



John Rau

*Final Analysis*  
*Legislative Service Commission*

**Sub. S.B. 237**  
123rd General Assembly  
(As Passed by the General Assembly)

**Sens. Cupp, Furney, Schafrath, Kearns, Prentiss, Gardner, Drake, Mumper, Carnes, DiDonato**

**Reps. Brading, Harris, Willamowski, Terwilleger, Buchy, Vesper, Widener, Mettler**

**Effective date:** \*

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**ACT SUMMARY**

- Revises the laws governing commercial driver training schools by dropping the word "commercial" from the name, by exempting schools that do not train students on public roads, and by expanding the class of "disabled persons" whose driving instructors must have additional training.
- Permits certain school districts responsible for vocational education to be licensed as driver training schools and to offer for a fee training in the operation of trucks, commercial cars, and commercial tractors, trailers, and semi-trailers to individuals who are not regularly enrolled, full-time high school students.
- Authorizes the Director of Public Safety to prescribe the minimum number of hours of classroom and behind-the-wheel training required for driver training school students who are beginning drivers of commercial trucks, commercial cars, buses, and commercial tractors, trailers, and semi-trailers.
- Increases the fee for an original driver training school license from \$50 to \$250 and increases the fee for an original driving instructor license from \$10 to \$25.

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\* *The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared.*

- Moves up by one week the earliest date that the fourth, sixth, ninth (and in the future, tenth) grade state proficiency tests may be administered.
- Reduces to nine days (from 15 days under prior law) the number of days following the administration of a proficiency test that a student who misses taking that test must make up that test.
- Qualifies public elementary school teachers (in addition to public high school teachers) to apply for the \$1,500 "teacher incentive grant" available in FY 2000 for obtaining a math or science credential on their teaching licenses.
- Qualifies teachers at chartered nonpublic schools for "teacher incentive grants" for obtaining either a reading credential or a math and science credential on their teaching licenses.

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## CONTENT AND OPERATION

### *The act removes the word "commercial" from the description of driver training schools*

(secs. 3301.17, 4508.01, and 4508.03)

Under prior law, "commercial driver training schools" were business enterprises licensed by the Director of Public Safety to offer, for a fee, training and instruction in the operation of motor vehicles. Such schools could offer training and education in the operation of passenger cars or commercial vehicles, such as trucks.

The act renames the schools that must be licensed by the Director of Public Safety as simply "driver training schools," eliminating the term "commercial." But it does not alter the stipulation that the schools subject to licensure include those that are "business enterprises." The change, therefore, appears to clarify that while the schools themselves are commercial businesses, some of them train drivers of passenger cars and not exclusively drivers of vehicles for which a commercial driver's license is required.

Traditional driver education courses offered by high schools continue to be required to comply with standards of the State Board of Education, but, as under prior law, are not required to obtain licenses.

**The act excludes from licensure schools that do not use public roads for training**

(sec. 4508.01(C)(1))

The act stipulates that a driver training school is subject to licensure only if it uses public streets or highways on which to provide training. It also eliminates the prior provision that a business offering only driver *theory* training is subject to licensure.

**The act permits "lead" school districts to be licensed as Class C schools and offer training only to nonstudents**

(secs. 4508.01(C)(2) and (E) and 4508.09)

**Background: "lead" school districts**

Under continuing law, every school district in the state is assigned by the Department of Education to a "vocational education planning district," or "VEPD." A VEPD is a school district or group of school districts designated as being responsible for the planning and provision of vocational education services to students within the district or group of districts. The group of districts that make up a joint vocational school district is always a VEPD. A group of districts that have formed a vocational compact might also be a VEPD. Some large school districts that provide services only to their own students might also be VEPDs.

Within each VEPD, the Department of Education designates one district as the "lead district." This district provides the primary vocational education leadership for the VEPD. In a VEPD that consists of a joint vocational school district, the lead district would be the joint vocational school district itself. In a compact, it usually is the district that acts as the funding agent.

**"Lead" districts may apply for Class C driver training school licenses**

The act permits the lead school districts of VEPDs to be licensed as driver training schools, provided they provide training and instruction in operating only (a) trucks, (b) commercial cars, and (c) commercial tractors, trailers, and semi-trailers.<sup>1</sup> That is, they may apply to be only "Class C" driver training schools.<sup>2</sup>

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<sup>1</sup> A "commercial car" is defined elsewhere in continuing law as "any motor vehicle . . . that is designed and used for carrying freight, or that is used as a commercial tractor." See sec. 4501.01(J), not in the act.

<sup>2</sup> The Director of Public Safety's rules categorize a driver training school as a "Class C" school if it provides training and instruction in operating trucks, commercial cars, and commercial tractors, trailers, and semi-trailers. Class A schools train individuals to operate passenger cars; Class B schools train them to operate motorcycles,

This restriction precludes the districts from offering training in the operation of passenger cars to non-students. However, the act does not affect their authority to offer traditional driver education or commercial vehicle operation training to their regular full-time high school students.<sup>3</sup>

**Temporary insurance exemption**

(sec. 4508.09(B))

Under the act, the Director of Public Safety must issue a license to any lead district that complies with all provisions that govern the issuance of a license to a Class C driver training school. However, the lead district need not immediately have any insurance coverage otherwise required under the Director's rules. If a lead district meets all the licensing requirements except for the insurance coverage, the Director nonetheless must issue the license on the condition that the district will obtain the required coverage and submit proof of it no later than 60 days after the license is issued. The Director's rules require Class C schools to have the following types of coverage for each vehicle used by the school:

- (1) Either (a) \$100,000 for death or bodily injury of one person in any one accident and \$300,000 for death or bodily injury of two or more persons in any one accident, or (b) \$500,000 combined single-limit liability coverage;
- (2) \$25,000 for injury to property of others in any one accident;
- (3) \$5,000 for medical coverage of each occupant; and
- (4) Uninsured motorist coverage in the same amounts as (1) and (2).<sup>4</sup>

**The act expands the definition of "disabled persons" whose driving instructors must have additional training**

(secs. 4508.01(B), 4508.03(B) and (C), and 4508.04)

Not only must driver training schools be licensed, but continuing law also requires that their instructors be individually licensed by the Director of Public Safety. Moreover, driving instructors of "handicapped persons" must meet

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*motorscooters, or motorized bicycles; and Class D schools are schools located outside Ohio that recruit and train Ohio residents. Ohio Administrative Code §§ 4501-7-01(Z) and (AA) and 4501-7-26(C) and (D).*

<sup>3</sup> See sec. 4508.07, not in the act.

<sup>4</sup> O.A.C. § 4501-7-29(A).

additional licensing standards. Prior law defined "handicapped" as "having lost the use of one or both legs, one or both arms, or any combination thereof, or being deaf or so severely disabled as to be unable to move about without the aid of crutches or a wheelchair."

The act replaces the term "handicapped person" with "disabled person," and broadens the definition to mean "a person who, in the opinion of the Registrar of Motor Vehicles, is afflicted with or suffering from a physical or mental disability or disease that prevents the person, in the absence of special training or equipment, from exercising reasonable and ordinary control over a motor vehicle while operating the vehicle upon the highways." (This is the same language used in the continuing driver's license law to describe disabilities for which a driver's license can be denied.<sup>5</sup>) The act also specifies, however, that "disabled persons" whose instructors must have additional training do *not* include "any person who is or has been subject to any condition resulting in episodic impairment of consciousness or loss of muscular control and whose condition, in the opinion of the Registrar, is dormant or is sufficiently under medical control that the person is capable of exercising reasonable and ordinary control over a motor vehicle."

The act requires that the Director certify driving instructors of disabled persons in accordance with program requirements established by the Department of Public Safety. It also eliminates the Director's authority to "arrange with state universities" to provide driver training of disabled persons and training of driving instructors for disabled persons.

**The act authorizes the Director to establish minimum training hours for commercial vehicles**

(secs. 4508.01(A) and 4508.02(C) and (D))

Prior law, slightly changed by the act, requires licensed driver training schools to provide 24 hours of classroom instruction and eight hours of behind-the-wheel instruction on public streets and highways.<sup>6</sup>

The act specifies that this 24/8 requirement applies only to "beginning drivers" of *noncommercial* motor vehicles who are under age 18. It defines a "beginning driver" as any person being trained to drive a particular motor vehicle who has not been previously licensed to drive that motor vehicle by any state or country. It further places in statute a requirement that the Director of Public

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<sup>5</sup> See sec. 4507.08(D)(3), not in the act.

<sup>6</sup> Continuing law requires the State Board of Education's driver education standards to mandate these same number of hours. See sec. 3301.07(E), not in the act.

Safety's rules for driver training schools state the minimum hours for classroom and behind-the-wheel instruction required for beginning drivers of *commercial* trucks, commercial cars, buses, and commercial tractors, trailers, and semi-trailers.

**Consultation with the state Superintendent of Public Instruction**

(sec. 4508.02(B))

Prior law authorized the Director of Public Safety to "call upon" the state Superintendent of Public Instruction for assistance in developing the rules for driver training schools. The act somewhat narrows this authority by specifying that the Director may do so only with respect to rules "for training beginning drivers" (the definition of which is described in the preceding paragraph).

**The act increases fees for original licenses**

(sec. 4508.05)

Under prior law, the fee for an original license to operate a driver training school was \$50. The act increases the fee to \$250. In addition, under prior law, the fee for an original driving instructor license (including one for the instruction of disabled persons) was \$10. The act increases that fee to \$25. However, the act does not change the fees for license renewals, which remain at \$50 for a driver training school license and at \$10 for a driving instructor license.

**Proficiency test administration changes**

**Earliest date for fourth, sixth, ninth, and tenth grade tests**

(sec. 3301.0710(C)(2))

Under continuing law, Ohio's fourth, sixth, ninth, and twelfth grade proficiency tests consist of five tests in each grade level covering the areas of reading, writing, math, citizenship, and science. Currently, the ninth grade tests are being phased out in favor of tenth grade tests. Statutory law also requires that the fourth, sixth, and ninth (soon to be tenth) grade tests be administered once annually during each school year, after March 15. But beginning in the 2001-2002 school year, the fourth grade *reading* proficiency test must be administered three times each school year: once before December 31, once after March 15, and once during the summer. (This latter provision was enacted as part of the "fourth grade reading guarantee," which requires annual assessment and remediation of the reading skills of children in grades one to four and prohibits school districts from promoting to fifth grade a student who has not passed the fourth grade reading test unless the student's teacher and principal agree that the student is academically prepared for fifth grade.)

The act slightly changes the earliest date on which the Department of Education may administer the second fourth grade reading proficiency test, the other four fourth grade proficiency tests, and all five of the sixth, ninth (and eventually tenth) grade proficiency tests. Instead of March 16, the new earliest date is the Monday of the week that includes March 15. Depending on the year, that date could be as early as March 10. The Department's prior practice was to wait until the Monday after March 15 to begin administering the tests, so the act's change has the practical effect of moving the tests up one week.<sup>7</sup> The act does not change the administration date of the twelfth grade tests, which must be between December 31 and March 31 of each school year.<sup>8</sup>

**Reduction of make-up days from 15 to nine**

(sec. 3301.0711(C)(2))

Under continuing law, a student may be excused from taking a proficiency test if the student is disabled and the student's individualized education program (IEP) excuses the student from taking the test. A student whose primary language is not English also may be excused if the student has been in U.S. schools for less than two full school years. Otherwise, a school district board may temporarily excuse a student from taking a proficiency test on its scheduled date only for "medical reasons or other good cause," and the board must administer the missed test to the student no later than 15 days after the scheduled date.

The act reduces the allowable "make-up" time from 15 days to nine days.

**Teacher incentive grants**

(Section 4.18 of Am. Sub. H.B. 282 of the 123rd G.A., amended in Sections 4 and 5)

The education budget act for the 1999-2000 biennium includes a \$5 million appropriation in FY 2000 for "Teacher Incentive Grants." These grants are to be one-time stipends to teachers whom school districts certify as necessary to meet an existing need for teachers with a reading, math, or science credential. Under that act, public elementary school teachers may receive a \$1,000 stipend if they complete a program for a reading endorsement to their teaching certificates and pass an exam prescribed by the State Board of Education. In addition, public *high school* teachers may receive a \$1,500 stipend if they complete a program "required

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<sup>7</sup> O.A.C. § 3301-13-02(A)(4) and (5).

<sup>8</sup> Sec. 3301.0710(C)(3).

to add" math or science to their teaching certificates and pass an exam prescribed by the State Board.

The act qualifies elementary school teachers, as well as high school teachers, to apply for the \$1,500 math or science stipend.

It also qualifies teachers at chartered nonpublic schools for either stipend.

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	01-11-00	p. 1297
Reported, S. Education	02-16-00	p. 1411
Passed Senate (32-0)	02-16-00	p. 1411
Reported, H. Education	04-05-00	p. 1773
Re-referred to H. Education	05-02-00	p. 1852
Re-reported by H. Education	05-10-00	p. 1938
Passed House (86-10)	05-16-00	pp. 1959-1960
Senate concurred in House amendments (33-0)	05-17-00	pp. 1733-1734

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