

2019 SENATE EDUCATION

SB 2316

2019 SENATE STANDING COMMITTEE MINUTES

Education Committee
Sheyenne River Room, State Capitol

SB 2316
1/28/2019
31534

- Subcommittee
 Conference Committee

Committee Clerk Signature: Lynn Wolf

Explanation or reason for introduction of bill/resolution:

A bill relating to allowing individuals who do not have a teaching license to teach driver education upon meeting certain criteria.

Minutes:

Att. #1-Marcellaies; Att. #2-Pitkin; Att. #3-Rust

Chairman Schaible: We will open the hearing on SB 2316.

Senator Mike Dwyer, Dist. 40: Introduced the bill and asks the bill be left open as there are weather conditions that prevent his being here to testify.

Senator Rust: I don't see a background check in the bill. All teachers need to go through a background check.

Senator Dwyer: Apparently, this was something that was in statute prior to this time but, it had a sunset on it. When I went up to the Legislative Council, I asked that they pattern this bill after the one that was in place before and pattern it after that. I can't speak to that. Senator Oban did suggest that I reach out to ESPB which I did and they indicated they wouldn't be supportive.

Senator Rust: In the bill is the terminology in the bill "teachers as a community expert." I am wandering what that means.

(4:06) **Senator Marcellais, Dist. 9: See Attachment #1.**

(5:07) **Jed Geer, 1st Geer Driving School:** I was asked to speak to this bill by the same constituent Senator Dwyer spoke of earlier. One of the things that is happening in the rural communities is they are running out of people to teach Driver's Ed. In the larger cities, private instruction has been going on for years. Since we opened our driving school in 2012, we have taught 450 to 550 students per year the six hours they need. In the last couple of years, we have been approached by rural schools to come down to their communities to teach behind the wheel. They have the manpower to do the classroom, but they are not able to do the behind the wheel hours. Bowman contacted me to teach in their community. Moving past that, many of these schools don't have the teachers that are able or want to teach the

classroom portion. For the term “community expert” I feel like in the driver’s education side of things, a driving school and an employee of the school would have the ability to teach the 30 hours of classroom instruction. That is why I am in support of this bill. To address the background check, we go through rigorous checks in order to become driving instructors and owners of a school. All of our guys have to pass a background check, they have a decent driving record. For me, I need to make sure they are able to teach the kids the behind the wheel portion. We could certainly tailor that into making sure that they are able to teach the classroom portion as well, to in some sort of certification process.

(7:32) **Senator Davison:** There isn’t anything keeping you from going to a rural community and teaching the six hours of the driver’s ed. behind the wheel now is there?

Jed Geer: I think it was a couple of sessions ago, the road test waiver was introduced and passed. If they take the 30 hours with a public school or there is an online portion or they can take it through Minot State, we could go down and teach the six hours, with or without the road test waiver. What we are seeing is many of the Bowman kids are coming here on a Friday evening – we will do three hours of instruction and then Saturday morning, we will three more hours and then they are on their way. They are sitting through the classroom portion there and then they come to do this – it seems counterproductive.

Senator Davison: What we are really talking about is so the school gets a certified teacher so the school gets foundation aid for it and they pay for it and they pay for it as opposed to the private citizen. They are getting accomplished what they need to accomplish.

Jed Geer: A lot of them are getting accomplished what needs to be accomplished, it is just getting more difficult.

(9:10) **Chairman Schaible:** Other testimony in favor of the bill. Agency testimony. Testimony in opposition.

(9:56) **Rebecca Pitkin, Exec. Director of ESPB: See Attachment #2.**

(12:09) **Senator Oban:** Putting this language in this specialty area section, wouldn’t that require all the same requirements – including a background check?

Rebecca Pitkin: That is correct. I am representing what my board had as concerns.

Senator Marcellais: You are saying that if the bill was amended to correct cover these board concerns, you wouldn’t have a problem with the bill?

Rebecca Pitkin: I think it be more palatable, I would need to bring it back to them to see their ideas. I think the idea is that for a driver’s ed. minor, there is a fair amount of coursework that is not just in class instruction, but it is how to interact with students, it is pedagogy, some assessments. It is a big piece. We certainly do understand the challenge of this bill.

Senator Davison: The struggle with the topic is that we talk about pedagogy, etc. and I understand the conversation there, too. This is driver’s ed., you know. It seems if it would be in the best interest of all citizens in ND if kids had some kind of driver’s ed. and we would all

be better off in the long run if there was the right class available now. I would say in Fargo, if you try to take a driver's ed. class from a private group, it is a wait time. How can ESPB part of the solution rather than the challenge? If it was anything else, I might feel different, but driver's ed. is something that can impact a lot of people throughout the state.

Rebecca Pitkin: Speaking as me, not the representative of my board, the content standards for driver's ed. are extensive. Yes, they do have barriers. I can't speak for our board, but I do believe you are on the right path. Perhaps some of the requirements could be lessened. The key issue here is license vs. not licensed and then how is a small rural area going to get instructors. Tomorrow I will testify in a bill which is for alternate access. The drafter of the bill would say keep driver ed., but lower it to less than 48 credits in a content area. We have all these different pulls coming at our agency. I think the key is what are the big barriers and the little barriers. I think the board would be willing to converse on this. I thought the department might factor on this and say also in tandem with us to work on this.

Senator Rust: See Attachment # 3. I downloaded the Driver's Education Minor Equivalency Endorsement form from your website. I see the SB 2316 covers the ten semester hours – it has the same identical language, but doesn't have the fourteen semester hours. Is that correct?

Rebecca Pitkin: Yes, it is correct.

Senator Rust: You referenced a little bit about community experts and said that "sunsetted". What is a community expert?

Rebecca Pitkin: It was a bill drafted two sessions ago to remedy the shortage area and local schools would have the local control to hire someone with a four-year degree, but they didn't have the exact match in content areas. No one even took advantage of that opportunity. It wasn't feasible, people were unable to be found.

Senator Rust: You said they had to have a four-year degree.

Rebecca Pitkin: Yes.

Senator Rust: I am kind of with Senator Davison. I think in the area of driver's ed. – I am wondering what the alternative is – I understand it is great to have a certified teacher doing that, but it is pretty specialized in what it is teaching and wondering about the qualifications maybe greater than they need to be.

Rebecca Pitkin: You have to have 48 credits to be a substitute teacher – my own thinking and my board's I am sure – some sort of bare minimum because would qualify work experience? I have a nineteen-year-old that needs some extra money – he has been driving since he was fourteen. Is that work experience? What are the bare minimum that anyone would accept to have someone in a car with a fifteen-year-old? Those are somethings to wrap our heads around.

Senator Rust: As I see driver's education, I see it in two parts. I see a classroom part and a behind the wheel. Right now a driving school can do the behind the wheel. What kind of qualifications do those people have? Do they have a four-year degree?

Rebecca Pitkin: I think if you choose a driving school, the parents would cover the cost of that and so the liability would not be on the school. There isn't foundation aid or credit. The whole piece about a license and credit are all things ESPB doesn't have anything to do with – that is the department, but there is that factor of foundation aid and credit bearing driver ed. You get a half of credit if it is taken through the school. Those are all additional layers. ND is one of the few states that has retained driver's ed. in the schools. I think that driving schools in other places is very common.

Senator Rust: It is no longer required for a school to teach driver's ed is it?

Rebecca Pitkin: That is a Department of Public Instruction question.

Chairman Schaible: Jed would you come back up and answer some questions. What are the qualifications of a non-school driving instructor?

Jed Geer: There are a couple of ways to look at that. When I started the driving school, I took classes through Minot State. You need a certificate in driver and traffic safety along with a list of stuff. At that time it was governed under the Highway Patrol. It has since switched to DOT. When I hire instructors, basically, if they don't want to go through the coursework at Minot State, they can do this by observing in the car and then also teaching. Thirty hours of observation in the car and myself or one of my instructors observing them while they teach a student. Thirty hours is pretty rigorous – that would be five students at six hours a piece. We do that in either three hour sessions in the winter or two hour sessions in the spring-summer-fall. It is pretty intense training. On top of that, passing the background check, favorable driving record and those things as well.

Senator Davison: I would assume your insurance company has something to say regarding that, too. From a liability standpoint that you have to carry? The insurance company doesn't mandate anything in regards to the liability insurance in the level of instructor.

Jed Geer: The commercial insurance that would insure the driving school? They and DOT would say what kind of record would be favorable to be insured. The liability side of things – it is pretty much a pass fail. My driving school is insured and when I add a driver to that, they say they will take the instructor or not. Many of our drivers have CDLs already and understand safety and it has worked out very well.

Senator Rust: I am curious, is this classroom, behind the wheel or both?

Chairman Schaible: You'll have an opportunity tomorrow to ask those questions tomorrow. With that, we'll hold this hearing open and reopen this hearing at 2:30 tomorrow.

2019 SENATE STANDING COMMITTEE MINUTES

Education Committee
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SB 2316
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31582

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Minutes:

Att. #1-Rust

Chairman Schaible: I've asked Joe Kolosky, Department of Public Instruction to help us better understand the requirements of Driver's Education instructors.

Joe Kolosky, School Approval and Opportunity, Deputy Director: Instructors need to have a teaching license and an endorsement. I am not sure of the number of semester hours an instructor needs for an endorsement. That could be answered by ESPB. I don't work with driving school instructors – only instructors that are employed by a school district.

Senator Davison: Do they still offer driver's education in the larger schools?

Joe Kolosky: The bigger districts we have Bismarck, Mandan, West Fargo, Minot, all offer summer school classes during the school year. We have 132 programs specifically in the summer. There are bigger schools that offer it as well as the smaller schools.

Senator Davison: Do schools offer it as part of their curriculum? Part of their regular day time curriculum. If I need to take five credits to be a full time student, are there many schools that offer it as a regular elective right during the school day?

Joe Kolosky: Eleven do. During the school year. By far, the vast majority is summertime, which is 132 programs. Of those programs, it looks like four of the bigger schools offer it during the school year and also offer it during the summertime. I also have enrollment numbers, too. I can email this to you, too. In the summer school, we have behind the wheel – last summer, 2,464 kids, the classroom was 246 students. There was a combination class of classroom and behind the wheel which is 411. So there are several sections. A total we have 3,763 students taking driver's ed in the summertime last year.

Senator Davison: So do they get foundation aid back - \$150 – for summer school class.

Joe Kolosky: We pay based on enrollments.

Senator Davison: That's typically a max of \$150.

Joe Kolosky: For summer, right. During the school year, we had 1,316 students took it last year.

Senator Davison: Do they get a higher number of dollars back for these students? Do they offer it after school or something? How does Department of Public Instruction look at that as reimbursement?

Joe Kolosky: I'd have to have Adam Teshler answer that question. I'll ask Adam to get back to you.

Senator Davison: Is the trend on those numbers outside of the summer school been decreasing? Is the summer school been increasing – what is the trend?

Joe Kolosky: It has been decreasing because of the lack of instructors. I can pull five-year data for you, too and do a trend for you.

Chairman Schaible: You have no idea how many kids are taking it privately – through a driving school?

Joe Kolosky: We don't collect any data on that.

Senator Rust: What is the amount of credit the school can get for that?

Joe Kolosky: We go by the hours – 120 hours is one credit. They can break that into quarters. They could be broken down from a fourth credit to a full credit.

Senator Davison: Fargo doesn't offer it at all any more.

Joe Kolosky: Let me look at the sheet here – Fargo South offers it in the summertime.

Senator Davison: I don't think there are many that do it.

Senator Rust: You said the amount was \$150 for summer school?

Chairman Schaible: What would it be during the school year?

Joe Kolosky: The school would get the per hour payment for foundation aid. I would need to ask the fiscal director.

Senator Rust: They don't get an additional payment if it is during the school year, do they?

Senator Oban: Do you have any idea how many instructors we have – or is that an ESPB question?

Joe Kolosky: That would be a question for ESPB.

Chairman Schaible: Thank you.

Senator Rust: *See Attachment #1.* Mr. Chairman, I did go online to get the driver's education minor equivalency endorsement plan. I did ask Rebecca Pitkin about the endorsement plan. He reviewed with the committee the endorsement that would be put on the teacher's license. Is the background check covered on this or do we need to be concerned about this?

Chairman Schaible: According to Jeb, they have to have a background check as well.

Senator Rust: Teachers have a background check as part of the license procedure.

Chairman Schaible: Why don't we get the requirements for a private driver's education instructor to compare with what they are in the school setting. Then we can see what we want to do with this bill. Since several of the committee members need to leave, we will stand adjourned.

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SB 2316
1/29/2019
31713

- Subcommittee
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A bill relating to allowing individuals who do not have a teaching license to teach driver education upon meeting certain criteria.

Minutes:

Att. #1-Schaible

Chairman Schaible: We are reopening the hearing on SB 2316. **See Attachment #1.**

Larry Ressler: I am here today to testify on SB 2316. My son-in-law is the Superintendent of Solen High School. They can't get anyone with a professional license to come forward to teach driver's education for a variety of reasons. We have 30 teachers, but none are interested in teaching driver's ed. I came up with an idea to have someone like me – a retired person that likes kids – that would put the time and effort in to doing the classes and Solen paid for my three classes to become certified to teach driver's education. About three-fourths of the way through the documentation, it came up and said you have to have a professional teacher's license. Now, I can't teach, but we have students that want to get driver's licenses in these small towns – they can if they go to Bismarck or Fargo or Minot or Williston or Dickinson – the bigger towns where they have driver's education. Parents would have to take time off of work, arrange something for weekends, or have someone drive them to the towns and it makes a big mess for everybody. For a kid to get a job or a student to get a job, they first off need a driver's license. How do they get a driver's license? Chances are zero if they have to come to Bismarck. If Solen would have someone like myself teaching the class, they could do it in the summer and then at that point get their 30 hours of classroom time plus they could get their six hours of behind the wheel. If a student needed some extra time to learn something before they got their license, I am retired – I can spend all day with them – it is not a big deal to spend eight hours instead of six hours or four hours. It is a win-win for me because I can do something, being retired and it is a win-win for the school for the school because they have someone coming to the school to teach driver's education. The students can get a driver's license and get a job. With the driver's license with the graduated system, they are only good – if I remember correctly – they can only stay out until 10:00 unless they have an exemption or something like that. For me, I like kids. I'll spend time to get the curriculum down, which is specified by NDDOT, so if I have the curriculum down, why can't I teach?

Chairman Schaible: Did you complete the instructors prepared course already.

Larry Ressler: I took the three online classes through Minot State had at the time. I don't remember the course names, but there were three courses that were specified you needed to teach driver's ed. It sounded like there were just three classes and I passed them all.

Chairman Schaible: You are not qualified to be a private instructor for a business. Correct?

Larry Ressler: I could probably work for a commercial driver's ed. school if they asked.

Chairman Schaible: It says, "to hold a valid driver's education certificate or successfully completed an approved instructor preparation course of regular class D training instructors. Courses must be submitted to the approval of the director of ND Public Transportation. At a minimum in instructor development must consist of 30 hours of classroom and 30 hours behind the wheel practical training. That isn't the same, I wouldn't think.

Larry Ressler: A few years back, they had that "community expert" program, which I guess no schools took advantage of because it sounded like nobody actually understood or knew that the bill was out there and that had a sunset clause on there which made it disappear. According to some of the people I spoke to, they understood a person in the community could do it, but there was a criterion on it that you had to have a professional license. Right now, the way I look at it, if you keep that professional status there, driver's education is probably going to go away. For the smaller communities, all those kids will have to come to the larger towns.

Chairman Schaible: Other questions. Thank You.

Justin Fryer, Superintendent of Solen Public School District: To give you background, we are located on the Standing Rock Reservation, but we are a public school – which is a rarity. We face several challenges. We were making significant progress at Solen and as some of you know, we were the ND Distinguished Award Winners. Actually, our principals and some of our board members are flying out to Kansas City to get a national award for all the improvements we have made. We are doing a good job of getting our students college ready, but, unfortunately, we know that not all our kids will be college ready. We are really trying to focus now on the career ready aspect of this. What we see is that our students who don't go to college have a hard time finding employment. We've had several conversations with the school board and they say the number one issue is the driver's license. Our students just don't have the means to get a driver's license. I have advertised for the past three years to get someone down there to do it. Locally, I have offered to pay for teacher's classes and I can't get anyone to do it. I wanted to attack this from a different way – to find somebody that could come in and teach the class. I was going to go through the community expert provision, but that was knocked out. So, we paid for Larry's classes, he has a three-year sub license. I tried to work with ESPB, but they said they wouldn't support it. They would support the class, but you don't get a high school credit. I would like to take it one step further, where they can get a high school credit and the reason I say that is because I don't know what other avenue we have given where I am at. We have advertised for the position. My students would either drive to either Bismarck or Mandan. Our students don't have the transportation to get up to those places. I told the board I would come before you to see if you could help us with this

issue. Currently, we have somebody that could come in, teach the course and we could focus on getting our students career ready. I would hate for our kids to be held back just because of a driver's license. The two biggest employers on the Standing Rock Reservation are Prairie Knights Casino and the tribe. Chairman Faith did pass on a letter of support as he is unable to be here today. This is not only an issue for us, it is an issue for Sioux county as a whole and the schools that are in Sioux county. We need to find a way to get these kids their licenses. It will open up a lot of opportunities for them to go out in the world and be successful and hold down a job. I am asking your help to move this forward so that we can provide this opportunity for our kids. If we can get this piece in about the driver's license and providing that for our kids, I think it will open so many doors. I know there are other school districts around the state that face these same kind of challenges.

(13:54) **Chairman Schaible:** Do you see this as deteriorating the quality of the classes that we are offering by lowering the standard?

Justin Fryer: I don't think in our particular case it would be – as he mentioned, he has taken the required classes. He can sub, he has a two-year degree to sub. He has taken the quote/unquote the minor to teach driver's ed. He has completed all the courses at Minot State to get certified. He is just lacking the teaching degree. I believe in local control and in our case, the board knows the issues we face and we would be more than happy with someone like Larry to come in and go forth and teach the class. If we don't do anything, we know what the result will be – our kids will be unemployable and not have a driver's license and they probably not join the workforce.

Chairman Schaible: You did ask ESPB to get a waiver?

Justin Fryer: I did try to work through the community expert, but it had expired. I just think there wasn't a lot – at the time, there just didn't seem – I don't know of anybody was successful with the community expert. I think you guys allocated like \$30,000; we would have been somebody that could have benefitted from it, but it had expired – I didn't know – I think it had gone out in 2016 and when we started this process, we just missed the cutoff.

Chairman Schaible: Other questions.

Senator Davison: Justin, have you thought about, when you advertise for teacher openings to teach it during the regular class period time and tie that into one of your teacher contracts so that somebody has to do it?

Justin Fryer: We have not done that – the reason being given the graduation requirements and the size of our staff – right now we have 24 teachers – and we have over 200 kids, so given what we face with budget – not from the state side of it – so we can't – I have no ability to raise any property tax. Our budget says around \$4.5 million – our property tax mill levy is \$109,000. I am directly at the mercy of the federal government – impact aid. As you know, they don't pay on time, they don't pay what they are supposed to pay. Generally speaking, on a given year say we are supposed to get a \$1 million in impact aid to help us with funding docks that can't get property taxes, I have to budget like 65% because I cannot go over because I will not be able to make payroll. It is a unique problem that we face and there is no way I can do – I can't even go and ask the farming base to raise mill levy. I just don't have

that ability. Even if I imposed the max mills, the most I could get is another \$12,000 a year. Given the budget, I just don't have the capacity to do that – to add more staff. We are pretty much tapped out. The other side of that is we want to keep a high quality staff so we want to pay our teachers well and we do the best job possible to recruit really flexible teachers and in the five years since I have been superintendent we have only lost one teacher. We are doing something right, but we are handicapped because we are so dependent on the federal government. When they should down the government, luckily we had an early pay request to get our impact money and it came in just before the shut down, but if we hadn't got that, we would have been in dire straits had we not been fiscally responsible.

Senator Rust: You said, you wanted to teach driver's ed, but we want them to get the credit. Why is it so important for the credit? Wouldn't your students have more than they need anyway?

Justin Fryer: That is my understanding. I received an email from someone that was helping me with this and they were under the impression – and I didn't have time to follow up as it just came the other day or yesterday – that we can do the class, but the kids won't get credit. I don't know if that is accurate. To me it would seem you would need to have – be able to get the credit. The one credit and get the class.

Senator Rust: The question is why is it important to get the credit?

Justin Fryer: Elective graduation requirement – to give our students another option to get an elective credit towards graduation.

Chairman Schaible: Under this scenario would you get paid foundation aid with this class?

Justin Fryer: We would just be paid our based on our enrollment – we wouldn't be paid anything extra.

Chairman Schaible: Other questions. Other testimony.

Pete Red Tomahawk, former school board member: Why I am here today is to create development. In looking at having a driver's license to continue with knowledge, continue with the military or just go to work the first question they ask is do you have a driver's license. This is one area that we feel we can help our students. We are aware of the shortage of teachers and looking at what we want to do. With your help, we will be able to get these young men and women their driver's license. I want to thank you for your help.

(25:39) **Chairman Schaible:** Any questions? Other testimony.

Jed Geer, owner of First Geer Driving School: The three courses he took would allow him to be hired by a driving school to instruct the behind the wheel portion. Which in turn would – you know the one thing that Justin had said about the wanting the credit – a commercial driving school right now – we could go down to Solen and rent the community center. With the road test waiver, we could teach 30 hours of classroom and we could then teach the behind the wheel portion and we could get this done another way. But I do feel this bill makes sense and once again, we support the bill.

Chairman Schaible: You feel the courses he does have, you don't think it would water down the version of driver's training or that would be sufficient to offer the course.

Jed Geer: I believe that would be sufficient. The course that many people would be teaching in the schools is called the Playbook curriculum. The curriculum is all laid out – it would take some study, but what we are teaching is driver's education and we have a curriculum that we need to teach the class and that is all laid out for us and partnering that with the same people going into the car and teaching these kids is a valuable asset.

Senator Oban: To teach driver's ed in a public school they require four courses. Can you tell me the difference between the three courses for a commercial school instructor and the minor equivalency?

Jed Geer: The difference is we are talking about a minor in driver's education and a certificate in driver's education. For me to employ – Larry, for example – he can either do 30 hours of classroom hours of classroom and 30 hours of observation with me or he can take the three classes which he took. He is certified – the courses being – Driver and Traffic Safety 230, Driver and Traffic 260, Teenage Driving and Behavior Problems, and Driver and Traffic Safety 450 Organization and Administration and Supervision of Traffic Safety Education.

Senator Oban: Why would there be a difference between private and public school teaching of driver's ed.

Jed Geer: I don't have a good answer for that, but I think that driver's ed was always under the Department of Public Instruction or the schools and then the big towns were filling a need and years ago because they could do the classroom in the schools, but didn't have the manpower to teach the behind the wheel. Now we are trying to mesh the two together. I feel that any of my employees would be more than adequate to teach driver's ed in the schools and get this done the way this bill reads, too.

Chairman Schaible: Other testimony.

Jim Keller, head of the Driver's Ed Association: The intent of the bill is right. But this is not the right way to do it. Many people could qualify for teaching that should not be able to teach the class. Looking at the bill carefully, it does not mandate the kind of course work and training someone should have in order to teach driver's education. The methodology for teaching is really necessary. According to this bill, a student could teach driver's ed. 30 hours of classroom time, 30 hours of driving time, and they are ready to go – teach! This isn't enough. What about the experience – they don't say what the experience is. Is it driving school? Is it – oh, I drove a truck for 20 years, have I taught for two years? What is the experience? This bill doesn't lay it out. I know they are looking for someone to drive. I've been part of the driver's ed program and am President for a couple of years and not once have I received a phone call – otherwise I would have put it out on my board memo for everyone. I don't know if you knew that that was available. That is why we try to get to all the superintendents of every school in the spring so we can maybe locate driver's ed teachers for you. We are trying to help everyone out. We have been doing our ditch best to find the teachers. By March we are going to have a complete map of Driver's ed. teachers. Again,

the intent of this bill is good, desperate times call for desperate measures, but we are not at that point yet. I don't think that passing this bill it will help driver's ed. it will detrimental to it. It is not written well enough and leaves a lot of gaps. I don't think it is right to say that anyone can teach. Not anyone can just teach. The methodology courses need to be there.

Chairman Schaible: Other questions. Thank you Jim.

Hearing closed on SB 2316.

2019 SENATE STANDING COMMITTEE MINUTES

Education Committee
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SB 2316
2/11/2019
32539 (5:23)

- Subcommittee
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Committee Clerk: Lynn Wolf

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Minutes:

No Attachments

Chairman Schaible: Did everyone get a copy of the survey the driver's ed. association president took of members of the association? I will forward that to you. He had sent out a survey to all his drivers and there wasn't anybody in favor of the bill. Talking to a ESPB, today, they said they can't come up for a fix for this. They don't know what they would do to make it more palatable. I do think there is work being done to get more driver's ed. instructors in those areas that would be certified. In this case, I think there is one going in down there now. I don't know, Richard, he said their looking for somebody for driver's ed. in your area.

Senator Davison: I move Do Not Pass on SB 2316.

Senator Rust: Second.

Chairman Schaible: Other discussion.

Senator Rust: Did we get any handouts on this bill at all?

Chairman Schaible: No, I have just written notes. Other discussion. Seeing none, clerk take the roll.

Roll Call Vote: 6 Yeas; 1 Nay; 0 Absent.

Motion is approved.

**2019 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. SB 2316**

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 Sen Davison Seconded By Rust

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

Total (Yes) 6 No 1

Absent 0

Floor Assignment Sen. Fors

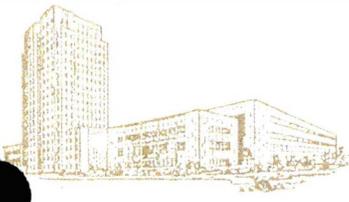
If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2316: Education Committee (Sen. Schaible, Chairman) recommends DO NOT PASS
(6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2316 was placed on the
Eleventh order on the calendar.

2019 TESTIMONY

SB 2316



NORTH DAKOTA SENATE

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Senator Richard Marcellais

District 9
301 Laite Loop NE
Belcourt, ND 58316-3877

R: 701-477-8985
B: 701-477-8985
C: 701-278-0632
F: 701-477-8985
rmarcellais@nd.gov

COMMITTEES:

Education
Government and Veterans Affairs

Senate Bill 2316

***Good Morning Chairman Schaible, members of the
Education Committee***

***For the record my name is Richard Marcellais, Senator
from District 9 Rolette County, I am here today to
provide testimony in support of Senate Bill 2316.***

***Senate Bill 2316 relating to allowing individuals who do
not have a teaching license to teach driver education
upon meeting certain criteria.***

***Currently the majority of driver training schools are in
the cities. This bill would allow to have drive training
teachers in the rural areas.***

***Thank You very much for the opportunity to appear in
support of Senate Bill 2316. If there are any questions, I
will try and answer them.***

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January 28, 2019
Testimony
Education Standards and Practices Board
Senate Bill 2316

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 2216 which allows individuals who do not have a teaching license to teach Driver's Education. Our board discussed SB 2316 during a special board meeting on January 25, 2019. The discussion which ensued garnered the following comments:

- There is no mention of the need for a background check and this directly relates to student safety
- The bill is not clear regarding the "necessary work experience"; currently this field experience is provided by a Driver's Education mentor with a minimum of three years of experience in Driver's Education. Three clock hours of in-car observation and three clock hours of in-car instruction are required.
- The bill does not require instructors have any coursework in pedagogy, student development, management and motivation, planning and instruction or learner assessment

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- Currently ESPB does not have provisions for community experts within our current law

ESPB understands the sentiment of the bill and the desire to increase Driver's Education instructors in rural areas. In its current state, ESPB opposes the bill due to a plethora of unanswered questions. ESPB was in opposition to SB 2158 which presented several challenges relating to reeducation of Driver's Education instructor-and many of the same concerns are inherent within this bill. As indicated in several previous testimonies before this committee-ESPB has a commitment to do "what is best for kids"; we do not believe teaching Driver's Education without a valid teaching license aligns with this non-negotiable.

This concluded my testimony and I stand for any questions.



DRIVERS EDUCATION MINOR EQUIVALENCY ENDORSEMENT
SFN 58610 (05-17)

AK# SB 2316
1-28-19
AK# J
pf0f2

Name (Last, First, MI)		Maiden Name		Educator's Professional License Number			
Address				or			
City		State	Zip Code (9-digit)	Social Security Number (do not use dashes)			
Home Telephone Number	Work Telephone Number	Date of Birth	Email Address				
High School Attended	High School City Attended				State		

Prerequisite: Valid North Dakota educator's professional license.
Endorsement Request and Verification: Once you have completed the requirements, request this endorsement be added to your license by returning this form to ESPB along with your official transcripts and verification of experience.
Fees: \$75
Timeline: The addition of this endorsement does not change your regular license renewal date.

Driver's Education Minor Equivalency Grades 7-12 Program of Study

Effective August 1, 2008 ME 24 requirement: Valid operator's license not suspended or revoked.
 Provide between November 1 and December 31 of each year a complete abstract of applicant's driving record for past 36 months from a state driver licensing office evidencing a satisfactory driving record free from any conviction that would constitute the basis for suspension or revocation on the instructor's operator's license, and not more than three moving traffic violations.

Coursework	Completed (SH)	Needed (SH)
Ten semester hours consisting of at least one course each in:		
Classroom driver and traffic education		
In-car instruction		
Beginning driver problems		
Organization and administration of safety education		
Fourteen semester hours with no more than 3 semester hours in any one area:		
First aid		
Substance abuse and prevention education		
Equipment training, which may include simulator use and education technology		
Classroom management		
Developmental psychology covering adolescent psychology		
Stress management		
Curriculum, planning, and assessment		
Teaching diverse learners		
Educational psychology		
	Total SH	Total SH

Applicant:	Date
ESPB Approval:	Date

Please return the completed form and \$75 fee to: Education Standards and Practices Board
 2718 Gateway Ave. Suite 204
 Bismarck, ND 58503
 (701) 328-9641 office
 (701) 328-9647 fax

In compliance with the Federal Privacy Act of 1974, the disclosure of the individual's social security number on this form is mandatory pursuant to North Dakota Century Code (NDCC) 43-50-02. The individual's social security number is used by the Education Standards and Practices Board (ESPB) as an identification number for file control purposes, background checks, and recordkeeping. ESPB does not advocate, permit, nor practice discrimination on the basis of sex, race, color, national origin, religion, age, or disability as required by various state and federal laws.



DRIVERS EDUCATION MINOR EQUIVALENCY ENDORSEMENT
SFN 58610 (05-17)

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1-28-19
AH #1
p1 of 2

Name (Last, First, MI)		Maiden Name		Educator's Professional License Number							
Address				or							
				Social Security Number (do not use dashes)							
City		State		Zip Code (9-digit)							
Home Telephone Number		Work Telephone Number		Date of Birth		Email Address					
High School Attended				High School City Attended				State			

Prerequisite: Valid North Dakota educator's professional license.
Endorsement Request and Verification: Once you have completed the requirements, request this endorsement be added to your license by returning this form to ESPB along with your official transcripts and verification of experience.
Fees: \$75
Timeline: The addition of this endorsement does not change your regular license renewal date.

Driver's Education Minor Equivalency Grades 7-12 Program of Study

Effective August 1, 2008 ME 24 requirement: Valid operator's license not suspended or revoked.

Provide between November 1 and December 31 of each year a complete abstract of applicant's driving record for past 36 months from a state driver licensing office evidencing a satisfactory driving record free from any conviction that would constitute the basis for suspension or revocation on the instructor's operator's license, and not more than three moving traffic violations.

Coursework	Completed	(SH)	Needed	(SH)
Ten semester hours consisting of at least one course each in:				
Classroom driver and traffic education				
In-car instruction				
Beginning driver problems				
Organization and administration of safety education				
Fourteen semester hours with no more than 3 semester hours in any one area:				
First aid				
Substance abuse and prevention education				
Equipment training, which may include simulator use and education technology				
Classroom management				
Developmental psychology covering adolescent psychology				
Stress management				
Curriculum, planning, and assessment				
Teaching diverse learners				
Educational psychology				
	Total SH			Total SH

Field Experience (required for elementary or middle school teachers) provided by a driver's education mentor with a minimum of three years experience in driver's education. Three clock hours of in-car observation and three clock hours of in-car instruction.

Renewal: Two semester hours every five years of driver/traffic safety coursework toward licensure renewal. It is the responsibility of the instructor to notify ESPB of any driving offense, suspension, revocation, or cancellation of the driving license in a timely manner.

Applicant	Date
ESPB Approval:	Date

Please return the completed form and \$75 fee to: Education Standards and Practices Board
 2718 Gateway Ave. Suite 204
 Bismarck, ND 58503
 (701) 328-9641 office
 (701) 328-9647 fax

In compliance with the Federal Privacy Act of 1974, the disclosure of the individual's social security number on this form is mandatory pursuant to North Dakota Century Code (NDCC) 43-50-02. The individual's social security number is used by the Education Standards and Practices Board (ESPB) as an identification number for file control purposes, background checks, and recordkeeping. ESPB does not advocate, permit, nor practice discrimination on the basis of sex, race, color, national origin, religion, age, or disability as required by various state and federal laws.



Payment/Credit Card Information

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1-2849
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Type of Payment <input type="checkbox"/> Visa <input type="checkbox"/> MasterCard <input type="checkbox"/> Check			Amount \$
Name as it appears on credit card			
Credit Card Number	Expiration Date	3 digit CVV	
<input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> m m y y	<input type="text"/> <input type="text"/> <input type="text"/>	
Billing Address of credit card (if different than the mailing address)			
Address: _____			
City _____ State _____ Zip Code _____			

This documentation will be destroyed upon completion of processing.

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From: Mongeon, Karin L.
Sent: Tuesday, January 29, 2019 1:54 PM
To: Schaible, Donald G. <dgschaible@nd.gov>
Cc: Nelson, Mark A. <mnelson@nd.gov>
Subject: FW: private drivers instructors

Senator Schaible,

The credentials that are needed to be a private driver instructor are as follows:

Minimum **Education** Requirements to Qualify for a Regular (Class D) Driver Training School Instructor are:

1. Hold a Valid Drivers Education Certificate from the Department of Public Instruction. **OR**
 2. Successfully complete an approved instructor preparation course for regular (Class D) training instructors. Instructor preparation courses must be submitted to and approved by the director of the North Dakota Department of Transportation.
- Preparation courses conducted by a licensed commercial driver training school must consist of both classroom training and practical driving situations.
 - At a minimum, **instructor** development training must consist of 30 hours of classroom and 30 hours of behind-the-wheel practical training.
 - The behind the wheel practical training must consist of both actual driving and riding along and observing a licensed instructor during a student training session.

The application packet for new driving schools and driving instructors can be found here:

<https://www.dot.nd.gov/divisions/driverslicense/docs/School-and-Instructor-Application-Packet.pdf>

Please let us know if you need any additional information. We'd be happy to provide it.

Thank you,

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**School and Instructor Application Packet for New and Renewal Applicants
(Drivers License Division address is on page 4)**

New Driving School

- A. An individual or individuals applying to be a new driving school must first register with the North Dakota Secretary of States Office online at www.nd.gov/sos or by telephone at 701-328-4284.
- B. Submit an application packet to the North Dakota Drivers License Division. The packet consists of:
 - 1. A completed Commercial Driver Training School License Application SFN 13961.
 - 2. A \$25 application fee made payable to the North Dakota Drivers License Division.
 - 3. Each of the items listed on the Commercial Driver Training Requirement Checklist SFN 51844 under the **School** Application & Fee heading.

New Driving Instructor

- A. An individual applying to be an instructor for a driving school must submit an application packet to the North Dakota Drivers License Division. The packet consists of:
 - 1. A completed Commercial Driver Training Instructor License Application SFN 13960.
 - 2. A completed Medical Examination Report SFN 4569.
 - 3. A \$10 application fee made payable to the North Dakota Drivers License Division.
 - 4. Each of the items listed on the Commercial Driver Training Requirement Checklist SFN 51844 under the **Instructor** Application & Fee heading.
 - 5. The official results (original, no photocopies) of an FBI Fingerprint-based Background Check. **See pages 3 & 4 for Instructions on how to complete the background check process and Instructor Education Requirements.**

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Renewal of Driving School License

- A. An individual or individuals applying for the renewal of an approved driving school (required each calendar year) must submit a renewal application packet to the North Dakota Drivers License Division. The packet consists of:
1. A completed Commercial Driver Training School License Application SFN 13961.
 2. A \$25 application fee made payable to the North Dakota Drivers License Division.
 3. If you are going to change your fees for the next calendar year, please submit an updated copy of your student contract reflecting the changes.
 4. To remain in compliance with driving school and instructor regulations, be diligent to keep your vehicles in safe operating condition, currently registered, and insured. Vehicles older than **ten** model years must be replaced. As you purchase vehicles, they must be inspected by the North Dakota Drivers License Division prior to using them for training.
 5. Your surety bond and lease agreement (if applicable) must be current at all times.
 6. Your school financial statement for the past calendar year must be submitted to the North Dakota Drivers License Division by April 15th of the new calendar year.

Renewal of Driving Instructor License

- A. An individual applying for renewal of a driving school instructor (required each calendar year) must submit a renewal application packet to the North Dakota Drivers License Division. The packet consists of:
1. A completed Commercial Driver Training Instructor License Application SFN 13960.
 2. A \$10 application fee made payable to the North Dakota Drivers License Division.
 3. The Drivers License Division will complete the required driving record checks.

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Instructions for FBI Fingerprint-based Background Check- required for all driving school instructors

1. The individual must access the FBI website.
The FBI website is www.fbi.gov
2. Scroll down to **FBI Homepage**.
3. On the Homepage, scroll down to Services, Click on Criminal Justice Information Services, click on Identity History at the top of the page.
4. Scroll down to "How to Submit a Request" and click on **Option 1**: Submit your request directly to the FBI (can take 12 to 14 weeks for the results);
or
Option 2: Submit to an FBI-approved Channeler (such as Telos Identity Management Solutions, Fieldprint Inc or VetConnex. ***This may be quicker, contact the channeler for timeframe.***
5. Follow the Instructions for submitting the request. The website will have the required application (Applicant Information Form) and fingerprint form (Standard Fingerprint Form FD-258) as well as the method of payment and the FBI mailing address. The website will also have a list of FBI-approved Channelers to submit your request. *Note: on the Applicant Information Form, indicate 'personal review' as the reason for the background check.*
6. The individual will take the fingerprint form and application to their local law enforcement office to complete the fingerprint process **or** follow the Channeler instructions if choosing Option 2.
7. The individual then mails the completed application and fingerprint form to the FBI to initiate the background check **or** follow the Channeler instructions if choosing Option 2.
8. The background check results will be mailed to the individual.

(continued on next page)

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9. The individual needs to mail the background check results (original- no photocopies) to:

*Brie Moore, Deputy Chief Examiner
Drivers License Division
608 East Boulevard Avenue
Bismarck, ND 58505-0750*

OR

10. You can have the background check results sent directly to Brie Moore by filling in the **Mail Results to Address** area on the Applicant Information Form.

C/O Drivers License Division ATTN Brie Moore
Address 608 E Boulevard Avenue
City Bismarck State North Dakota
Postal (Zip) Code 58505-0750 Country U.S.A.
Phone Number (if different from above) 701-328-2604

Education & Training Requirements for Instructors/Schools

Minimum **Education** Requirements to Qualify for a Regular (Class D) Driver Training School Instructor are:

1. Hold a Valid Drivers Education Certificate from the Department of Public Instruction.

OR

2. Successfully complete an approved instructor preparation course for regular (Class D) training instructors. Instructor preparation courses must be submitted to and approved by the director of the North Dakota Department of Transportation.
- Preparation courses conducted by a licensed commercial driver training school must consist of both classroom training and practical driving situations.

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- At a minimum, **instructor** development training must consist of 30 hours of classroom and 30 hours of behind-the-wheel practical training.
- The behind the wheel practical training must consist of both actual driving and riding along and observing a licensed instructor during a student training session.

Approved Regular (Class D) Instructor Preparation Courses in North Dakota are:

Note: Be sure to contact the school and confirm they provide instructor training

- 1st Geer Driving School located in Bismarck 701-989-3707
- 1st Geer Driving School Branch Office 218-242-9862
- ABC Minot Driving School located in Minot 701-500-9969
- Behind the Wheel located in Carrington 701-652-2984
- Dakota Driving School located in Williston 701-774-8442
- Dave's Dakota Driving School located in Bismarck 701-527-0785
- Don's Driving School located in Bismarck 701-223-5304
- Fork's Drive Right located in Grand Forks 701-740-9951
- Gotta Go Driving School located in Fargo 701-238-0236
- Gotta Go Driving School Branch Office in located in Dickinson 701-405-3108
- G's Driving School located in Minot 701-852-6036
- Krueger Driving Academy located in Fargo 701-367-8955
- The Right Way LLC located in Grand Forks 701-772-1133
- Xcell Driving School located in Fargo 701-232-1200
- Valley Driver Education, LLC located in Fargo 701-491-7170
- Fargo Driving Academy, LLC located in Fargo 612-618-3168
- Right-of-Way Driving School located in Bismarck 701-214-3620
- Heavy D Driving School located in Moorhead 701-446-1746

OR

Successfully complete a series of Driver and Traffic Safety Online Courses through Minot State University.

1. Successfully complete *DTS 350 Advanced Driving* course to **initially** obtain your Class D Driving Instructor certification.
2. Within 3 years, successfully complete *DTS 230 Driver and Traffic Safety Education*, *DTS 260 Teenage Driving Behavior Problems*, and *DTS 450 Organization, Administration, & Supervision of Traffic Safety Education* courses in order to keep your Class D Driving Instructor certification.
3. At the end of the 3 years, complete annual refresher training by attending ED 500-ND Driver and Traffic Safety Education Association Conference Workshop.

Go to <http://www.minotstateu.edu/drivedr ed/offerings.shtml>

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If starting a **NEW** Regular Class D Driving School, the first step for the owner is to acquire an Instructor who meets the Instructor Education Requirements described above.

Complete the School and Instructor Requirements found at www.dot.nd.gov Under the **green Public** tab, click on **Driver**. Then click on the **Driver Information/Education** tab on the left side of the screen. Then click on **Driving School and Instructor Requirements**.

Minimum **Training Curriculum** Requirements to Qualify for a Regular (Class D) Driving School:

1. Must provide a minimum of 6 hours of actual Behind the Wheel Training.
2. Must use the North Dakota *Standard Behind the Wheel Training Curriculum*.
3. The student should be able to successfully demonstrate these driving behaviors:
 - Starting and stopping the vehicle
 - Proper driving posture
 - Proper use of vehicle controls
 - General observation skills and attention to the driving task
 - Controlling the vehicle
 - Speed control
 - Proper intersection speed
 - Intersection observance
 - Traffic lights, Stop Sign intersections, and Railroad crossings

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- Adherence to other traffic signs
- Unsigned (uncontrolled) intersections
- Proper application of the right-of-way

- Proper lane positioning
- Safe lane changes
- Multi-lane and one-way streets
- Proper full stops
- Proper following distance
- Right turns and Left turns
- Proper signaling
- Backing, to include parallel parking without park assist technology
- Driving in residential, business, highway, and rural areas including gravel road surfaces