

**2019 SENATE EDUCATION**

**SB 2158**

# 2019 SENATE STANDING COMMITTEE MINUTES

**Education Committee**  
Sheyenne River Room, State Capitol

SB 2158  
1/14/2019  
30745

- Subcommittee  
 Conference Committee

Committee Clerk: Lynn Wolf
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## Explanation or reason for introduction of bill/resolution:

A bill relating to professional development exemption for certain driver education instructors.

## Minutes:

Att. #1 – Senator Schaible; Att. #2 – Jim Keller; Att. #3 – Rebecca Pitkin; Att. #4 – Russ Ziegler
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The meeting was called to order by Senator Schaible. Attendance was taken. All are present. Vice Chairman Fors opened the hearing for SB 2158. Vice-Chairman Fors recognized Senator Schaible.

**Senator Schaible:** *See attachment # 1.* Senator Schaible introduced Jim Keller, President of the ND Drivers Education Instructors Association.

**Jim Keller,** a teacher at Elgin HS and President of the ND Drivers Education Instructors Association: *See attachment # 2.*

**Chairman Schaible:** Questions of Mr. Keller. Senator Rust.

**Senator Rust:** How many teachers of Drivers Education are there?

**Jim Keller:** 125. There are 100 schools in the state that have a Driver's Education program, including the large districts. As our teachers grow older, it has become more difficult to find qualified teachers of driver education. New teachers are reluctant to get certified to teach driver's education because of other commitments – family, coaching, stress of working with inexperienced drivers. Several of our driver's education teachers are retired. This will help us with retaining teachers.

**Senator Marcellais:** Do you accept outside licensures that come in from out of the state?

**Jim Keller:** I'd like to defer that to someone that knows. I don't have an answer to that.

**Chairman Schaible:** Who else teaches driver's education in the state of ND?

**Jim Keller:** In the state of ND, the public schools, the private schools, and companies that are certified with the state. Only three companies teach both the behind the wheel and classroom. Most of the driving schools teach only the behind the wheel.

**Chairman Schaible:** What percent of students are served by your association?

**Jim Keller:** I would guess approximately 80% in Elgin. In the larger school districts, I would not be able to guess their numbers.

**Chairman Schaible:** Questions. Thank you. Other testimony in favor of SB 2158.

**Joe Kolsky,** Deputy Director of Office of School Approval and Opportunity, Department of Public Instruction: I was instructed to give agency testimony on SB 2158. I'll take any questions you may have.

**Chairman Schaible:** Do you have any answers about the number of students that take driver's education from this group?

**Joe Kolsky:** Mr. Chairman, I would need to get the exact numbers at my desk. I can email it to you.

**Chairman Schaible:** Yes, please email it to the committee today. You over see this as part of your work with the department/

**Joe Kolsky:** I oversee the summer school and driver's ed is in the summer school program.

**Chairman Schaible:** Could you give us an overview of the program.

**Joe Kolsky:** The basic overview is we put out a memo if a school wants to apply to have summer school. I can say we have a difficult time finding driver's ed teachers. Districts request a list of driver's ed teachers from us. One teacher may go to several schools to teach that component. For payment, the schools submit the enrollment and monies go directly to the schools for reimbursement.

**Chairman Schaible:** Other questions. Senator Oban.

**Senator Oban:** Mr. Chairman and Joe, do you know how long the program is?

**Joe Kolsky:** Mr. Chairman and Senator Oban, I can definitely look that up for you. I will email that information to you.

**Chairman Schaible:** Senator Rust.

**Senator Rust:** Are there schools that also offer it during the school day?

**Joe Kolsky:** I don't believe so, it is mostly done during the summer.

**Chairman Schaible:** Other questions. Thank you. Other testimony. Testimony in opposition to.

**Rebecca Pitkin, Exec. Director of NDESPB:** *See attachment # 3.*

**Chairman Schaible:** With the amendment that was suggested, would that be acceptable to the NDESPB?

**Rebecca Pitkin:** Indeed, Chairman Schaible, it would.

**Chairman Schaible:** And then you would not be in opposition?

**Rebecca Pitkin:** I represent our board, but I do believe the core issue was the periodic review of anything new that might be coming up because of the school safety issues.

**Chairman Schaible:** As suggested, it was suggested once every three years, is that frequent enough?

**Rebecca Pitkin:** Yes.

**Chairman Schaible:** Other questions. Senator Rust.

**(0:11:45) Senator Rust:** Mr. Chairman and Ms. Pitkin, once an individual received a life license the individual could teach driver's ed for many additional years. What does that mean?

**Rebecca Pitkin:** If you started teaching at 21, by the time you got a lifetime license which is 330 years, you would be the young age of 51. If you were teaching driver ed, you could continue teaching driver ed. with a life license without getting further education.

**Senator Rust:** Does that mean I could continue teaching driver's ed for all of those years without ever having ever having any additional training.

**Rebecca Pitkin:** I do believe that was the practice. Historically, prior to the driver ed coming to our agency, it was in the department and different people had different interpretations of the law, but with new leadership, I felt it was the best choice to do what the law said. Therefore, we began requiring those credits. The board gave additional time to get those credits to help those that were not in that practice.

**Senator Rust:** Evidentially, you can get a lifetime certificate.

**Rebecca Pitkin:** A teaching license, yes, Senator Rust.

**Senator Rust:** That does not apply to driver's ed?

**Rebecca Pitkin:** Correct.

**Senator Rust:** A life time certificate, which means I can teach math after a certain period of time forever. But, if I am a driver's ed instructor, there are additional requirements that requires me to go back and get some training.

**Rebecca Pitkin:** That is indeed correct, similar to other credentials.

**Senator Rust:** The reason being, one is a license and the other is a credential.

**Rebecca Pitkin:** Chairman Schaible, may I respond to an earlier question? A question came up earlier about what percentage of students in ND take driver ed through a school vs. a driving school. We don't know the percentage in our agency, but we do know that the larger districts use a driving school with the exception of Dickinson and Grand Forks. The smaller districts generally teach it within the school.

**Senator Marcellais:** I still didn't get my answer. Can we have someone from out of state come in and teach driver's ed or do they need more training or education?

**Rebecca Pitkin:** We have a license and if they have a driver ed credential from another state, we do accept that, they would still need the re-education credits, though.

**Senator Marcellais:** I just went through this – my grandson had to go all the way to Minot and pay \$300 to get for the course he had to take to get his permit. Turtle Mountain Community Schools no longer teaches drivers ed. Someone testified that some of the teachers rotate so they can cover most of the state. Are you aware of that? How does that work? Does a school have to request them to come to their district?

**Rebecca Pitkin:** That is not something our agency works with – that's more of a local control piece. Mari Reihl, my assistant director, has worked with Grand Forks and Minot State to come to Grand Forks and deliver the credits-instructional coursework for their teachers. We do try to refer districts to where they can get the coursework.

**Senator Rust:** Refresh my memory. Does a person that wants a driver's license have to have drivers ed?

**Rebecca Pitkin:** That would be a question for DOT. I don't want to answer a question I am not qualified to answer.

**Chairman Schaible:** Other questions. Thank you. Other testimony in opposition to.

**Russ Ziegler, Asst. Director of NDCEL; See Attachment #4.** Our testimony is in opposition, except when we heard of the amendment, we would be in favor with the amendment. It is very hard to find and retain individuals to teach driver's ed in the schools. We understand the intent of the bill would the retention of driver ed. teachers in the state. Currently, to in order to renew a driver's ed endorsement, the individual must have two semester hours every five years of driver/traffic safety coursework. This bill would allow anyone with a lifetime certificate plus ten years experience not to do that. Our concern would be, if there are rules of the road changes, these individuals, these individuals might not know of these changes to share with their students. That lack of knowledge could possibly lead to liability issues with the school.

Also, with the evolution of technology – self driving cars – those individuals that are teaching driver's ed need to stay current with that technology.

**Chairman Schaible:** Questions. Thank you, Russ. Other testimony in opposition to the bill. Agency testimony. DOT could you come up.

**Glen Jackson, Director of the Driver's License Division of the NDDOT:** In reference to Senator Rust's question, someone can get their driver's license without taking driver's ed, except if you are under 16 years of age, you have to complete driver's ed or if you lose your general drivers license through a violation, then you have to complete drivers education.

**Chairman Schaible:** Other questions.

**Senator Rust:** If a student gets picked up in a vehicle, not driving, with open container, what happens then.

**Glen Jackson:** Chairman Schaible, Senator Rust, I am not sure. I only focus on drivers and driver traffic violations, not criminal violations that might occur. However, the way the system works, a criminal violation would come through, we would get an open container or type of violation and if we did receive that, and it wasn't associated with the traffic violation we would use that. If it is not associated with the traffic violation, we wouldn't use it.

**Chairman Schaible:** Do you monitor these classes or is that done through DOT?

**Glen Jackson:** Are you talking public schools or are you talking driving schools? We don't monitor public schools. We license the private schools and provide a certain requirement for the type of curriculum they use and the number of hours they provide and things of that nature. We do out and periodically inspect their instruction. We don't monitor anything with public schools.

**Chairman Schaible:** Other questions. Senator Oban.

**Senator Oban:** Do you know how the current two semester hours every five years would compare to the amendment he suggested – one driver's ed conference every two years?

**Glen Jackson:** I have no idea you are discussing in this committee.

**Chairman Schaible:** I am going to ask Mr. Keller to come back up to answer your questions.

**Senator Oban:** Do you know how the current two semester hours every five years would compare to the amendment he suggested – one driver's ed conference every two years,

**Jim Keller:** One every three years is appropriate. The last law that we really dealt with was a traffic lights and the changes in the traffic lights and things like that. There are always changes, but the teachers always need to stay abreast of it to teach their classes. It is included in the curriculum. Our ND curriculum is used by almost every school in ND. That curriculum is updated every year.

**Senator Oban:** When you were required to take the two semester hours every five years, how did that work?

**Jim Keller:** You can get credit at the conference, but you need to be there at the beginning of the conference and throughout the conference. Some people come only every other year because it is what the district can afford.

**Senator Oban:** Do you get two semester hours if you attend one conference?

**Jim Keller:** No, you can get one. And then you have to go to Minot because that is the only college that offers it anymore.

**Senator Oban:** When we say you must attend one driver's ed conference, why wouldn't they just show up, sign in and then leave?

**Jim Keller:** We don't allow for it – we have a scoot and boot policy. We sign in for every one of our meetings. We monitor it closely. Most of the people attend the entire conference –but the Saturday morning is the kicker. Sports and other activities have started and it is difficult for some of our teachers to stay for Saturday.

**Senator Oban:** Does that mean that if someone attends Friday, but don't attend Saturday, then if ESPB has to monitor this...

**Jim Keller:** We do monitor it closely. They have to attend Thursday night, Friday and Saturday to get the credit.

**Senator Oban:** So if we reduced the credit to one semester hour ....

**Jim Keller:** But you have to be there the entire time. It's not the credit hour, when they come to the conference, they stay. I'm saying you have to come twice and if you are paying for it, you are retired, out of school, you pay. You come to Bismarck and live in another community you have to pay for your stay Thursday, Friday, Saturday. That's on you – most school districts pay for the registration, but not for their per diem. I do feel most of the people that come to the conference do stay. Some arrive late because it is the drive time to get here. Someone asked about the communities that teach in their schools. Minot, Grand Forks and Wahpeton teach it in their schools. Belcourt used to, but they took it out because they were trying to cut costs.

**Chairman Schaible:** Jim, in your conference have you looked at alternatives so it isn't all in a row or maybe online or broke down?

**Jim Keller:** It just doesn't work – every body's schedule is so hectic. We tried to put it in between seasons, but we can't account for the snowstorms.

**Chairman Schaible:** Any other questions. Thank you. We have an update from ESPB.

**Rebecca Pitkin:** There was a question about alternative delivery method. Mari Reilly asked Minot if they would put their program online, they did put it online. We do have coursework that is online. It was for Grand Forks, but to date, no one has used the online option.

**Chairman Schaible:** With that, we'll close the hearing on SB 2158.

**Chairman Schaible:** It was suggested that we get an amendment for SB 2158. Is it alright if we have our Intern work on that?

**Senator Oban:** I have been communicating with ESPB to be sure we get the right language amended into there. I don't know if you are willing to wait for that, but they are going to work on it.

**Chairman Schaible:** Hugh (the intern) can work on it after they have work on the verbiage.

**Senator Rust:** Mr. Chairman, I would recommend that they attend at least one conference every other year.

**Chairman Schaible:** Anything else on SB 2158. Senator Oban you will get that and give it to Hugh and then we can look at it again. Hearing closed.



# 2019 SENATE STANDING COMMITTEE MINUTES

**Education Committee**  
Sheyenne River Room, State Capitol

SB 2158  
1/16/2019  
30869

- Subcommittee  
 Conference Committee

Committee Clerk: Lynn Wolf

## **Explanation or reason for introduction of bill/resolution:**

A bill relating to professional development exemption for certain driver education instructors.

## **Minutes:**

**Chairman Schaible:** Committee we are looking at SB 2158. Senator Oban.

Senator Oban: ESPB has indicated the current requirements for professional development for the driver's ed credential is two credits every 5 years. Through discussion, there was acceptance generally to do one credit every three years. After talking to ESPB about making sure the language was right, everything we have for professional development is in administrative rules. This would be the only exception to put this in NDCC and so, I asked ESPB if they, as a board, would be willing to review the requirements and adopt the one credit every three years as we discussed in here rather than putting it in century code. They discussed it with the board, they will do that at the next meeting and we can keep this out of century code.

**Chairman Schaible:** Questions. Senator Davison.

**Senator Davison:** So Mr. Chair, the expectation is that the ESPB meets monthly and the expectation is that they can vote thumbs up or down. If we felt strongly enough we could add this small amount of language later on in the session.

**Chairman Schaible:** I feeling is if all of this is in administrative rules, that is where it should stay. There is a process to change administrative rules and they should do that. If it is not solved in that way, we can look at it next session. I'm not a fan of putting everything into law – we have too much in there already.

**Senator Oban:** Mr. Chairman, ESPB also felt pretty strongly that they were uncomfortable with the work "attend" one conference vs. actually qualify for the credit. We know there are individuals that do sign show up, sign in and leave. I know the majority don't do that, but there are always a few.

Senate Education Committee

SB 2158

1/16/19

Page 2

**Chairman Schaible:** The thing is we are here to look at an issue and clear up a problem. If we can do it with a process, we have that's where we should start.

**Senator Oban moved a Do Not Pass on SB 2158.**

**Senator Marcellais: Second.**

**A Roll Call Vote was taken: 7 yeas; 0 nays; 0 absent.**

**Senator Oban will carry the bill.**

Date: 1-16-19  
Roll Call Vote #: #1

**2019 SENATE STANDING COMMITTEE  
ROLL CALL VOTES**  
BILL/RESOLUTION NO. SB 2158

Senate Education Committee

Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation:  Adopt Amendment  
 Do Pass  Do Not Pass  Without Committee Recommendation  
 As Amended  Rerefer to Appropriations  
 Place on Consent Calendar  
Other Actions:  Reconsider  \_\_\_\_\_

Motion Made By Senator Oban Seconded By Senator Marcellais

Senators	Yes	No	Senators	Yes	No
Chairman Schaible:	✓		Senator Marcellais:	✓	
Vice-Chairman Fors:	✓		Senator Oban:	✓	
Senator Davison	✓				
Senator Elkin:	✓				
Senator Rust:	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Senator Oban

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**SB 2158: Education Committee (Sen. Schaible, Chairman) recommends DO NOT PASS**  
(7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2158 was placed on the  
Eleventh order on the calendar.

**2019 TESTIMONY**

**SB 2158**

# NORTH DAKOTA SENATE

STATE CAPITOL  
600 EAST BOULEVARD  
BISMARCK, ND 58505-0360



## Senator Donald Schaible

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**COMMITTEES:**  
Education, Chairman  
Energy and Natural Resources

January 14, 2019

SB 2158

Good morning Senate Education Committee. For the record I am Senator Donald Schaible from District 31. I am here to introduce SB 2158 which would exempt driver education instructors with more than 10 years of experience from continuing education requirement and would be the equivalent of a life time licensure. This bill has come to my attention from a patron in my district that is the President of the ND Drivers Education Instructors and will testify after me and will be able to provide much more information. I will try to answer any of your questions if I can.

Jim Keller notes on senate bills 2156, 2157, and 2158.

### Senate bill 2158

We have 100 public schools in the state of ND and we have about 125 Driver's Education Teacher's Licensed in ND. Not all of them teach. We have several teachers who are retired, teaching drivers education to help out their local community. We have teacher's because of lack of funding that are allowed to go to conference every 2 years. To gain credit for conference you have to be there Thursday night, Friday all day, and Saturday morning until noon, plus write a paper for that one credit. Some teachers have to travel after school Thursday and others have commitment Saturday, such as coaching baseball ,track, golf, AAU wrestling, rodeo and other family commitments. We are getting to be a grey haired society. New teachers don't want to take on Driver's Education because of summer activities, stress of young driver's, extra work load to get accredited, etc. "Amend it to, and attend one driver's education conference every three years."

I am asking for this as a way to help retain highly qualified teachers that have a wealth of knowledge and expertise in Drivers Education.

### Senate bill 2157

Explain the Flasher situation after the teacher had died in an accident with student drivers. Her class was in June and she was going to drive with two students when they turned 14 in August. That is simply too much time between the classroom and behind the wheel to retain the information learned and practice it. Graduate 8<sup>th</sup> grade, how old 12-16 yrs. of age. Let us make it simple. They must be 14 yrs. of age by the completion of the classroom instruction, before the behind the wheel. This allows for the student who may turn 14 in the 1<sup>st</sup> few weeks of June but puts a cut-off that is identified by age, not the completion of 8<sup>th</sup> grade.

## Senate bill 2156

Explain what will this actually cost, \$1.00, 4 quarters per year, less than \$ .10 per month, actually \$.083 cents per month. Less than the cost of a cup of coffee from Mcdonalds per year. Who will manage the money, DPI. Driving is one life skill that most of us use consistently in ND . You probably drove here today.

Less and less schools are providing the resources to go to training opportunities and this expense is becoming more of an out-of-pocket expense for the teacher. Liability is an issue, without updating safety features for the driver's ed. cars. Simple things such as the newer brake on the passenger side. It allows for easier installment into newer models of cars. (2000+). It takes one mechanic about 45 minutes to put it in where the older brakes take 2 mechanics about 2 hrs. Plus it is considered a safer brake with newer models and does less damage to the vehicle if a leased unit. One bolt is all that is required for the foot pedal of the brake. Cameras to not only record what is done in and out of the car, but also can be used for teachable moments with the students. It allows instant playback so the student driver can actually see what they did wrong. Signage for the vehicle. Extra mirrors for the teacher. Not only expenses for the car but classroom expenses to update DVD's, in-class instructional materials. Gaining new teachers to replace those that retire or move. It costs about \$3500 just for the credits to be able to teach driver's education. Not including registration and University fees. I would like to see 10 new teachers in two years. Pay for their credits and then get a 5 year dedicated contract to teach at least that long in Driver's education. In the past year alone we had 4 teachers retire and only added 2 new teachers. We are deficit spending if we were a fiscal account. So what are the actual costs.



100 schools, 125 teachers

Brake-\$350 each

Camera-\$200 each

Mirror and Signage- \$75

Conference Costs- \$125 registration, motel \$175, meals \$70, credit \$50, travel varies \$25-\$75

In class materials \$100

Plus the book or course-on-line fee.

How can we figure gas expense it will cost according to how close you are to a major town in ND that has DMV testing, so that your students can practice in that place.

This is not looking at the 6 hrs. driving time, 6 hrs. observation time, and 30 hrs. of classroom time and the prep time that is required to prepare for the classes.

Without these and only doing the top 6 lines with pricing include it comes to \$1195 multiplied by 100 schools that is \$119,500 and that isn't including the bigger schools that have multiple teachers and cars.

10 new teachers times \$3500 =\$35000

How many non-commercial vehicles are licensed each year in ND?

466,614 in 2018 according to NDDOT website.

Driver's education in the summer is pro-rated by reimbursement from the state. Most driver education programs do not recover the costs.

The schools have the programs to help our students learn this important life skill and try to promote safer communities. What value are you going to place on a life saved by defensive driving learned in driver's education.

SB 2158  
1-14-19  
Att.#3  
p1 of 2



January 12, 2019  
Testimony  
Education Standards and Practices Board  
Senate Bill 2158

Good morning Chairman Schaible and members of the Senate Education Committee. My name is Rebecca Pitkin and I am the executive director of the Education Standards and Practices Board. I am here representing our board, which has members from various education stakeholder groups. Our board is in opposition to SB 2158 which removes the requirement for reeducation credits for those with a life license. Our board discussed SB 2158 during a special board meeting on January 12, 2019. The discussion which ensued garnered the following comments:

- The board has a student safety concern in the decision to remove reeducation requirements
- Instructors gain knowledge and updates during reeducation which contributes to their knowledge base, skill, and effectiveness
- Individuals may receive a life license and continue to teach Driver's Education for many additional years
- There is an ever-changing landscape in many fields and the board anticipates this field also

- At an April 2018 ESPB meeting the board discussed this topic, and motioned to give driver education instructors with a life license a grace period of 2 years to complete the necessary credits.

A non-negotiable norm which frames our board discussions is “what is best for kids”.

Our board believes removing the reeducation language from the lifetime licenses does not fit into the framework of “what is best for kids” and therefore, as a representative of the Education Standards and Practices Board, I testify in opposition to HB 2158.

This concludes my testimony and I stand for any questions.



SB 2158  
1-14-19  
Att. #. 4  
P1

SB 2158 – Testimony in Opposition

Good afternoon Senate Education Committee, my name is Russ Ziegler – I serve as the Assistant Director for the North Dakota Council of Educational Leaders which is the organization that serves our school Superintendents, Principals, CTE Directors, Technology Directors, AD's, County Superintendents, Business Officials and truly every school leader with the exception of teachers and school board members. We stand before you today in opposition of SB 2158.

It is very hard to find and retain individuals to teach Driver's Ed in the schools. We understand that the intent of the bill would be to help the retention of driver's education instructors in the state. Currently, in order to renew a Driver's Education Minor Equivalency Endorsement, the individual must have two semester hours every five years of driver/traffic safety coursework. This bill would allow individuals who have a lifetime license and have at least 10 years of Driver's Ed experience to renew without the 2 semester hours. Our concern would be that if there are rules of the road changes these individuals might not know about those changes that would need to be taught to the students. That lack of knowledge could possibly lead to liability issues for the school by not having individuals having updated knowledge teaching the course. Another concern is with the evolution of technology, i.e. self-driving cars, the individuals teaching students how to drive will need to keep up to date with the technology.

As an education organization we feel that all individuals and especially those in the field of education need to be lifelong learners. For the above reasons we respectfully request a Do Not Pass on SB 2158 and I will stand for any questions.