency complaint contact information and current division telephone number in a font that is visibly recognizable .

§176.1117. Uniform Certificate of Course Completion for Driving Safety or Specialized Driving Safety Course.

- (a) Course provider responsibilities. Course providers shall be responsible for original and duplicate uniform certificates of course completion in accordance with this subsection.
 - (1) The course provider of a driving safety or specialized driving safety course shall ensure that each instructor completes the verification of course completion document approved by the Texas Education Agency (TEA). The verification of course completion document shall contain a statement to be signed by the instructor that states: "Under penalty of law, I attest to the fact that the student whose name and signature appear [appears] on this document has successfully completed the number of hours as required under Texas Education Code, Chapter 1001, and that any false information on this document will be used as evidence in a court of law and/or administrative proceeding." This verification of course completion document shall be returned to the course provider upon completion of each driving safety class and maintained for no less than three years.
 - (2) The course provider shall implement and maintain a policy which effectively ensures protective measures are in use at all times for securing original and duplicate uniform certificates of course completion and course completion certificate numbers. The records and unissued or unnumbered original and duplicate uniform certificates of course completion shall be readily available for review by representatives of TEA.

- (3) The course provider shall maintain electronic files with data pertaining to all course completion certificate numbers purchased from TEA. The course provider shall make available to TEA upon request an ascending numerical accounting record of the numbered uniform certificates of completion issued. The course provider shall ensure security of the data.
- (4) The course provider shall ensure that effective measures are taken to preclude lost data and that a system is in place to recreate electronic data for all certificate numbers, whether used or not used, and all certificates that have been issued.
- (5) Course providers shall issue and mail uniform certificates of course completion only to students who have successfully completed all elements of the course provider's approved driving safety or specialized driving safety course taught by TEA-licensed instructors in TEA-approved locations as indicated on the verification of course completion document or student footprint.
- ~~(6) The course provider must keep all parts of all voided original and duplicate uniform certificates of course completion for a period of three years.~~
- ~~(6)~~ ~~(7)~~ Course providers shall ensure that adequate training is provided regarding course provider policies and updates on course provider policies to all driving safety schools and instructors offering their approved driving safety or specialized driving safety course.
- ~~(7)~~ ~~(8)~~ Course providers shall report all unaccounted original and duplicate course completion certificate numbers or unissued certificates or duplicates to the division within five business days of the discovery of the incident. In addition, the course provider shall be responsible for conducting an investigation to determine the circumstances surrounding the unaccounted items. A report of the findings of the investigation, including preventative measures for recurrence, shall be submitted for approval to the division within 30 days of the discovery.
- ~~(8)~~ ~~(9)~~ Each unaccounted or missing original or duplicate course completion certificate number or blank or unissued original or duplicate uniform certificate of completion may be considered a separate violation within the meaning of Texas Education Code (TEC), §1001.553. This may include lost, stolen, or otherwise unaccounted original or duplicate course completion certificate number or blank or unissued original or duplicate uniform certificates of course completion.
- ~~(9)~~ ~~(10)~~ Course providers shall mail all original and duplicate uniform certificates of course completion using first-class or enhanced postage or an equivalent commercial delivery method.
- ~~(10)~~ ~~(11)~~ Course providers shall not transfer course completion certificate numbers to a course other than the course for which the certificates were ordered from TEA.
- ~~(11)~~ ~~(12)~~ No course provider or employee shall complete, issue, or validate a uniform certificate of course completion to a person who has not successfully completed all elements of the entire course as verified by a TEA-licensed instructor.
- ~~(12)~~ ~~(13)~~ No course provider or employee shall issue, mail, transfer, or transmit an original or duplicate uniform certificate of course completion bearing the serial number of a certificate or duplicate previously issued.
- ~~(13)~~ ~~(14)~~ Course providers shall sequentially number original uniform certificates of course completion from the block of numbers purchased from the division ~~[for the purpose specified in paragraph (13) of this subsection]~~.
- ~~(14)~~ ~~(15)~~ When a duplicate uniform certificate of course completion is issued by a course provider, the duplicate certificate shall bear a serial number from the block of numbers purchased from the division by the course provider. The duplicate certificate of course completion shall clearly indicate the number of both the duplicate and the original serial number of the certificate being replaced.
- ~~(15)~~ ~~(16)~~ Any item on a duplicate uniform certificate of course completion that has different data than that shown on the original certificate must clearly indicate both the original data and the replacement data; for example, a change in the date of course completion must show the correct

date and "changed from XX," where "XX" is the date shown on the original uniform certificate of course completion.

(16) ~~(17)~~ The fee for a duplicate uniform certificate of course completion is \$10. If the student requests a duplicate within 30 days of the date of issue of the original certificate because the original was not received or was damaged so as to be unusable or was issued with errors due to no fault of the student, the course provider shall issue the duplicate at no cost to the student. Course providers shall ensure that schools endorsed to offer the approved course are aware of this rule and shall include this information in the student enrollment contract.

(17) ~~(18)~~ Course providers shall implement and maintain methods for efficiently issuing and mailing original uniform certificates of course completion so that issuance of duplicate certificates is kept at a minimal rate. A ratio of duplicates to originals that would indicate to a reasonable and prudent person that the course provider has failed to minimize duplicates constitutes evidence that a violation of TEC ~~[Texas Education Code]~~, §1001.056(c-1), exists and shall be sufficient to initiate proceedings to sanction or condition the license of the course provider in question.

- (b) School owner responsibilities. In order to prevent misuse of uniform certificates of course completion, driving safety school owners shall ensure that:
- (1) the course provider policies are followed and communicated to all instructors and employees of the school; and
 - (2) all records are returned to the course provider in a timely manner as set forth by the course provider.
- (c) Instructor responsibilities. In order to prevent misuse of uniform certificates of course completion, driving safety and specialized driving safety instructors shall ensure that:
- (1) all records are returned to the driving safety school to be forwarded to the course provider within the time allowed by course provider policy;
 - (2) the verification of course completion document provided by the course provider is signed by the instructor who conducted the class upon completion of the class;
 - (3) the entire course is completed prior to signing the verification of course completion document;
 - (4) the court information is obtained from each student taking the driving safety or specialized driving safety class for the purposes of Texas Code of Criminal Procedure, Article 45.051 and 45.0511. Students who want an insurance reduction only shall have "insurance only" indicated in the court information area on the verification of course completion document provided to the course provider; and
 - (5) the instructor adheres to the school and course provider policies.