



John Rau

Bill Analysis
Legislative Service Commission

Sub. S.B. 237
123rd General Assembly
(As Re-reported by H. Education)

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

Reps. Brading, Harris

BILL SUMMARY

- Revises the laws governing commercial driver training schools by dropping the word "commercial" from the name, exempting schools that do not train students on public roads, and 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 offer training for a fee in the operation of trucks, commercial cars, and commercial tractors, trailers, and semi-trailers, but only 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.
- 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 from 15 to nine the number of days following a proficiency test that a student who missed taking a test must make it up.

- 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.
- Declares an emergency.

CONTENT AND OPERATION

Current law regulating driver training schools

Under current law, "commercial driver training schools" are business enterprises that are licensed by the Director of Public Safety to offer, for a fee or tuition, training and instruction in the operation of motor vehicles. These schools may offer training and education in the operation of passenger cars or commercial vehicles, such as trucks. Traditional driver education courses offered by high schools are not subject to licensure but rather must comply with standards issued by the State Board of Education.

The bill removes the word "commercial" from the description of the schools

(secs. 3301.17, 4508.01, and 4508.03)

The bill 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.

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

(sec. 4508.01(C)(1))

The bill 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 broader definition of current law that a business offering only driver theory training is subject to licensure.

The bill 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

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. 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 bill permits the lead school districts of VEPDs to be licensed as driver training schools, provided they only provide training and instruction in operating (a) trucks, (b) commercial cars, and (c) commercial tractors, trailers, and semi-trailers.¹ That is, they may only apply to be "Class C" driver training schools.² This restriction precludes the districts from offering training in the operation of

¹ 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 bill.

² 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, 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).

passenger cars to non-students. However, the bill does not affect their authority to offer traditional driver education or commercial vehicle operation to their regular full-time high school students.³

Temporary insurance exemption

(sec. 4508.09(B))

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, it need not immediately have any insurance coverage 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. Current 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).⁴

The bill 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 additional licensing standards. The current law defines "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."

³ See sec. 4508.07, not in the bill.

⁴ O.A.C. § 4501-7-29(A).

The bill 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 current driver's license law to describe disabilities for which a driver's license can be denied.⁵) It 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 bill 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 bill authorizes the Director to establish minimum training hours for commercial vehicles

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

Current law 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.⁶

The bill 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 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.

⁵ See sec. 4507.08(D)(3), *not in the bill*.

⁶ Existing 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 bill*.

Consultation with the state Superintendent of Public Instruction

(sec. 4508.02(B))

Current law authorizes 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 bill 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 bill increases fees for original licenses

(sec. 4508.05)

The current fee for a driver training school license, whether an original license or renewal, is \$50. The bill increases the fee for an original license to \$250. It does not change the \$50 fee for renewals.

The current fee for a driving instructor license is \$10, whether an original or renewal (and whether or not it is for training disabled persons). The bill increases the fee for original licenses to \$25. It retains the \$10 fee for renewals.

Proficiency test administration changes

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

(sec. 3301.0710(C)(2))

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. The ninth grade tests are being phased out in favor of tenth grade tests. Statutory law 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 nevertheless academically prepared for fifth grade.)

The bill slightly changes the earliest date on which the Department of Education may administer the second fourth grade reading 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 current practice is to wait until the Monday after March 15 to begin administering the tests, so the bill's change has the practical effect of moving the tests up one week.⁷ The bill does not change the administration date of the twelfth grade tests, which must be between December 31 and March 31 of each school year.⁸

Reduction of make-up days from 15 to nine

(sec. 3301.0711(C)(2))

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 only for "medical reasons or other good cause" from taking a proficiency test on its scheduled date, but it must administer the missed test to the student no later than 15 days after the scheduled date.

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

Teacher incentive grants

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

The 1999-2001 biennial education budget act 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. 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. Public high school teachers may receive a \$1,500 stipend if they complete a program "required to add" math or science to their teaching certificates and pass an exam prescribed by the State Board.

⁷ O.A.C. § 3301-13-02(A)(4) and (5).

⁸ Sec. 3301.0710(C)(3).

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

The bill also qualifies teachers at chartered nonpublic schools for either stipend.

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

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